



Clarke County Planning Commission

MINUTES – Work Session

Tuesday, August 30, 2022 – 3:00PM

Berryville/Clarke County Government Center – Main Meeting Room

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

E – Denotes electronic participation

NOTE: George L. Ohrstrom, II participated electronically for personal reasons and Scott Kreider participated electronically due to medical reasons.

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 3:01PM.

Approval of Agenda

The Commissioners had no additions to the agenda.

Mr. Stidham and Chair Ohrstrom welcomed Commissioner Staelin back to the Planning Commission.

Mr. Stidham noted two Commissioners have conflicts of interest with the Carter Hall special use permit and site development plan application. He noted the memo on page 2 of 11 and said the process has been done informally over the years as they do not occur often. He asked the Commission to think about creating a more formal process that can be added to the Planning Commission’s bylaws in January. He said if a conflict of interest is suspected the commissioner should notify him. he will seek confirmation from the County attorney, and will prepare a statement of disqualification for the commissioner to read. He added that the statement will need to be read at the beginning of the first public meeting where the matter causing the conflict is discussed. He said the commissioner is also responsible for notifying the Chair of the conflict before the meeting. He continued that once the statement of disqualification is read aloud, the commissioner is prohibited to participate in the deliberations. He said it is optional for the commissioner to remain on the dais or sit in the audience.

Chair Ohrstrom said he recalled when he recused himself on a case, he sat in the audience as the Commission wanted to ask him questions related to the matter. Mr. Stidham said he thought it would be a good idea to invite Bob Mitchell to a work session to discuss various conflict of interest situations. Commissioner Bass said he wondered if it would always be necessary to consult with the County attorney as it may just be an appearance of a conflict of interest in which case the commissioner may still feel it is necessary to recuse themselves. Mr. Stidham said they will most likely have common occurrences in which case there will be a standard language in the statement of disqualification and that he will only consult Mr. Mitchell on random scenarios. Commissioner Bass suggested the verbiage

within the bylaws say that the planning director may consult with the County attorney as necessary to determine whether there is an actual conflict.

Vice Chair Buckley and Commissioner Dunning each read the conflict of interest statements.

Vice Chair Buckley read, "I disqualify myself from participating in the matter of Carter Hall's special use permit and site plan before the Planning Commission as I have a personal interest in said matter before the Planning Commission by reason of my ownership interest in M.S. Buckley and Son, Inc., which company performs work for Carter Hall and the company may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action taken by the Planning Commission on the Carter Hall application."

Commissioner Dunning read, "I disqualify myself from participating in the matter of Carter Hall's special use permit application and site plan application before the Planning Commission as I have a personal interest in said matter before the Planning Commission by reason of my wife's personal interest in a business located adjoining Carter Hall and she may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action taken by the Planning Commission on the Carter Hall application."

There were no questions from the Commission.

Review of September 2 Business Meeting Agenda Items

Mr. Stidham stated there are three sets of meeting minutes, one action item, and a potential action item to review at the upcoming business meeting.

Mr. Camp reviewed a presentation on minor subdivision **MS-22-08** and maximum lot size exception **MLSE-22-01**.

Mr. Camp reviewed the status of the deferred applications and noted that three of the four pending cases are potentially on schedule for the October meeting including Carter Hall, Hecate, and the Elsea minor subdivision. He said the fourth pending case is Beckett Solar which is tentatively scheduled for February. Mr. Camp added that the Plans Review Committee reviewed the special use permit and site plan for Carter Hall and noted they have requested a lot of detailed information from the applicants. He said the action at the first meeting in October will be to set public hearing. Chair Ohrstrom said the Commission is under no compulsion to set public hearing at that time if they do not feel the information is adequate.

Mr. Camp said Beckett Solar and Carter Hall are both continuing to work on their application, however, Beckett is not anticipating to move forward until the February Planning Commission meeting. Mr. Stidham commented that Beckett has been working on this for approximately a year now due to the solar farm changes in the spring.

Mr. Camp said that Hecate submitted their application on time, however, it was deemed incomplete as it did not contain the owner's signature. He said they are still working with DEQ issues and comments from other departments.

Mr. Camp noted that Elsea minor subdivision on Frogtown Road has been dealing with some VDOT access issues. He added they have changed the plat several times but we are hoping for an October Planning Commission review.

Vice Chair Buckley stated that he has a conflict of interest and read the following statement, “I disqualify myself from participating in the matter of MS-22-08/MLSE-22-01, Terrence P. Spinosa (Applicant)/George M. Hoff (Owner) before the Planning Commission as I have a personal interest in said matter by reason of my ownership interest in M.S. Buckley and Son, Inc., which company performs work for the applicant and the company may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action taken by the Planning Commission on the application.”

Old Business Items

Continued Discussion, 2022 Double Tollgate Area Draft Plan

Mr. Stidham said the 2022 Double Tollgate Area Plan draft was introduced to the Commission last month and that it was developed by the Comprehensive Plan Committee. He added the plan is being written using the guidance of the revised 2022 Comprehensive Plan. The Comprehensive Plan is currently with the Board of Supervisors and is set for public hearing on September 20th. He said once the Comprehensive Plan is adopted, we can put it on the agenda or take action in October to schedule a public hearing in November or future meeting. The Commission had no questions or revisions.

Continued Discussion, Boundary Line Adjustment Regulations Text Amendment

Mr. Stidham said this text amendment is ready for the Commission to discuss whether to add it to the business meeting agenda to set public hearing. He added we worked with the Policy and Transportation Committee on this in response to concerns about a particular property owner that was using multiple types of minor subdivision and boundary adjustment transactions to configure their lots into approximately 20-acre lot configurations. He said the first update would change the rules to limit boundary line adjustments between two residential lots under 20 acres to be reviewed by the Planning Commission and only subject to hardship reasons including to correct a minor encroachment of a driveway or fence for another structure from another lot up to 10% of the total area. He said the other hardship reason is to repair or replace a failing onsite sewage disposal system located on a lot in which case it would not have a 10% cap, but would be dependent on the amount of land it would take to repair or replace the system. He continued that the second change deals with maximum lot size exceptions approved by the Planning Commission which will prevent any lot that has been approved with a maximum lot size exception and is under 20 acres in size for similar hardship reasons. Mr. Stidham asked the Commission if they were comfortable adding this to the agenda for the business meeting on Friday and to set public hearing for October. Chair Ohrstrom said he thought it was confusing and suggested that Mr. Stidham briefly review the case study at the public hearing. The Commission agreed to add this to the agenda and had no further questions or comments.

New Business Items

None scheduled

Other Business

Mr. Stidham reminded the Commission that as two Commissioners are conflicted out of the Carter Hall case that they would need a quorum of six in the room in order to vote and to let Staff know if they would not be in attendance.

ADJOURN: The August 30, 2022 Planning Commission Work Session adjourned by consensus at 3:31PM.



George L. Ohrstrom, II (Chair)



Kristina Maddox (Clerk)