

**CLARKE COUNTY
PLANNING COMMISSION
Minutes
2008 July 11 – 9:00 a.m.
Board of Supervisors Meeting Room**

A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the County Circuit Courthouse, Berryville, Virginia, on Friday, July 11.

ATTENDANCE

Beverly McKay, Chair; George Ohrstrom, Vice Chair; Jay Arnold; Barbara Batterton; Anne Caldwell; A.R. Dunning, Jr.; Pat McKelvy; Cliff Nelson; Kathy Smart; Chip Steinmetz; and Bob Wade;

STAFF

Charles Johnston, Planning Director; Jesse Russell, Zoning Administrator; Alison Teetor, Natural Resource Planner; Nancy Olin, Code Enforcement; and Debbie Bean, Recording Secretary.

CALL TO ORDER

Chair McKay called the meeting to order at 9:05 a.m.

APPROVAL OF AGENDA

The Commission voted unanimously to approve the agenda

Yes: Arnold, Batterton, Caldwell (moved), McKay, McKelvy, Nelson, Ohrstrom, Smart, Steinmetz, and Wade (seconded)

No: No one

Absent: Dunning

APPROVAL OF MINUTES

The Commission voted unanimously to approve the briefing minutes of June 3.

Yes: Arnold, Batterton, Caldwell, McKay, McKelvy (moved), Nelson, Ohrstrom, Smart (seconded), Steinmetz, and Wade

No: No one

Absent: Dunning

The Commission voted unanimously to approve the regular minutes of June 6.

Yes: Arnold, Batterton (seconded), Caldwell, McKay, McKelvy, Nelson, Ohrstrom, Smart (moved), Steinmetz, and Wade

No: No one

Absent: Dunning

Commissioner Dunning entered the meeting.

SCHOOL CONSTRUCTION

The Chair asked Robina Rich Bouffault, Chair of the Clarke County School Board, to give a brief report on the progress of the High School project. Ms. Bouffault discussed materials that were given to the Planning Commission regarding the two possible sites for the proposed High School. She stated the proposed High School would be connected to the Town of Berryville water and sewer system. She stated if everything runs smoothly, the design process would start in September.

MINOR SUBDIVISION

William F. Mackintosh, Jr., requests approval for a two-lot subdivision and maximum lot size exception for Tax Map 7-((A))-5, located at 202 Rock Dale Lane, Longmarsh Magisterial District, zoned Agricultural-Open Space-Conservation (AOC). MS-08-08; BLA-08-10; MLSE-08-03

Mr. Russell explained this request. He stated that at the June 6 Planning Commission meeting, the applicant requested to postpone action on this request until the next regular meeting of the Commission on July 11. He stated that this would allow the applicant time to receive the septic data regarding the existing drain fields from the Health Department. He stated that as of today, the applicant has not received the information from the Health Department. He said the applicant is requesting an additional extension until the next regular scheduled meeting of the Commission on September 5 in order to allow time to get this information from the Health Department. After discussion with the staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to postpone action on this request until the next regular meeting on September 5.

Yes: Arnold, Batterton, Caldwell, Dunning (moved), McKay, McKelvy, Nelson, Ohrstrom, Smart (seconded), Steinmetz, and Wade

No: No one

TEXT AMENDMENT – PUBLIC HEARING

The Clarke County Planning Commission will consider the amendment of the County Zoning Ordinance:

Section 3-A-1, Agricultural-Open Space-Conservation District – AOC so as to:

- 1. delete the requirement that Tenant Houses be occupied by persons employed on site**
- 2. delete from the list of Special Uses: Labor Camps, Livestock Auction Markets, and Livestock Processing and Meat Storage Lockers, Retail Stores and Shops, and Limited Vehicular Repair, and**
- 3. change “Processing of Fruit and Vegetables” to “ Processing of Agricultural Products”;**

Section 3-A-2, Forestal-Open Space-Conservation District – FOC so as to:

- 1. delete the requirement that Tenant Houses be occupied by persons employed on site,**
- 2. delete from the list of Special Uses: Retail Stores and Shops, Sawmills, and Limited Vehicular Repair, and**
- 3. amend the list of Special Uses to change “Processing of Fruit and Vegetables” to “Processing of Agricultural Products”;**

Section 3-C, Supplementary Regulations, so as to:

- 1. establish a six-acre minimum lot size for Summer Camps and an twenty-acre minimum lot size for Special Trade Contractors;**
- 2. establish for Retail and Service Businesses a prohibition on outdoor storage and to limit the outdoor display of the business products to 25% of the square footage of the heated area of on-site building(s).**
- 3. delete the regulations for: Fairgrounds (as this use is regulated elsewhere in the ordinance), Labor Camps (as this use is to be deleted), Motor Freight Terminal (as this use is not allowed in the ordinance), and Vehicular Repair (as this use is to be deleted).**

Section 9-B, Definitions, so as to:

- 1. change “Processing of Fruit and Vegetables” to “Processing of Agricultural Products”**
- 2. change the definition of “Retail and Service Businesses” to specifically state such activities must be conducted on site, and**
- 4. add the term “Agricultural Products” with a definition derived by combining Virginia Codes §3.1-249.27, §3.1-722.1, §3.1-796.137, §13.1-313, and §15.2-4302. TA-08-04**

Mr. Johnston explained this item. He stated that Robert Mitchell, the county’s land use attorney, has reviewed this amendment and suggested a shorter definition of the term ‘Agricultural Products’. After discussion with staff and the Commission, Chair McKay asked for public comments.

There being no public comments, Chair McKay called for a motion.

The Commission voted unanimously to recommend approval of this amendment to the Clarke County Board of Supervisors with a modification to the proposed limits on outdoor storage to exempt living plant material.

Yes: Arnold, Batterton, Caldwell, Dunning (moved), McKay, McKelvy, Nelson, Ohrstrom, Smart, Steinmetz, and Wade (seconded)

No: No one

SPECIAL USE PERMIT / SITE PLAN – SET PUBLIC HEARING

The Town of Berryville requests approval of a Special Use and Site Plan for a Public Utility Facility (outfall line for treated sewage) located generally on the south side of the public right of way for Harry Byrd Highway (Virginia Route 7) from the Berryville Waste Water Treatment Plant (362 Parshall Road) to the Shenandoah River (approximately 800 feet south of the Robert W. Smalley Sr. Bridge at Castleman’s Ferry, [Route 7 bridge]), through Tax Map Parcels 15-((A))-8, 11, 13, 17C, 18, 20, 21; 15-((3))-8; 16-((A))-33, 36, 36A, 39, all located in Battletown Magisterial District, zoned Agricultural-Open-Space-Conservation (AOC). SUP-08-02 (aka SUP-04-01)

Mr. Johnston explained this item. He stated that the Town has completed most of the engineering work and would like to move forward. He stated that Keith Dalton, Berryville Town Manager, was present to answer questions.

Mr. Dalton stated the Town has not received easements from all the property owners as of this time, but the Town is negotiating with the property owners regarding these easements. He stated that the estimated cost for the outfall line and the wastewater treatment plant is approximately \$25 million. He stated that the Town hopes to be able to bid on the land for the wastewater treatment plant in early 2009.

After discussion with staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to set public hearing for this request for the next regular meeting of the Commission on September 5.

Yes: Arnold, Batterton, Caldwell, Dunning, McKay, McKelvy (seconded), Nelson, Ohrstrom, Smart (moved), Steinmetz, and Wade

No: No one

TEXT AMENDMENT – RESET PUBLIC HEARING

The Clarke County Planning Commission will consider the amendment of the County Zoning Ordinance so as to amend:

Section 9-B-165, Definition of the term: “Structure” so as to change the definition to read: “Any man-made object having an ascertainable stationary location on or in land or water, whether or not it is affixed to the ground. All buildings are structures. Structures shall include, without limitation, chimneys, cupolas, flagpoles, monuments, smokestacks, spires, and towers.”

Section 4-H-3, Height Regulations, so as to allow the height of freestanding flagpoles to exceed height limits by 50% and add flagpoles to the list of structural elements that may be added on to a structure that may exceed height limits.

Section 9-B-166, Definition of the term: “Structure, Portable” so as to change the term to “Structure, Temporary, and to change the definition of the term to read: “A structure, not permanently affixed to the ground, intended to be located on a parcel for not more than 90 days in any 12 month period of time.”

Section 4-B-4, Portable Structure, so as to change the term “portable structure” to “temporary structure” wherever it appears in this section. TA-08-03

Mr. Johnston explained this item. He stated that Robert Mitchell, the county’s land use attorney, has reviewed this text amendment. Mr. Mitchell has rewritten the definition of “structure” and recommended the term “portable structure” to “temporary structure” where it appears in the Zoning Ordinance. After discussion with staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to re-set the public hearing for this text amendment for the next regular meeting of the Planning Commission on September 5.

Yes: Arnold, Batterton, Caldwell (moved), Dunning, McKay, McKelvy, Nelson, Ohrstrom (seconded), Smart, Steinmetz, and Wade

No: No one

REPORTS

Board of Supervisors – Pete Dunning

Commissioner Dunning stated that the Board has been working on septage problems. He stated that at the Board of Supervisors meeting scheduled for July 15, the Board will be discussing the text amendment that the Planning Commission recommended to the Board to approve earlier at this meeting.

Sanitary Authority - Pete Dunning

Nothing to report.

Board of Septic & Well Appeals – Pete Dunning

Commissioner Dunning stated that the Board of Septic & Well Appeals had a meeting on July 10 regarding a variance for Tim Martin that had been continued from the May 29 meeting. He stated that

the variance was approved with conditions.

Board of Zoning Appeals – Anne Caldwell

Nothing to report.

School Construction – Cliff Nelson

Commissioner Nelson stated that the next meeting is scheduled for July 17.

Historic Preservation Commission – **Cliff Nelson**

Commissioner Nelson stated that there will be a public hearing on August 5 at 7:00 p.m. at the Blue Ridge Fire Hall for the Bears Den Rural Historic National Register District Nomination.

Conservation Easement Authority – **Pat McKelvy**

Commissioner McKelvy stated that the donor appreciation dinner was a success with about 70 people attending.

Committee – **Kathy Smart**

Commissioner Smart stated that the wind committee will be visiting a site on July 15. Commissioner Smart stated that she, Commissioner Ohrstrom, Charles Johnston, and Alison Teetor attended a conference at James Madison University regarding wind energy.

Natural Resource Activities – **Alison Teetor** –

Ms. Teetor stated she has been researching ground-source heat pump systems. She distributed a report regarding ground-source heat pump standards and regulations. Commissioner Nelson recognized Alison Teetor for her hard work on this project.

Enforcement Officer – **Nancy Olin**

Ms. Olin's progress reports for May 30 thru June 30 were reviewed. She stated that she recently attended a conference and received certification as a Program Administrator for erosion and sediment control.

Other

Mr. Johnston stated that the ordinance staff has been working on regarding storm water should make a definite impact. He stated this ordinance should be ready to set public hearing by the September 5 Planning Commission meeting.

There being no further discussion to come before the Planning Commission, the meeting was adjourned at 10:40 a.m. until the next regular meeting of the Commission on September 5.

Beverly B. McKay, Chair

Charles Johnston, Clerk to the Commission

Minutes prepared by
Debra L. Bean, Recording Secretary