



Clarke County Planning Commission

MINUTES – Work Session

Tuesday, May 31, 2022 – 3:00PM

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)	X	Ronnie “Ron” King (Buckmarsh)	✓
Robert Glover (Millwood)	✓ L	Doug Lawrence (BOS alternate)	X

E – Denotes electronic participation

L – Denotes 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: By Mr. Stidham at 3:00PM.

Approval of Agenda

The Commissioners had no additions to the May 31, 2022 agenda.

New Commissioner Introduction – Ronnie “Ron” King

Mr. Stidham introduced Mr. Ronnie “Ron” King as a new member to the Planning Commission. He said Commissioner King represents the Buckmarsh District and will be replacing Douglas Kruhm’s vacant seat. Mr. Stidham noted that Commissioner King recently completed the Citizen’s Academy program held through Clarke County.

Review of June 3, 2022 Business Meeting Agenda Items

Commissioner Glover arrived at 3:03PM.

Mr. Stidham said there is the review of two meeting minutes and one boundary line adjustment application on the upcoming Business Meeting agenda. He said he thought we would have four minor subdivision applications to review but they have been pushed back for various reasons.

Mr. Camp reviewed the staff report for **BLA-22-06**, Gary W. & Joanne B. Hornbaker/Douglas & Laura Gansler. Commissioner Caldwell asked how big the sliver of land was to which Mr. Camp replied that it was .57 acres. He said the reason this falls under the Planning Commission authority rather than Staff approval is due to the code that currently limits boundary line adjustments between a residential and agricultural lot above 3 acres which would take the new lot to 3.57 acres. Chair Ohrstrom commented that the state of West Virginia and Virginia redid their boundaries which resulted in the sliver of land to begin with. Mr. Camp agreed and stated that is the reason Mr. Dunn gave regarding the discrepancy of the .57 acres. He said Staff recommends approval of the boundary line adjustment.

Old Business Items

Mr. Stidham said the two items to schedule public hearing for are the Comprehensive Plan draft and a text amendment regarding criteria for demolitions within the Historic District. He said while there are no Planning Commission meetings in August, there are several committee meetings on the calendar for the summer and fall that he will discuss at the Business Meeting.

Continued Discussion, 2022 Clarke County Comprehensive Plan (Final Draft)

Mr. Stidham continued the discussion of the draft Comprehensive Plan from the previous month and noted a list of changes outlined within the staff memo. He said there were a few formatting and wording changes in addition to removing the generic Berryville Area Plan map and replacing it with a version of the Sub-Area map to help citizens better understand the growth plan. Commissioner Glover commented that a legend relating to the Sub-Area numbers would be helpful. Mr. Stidham replied that he prefers citizens be directed to the Berryville Area Plan to review those details rather than repeating the information in the Comprehensive Plan. Commissioner Glover suggested to make a note referring citizens to the Berryville Area Plan for further explanation and noted the town limits as of January 1, 2007 is referred to but it is not on the map. Mr. Stidham said Staff would make that correction within the map layers.

Mr. Stidham asked if the Commissioners were at a level of comfort to incorporate the changes discussed into a final draft for public hearing and, if so, to proceed with setting public hearing at Friday's meeting. Commissioner Caldwell said she had minor grammatical corrections that she would send to Mr. Stidham later. She had one wording suggestion within the introduction on page vii in the second paragraph of the "Process for Amending the Comprehensive Plan" section. She asked if in the sentence that reads "A Comprehensive Plan amendment should demonstrate the following elements" that the word "should" be changed to "shall." She also suggested the last sentence of the same paragraph that reads "A Plan Amendment must also meet one of the following criteria" that the word "must" also be changed to "shall." Mr. Stidham said he can make those changes. Chair Ohrstrom encouraged the Commissioners to read and review the document.

Mr. Stidham asked how the Commission felt about a special evening public hearing on Wednesday, June 29th and if their preference was to meet at 6:00pm or 7:00pm. Commissioner Caldwell said the public would probably prefer a 7:00pm meeting. Chair Ohrstrom asked if Cathy Kuehner had put anything on the Clarke County social media pages. Mr. Stidham replied that once public hearing is set, it will be posted to the website and to the County's Facebook page. Chair Ohrstrom asked if the Commission would vote to forward the draft onto the Board of Supervisors at the public hearing or wait until the Business Meeting. Mr. Stidham said they could do either but suggested taking action at the Business Meeting.

New Business Items

TA-22-03, Historic (H) District Review Criteria for Demolitions

Mr. Camp reviewed the staff memo regarding TA-22-03, Historic District Review Criteria for Demolitions. The first of two revisions, he said, is under Section 4.2.4 regarding the Historic Overlay District. He said the Historic Preservation Commission (HPC) was concerned as there is nothing specific to demolitions in the ordinance and that they are recommending to require a certificate of appropriateness for demolition projects. He continued that while the old ordinance mentioned

demolition, the new ordinance reworded it and the HPC felt it was important to include. The second revision is under subsection B on page 7 of 19 for minor wording changes. Mr. Camp reviewed page 10 of 19, lines A-H where the HPC recommends a list of criteria they want established. He said the Ordinances Committee did not raise any issues with the HPC's revised recommendations. Mr. Stidham said the public hearing for this text amendment could be set at the Business Meeting. Commissioner Bass asked if the two public hearings could be scheduled on the same night to which Mr. Stidham recommended separating them. Mr. Stidham said we will look to set public hearing on Friday for July.

Potential Text Amendment from the Policy & Transportation Committee, Boundary Line Adjustment Regulations

Mr. Stidham said this is being presented to the full Commission to initiate discussion but that it is not ready to set public hearing. He said an issue arose where an applicant created a 20-acre residential lot through multiple transactions. He said Commissioners are concerned that 20-acre lots are rarely farmed and more likely to be used for residential uses. He noted that the Subdivision Ordinance states that lots 20 acres or larger are "agricultural lots" and lots less than 20 acres are "residential lots." Mr. Stidham explained the table on page 15 of 19 summarizing the issue.

Staff identified two questions for discussion. The first question is should the rules for boundary line adjustments change to be less flexible and more restrictive in situations where it significantly alters the layout, and if so, what issues should be targeted in the process of creating these new regulations. He said the second question is do we need stricter rules to prevent the transfer of land between residential lots that will result in residential lots above the maximum lot size or maximum average lot size. Mr. Stidham noted that in the Subdivision Ordinance regarding boundary line adjustments the term "residential lot" is any lot that is less than 20 acres while an agricultural lot is any lot that is 20 acres or more. He said the Policy and Transportation Committee asked Staff to look for ways to prevent the creation of 20-acre lots and also to limit or prevent minor subdivision lots from being altered through boundary line adjustments without having the Planning Commission review it. He said the result was potentially two text amendments. He said Staff recommends establishing a new limit in the AOC District that prevents lots being increased to over 4 acres without Planning Commission approving the boundary line adjustment and for only two hardship reasons. The first hardship, he explained, is to correct a minor encroachment on a driveway, fence, or other structure onto an adjoining lot and only up to a maximum of 10% of the total area. He said the second hardship reason would be to repair or replace a failing on-site sewage disposal system located on the lot.

Chair Ohrstrom asked why we would not want a landowner who has two 4-acre residential lots to merge them to create a 3-acre lot to sell and a 5-acre lot to keep as their own. Mr. Stidham replied typically boundary line adjustments between small residential lots are for one of the hardship reasons already mentioned. He also said if it is not a hardship reason, it is usually a boundary line adjustment resulting in no net change in the area of both lots.

Mr. Stidham said the other approach is dealing with lots that were approved with a maximum lot size exception. He said this would prevent any lot that has been approved with a maximum lot size exception and is less than 20 acres in size, which is considered a "residential lot" per the Subdivision Ordinance definition. He continued that it would not be allowed to be reduced in size by boundary line adjustment without Planning Commission approval for the following hardship reasons - to correct an encroachment of a driveway, on-site sewage disposal system of structures, or to aid in the repair or replacement of a

failing on-site sewage disposal system that is located on the adjacent block. He reiterated maximum lot size exceptions only apply to the AOC District and lots.

Mr. Stidham said he is proposing different language at the bottom of page 18 of 19 as subsection 5 that reads, "Boundary line adjustments involving a lot that was approved for the maximum lot size exception shall conform to the requirements of Subdivision Ordinance Section 4.4.1.A.4 B." He said this means that it will be directed to the new language on page 19 of 19 and that it is now mirrored to the Zoning Ordinance. Chair Ohrstrom said he thought the new language was confusing while Commissioner Caldwell thinks it is clever and resolves various issues. Mr. Stidham said it is complicated to cover all of the bases because we have minimum and maximum lot size requirements yet we consider lots that are above 4 acres to also be conforming. He said many of the different regulations are as a result of figuring out how people were going to respond over time to sliding scale zoning, moving DURs around, and trying to find ways to maximize the development potential.

Chair Ohrstrom said he has thought about buying his neighbor's 7 acres that abuts to his property and selling a smaller portion. Mr. Stidham said this situation is a boundary line adjustment between a residential and an agricultural lot in which he can reduce the size of the residential lot as long as the agricultural lot size is increased. He said the way it will be written now says that we are only going to regulate the reduction of a maximum lot size exception lot when the land is being added to another residential lot. He added he will probably not bring this to the Commission until the fall.

Other Business

Mr. Stidham noted the new Planning Commissioner contact list and said he would send it electronically at Chair Ohrstrom's request.

Chair Ohrstrom suggested Commissioner King look into the certified Planning Commissioner course at the Virginia state level and said that he thought it was quite helpful when he went through it himself.

ADJOURN: The May 31, 2022 Planning Commission Work Session adjourned by consensus at 3:49PM.


George L. Ohrstrom, II (Chair)


Kristina Maddox (Clerk)