

**CLARKE COUNTY  
PLANNING COMMISSION  
MINUTES  
1 September 2006**

A regular meeting of the Planning Commission of Clarke County, Virginia was held at the County Circuit Courthouse, Berryville, Virginia, on Friday, the 1st day of September 2006.

**ATTENDANCE**

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

**ABSENT**

A. R. Dunning, Jr. and Cliff Nelson

**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 9:06 a.m.

**APPROVAL OF AGENDA**

The agenda for 1 September 2006 was unanimously approved.

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

**No:** No one

**Absent:** Batterton, Dunning and Nelson

**APPROVAL OF MINUTES**

The regular minutes for 28 July 2006 were unanimously approved with one editorial correction.

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

**No:** No one

**Absent:** Batterton, Dunning and Nelson

**SITE PLAN AMENDMENT – SET PUBLIC HEARING**

**Big Daddy Detail & Auto Sales, Inc. (Agents: Brett Fuller / Jeremy Collins; Property Owner: Jerry Kirk) request approval of a site plan amendment for a detail and auto sales business on the property identified as Tax Map #29-((A))-2, located at 8204 John Mosby Highway, zoned Highway Commercial (CH), Greenway Magisterial District. SP-06-10**

Mr. Russell explained this request. He stated he is waiting for an answer from DCR regarding the use of any chemicals at this site and that he should have an answer by the time of the public hearing.

Commissioner Batterton entered the meeting.

Commissioner Wade suggested that Bob Mitchell, the County's land use attorney, review this request. He stated that the owner (Jerry Kirk) has not met the conditions placed on his property from a previous request. He suggested that Mr. Mitchell should review this earlier request and decide whether a new application can be accepted on this new request.

Commissioner Daniel stated that everything seems to be in compliance to set public hearing. After discussion with staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to set public hearing. In addition, the County's land use attorney, Bob Mitchell, is requested to provide comments on this application for the next regular meeting of the Commission on 6 October 2006 addressing enforcement issues.

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

**No:** No one

**Absent:** Dunning and Nelson

#### **MINOR SUBDIVISION**

**Dennis Longerbeam requests approval for a two-lot subdivision for Tax Map 12-((A))-40E, located in the 3600 block of Senseny Road, Longmarsh Magisterial District, zoned Agricultural-Open Space-Conservation (AOC) MS-06-12**

Mr. Russell explained this request. He stated that VDOT and the Health Department have approved this site. He said that Commissioners Nelson and Ohrstrom visited the site. He stated there are no unresolved issues with this request. After discussion with staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to approve this request on condition that a Deed of Dedication and a road maintenance agreement are provided before the Zoning Administrator signs the plats.

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

**No:** No one

**Absent:** Dunning and Nelson

#### **MINOR SUBDIVISION**

**Hunter Associates, LLC (Joe Clotzman, Agent) requests approval for a two-lot subdivision for Tax Map 26-((A))-107, located in the 100 block of Ratcliffe Lane, Chapel Magisterial District, zoned Forestal-Open Space-Conservation (FOC) MS-06-13**

Mr. Russell explained this request. He stated access to the subject property is located on the east side of Route 604 on Ratcliffe Lane. He said that access to Ratcliffe Lane was approved by VDOT on condition that the applicant grant to VDOT a sight distance easement on the Gertrude Bell property and the entrance is completed per VDOT requirements. He said the existing easement's travelway in parts does not meet the minimum 14 ft width requirement. Mr. Russell

stated that the applicant has said that he would comply with County road design requirements. He said the Health Department has reviewed and approved the proposed sites. After discussion with staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to approve this request on the following conditions:

- ◆ The access easement entrance be paved to VDOT standards before an occupancy permit is issued for the first house.
- ◆ The access easement travelway is widened to a minimum of 14 feet in accordance with the County Subdivision Ordinance private access easement standards before a building permit is issued.

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

**No:** No one

**Absent:** Dunning and Nelson

### **MINOR SUBDIVISION**

**Curtis E. Harvey and Sherrie L. Bosch request approval for a two-lot subdivision for Tax Map 25D-((1))-12, located at 225 Oak Leaf Lane, Battletown Magisterial District, zoned Forestal-Open Space-Conservation (FOC) MS-06-14**

Mr. Russell explained this request. He stated the applicant has asked for a postponement until next month in order to settle some VDOT issues. After discussion with 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 of the Commission in order to allow the applicant time to settle issues with VDOT.

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

**No:** No one

**Absent:** Dunning and Nelson

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

**The Clarke County Planning Commission will consider the amendment of the Clarke County Zoning Ordinance, Section 3-5-E, Stream Overlay Protection District, so as to increase the planting size requirements of trees and shrubs. TA-06-11**

Ms. Teetor explained this request. She stated that this amendment would protect existing buffers. She said if a person goes in and removes an existing buffer, they would have to replace the buffer with larger trees and evergreens.

Commissioner Caldwell suggested that this provision also apply to properties on the mountain that have cleared the land for the views. After discussion with staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to set public hearing for the next regular meeting of the Commission on 6 October 2006 with modifications to the amendment.

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

**No:** No one

**Absent:** Dunning and Nelson

## **DOMINION / ALLEGHENY 500 Kv POWERLINE STUDY AREA – PROJECT UPDATE**

Mr. Johnston reported: He said the power line would run from Middletown to Loudoun County following a corridor between Boyce to Front Royal. He stated that these particular towers would be over 100 feet tall. He said this project is a need for more power to the east coast. He stated the cost of putting the lines below ground instead of above ground is very expensive. The Planning Commission expressed significant reservations regarding this project.

## **TEXT AMENDMENTS IN PROCESS**

Mr. Johnston reported:

- Home Occupations – BOS has deferred for second time – staff rewriting with Board member input
- Revision of Private Road Access Easement Standards – Replace current standards with VDOT's Rural Rustic Road Standards for paved roads, which are AASHTO Guidelines for Geometric Design of Very Low Volume Locals Road (ADT ≤ 400) – View Engineers is preparing chart comparing current standards with AASHTO standards
- New Low Impact Design Stormwater Standards – View Engineers and staff preparing new stormwater ordinance to replace existing detention pond concept with rain-garden concepts
- New Board of Zoning Appeals Ordinance – staff has written and Bob Mitchell is reviewing new ordinance for Appeals, Variances, Interpretations, and Modifications
- Limits on Boundary Line Adjustments that do not transfer of dwelling unit rights – staff has written and Bob Mitchell is reviewing
- Rural Exterior Lighting – sub-committee has made recommendations – will be on PC Oct. agenda
- Limits on Temporary Accessory Buildings – staff is writing – will be on PC October agenda
- Prohibition of full bath facilities in Accessory Bldgs. – staff is writing – will be on PC Oct. agenda
- Erosion & Sediment Control Standards – staff is writing revision to current county code – setting up meeting with VA Dept of Cons & Rec to ensure consistency with state standards

## **REPORTS**

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

Mr. Johnston stated that the Board set public hearing for the veterinary equine clinic and the rezoning for the Life In the Word of the Church, Inc. for the next regular meeting on 12 September 2006.

◆Sanitary Authority (second Tuesdays, 10:30 a.m.) – **Pete Dunning**  
Mr. Johnston stated they are moving along with the Water Tower in Boyce

◆Comprehensive Plan Committee – **George Ohrstrom**  
Commissioner Ohrstrom stated the committee is moving along and that the next meeting is scheduled for 6 September 2006 at 7:00 p.m.

◆Subdivision Committee – **Arnold/McKelvy/Ohrstrom/Wade**  
- Salvation Army Subdivision  
Chair McKay read a letter addressed to Alex Bridges of the Northern Virginia Daily as a response to an article in the paper on 28 August 2006 from Robert Showers.

◆ Board of Zoning Appeals - **Jesse Russell**  
- Salvation Army Property  
Mr. Russell stated he is trying to schedule a meeting for 29 September 2006 at 10:00 a.m. for an appeal from the Salvation Army.

◆Historic Preservation Commission (third Thursdays of odd months, 9:00 a.m.) – **Cliff Nelson**  
Mr. Johnston stated that the next meeting is scheduled for 21 September 2006.

◆Conservation Easement Authority – **Pat McKelvy**  
Commissioner McKelvy stated they are moving ahead trying to complete three grant projects.

◆Natural Resource Activities – **Alison Teetor**  
Ms. Teetor gave a brief description on the following items that she is currently working on:

- County Easement Authority (grants, property inspection protocol, easements in process)
- Development of Regional Drought/Low Flow awareness Web Site
- Habitat for Humanity Project in Millwood
- Millwood Sewer Project (Housing Component)
- Update Bio-Solids maps, spreadsheets
- Erosion and Sediment Control and other issues along Shenandoah River
- Update Environmental Sections of Comprehensive Plan
- GPS locations for CCSA utilities

◆Board of Septic & Well Appeals – **Alison Teetor**  
Ms. Teetor stated there is a pending application on Glen Poe at Pine Grove for a variance.

◆Enforcement Officer – **Nancy Olin**  
Ms. Olin stated that she is working closely with Page Mitchell and Winkie McKay-Smith doing monitoring inspection reports with conservation easement property owners. She said these reports are then given to Ms. Teetor. Ms. Olin's progress reports for 1 July 2006 thru 31 August 2006 were reviewed.

◆Other

None

There being no further items to discuss, the meeting was adjourned at 10:31 a.m. until the next regular meeting on 6 October 2006.

---

**Beverly McKay, Chair**

---

**Charles Johnston, Clerk**

Minutes prepared by  
Debra L. Bean  
Recording Secretary