

March 21, 2017

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, 2nd Floor, Berryville, Virginia conducted on Tuesday, March 21, 2017.

Board Members

Present: Afternoon and Evening Session Mary L.C. Daniel – Berryville District; David S. Weiss - Buckmarsh / Blue Ridge District; Terri T. Catlett - Millwood / Pine Grove District; Barbara J. Byrd – Russell District; Bev B. McKay – White Post District; Absent: None

County Staff Present

David Ash, Tom Judge, Brian Lichty, Brandon Stidham, Alison Teetor, Lora Walburn

Constitutional / State Offices

Pam Hess, Anthony “Tony” Roper, Travis Sumption

Press

Cathy Kuehner - The Winchester Star

Others Present

Ed Carter, Keith Dalton, A.R. “Pete” Dunning, Bill Howard, George Ohrstrom II, Karen Anderson, Wayne Webb, and other citizens

1) Call to Order

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

2) Adoption of Agenda

– Miscellaneous: Tax Relief for the Elderly by Supervisor Byrd

Supervisor Catlett moved to adopt the agenda as amended. The motion carried by the following vote:

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Absent
David S. Weiss	- Aye

3) Citizens Comment Period

No persons addressed the Board.

4) VDOT Update

Ed Carter, Assistant Residency Administrator, with Charlie Monroe and Clif Balderson, appeared before the Board to provide the monthly update.

Maintenance

- Performed pipe replacements on routes 604 and 621;
- Plan to continue with pipe replacement on Rt. 620;
- Completed Boom Axing slopes on Rt.50 and will continue with slopes on Rt. 340;
- Repaired potholes on routes 604, 621, 638, 690 and 255;
- Will be using paver to patch along Rt. 340 and regular patching operations on various other secondary's;
- Performed ditching operations on routes 622, 626 and 628;
- Removed downed trees and debris from recent wind event and danger trees along Rt. 601;
- Will be continuing with this effort along Rt. 50;
- Will conduct grading and stone application operations on all non-hard surfaced routes throughout the County;
- Performed litter removal on all primary's and high volume secondary's;
- Mobilized and responded to first major snow event.

At 1:05 pm, Vice Chair McKay joined the meeting.

Board Issues

- Millwood Bridge: Engineer reviewing today.
- Route 640: Will address citizen concerns while conducting shoulder work.
- Brucetown Bridge: Mr. Carter will check the status and report not back.
- Wadesville Area Stuffed Culvert: VDOT addressed.
- Route 612 Trash Collection: Charlie Monroe coordinated this effort.
- Curve: Traffic engineers reviewing.

5) Stream Grants Review by Alison Teetor

Alison Teetor presented an update to the Board on the Spout Run Project. A copy of her presentation is included in the March 2017 meeting material. At the conclusion of her presentation, Ms. Teetor directed citizens and Supervisors to <http://www.spoutrun.org> for more information.

Supervisor Daniel noted that \$70,000 of the grant funding was returned due to lack of landowner participation. Ms. Teetor explained some of the requirements for grant recipients including a ten-year commitment to maintain the stream.

Chairman Weiss thanked Ms. Teetor and the agencies cooperating in this effort including Trout Unlimited, Soil and Water Conservation District, Friends of the Shenandoah River, Piedmont Environmental Council, The Downstream Project, Natural Resource Conservation Service and Powhatan School.

Wayne Webb, Friends of the Shenandoah River, stated that the many years of effort on the Spout Run project were paying off with the stream showing no increase in nitrates.

Bill Howard, Downstream Project, thanked Alison Teetor for coordinating the project.

George Ohrstrom, II, Downstream Project, noted that the current federal budget proposes eliminating funding for of the Chesapeake Bay project, as well as other small water projects. He urged persons in attendance to contact their legislators to oppose the proposed decrease.

6) Drought Update by Alison Teetor

Alison Teetor presented an update to the Board on the real-time monitoring network and potential for drought in 2017.

7) Approval of Minutes

Vice Chair McKay moved to approve the minutes for:

- **February 21, 2017 BoS Regular Meeting as modified:**
 - o **Page 934 Change Supervisory Byrd provided comment to David Ash to read, “Supervisor Byrd would like staff to work on making the economic development goals a little less wordy and more specific.”**
 - o **Page 940 Change from \$520,000 to \$525,000**
 - o **Page 941 Correct misspelling conducting to conducting.**
- **March 6, 2017 BoS FY2018 Budget Work Session as presented:**

The motion carried by the following vote:

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

8) Consent Agenda

A. 2017-02R Resolution of Recognition and Appreciation of Suzanne Lore Mackall Commonwealth’s Attorney for Clarke County 1998 to 2017

**Resolution of Recognition and Appreciation of
Suzanne Lore Mackall
Commonwealth’s Attorney for Clarke County
1998 to 2017**

WHEREAS, Suzanne Lore “Suni” Mackall was appointed and sworn as Commonwealth’s Attorney for Clarke County on April 22, 1998; and,

WHEREAS, she was first elected in a special election in November, 1998 wherein she ran unopposed, and she was subsequently re-elected without opposition for the next five election cycles and served until her retirement on April 1, 2017; and,

WHEREAS, during her tenure, and in order to best serve the interests of the citizens of Clarke County, she has overseen the expansion of the Commonwealth’s Attorney’s Office to include a full time Assistant



Commonwealth’s Attorney, additional support staff and the institution of the Victim Witness Program; and,

WHEREAS, during her tenure, the Office of the Commonwealth’s Attorney has participated in the Multi-jurisdictional Grand Jury, V-STOP Program and the institution of the Drug Court; and,

WHEREAS, as a highly accomplished athlete herself, she has been a strong advocate for the inclusion of a physical fitness component in the rehabilitation of offenders; and,

WHEREAS, during her tenure, she has successfully prosecuted over fourteen murder cases (including capital murder and first-degree murder cases), violent felonies, lesser felonies, misdemeanors and traffic offenses with passion for the law, truth and justice yet tempered with unwavering compassion for victims and concern for the safety of the citizens of Clarke County.

NOW, THEREFORE, BE IT RESOLVED by the Clarke County Board of Supervisors that SUZANNE LORE MACKALL be recognized and congratulated for her service and that her dedication for the safety and wellbeing for all citizens of Clarke County be hereby memorialized as a token of the respect and high esteem in which she is held.

APPROVED AND ORDERED ENTERED in the official records by the unanimous vote of the members of the Clarke County Board of Supervisors assembled on the 21st day of March, 2017.

ATTEST 2017-02R

David S. Weiss, Chair

Supervisor Catlett moved to approve the item on the Consent Agenda as presented. The motion carried by the following vote:

- | | |
|------------------|-------|
| Barbara J. Byrd | - Aye |
| Terri T. Catlett | - Aye |
| Mary L.C. Daniel | - Aye |
| Beverly B. McKay | - Aye |
| David S. Weiss | - Aye |

9) Board of Supervisors Personnel Item

A. Expiration of Term for appointments expiring through April 2017

03/13/2017 Summary: The Personnel Committee recommends appointment:

- Clifford Nelson to the Clarke County Planning Commission to an additional four-year term expiring April 30, 2021.
- Anne Caldwell to the Clarke County Planning Commission to an additional four-year term expiring April 30, 2021.

03/21/2017 Action: Supervisor Daniel moved to approve the appointments as recommended by the Personnel Committee. The motion carried by the following vote:

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

B. Personnel Policy Update

03/13/2017 Summary: The Personnel Committee reviewed the current draft.

03/21/2017 Action: David Ash advised that following discussion, the Personnel Committee instructed staff to solicit input from Constitutional Officers.

10) Board of Supervisors Work Session

A. Review Personnel Policy – Draft Dated 02/28/2017

03/13/2017 Summary: Following review, the Supervisors referred the matter to the Finance Committee.

03/21/2017 Action: Chairman Weiss assured that review efforts would continue.

B. FY2018 Budget with Tom Judge

03/13/2017 Summary: Following review, **Supervisor Daniel moved to authorize Tom Judge to advertise the FY2018 Budget and FY2017 Tax Rate for public hearing on Tuesday, April 4, 2017, at 7:30 pm. The motion carried as follows:**

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

03/21/2017 Action: Chairman Weiss summarized action taken at the March 13 Budget Work Session. He stated that the Finance Committee worked through all funding requests and were able to recommend a budget that reduced the tax rate by one cent and met the County needs including a 3 percent salary increase for County employees and \$376,000 capital project for communications.

11) Finance Committee

1. FY2017 Supplemental Appropriations

a. *Sheriffs Grant*

03/13/2017 Summary: The Finance Committee recommends, *"Be it resolved that FY2017 budgeted expenditure and appropriations for the Fire and EMS Department be increased \$7,500, that \$7,500 revenue from the Commonwealth be recognized, and that budgeted information technology budget and appropriations in the amount of \$7,500 be transferred to Fire and Emergency Medical Services, all for the purpose of purchasing equipment related to Emergency Management."*

03/21/2017 Action: Tom Judge reviewed the request asking to amend the proposed resolution from information technology to general government budget.

Vice Chair McKay moved to adopt the resolution as modified. The motion carried by the following vote:

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

b. *Historic Resources Grant*

03/13/2017 Summary: The Finance Committee recommends, *"Be it resolved that the Historic Preservation Commission budgeted expenditure and appropriation be increased \$9,500 and that revenue from the Commonwealth be recognized in the same amount, all for the purpose outlining a book regarding the architectural history of Clarke County."*

03/21/2017 Action: Tom Judge reviewed the request.

Supervisor Byrd moved to adopt the resolution as recommended. The motion carried by the following vote:

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Abstain
David S. Weiss	- Aye

c. *Clerk of the Circuit Court.*

03/13/2017 Summary: The Finance Committee recommends, *"Be it resolved that \$3,050 in budgeted expenditure be transferred from the minor capital contingency of the General Fund, to the Clerk of the Circuit Court for the replacement of a copier."*

03/21/2017 Action: Tom Judge reviewed the request.

Vice Chair McKay moved "Be it resolved that \$3,050 in budgeted expenditure be transferred from the minor capital contingency of the General Fund, to the Clerk of the Circuit Court for the replacement of a copier." The motion carried by the following vote:

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

2. Emergency Vehicle Fund Balance Designation

03/13/2017 Summary: The Finance Committee recommends, *"Be it resolved that a General Fund Balance Designation be made in the amount of \$30,000 and titled "Emergency Vehicles".*

03/21/2017 Action: **Vice Chair McKay moved to approve the resolution as recommended. The motion carried by the following vote:**

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

3. Health Rates

03/13/2017 Summary: Health rates for FY 18. These have been approved by Joint Administrative Services and the School Board, and are proposed for approval by the Board of Supervisors. Approval of these rates is recommended by the Finance Committee.

03/21/2017 Action: Supervisor Byrd moved to affirm approval of the FY2018 Health Benefit Rates as recommended. The motion carried by the following vote:

Barbara J. Byrd - Aye
 Terri T. Catlett - Aye
 Mary L.C. Daniel - Aye
 Beverly B. McKay - Aye
 David S. Weiss - Aye

FY 18 Monthly Health Benefit Rates

Effective 5/15/2017

Source: Joint Administrative Services

A. Plan Rates

	<u>Cost</u>	<u>Employer</u>	<u>Employee</u>
<u>KA 250 Plan Option</u>			
<i>Regular Full Time</i>			
Single	674.00	569.66	104.34
Dual	1,247.00	621.58	625.42
Family	1,820.00	907.28	912.72
<i>Transportation, Food Service & Other</i>			
Single	674.00	480.67	193.33
Dual	1,247.00	524.48	722.52
Family	1,820.00	765.55	1,054.45
<u>KA 500 Plan Option</u>			
<i>Regular Full Time</i>			
Single	620.00	569.66	50.34
Dual	1,147.00	621.58	525.42
Family	1,674.00	907.28	766.72
<i>Transportation, Food Service & Other</i>			
Single	620.00	480.67	139.33
Dual	1,147.00	524.48	622.52
Family	1,674.00	765.55	908.45
<u>TLC High Deductible</u>			
<i>Regular Full Time</i>			
Single	487.00	487.00	.00
Dual	901.00	553.75	347.25
Family	1,315.00	807.05	507.95
<i>Transportation, Food Service & Other</i>			
Single	487.00	410.92	76.08
Dual	901.00	467.25	433.75
Family	1,315.00	680.98	634.02

4. Acceptance of Bills and Claims

03/13/2017 Summary: The Finance Committee recommends acceptance of this report.

03/21/2017 Action: Supervisor Catlett moved to accept the February invoice history report as presented. The motion carried by the following vote:

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

5. Monthly Reports

Reconciliation of Appropriations, Fund Balance, Expenditure Summary/YTD Budget Report, Capital Projects Status

12) Joint Administrative Services Board Update

Tom Judge informed the Board that implementation of the taxation portion of Tyler's Munis software was postponed from July until December.

13) Government Projects Update

David Ash provided the monthly project update.

- Convenience Center: Board determined at the budget work session that adequate funding was available. The County Administrator will instruct the engineer to proceed with site plan submission to the Planning Commission.
- Ballfield lighting project:
 - o Light fixtures in and tested.
 - o Consulting engineer was asked to review the lighting plan and verify that the lighting is as specified.
- Courthouse: No new information. Making progress upstairs. Waiting on materials.

14) Miscellaneous Items

Tax Relief for the Elderly By Supervisor Byrd

Supervisor Byrd informed the Supervisors that she had received a call from retired constituents that were finding that with medical bills and medicines both were going to have to go back to work. The constituent, already eligible for 10% tax relief for the elderly and disabled, asked if there was any way they could get 30% tax relief. She opined that it was a shame that good citizens, hard workers, find themselves in a real financial bind. She asked for review of the County's tax relief for the elderly and disabled financial thresholds. Supervisor Byrd opined that the County's population was aging with many still living in their own homes and she wanted them to stay in their own homes.

Chairman Weiss advised that the next step was to refer the matter to the Finance Committee for regulation and financial impact review and recommendation to the Board.

By consensus, the Supervisors agreed to forward the matter to the Finance Committee.

Village of Millwood Parking Issues

Vice Chairman McKay put forth parking issues in the Village of Millwood opining that ordinance review was necessary to help alleviate the problems.

Supervisor Daniel commented that parking was addressed in the County's Village Plan currently under review by the Planning Commission.

Brandon Stidham stated that parking was a relatively recent issue. He informed the Supervisors that he was still looking at how past staff handled the businesses that are there now to identify the problem. He said that one thing that makes this a big challenge is the fact that you can't pick up an engineering manual on parking calculations and how it will work for this particular situation. He reminded that peak periods are very different for this area. Mr. Stidham concluded that he first wanted to figure out if it is addressed in current ordinances then he would like staff to provide the Board with its recommendation.

Supervisor Catlett suggested caution noting that there were limitations in this particular area.

15) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process approved minutes.	Lora B. Walburn

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
2.	Process 2017-02R.	Lora B. Walburn
3.	Update appointment database and process notice of appointment.	Lora B. Walburn
4.	Continue review on personnel policy.	David Ash
5.	Refer review of financial thresholds of tax relief for the elderly and disabled to the Finance Committee for recommendation.	David Ash
6.	Planning staff provide recommendation to Board following review of the Millwood parking issues.	Brandon Stidham
7.	Litter Committee status.	David Ash.
8.	Kohn property update.	Lisa Cooke

16) Board Member Committee Status Reports

Supervisor Barbara J. Byrd

- Berryville Town Council:
 - Approved Skyline Academy resolution.
 - Discussed safety concerns with VDOT.
 - Discussed water and sewer rates. Set aside \$20,000 for a study.
 - Discussed budget. Reduced contribution to the County for EMS from \$50,000 to \$33,000.
- Conservation Easement Authority: One purchase and one donation. Randy Buckley named 2017 Chair.
- Litter Committee: Staff will follow up on status of this external committee.
- Northern Shenandoah Substance Abuse Coalition: Did not attend.
- Social Services: Did not attend.

Supervisor Terri Catlett

- Millwood Community:
 - Annual potluck scheduled for Monday, April 16, at 6 pm.
 - Supervisor Catlett and Brandon Stidham invited to speak on the village plan.
- Parks and Recreation Advisory Board:

- Did not meet in the last month.
- Chairman Weiss requested an update on the Kohn property.
- School Board:
 - Met February 27, which was also the annual School Board appreciation night.
 - High School performing the Sound of Music this weekend.
 - Sports teams have had good success this year.
 - Berryville Primary renovation on schedule.

Vice Chair Beverly McKay

- Clarke County Sanitary Authority:
 - Discussed budget and rates.
 - Implementation of monitoring system should increase efficiencies.
 - An unknown hauler emptied a load of septage during the night.
- NSVRC:
 - Distributed monthly staff report.
 - Brandon Stidham on executive committee.
 - Moving forward nicely.
- BCCGC:
 - Employee door repaired – hinges replaced.
 - Agreed to replace the AV system in the meeting wing.
 - Agreed to proceed with joint seal for the meeting room.

Supervisor Mary L.C. Daniel

- Library Advisory Council: Did not meet.
- Planning Commission: Did not meet. Annual Report distributed with packet.

Chairman David S. Weiss

- Fire and EMS Commission:
 - Developing SOP.
 - May have someone interested in the vacancy.
- EDAC:
 - Met last Friday.

- Christie Dunkle drafted changes to the MOU. Currently, the majority of the items set forth in the original document are complete.

17) Closed Session

No Closed Session conducted.

Chairman Weiss recessed the meeting at 3:03 p.m.

Chairman Weiss reconvened the meeting at 6:33 p.m.

18) Citizen Comment Period

No persons addressed the Board.

19) PH 17-03 TA-17-01, Agricultural Business Uses

Proposed text amendment to amend §3-A-1 (Agricultural-Open Space- Conservation District – AOC), §3-A-2 (Forestal-Open Space-Conservation District – FOC), §3-A-3 (Rural Residential District – RR), §3-A-12 (Neighborhood Commercial District – CN), §3-A-13 (Highway Commercial District – CH), §3-C (Supplementary Regulations), and Article 9 (Definitions) of the Zoning Ordinance. The following amendments are proposed:

- Add “farm machinery sales and service” and “farm supplies sales” as permitted and special uses in the AOC District based on floor area limitations along with new supplementary regulations and definitions for each use.
- Amend definition of “agriculture” to more accurately reflect the County’s agricultural industry and to include “horticulture.”
- Delete definition of “horticulture” and permitted uses in the AOC, FOC, and RR Districts.
- Add “The wholesale or retail sale of agricultural products, grown or processed in conjunction with an agricultural operation, that is clearly accessory and incidental to that agricultural operation” as a new accessory use in the AOC and FOC Districts.
- Delete definition and supplementary regulations for “Processing of agricultural products not totally produced in Clarke County (excluding wineries, breweries, cideries, and distilleries)” and special uses in the AOC and FOC Districts.
- Delete “Nurseries, greenhouses (commercial)” as permitted uses in the CN and CH Districts.
- Add “Historic mill” as a new permitted use in the AOC and CN Districts along with a new definition and supplementary regulations.
- Additional changes are provided for clarity purposes.

Brandon Stidham, Director of Planning, summarized the proposed amendment. He explained that during the review process the Planning Commission addressed blacksmith / tinsmiths that could be allowable as an accessory use but are not permissible as special use. He also provided a definition of neighborhood [villages] and highway [intersections] commercial uses explaining that when initially designated the Planning Commission had taken into consideration existing businesses in these areas.

At 6:45 pm, Chairman Weiss opened the public comment portion of the public hearing. Being no persons desiring to address the matter, Chairman Weiss closed the public hearing.

Supervisor Byrd moved to adopt TA-17-01, Agricultural Business Uses as presented by Staff. The motion carried by the following vote:

- | | | |
|------------------|---|-----|
| Barbara J. Byrd | - | Aye |
| Terri T. Catlett | - | Aye |
| Mary L.C. Daniel | - | Aye |
| Beverly B. McKay | - | Aye |
| David S. Weiss | - | Aye |

Supervisor Daniel thanked Brandon Stidham for shepherding the amendment through the process.

Chairman Weiss thanked the Planning Commissioners and staff.

Ordinance Amendment Text (changes shown in bold italics with strikethroughs where necessary):

Agricultural Support Businesses

Farm Machinery Sales and Service/Farm Supplies Sales

• **District uses:**

Add the following as new permitted uses in the Agricultural-Open Space-Conservation (AOC) District (§3-A-1-a-1):

- ***Farm machinery sales and service***
- ***Farm supplies sales***

Add the following as new special uses in the Agricultural-Open Space-Conservation (AOC) District (§3-A-1-a-3):

- ***Farm machinery sales and service with floor area ~~in excess of 15,000~~ 12,000 square feet or greater.***
- ***Farm supplies sales with floor area ~~in excess of 15,000~~ 12,000 square feet or greater.***

Edit the following uses for clarity purposes:

- Farm supplies ~~and~~ sales (§3-A-12-a-3-c – Neighborhood Commercial District; §3-A-13-a-1-g – Highway Commercial District)
- **Definitions (Article 9):**
Add the following new definitions:
 - **Farm machinery sales and service** -- Buildings and land used for the onsite sale of machinery, equipment, and parts, and/or for the onsite service of machinery and equipment, manufactured primarily for use by an agricultural operation.
 - **Farm supplies sales** -- Buildings and land used for the onsite sale of supplies that are primarily produced or manufactured for use by an agricultural operation.
- **Supplementary Regulations (§3-C-2):**
Add the following new supplementary regulations:

Farm Machinery Sales and Service

The following regulations shall apply to such uses that are proposed in the Agricultural-Open Space-Conservation (AOC) District:

1. *Approval of a site development plan by the Planning Commission per Article 6 shall be required. A plan for the effective onsite containment and offsite disposal of waste fluids and other chemicals in accordance with State requirements shall be provided with the site development plan. No onsite disposal of waste fluids or chemicals shall be permitted.*
2. *The property on which a farm machinery sales and service business is located shall have frontage on a Federal primary highway (US 340, US 522, US 50/17) or four-lane divided State primary highway (VA 7) and shall have a commercial entrance approved by the Virginia Department of Transportation (VDOT).*
3. *The total floor area of the building or buildings used for farm machinery sales and service shall not exceed 11,999 square feet without an approved special use permit.*
4. *All service activities shall be conducted within an enclosed building.*
5. *No outdoor storage shall be permitted. Outdoor display of machinery shall be permitted within the building envelope and shall be designated on the site plan.*
6. *Service and repair activities shall be limited to farm machinery and equipment including but not limited to farm tractors, combines, harvesters,*

and the like. No service or repair of automobiles, heavy trucks, or other motor vehicles shall be permitted.

Farm Supplies Sales

The following regulations shall apply to such uses that are proposed in the Agricultural-Open Space-Conservation (AOC) District:

- 1. Approval of a site development plan by the Planning Commission per Article 6 shall be required. A plan for the effective onsite containment and offsite disposal of fertilizers, pesticides/herbicides, and chemicals in accordance with State requirements shall be provided with the site development plan. No onsite disposal of fertilizers, pesticides/herbicides, or chemicals shall be permitted.**
- 2. The property on which a farm supplies sales business shall have frontage on a Federal primary highway (US 340, US 522, US 50/17) or four-lane divided State primary highway (VA 7) and shall have a commercial entrance approved by the Virginia Department of Transportation (VDOT).**
- 3. The total floor area of the building or buildings used for farm supplies sales shall not exceed 11,999 square feet without an approved special use permit.**
- 4. Outdoor storage of supplies shall only be permitted within the rear yard building envelope and shall be designated on the site plan.**
- 5. Outdoor storage areas shall be secured with fencing. Outdoor display of supplies shall only be permitted in a designated area within the building envelope not to exceed 750 square feet.**
- 6. Retail sale of non-agricultural merchandise is allowed so long as sale of such merchandise is accessory and clearly incidental to the sale of farm supplies.**

Feed and Grain Mills

- **District uses:**
Add the following as a new permitted use in the Agricultural-Open Space-Conservation District (§3-A-1-a-1) and the Neighborhood Commercial District (§3-A-12-a-1):
 - ***Historic Mill***
- **Definitions (Article 9):**
Add the following new definition:

HISTORIC MILL -- One of the County's two 18th Century water mills -- Burwell-Morgan Mill (15 Tannery Lane) and Locke's Mill (1600 Locke's Mill Road) -- originally constructed for the grinding of grains.

- **Supplementary Regulations (§3-C-2):**
Add the following new supplementary regulations:

Historic Mill

1. ***Primary uses that are permitted at an historic mill include grinding of grains and historical/educational activities.***
2. ***Retail sales are permitted so long as the activity is accessory and clearly incidental to the primary uses.***
3. ***Any expansion of the existing mill footprint as of the adoption date of this ordinance, or construction of new structures or parking areas on the same parcel, shall require site development plan approval per Article 6 and compliance with Section 3-E-3, Historic Districts, if applicable.***

Retail Sales of Agricultural Products

Definition of "Agriculture"

- **Definitions (Article 9):**
 - Amend the current definition of "agriculture" as follows:
 - **~~AGRICULTURE: The use of land devoted to agricultural products and the processing of such agricultural products that are produced in Clarke County. Bio-Solids Land Application shall be considered an agricultural activity.~~**
 - ***AGRICULTURE: The use of land for (i) tilling of the soil, (ii) the growing of crops or plant growth of any kind, including fruit, flowers, and ornamental plants, (iii) pasturage, (iv) dairying, or (v) the raising of poultry and/or livestock.***
 - Delete the current definition for "horticulture":
 - **~~HORTICULTURE: The use of land devoted to the production of fruit of all kinds (including berries, grapes, and nuts), and ornamental plants and products, and vegetables.~~**

- **District uses:**
Delete the current permitted use:
 - ***Horticulture --***
 - Agricultural-Open Space-Conservation (AOC) District (§3-A-1-a-1-c)
 - Forestal-Open Space-Conservation (FOC) District (§3-A-2-a-1-c)
 - Rural Residential (RR) District (§3-A-3-a-1-b)
- **District uses:**
Add the following as a new accessory use in the Agricultural-Open Space-Conservation (AOC) District and the Forestal-Open Space-Conservation (FOC) District:
 - ***Bio-Solids Land Application, to the extent required by State law.*** (§3-A-1-a-2-g and §3-A-2-a-2-f)

Onsite Sale of Products by Farm

- **District uses:**
Add the following as a new accessory use in the Agricultural-Open Space-Conservation (AOC) District and the Forestal-Open Space-Conservation (FOC) District:
 - ***The wholesale or retail sale of agricultural products, grown or processed in conjunction with an agricultural operation, that is clearly accessory and incidental to that agricultural operation.*** (§3-A-1-a-2-f and §3-A-2-a-2-f)
- **District uses:**
Delete the current special use:
 - ~~***Processing of agricultural products not totally produced in Clarke County (excluding wineries, breweries, cideries, and distilleries) --***~~ Agricultural-Open Space-Conservation (§3-A-1-a-3-m) and Forestal-Open Space-Conservation (§3-A-2-a-3-j) Districts.
- **Supplementary Regulations (§3-C-2):**
Delete the current supplementary regulation:
 - **Processing of Agricultural Products Not Totally Produced in Clarke County (§3-C-2-z)**
 - ~~***Processing of Agricultural Products Not Totally Produced in Clarke County:***~~
 - ~~***An applicant proposing the Processing of Agricultural Products not totally produced in Clarke County shall submit a site plan, per Section 6 of this Ordinance, subject to administrative approval by the Zoning Administrator.***~~

~~**Any facilities used for such processing shall be set back at least 500 feet from incorporated town limits, the Berryville Annexation Area, the Rural Residential Zoning District, and parcels less than six acres in area.**~~

- **District uses:**

Delete the current permitted use:

- ~~**Nurseries, greenhouses (commercial)**~~ –
 - Highway Commercial (CH) District (§3-A-13-a-1-m)
 - Neighborhood Commercial (CN) District (§3-A-12-a-1-h)

- Amend the current special use to be consistent with the defined term:

- **Small Scale** Processing of Fruit and Vegetables – Forestal-Open Space-Conservation District (§3-A-2-a-3-k)

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, April 18, 2017, at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

20) Adjournment

At 6:47pm, being no further business, Chairman Weiss adjourned the meeting.

ATTEST: March 21, 2017

David S. Weiss, Chair

David L. Ash, County Administrator

Minutes recorded and transcribed by: Lora B. Walburn, Deputy Clerk to the Board of Supervisors