

Clarke County Planning Commission

MEETING MINUTES – Business Meeting

Friday, April 1, 2022 – 9:00AM

Berryville/Clarke County Government Center – Main Meeting Room

ATTENDANCE:			
George L. Ohrstrom, II (Chair/Russell)	✓ E	Pearce Hunt (Russell)	✓
Randy Buckley (Vice-Chair/White Post)	✓	Scott Kreider (Buckmarsh)	✓
Matthew Bass (Board of Supervisors)	✓	Frank Lee (Berryville)	✓
Anne Caldwell (Millwood)	✓	Gwendolyn Malone (Berryville)	✓
Buster Dunning (White Post)	✓	Doug Lawrence (BOS alternate)	X
Robert Glover (Millwood)	✓		

E – Denotes electronic participation

STAFF PRESENT: Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner/Zoning Administrator), Kristina Maddox (Office Manager/Zoning Officer)

OTHER PRESENT: None.

CALL TO ORDER: By Chair Ohrstrom at 9:02AM.

1. Approval of Agenda (Revised)

The Commission voted 10-0-0 to approve the revised agenda for April 1, 2022.

Motion to approve the revised April 1, 2022 Planning Commission Business Meeting agenda as presented by Staff:			
Ohrstrom (Chair)	AYE	Glover	AYE
Buckley (Vice Chair)	AYE (Moved)	Hunt	AYE
Bass	AYE	Kreider	AYE
Caldwell	AYE	Lee	AYE (Seconded)
Dunning	AYE	Malone	AYE

2. Approval of Minutes – March 4, 2022

The Commission voted 10-0-0 to approve the March 4, 2022 Business meeting minutes as presented by Staff.

Motion to approve the March 4, 2022 Planning Commission Business Meeting minutes as presented by Staff:			
Ohrstrom (Chair)	AYE	Glover	AYE
Buckley (Vice-Chair)	AYE	Hunt	AYE
Bass	AYE	Kreider	AYE
Caldwell	AYE (Moved)	Lee	AYE
Dunning	AYE	Malone	AYE (Seconded)

3. MS-22-02, Ray M. Pennington, III

Mr. Camp presented a brief summary of the proposed minor subdivision, MS-22-02, (Pennington, III) located off Crums Church Road as Tax Map 7-A-85F in the Agricultural-Open Space-Conservation (AOC) District. The application request is to subdivide a 96-acre parcel into two lots including a 3-acre lot and a 93-acre lot. He noted VDOT and Virginia Department of Health approved the application.

The Commission voted 10-0-0 to approve the minor subdivision MS-22-02, Ray M. Pennington, III.

Motion to approve minor subdivision <u>MS-22-02</u>, Ray M. Pennington, III:			
Ohrstrom (Chair)	AYE	Glover	AYE
Buckley (Vice-Chair)	AYE	Hunt	AYE
Bass	AYE	Kreider	AYE (Moved)
Caldwell	AYE	Lee	AYE
Dunning	AYE	Malone	AYE (Seconded)

4. MS-22-03, L Seven Farm L.C., c/o Thomas Moore Lawson, Manager

Mr. Camp presented an overview of minor subdivision MS-22-03, L Seven Farm L.C., (Lawson) in the AOC District located near the intersection of Featherbed Road and Lord Fairfax Highway. He said Tax Map 27-A-6 is a 22-acre parcel that recently underwent some boundary line adjustments and a couple of years ago created a minor subdivision. He continued that the new proposed lots would leave a 19-acre parcel and a 3-acre parcel. Mr. Camp noted VDOT and the Virginia Department of Health approved the application. The Commissioners had no questions on the proposed minor subdivision.

The Commission voted 9-0-1 to recommend approval of MS-22-03, L Seven Farm L.C., c/o Thomas Moore Lawson, Manager as presented by Staff.

Moved to recommend approval of minor subdivision <u>MS-22-03</u>, L Seven Farm, L.C., Thomas Moore Lawson, Manager:			
Ohrstrom (Chair)	AYE	Glover	AYE
Buckley (Vice-Chair)	ABSTAINED	Hunt	AYE
Bass	AYE	Kreider	AYE (Seconded)
Caldwell	AYE (Moved)	Lee	AYE
Dunning	AYE	Malone	AYE

5. TA-22-01, Unpaid Taxes and Charges

Mr. Stidham reviewed the proposed text amendment TA-22-01, Unpaid Taxes and Charges to the Commission in order to set Public Hearing for the May Planning Commission Business Meeting. He said the purpose is to add enabling language to the Zoning Ordinance so that the County is able to refuse to accept applications in situations where the applicant owes unpaid taxes or other charges that would constitute a lien on a property. He said it also has to be in reference to the property for which the application is being filed. He said the Code of Virginia, Section 15.2-2286 (B) is the source of the authority that would be used to adopt this amendment. Chair Ohrstrom noted if an owner has two parcels and one has unpaid taxes, it only affects the one parcel and not both.

The Commission voted 10-0-0 to set Public Hearing on **TA-22-01**, Unpaid Taxes and Charges for the next Planning Commission Business Meeting in May.

Moved to set Public Hearing on TA-22-01 for the May Planning Commission Business Meeting:			
Ohrstrom (Chair)	AYE	Glover	AYE
Buckley (Vice-Chair)	AYE	Hunt	AYE
Bass	AYE	Kreider	AYE
Caldwell	AYE (Moved)	Lee	AYE
Dunning	AYE	Malone	AYE (Seconded)

6. TA-22-02, Mergers and Dwelling Unit Right (DUR) Accounting

Mr. Stidham reviewed the proposed text amendment **TA-22-02**, Mergers and Dwelling Unit Right (DUR) Accounting with the Commission in order to set Public Hearing for the next Planning Commission meeting in May. He explained this is in the context of merger applications where applicants can lose or gain DURs. He said applicants are currently required to use the allocation chart for DURs based on the total acreage of the merged parcel instead of using the total number of DURs that are on the two merged lots. He said the purpose of this amendment only affects the gain of DURs and that going forward, it would be the total number of DURs that are assigned to the lots at the time of the merger plat application filing per Subdivision Ordinance Section 4.2.3.

The Commission voted 10-0-0 to set Public Hearing on **TA-22-02**, Mergers and Dwelling Unit Right Accounting for the next Planning Commission Business Meeting.

Moved to set Public Hearing on TA-22-02 for the May Planning Commission Business Meeting:			
Ohrstrom (Chair)	AYE	Glover	AYE
Buckley (Vice-Chair)	AYE	Hunt	AYE
Bass	AYE	Kreider	AYE (Moved)
Caldwell	AYE	Lee	AYE (Seconded)
Dunning	AYE	Malone	AYE

7. Board and Committee Reports

Board of Supervisors (Matthew Bass)

Commissioner Bass provided a budget update overview. He noted a phased-in increase to the transient occupancy tax, meals and cigarettes tax allowable by the General Assembly to offset inflation and rising costs of goods. He said there is also a 15% assessment on vehicle personal property taxes.

Commissioner Bass stated the monument jury trial is scheduled for next Friday, April 9th regarding adverse possession. Commissioner Glover asked how many days it might take to which Commissioner Bass responded potentially one day. Commissioner Caldwell asked who the attorney representing the defendant is. Commissioner Bass replied the guardian ad litem is a defendant out of Winchester named Matthew Kreitzer. Chair Ohrstrom asked if the monument would go to Daughters of the Confederacy. Commissioner Bass responded that was a separate issue as other groups have filed pleadings seeking the statue. He said if the jury decides that the County has met the elements of adverse possession it would moot the Turner Ashby Camp’s claims.

Board of Septic & Well Appeals (George L. Ohrstrom, II)

Nothing to report

Board of Zoning Appeals (Anne Caldwell)

Nothing to report

Historic Preservation Commission – HPC (Bob Glover)

Commissioner Glover said the HPC met in March to talk about demolition issues on Josephine Street and that they discussed applying for other grants. He said they also discussed the Bears Den monument which now has to go to the State for approval. Mr. Camp clarified the State has been overwhelmed with historic marker applications and has limited them to approximately five per year.

Commissioner Glover said the HPC Preservation Awards will be held in May.

Commissioner Bass asked about the discussion surrounding Josephine Street. Commissioner Glover responded the discussion was mostly regarding how or if the HPC could help. He said the HPC decided to write a letter to express support for finding solutions to maintain the structures.

Conservation Easement Authority – CEA (George L. Ohrstrom, II)

Chair Ohrstrom said the CEA went out to view an application for easement purchase on Longmarsh Rd. He said the owner is an equine trainer wanting to use the parcel for a robust horse training program. He said the application looks promising and will keep everyone posted. Commissioner Caldwell asked how many acres the parcel is to which Chair Ohrstrom answered that it is approximately 150 acres.

Broadband Implementation Committee (Brandon Stidham)

Mr. Stidham provided a progress report on the broadband implementation. He explained that the Northern Shenandoah Valley Regional Commission (NSVRC) serves as the fiscal agent and project coordinator and that the Department of Housing and Community Development (DHCD) oversees the grant program and establishes the contractual relationships. He said he was on a conference call a few weeks ago and learned DHCD is still waiting for review from the State’s Attorney office. He said his understanding is once everything is signed and the project is initiated that it will take 36 months from that point. Additionally, he remarked that All Points might not construct in a linear order but rather choose routes that are most logical to accomplish the project.

Other Business

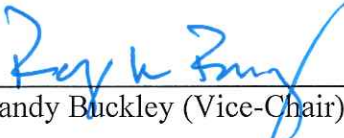
Mr. Stidham noted a Solar Development in Virginia handout in the packet. He said Supervisor McKay attended a Virginia Farm Bureau presentation where a Sussex County Board of Supervisor provided a legal summary of changes. He said one of the biggest takeaways from the handout is the efforts the General Assembly has done to increase the revenue generating options available to counties. He continued that the County’s most lucrative tool is the requirement that a siting agreement be considered between the solar companies and the governing body of each locality. He explained that it is written broadly so that a county can almost accept cash proffers without the limitations on negotiating cash proffers. He added the caveat is that if a payment deal with the solar company along with a signing agreement is accepted, it essentially deems the solar project to be in accord with that county’s comprehensive plan. He said that it could almost prejudice the application before it goes to through the land use process. Lastly, he said we will probably run it concurrently with the Special Use Permit application.

Chair Ohrstrom asked the Commission if there were additional thoughts or comments on this matter. The Commissioners had no comments or questions on this topic.


Adjournment:

The Commission voted 10-0-0 to adjourn the April 1, 2022 Planning Commission Business Meeting at 9:33AM.

Move to adjourn the April 1, 2022 Planning Commission Business Meeting:			
Ohrstrom (Chair)	AYE	Glover	AYE
Buckley (Vice-Chair)	AYE	Hunt	AYE
Bass	AYE	Kreider	AYE (Moved)
Caldwell	AYE	Lee	AYE
Dunning	AYE	Malone	AYE (Seconded)



Randy Buckley (Vice-Chair)



Kristina Maddox (Clerk)