

**CLARKE COUNTY  
PLANNING COMMISSION  
MINUTES  
3 November 2006**

A regular meeting of the Planning Commission of Clarke County, Virginia was held at the County Circuit Courthouse, Berryville, Virginia, on Friday, the 3<sup>rd</sup> day of November 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, and Kathy Smart.

**ABSENT**

Bob 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 9:05 a.m.

**APPROVAL OF AGENDA**

The agenda for 3 November 2006 was unanimously approved.

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

**No:** No one

**Absent:** Dunning and Wade

**APPROVAL OF MINUTES**

The briefing minutes for 3 October 2006 were unanimously approved.

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

**No:** No one

**Absent:** Dunning and Wade

The regular minutes of 6 October 2006 were unanimously approved.

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

**No:** No one

**Absent:** Dunning and Wade

**MAJOR SUBDIVISION – PUBLIC HEARING**

**Kenneth H. and Brenda C. Lloyd request approval for a three-lot subdivision and maximum lot size exception for Tax Map 3-((A))-43, located at 292 Linaburg Lane, Longmarsh Magisterial District, zoned Agricultural-Open Space-Conservation (AOC). S-06-03**

Mr. Russell explained this request. He stated the Health Department has completed a walkover inspection and approved the site. He said the resistivity test has been completed and approved. He

stated that VDOT has recommended that a turn around area be added to the plat with a 55-foot radius. He stated recommendation would be to revise the plat to show a turn around area with a 45-foot radius. He said this would have the least amount of impact to the environment. After discussion with staff and the Commission, Chair McKay asked for public comments.

Kenneth Lloyd, applicant, was present to answer questions.

Stuart Dunn, the surveyor for this project, asked if the deed of dedication could be waived. He presented the plat to the Planning Commission so they could review the area.

Commissioner Arnold noted that the language under note #4 on the survey plat was incorrect.

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

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

- ◆ The applicant provide a deed of dedication and road maintenance agreement for private access easement;
- ◆ That a note be placed on the survey plat stating that road dedication to VDOT be given, should VDOT improve Linaburg Lane and that this be noted in the deed of dedication;
- ◆ The survey plat be revised to show a 45-foot turn around in the lowest impact area of the access easement; and
- ◆ Note #4 on survey plat be corrected per County Ordinance.

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

**No:** No one

**Absent:** Dunning and Wade

### **MINOR SUBDIVISION**

**William A. Bryarly, Trustee, requests approval for a two-lot subdivision for Tax Map 28-((A))-20, located at 13035 Lord Fairfax Highway, Greenway Magisterial District, zoned Agricultural Open-Space-Conservation (AOC). MS-06-16**

Mr. Russell explained this request. He stated that the applicant has met all the requirements of the subdivision ordinance for this item. Commissioner Arnold noted that the language under note #4 on the survey plat was incorrect. 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 note #4 on the survey plat be corrected per County Ordinance.

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

**No:** No one

**Absent:** Dunning and Wade

### **MINOR SUBDIVISION**

**Samuel R. and Mary Ellen Adrain, request approval for a two-lot subdivision for Tax Map 22-((2))-B, located at 3137 Bishop Meade Road, Chapel Magisterial District, zoned Agricultural Open-Space-Conservation (AOC). MS-06-17**

Mr. Russell explained this request. He stated that all the requirements of the Subdivision Ordinance have been met for this subdivision. After discussion with staff and the Commission, Chair McKay called for a motion.

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

**No:** No one

**Absent:** Dunning and Wade

#### **TEXT AMENDMENT - PUBLIC HEARING**

**The Clarke County Planning Commission will consider the amendment of the Clarke County Zoning Ordinance, Section 3-C Supplementary Regulations, Section 4 General Regulations, Section 9-B Definitions, so as to:**

- 1. allow temporary classrooms in addition to temporary offices;**
- 2. limit portable structures to 90 days and require them to comply with all structure setbacks and establish the definition of portable structure;**
- 3. not allow more than one sink nor more than one toilet and no bathing facilities in an accessory structure;**
- 4. shift some of the regulations for Country Inns from the Definition section to the Supplementary section of the Zoning Ordinance and limit the requirement that Country Inns be in a single family dwelling, or a structure attached to a single family dwelling, to the AOC and FOC Zoning Districts; TA-06-12**

Mr. Johnston explained this request. He stated that these amendments are proposed to address four topics that are not adequately addressed in the Zoning Ordinance. After discussion with staff and the Commission, Chair McKay asked for public comments.

Chip Schutte, area property owner, asked questions about regulations regarding a Country Inn.

Mary Rutherford, area property owner, asked questions about regulations regarding bathing facilities in an accessory structure.

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

The Commission voted unanimously to recommend to the Board of Supervisors items 1 thru 4 with minor adjustments. The Commission voted to adjust item 4, so as to remove (within 300 feet of a single-family dwelling) and replace it using (a structure within 300 feet of such a (single-family detached) dwelling).

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

**No:** No one

**Absent:** Dunning and Wade

#### **TEXT AMENDMENT - PUBLIC HEARING**

**The Clarke County Planning Commission will consider recommending to the Board of Supervisors an amendment to the Code of Clarke County so as to:**

- 1. require exterior light fixtures in the Agricultural, Forestal, and Rural Residential Zoning Districts of the County to be down cast, shielded, and installed no higher than 25 feet above the ground fixtures;**
- 2. require freestanding pole lighting on private property to follow setback requirements for**

- structures;
3. **require exterior lighting on private property to be turned off between 11:00 PM and sunrise, except for motion sensor lighting;**
  4. **allow without regulation:**
    - a. **lights of 100 watts or less in the Rural Residential Zoning District,**
    - b. **60 watts or less in the Agricultural-Open Space-Conservation and Forestal-Open Space-Conservation Zoning Districts,**
    - c. **decorative holiday lighting,**
    - d. **emergency lighting,**
    - e. **lighting for special events that are approved by the Board of Supervisors,**
    - f. **lighting of the flag of the United States, and**
    - g. **lighting of public sports fields,**
  5. **All existing exterior lighting would be required to comply with the provisions of this ordinance within 3 years of its adoption. TA-06-03**

Mr. Johnston explained this request. Several Commissioners stated this amendment is being considered due to the complaints from the community about light pollution. After discussion with staff and the Commission, Chair McKay asked for public comments.

Chair McKay distributed a copy of a faxed letter to the Commission dated 2 November 2006 from Doug Pifer and Rebecca F. Surdick Pifer. Chair McKay read this letter to the Commission and the audience, which states the Pifers, "strongly hopes that the proposed amendment will be approved."

Robina Rich Bouffault, resident in the area, stated she knows a local resident that owns a business. She stated he has installed lighting due to a problem with theft. She stated that shielded lights are a good idea and instead of the 11:00 p.m. to sunrise amendment, could the 11:00 p.m. to sunrise limitation be deleted. Mr. Johnston stated that this amendment does not regulate business areas.

Mary Rutherford, resident in the area, stated she has dusk to dawn lights at their farm for security. She stated she feels we are inviting crime into the area.

Dale Cassette, resident in the area, said all his dusk to dawn lights are in the center of his property and the light does not bother anyone. He asked if this were under the ordinance would people that already have lights be grandfathered in?

Jennifer Cassette, resident in the area, said her husband works night shift and she feels more comfortable when the dusk to dawn lights are on.

Cheryl Crim, resident in the area, has dusk to dawn lights on her barns. She stated she really likes to have the lights on because they make her feel safer.

David Weiss, Board of Supervisors member, stated there are a great many people concerned with lighting issues. He stated that a good neighbor policy should be upheld.

Commissioner Dunning entered the meeting.

Commissioner Dunning stated he does not think the 11:00 p.m. to sunrise clause is a good idea. He stated that most people use common sense with the 11:00 p.m. to sunrise concern.

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

The Commission voted unanimously to recommend to the Board of Supervisors approval of the proposed amendment to the Code of Clarke County with the deletion of the 11:00 to sunrise clause. The Commission also included in the motion that downcast/shielded fixtures and limiting the installation of the fixture to not more than 25 feet above the ground, be made applicable to all fixtures three years after adoption of the ordinance and the provision requiring light poles comply with building setbacks would be applied only to new construction.

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

**No:** No one

**Absent:** Wade

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

**The Clarke County Planning Commission will consider the amendment of the County Subdivision Ordinance, Section 8-C, S Design Requirements for Streets, and Section 8-J-1, General Regulations for Private Access Easements, so as to:**

- 1. state that any private access easement not constructed to VDOT standards will not be eligible for VDOT maintenance nor eligible for VDOT improvement funds to make it eligible for VDOT maintenance,**
- 2. limit the use of private access easements to not more than two lots not in the AOC and FOC Zoning Districts and not more than nine lots that are in the AOC and FOC Zoning Districts, (thereby requiring the construction of a public road built to VDOT standards when that road serves 10 or more lots),**
- 3. require access easements to have an asphalt surface when they serve 5 or more parcels,**
- 4. require improvements to existing private access easements serving new subdivision parcels, and**
- 5. change other technical engineering standards for the construction of private access easements. TA-06-10**

Mr. Johnston explained this request. 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 scheduled meeting of the Commission.

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

**No:** No one

**Absent:** Wade

### **DRAFT GOALS, OBJECTIVES, AND POLICIES OF THE 2007 COMPREHENSIVE PLAN**

Mr. Johnston gave a brief review regarding the progress of the Comprehensive Plan. He suggested that the Planning Commission set up a date for a work session to go over the plan. The Commission set the date for 15 November 2006 at 7:30 p.m.

### **STATUS OF HIGH SCHOOL SUBDIVISION/SITE PLAN**

Mr. Johnston stated that he; Mr. Russell and Mr. Ash met with John Reno, PHR&A, the School Boards engineer and discussed the issues of water, sewer service and stormwater, and transportation. He said the stormwater issue might be the most complex. He quoted Mr. Reno as saying the site plan

would not be done until the end of January. Mr. Schutte, School Board member, stated the stormwater management is the challenge at this time. He said the rock and soil tests should be completed by the end of the November. The Commission asked Mr. Schutte to give an update on the status of this project once a month at the Planning Commission meetings.

### **PRIMARY HIGHWAY PRIORITIES as recommended by the Board of Supervisors**

Mr. Johnston gave a brief overview of the status of primary highway priorities. He stated that Mr. Staelin, Chairman of the Board of Supervisors, went to a meeting with the Virginia Commonwealth Transportation Board in October and presented the County's priorities for future projects.

### **REPORTS**

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

Mr. Johnston discussed the items from the BOS agenda on 17 October 2006.

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

Ms. Teetor stated the Conservation Easement Authority newsletter has been mailed out and donations have been coming in.

#### **◆ Historic Preservation Comm. – Cliff Nelson**

Mr. Nelson stated the Historical Association has erected a kiosk. He said the Commission should try to visit the kiosk which is very well done.

#### **◆ Balanced Growth Counties Conference – Kathy Smart**

Commissioner Smart stated she attended a Balanced Growth meeting last week and Jim Burton from Loudoun County gave a brief discussion about growth that is not balanced. She said the meeting was very interesting and informative.

#### **◆ Status: 500kV Power Line – George Ohrstrom**

Commissioner Ohrstrom stated the fight is still on going. He said there are a lot of high powered individuals against this power line.

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

Ms. Teetor gave a brief description on the following items that she is currently working on:

- Farm and Ranchland Protection Grant activities
- Conservation Easement Authority – newsletter, donation easements, file updates
- Continued development of proposal for regional drought awareness web site with USGS
- Comprehensive Plan Update
- Revision of Zoning Map
- Flood Plain Ordinance update

Ms. Teetor stated that the GIS Department has recently put maps on the web at [www.mapsonline.net/clarkecounty](http://www.mapsonline.net/clarkecounty).

#### **◆ Sanitary Authority - Alison Teetor**

Commissioner Dunning gave a brief discussion about items the Sanitary Authority is working on.

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

Ms. Teetor stated there would be a meeting for a continued public hearing on Quarles Petroleum on Wednesday, 8 November 2006 at 9:00 a.m.

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

Mr. Russell stated that he was served notice that the Salvation Army is appealing the decision regarding that no documentation has been found to show that 2.76 acres shown on the subdivision proposal exists.

◆ Enforcement Officer – **Nancy Olin**

She stated that the Commonwealth Attorney's office has hired a new employee to replace Peter Hetzell. She said her name is Archanna McLoughlin and that she will be working with her on enforcement issues.

There being no further discussion, the meeting was adjourned at 12:10 p.m. until the next meeting on 1 December 2006 at 9:00 a.m.

---

**Beverly McKay, Chair**

---

**Charles Johnston, Clerk**

Minutes prepared by  
Debra L. Bean  
Recording Secretary