

**CLARKE COUNTY
PLANNING COMMISSION
MINUTES
Special Meeting
2007 October 1 – 1:00 p.m.
BOARD OF SUPERVISORS ROOM**

A special meeting of the Planning Commission of Clarke County, Virginia was held in the Board of Supervisors room, 102 North Church Street, Berryville, Virginia on Monday, 2007 October 1.

ATTENDANCE

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

STAFF

Charles Johnston, Planning Administrator; Jesse Russell, Zoning Administrator; Debbie Bean, Recording Secretary.

CALL TO ORDER

Chair McKay called the meeting to order at 1:06 p.m.

APPROVAL OF AGENDA

The Commission voted unanimously to approve the agenda.

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

No: No one

**MAJOR SUBDIVISION/BOUNDARY LINE ADJUSTMENT
PUBLIC USE IN ACCORD WITH COMPREHENSIVE PLAN
SPECIAL USE
SITE PLAN**

The Clarke County School Board (The Salvation Army, property owner) requests approval of a:

- (1) Major Subdivision and Boundary Line Adjustment,
- (2) Determination that the proposed new High School is “substantially in accord with the adopted Comprehensive Plan” per Virginia Code Section 15.2-2232,
- (3) Special Use for an 800 student new High School (with future expansion to 1000 students) in the AOC Zoning District, and
- (4) Site Plan for an 800 student new High School (with future expansion to 1000 students), located at 642 Westwood Road, Tax Map Parcels 13-((A))-13, 56, 59 & 59A, Longmarsh Magisterial District, zoned Agricultural Open-Space-Conservation (AOC). SUP-07-01; S-07-02

Chair McKay asked Robert Mitchell, the County’s land use attorney, who was in attendance, to brief the Planning Commission on the legal guidelines and the actions that the Planning Commission will be voting on today.

Mr. Mitchell stated that there are three items before the Planning Commission for action: the subdivision plat application, the Special Use application, and the site plan application. He stated that what was not before the Planning Commission was the selection of this site for the high school generally. He said the general selection for the site for the high school is by law solely within the authority of the School Board, except for the

determination by the Planning Commission that the site is in accord with the Comprehensive Plan, which was voted on by the Planning Commission at its last meeting on this matter.

Rick Travers with VIEW Engineering, the County's engineering consultant was present. He reviewed his comments on the application and answered questions from the Planning Commission.

John Reno with PHR&A, project engineer for the School Board, and Chip Schutte, School Board member, were present and answered questions from the Planning Commission.

After discussion with staff and the Commission, Chair McKay asked for public comments.

Chair McKay stated to Mr. Schutte that he had heard Mr. Schutte was complimentary of Mr. Johnston and the planning staff for their work and help on this project. Mr. Schutte stated that he did say this. Chair McKay thanked him for the compliment. Chair McKay stated that he had heard that some School Board members had publicly told some of the downstream property owners that there will be availability of public water and sewer service for their property. Mr. Schutte stated he did not know anything about this.

There being no further comments, Chair McKay called for a motion on the subdivision application.

The Planning Commission voted unanimously to approve the major subdivision plat and boundary line adjustment on condition of approval by the Board of Supervisors of a special use for an 800-student new high school (with future expansion to 1000 students).

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

No: No one

Absent: No one

Chair McKay asked for Commission comments on the special use and site plan application.

Commissioner Wade stated that this request has been a long hard effort and he complimented Mr. Johnston's efforts with this proposal. He said he has concerns with the site plan and the special use applications. He stated that we have to put our faith in the engineers that the job will be done correctly.

Commissioner Caldwell read a statement of her concerns with the stormwater management plan. She said the plan would have to be monitored in order for the plan to work and prevent the backyards of the adjoining property owners from being flooded. She stated that this proposal does not pass the common sense test.

Commissioner McKelvy read a statement of her concerns with the stormwater management plan. She said the downstream property owners need to be protected.

Vice Chair Ohstrom stated he has been wrestling with this decision for a long time. He stated that as a Planning Commissioner, he is very worried about the stormwater management plan. He said as a citizen he is very concerned about the expense of the plan. He stated that for this system to function, both the construction and permanent maintenance will have to be perfect and he said he does not think that is possible. He said as a Planning Commissioner and a citizen this plan is not good for the long-term benefit of Clarke County.

Chair McKay stated that he has also struggled with this decision. He stated the actions of the School Board have been an embarrassment to Clarke County. He said that he, Commissioner Nelson, and Mr. Johnston were asked to attend a school board meeting. He stated that when they attended they were told they could not speak.

He stated that the actions have dragged on for far too long and there should not have been so many unanswered questions during the process. He complimented the Planning Department staff and the Planning Commission for their hard work with the request.

The Planning Commission voted 6 to 5 to recommend to the Board of Supervisors the approval of a special use and site plan for an 800-student new high school (with future expansion to 1000 students) and recommend to the Board of Supervisors the approval of a variance from the Virginia Department of Conservation and Recreation Erosion and Sediment Control Minimum Standard 19(a) on the following conditions:

1. Fee simple title to the property being vested in the Clarke County School Board.
2. Improvements on and use of the property shall be in conformity with the approved Site Plan, including the conditions on the Site Plan.
3. Establishment of the West Berryville Exclusive Service Area by the County and the Town of Berryville for the provision of public water and sewer service to the proposed use.
4. The off-site stormwater easements shall be maintained in accordance with the Storm Water Management Basin Maintenance Plan (page C6.0.3 of site plan dated 09-25-07)
5. Revision of the Site Plan before the publication of the legal notice of the Board of Supervisors public hearing on this matter so as to comply with the final comments of View Engineering (dated Oct. 1), the Town of Berryville, the Virginia Department of Transportation (dated Sept. 27), and the Lord Fairfax Soil and Water Conservation District (dated Sept. 27).
6. Recordation of all utility easements shown on the Site Plan.
7. Acquisition and recordation of easements and/or title to property by the School Board for the following:
 - (a) Stormwater management facilities/plan shown on the Site Plan on the following properties:
 - (1) Salvation Army (Tax Parcel 13-A-56)
 - (2) Posthumus (Tax Parcel 13-A-55)
 - (3) Richardson (Tax Parcel 13-A-55B)
 - (4) Humane Foundation (Tax Parcel 13-A-13A).
 - (b) Sight distance easement on the property of Mulronee (Tax Parcel 13-A-60), as shown on the Site Plan.
 - (c) Dedication of portion of property of Mulronee (Tax Parcel 13-A-60) for Ramsburg Lane/Westwood Road intersection improvements, as shown on the Site Plan.
8. All stormwater easements obtained by the School Board for stormwater management shown on the Site Plan shall contain, without limitation, the following provisions:
 - (a) No structure shall be constructed or erected in the easement area.
 - (b) No use shall be made of or take place in the easement area which would interfere with or impair the purposes of the easement or the stormwater management plan shown on the School Board's approved Site Plan for the high school.
 - (c) It shall be the responsibility of the School Board, its successors, transferees, and assigns to maintain the easement area in accordance with the Storm Water Management Basin Maintenance Plan (page C6.0.3 of site plan dated 09-25-07).

Yes: Arnold, Batterton, Daniel (moved), Dunning (seconded), McKay, and Smart

No: Caldwell, McKelvy, Nelson, Ohrstrom, and Wade

Absent: No one

The Commission voted unanimously to approve the following statement:

“The Commission believes that the topography and geology of the property makes it marginal for use as a high school site. We believe it is doubtful that this site would have been selected by the School Board were it not for the fact that the property is to be acquired as a gift, which is recognized as an important financial factor. However, if the Board of Supervisors approves the Special Use Permit and Site Plan, we trust that the School Board will carefully review the projected cost of, and bids for, the

site preparation work, to be sure that the site preparation cost, due to the inherent difficulties of the site, do not result in a greater total cost for the project than what would be the total cost of the project on a more suitable site.

The Commission has expressed its concerns with the stormwater management plan as it has been developed and amended over the months by the School Board's engineers. We have carefully reviewed the comments of the County's engineer and State agencies on the final plan. While the majority of us have concluded that the stormwater management plan meets minimum requirements, we draw attention to the fact that the design of the stormwater management facilities, necessitated by the unfavorable topography and geology of the site, will require ongoing and careful maintenance by the School Board, including maintenance of off-site stormwater easement areas. We have made the maintenance of the stormwater management facilities and areas a specific condition of our recommendation of approval of the Site Plan.”

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

No: No one

Absent: No one

Chair McKay asked the Planning Commission if they had any comments they would like to express.

There being no further discussion, the meeting was adjourned.

Beverly B. McKay, Chair

Charles Johnston, Clerk to the Commission

Minutes prepared by
Debra L. Bean, Recording Secretary