

Clarke County Planning Commission

MEETING MINUTES – Business Meeting

Friday, October 1, 2021 – 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)	X
Matthew Bass (Board of Supervisors)	✓	Douglas Kruhm (Buckmarsh)	✓
Anne Caldwell (Millwood)	✓ L	Frank Lee (Berryville)	✓
Buster Dunning (White Post)	✓	Gwendolyn Malone (Berryville)	✓
Robert Glover (Millwood)	✓ L	Doug Lawrence (BOS alternate)	X

E – Denotes an electronic participation.

L – Denotes a late arrival.

NOTE: George L. Ohrstrom, II participated electronically due to health issues related to the current pandemic.

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

CALL TO ORDER: Chair Ohrstrom called the meeting to order at 9:05AM.

1. Approval of Agenda

The Commission voted 8-0-3 to approve the October 1, 2021 amended meeting agenda as presented by Staff.

Motion to approve the October 1, 2021 Business Meeting amended agenda as presented by Staff:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice Chair)	AYE	Kreider	ABSENT
Bass	AYE	Kruhm	AYE
Caldwell	ABSENT	Lee	AYE (Seconded)
Dunning	AYE	Malone	AYE (Moved)
Glover	ABSENT		

2. Approval of Meeting Minutes

The Commission voted 8-0-3 to approve the August 31, 2021 Work Session minutes as presented by Staff.

Motion to approve the August 31, 2021 Work Session Meeting minutes as presented by Staff:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice Chair)	AYE	Kreider	ABSENT
Bass	AYE	Kruhm	AYE
Caldwell	ABSENT	Lee	AYE (Seconded)
Dunning	AYE	Malone	AYE (Moved)
Glover	ABSENT		

Commissioner Caldwell and Commissioner Glover arrived at 9:06AM. Commissioner Caldwell asked to reconsider as she had some minor meeting minute corrections.

The Commission voted 10-0-1 to reconsider the August 31, 2021 Work Session Meeting minutes and the September 3, 2021 Business Meeting minutes.

Motion to reconsider the August 31, 2021 Work Session minutes and September 3, 2021 Business Meeting minutes:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice Chair)	AYE (Moved)	Kreider	ABSENT
Bass	AYE	Kruhm	AYE
Caldwell	AYE	Lee	AYE
Dunning	AYE	Malone	AYE (Seconded)
Glover	AYE		

Commissioner Caldwell had two minor corrections. The first of these corrections, she stated, on Page 8 of 116 in the first line to change “was” to “were”. She said the second change is to strike the additional word “added” in the fourth line of the second paragraph at the beginning of the full sentence.

The Commission voted 10-0-1 to approve the August 31, 2021 Work Session Meeting minutes and as corrected.

Motion to approve the August 31, 2021 Work Session minutes as corrected:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice Chair)	AYE (Moved)	Kreider	ABSENT
Bass	AYE	Kruhm	AYE
Caldwell	AYE	Lee	AYE
Dunning	AYE	Malone	AYE (Seconded)
Glover	AYE		

In the September 3, 2021 Business Meeting minutes, Commissioner Caldwell asked for the correction of the word “sated” to “stated” on Page 15 of 116 under short-term residential rentals. The second correction, she said, is to remove the word “good” from the same sentence.

The Commission voted 10-0-1 to approve the September 3, 2021 Business Meeting minutes as corrected.

Motion to approve the September 3, 2021 Business Meeting minutes as corrected:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice Chair)	AYE	Kreider	ABSENT
Bass	AYE	Kruhm	AYE
Caldwell	AYE	Lee	AYE (Moved)
Dunning	AYE	Malone	AYE (Seconded)
Glover	AYE		

3. SUP-21-01/SP-21-01, Crown Castle International LLC (Tower Owner) and Network Building and Construction, Inc. (Project Consultant), on behalf of AT&T (Service Provider)

Mr. Camp reviewed a presentation to summarize the application by Crown Castle International SUP-21-01/SP-21-01. When asked by Chair Ohrstrom, the Commissioners and audience members had no additional questions or concerns once the presentation ended. Chair Ohrstrom opened the Public Hearing.

Richard Thuss (2342 Wickliffe Road) said he strongly supports the tower as he has many trees on his property that make connectivity difficult due to high frequency attenuating radio signals. He stated that he runs a small one-person research company on advanced energy technology teamed with one of the national laboratories on the west coast. Last year, he said, he attended a virtual meeting where his company won an international award for innovation, however, his service cut out moments before his award was announced. He explained how important it is for him to be able to communicate in a research organization especially during west coast time which happens to be during Route 7 evening traffic. He said he hopes the additional AT&T antennas will solve his connectivity problem and noted how important it is to have stronger telecommunication capabilities in the County.

Chair Ohrstrom commented he had heard that the wireless companies including AT&T talk about producing broadband within their sphere of effective areas but has always heard that it was not actually true and what they really wanted is cell service. He said he hopes this increases Mr. Thuss’s broadband but wonders if it actually will. Mr. Thuss replied that he does not know if will solve it and that his overall issues are his trees and the high frequencies. He said at best it is a few megabits per second and at the worst it is below dial-up grade. He said he hopes it will improve so he can use virtual meeting programs. When asked by Chair Ohrstrom if anyone from AT&T was present, Mr. Camp replied no, but he has the contact information of the representative if we have further questions. Commissioner Caldwell asked if a multiple satellite system would get around the tree problem. Mr. Thuss replied that perhaps when he could see multiple satellites or tower through the trees. He said he really looks forward to the County getting fiber in three years. When asked by Commissioner Bass, Mr. Thuss replied that he had completed the online survey.

There was no response from the Commissioners or the audience when asked by Chair Ohrstrom if anyone had any questions or concerns. Chair Ohrstrom closed the Public Hearing.

The Commission voted 10-0-1 to recommend approval for the Board of Supervisors to set public hearing for SUP-21-01 and SP-21-01 to increase the tower by 10 feet located at 4163 Harry Byrd Highway, Tax Map ID # 16-A-33, with the five conditions as proposed by Staff.

Motion to recommend approval for the Board of Supervisors to set public hearing for SUP-21-01/SP-21-01, Crown Castle, located 4163 Harry Byrd Highway (TM# 16-A-33) to increase the tower by 10 feet with the five conditions as proposed by Staff:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice Chair)	AYE	Kreider	ABSENT
Bass	AYE	Kruhm	AYE
Caldwell	AYE (Moved)	Lee	AYE (Seconded)
Dunning	AYE	Malone	AYE
Glover	AYE		

4. TA-21-03, Short-Term Residential Rentals, Home Occupation Bed and Breakfast, Country Inn

Mr. Stidham announced the next task is to schedule public hearing on TA-21-03. He said this is regarding the short-term residential rental, home occupation, bed and breakfast and country inn Text Amendment item . He noted that for the benefit of those in the audience, he was going to read the changes that were included in the iteration which are different from last month’s version. For the new short-term residential rental use he said we would establish a use regulation that would set a maximum occupancy of ten persons per lot that houses a short-term residential rental operation. He said the maximum of ten would be regardless of the number of structures that could be used, or whether the existing septic systems on site could support more than ten. He said an additional change is added language to clarify that rental uses can only be conducted in structures. He continued that the same rental use cannot be operated in a tent, RV, or structure that is not intended for residential use. He said language is added to clarify that the maximum occupancy of ten can be further limited by the maximum occupancy that is allowed by the building code or by the on-site sewage disposal system. He said the changes that have been made to the home occupation bed and breakfast and country inn regulations primarily to standardized language across all three uses. He continued that for all three uses the maximum occupancy period would be a period of fewer than thirty consecutive days. He said language was also added to the home occupation bed and breakfast that you can have occupancy and accessory dwellings, but not for structures that are not intended to be dwellings. He clarified that the holder of a home occupation permit must be on site and occupying a lot at all times during rental periods. He said he is recommending that the Commission schedule public hearing at the next business meeting on Friday, November 5, 2021. Commissioner Bass asked in advance of the public hearing, what can people do to help get the word out to the current operators in order to get them thinking about getting into compliance. Mr. Stidham replied that there will be a Public Hearing advertised. He added that he hoped word will spread among current Airbnb operators and noted that some operators have been following the Commission’s work.

Chair Ohrstrom entertained a motion to set public hearing for TA-21-03, Short-Term Residential Rentals, Home Occupation Bed and Breakfast and Country Inn as recommended by Staff.

The Commission voted 10-0-1 set Public Hearing TA-21-03, Short-Term Residential Rental, Home Occupation Bed and Breakfast, and Country Inn for November 5, 2021.

Motion to set public hearing for <u>TA-21-03</u>, Short-Term Residential Rental, Home Occupation Bed and Breakfast, and Country Inn for November 5, 2021:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice Chair)	AYE	Kreider	ABSENT
Bass	AYE (Moved)	Kruhm	AYE
Caldwell	AYE	Lee	AYE
Dunning	AYE	Malone	AYE (Seconded)
Glover	AYE		

BOARD/COMMITTEE REPORTS

Board of Supervisors (Matthew Bass)

Commissioner Bass announced the survey that is out for All Points Broadband. He said the deadline was extended through Monday and asked that everyone blast the information through social media, emails, and network with neighbors to better the chances of the County getting the grant as we have to push back on the challenges from the other service providers. Chair Ohrstrom said he was perplexed by the survey as one of the questions asked if he had internet and the only option was yes or no. Commissioner Bass agreed that it was not completely straightforward and that he has heard similar comments. Mr. Stidham said high traffic is a concern too as many people were not able to get to the site. He said All Points were aware of the concerns. Commissioner Glover said he answered “no” in the survey as his definition of internet is not what he currently has. He said his service is substandard and that he is greatly limited. He suggested that when the County sends out their email that they mention substandard service should be answered as a “no” in the survey. Commissioner Bass said he would speak with Mr. Boies about pushing those specific concerns in the new set of social media blasts that go out to encourage people to do so over the weekend. Commissioner Glover commented the survey wants to know if people can get internet so other companies can challenge and say it does not need to be provided by State and County grants. He said we want better than what is currently offered for the entire County. He reiterated the survey is misleading and that the current providers cannot provide unlimited internet without choking people’s connectivity per month. Additionally, he said the current providers cannot provide the speed of fiber broadband so they are challenging it. Chair Ohrstrom said that it is important for everyone to complete the survey as the County does not have the tax base for it. Commissioner Malone remarked to Commissioner Bass that even people in town have difficulty with internet service. Commissioner Bass said he hopes the word is spread through word of mouth and social media. When asked by Commissioner Kruhm, Commissioner Bass replied that close of business on Monday is the new survey deadline. Commissioner Glover noted an article in the Winchester Star about how Frederick County is taking the same survey. Commissioner Bass hopes to get the maximum response in hopes it does wonders for the grant process.

Commissioner Bass said he wrote a letter to Norfolk Southern after an incident about three weeks ago or so where an engine just stopped on the middle of the tracks. He said he noticed that traffic has been backing up almost to Chalmers Court. He said while he is not certain the company will do anything about the issue, he has invited them to the table.

Commissioner Bass noted a recent Winchester Star article written by Mickey Powell about the annexation. He said the Commissioners were familiar with the County's grand plans, including variable area plan and sliding scale zoning. He noted comments from people concerning the County and how they feel it is turning into Loudoun, however, they may not realize the plans that have been in place for a couple of decades. He said hopefully the new housing will have some solid, helpful impact on Clarke's downtown businesses in addition to schools, parks and recreation, and other collateral consequences that hopefully will be to the benefit of everybody in the County. Commissioner Kruhm commented on traffic to which Commissioner Bass replied that it is inevitable with more houses but hopes the developers will be sensitive to that issue. He said he hopes the developers will do their best to make use of not only working with existing traffic patterns but may even create new ones as part of the process that can help alleviate backups.

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

Chair Ohrstrom said there was nothing new to report.

Board of Zoning Appeals (Anne Caldwell)

Commissioner Caldwell reported there is nothing new to discuss.

Historic Preservation Commission (Jeremy Camp)

Mr. Camp announced the Historic Planning Commission (HPC) has a few things underway including working on adding historic markers for a few of the historic districts. They have met once on that and are close to reaching a consensus to decide if that is something they want to pursue. He said the next stage is finding locations, making applications and seeing if we can get donations to fund the signs.

Mr. Camp commented that there will be a Public Meeting on October 14, 2021 for the Battle of Berryville grant project with consultants who are going to present their preliminary research and analysis.

Mr. Camp stated the HPC Chairman will give an annual report presentation at the next Planning Commission meeting on November 5, 2021. Additionally, he said they look forward to discussing their demolition criteria with the Planning Commission in the near future.

Conservation Easement Authority (George L. Ohrstrom, II)

Chair Ohrstrom announced that the Natural Resource Planner, Alison Teetor, will be retiring at the end of December and has agreed to stay on board part-time to help the Conservation Easement Authority. He noted Mrs. Teetor's ability to work with federal and state grant systems is legendary in this region.

Chair Ohrstrom stated there were a couple of easements getting ready to close by the end of the year that will be great publicity for the County and for the program and said he is not ready to announce names as they have yet to close. When asked by Commissioner Caldwell regarding the acreage, Chair Ohrstrom replied that there were 350 acres. Vice Chair Buckley confirmed that information and noted that a few smaller easements have been closed in the last thirty days.

Broadband Implementation Committee (Brandon Stidham)

As this topic was previously discussed, Mr. Stidham said the only other item to note is that their next meeting will be held on Wednesday, October 13, 2021 at 2:00PM to talk about the grant process.

OTHER BUSINESS

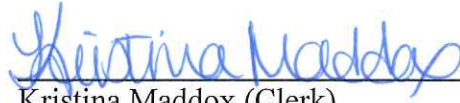
Mr. Stidham noted the revised list of agenda items for the remainder of the year. He said next month there are quite a few items for the Work Session which will be held on Wednesday, November 3, 2021 instead of Tuesday due the Election Day holiday. He said Mr. Boies will be at the meeting to talk about the annual Capital Improvement Plan (CIP) review. Additionally, he said the Commission is going to do a five-year resolution review for the Waterloo and Double Tollgate Area Plans that need to be adopted by December. He said Mr. Camp will also be discussing the Agricultural and Forestal District six-year review process and the Planning Commission's role. He said there will be a Public Hearing at the next Business Meeting regarding the Short-Term Residential Rentals Text Amendment. He said there is one minor subdivision application that will be ready in November for review as well. He said he hopes to set public hearing on the Agricultural and Forestal District six-year review process. He also noted that Betsy Arnett, Chair of the Historic Preservation Committee, will be in attendance. He said the Comprehensive Plan Committee is meeting at some point in the near future to finish the Chapter 3 review and then they will start working on the five-year review resolution of the Agricultural Land Plan.

Commissioner Kruhm inquired about the hillside clearing project near Delaplane off Route 17 and Route 50. Chair Ohrstrom said he believes it is on Loudoun County's side and that the land belongs to Phil and Patty Thomas. He said he called Clarke County's former Zoning Administrator, Ryan Fincham, about a month ago and learned that while there is nothing on record for it in Loudoun County's Planning Department, it could be managed through a Forestry Management Plan. He said if it is being managed through that department, they would detail all of the erosion and sediment concerns. He said he also learned from Mr. Stidham that Forestry Management Plan erosion and sediment guidelines are quite strong. Commissioner Kruhm said he was concerned that it might gravitate over to the Clarke County side. Chair Ohrstrom replied that the owners also own property across Route 50 on the Clarke County side and that they most likely would have started the project already if that was the initial plan. Mr. Stidham stated they own approximately thirty to forty acres across the ridgeline and back down on the Clarke County side East of Blueridge Mountain Road. He said he did not think they had started timbering in that area. Chair Ohrstrom asked if timbering is what they are actually doing. Mr. Stidham replied it looked like they were trying to get the timber off before they sell. Vice Chair Buckley said he was not sure if the bulldozed lot belongs to the Thomas family and said it used to belong to the Kirk family. Chair Ohrstrom asked if Staff could give Patty Thomas or Bobby Kirk a call to find out more information. Vice Chair Buckley commented that he does not think the Kirks own that land anymore. Mr. Stidham said it would be best to call the affected counties including Fauquier. Vice Chair Buckley responded that he thinks everything on the North side of Route 50 is Loudoun County. Mr. Stidham agreed when asked by Chair Ohrstrom to call Loudoun and see if he can find out any information. At the end of the conversation, Vice Chair Buckley noted he researched it and confirmed the Thomases do own the parcel in discussion.

ADJOURN: The October 1, 2021 Business Meeting adjourned by consensus at 9:55AM.



George L. Ohrstrom, II (Chair)



Kristina Maddox (Clerk)