

April 15, 2014

Clarke County Board Of Supervisors  
Regular Meeting  
Main Meeting Room

1:00 p.m.

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held in the Berryville Clarke County Government Center, 101 Chalmers Court, 2<sup>nd</sup> Floor, Berryville, Virginia conducted on Tuesday, April 15, 2014.

Board Members Present

Barbara Byrd; J. Michael Hobert; Bev McKay; John Staelin; David Weiss

Board Members Absent

None

Staff Present

David Ash; Tom Judge; Sheriff Tony Roper; Brandon Stidham; Susanne Vaughan; Lora B. Walburn

Others Present

Janet Alger; Rod De Arment; Robina Rich Bouffault; Jason Burns; Matt Hoff; Kenneth Liggins; Carl Hales; Gina Schaecher; Mike Williams; Gem Bingol; Val Van Meter and other citizens.

1) Call to Order

Chairman Hobert called the afternoon session to order at 1:00 p.m.

2) Adoption of Agenda

David Ash requested addition to the Consent Agenda of Cooperative Extension Centennial Celebration Week Resolution Recognizing May 4-10, 2014 as National Cooperative Extension Centennial Celebration Week 2014-05R.

By consensus, the Board adopted the agenda as modified.

## 3) Citizens Comment Period

Upon receipt of the Citizen Comment Period Sign In Sheet, Chairman Hobert commented that it appeared a significant number would like to comment on matters pertaining to the special use permit under discussion these last few months. He reminded those attending that the Supervisors have a rule allowing for public comment during a public hearing but generally do not permit public comment when there has been a public hearing or when the public hearing has been closed. He noted also another rule allowing comment at the beginning of meetings and given the two rules, in the absence of an objection from members of the Board; he would allow additional comment on the kennel matter. He further noted that given there has been ample opportunity to previously make comments, as well as submit written comments, the comment period would be limited to a summary, preferably of new material, as opposed to old material. He said that he would try to adhere strictly to a brief period of approximately ninety seconds to two minutes to make comments. He asked the speakers' cooperation. Chairman Hobert, noting that the Board had received many comments, thanked those who had provided written statements.

Matt Hoff, 278 Ginns Road, Boyce: stated that this was his fourth time speaking in opposition to the granting of the SUP for the Happy Tails Development, LLC. I urge you to deny this application and not place conditions on the SUP. I feel conditioning of this permit is essentially worthless. My reasoning is simple – there is a lack of enforcement authority within our current County government framework. This SUP will require constant monitoring due to the scope and nature of the commercial activities. It is the County's responsibility to monitor and enforce any SUP conditions that are placed on the applicant. I do not believe that the burden of monitoring for violations of the permit should be left to the neighbors that are affected by it. Thank you for your consideration of this issues.

Chairman Hobert thanked Mr. Hoff and advised that he could leave his written comments with Ms. Walburn.

*Mr. Hoff provided a copy of his written comments for inclusion in the April 15, 2014 meeting packet.*

Elizabeth Sell, 1321 Old Winchester Road, Boyce and one of the owners of 1437 Old Winchester Road: stated that both of these properties adjoin the subject property. This is the fourth time I have spoken in opposition to this special use permit. Your Board has the responsibility to make decisions that are in the best interest of our County and all its citizens. Is your Board willing to tell 50 homeowners with an assessed property value of \$30 million their primary asset will be devalued? Furthermore, I now understand there is a new proposal for an access driveway off of Old Winchester Road with a bridge crossing the stream bed is being considered. This

is a totally different proposal than what was presented at your public hearing and should not be considered or approved. Thank you.

Danielle Donohue, 165 Bellevue Lane, Boyce: stated that she was standing before the Board to reiterate her opposition to the Happy Tails Development special use permit. I understand that the Board wanted to spend the last month exploring potential conditions that might mitigate the impact to the County and surrounding property owners; but, I also now understand that this task has proven impossible. In two minutes, I cannot describe each of the flaws I see in these conditions that are supposed to mitigate but only further complicate a potentially disastrous situation in my neighborhood. There seems to be little consideration for how some of the conditions would be enforced or what the estimated cost to the county and neighbors would be.

And after reading 22 conditions, I understand I would still have up to nine dogs barking from 7AM to 9 PM just past my front yard. The bottom line is I would still live next door to a kennel, and I would still have the financial rug pulled out from under my family. Living on Bellevue Lane, my husband and I are among the 50 neighbors who would have our properties devalued. I imagine our proximity to the property in question would mean we would likely lose closer to 25% of our home's value. How could the county do this to us? We are school teachers in this community, and our home is our greatest asset. What if we needed to borrow against our home in the future to cover the cost of college or medical expenses? What if living next to a commercial business - which I believed was an impossibility when we chose this place to build our home - becomes unbearable? Will we be able to afford to move?

I am still putting my faith in the Board's ability to use the code, which IF FOLLOWED, will protect residents like me from impacts such as undue noise and property devaluation. I hope that the Board realizes that no number of conditions would adequately protect the county or the neighbors. My family serves this county, and my husband and I are asking for the county to do the same for us. Please protect us. Please deny this SUP.

*Mrs. Donohue provided a copy of her written comments for inclusion in the April 15, 2014 meeting packet.*

Elyse & Lowell Smith, 2548 Crums Church Road, Berryville: stated that he and his wife were from the Russell District, the other end of the County from this, so, we don't have a direct financial interest except as taxpayers of the County. We request that we can combine our two times into one so that we can make a more cohesive statement. So, gentlemen and gentlewoman, we appreciate this opportunity to address you more with regard to the Happy Trails, 3 Dogs proposal matter before you this afternoon. Yesterday, we submitted a three-page white paper that summarizes our views on this

matter; and I presume you have all had a chance to receive it and read it. If not, I encourage you to do so. So, I'll summarize it very quickly right now.

This white paper reminds you that you have two duties to perform in reviewing the 3 Dogs / Happy Trails application. First, as the ultimate legislative body of Clarke County, you have the responsibility to oversee the County's conservation easement program and to ensure that program remains in robust, good health. Second, you have the legislative responsibility to review and act upon this special use permit applications made to you. To date, your focus has been almost entirely on this second duty with little attention to the first duty. We strongly urge you to focus on both duties. Do not get distracted by addressing the challenges of one to the extent that you ignore the other. Our primary concern is about the effect on the conservation easement program in Clarke County if this un-Happy Trails proposal were to come to fruition. Clearly, the VOF reasoning in approving this commercial use on the conservation easement land is seriously flawed. Moreover, this VOF decision is a questionable legality under Commonwealth law. We believe that it is this Board's duty in protecting the conservation easement program to actively pursue the resolution of this issue. Such action should include joining in the discussions of the VOF Board to resolve the important issue of which if any commercial operations are allowable on this land parcel under conservation easement and taking no action on the SUP until this matter has been fully resolved, including the resolution of any court action that may ensue.

Regarding your second duty, that of acting on the SUP, we note your agenda today includes continuing review of this matter with an eye to refining a list of special conditions under which the SUP would be improved. We take this opportunity to remind you that continuing along this path is akin to pretending that one can carve a diamond out of a potato. Carve, cut, pare, tweak, imagine, pretend all with as much skill as one can bring to this task, we will still be left with only a potato – not a diamond.

Though we have substantial admiration for the skill and resolve possessed by you and your staff, we remain convinced that all your efforts along this path can only result in a conspicuous commercial potato in the midst of surrounding conservation easement lands. Thus, we present each of you with an actual potato to remind you of the virtual potato lingering in our midst. Let this potato remind you that the siren song of acceptable compromises are inappropriate when dealing with the hard realities of preserving our agricultural, open space, conservation lands as truly open space....

Chairman Hobert informed Mr. Smith that he had reached three and a half minutes.

. . . unencumbered by blatant commercial operations. As inscribed on each potato, Just Say No! Mr. Chairman, and members of the Board, we make our presentation to you.

*Mr. Smith provided a copy of their written comments for inclusion in the April 15, 2014 meeting packet.*

Vice Chairman Weiss remarked Mr. Chairman we don't need to have potatoes. We will end up with golf balls and everything else. Let's not turn this into a circus.

Rod De Arment, 409 Bellevue Lane, Boyce: Today, I'd like to comment on the new set of proposed conditions that were just released. While these draft conditions were an attempt to mitigate the damage that the proposed kennel would inflict, they fall well short of accomplishing that goal. These conditions are internally inconsistent, incomplete, ineffective, largely unenforceable, and, in some cases, inappropriately conditioned on future events. I urge the Board to reject these defective conditions and deny the requested SUP. In the brief time I have, I can't review all the conditions; but let me offer a few illustrations of their defects.

Internal inconsistencies: Condition 3 states that the facility will be limited to providing rescue and rehabilitative services for the purpose of finding permanent homes for dogs and would include boarding and training of such dogs. This limitation as written would not seem to permit any commercial boarding or training of non-rescue dogs at the kennel; so, why do proposed Conditions 4 and 12 refer to customers visiting and buying treats for dogs housed at the facility.

Incomplete.

Unless this is another Code provision that the County is choosing to ignore, a kennel must be in close proximity to a detached single-family dwelling. Nevertheless, the draft conditions never mention this requirement. The conditions should require that the detached dwelling is completed and occupied BEFORE the kennel is permitted to open.

Another Kind of Incomplete.

On the sensitive environmental issues of liquid waste handling, Condition 17 (d) leaves it up to the Board to set the size of the liquid waste tanks. This would require the Board first to determine the disputed question of how many gallons per day of dog waste water will be generated.

Chairman Hobert informed Mr. De Arment that he had reached two minutes.

. . . It should be up to the Applicant to propose an acceptable system, including tank size, and that proposal should be subject to expert technical review by the staff and the Planning Commission. Also, if you think this proposed system is secure, remember how foolproof the White Post Dairy's alarm system has proven to be.

Chairman Hobert called for Mr. De Arment to complete his statement.

. . . I have some more points that I'd like to make.

Chairman Hobert stated that he was sorry and thanked Mr. De Arment.

. . . I urge you to reject this permit.

*Mr. De Arment provided a copy of his written comments for inclusion in the April 15, 2014 meeting packet.*

AnneMarie De Arment 409 Bellevue Lane, Boyce: Me and my neighbors are very concerned about the conditions that we have read. We feel that the VOF should deny this SUP outright. We have more than 230 Clarke County residents, most of whom live in the White Post District, who have signed a Petition because we are so upset about VOF land being turned into a commercial business that does not belong on AOC land. Fifty of these property owners that surround the proposed kennel within one mile, will still see the lights, the noise and have their property values negatively affected. I just cannot understand how the BOS can ignore the concerns of more than 230 residents in favor of granting a special use permit to one NONCONFORMING COMMERCIAL ENTERPRISE that will bring little to the county in the way of revenue and services we already have. So, I know I need to make this short. A commercial kennel does not belong in an AOC. We, and many others, purchased here because we wanted a farm and we believed that the County's Comprehensive Plan would protect our properties. So, please do not make a mockery out of Clarke County's Comprehensive Plan. At this point, many of us are wondering what we will do if the Board goes against this and approves this SUP with conditions most of which are unenforceable. We need our County to protect us now from the undue environmental problems and safety issues. Please do not discount more than 230 Clarke County residents and voters since this issue deeply affects us all. So, I implore you to deny this SUP. Thank you.

*Mrs. De Arment provided a copy of her written comments for inclusion in the April 15, 2014 meeting packet.*

Chairman Hobert thanked Mrs. De Arment.

Jason Burns, 60 Hackberry Lane, Bluemont: Came to speak today on the recommendations of the Work Group. Page 428 of your packet discusses the education and experience of the person you are looking to lead the system. It states in there 10 years of experience of fire chief, deputy fire chief, or assistant fire chief. I think also battalion chief fits into that and I would not want to see someone turned away because of a title. I don't want to see people eliminated do to that or even

possibly you look at someone that is already a director – that seems to be the road we are going – of a combination of systems.

Page 429, under certifications. . .

Supervisor Staelin said that he had a question on that because he was reading some of the same things. This also talks about they would have to come from a career fire department. So, I guess the question is, later on, whether the career part was really an important thing or just fire department. Is there such a thing as a large volunteer fire department that would allow someone to be . . .

. . . That would be up to you guys. My personal recommendation is career, maybe in combination system would be similar to ours. A lot of times in the volunteer background, you are not held to the same standards such as budget, as this person will be held to.

Supervisor Staelin thanked Mr. Burns for helping him understand.

. . . Page 429, under certifications, the EMTI certification, I just think that it is too high and restrictive. EMTB would be plenty for this position because this person is probably not going to be riding in the back of a medic unit treating people. EMTB would be more than enough and, again, a little less restrictive of the possibility of getting candidates.

. . . Page 430 talks about the Commission responsibility. It says the Commission would work in coordination with the new Director of Fire and EMS, who would be responsible for providing staff support to the Commission. Also, need to include they are going to be working with the volunteer systems and leadership.

. . . Page 431 Membership composition and terms. My main concern with this is the lack of representation from the volunteer stations on this committee. Of the five non-voting members, I would think that the non-voting members should include the volunteer fire chiefs; because, by hiring a Director in charge of the system, the State laws, this group can still make the decisions and tell the stations what to do. But, ultimately, me as fire chief, I'm taking the ultimate responsibility. So, I'm not saying they have to have a voting position; but, I think they should be included.

Vice Chairman Weiss remarked that the volunteer association would be recommending two members.

. . . Correct; and they could be anybody, which is my concern. You can have people recommended to be in those positions and they are still not the ones that are ultimately taking the responsibility.

Vice Chairman Weiss responded that the association would not send someone that did not know the will of the association.

. . . There are three departments and you are allowing two people. Like my recommendations in the committee, sometimes they don't always make it through; so, we might not end up with the same. I might have people making decisions for me as chief – what I need to roll out, to provide that I'm not comfortable with or I'm taking responsibility for. So, that is my concern.

Vice Chairman Weiss responded that the whole point is for you all to get together, behind it, to start with.

. . . Absolutely. That is basically it. The only other thing is I wish I didn't have to come today to say this in front of everybody. When documents like this come out in the future, I would love to review it and chat with people before it comes in front of the Board. That's it. I would like to thank the work of the Committee. They did a great job and the Board for backing and moving on with this. I just wanted to make those few points.

Chairman Hobert thanked Mr. Burns for staying involved.

Eric Keene: 773 Old Winchester Road; I am here to speak; and while this won't not affect me financially as much as it will my neighbors, I am here to speak in support of my neighbors. But, I also want to let you know that I am a farmer in the area. I farm for a living and I have seen all this property. I have farmed all this property that is being affected by this development at some point in time since it was nothing but cow pasture. Richard Dimmel bought this property.

The road, Bellevue Lane, which most of the people behind me live off of this road, at the time that he bought this, it was essentially a cow path. There was a bridge that went up over the creek there that I would be skeptical of driving my pickup truck over. As the development progressed, there were culverts and such put in; but, this road was not engineered. It was basically gravel strung over a cow path. If anyone knows and has a driveway in a low laying area in Clarke County, these roads, if they are not engineered property, they sink. They are subject to a great number of potholes. The just don't sustain a high level of use. If you go look at that road right now, it sucks. Okay. There is no way you can mitigate that, okay.

Since, when I was reading these documents here, there is a proposed entrance for 723. Well, way back when Dimmel developed this property, it came to this Board of Supervisors, I'm pretty sure; and there was discussion that there would never be an entrance off 723. Now, you may sit there and say, "why would that be." Well, the reason being is . . .



Chairman Hobert informed Mr. Keene that he had reached two minutes and asked that he complete his statement.

. . . there is a water issue that comes down through there. The Hoff driveway has had two and three feet of water over it. Bellevue Lane has had water over it. My driveway has had water over it; and any time you put a road in these low lying areas, drive down 723 in a flooded zone. There is water coming over 723 in multiple locations.

Chairman Hobert thanked Mr. Keene noting that his time was up. He expressed appreciation for his attendance today and invited him to leave his statement with Ms. Walburn.

. . . I think the citizens should have a right to speak to your proposed mitigations.

Chairman Hobert responded that he was correct and the Board had given many opportunities. That will be all.

. . . These mitigations were not available to be spoken to when at the public hearing. I would also like to remind you of the awesome speeches that were given by the people sitting behind me.

Chairman Hobert once again thanked Mr. Keene.

Kenneth Liggins, 206 Josephine Street, Berryville: I have been a subcontractor for over 90% of my life. Happy Tails Development LLC has complied with your first set of requests. Now, you want them to comply with your newly changed requests, which I feel is unconstitutional; and it seems to me in violation of the 14th Amendment.

Secondly, solid waste management someone forgot to tell the Town of Berryville. Only yesterday, the Town of Berryville collected sewage from one area of the town and brought it down Josephine Street to dispose of it. I am requesting that the Board look into that matter because I am going to notify hazmat concerning this issue. Thank you.

Chairman Hobert thanked Mr. Liggins.

Gregory Peck, 196 Bellevue Lane, Boyce: My property adjoins Mr. Hales property, where there is a special use permit application under consideration by this Board for a commercial dog kennel. I cannot urge the Board more strongly to deny this application. The County's own Planning Commission has already denied it. I don't know why you would have to contradict their work. The fact remains that the proposed operation fails to meet the 19 criteria specified in the County Zoning Ordinance. There are many nuances in how the proposed project fails to meet these criteria including

being inconsistent with the County's Comprehensive Plan, causing undue adverse effects on preserving agricultural land, causing undue noise.

But, I really want to highlight the dramatic decrease in property values that this operation is going to cause. The County's own personnel, including the Commissioner of the Revenue and the County's Assessor, have stated on the record that I am going to face a 15 to 25% devaluation of my property. This is an unacceptable loss for me and my family - our ability to live affordably in the County. So, if you approve the permit with the conditions or not, who is going to compensate me for my losses?

The case is very similar to one that you guys denied in 2000 and I don't understand why this case is any different than that case, which was just in a different district. So, please deny this. I don't think that there is any compromise that's really going to change the situation here with our property values. Thank you for your time.

*Mr. Peck provided a copy of his written comments for inclusion in the April 15, 2014 meeting packet.*

Chairman Hobert thanked Mr. Peck.

Kathi Colen Peck, 196 Bellevue Lane, Boyce: opposition: It is my understanding that the special use permitting process was put into place to ensure that growth, change, activity in Clarke County aligns with the tenets of the County's Comprehensive Plan. It is also my understanding that by submitting an application for a Special Use Permit, the mere process does not entitle an applicant to a favorable outcome. Instead, the applicant has to meet the criteria laid out in the 19 points identified in the zoning ordinance and that the Special Use Permit should be denied if each those 19 points are not adequately met.

All 19 points have not been met in the application submitted by Happy Tails Development, LLC. As you consider their application today, please also consider that there is one highly significant point which cannot be mitigated by any conditions placed on the applicants' proposed operation - the negative impact on neighboring property values.

We bought our home and property in 2011 with the express intention to make Clarke County our home and to contribute to and invest in our community. By approving this Special Use Permit for a commercial dog kennel - with or without conditions - you subsequently devalue our property by anywhere from 15 to 25% as corroborated by the Commissioner of the Revenue. Since our home is our single most significant asset, you essentially drain us of our life savings, which flies in the face of the Comprehensive Plan. Please vote to deny this SUP and put an end to this divisive process.

I wish to submit a few more petitions. And since the map I crafted for the last meeting showing the nearly unanimous opposition of the more than 50 neighboring property owners and residents to this proposed kennel operation did not make it into the Supervisors packet, I wish to submit it again with the additional names. Thank you.

*Mrs. Peck provided a copy of her written comments, updated property owner map, and ten additional signatures of Clarke County residents opposed to a special use permit on Bellevue Lane for inclusion in the April 15, 2014 meeting packet.*

Chairman Hobert thanked Mrs. Peck.

George Archibald, 27 West Main Street, Berryville: I am here to talk briefly about the Superintendent search, which Dr. Brad Draeger, the contract consultant search head, is here to brief you on the update of his ongoing work. Chairman Creager of the School Board is here also. Mrs. Alger, excuse me. Gentleman and Lady, I really wish to emphasize, and hope that everybody is aware, I know you all are aware, the extreme importance of both Boards working very closely together on the selection of the new Superintendent. I know this is an unusual situation but it is most important because as you all know, and you probably have read in the media, that the Dr. Draeger has approximately 30 applications. His company was involved in superintendent search in Loudoun, which just completed. People are quite happy with that outcome. So, the applicants that we have, and his boss with the same company, conducted that process over in Loudoun County. So, they worked very closely together in their company. They have all of the applicants from that search and they have the applicants from this search.

It is my hope because of the very difficult situation the new superintendent will inherit, particularly the over excessive building situation that we have here, there is money being spent to expand the old high school for whatever purpose that would be used. There is a plan to convert the old high school or some school we already have in the system to an elementary school but bringing all the elementary students to one school here in Berryville. What would that do to the Boyce School? What is going to happen to the D.G. Cooley School with a plan to put overflow students for grades 4 through 6 in that school with administrative offices? What is going to happen to the old Berryville Primary School?

All of these things are matters, which have huge cost, over the next five-year plan, and implications for this community. You are the appropriating body. You are the budget body in this community and the School Board must defer to you on all of these matters. I am hoping you're all on the same page with the selection of this new superintendent. I hope that you will interview the short list Dr. Draeger is going to have within the next month. The short list of people, who before Superintendent Murphy retires in June, he will have a short list. It is my hope that in whatever process you might establish in closed session of some sort, maybe one on one interviews of the

short list people, so that you and the School Board can collaborate with each other so that the School Board knows what you are thinking about the people on the list.

Chairman Hobert thanked Mr. Archibald.

Giel Milner: 121 Kennel Road, Boyce: I want to talk about the economic impact of this thing. I spoke to Donna Peake. I asked how much the taxes were on this particular piece of property. She said they were about \$800 or so. Assuming that this house that they build, and I understand has to be built before the kennel can operate, if it was a \$300,000 house, and from all the impositions that have been placed on the kennel, assuming that was \$300,000, taxes would go to \$7,000 to \$8,000. Considering our financial situation, rather than lay off teachers and fireman and everybody else, I think we've got to look at the overall benefit. These people have made every effort to appease and make a compromise and an enormous expense to themselves. I live across the street from the Blue Ridge Hunt Kennel. I don't feel any economic loss. It's what you put into your property that counts. I'm here for the long haul, as I suppose most of these people are too. Maybe over the short haul. There is a slight change. But, according to Donna Peake, she was asked to give a worst case scenario for what would happen, and that is exactly what she did under intense pressure from Pete Dunning. I don't think it's fair. I think that we live in a society where people have got to play fair and I recommend very strongly that you support this application and pass it. Thank you.

Bob Yanniello, 1308 Old Winchester Road, Boyce: Some new items have come up. The entrance onto 723 that is proposed is directly across from the low water mark on my property, which right now is full of water. If you put a road there, I am curious as to where that run off will go. Will there be more water coming onto the property than there is now?

There is also on that three-board, black fence on the 723 side of that property a green and white diamond sign that has something to do with conservation. To me, that is kind of like sacred land, you, just like, leave it alone. You don't do anything with it. Leave it as is and I think it should stay that way.

That land over there is already wetland and I'm just concerned about more water running into it from the run offs. With all these changes, I am just curious; does this have to go back to the Planning Commission again? They already denied the application one time.

*Mr. Yanniello provided a summary of his written comments for inclusion in the April 15, 2014 meeting packet.*

Chairman Hobert thanked Mr. Yanniello.

Diane Senyitko, 918 Morning Star Lane, Boyce: Thank you for letting us speak again. I have been before you three times now. This proposed facility will be in my back yard. So, I do take the Commissioner's word when she says that my property value might decrease between 15 and 25%. That hits home for me.

The second issue I have is the conservation easement program risks compromise. Since commercial business are not supposed to be permitted on those designated lands.

Thirdly, Clarke County already has five kennel facilities. Why do we need a sixth? I do not see the need.

Please deny this special use permit. Thank you.

*Mrs. Senyitko provided a summary of her written comments for inclusion in the April 15, 2014 meeting packet.*

Chairman Hobert thanked Mrs. Senyitko.

Chairman Hobert asked if there any other people who cared to speak.

Judith Lefleur Lovegrove, Purcellville: I actually live in Purcellville. So, I am in Loudoun County; but, Gina and Mike are my neighbors. And, as the crow flies, they may live one or two tenths of a mile away from me. They keep rescue dogs at their facility. I never hear them; in fact we ride our horses by their place and very rarely do we even see their dogs. They are very, very responsible people.

I have known them for a while as neighbors and I am kinda stunned that they are being put through this extensive, laborious process to try to get a special use permit when if they wanted to put in like a boarding facility for horses or a cattle feed lot, some kind of agricultural use, I don't think that would be prohibited under their normal use for a conservation easement. I could be wrong but I don't think a special use permit would be required. I think that those types of uses would be far more, would create far more, many more issues on the environmental and commercials, regarding commercial issues.

It seems to me that Gina and Mike have made extraordinary efforts to try to address all of the issues raised by their perspective neighbors. It seems to me like there is a bit of mean spiritedness going on here in the attempt to continue to oppose over this length of time. I just hate to see them being put through this because it is pretty straight forward thing. It is a kennel and it is a rescue kennel and they have done everything possible to meet every possible contingency. Any concerns over compliance with what they say they will do that is speculative.

Chairman Hobert informed Ms. Lovegrove that she had reached two minutes.

. . . So, I don't see that would be a prime, an issue at all, at this point. I just would recommend that it be approved based on my knowledge of Gina and Mike and that they are great neighbors.

Chairman Hobert thanked Ms. Lovegrove.

#### 4) VDOT

Maintenance – March / April:

- The weather has improved allowing our non-hard surfaced roads to stabilize. We are addressing those routes as they allow.
- The numerous events have strained our maintenance budget for materials. We are only applying stone to the worst areas but are grading them all. Our priorities are safety and potholes.
- Graded routes 600, 606 and partial 605;
- Conducted litter pick up;
- Swept curb and gutter on Main St. and Buckmarsh in Berryville;
- Addressed potholes as they appear;
- Cleaned up snow removal equipment for spring inspection.

Maintenance – April / May:

- Continue with grading non-hard surfaced roads and apply stone in worst spots completing Rt.605;
- Continue to address potholes as they arise;
- Continue with sweeping curb, gutter and bridges;
- Perform brush cutting on Rt. 7.

Projects:

- Rt.340/Senseny Rd. turning lanes have gone to advertising. Bids are due back on May 28th.

Supervisor Comments:

Supervisor Barbara Byrd

- Shoulders are deteriorating on most paved roads.
- Bike traffic on county roads: Responding to Supervisors Byrd's questions regarding accommodating bike traffic and associated cost, Ed Carter responded that it all depended on the individual road. He advised that VDOT planned to widen primary roads this summer but widening secondary road would be difficult. He described the "share the road" initiatives but advised that roads could be difficult to mark.

Vice Chairman Weiss:

- Route 603 Castleman Ferry Road: significant muddy area past Auburn Road. VDOT will follow up.
- Parshall Road 608 South: shoulders are deteriorating

#### 5) CCPS School Board Update

##### Superintendent Search Update by School Board Member Janet Alger and Brad Draeger

Highlights of comments by Janet Alger, Chair Clarke County School Board:

- The School Board developed a leadership profile for the superintendent position.
- The consultant firm received 500 responses in a combination of online and interviews.
- Consultant firm interviewed close to seventy individuals.
- Largest responding group was parents.
- Consultants individually interviewed School Board members, the Superintendent, and central office administrators.
- Consultants conducted meeting at each of the four schools.
- The Consultants met with students at the high school and the middle school.
- The Consultants met with advisory groups, association leadership, teachers, non-professional support staff, parent teacher organizations, booster clubs, parent interest groups, clergy association, business and community partners, Lord Fairfax Community College, and Shenandoah University.

Mrs. Alger introduced Dr. Brad Draeger of Hazard, Young, Attea & Associates. She noted that he had been a superintendent at both large and small school districts.

- Brad Draeger is a resident of Leesburg. He served 27 years in Fairfax County as an educator and served 7 ½ years as Superintendent in a New Jersey district.

- He has been with the consultant firm for four to five years and has conducted 15 searches.
- Because the superintendent position is very public, it is important to find the right leader for the community.
- Received 280 parent responses, which he described as a very high response rate.
- Mr. Draeger asked three questions in person. Compiled responses are as follows:
  - Strengths [*in Alphabetical Order*]:
    - Athletic programs
    - High graduation rate, low dropout rate, excellent alternative program
    - IB/AP/Dual enrollment programs
    - Long term and committed employees, support staff, teachers and administrators
    - New Clarke County High School facility – recognized throughout the County and other districts within the Commonwealth. Other Superintendents have mentioned to him that it is a great example of school architecture.
    - Personalized attention is possible and often achieved in CCPS
    - Rural life is embraced and valued
    - Small class sizes
    - Small community atmosphere is a “unique” lifestyle of Clarke County
    - Supportive parents
    - Technology has advanced in recent years
  - Weaknesses
    - An influential portion of Clarke citizens embrace no tax increases or limited tax increases and a strategy of limited growth and land conservancy, limiting funding to CCPS—respondents used many terms to describe—entrenchment, good ole boy, we must live within our means, land is our legacy, old guard, etc.
    - Budget, finance, expenditures and revenue are prominent concerns
    - Division communication and transparency need improvement to overcome negative and incorrect assumptions about CCPS
    - Enrollment is slowly declining
  - Challenges/Concerns/Issues
    - Facilities have made significant improvements, but more are needed



- Home schooling is increasing
  - Improve relationships with Board of Supervisors (BOS)
  - Improved transparency
  - Resistance to change
  - Strategic plan and vision needed for long term direction
  - Teachers are being lost to other surrounding divisions, pay scales are not competitive with surrounding jurisdictions
  - VDOE composite index is high for Clarke County while per pupil expenditure is below state average for Clarke County
- Parents made up 68% of online respondents, an amazing figure. The responses focused on leadership style rather than instruction. From these responses, Mr. Draeger developed the following:
- Desired Characteristics
    - Ability to build trust and strong relationships with all constituencies, especially BOS and SB
    - Approachable and visible
    - Coalition builder—inspires through vision and can communicate a passion for education
    - Educationally experienced with skills and knowledge of STEM, special education and vocational technical curriculum
    - Excellent communicative skills
    - High integrity, honesty and ethics
    - Supervision for accountability
    - Willing to become resident of Clarke
- In approximately three weeks, he will give the School Board a slate of candidates for first round interviews tentatively scheduled for the second and third weeks of May.
- The School Board only employees one person – the superintendent. All other school employees report to the superintendent.
- The successful candidate must be someone that can deal with the strengths taking them further and higher, meet the challenges and concerns expressed by parents and citizens, and possess those skills to build collaboration to take the county further.

Chairman Hobert asked Mr. Draeger to provide the Board with copies of his presentation. Mr. Draeger stated that he would send the Board his PowerPoint presentation and a 27-page written report.

Highlights of Supervisor McKay's comments:

- It is important to have a superintendent that embraces what Clarke is and would not cast aspersions on any group but would be proactive in getting along with:
  - Elected officials
  - Citizens that do not have children in school,
  - Citizens that homeschool
  - Citizens that send their children to private schools.
- The County needs a School Board and Superintendent that understand:
  - Clarke County appears rich because of the flawed system the State uses; but, in reality, its citizens are not wealthy.
  - Raising taxes on citizens struggling to make ends meet is not acceptable.
  - Citizens do not want to hear requests for increased teacher pay when the School Board and Superintendent seem to use excess funds to hire more administrators or increase administrator salaries.
- Supervisor McKay stated that he receives many telephone calls from constituents. Mr. Draeger commented that he heard Supervisor McKay's concerns and informed him that many other people had voiced them in much the same way.

Highlights of Supervisor Staelin's comments:

- The report was generally upbeat
- Composite Index:
  - Is based on the total income of a county's citizens and the income of one very wealthy person can skew the index.
  - Median income is a better way to look at funding.
  - Clarke's school funding is in the top 20%.
- Clarke is doing well in SOL's scores.
- Clarke will always be in the situation where staff will leave for more money.
- Clarke is blessed to have staff willing to stay local and not commute.

Highlights of Supervisor Byrd's comments:

- Need to improve the relationship between the School Board and the Board of Supervisors.

- Mr. Draeger commented that he sees this natural tension everywhere in Virginia because it is built into the structure. The Board of Supervisors is a taxing authority and the School Board must ask each year for money to fund its budget. The Board of Supervisors must protect the infrastructure and the needs of all citizens and must give up many of its funds to fund the Schools. He opined that transparency and openness was the way to improve relationships.

6) Special Event Permit: Full Moon Ranch Field Festival; Medium; Multi-year June 2014, 2015, 2016

To: Clarke County Board of Supervisors

Date: April 15, 2014

Special Event Permit Application Full Moon Field Festival, 1691 Swimley Road, Berryville

Applicant / Event Director: Jennifer Cossette, Event Organizer [Douglas Malick additional contact]

Medium Event: 500 to 999 persons attending

Date: June 21, 22, 23, 2014; 2015 and 2016

History: Three small [150 to 499] festivals have been conducted at this location beginning 2010. Following public hearing April 16, 2013, the Supervisors approved a medium-size [500 to 999] event at this location. No objections or complaints have been received for any of these events.

**Recommendation: Approve multi-year medium event application contingent upon receipt of Insurance Endorsement Naming County as Additional Insured.**

David Ash reviewed the application and staff recommendation. He noted that the applicant began the approval process in February providing written requests to all applicable agencies.

**Supervisor Byrd moved to approve the multi-year special event permit application subject to receipt of the insurance endorsement. The motion carried as follows:**

- |                   |       |
|-------------------|-------|
| Barbara J. Byrd   | - Aye |
| J. Michael Hobert | - Aye |
| Beverly B. McKay  | - Aye |
| John R. Staelin   | - Aye |
| David S. Weiss    | - Aye |

7) SUP-13-02/SP-13-08, Gina Schaecher (Happy Tails Development LLC) Continued Board Discussion

Brandon Stidham: Again, this is the application for special use permit and site plan, Gina Schaecher, Happy Tails Development LLC, for a commercial boarding kennel and

animal shelter per section §3-A-1-a-3(u) of the Zoning Ordinance. The purpose is to find permanent adoptive homes for dogs, including the boarding and training of dogs. The property is 91.350 acres in size and located in the 300 block of Bellevue Lane; in the White Post election district; zoned agricultural open space conservation. The property is in permanent conservation easement held by the Virginia Outdoors Foundation.

Just to bring you up to date, the Board deferred this case for one month at the March 18<sup>th</sup> meeting; and a component of that deferral motion was a directive to staff to review all of the information that has been presented to date, as well as provided on the application and to report back to you in April with additional proposed conditions to mitigate, as much as possible, the negative impacts of the proposed kennel and associated activities would have on the County, public safety, property values of neighbors and future costs and ability of the County to provide septic service to County residents.

We also know that the applicant presented an alternative access road concept at the March 18<sup>th</sup> meeting. That alternative concept would access the property via a new low volume commercial entrance that would be constructed along the property's frontage on Route 723 with an access road that would include a new crossing of Roseville Run. The applicant did provide an engineered drawing that included a detailed sketch of the proposed commercial entrance but did not include stormwater management, erosion control and other elements, I believe, required in a site plan submission.

We are recommending to you all today to consider, to decide whether to consider this alternative entrance in more detail and you all have a copy of this sketch in your packet. I just provided a copy of it if we needed to refer back to this.

In the next series of slides, are the proposed special conditions revised per the Board's directive from last month's meeting. I will just go through and read the text of each condition. Feel free to stop me if you all have any questions or concerns on one of the items.

**PROPOSED SPECIAL USE PERMIT CONDITIONS  
FOR BOARD OF SUPERVISORS CONSIDERATION  
(APRIL 15, 2014 MEETING)**

1. Special Use Permit to be Nontransferable. This Special Use Permit is issued for the subject property for operation of the kennel solely by the Applicant, Gina Schaecher/Happy Tails Development LLC, and the operational entity for the kennel, 3 Dog Farm, LC. The operation of the kennel under the SUP shall not be transferable to any other person or entity without prior approval of the Board of Supervisors as an amendment of the SUP conditions.

2. **Deadline to Commence Development.** The Applicant shall take ownership of the property and obtain a building permit to begin construction of the proposed kennel building within two (2) years of the date of SUP approval by the Board of Supervisors. Failure to comply with this deadline shall subject the SUP to revocation.

Chairman Hobert: Let me ask a question here. Is there any requirement with respect to timing for construction of the home?

Brandon Stidham: They would have to obtain the building permit simultaneously. The home would have to be completed with a certificate of occupancy issued before a CO could be issued for the kennel building.

Chairman Hobert: Thank you.

3. **Special Use Limitations.** The special use permit (SUP) shall be issued to operate a commercial boarding kennel and animal shelter per §3-A-1-a-3(u) of the Zoning Ordinance. The facility shall be limited to providing rescue and rehabilitation services for the purpose of finding permanent adoptive homes for dogs, and would include boarding and training for such dogs.

Supervisor Byrd: Brandon, I have a question about that.

Brandon Stidham: Yes ma'am.

Supervisor Byrd: It says a commercial boarding kennel and an animal shelter. On the bottom part of that, it says shall be limited to providing rescue and rehabilitation services for the purpose of finding permanent homes for the dogs. So, what is it? Is it a rescue shelter or is it a commercial kennel?

Brandon Stidham: We determined this back when the Planning Commission was reviewing this case in the fall and it falls under both of those categories, which are both listed under that section and cited under the zoning ordinance.

Supervisor Byrd: So, if I went away for three weeks, I could take my dogs there to be boarded.

Brandon Stidham: It is subject to the stipulations that the applicant has stated in the business plan. But, since it is not exclusively an animal shelter and there would be commercial boarding activities, it also falls under that use as well, which is why we have listed both uses.

Supervisor Byrd: It seems like the second part of that, pardon me, the second sentence in that is confusing.

Brandon Stidham: It could be the addition to this condition was the word "such", which was recommended by the County attorney; but, I don't think there was an intention to limit the commercial boarding activities [*murmuring from audience obliterated speakers words*] but I can see how it could be interpreted that way.

Vice Chairman Weiss: I think it has always been stated that it is going to be both. I don't think there's any confusion about what it is.

Supervisor Byrd: The second sentence does make it strange.

Supervisor Staelin: "Such" does change it for me.

Supervisor McKay: Can we go back to the previous one Brandon? The way that I read that is that it could be sold both the LLC could be sold and the operational entity could be sold. So, in fact, you could sell it to someone else, or she could sell it, or they could sell it; and it could continue to operate under this special use permit.

Brandon Stidham: That is correct. If the LLC or LC was sold, it would operate under that same entity. That is correct.

Supervisor McKay: So, it is transferrable.

Brandon Stidham: Subject to the transfer of . . .

Supervisor McKay: Right, subject to the terms.

Vice Chairman Weiss: Just like always.

Chairman Hobert: I think there is confusion here.

Supervisor McKay: Yes, there is confusion here.

Supervisor Byrd: There is confusion.

Chairman Hobert: He is arguing that the current condition that is proposed would allow the LLC to be transferred without Board approval and Mr. Weiss believes that Board approval would be required. What is your interpretation?

Brandon Stidham: That Board approval would not be required if the LLC or the LC was the entity that was being transferred and ownership maintained by

whomever took over those entities. But, if an entity or individual not named in Condition No. 1 were to obtain ownership of the property, it would not be able to continue the special use without coming back to the Board of Supervisors.

Chairman Hobert: So, you agree with Mr. . . .

Vice Chairman Weiss: We understand each other.

Chairman Hobert: You do.

Vice Chairman Weiss: I understand both. It's both.

Chairman Hobert: It is both.

Vice Chairman Weiss: I understand both. I'm dull but I'm not that dull.

Supervisor Staelin: In reality, it could be very difficult to turn down somebody who requested a change purely due to ownership. There would have to be some mitigating circumstance.

4. Operating Hours; Training Hours; Facility Closed to the General Public. The facility shall maintain operating hours consistent with the Zoning Ordinance requirements. Outdoor training shall be permitted only between the hours of 9:00AM and 5:00PM Monday-Friday and 10:00AM-5:00PM on Saturday and Sunday. Customers shall be permitted at the facility by appointment only. The facility owner or manager shall ensure that the facility is not advertised or publicized as being open to the general public.
5. Access to Subject Property. The kennel facility shall be accessed via a new driveway and commercial entrance to be constructed on Old Winchester Road (Rt. 723) consistent with the approved site plan. Kennel facility traffic shall not use Bellevue Lane to access the subject property.

Brandon Stidham: You would only use this condition if you decide to pursue the applicant's alternative entrance that was proposed last month. If that is not chosen as an alternate approach, than this condition would not be necessary and would need to be removed.

Supervisor McKay: We have no engineering studies or no studies that have been approved by engineers, our engineer, correct?

Brandon Stidham: That's correct and I'll get into that at the end.

Supervisor McKay: I'm sorry.

Brandon Stidham: That's okay.

6. Kennel Building Sound-Absorbing Measures. The facility shall be constructed of sound absorbing materials and in a fashion as described in the applicant's Narrative of Operations (relevant portions attached as Exhibit A) and as depicted on the site plan. The building's sound-absorbing features shall produce noise level reduction consistent with the November 13, 2013 letter from Kevin C. Miller (Miller, Beam, and Paganelli, Inc.) provided by the applicant (*copy attached as Exhibit B*). Sound-absorbing measures shall be shown on the building construction plans and shall be reviewed by the County's engineering consultant for conformance with the approved site plan in conjunction with the building permit application review. Doors and windows in the kennel building shall remain closed to mitigate noise impact on adjacent properties when dogs are present in the building.

Supervisor Byrd: I have a question about that. There were two letters submitted: the applicant's letter from her expert and another expert, Dr. Sabatier that was supplied by the opposition. Which one are we using?

Brandon Stidham: The November 13 letter was the original letter that stated the sound reducing measures that would be included in the building and the metrics that our engineer would ultimately follow in looking to see whether the construction would meet that requirement. So, it is the initial letter from the applicant's sound consultant.

Supervisor Byrd: So, we are using that rather than the letter from Dr. Sabatier.

Vice Chairman Weiss: We're using until our engineers verify it. We won't use anything until the engineer tells us whether it is right or wrong.

Supervisor Staelin: There are a bunch of letters here if I have it correctly. This letter that describes building materials and so on and what will happen; and then there are letters from people who say it with either be noisy or it won't be noisy. Those are two other letters, am I correct? So, we're not dealing with those other two letters now, we're dealing with one that dealt with engineering, more engineering issues.

Supervisor Byrd: Well, apparently we have two experts that we can draw from.

Brandon Stidham: The important piece from that letter is that's the letter that's being extended by the applicant as stating the amount of noise reduction that would be produced by the building. So, that's why that document is



significant; and that would be what would be used in the evaluation of the building construction.

Supervisor Byrd: What? That does not mean it is correct.

Vice Chairman Weiss: Which is why we pay our County engineers to look at it.

Supervisor Byrd: Are our County engineers sound experts?

Brandon Stidham: They actually have identified a subcontractor that they have worked with on other projects that has an expertise and they can establish that relationship if we get the site plan and have that reviewed.

Supervisor Byrd: Okay.

7. Employees. A maximum of five (5) employees shall be permitted to staff the facility at any one time. A minimum of one (1) employee shall remain onsite at all times that any dogs are housed at the facility.
8. Maximum Number of Dogs Permitted Onsite. A maximum of twenty-five (25) dogs shall be permitted at the facility for training and/or kenneling. A maximum of three (3) additional dogs may be permitted on site as pets. No other dogs shall be permitted on the subject property for any reason.
9. Fenced Training Areas. Dogs may be permitted in the fenced training areas between 7:00AM and 9:00PM and shall be supervised at all times by an employee located within the same training areas as the dogs. The maximum number of dogs permitted in all of the fenced training areas at one time shall be six (6). At no time shall any dog be left unattended in the fenced training areas and dogs shall not be allowed in the area between the fenced training area and the external safety fence. No noise-making devices shall be used in conjunction with the outdoor training of dogs.

Supervisor Byrd: Question. That means that only one group of six dogs are allowed outside of the kennel at one time.

Brandon Stidham: It is a maximum of six dogs so it could be broken up in any combination of six.

Supervisor Byrd: They could have two groups of three.

Brandon Stidham: Two groups, or a small group, individuals but no more than six at any one time.

Supervisor Byrd: Okay.

10. Maintenance of Fences and Gates. Fencing around the training areas shall be a minimum of six (6) feet in height and the external safety fence shall be a minimum of four (4) feet in height. All fencing shall be maintained throughout the life of the special use permit to ensure complete confinement of the dogs. All gates shall remain closed and secured to prevent dogs from escaping the training areas.

Supervisor Byrd: Question. If a dog can scale a six-foot fence, what's going to keep it from climbing over a four-foot fence, say, when it spots a deer on the other side of the fence or a fox or a coyote or something like that?

Brandon Stidham: That will be a question for the applicant. This condition just captures the proposed fence heights. But, the applicant has stated that if there are trainers that are going to be in the same fenced training areas with the dogs . . .

Supervisor Byrd: So, they'll have to jump over the fence . . .

Brandon Stidham: And they will have to jump over the second fence.

Supervisor Byrd: to go get the dog that's scaling the four-foot fence.

Brandon Stidham: Yes and ideally, they would have control of the dogs that they have in the individual fenced training yards. Again, this captures what we have been told by the applicant.

11. Limitation on Dogs Allowed Outside of the Kennel Facility. Dogs being boarded or trained in conjunction with the kennel operation shall not be permitted outside of the kennel building or fenced training areas unless being transported to and from a vehicle in arriving or departing the facility. When being transported to or from a vehicle, dogs shall be on a leash at all times or otherwise confined or restrained. This condition shall not apply to the maximum three (3) dogs to be kept as pets specified in Condition #8.
12. Limitations on Retail Activity. No retail activity shall be permitted with the exception of accessory sale of dog-related treats to customers housing their dogs at the facility.
13. Events. No events shall be permitted on the subject property. Events are defined as activities open to the public or by invitation, including, without limitation, those

for the purpose of fund-raising, promoting the kennel operation, or supporting any kennel-related activity. Events may include but are not limited to activities requiring a County special event permit.

14. Training Classes. Training classes for humans shall be prohibited on the subject property in conjunction with the kennel facility.
15. Breeding and Sale of Dogs Prohibited; Records required. No breeding or sale of dogs, with the exception of an adoption fee/administrative processing fee for rescue dogs, shall be permitted at the facility. Whelping puppies shall be allowed on a limited basis not to exceed one (1) litter per year. All dogs kept at the facility shall be spayed or neutered and shall have current rabies vaccination. The applicant shall maintain records for all dogs kept at the facility including proof of vaccination and sterilization. Records shall be kept for a minimum of one (1) year and shall be made available to County staff for inspection upon request.
16. Solid Waste Management. All solid waste shall be containerized and properly disposed of off-site either by the facility owner or manager transporting the waste to the Frederick County landfill or by contracting with an authorized waste disposal company. No solid waste shall be disposed of onsite.

Supervisor Byrd: Question. What are they going to gather the solid waste in? What are they going to store it in and is it going to be, I'm sure it won't be kept inside, is there some kind of containment area on the outside of the building where these containers of solid dog waste will be stored?

Brandon Stidham: Those would be questions for the applicant. They have not shown any sort of a permanent facility on the outside of the property for containerizing solid waste.

17. Liquid Waste Management. (condition divided into four subsections for clarity purposes)
  - a. All liquid waste and waste water produced by the dogs shall be held in a storage tank, pumped, and hauled off-site for disposal by an authorized waste disposal company. The waste disposal company shall not deliver waste to the Frederick-Winchester Service Authority facility absent a separate agreement with the Authority that does not impact Clarke County's volume limitations in its septage disposal agreement with the Authority.
  - b. The property owner or manager shall provide the Planning Department with a copy of the contract with a waste disposal company prior to issuance of a

building permit or land disturbance permit for the kennel and shall provide updated copies of the contract to Planning Staff as it is renewed or reissued. The contract shall state the location(s) where the liquid waste will be disposed of and shall include a copy of the agreement referenced in section (a) above if the liquid waste is to be disposed of at the Frederick-Winchester Service Authority facility.

- c. There shall be no open floor drains in the kennel building, and the liquid dog waste/waste water system shall not be connected to the onsite septic system.
- d. The liquid waste disposal system shall be of a sufficient size to accommodate storage for a minimum of \_\_\_\_\_ ( ) days for the maximum number of dogs permitted and shall include audible and visual alarms to indicate clogs, breaches, or that the system capacity has been exceeded. It shall be the applicant's responsibility to ensure that the liquid waste disposal system is maintained throughout the life of the special use, and the applicant shall be responsible for any leaks that may occur. Construction plans for this system shall be reviewed and approved in conjunction with the building permit review for the facility.

Brandon Stidham: We've left this item blank for you all to consider as part of your deliberations today.

Supervisor Byrd: Do we know just how much water will be produced to determine the size of the tanks that would be required.

Brandon Stidham: Yes, it provided low and high marks for that water production at the last meeting; and when I get to the end to the recommendation, one of the things that we would recommend is a more detailed plan on that.

- 18. Applicant to Sign List of Adopted Conditions. The applicant and the owners shall sign the list of adopted conditions to indicate receipt of and intention to comply fully with the conditions for the life of the special use permit. A signed copy of the conditions shall be provided to the Planning Department within thirty (30) days of the applicant's receipt of the adopted conditions.
- 19. Inspections Required. The County staff shall have the right to conduct periodic inspections of the kennel facility and the subject property throughout the life of the SUP.
- 20. Approval of Easement Holder Required. Approval of this special use permit shall be conditioned upon continued approval of the use by the Virginia Outdoors Foundation as holder of the conservation easement on the subject property. In the

event that such approval is withdrawn in the future, the special use permit shall be subject to revocation.

21. Consistency with Approved Site Plan and Architectural Renderings. Development of the kennel facility shall be consistent with the approved site plan dated [insert date]. The exterior appearance of the building shall be consistent with the Applicant's architectural renderings dated [insert date].

Brandon Stidham: Both of those two dates would be added ultimately if we get to a point where there is a final site plan and any modifications that may occur between now and whenever you take action on the request.

22. Supplementary screening. The applicant shall provide an additional screening of evergreen trees along the length of the northern, western, and southern boundaries of the external safety fence at the perimeter of the kennel complex. Evergreen trees shall be of a native species approved by the Planning Department, shall have a planting height of six (6) feet, and shall be planted in a double staggered row so as to maintain an effective visual screen. The supplementary screening shall be maintained for the life of the special use. Any screening trees that die shall be replaced with trees of the same species and with a planting height of six (6) feet.

Supervisor Byrd: I have a question about that. If this were a flat piece of land, that would probably work; but this situation of the building that will be on top of a very high hill that is very visible in that area. I think, as I recall from our visit, that the yards, the exercise yards and the perimeter fences would be way down the hill, halfway, probably, to the bottom of the hill. Now, if you plant six-foot trees down there, it is going to be 20 years, 25 years before they reach even maybe the bottom of the building.

Brandon Stidham: The six-foot planting height is the standard that is in the Zoning Ordinance; but, since this is a special use permit, you all do have the authority to consider other measures.

Supervisor Byrd: But they wouldn't screen anything.

Brandon Stidham: That is a strong possibility with the slope there.

Attachments: (See Condition #6)

- Exhibit A -- Excerpts from Narrative of Operations
- Exhibit B -- November 13, 2013 letter from Kevin C. Miller

Brandon Stidham: Staff Recommendation:

As noted above, Staff recommends that the Board deliberate the merits of considering the Applicant's proposed alternative entrance and access road at the April 15 meeting. Should the Board wish to further evaluate this proposal, Staff recommends that the Applicant be requested to provide full plan submission of the entrance and access road as an amendment to the previously submitted site plan. The full plan submission – including stormwater management, erosion control, and other required plan elements – would need to be evaluated by the County's engineering consultant and approved prior to the Board taking final action on the special use permit. Furthermore, Staff recommends contacting the Virginia Outdoors Foundation to determine whether they have concerns with the proposed crossing of Roseville Run being consistent with the terms of the conservation easement.

Staff also recommends that the Board evaluate and discuss the revised list of proposed conditions and provide any necessary direction to Staff at the Board meeting regarding additions, deletions, or edits. In particular, the Board should discuss Condition #17(d) regarding the liquid waste disposal system. At the March 18 meeting, the Applicant's septic engineer indicated that the size of the holding tanks for the system has not been determined and that they were looking for direction from the Board regarding how much storage capacity they should provide.

Condition #17(d) as written would require the Applicant to provide a system with enough storage capacity for a to-be-determined maximum number of days. The Applicant indicated at the March 18 meeting that if they installed a two-tank system, one tank would be pumped when it reaches capacity leaving the other tank for storage. The Applicant's engineer also stated that there are no established regulations for average wastewater produced per dog per day. However, he did note that a low estimate of 5 gallons per day per dog and a high estimate of 10 gallons per day per dog would produce a range of 200-400 gallons per day of wastewater assuming the facility would be at a maximum capacity of 40 dogs. To reconcile this issue, the Board may want to consider requesting the Applicant to provide a written plan that would confirm the following items:

- Projected wastewater usage for the kennel under maximum capacity.
- Proposed two-tank system with specified capacity of both tanks.
- Plan for frequency of waste pumping including the threshold for having the system pumped, expected storage capacity, and plan for waste disposal in the event that haulers cannot reach the site (e.g., winter weather, issues with contract hauler).

If the Applicant were to provide a plan deemed acceptable to the Board, Condition #17(d) could be written to reference the Applicant's plan.

Brandon Stidham: As I have stated before, I can help to answer any questions you may have about these conditions or any other issues associated with today. The applicants are also present and you may ask questions of them.

Chairman Hobert: We have received the letter dated April 9<sup>th</sup> from the applicant. Does the applicant care to make any comment today?

Gina Schaecher: We don't have a prepared statement. If there are questions, but I guess I'm unfamiliar with how the procedure would go from here with respect to these proposed conditions. Obviously, we've not commented or made a submission with respect to these new conditions either. I would just put that out there, as we would like to know whether we would have an opportunity to address these or at least state our position or how the procedure would go from here.

Chairman Hobert: Are you requesting that opportunity or are you content with the conditions?

Gina Schaecher: We would want the opportunity to respond to the proposed conditions.

Chairman Hobert: And do you have any comments on the conditions as you see them today?

Gina Schaecher: There are conditions that we don't think should be applied. There are conditions that we would submit are outside the authority based on the criteria in the legislative authority of the Board as well. There are conditions that we think are confusing and inconsistent as well. So, I think, I'm posing this as a suggestion on how to best address this efficiently. We can give a written submission if that is helpful, but we would like an opportunity to respond.

Chairman Hobert: Thank you. Questions or comments from the Board on the conditions?

Supervisor Staelin: I have a couple things unrelated to the conditions; and then, I can talk to the conditions as well. I would make a comment that in the last meeting the applicant said that there were 1,761 properties within a mile of Green Step Kennel stating they used our GIS system to get that data. The actual number according to our GIS staff and Alison is 46 structures not 1,761.

At the March Board meeting, Mrs. Schaecher you mentioned that you know had a license with Loudoun County.

Gina Schaecher: No, that's not what I said.

Supervisor Staelin: That's what the tape says and the minutes say.

Gina Schaecher: There has been an agreed license agreement to modify the covenants that are on our property and that license is recorded in the land records of Loudoun County.

Supervisor Staelin: Is that a license or is that an easement?

Gina Schaecher: I understand it to be a license.

Supervisor Staelin: Okay. Well, you said you were now licensed so I was trying to clarify that. So, you don't currently have an operating license in Loudoun County?

Gina Schaecher: A, you don't get a license in Loudoun County. There is a kennel permit based on operations. We have not applied for and don't hold one currently.

Supervisor Staelin: Thank you. And, also, at the last meeting, I asked for a description of the outdoor exercise, covered exercise area and asked you to write up something. I said I didn't want engineered documents. I haven't seen anything.

Gina Schaecher: That is an omission on our part and I apologize Mr. Staelin. I didn't recall that and we can provide that to you.

Supervisor Staelin: Thank you. There have been many . . .

Vice Chairman Weiss: If she doesn't mind just staying there . . .

Supervisor Staelin: No, no, you ask questions because mine is unrelated to . . .

Vice Chairman Weiss: As you will recall from the last meeting, the gist of the last meeting was that the scope of this project was too large and we requested the conditions to try to mediate that scope. And so, do you have a general feeling as to whether you would agree to these types of restrictions and still operate your facility?

Gina Schaecher: I would say that we would maintain that we have the right to, and should be allowed to, conduct the activities that are included in our October narrative. So, as an example, although we made it, we said that we would be willing to make a concession with respect to special events on the property, the conditions as drafted currently I would submit are too broad. We could never do, have even a party, birthday party or any kind of activity on the property whatsoever. So, those of the kind of concerns we would have based on the way the conditions are currently drafted.

Vice Chairman Weiss: How about to the number of dogs?

Gina Schaecher: We would also object to the number of dogs as well.



Vice Chairman Weiss: Thank you.

Chairman Hobert: Further questions and comments.

Supervisor Staelin: We've had several conflicting pieces of information regarding the impact the kennel would have on property values and our job is to look at all the information and come to a conclusion. As the County's assessor is the person who will actually propose values in the next reassessment, I asked Mr. Stidham and David Ash to join me on a conference with the assessor. I would like to summarize what the assessor said to the Board here.

The assessor supported the Commissioner's comment that kennels and other forms of commercial activity do not automatically cause a major negative impact on neighboring properties but it is certainly possible that these sorts of activities will create negative impacts on others. He said that the extent of any adverse economic impact is more likely to be large when there is a large difference in uses or values of the close proximity properties. That is a kennel or other commercial use set in the midst of estate homes will have a larger negative impact on values of those estate homes than the same kennel or commercial use would have if it were located next to another commercial building or homes that already had low value. He gave some examples of kennels that had minimal impact on neighbors: one was located in the middle of a woods; the one was in a valley that was along a very highly traveled road and the home nearby were already of very low value to begin with. He understood this kennel would be out in the open and up on a hill and built amongst estate-type homes that would cause it to have a larger adverse impact on its neighbors than it would have if it were built in the center of a wooded area or near a business park or low-value homes.

He stated the biggest adverse economic impact for the proposed kennel would likely be on the adjacent property owners or those properties that have the kennel in their view shed. However, he said that the view shed issues could be mitigated with requirements of extensive tree buffering.

He said that the condition of the access road can have a big impact on the values of houses using the same road. He stated that if an acceptable access road became a poor access road due to the kennel it could reduce values by 10% to 15%. The variables that can make a road become a poor road include things such as potholes, soft conditions, high levels of traffic and he specifically mentioned the importance of these on a road that didn't allow two vehicles to pass side by side. That was the key thing, the two vehicles pass that increased traffic on those was more important than, say, it was on a major road or whatever that was easier to pass.

Interestingly, he was less concerned about the noise of barking dogs and said he had not heard of kennels having complaints due to barking. I say his comment is interesting as many of us Supervisors, and certainly the staff, can tell you that we get complaints about barking dogs and lots of them. I must also say that complaints I hear about barking dogs are mostly about the barking dogs of individual neighbors. It might be that people believe that complaining about a kennel is useless as they are licensed facilities. I do not know; however, I have to assume that the barking dog is bothersome to many and bothersome enough to cause complaints to Supervisors and staff. It doesn't matter if the noise comes from a neighbor's dog or a kennel.

Ultimately, the assessor said the exact amount of any adverse impact this facility would cause, if any, would be based on the final design of the facility, its exact location on the property, its access, how it is operated and market conditions. Time will tell. There is no single number to use.

Brandon, David do you have anything to add to my summary?

Brandon Stidham: Pretty accurate.

Supervisor Staelin: Pretty accurate according to Brandon. Thank you.

Supervisor McKay: Do you want to be first? Go ahead.

Chairman Hobert: I was just going to say that it appears that one decision we have to make is whether or not we wish to proceed with the discussion of this matter, or whether we wish to give additional time to the applicant and her request to provide an indication of the elements that she objects to and why and what alternatives she feels might be available, or whether we want to proceed with our own discussion and go from there.

Supervisor McKay: When was this submitted to the Planning Commission?

Supervisor Byrd: Would you all turn your . . . [microphone on]

Supervisor McKay: Oh. Sorry.

Supervisor Byrd: Yes.

Chairman Hobert: Turn it on.

Supervisor McKay: Okay, I get to be louder. This was submitted in . . .

Brandon Stidham: The application was filed in the beginning of August of last year.

Supervisor McKay: We have had this before us since August of last year. We have had continued public hearings. We have allowed more than enough time, in my opinion, to address any issues. We haven't had, and in my experience with, granted large animal waste, the first thing you have to have is a waste disposal facility to mitigate problems with groundwater and surface water. We don't have that. We have something that says we're going to put it in tanks and pump and haul. We have no idea how big the tanks are. We've been told "we can build them any size you all want us to," when I really don't think that we have the expertise to do that. I think that it is past time to make a decision on this. I think, also, that we have these verbal pronouncements that we can access it from somewhere else. We saw something from VDOT. We haven't seen anything from the site engineers. I think the road that goes back Bellevue Lane

accessing it from that I don't think that's really been addressed for us and we've heard testimony that it's not a good way to access it.

In my judgment, there are many reasons why this Special Use Permit Application SUP 13-02 should be denied. With the respect to the criteria for the review of an SUP Application contained in the zoning ordinance, I would like to reference the following subparagraphs of the ordinance:

a. Consistency with the Comprehensive Plan of the County.

The Comprehensive Plan sets forth an objective to preserve and protect the agricultural and open-space character of the lands in the AOC district. I do not believe that the proposed use under the SUP is consistent with this objective. In addition, it is an objective of the Comprehensive Plan to protect the County's groundwater resources, which I spoke to earlier. I think the use under the proposed SUP would present a risk to groundwater resources.

c. No undue adverse impact on the fiscal resources of the County for waste disposal.

In order to avoid incurring the enormous expense of processing septage within the County, the County has negotiated an agreement with the Frederick-Winchester Service Authority to receive septage from the County. That agreement has a strict limit on the amount of septage that can be sent to the Service Authority facility. Given the projections of the liquid waste, which would be produced from a kennel for 40 dogs, which is what the SUP is for, which is what we have to look at, what is before us, not what has been verbalized, a significant percentage of the County's quota under the agreement with the Service Authority would be used by this one landowner. In my judgment that puts at risk the County's agreement for the treatment of septage for all of citizens of Clarke County, which could impact financial resources of the County to provide alternative septage treatment.

d. No undue adverse effects on neighboring property values.

Based on the probability of increased noise, increased traffic, visual impacts, and other impacts from the use of the property and location of the facilities on the property, it is my judgment that the information presented to the Board that there likely would be significant adverse effects on neighboring property values under this SUP.

f. No traffic and access impacts.

The access to this proposed commercial operation by an existing private access easement would, in my judgment, be inadequate and would overburden the easement. While the applicant has given some verbal indication of an access road off of Route 723, that it is not represented on the site plan that is before us, and

further, such access presents a number of environmental and conservation easement issues which have not been addressed.

I hope when we were out there that everybody looked at the water that was standing there; and also, as you know, there is a creek back there.

- h. No undue adverse effects on state designated scenic byways or property under Open-Space Easement.

The location of the kennel facilities under the proposed Special Use Permit and Site Plan would be visible from a scenic byway and from properties under conservation easements, and, in my judgment would have an adverse effect thereon.

- i. Not cause subsurface water pollution.

The kennel as proposed will result in significant amounts of animal waste being concentrated in a small area, which, despite efforts to deal with the solid and liquid waste, would present a risk of damage to subsurface water supplies.

I don't think we've ever had anything adequately described to us as to how this will be mitigated. We've got these tanks. We don't know the size of them. We haven't had anything in writing from a hauler. I just don't think it has been done well.

- q. Not cause undue noise.

I believe that the location of the kennel under this proposed SUP could result in undue noise levels which would impact surrounding properties.

- r. Not result in scale or intensity of land use significantly greater than what allowed under permitted uses in the AOC Districts.

The use under this proposed SUP is, in my judgment, much too intense for the AOC district, particularly given the property location and the low density of uses of properties in the area, which includes properties under conservation easement.

- s. Not cause a detrimental visual impact.

As previously noted, I believe that the location of the facilities on this property under the proposed SUP would have a detrimental visual impact on surrounding properties and the scenic byway. I do not believe that the foregoing negative impacts of the proposed use under the Special Use Permit can be adequately addressed by placing conditions on the Special Use Permit. I believe that there are some impacts that simply cannot be rectified by conditions. Further, I believe that

a number of the conditions set forth in the draft conditions prepared by staff for the Board cannot be reasonably enforced.

Finally, I take into consideration the fact that this application comes to us with the recommendation of the Planning Commission for denial of the application. I also note the overwhelming citizen opposition to this application and the fact that many valid points have been made by the citizens in their presentations to and information submitted to the County.

Therefore, it is my judgment that this SUP application should be denied and I would like to move that the Board deny Special Use Permit Application SUP 13-02.

Chairman Hobert: I would like to ask you if you would withhold that motion for a moment to see if the other Board members would care to comment.

Supervisor McKay: I would be happy to.

Chairman Hobert: . . . on the discussion items, as well as the ability for the applicant to respond further. Are there any other comments?

Supervisor Staelin: I just want to make sure that we are all clear as to which application we are talking about because I want to make sure that we know. People have said one way or another, whether we support it or deny it, that it is going to go to court; so, I want to know which. We've had several things in front of us; so, what is the write up that we are sure we are looking at.

Chairman Hobert: I can speak to that but I like to have Mr. Stidham speak to it first.

Brandon Stidham: I think it's part of what you are taking about with an application is going to be what was filed in August, along with the Site Plan as modified by the applicant's narrative of operations and other statements that have been made in the subsequent meetings. The one other element that is not included in the site plan review itself would be the alternative access road; and as we have recommended above, if that is something you all want to consider, it would have to be folded back into the process as an amendment to the site plan and reviewed before you move forward.

Chairman Hobert: I'm not sure if that adequately answers his dilemma. He wants to know if he wants to proceed to vote to do something to approve what is he voting to approve or what is he voting to accept? What terms are part of the package? Is it the October statement? Is it the October statement as modified by oral statements subsequently saying 40 dogs is okay? There were conflicting offers with respect to special events and the training of humans. First, they were "not important to me"; but now, maybe so, maybe they are important to me. What are the elements of the application at this point that we should be responding to?

Brandon Stidham: I think you have to respond to what the applicant has put in front of you up until the March 18<sup>th</sup> meeting and including the statements that she has made today.

Supervisor Byrd: So, we have to vote on what was presented to the Planning Commission for approval or disapproval?

Chairman Hobert: No, he didn't say that. He said March 18<sup>th</sup>.

Brandon Stidham: Which was last meeting.

Vice Chairman Weiss: Than why did we go through the nuances of creating 22 conditions? Why did the Board make staff and make everybody go through all that if that is what we are going to do now? Why didn't you make that motion then?

Supervisor McKay: If you remember, I didn't think it made sense when we talked about it.

Vice Chairman Weiss: I understand; but if you are going to go down these paths and make all this work occur for everybody involved . . .

Supervisor Staelin: Well, I think a couple of things, if I may David, because I asked to have this. First, I asked to see if staff could come up with recommendations that would mitigate these issues. I wasn't sure that could happen or not. I didn't know if that was possible. Staff came up with this and the fact is the applicant has said that she objects to those conditions. So, that is a moot point. So, we can say we tried. In fact, I don't think some of the conditions go far enough, personally. But, if the applicant doesn't like these conditions, it seems to me we would back up to what was presented to us at the last meeting, which didn't have these changes in it. So, it's these things prior to the black and bold and crossed out. So, that would be the original set of conditions; and the applicant did express some support of those. She didn't like everything but she certainly didn't object as she has today. So, I guess we are voting on, and I want to make sure, and I should say guess, we are voting on . . .

Chairman Hobert: Let me correct you. We are not voting on anything at this point. There is no motion on the floor. We are just discussing the application and the conditions at this point; and then, we will open it up for a motion. Depending upon whose motion it is, it might go one way or another.

Supervisor Staelin: So, we will be discussing the conditions that were presented a month ago and not the conditions that are shown, we are discussing those conditions from last time.

Supervisor Byrd: So, we are missing basic proponents of this site plan. One is the liquid wastewater conditions, numbers. We're missing that and I think that's a big part. We are missing . . .

Chairman Hobert: Do you wish to speak to that issue?

Supervisor Byrd: Well, I mean these are the two things that are not included on that 18<sup>th</sup> meeting. They were never . . .

Chairman Hobert: There was something you handed out at the beginning of this meeting and I wanted to know whether you wanted that to be a part of the record.

Supervisor Byrd: It can be part of the record, yes.

Chairman Hobert: Okay. This is a document titled Water Consumption in Animal Care Facilities; and I assume an article designed to indicate that there is a substantial amount of water that is associated, wastewater that would be associated, with a facility like this. That's the point?

Supervisor Byrd: Yes.

Chairman Hobert: Sorry to interrupt you. Please continue.

Supervisor Byrd: It is written by a national expert.

Chairman Hobert: You had a second point you wanted to make.

Supervisor Byrd: Well, I just think that we don't have that information; and we don't have anything other than a few little sketches of this new proposed road. I think those two items need to be on a site plan to be able to make any kind of decision on the new prospects. I think what you have to do is go on what you have on March 18<sup>th</sup>.

Chairman Hobert: Do you have any other comments? Mr. Staelin . . .

Supervisor Staelin: If we are clear as to the plan we're discussing, we are discussing the March 18<sup>th</sup> plan. We are not discussing new roads. We are not discussing the other things that are presented in here. We are discussing the use of the private access lane. We are discussing 40 dogs. We are discussing those items. Then, I'm fine. I don't object to having a motion or further discussion. But, I want to make sure we are all clear as to which thing we are discussing; so, when our comments are done, they relate to a specific request.

Vice Chairman Weiss: I would ask for a further clarification from the applicant whether she is rejecting these conditions that we have just discussed.

Chairman Hobert: Would the applicant like to comment?

Gina Schaecher: No, it is not a wholesale objection. I think there are some conditions that are acceptable and we would agree with. And, we would like to be able to submit that

information to the Board. We received this, well, whenever it was submitted. I received it late on Friday afternoon and have a job and other things and other commitments. So, we've had an opportunity to review it; but, I'd like to be able to prepare a response. I don't know that we're very far away on certain things. That item about the number of dogs, perhaps that might be something that can't be resolved. I don't know. But, I think on some of the conditions, on a good number of them, I would find them agreeable with some possible revision in the language. I'm not trying to get around a condition. I may, I just, I agree with the Board's assessment that some of them are inconsistent and I think it is confusing. We are going to be, if granted a permit, and these are the obligations, the conditions placed on it, by all means, we want it to be clear so we understand what our obligations area.

We also what to be transparent about our operations. We are not trying to pull a fast one on any one. We want to be clear about what we need to do and what we want to do. So, there are certain things that I do think are agreeable. There are some that I would ask for some revision. There are others that I think are completely objectionable because they would be feasible for . . . operation.

Chairman Hobert: The number of dogs?

Gina Schaecher: Ah, the number of dogs, because, I think that would give us no, because of the current events and if there is a change in the law, there would never be an opportunity for us to revisit that. I think we would have been more agreeable to a lower number of dogs because we would be able to establish a proven track record, show our work and then come back at some point and say can we do a little bit more. Even if we expanded, we might look to expand the physical, the amount of land. But, I don't think that's an option necessarily given the current flux in the law. So, those are our concerns. We, we, we, would, if I can, and this is beyond the question, but, if I'm all right, it would be our position that our application, as such, is everything that's been submitted up to this point, and, revisions proposed with respect to the site plan, as well.

Chairman Hobert: You do understand that it is difficult for us to respond to everything that has been submitted to this point when there has been so much oral material. There has been actually back and forth on the oral. It's kind of moved around in terms of what you're willing, even this afternoon, you indicated at our last meeting the idea that the activity of the special events was not a problem for you to have those eliminated. But, today, you indicate, no, that is a problem. So, it makes it difficult when we don't have something in writing, especially since we have to go back to the October statement, which actually was not very specific about some of these matters.

Gina Schaecher: I understand and I think that's what, that the, the problem with responding in an oral manner to these. When I was asked a question about special events, I didn't have the language of the proposed conditions in front of me. I think that we could forego some fundraising events; but, as the language is currently



drafted, I think there's a good argument that we could never have a 4-H Club meeting on our property. We could never have a Future Farmers of America Club meeting on our property. We couldn't have a birthday party on our property. Those are concerns for us. So, in keeping consistent with what I was saying last month, we could forego some fundraising activities; but, this is 91 acres. We are going to farm a majority of it. We might like to have a class come out and look at what we are doing on some new kind of techniques on some farming that we would like to implement on our property. So, its, it's the language on some of this. Part of the purpose for submitting the letter of April 9<sup>th</sup> is to try to clarify. I agree, Chairman Hobert, that it does get confusing when there is back and forth. So, we have tried to summarize and submit what we're trying to do. We submitted the narrative back in October, which I don't know that we were necessarily required to do but we did it to be clear about what we would like to do on our property. So, I think generally, we've been consistent with that. We've tried to be flexible in an effort to compromise and I agree that can be confusing. But, it wasn't, it wasn't, we aren't trying to be confusing. We are just trying to figure out a middle ground, as I know the Board is too; and I, we appreciate those efforts to address the concerns. But, we think that this language, as proposed, is one set of conditions although, as I understand it, as we sit here today, these weren't approved. They've just been submitted for discussion at this point. So, it was unclear to us coming in today whether this was a take it or leave it. Here are your conditions accept them or not. It seems to me that there is confusion among the Board members about what they mean and what other information may be necessary. So, we too are confused about the process right at this point.

Supervisor Staelin: If I may, the conditions. There is a lot of testimony done. A lot promises made. But, you sell the LLC to somebody. They come in they are going to look for this list of 20, whatever it is, conditions. Is this what I can do on the property? All these other discussions are a moot point. It is purely what is in those things. That is where we need to make sure everything is as specific as possible and that's why these questions. When you say, for example, that you're going to have very minimal traffic on the lane, when I asked you last time about, because you are going to do carpooling or dog pooling, whatever it would be called, but, when I asked if you would allow a restriction, you said no, no, no I want people to be able to come in. Well, that means that 40 different individual dog owners would have the right to drive in and out because you are allowed 40 dogs. You are allowed 40 dogs for boarding. Now, you may not want to do that. I don't know what you want to do. But, the application, as such, says those can be done; and so, what we have to evaluate it on is not your well-intended statements of what you are going to do but the actual things that get written into these conditions. That is the dilemma that we are facing. I look at these conditions; and frankly, I don't even think they are strict enough. So, if we are talking about your comments and so on, if you're unwilling to do even 25 dogs, then, I see no reason to discuss it. Frankly, I would go for a lower number; and we can discuss these conditions. But, I don't want to sit here and discuss conditions if you aren't even willing to do what is listed here.

Gina Schaecher: Well, and I don't know if that is before anybody; because, as I understand the discussion among the Board today, is you are unclear as to what even these conditions mean. There's blanks left in them. There unclear. There's comments that they're inconsistent. So, are you voting on these conditions? I don't know how you could possibly vote on these conditions. If I could respond just briefly, for instance, if your concern is number of road trips, there is no condition even within these 23 with respect to a limitation on road trips.

Supervisor Staelin: That's correct.

Gina Schaecher: So, if that remains a concern, it's not going to be addressed in what's currently proposed.

Supervisor Staelin: Yes. The number of dogs affects to some degree the number of road trips. So, that is one of the issues. It does. The issue is, you're right, there are a lot of things. But, we don't have a plan from you for how you're handling waste. We have no idea. That's an issue that you said for months that you were willing to do anything and we asked, "tell us what you want to do," and you say, "well." Don't put it on us. It is not up to us to design your waste system and your waste management system. You've got to deal with haulers. Where its going. These are issues you are going to have to deal with.

Gina Schaecher: Which is exactly why I brought my, my designer in here to answer all questions that anyone would have.

Supervisor Staelin: Has your designer talked to the haulers?

Gina Schaecher: Yes.

Supervisor Staelin: Okay.

Gina Schaecher: My designer speaks to DEQ. My designer speaks to the Commonwealth Virginia Department of Health. There are calculations.

Supervisor McKay: They don't regulate dog waste.

Supervisor Staelin: Where will your waste go?

Gina Schaecher: Where would our waste go? Liquid waste or solid waste?

Supervisor Staelin: Liquid waste.

Gina Schaecher: In the pump and haul system, it would be collected in a tank.

Supervisor Staelin: I know. But, where from there? Where is it going?

Gina Schaecher: It would be pursuant to the agreement with the hauler.

Supervisor Staelin: The haulers come with different size trucks. You have a 4,000 ton truck is going to be different than a 2,500. How much you store is going to be different. It depends on where you are going. How much storage capacity.

Gina Schaecher: I understand Mr. Staelin but look at it from our perspective because we are attempting to comply with what you want. So, from our perspective, we come in and we say these are our calculations based upon the information provided from the State, from the Commonwealth of Virginia, and our proposed uses. Here's peak use. Here's what we think will be a regular usage. This is what we are proposing. Could I continue?

Supervisor Byrd: Yes.

Supervisor Staelin: Could you show me the State document that shows me the number of gallons per day that your kennel will need to operate?

Gina Schaecher: If you would like for me to go to the State and get their information that was provided to, or get the information that was provided to our designer, yes.

Supervisor Staelin: You just mentioned the State . . .

Supervisor McKay: We should have had it by now.

Supervisor Staelin: You mentioned there is a State number. I have not seen a State number.

Gina Schaecher: There are calculations that they use to design drainage systems.

Supervisor Staelin: But, it is based on the number of gallons per day. And we still, you've said 5 to 10 gallons per day. This [*report provided by Supervisor Byrd*] says 30 gallons per day. Powhatan [County] animal shelter uses 25 gallons per day. I mean, your numbers are half of what the others are showing.

Gina Schaecher: And I understand that and that's why we brought our designer here to address those questions for you. If you wanted,

Supervisor Byrd: Could . . .

Gina Schaecher: May I finish.

Supervisor Byrd: I'm sorry.

Gina Schaecher: If you wanted that information, we've never said we wouldn't provide it. But, here's our problem. Show me in the regulation that this is what is required; because, from our perspective, we are doing the very best we can to comply with the regulation. And, at this point, we are now going above and beyond. And, we are trying to give you the information. No one is saying, "we will not give you the information." But, from our perspective, we are left guessing.

Supervisor Staelin: Our regulations say you can't use a septic tank for that. Now, you want to come up with anything else, that's your prerogative. Pump and haul is the only thing I know of but there are people who use dry systems. They don't use water at all. I don't how those work – that's not my responsibility. Unless you tell us how you are going to do this, we can't evaluate.

Gina Schaecher: Which we have.

Supervisor Staelin: You are going to use pump and haul and I am saying that I can't judge to see if the tank size is right until you tell me where it's going . . .

Gina Schaecher: And, my . . .

Supervisor Staelin: the size truck. . .

Gina Schaecher: And, my question to the Board, tell me where you have the authority to be regulating the tank size.

Supervisor Staelin: I have to protect the health and welfare of the community and I can't have this facility coming up and all of a sudden one day overflowing because you've got more dogs than storage capacity.

Gina Schaecher: And, how often has that happened?

Supervisor Staelin: We don't have anything like this in the County.

Gina Schaecher: That's exactly right. There is no such, there is no such system in the County. Isn't that correct?

Supervisor Staelin: To my knowledge, there is no . . .

Gina Schaecher: No other kennel in the County uses a pump and haul.

Supervisor Staelin: That's because our regulations changed and all the other kennels . . .

Gina Schaecher: There is no regulation that requires a pump and haul. Wouldn't you agree?

Supervisor Staelin: No, there is no regulation that requires pump and haul. The regulation says you can't use a septic tank. That is what I've said.

Gina Schaecher: And, we're not.

Supervisor Staelin: You haven't stated what you are going to do unless you are saying it is pump and haul.

Gina Schaecher: And, my point is, where have I not stated what I'm going to do?

Supervisor Staelin: We don't know. We can't evaluate the size of the tank unless we know where it is going. How often it is being pumped out. If you are going to pump out a tank every two weeks, you need to have enough storage for the two weeks. You also have to have enough storage to last a snowstorm or something. You will need another three or four weeks of storage. If you are pumping out the tank on a two-day basis, the amount of storage is different. On the other hand, the amount of flow is different. We don't . . . You've made numbers in terms of flow. We're not even sure that we agree with those numbers. There is no documentation to support . . .

Gina Schaecher: Well, what is the criteria against which you will judge this?

Supervisor Staelin: It will be done by engineers and the best people we can find.

Gina Schaecher: What engineers?

Supervisor Staelin: We have engineers on staff.

Gina Schaecher: Well, it hasn't been done thus far and that's exactly . . .

Supervisor Staelin: You haven't submitted anything.

Gina Schaecher: We have . . . I'm not going to argue with you Mr. Staelin; but, the point being is that, as my understanding is, dog waste and animal waste is regulated by the State and the federal government.

Supervisor Byrd: You should come to us with a plan.

Supervisor Staelin: Animal waste . . .

Supervisor Byrd: With numbers, gallons, what you are going to be using for wash sinks, janitor sinks, the trenches that have to be flushed out. You should know how much. That is not our job . . .

Gina Schaecher: Where in the regulation does it say . . .

Supervisor Byrd: You have not presented us . . . There is one thing on page 43 here and it is one little paragraph. He goes between 5 gallons and 10 gallons and that is all we have.

Gina Schaecher: Have you been at the meetings?

Supervisor McKay: Whoa.

Supervisor Byrd: Be careful there.

Gina Schaecher: I'm asking you whether you have read the minutes from the meetings and reviewed the additional submissions because your statement is not accurate. That's not the only submission that has been made.

Chairman Hobert: Excuse me. Mr. McKay you have a comment?

Supervisor McKay: No. I think that we are not getting anywhere here; and I think that we all agree that the State of Virginia does not regulate nor does DEQ, so we've been told, companion animal waste.

Vice Chairman Weiss: I've never seen the legislation.

Supervisor Staelin: We've been told by the Health Department.

Supervisor McKay: I haven't been shown where they do.

Chairman Hobert: Order. Are there any other comments or questions. Any other comments on the conditions? Any other comments on the application that you wish to make before we proceed? If not, the next question I would suggest is whether you want to offer to postpone this matter further for further response or whether you wish to make a motion to address it one way or another?

Supervisor McKay: I would like to make a motion that we deny it. We have postponed, put off; and we don't get anywhere.

Chairman Hobert: You may make your motion.

Supervisor McKay: **I move that the Board deny Special Use Permit Application SUP 13-02 . . .**

Supervisor Staelin: Based on the March 18 . . .

Supervisor McKay: Yes. . . . **based on the March 18 submission.**

Chairman Hobert: All right. Discussion?

Supervisor Staelin: I'll make a couple comments, a few comments here. I'll take too much time I'm sure. I would want to say that we tried to work things out here; but it's clear that the applicant doesn't go with the 25 dog limit, which I don't think is low enough. I think there are other conditions where Brandon and I disagree some. For example, it talks about an access road but it doesn't talk about the fact it should not have ponding above that road when it is built. There are issues on the tanks. I would say, let me go through some things; and I think I'll cover it all.

First of all, it is important to recognize that we must evaluate this Special Use Application based on the written conditions listed in the application, not the verbal statements of the applicant. For example, the applicant has stated that she will make every attempt to carpool dogs to the facility. However, she also stated that she did not want any carpooling restriction to be listed as a condition in the Special Use Permit. Thus, I have to base my decision on the traffic that could happen, not what the applicant says she would like to have happen. Also remember that this use, if approved, would be tied to the property. The applicant will eventually sell it. The new applicant may have other ways of operating the business. When evaluating this application we have to look at what that person could do as well.

In this case the applicant continues to maintain that the kennel will produce fewer vehicle trips than the 600 square foot apartment that is allowed on the property. However, this seems doubtful to me given that the typical 600 square foot apartment houses one or two people while the kennel will have the right to have 5 employees and up to 40 dog owners picking up and delivering dogs to doggy daycare each day. It should also be noted that the applicant did not offer to give up her right to build a 600 square foot dwelling so that would be there as well. So, this will obviously increase traffic on the lane.

I think this kennel proposal violates several conditions that are listed as having to be met before a Special Use Permit can be approved.

- c. Will not have an undue adverse impact on the short-term and long-term fiscal resources of the County for education, water, sewage, fire, police, rescue, solid waste disposal or other services.

This facility, as proposed, could have up to 40 dogs on site at all times. The applicant's engineer has projected that water usage will be 5 to 10 gallons per day per dog. However, the data from Powhatan County indicates that water usage could be more than 20 gallons per day per dog and this recent document here talks about 30 gallons per day. I have to base my evaluation on what could legally happen if this kennel was operated at full capacity (40 dogs) and assumptions about water usage. Full capacity at this proposed facility could produce at 20 gallons per dog per day, or 800 gallons of septage (wastewater) each day that will have to be hauled off and processed. Our current contract w1th the Frederick-

Winchester Service Authority gives the entire County access to 5,000 gallons of septage processing each day. This project could possibly use up to 20% of the County's septage processing capacity. This one facility could produce close to 3,000 times the amount of septage as the average household. Even at the applicants lowest prediction of water usage the facility would produce 730 times the septage as the average home in Clarke County (one 1,000-gallon septic tank getting pumped out every 10 years or a 100 gallons per year). The County's maximum usage level at the Frederick Winchester Service Authority is limited in part by the Chesapeake Bay agreement between the Commonwealth and EPA. The cap was set after a long and serious negotiation between the County and the Authority. All communities are struggling to meet their "pollution" caps and must pay penalties if the caps are exceeded.

The County investigated the cost of processing septage within the County and found it to be prohibitive (millions of dollars in construction costs). We must rely on the Frederick-Winchester Service Authority for this service and do whatever we can to keep within usage cap set by the agreement. We must also recognize that it will be difficult to raise the cap and that we must keep capacity in reserve not only for future residential growth but also to allow for more frequent pump-outs (to reduce nitrogen levels in our groundwater and the Bay). We saw the report last month from USGS talking about the high levels of nitrogen. Staff has recommended what needs to be done and we need to have that in the back of our mind.

I believe this facility will have an adverse impact on the short and long-term fiscal resources of the County as it will create a high level of septage (wastewater).

I also believe this facility will cause an adverse impact on future tax revenues (see letter (d) for the details regarding the negative impact on neighboring property values).

- h. Will not cause an undue adverse effect on rare or irreplaceable natural areas, areas of outstanding natural beauty, state-designated scenic byways or scenic rivers or properties under open space easement.

This project will be located on a hill and will be easily visible from a scenic byway. In addition, many of the properties in the vicinity of the proposed kennel are in Conservation Easement and will have the kennel in their view shed. Although the kennel building will look like a bam, the kennel complex, when looked at in total, will not look like a farm setting as the fencing will not be a 3.5 foot three board fence or a single layer of 6 x 12 American wire fencing. Instead, the kennel area will be visually degraded by multiple layers of 6-foot tall 2"x 4" wire fencing due to exterior fences and the cross-fencing of the pens. Taken together, I believe these multiple layers of taller fencing will look more prison-like, than farm-like. I believe



the look of the facility is likely to have an adverse impact on the scenic byway and on surrounding lands that are in Conservation Easement.

- d. Will not cause undue adverse effect on neighboring property values without furthering the goals of the Comprehensive Plan to the benefit of the County.

The Commissioner of Revenue and the County's paid assessor have stated that this project could have a negative impact on neighboring property values. The applicant has produced letters from others who say the kennel will not have an adverse impact on neighbors. I have to use my judgment and I certainly cannot ignore the views of the Commissioner or our assessor as they actually control the reassessment process.

It is clear that the exact amount of that impact is unknown at this time but the assessor said that property values can be 10% to 15% lower on homes that share a private lane if traffic degrades the road. The Assessor said he tends to see lower values on properties that get their access from roads with higher traffic levels that are also narrow (do not easily allow two vehicles to pass) and have potholes and/or soft patches. It is clear that this facility will increase traffic on a private lane and will substantially add to the amount of heavy truck traffic on the road. (The septage hauler likely to visit more than once a week.) The cars and trucks going to the facility will certainly increase the amount of traffic on the road and could easily degrade the quality of the access road and thus cause a reduction in values for all properties using the road.

In addition, the proposed facility is located on a hill and would be in the view shed of several neighbors whose land is under Easement. The prison-like look of the compound (mentioned earlier) could have a negative impact on the value of all properties that have the facility in their view shed. It should also be noted that the applicant's request allows up to 40 dogs to be outside from 7 in the morning to 9 at night. This could lead to excessive noise (barking) which would also have a negative impact on home values.

The exact amount of the total loss in neighboring property values is unknown and will ultimately be based on the manner in which the kennel is operated. The applicant promises to mitigate these factors. However, at this time we must base our opinions on what could happen at this facility as it could have many owners over the years and some of the owners may push the limits of the conditions. This means we must assume someone will allow 40 dogs to be outside from 7 AM to 9 PM.

The Assessor said that the larger the differences in uses and or values between properties, the bigger the negative impact one facility can have on the value of its neighbors. A kennel located next to estate homes will have a bigger impact on

neighboring values than the same kennel would have if it were located next to another business or homes that already have low values.

According to the Commissioner of Revenue, neighboring property values in this area could fall by 15% to 30%. Just a 10% decrease in the Real Estate values of the direct neighbors would cause them to lose over \$500,000 in net worth.

My belief is that there is high risk that this kennel will cause some adverse decrease in the property values to the facility's direct neighbors, the homes accessing the private lane and the homes that will have the facility in their direct view shed. I believe that this loss in values will not only adversely impact many homeowners in the vicinity of the kennel, it will reduce tax funding to the County by a larger amount than any added increase that may come from the taxes paid by the kennel.

It should be noted that I also do not believe that the degradations in values caused by the kennel will be offset by the furthering of any goal in the Comprehensive Plan.

- q. Will not cause undue noise, light or glare, dust, odor, fumes or vibrations.

Both the applicant and the neighbors submitted reports from sound experts. It is hard to judge which expert is right. However, I cannot ignore the views of Professor James Sabatier who said that barking dogs could be a big noise problem for neighbors. I know that as a Supervisor I get complaints from constituents about the barking dogs of neighbors. As currently proposed, this facility could have up to 40 dogs outside from 7 AM to 9 PM. The current applicant promises to keep the dogs quiet but there will be multiple owners over time and enforcement of noise complaints is problematic as the barking is often intermittent and even if taken to court a Judge could easily say, "of course you hear barking, you live near an approved kennel." I believe there is too high a chance that this facility will cause undue noise.

- r. If in AOC or FOC zoning districts, will not result in scale or intensity of land uses significantly greater than allowed under the permitted uses for these districts.

Not only is that property in the AOC zoning district, it is also covered by an Open Space Easement. The easement may allow kennels to operate but certainly the intensity of any such use on land in an Open Space Easement should be less than the intensity of use allowed on regular AOC land. As proposed, this kennel would be a third larger than the current operating size of any kennel on AOC Zoned Land (40 dogs vs. 30 dogs). This kennel would also be the only kennel in the County that would be approved to offer outdoor training services. I believe that when taken together, the large size of the facility and the addition to the outdoor training of up to 40 dogs from 7 AM to 9 PM, make this proposed use too intensive for this

parcel given its AOC zoning. Add on the events and training classes the applicant would like to run and you have a real intensity problem. This opinion is further magnified by the fact that the parcel is in Open Space Easement. If the use is too intensive for the AOC zoning district it is certainly way too intensive for land that is both in the AOC zoning district and covered by an Open Space Easement.

I will add that if you look at the easement it reduces the intensity of residential development by 60% from what is allowed without the easement. If one took the same view of any commercial use, it would reduce the intensity of use by 60%. Now, the biggest thing we've approved for a kennel that has outdoor activity at all has 30 dogs. If you reduce that by 60%, you would be down to 12 dogs. I'm not saying that is the number but I think when you look at what was given up by the easement and apply that amount to anything you certainly shouldn't be having more dogs than we've allowed any place else in the County. You should have way fewer than what we've allowed because of the combination of AOC and Open Space Easement.

I. Will not cause undue surface or subsurface water pollution.

This facility could damage the County's water supply. The applicant will be able to have 40 dogs on the proposed kennel 24 hours a day; and, according to the applicant's comments, most of the peeing and pooping will occur outside in a relatively small area. The current SUP conditions call for the solids to be picked up but it is difficult to pick up 100% of the poop even in the best of conditions and the process can be problematic when it is raining. Pee, of course, cannot be picked up at all.

All of this waste will be concentrated in a small area and this concentration is a concern because this proposed kennel is located within the County's officially designated water recharge area for the sole drinking water source for the Town of Boyce, the Waterloo commercial district and the Villages of Millwood and White Post. The Comprehensive Plan calls for the County to make every effort to protect this recharge area.

Due to right to farm laws the Board of Supervisors does not have any control over the animal waste of livestock in this area. The Commonwealth sets those standards. However, we do have control over this kennel and the SUP.

a. Will be consistent with the Comprehensive Plan of the County.

The County's Comprehensive Plan calls for the County to defend and expand conservation easements. Approval of this kennel application would do the opposite. The Virginia Outdoors Foundation holds the easement on this parcel and has said that commercial kennels may be allowed on lands covered by its easements. However, VOF's statement does mean not that the County has to

allow the kennel or that this kennel is consistent with the County's zoning or Comprehensive Plan. As mentioned earlier, intensive uses should not be located in AOC zoned areas, specifically AOC land covered by an Open Space Easement. I believe that the approval of this kennel would not only violate the AOC zoning ordinance, it would go against several goals in the Comprehensive Plan, which call for the Board of Supervisors to protect land in conservation easement. The kennel parcel is in a conservation easement and several neighboring properties are in conservation easement. This level of intensive use is inappropriate for both the kennel property and will have an impact on the neighbors in conservation easement and thus incompatible with the Comprehensive Plan.

The Comprehensive Plan also calls for the County to protect Prospect Hill Spring, the sole water supply for the Town of Boyce, the Waterloo commercial area and the Villages of Millwood and White Post. Additionally, the Comprehensive Plan calls for the County to protect the County's groundwater resources in general. The proposed kennels threatens both of those goals.

I will close by saying that my interpretations of this are supported by many of the citizens in the County. I have seen and heard from many citizens. Many of them have voiced these same ideas and they mirror the ideas I've just mentioned. Thank you.

Chairman Hobert: Thank you Mr. Staelin. Other comments?

Chairman Hobert: The Criteria for Action on a Special Use Permit are numerous but begin with a requirement that it be consistent with the County's Comprehensive Plan.

Our Plan places extraordinary value upon our open space and natural resources relying upon conservation easements and other tools to protect our rural areas. Around 20% of the County is under permanent conservation easement.

Though frequently challenged to balance preservation of our unique resources with the pressures for growth and development, we have a long established history of promoting land preservation through the use of conservation easements.

The property upon which a special use permit is sought is Lot 9 of Our Lady of Good Success Subdivision. A conservation easement was placed upon this parcel as well as simultaneously upon neighboring parcel Lot No. 7. Commercial activities are specifically prohibited on both properties, with the exception of agricultural activities. When the Applicant was asked how the proposed commercial activity squared with the language of the easement and would be permitted, the Applicant argued (1) The Grantee of the easement, the Virginia Outdoor Foundation, had no objection; (2) the commercial activity only took up a small portion of the property and (3) the commercial activity would support a charitable enterprise. I believe that clearly the plain language of the Deed of Easement negates such an interpretation or rationalization.

The Virginia Outdoors Foundation, a state agency, has advised the property owner as well as their objecting neighbor who owns Lot 7, that even though there was no specific exception for kennels, dogs or companion animals (other than horses), VOF would be taking "a broad view" finding the commercial use of boarding or breeding of dogs to be "compatible" with the presence of livestock, which would be permitted as an agricultural activity. That's a slippery slope.

While typically, the County would have no reason to question a state agency on such a finding, in this case, our Comprehensive Plan, Chapter II, Objective 3, specifically calls for protecting properties held under recorded conservation easements when reviewing a land use decision such as special use request on adjacent properties. Further, the implementing components of Chapter III of the Plan, charge the County with protecting farmland by use of easements, with a major policy and purpose of reducing the potential impact of development on existing farms. Recognizing our interest in this, the General Assembly, in enacting the Virginia Conservation Act in 1988 granted local governments in Section 10.1-1013, the standing to bring an action to interpret or enforce terms of a conservation easement. If the county has the right to bring suit to enforce an easement, even one involving a private property owner and the Commonwealth, I believe it certainly has the right and in fact the duty to interpret the easement in the context of an application for a special use permit given its relevance to the property and affected neighboring lands.

Given this right, I think the clear and obvious interpretation of the Deed of Gift of Easement is that commercial activities are prohibited with the specified limited exceptions, which do not include commercial dog kennels. The exception for equine activities in Section 7 of the Easement makes it plain that VOF and the Easement Grantor were well aware how to distinguish between equine and canine animals. Dogs are not agricultural animals. They are defined by Virginia as a companion animals. Further, it is not the use of kennels in an agricultural area generally that is the problem, it is the commercial activity and its intensity as proposed for this particular parcel under easement that is inappropriate when evaluated in the context of a special use permit application.

Throughout the County's Comprehensive plan, references are made to the preservation of natural resources and open space. While a kennel, even a commercial kennel, may be properly located in an agricultural district in Clarke County, the commercial uses proposed by the Applicant on this parcel under this specific easement designed to protect the property from such uses is inappropriate and needs to be denied. If we failed to take this easement into account, we would not only do great injury to the neighboring lands, but we would undermine the use of easements by our citizens in the future. I believe a failure to honor and support this easement would be a serious threat to the underlying principles adopted, as our comprehensive plan and the language of the easement itself state, " ... to facilitate the donation of open-space and conservation easements on land that .... is identified as having important, scenic, historic, open-space, conservation, agricultural or wildlife habitat

qualities." For the Virginia Outdoor Foundation to focus on the size of the sign used at this property and not the proposed commercial use of this property is an abdication of responsibility and serious breach of duty to Clarke County and its citizens. We should not and cannot be so short-sighted. We too have the right to consider the easement in the context of the evaluation of the specific application for this special use permit, and that evaluation leads me to conclude the application should be denied.

Turning to the Ordinance and the other criteria by which we are required to evaluate a Special Use Permit Application, it has been challenging to evaluate the application because, chameleon-like, it has changed over time as the Applicant has attempted to accommodate the concerns that have been raised without actually providing specifics or a detailed proposal, despite requests, that would address and mitigate the conditions created by the application as modified over the many months since originally submitted.

For example, the Applicant has been asked to describe in detail the cover to be used for the outdoor runs, and to identify the size of the tanks proposed to be used for the wastewater from the facility. No clear response has been provided. When the intensity of use of the small private lane was questioned, the Applicant produced a drawing with an entirely new entrance sketching in a road over a wetland area and stream that closely followed the boundary of another neighboring property. Which road is intended for use and how the alternate road would be designed remains unknown. I do not believe the County is under the obligation to contort itself to find a way to solve all of the problems raised by this proposal, nor do I think it is the County's responsibility to design the project in a manner that mitigates the legitimate concerns that have been raised. The proposed inadequate road access cannot accommodate traffic usage and will result in unsafe conditions. The alternate road, not fully described or designed, would clearly have the potential for an undue adverse effect on wildlife and plant habitat as it traversed a wet land area and stream.

Fundamentally, as many have noted, the challenge this proposal brings is all about intensity. A 40-dog facility perched on a hill with multiple fences and its visual impact upon the landscape is clearly detrimental to the area. The private road is minimally improved and no provision has been made for improvement. It was constructed for residential use, but it is now to be used for commercial purposes by customers and employees of the business, along with the trucks for hauling waste. Further, the noise associated with outdoor dog training and exercise as well as the inherent sounds associated with the business traffic are but a few of the impacts which simply cannot be mitigated by the conditions under consideration.

Also significantly, the potential cost to the county for treating waste water dramatically exceeds the cost and allotment associated with providing similar service for an individual home. Consequently, the proposal will have an undue impact on both short-term and long-term fiscal resources of the County.

Whether there is a negative financial impact on neighboring properties is debatable, but a real concern as well.

Much as I would like to be able to find the Applicant's proposal acceptable, when viewed against the criteria set forth in the ordinance and in particular considering the fact that the property is under conservation easement, I am unable to vote in favor of the Special Use Permit, even with the conditions which have so laboriously been crafted in an attempt to fit this square peg in a round hole.

I want to point out that the question came up there was no second to the motion and this because our rules allow us to have one person make a motion. So, the motion is legitimately before the Board at this time. I would also that I believe that the Applicant has had many opportunities to speak to these issues. She's acknowledged having access to this material on Friday; and while I don't think it would have been unreasonable to give additional time to respond, her comments indicated that she did not believe, at least her initial comments indicated that she did not believe that such a proposed limitation or series of limitations would be acceptable.

Is there any further discussion?

Vice Chairman Weiss: I would just offer that I think we made those 22 conditions in good faith. We believed that those would mitigate the problems of this application. I would have support that application but I won't support the initial application.

Chairman Hobert: Further discussion? **All those in favor of the motion to deny special use permit as further delineated in the March 18<sup>th</sup> meeting please signify by saying aye.**

**The motion was adopted unanimously by the following vote:**

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye
David S. Weiss	- Aye

Supervisor McKay: **Special Use Permit Application SUP 13-02 having been denied by the Board, I move that the Board deny Site Plan Application SP 13-08.**

Chairman Hobert: Discussion? Hearing no discussion, **all those in favor of denying the Site Plan application please signify by saying aye. Opposed?**

**The motion was adopted unanimously by the following vote:**

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye

David S. Weiss - Aye

Chairman Hobert: We will take a five-minute recess.

8) Approval of Minutes

**Supervisor Byrd moved to approve the minutes for:**

- **March 10, 2014 FY2015 Budget Work Session as modified indicating Vice Chairman Weiss as present.**
- **March 18, 2014 Regular Meeting as presented**

**The motion carried by the following vote:**

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye
David S. Weiss	- Aye

9) Consent Agenda

**A. SYIP FY2015-2020 Primary Highway Priorities - Commonwealth Transportation Board**

*April 15, 2014 - REVISED SUBMISSION*

*Programming Director  
Virginia Department of Transportation  
1401 East Broad Street  
Richmond, VA 22207*

*The Clarke County Board of Supervisors has reviewed its priorities for primary road improvements in the County and requests the Commonwealth Transportation Board (CTB) to allocate available funds accordingly. The following list of projects has been presented to the CTB over the past several years and we request that you continue to consider them for funding in your current deliberations on the Statewide Six Year Improvement Program.*

- **Intersection of US Route 340 (Lord Fairfax Highway) and US Routes 50/17 (John Mosby Highway) at Waterloo.** *This project was first added to our priorities list in 1992. Partial funding for engineering design was approved (UPC 54384) and we ask for full funding to complete the design phase of the project. This intersection serves as a major commercial growth area for the County and additional safety and capacity improvements are necessary to facilitate economic development. Having a complete, VDOT-approved engineering plan in place for this intersection would enable us to better negotiate*



developer-funded improvements via proffer or in conjunction with a traffic impact analysis as new development occurs.

- **Route 7 (Harry Byrd Highway) and Route 612 (Shepherds Mill Road) intersection, 3 miles east of Berryville.** This intersection experiences high traffic volumes as a commuter route and has serious safety issues due to insufficient sight distance and substandard turn lanes.
- **Intersection of US Route 340/277 (Lord Fairfax Highway) and US Route 522 (Stonewall Jackson Highway) at Double Tollgate.** This project was first added to our priorities list in 1997. This dangerous intersection experienced an over 30% increase in traffic since 2001 and has insufficient turn lanes and through lane capacity. We are asking for funding to complete the design phase of this project both to correct existing safety issues and to expand capacity to support future development. This intersection serves as a deferred growth area contingent upon future completion of infrastructure improvements including transportation. Having a complete, VDOT-approved engineering plan in place would help us to facilitate economic development at this intersection and would also enable us to better negotiate developer-funded improvements via proffer or in conjunction with a traffic impact analysis as new development occurs.
- **Route 7 Business (West Main Street) on the west side of Berryville (approximately 1.2 miles of primary highway).** This project was first added to our priorities list in 1992. This section of Route 7 Business serves four public schools, the County's Parks and Recreation Facility, and the Ruritan Fairgrounds. The current two-lane section should be upgraded to three lanes with turn lanes, drainage, and safety improvements at major intersections, and sidewalks and bike lanes/trails should be added to facilitate pedestrian and bicycle traffic.
- **US Route 340 (Greenway Avenue) Drainage Issues in the Town of Boyce.** This project was first added to our priorities list in 2003. The project is necessary in order to replace existing drainage swales that are insufficient to handle runoff from US Route 340 and cause frequent flooding on nearby properties.
- **Route 7 Business (East Main Street) on the east side of Berryville (approximately 0.94 miles of primary highway).** This project has been on our list of priorities since 1995. The roadway serves as a major route for truck traffic to several industrial businesses on the east side of town including the County's industrial park and a major (800 employees) publishing company. The current two-lane section should be upgraded to three lanes with turn lanes, sidewalks, drainage, and safety improvements at major intersections.
- **Park and Ride Lot, Route 7 (Harry Byrd Highway) near intersection of Route 7 Business one mile west of Berryville.** Commuter traffic has increased more than 50% along this route since 2001. Alternatives to single-occupancy vehicle commuters must be developed and a park and ride lot at this location would help to reduce commuter congestion on Route 7.

The above projects are prioritized in our County's recently adopted 2013 Comprehensive Plan and 2013 Transportation Plan. We have enclosed a copy of the 2013 Transportation Plan

containing detailed project descriptions and planning-level cost estimates for your reference. Please note that our 2013 Comprehensive and Transportation Plans were approved by VDOT staff on October 9, 2013 as being in full compliance with Chapter 729 of the 2012 Acts of Assembly.

We realize that the Commonwealth's transportation improvements are being made within severe financial limitations but we also feel strongly that these projects are of significant benefit to the Commonwealth as well as Clarke County. We also want to emphasize that County has been extremely judicious with our local six year plan funding provided by the Commonwealth. In recent years, we have focused our limited dollars on needed safety improvements such as installation of a turn lane at US Route 340 and Route 657 (Senseny Road) to remedy a dangerous intersection and to improve substandard gravel state-maintained roads through Pave-in-Place and Rural Rustic programs. Unfortunately, the projected \$217,000 allocation of local six year funds and \$579,000 for unpaved roads for FY2014-2019 will be insufficient to cover our upcoming secondary road needs. Inflexible rules regarding the use of different "pools" of State and Federal funds also prevent us from applying these monies to any of our project priorities listed above.

We welcome the opportunity to work with VDOT, the CTB, and our state legislators to identify new sources of transportation funds and to diversify existing funding sources to better meet the needs of rural jurisdictions like Clarke County.

Regards,  
Michael Hobert, Chairman

Cc: F. Dixon Whitworth, CTB Member (Staunton District)  
Senator Jill Vogel  
Delegate Dave LaRock  
Delegate J. Randy Minchew

Attachment: 2013 Clarke County Transportation Plan

**B. Cooperative Extension Centennial Celebration Week Resolution Recognizing May 4-10, 2014 as National Cooperative Extension Centennial Celebration Week 2014-05R**

**Cooperative Extension Centennial Celebration Week Resolution Recognizing May 4-10, 2014 as National Cooperative Extension Centennial Celebration Week 2014-05R**

**WHEREAS**, Virginia Cooperative Extension of Clarke County is part of the nationwide Cooperative Extension System that is a partnership of federal, state and local governments and Virginia Tech and Virginia State University, the state's land-grant universities; and

**WHEREAS**, The Smith-Lever Act of 1914 established the Cooperative Extension Service, utilizing faculty serving as Extension Agents, who along with local staff and community-based resources, extend University research and knowledge to local communities; and

**WHEREAS**, Virginia Cooperative Extension provides wide-ranging educational programs and information in the areas of agriculture, natural resources, family and consumer sciences, 4-H youth development, food, nutrition and health, along with related areas of economic and workforce development across Virginia; and

**WHEREAS**, Virginia Cooperative Extension programs in Family and Consumer Sciences; Agriculture and Natural Resources; 4-H Youth Development, and Community Viability benefit families, schools and businesses in Clarke County;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Clarke County that May 4-10, 2014 be designated as National Cooperative Extension Centennial Celebration Week and that we encourage county residents to take advantage of the programs and educational opportunities that Virginia Cooperative Extension offers to the community.

Attest: April 15, 2014

\_\_\_\_\_  
J. Michael Hobert, Chair Board of Supervisors

**Vice Chairman Weiss moved to adopt the items on the Consent Agenda as modified. The motion carried as follows:**

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye
David S. Weiss	- Aye

10) Personnel Committee Items

A. Closed Session re: §2.2-3711-A1 Specific individual under consideration for appointments and positions.

04/07/2014 Summary: **Supervisor McKay moved to convene into Closed Session pursuant to §2.2-3711-A1. The motion carried as follows:**

Beverly B. McKay	- Aye
J. Michael Hobert	- Aye

The members of the Board of Supervisors Personnel Committee being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, **Supervisor McKay moved to reconvene in open session. The motion carried as follows:**

Beverly B. McKay	- Aye
J. Michael Hobert	- Aye

**Supervisor McKay further moved to execute the following Certification of Closed Session:**

**CERTIFICATION OF CLOSED SESSION**

WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, Personnel Committee has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia Personnel Committee that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, Personnel Committee hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of the County of Clarke, Virginia.

The motion was approved by the following roll-call vote:

Beverley B. McKay	- Aye
J. Michael Hobert	- Aye

The Personnel Committee took no action on items discussed in Closed Session.

**B. Expiration of Term for appointments expiring through June 2014.**

04/07/2014 Summary: Following Closed Session, the Personnel Committee made the recommends appointment of:

Upon the unanimous recommendation of the Clarke County Planning Commission, the Personnel Committee recommends the re-appointment of Doug Kruhm to serve a one-year term on the Clarke County Historic Preservation Commission for a term expiring April 30, 2015.

Kevin Dunbar to serve a four-year term on the Clarke County Library Advisory Council for a term expiring April 15, 2018. Mr. Dunbar assumes the seat held by Joyce Badanes from September 2008 to April 2014.

The Personnel Committee members also acknowledged the reported resignation of Carol Myers from the Clarke County Library Advisory Council and awaiting recommendations from that Council.

04/15/2014 Summary: **Supervisor McKay moved to approve the appointments as presented. The motion carried by the following vote:**

Barbara J. Byrd	-	Aye
J. Michael Hobert	-	Aye
Beverly B. McKay	-	Aye
John R. Staelin	-	Aye
David S. Weiss	-	Aye

C. Clarke County General Government Pay and Classification Study and Personnel Policy Update by David Ash

04/07/2014: The Committee was revised that Springsted had added additional jurisdictions to the Pay and Classification Study and that these jurisdictions were to coincide with the those included in the Clarke County Public Schools study. Position Analysis Questionnaires for clerical staff have been solicited. The Committee requested a formal update on the status of both projects at the May 20, 2014 Regular Meeting.

04/15/2014: Springsted took the suggestions of counties being used by the Schools and will provide analysis of impact on the scale by incorporating these jurisdictions. At Springsted's request, Position Analysis Questionnaires for all clerical positions were completed.

11) Board of Supervisors Work Session

A. Closed Session with Robert Mitchell pursuant to §2.2-3711-A7

04/07/2014 Summary: **Supervisor Staelin moved to convene into Closed Session pursuant to §2.2-3711-A7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. The motion carried as follows:**

Barbara J. Byrd	-	Aye
J. Michael Hobert	-	Aye
Beverly B. McKay	-	Aye
John R. Staelin	-	Aye
David S. Weiss	-	Aye

The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, **Vice Chairman Weiss moved to reconvene in open session. The motion carried as follows:**

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye
David S. Weiss	- Aye

**Vice Chairman Weiss further moved to execute the following Certification of Closed Session:**

**CERTIFICATION OF CLOSED SESSION**

WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of the County of Clarke, Virginia.

The motion was approved by the following roll-call vote:

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye
David S. Weiss	- Aye

No action was taken on matters discussed in Closed Session.

**B. Draft 2014 Town of Berryville & Clarke County Bicycle and Pedestrian Plan**

04/07/2014 Summary: Tyler Klein from NSVRC discussed the draft plan. Mr. Klein explained that the purpose of the plan was to identify current bike routes and various ways in which those routes could be interconnected and/or improved to better manage the competing needs and desires of bicyclists and vehicular traffic.

Mr. Klein noted that there would be a number of public hearings on the plan at different locations throughout the region and a revised draft document would be returned to the Board for consideration.

C. Stormwater Management Program Update by Brandon Stidham

04/07/2014 Summary: Brandon Stidham presented a review of the Stormwater Management Program progress pointing out recent legislation requiring the County to complete changes to the stormwater plan no later than July 1 if the County desires to self-manage the program. Mr. Stidham recommends the County opt to manage its own stormwater management program and will work to ensure the Board has the required ordinance and manual changes in place prior to July 1.

D. Budget Impasse Resolution by J. Michael Hobert

04/07/2014 Summary: Following discussion, Supervisor Staelin moved to adopt Resolution 2014-04R and to authorize the Chair to execute transmit letters to legislators. The motion carried by the following vote:

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye
David S. Weiss	- Aye

E. White Post Dairy Update by Alison Teetor

04/07/2014 Summary: Following review, **Supervisor Staelin moved that staff prepare letter to DEQ and to area legislators expressing dissatisfaction in the manner in which DEQ is enforcing the consent agreements in place. The motion carried as follows:**

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye
David S. Weiss	- Aye

04/15/2014 Action: **Supervisor Staelin moved to authorize the Chair to execute the letters to legislators drafted by Alison Teetor. The motion carried by the following vote:**

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye
David S. Weiss	- Aye

F. Fire and EMS – Implementation of Workgroup Recommendations Update by David Ash and Brandon Stidham

04/07/2014 Summary: Due to time constraints, discussion on the item was moved to the Regular Meeting.

04/15/2014 Action: Highlights of update by Brandon Stidham include:

- *Job Description:*
  - o Add battalion chiefs;
  - o Change to a lower EMT certification;
  - o Add language indicating work with volunteer groups and leadership.

**Vice Chairman Weiss moved to approve the job description as modified. The motion carried by the following vote:**

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye
David S. Weiss	- Aye

- Commission
  - o Accept suggestion of Chief Burns to include fire chiefs as non-voting support members.
  - o Verify work group's recommendation for Commission membership.
- Fee for Service
  - o Working with Mike Legge to draft RFP.
- Fire and EMS Director Position:
  - o Part-time position.
  - o By consensus, the Board authorized David Ash and Brandon Stidham to advertise the position.
  - o Identify members of the commission to have in place to conduct interviews.



- Jason Burns indicated that it would not be an issue to have the Association act at its April meeting to select members.
- The final group will be selected at the May meeting.

G. Identify CCPS Discussion Issues

04/07/2014: Mike Murphy advised via email on March 24 that for the April 15 meeting the School Board [Chip Schutte scheduled] would like to provide an update on the Superintendent search.

04/07/2014 Summary: The Supervisors confirmed inclusion on the April 15 Regular Meeting agenda of update by the Clarke County School Board on its Superintendent search.

The Personnel Committee requested updates on the Pay and Classification Studies from the Clarke County School Board and the General Government at the May 20 Regular Meeting.

12) Finance Committee Items

1. Clarke County Sanitary Authority Sewer Fund projection.

04/07/2014 Action: Mike Legge will be on hand to describe the actions the CCSA has taken to minimize this deficit.

04/15/2014 Action: Tom Judge reviewed the projected income summary advising that there would be a funding shortfall requiring additional subsidy. The Finance Committee reviewed but made no recommendation.

Supervisor Staelin informed the Board that the Sanitary Authority would like David Ash to set up a meeting between them and the Regional Landfill discuss ways to reduce operating costs.

2. FY2014 Supplemental Appropriation.

04/07/2014 Summary: The Finance Committee recommends approval of "Be it resolved that Conservation Easement Fund budgeted expenditures and appropriations be increased \$69,600, that \$34,800 in Commonwealth revenue from VDACS be recognized, and that local tax funding of \$34,800 be recognized from the existing balance of the Fund, all for the purchase of the Bailey conservation easement."

04/15/2014 Action: **Supervisor Staelin moved to adopt the Finance Committee recommendation. The motion carried by the following vote:**

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye
David S. Weiss	- Aye

3. Park Van Donation.

04/07/2014 Action: The Finance Committee recommends approval of "Be it resolved that the 15 passenger van formerly used by Parks and Recreation, and valued at \$1,000, be donated to Cooperative Extension agency, and that Joint Administrative Services be directed to process no payments for operating costs (fuel, repairs, insurance, etc.) related to the future operation of this vehicle. "

04/15/2014 Action: **Vice Chairman Weiss moved to approve the Finance Committee recommendation. The motion carried by the following vote:**

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye
David S. Weiss	- Aye

4. FY2015 Budget Deliberations

04/07/2014 Summary: The Committee discussed various scenarios for the timing of the final adoption of local budget in light of the uncertain timing of the Commonwealth budget.

04/15/2014 Action: Tom Judge indicated that it did appear that the impasse could go on for some time and suggested that the Board adopt the local budget on schedule.

5. Acceptance of Bills and Claims

04/07/2014 Summary: The Finance Committee recommends acceptance.

04/15/2014 Action: **Vice Chairman Weiss moved to accept the March bills and claims. The motion carried by the following vote:**

Barbara J. Byrd - Aye  
J. Michael Hobert - Aye  
Beverly B. McKay - Aye  
John R. Staelin - Aye  
David S. Weiss - Aye

6. Standing Reports

FY2014 General Fund Balance, Reconciliation of Appropriations; General Government Expenditure Summary, Conservation Easement Authority General Government Capital Projects

13) Joint Administrative Services Board Update

Tom Judge summarized the items of interest under review by the Joint Administrative Services Board.

- Met March 24 to discuss contract issues.
- Meets April 16 for further discussion.
- Anticipate ERP review at the Supervisors' June meeting.
- Discussed benchmarks for pay and classification studies.

14) Government Projects Update

David Ash provided the monthly project update. Highlights include:

- 100 Church Street – Sheriff's Office
  - o Architect did provide target numbers but they have not been reviewed by the Maintenance Director.
  - o Additional project funding may be necessary.
- 101 Chalmers Court – HVAC Retrofit
  - o Contract has everything necessary to commence work in the Meeting Room Wing. It may be necessary to adjustment to meeting room facilities for May.
  - o The engineer is working on plotting all the temperature and humidity points.

15) Miscellaneous Items

Secondary Six-Year Plan 2014/2015 – 2019/2020

David Ash advised that VDOT needs to move quickly on the annual six-year plan and has asked to work with one to two Board members to draft the current year plan in an effort to facilitate public hearing at May 2015 Board meeting.

Supervisor McKay clarified that there would be less money this year than last.

Chairman Hobert put forth that nothing on the plan had really changed.

By consensus, the Board agreed to authorize David Ash to work with VDOT on plan review and setting the matter for public hearing at the May 20, 2014 Regular Meeting.

#### 16) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Provide presentation and report to the Board.	CCPS; Brad Draeger
2.	Provide notice of conditional approval for Full Moon Field Festival to applicant, adjoining property owners and applicable agencies.	Lora Walburn
3.	Provide applicant notice of denial for SUP-13-02 / SP-13-08.	Brandon Stidham
4.	Modify and process approved minutes.	Lora B. Walburn
5.	Process approved SYIP FY2015-2020 letter to VDOT.	Lora B. Walburn
6.	Process approved 2014-05R.	Lora B. Walburn
7.	Update database and draft letters of appointment.	Lora B. Walburn
8.	Execute letters of appointment.	J. Michael Hobert
9.	Process letters to DEQ and legislators re White Post Dairy.	Lora B. Walburn
10.	Modify Fire & EMS Director Job Description.	Brandon Stidham
11.	Verify work group's recommendation for Commission membership.	Brandon Stidham
12.	Set up meeting between CCSA and the Regional Landfill to discuss ways to reduce operating costs.	David Ash
13.	Work with VDOT on SSYP.	David Ash
14.	Draft and publish SSYP public hearing notice.	Lora B. Walburn

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
15.	Schedule Access Independence presentation to the Board.	David Ash

17) Board Member Committee Status Reports

Supervisor McKay:

- NSVRC: Meeting is tomorrow.
- Building and Grounds: Will be attending his first meeting tomorrow.
- Access Independence
  - Presented proclamation this week.
  - Would like to make a presentation to the Board;
  - Director was very complimentary about access in Chet Hobert Park.

Supervisor Staelin:

- CCSA: Is looking for water leaks.
- Economic Development: Went to Town Council yesterday to ask about joining forces on economic development.
  - Need to draft a memorandum of understanding;
  - Would like to coordinate budgets and staff;
  - Set up oversight committee.
  - Town Council seemed to be amenable.
- EDAC: Meets tomorrow.

Supervisor Barbara Byrd:

- Jail Board: Meets Thursday.
- Social Services: Board not happy with the budget
- Town of Berryville:
  - Barns of Rose Hill:
  - Seeking funding from the Town.
  - Want to set up an endowment fund.
  - Diana Kincannon has returned to the organization.

- Chairman Hobert was approached last week for funding. He advised them that the funding cycle was such that it would be better for them to come to the County in January of the year to be included in the budget process.

18) Closed Session

None conducted.

19) Adjournment

There being no further business to be brought before the Board at 4:59 pm Chairman Hobert adjourned the Board of Supervisors meeting.

Next Regular Meeting Date

Chairman Hobert reminded that there was a FY2015 Budget Work Session scheduled for 6:30 pm, Wednesday, April 16, 2014 in the Berryville Clarke County Government Center, Meeting Room AB, 101 Chalmers Court, Berryville, Virginia.

The next regular meeting of the Board of Supervisors is set for Tuesday May 20, 2014 at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: April 15, 2014

\_\_\_\_\_  
J. Michael Hobert, Chair

\_\_\_\_\_  
David L. Ash, County Administrator

\_\_\_\_\_  
Minutes Recorded and Transcribed by:  
Lora B. Walburn  
Deputy Clerk, Board of Supervisors