

**CLARKE COUNTY  
PLANNING COMMISSION  
MINUTES  
2 June 2006**

A regular meeting of the Planning Commission of Clarke County, Virginia was held at the County Circuit Courthouse, Berryville, Virginia, on Friday, the 2<sup>nd</sup> day of June 2006.

**ATTENDANCE**

Beverly McKay, Chair; George L. Ohrstrom, II, Vice Chair; Jay Arnold, Barbara Batterton, Anne Caldwell, Mary Daniel, A. R. Dunning, Jr., Pat McKelvy, Cliff Nelson, Kathy Smart and Robert Wade.

**STAFF**

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

**CALL TO ORDER**

Chair McKay called the meeting to order at 9:00 a.m.

**APPROVAL OF AGENDA**

The agenda for 2 June 2006 was unanimously approved.

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

**No:** No one

**Absent:** Dunning

**APPROVAL OF MINUTES**

The briefing minutes for 2 May 2006 were unanimously approved.

**Yes:** Batterton, Caldwell (moved), Daniel, McKay, McKelvy, Nelson (seconded), Ohrstrom, Smart and Wade.

**No:** No one

**Abstained:** Arnold

**Absent:** Dunning

The regular minutes for 5 May 2006 were unanimously approved.

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

**No:** No one

**Absent:** Dunning

**REZONING – PUBLIC HEARING**

**Bobby T. Hudnall, Life in the Word Church of Jesus Christ, Inc. (William Thompson, Jr., Owner) requests a Rezoning from the Agricultural-Open Space-Conservation (AOC) to Rural Residential (RR) Zoning District, of a 1.5182 acres portion of Tax Map 28-A-27, 14401 Lord Fairfax Highway, Greenway Magisterial District. RZ-06-01**

Mr. Russell explained this request. He stated that the issues related to the adjacent cemetery property have been worked out with the trustees of Ebenezer Church (the joint owner of the cemetery with the trustees of the Mt. Olive Church (the applicant)). He stated there are some issues pending on the land gifted to the Church from William Thompson, Jr. He said his recommendation is for postponement until the next regular meeting of the Planning Commission in order to allow time to resolve this issue. After discussion with staff and the Commission, Chair McKay asked for public comments.

Franklin Roberts, resident in the area, asked if a decision would be made at the next Planning Commission meeting on 7 July 2006. Dorothy Moore, resident in the area, asked how close the drainfield could be to the graves.

Renee Hudnall, the applicant, was present to answer questions from the Planning Commission and the public.

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

The Commission voted unanimously to postpone action and continue the public hearing on this request until 7 July 2006 meeting.

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

**No:** No one

**Absent:** Dunning

### **MINOR SUBDIVISION**

**Kinder Bauernhof Farm, Inc. (Shannon Dulaney, Agent) requests approval for a two-lot subdivision and maximum lot size exception for Tax Map 24-((A))-57, located at 877 Chilly Hollow, Battletown Magisterial District, zoned Agricultural-Open Space-Conservation (AOC) MS-06-08**

Mr. Russell explained this request. He stated that both lots propose access via private entrances and have been approved by VDOT. He said, that no drainfields were required for this request and therefore no resistivity tests were conducted. Commissioner Smart stated that the plat should be revised to remove the note regarding drainfield capacity. After discussion with the staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to approve this request on condition that the plat is revised to remove the note regarding drainfield capacity.

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

**No:** No one

**Absent:** Dunning

**MINOR SUBDIVISION**

**Jack Lester (Larry Cochran, Agent) requests approval for a two-lot subdivision for Tax Map 14-((A))-66, located in the 1100 block of Springsbury Road, Battletown Magisterial District, zoned Agricultural-Open Space-Conservation (AOC) MS-06-05**

Mr. Russell explained this request. He stated that lot 1 and the residual lot proposes access by a private access easement, which VDOT has reviewed and approved. He stated that the drain-field and well sites have been approved by the Health Department. Commissioners Batterton and McKelvy stated they visited the site and they feel it has been very well planned. After discussion with staff and the Commission, Chair McKay called for a motion.

Mark Cochran, brother of the agent, was present and answered questions from the Planning Commission.

The Commission voted unanimously to approve this request on condition the applicant provides a deed of dedication and road maintenance agreement before the Zoning Administrator signs the plats.

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

**No:** No one

**Absent:** Dunning

**MINOR SUBDIVISION**

**Jack Lester (Mark Cochran, Agent) requests approval for a two-lot subdivision for Tax Map 14-((A))-65, located in the 1100 block of Springsbury Road, Battletown Magisterial District, zoned Agricultural-Open Space-Conservation (AOC) MS-06-06**

Mr. Russell explained this request. He stated that lots 2 and 6 propose access via private access easement from Springsbury Road. He said VDOT has approved this entrance on condition of trimming branches from a tree located in the VDOT right of way. He stated that the Health Department has approved both lots for subdivision. After discussion with staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to approve this request on condition the applicant provides a deed of dedication and road maintenance agreement before the Zoning Administrator signs the plats.

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

**No:** No one

**Absent:** Dunning

**MINOR SUBDIVISION**

**Jack Lester (Mark Cochran, Agent) requests approval for a two-lot subdivision for Tax Map 23-((1))-3A, located in the 1100 block of Springsbury Road, Battletown Magisterial District, zoned Agricultural-Open Space-Conservation (AOC) MS-06-07**

Mr. Russell explained this request. He stated that lot 3 proposes access via the proposed private access easement at Springsbury Road. He said that lot 4 which is the residual lot proposes access from a second proposed access easement at the north end of the subject property. He said both entrances have

been approved by VDOT on condition that a tree is trimmed across from lot 3 to provide the necessary sight distance. He said that the drain-field and well sites have been approved by the Health Department. After discussion with staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to approve this request on condition the applicant provides a deed of dedication and road maintenance agreement before the Zoning Administrator signs the plats.

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

**No:** No one

**Absent:** Dunning

#### **TEXT AMENDMENT – PUBLIC HEARING**

**The Clarke County Planning Commission will consider the amendment of the County Subdivision Ordinance so as to delete section 10-D-4 which states: “No more than one Boundary Line Adjustment application, may be approved for any parcel during a two-year period” as a more specific provision addressing this situation was added to the Zoning Ord. in 2005. TA-06-06**

Mr. Johnston explained this request. 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 to recommend to the Board of Supervisors approval of the proposed Subdivision Ordinance amendment so as to delete section 10-D-4.

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

**No:** No one

**Absent:** Dunning

#### **TEXT AMENDMENT – PUBLIC HEARING**

**The Clarke County Planning Commission will consider the amendment of the County Zoning Ordinance, Sections 3-A-1-b-(1), Lot Requirements for Single Family Detached Dwellings in the Agricultural-Open Space-Conservation (AOC) Zoning District and 3-D-10, Lot Size in the AOC Zoning District with Single Family Detached Dwellings so as to recodify and move the text [with no change] of 3-D-10 to 3-A-1-b-(1). TA-06-07**

Mr. Johnston explained this request. 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 to recommend to the Board of Supervisors approval of the proposed Zoning Ordinance, Sections 3-A-1-b-(1) and 3-D-10.

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

**No:** No one

**Absent:** Dunning

**TEXT AMENDMENT – PUBLIC HEARING**

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

**3-C-2, Supplementary Regulations for Uses in Various Districts, so as to add the specific regulations for Home Occupations currently listed in the Definitions section of the Zoning Ordinance, clarify these regulations, and to**

- a. limit the number of people at public assembly to 12 for parcels < 20 acs. and 24 for parcels of 20 acs. or more;
- b. require all equipment associated with a home occupation be used and stored within a totally enclosed structure;
- c. specify that the limits of area and number of employees for home occupations shall not be exceeded regardless of whether there is one or multiple home occupations conducted in the residence; and
- d. not allow vehicle repair or vehicle towing as a home occupation;

and to amend section 9-B, Definitions so as to delete the specific regulations of Home Occupations to shift these regulations to the Supplementary Regulations sections and to specifically state that a home occupation must be conducted by the resident of the home.

**TA-06-08**

Mr. Johnston explained this request. 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 to recommend to the Board of Supervisors approval of the proposed Zoning Ordinance Sections 3-C-2 and 9-B.

**Yes:** Batterton, Caldwell (moved), Daniel, McKay, McKelvy (seconded), Nelson, Ohrstrom, Smart and Wade.

**No:** No one

**Abstained:** Arnold

**Absent:** Dunning

Commission Dunning entered the meeting.

**TEXT AMENDMENT – PUBLIC HEARING**

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

**A. Section 9, Definitions, so as to:**

1. add the definition of the term ‘Companion Animal’,
2. amend the definition of ‘Animal Shelter’ to:
  - a. define an Animal Shelter as housing companion animals instead of just canine animals and as an entity operated for the purpose of finding permanent adoptive homes for such animals;
  - b. define an Animal Shelter as also housing an abandoned/rescued livestock animals;

**B. Section 3-C, Supplementary Regulations for ‘Veterinary Services, Animal Hospitals, Commercial Boarding Kennels, Commercial Breeding Kennels, Animal Shelters’, so as to:**

1. reference companion animals, and;
2. set limits for abandoned/rescued livestock as to their number (one per acre) and time period of containment on a property (90 days). TA-06-09

Mr. Johnston explained this request. Mr. Ohrstrom as a member of the Humane Foundation Board stated the Board decided that the previously discussed amendments that would allow the keeping of rescued livestock at Animal Shelters would be dropped at this time and the Humane Foundation withdraws its request to keep such livestock at the County Animal Shelter. 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 to recommend to the Board of Supervisors approval of the proposed Zoning Ordinance, Sections 9 and 3-C.

**Yes:** Arnold, Batterton, Caldwell (moved), Daniel, Dunning, McKay, McKelvy (seconded), Nelson, Smart and Wade.

**No:** No one

**Abstained:** Ohrstrom

#### **TEXT AMENDMENT – SET PUBLIC HEARING**

**The Clarke County Planning Commission will consider the amendment of the Clarke County Zoning Ordinance, Section 6-H-11, Lighting Standards for Site Development Plans, so as to more clearly restate this standard for commercial development to read: “All exterior light fixtures shall be of a type that are downcast and shielded such that all light emitted is projected below a horizontal plane running through the lowest part of the fixture. The direct light from exterior light fixtures shall not be visible off the subject property. No exterior light fixture shall be installed at a height greater than 25 feet above the ground under the light fixture.” TA-06-02**

Mr. Johnston explained this request. After discussion with staff and the Commission, Chair McKay called for a motion.

The Commission unanimously voted to set public hearing for the next regular meeting of the Commission on 7 July 2006.

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

**No:** No one

#### **TEXT AMENDMENT – DISCUSSION**

**The Clarke County Planning Commission will consider the amendment of the County Subdivision Ordinance, Section 8-J-1, General Regulations for Private Access Easements so as to limit the number of vehicle trips that may be accommodated on a Private Access Easement and require paving of such access easements when vehicle trip levels exceed a specific level. TA-06-10**

Mr. Johnston explained this item. He stated the Subdivision Committee met to review this issue. He said that the Committee consensus was that private access easements should be paved if the expected number of vehicles is over a minimal number. The Committee also agreed that comments from the County’s engineer would be helpful in determining what limits should be placed on the number of trips

on an access easement and what road improvements should be expected to an existing access easement when new lots are proposed. He said that after discussion with the Committee and staff, it was agreed that Bob Mitchell, the County's land use attorney should review the proposed amendment.

The Commission asked staff to identify the VDOT standards for various types of local roads before setting a public hearing.

### **2006 COMPREHENSIVE PLAN REVIEW** – Chair McKay

Chair McKay stated that a Comprehensive Plan review committee has been selected. He said that Commissioners Dunning, McKelvy and Ohrstrom have agreed to be on this Committee and that Commissioner Ohrstrom will be the Chair. He stated that area residents, Robina Bouffault, Frannie Crawford and Carey Lokey have been selected to be on this Committee.

### **COUNTY TRANSPORTATION PLANNING PRIORITIES - DISCUSSION**

The Board of Supervisors has asked that the Planning Commission review transportation planning priorities. Chair McKay stated that a committee would be selected to review this item.

### **REPORTS**

#### ◆Board of Supervisors – **Pete Dunning**

Commissioner Dunning stated the Text Amendment regarding the number of drain-fields was approved and he also stated that Alison Teetor gave an excellent presentation on ground water.

#### ◆Conservation Easement Authority – **Pat McKelvy**

Commissioner McKelvy stated they are still waiting on results from the grant application. She stated that on 16 June 2006, Winkie Mackay-Smith is hosting a thank-you reception for the donors to the Conservation Easement Authority last year.

#### ◆Historic Preservation Comm. (third Thursdays of odd months, 9:00 a.m.) – **Cliff Nelson**

Nothing to report beyond the minutes of the May 18<sup>th</sup> meeting at which the annual Historic Preservation Commission awards was presented.

#### ◆Natural Resource Activities – **Alison Teetor**

Ms. Teetor stated she attended a presentation on the Opequon Creek TMDL, which is a clean water act program.

#### ◆Sanitary Authority (second Tuesdays, 10:30 a.m.) – **Alison Teetor**

Nothing to report.

#### ◆Board of Septic & Well Appeals – **Alison Teetor**

Ms. Teetor stated there is a meeting scheduled for 22 June 2006 at 9:00 a.m. in the Board of Supervisors meeting room.

#### ◆Board of Zoning Appeals - **Jesse Russell**

Nothing to report.

#### ◆Enforcement Officer – **Nancy Olin**

Ms. Olin's progress reports for 1 May thru 31 May 2006 were reviewed. She spoke briefly about the

Erosion and Sediment workshop held on 24 May 2006 for local builders, developers and engineers.

There being no further discussion, the meeting was adjourned at 11:05 a.m. until 7 July 2006 at 9:00 a.m.

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**Beverly McKay, Chair**

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**Charles Johnston, Clerk**

Minutes prepared by  
Debra L. Bean  
Recording Secretary