

**CLARKE COUNTY PLANNING COMMISSION  
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# Clarke County Planning Commission

AGENDA – Work Session

Tuesday, January 31, 2023 – 3:00PM

Berryville/Clarke County Government Center – Main Meeting Room

1. **Approval of Agenda**
2. **New Planning Commissioner Introduction – Terri Catlett**
3. **Review of February 3 Business Meeting Agenda Items**
  - A. Conflicts of Interest
  - B. Agenda Review
  - C. Status of Deferred Applications
4. **Old Business**

~ None scheduled
5. **New Business**
  - A. Inclement Weather and Public Hearings

**Adjourn**



# Clarke County Planning Commission

AGENDA – Business Meeting

Friday, February 3, 2023 – 9:00AM

Berryville/Clarke County Government Center – Main Meeting Room

1. **Approval of Agenda**
2. **Approval of Minutes**
  - A. January 3, 2023 Work Session/Organizational Meeting
  - B. January 6, 2023 Business Meeting

## **PUBLIC HEARING**

3. **SUP-22-02/SP-22-03, Carter Hall Estate, LLC.** Request approval of a special use permit and site development plan to operate a country inn per Section 5.2C (Business Uses – Country Inn) of the Zoning Ordinance. The proposed country inn is described in the application to include assembly activities (events), retail, food, and beverage services that are accessory to the operation of the country inn. A new building, stormwater facility, and certain other site improvements are proposed to accommodate the country inn, and are detailed on the site development plan. The subject property is approximately 86.4 acres, zoned Agricultural-Open Space-Conservation (AOC), identified as Tax Map #30-A-15, and is located on Carter Hall Lane (private road) in the Millwood Election District.

## **MINOR SUBDIVISION APPLICATIONS**

4. **MS-23-01, Blue Ridge Bishop’s Gate LLC.** Request approval of a two-lot minor subdivision for the property identified as Tax Map #26-A-133A, located at 18979 Blue Ridge Mountain Road on the northwest side of Blue Ridge Mountain Road (Route 601), Millwood Election District, zoned Forestal-Open Space-Conservation (FOC).
5. **MS-23-03/MLSE-23-01, Virginia D. Unger (Owner)/Kenneth R. Unger, III (applicant).** Request approval of a two-lot minor subdivision and maximum lot size exception for the property identified as Tax Map #3-A-11, located along Swimley Rd. (Route 672) across from 1380 Swimley Road and extending to the B&O Railroad, Russell Election District, zoned Agricultural-Open Space-Conservation (AOC).

## **BOARD AND COMMITTEE REPORTS**

6. **Board and Committee Reports**
  - Board of Supervisors (Terri Catlett)
  - Board of Septic & Well Appeals (George Ohrstrom, II)
  - Board of Zoning Appeals (Jeremy Camp)
  - Historic Preservation Commission (Bob Glover)
  - Conservation Easement Authority (George Ohrstrom, II)
  - Broadband Implementation Committee (Brandon Stidham)

**OTHER BUSINESS**

**7. Upcoming Agenda Items, February – August 2023**

**ADJOURN**

<b>UPCOMING MEETINGS:</b>	
<b>Comprehensive Plan Committee</b>	Meeting to be scheduled May 2023 (tentative)
<b>Ordinances Committee</b>	Meeting to be scheduled March 2023
<b>Plans Review Committee</b>	Meeting to be scheduled March 2023 (tentative depending on status of SUP-22-01/SP-22-02)
<b>Policy &amp; Transportation Committee</b>	Meeting to be scheduled in mid-late February
<b>Commission Work Session</b>	Tuesday, February 28 (3:00PM) -- Main Meeting Room
<b>Commission Business Meeting</b>	Friday, March 3 (9:00AM) -- Main Meeting Room



# Clarke County Planning Commission

**DRAFT MINUTES – Work Session/Annual Organization Meeting**

**Tuesday, January 3, 2023 – 3:00PM**

**Berryville/Clarke County Government Center – Main Meeting Room**

<b>ATTENDANCE:</b>			
George L. Ohrstrom, II (Chair/Russell)	✓	Ronnie “Ron” King (Buckmarsh)	✓
Randy Buckley (Vice-Chair/White Post)	✓	Scott Kreider (Buckmarsh)	✓
Matthew Bass (Board of Supervisors)	✓	Frank Lee (Berryville)	✓
Buster Dunning (White Post)	✓	Gwendolyn Malone (Berryville)	✓
Robert Glover (Millwood)	✓	John Staelin (Millwood)	✓
Pearce Hunt (Russell)	✓	Doug Lawrence (BOS alternate)	X

**STAFF PRESENT:** Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner/Zoning Administrator), Kristina Maddox (Office Manager/Zoning Officer)

**CALL TO ORDER:** By Mr. Stidham at 3:00PM.

## Organizational Meeting

### **Election of Officers: Chair and Vice Chair**

The Commission unanimously voted to elect George L. Ohrstrom, II as Chair to the Planning Commission for 2023.

<b>Motion to elect George L. Ohrstrom, II as Planning Commission Chair for 2023:</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>AYE</b>
Buckley (Vice Chair)	<b>AYE</b>	Kreider	<b>AYE</b>
Bass	<b>AYE</b>	Lee	<b>AYE (moved)</b>
Dunning	<b>AYE</b>	Malone	<b>AYE (seconded)</b>
Glover	<b>AYE</b>	Staelin	<b>AYE</b>
Hunt	<b>AYE</b>		

The Commission unanimously voted to elect Randy Buckley as Vice Chair to the Planning Commission for 2023.

<b>Motion to elect Randy Buckley as Planning Commission Vice Chair for 2023:</b>			
Ohrstrom (Chair)	<b>AYE (moved)</b>	King	<b>AYE</b>
Buckley (Vice Chair)	<b>AYE</b>	Kreider	<b>AYE</b>
Bass	<b>AYE</b>	Lee	<b>AYE (seconded)</b>
Dunning	<b>AYE</b>	Malone	<b>AYE</b>
Glover	<b>AYE</b>	Staelin	<b>AYE</b>
Hunt	<b>AYE</b>		

### **2023 Committees and Member Assignments**

Mr. Stidham noted that if the Commission would like to make any changes to current committee assignments they are welcome to discuss with Chair Ohrstrom.

**Review and Adoption of 2023 Meeting Schedule**

Chair Ohrstrom addressed the inclement weather plan and noted if there is inclement weather during a Business Meeting that it would be rescheduled to another time that same day or that week.

The Commission voted unanimously to adopt the 2023 Planning Commission Meeting Schedule as presented by Staff.

<b>Motion to adopt the 2023 Planning Commission Meeting Schedule as presented by Staff:</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>AYE</b>
Buckley (Vice Chair)	<b>AYE (moved)</b>	Kreider	<b>AYE (seconded)</b>
Bass	<b>AYE</b>	Lee	<b>AYE</b>
Dunning	<b>AYE</b>	Malone	<b>AYE</b>
Glover	<b>AYE</b>	Staelin	<b>AYE</b>
Hunt	<b>AYE</b>		

**Review and Adoption of 2023 By-Laws**

Mr. Stidham asked the Commission if there were any questions regarding the proposed changes to the electronic meeting policy in response to charges adopted to the Code of Virginia. Chair Ohrstrom asked how Staff plans to track the absences to which Mr. Stidham replied via Excel spreadsheet. Chair Ohrstrom also asked why the keeper of the meeting needs to know where the Commissioner is attending the meeting from if attending electronically. Mr. Stidham replied that the location could be classified.

The Commission voted unanimously to adopt the 2023 Planning Commission By-Laws as presented by Staff.

<b>Motion to adopt the 2023 Planning Commission By-Laws as presented by Staff:</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>AYE</b>
Buckley (Vice Chair)	<b>AYE</b>	Kreider	<b>AYE</b>
Bass	<b>AYE</b>	Lee	<b>AYE (moved)</b>
Dunning	<b>AYE</b>	Malone	<b>AYE (seconded)</b>
Glover	<b>AYE</b>	Staelin	<b>AYE</b>
Hunt	<b>AYE</b>		

**Review and Adoption of 2023 Project Priorities**

Chair Ohrstrom said he thought the decision had previously been made to merge the Mountain Land Plan and the Agricultural Land Plan. Mr. Stidham replied that there was a recommendation to look at the feasibility of combining them but that step one is to consider what a Rural Lands Plan would look like.

Chair Ohrstrom said he thought the maximum lot size exception regulations were also previously determined. Mr. Stidham replied that it is a different item to clarify and that essentially an interpretation was made and now needs to be added to the ordinance.

The Commission voted unanimously to approve the 2023 Priorities List as presented by Staff.

<b>Motion to approve the 2023 Project Priorities as presented by Staff:</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>AYE</b>
Buckley (Vice Chair)	<b>AYE</b>	Kreider	<b>AYE (seconded)</b>
Bass	<b>AYE</b>	Lee	<b>AYE (moved)</b>
Dunning	<b>AYE</b>	Malone	<b>AYE</b>
Glover	<b>AYE</b>	Staelin	<b>AYE</b>
Hunt	<b>AYE</b>		

**Review of January 6 Business Meeting Agenda Items**

Mr. Camp provided a broad overview of the upcoming agenda items to include an amendment to SUP-17-02 and site plan approval for Hecate Energy Gun Barrel Road Solar, LLC. Chair Ohrstrom asked if anyone has shown interest in attending the public hearing to which Mr. Camp replied that he thought one citizen planned to attend. Commissioner Lee asked if the adjoining neighbors were contacted. Mr. Camp responded that the adjoining property owners received a letter in the mail and that four signs are posted at the site with a phone number to call if there are questions. Chair Ohrstrom asked if the signs will remain until construction ceases in the event citizens have complaints. Mr. Camp replied they are public hearing signs and are in the VDOT right-of-way. Chair Ohrstrom said he recalled a neighbor complaining about the trucks running through their property and wanted to ensure that does not happen again. He continued that he was good with them proceeding if Hecate Energy Gun Barrel Road Solar, LLC was good with the conditions. Mr. Camp said Hecate Energy Gun Barrel Road Solar, LLC requested that the Commission not require the financial surety for a year after construction, however, the county attorney and Mr. Camp believe it would put the county at risk. There were no further questions from the Commission.

Mr. Camp reviewed Carter Hall as the second Business Meeting agenda item. Chair Ohrstrom noted a previous renovation to a different property years ago where a decibel test was performed and successful.

Mr. Camp noted that Vice Chair Buckley and Commissioner Dunning previously recused themselves from participating in Planning Commission discussions of Carter Hall.

Mr. Camp said Staff is concerned about the potential noise and light disruption and believes the application does not provide sufficient information to demonstrate how it will be managed. He said that if the Commission requires a photometric plan or additional details, the applicant said they are willing to do so.

Mr. Camp noted the Commission has one-hundred days to act and listed future potential public hearing dates and added that if issues arise, there is additional time to address them. Chair Ohrstrom asked if the applicant can voluntarily defer if there are unanswered questions between the applicant and the Commission in between the public hearings and, if so, what happens to the one-hundred day timeframe. He asked, for example, if the applicant needed additional time in order to obtain and provide information for a Commission inquiry, does the one-hundred day timeframe stop when they defer and start again as the information is received. Mr. Camp said we would request a deferral statement in writing from the applicant which would stop the one-hundred day clock although the Commission is not required to

accept the deferral request. Mr. Stidham said the clock would start again once the information was delivered and would not restart at one-hundred days but continue as is.

Commissioner Staelin asked if a property is allowed to have two separate uses such as a country inn and a nonprofit. Mr. Camp responded that the nonprofit is in the administration building and is a continuation of Project Hope's non-conforming status. He said once Project Hope ceased to operate, they had two years to reestablish the same use as a nonprofit in which the applicant submitted a permit a year ago and was issued a zoning determination letter.

Commissioner Staelin asked how the process would be handled for future proposed items. Mr. Camp replied that it was not part of the submittal and what was proposed in various locations is described in their responses. He said they do not have a design of the pool but they did provide area calculations for the amount of impervious surface and that no other buildings were to be proposed. He said there are similar responses to the plaza area as well. Commissioner Staelin asked if the applicant has to provide a full design to Staff before they can proceed or if they can do what they like as long as it is within the parameters of what is currently proposed. Mr. Camp replied they would need to obtain permits for the pool but said something could be specifically worded in the conditions for the special use permit if deemed appropriate.

Chair Ohrstrom said it seemed as though the applicant wanted to start the country inn use immediately prior to obtaining the certificate of occupancy. Mr. Camp said they have yet to lay out a phasing plan, however, they would need to receive occupancy permits for each building before they are used as a country inn.

Chair Ohrstrom asked for further details on the noise reduction plans within the conservatory and noted there seems to be a noise reduction plan in place for events at the stables with building materials such as sheet rock. Mr. Camp said they requested more substantial details from the applicant to address the question. Commissioner Staelin noted that a google search he conducted said that a wedding band can reach close to 90-127 decibels and is unsure how a vinyl tent will dampen the noise. He also provided the example of his own glass greenhouse that needs the doors and windows opened when it becomes too warm inside and said the same could happen in the glass conservatory.

Commissioner Staelin questioned how they plan to address spills on the floor if there are no nearby facilities. Chair Ohrstrom said he did not think there were enough bathrooms in several of the areas including the conservatory, the dairy, or the smoking room. He said he is not sure if the number of bathrooms changes the septic or not as it is based on gallons per day. Commissioner Lee said the gallons per day number is based on the number of people. Mr. Camp confirmed that the property is served by public water when asked by Chair Ohrstrom.

Commissioner Glover asked how these event plans compare to Project Hope's previous events. Commissioner Staelin said it was never an event center and that people stayed there for three to four days for conferences in the administration building.

When asked if the Sanitary Authority has a problem with supplying water for the pool, Mr. Camp replied they do not have any issues with it.



Chair Ohrstrom asked about fire suppression and noted there are no sprinklers in the main building. Mr. Camp said the Building Official would review those details once the plans are submitted to ensure compliance. Chair Ohrstrom said he wants to ensure everything is up to code prior to signing the official approval. Mr. Camp said he can obtain more information from the Building Official and noted there are some historic structure exemptions.

Commissioner Staelin commented the lighting is an issue and Chair Ohrstrom noted a photometric study may be required. Mr. Camp said the applicant will comply if that is required by the Commission. Commissioner Staelin said it is not only the light that may shine into someone's window but that it is the general aura of light disrupting the neighborhood and dark skies. Chair Ohrstrom said this is not just about the historic property itself and that it is the job of the Commission to set a precedent for future similar projects in the AOC (Agricultural-Open Space-Conservation).

Mr. Stidham addressed Commissioner Staelin's comments about the proposed areas. He said the applicant would need to return with a site plan amendment should they wish to build a gazebo, for example, or another structure associated with the swimming pool area and go back through the process. He said if the applicant is considering any of those situations, they should be on the site plan now to be deliberated.

Chair Ohrstrom asked Mr. Greenhalgh about the stormwater pre and post development. He said he saw crosshatch areas drawn on the border lines and said the drawings show small parcels of land in conservation easement strictly for stormwater.

Mr. Greenhalgh addressed the Commission and said the applicants are happy to look at any and all suggestions for improvement. He said it was mentioned previously and suggested the Commission visit the site. He asked the Commission if he could provide insight in terms of their project intention. Chair Ohrstrom suggested he do so during the Business Meeting.

Mr. Greenhalgh said regarding easement point, he is happy to look at the best holders for the situation and to look into that in more detail. Chair Ohrstrom named a few easement holder possibilities and noted most have set criteria for easements and that Mr. Greenhalgh may want to talk to them first before any assumptions are made. Mr. Greenhalgh agreed and said he has had discussions with the Easement Authority about the possibilities for Carter Hall and noted it is definitely worth considering for future discussions.

Mr. Stidham noted the status of deferred applications to include Horus Virginia LLC, the other solar farm application on Westwood Road, which is potentially due to return in February.

### **Old Business**

None scheduled.

### **New Business**

#### **Upcoming Agenda Items – February – July 2023**

Mr. Stidham said he plans to have an updated version of the projected agenda items at each meeting so the Commission has a better idea of what is coming up over the next six months or so.

He said the Zoning and Subdivision Ordinance has been compiled to incorporate all of the text amendments that were adopted to date which include short-term residential rentals and can be found on the county's website.

**ADJOURN:** The January 3<sup>rd</sup> Planning Commission Work Session and Organizational Meeting adjourned by consensus at 3:58PM. The next Planning Commission Business Meeting is February 3, 2023 and the next Comprehensive Plan Committee meeting is scheduled for Friday, January 6, 2023 at 9:00AM.

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George L. Ohrstrom, II (Chair)

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Kristina Maddox (Clerk)



# Clarke County Planning Commission

**DRAFT MINUTES – Business Meeting**

**Friday, January 6, 2023 – 9:00AM**

**Berryville/Clarke County Government Center – Main Meeting Room**

<b>ATTENDANCE:</b>			
George L. Ohrstrom, II (Chair/Russell)	✓	Ronnie “Ron” King (Buckmarsh)	✓
Randy Buckley (Vice-Chair/White Post)	✓	Scott Kreider (Buckmarsh)	✓
Matthew Bass (Board of Supervisors)	X	Frank Lee (Berryville)	✓
Buster Dunning (White Post)	✓	Gwendolyn Malone (Berryville)	✓
Robert Glover (Millwood)	✓	John Staelin (Millwood)	✓
Pearce Hunt (Russell)	✓	Doug Lawrence (BOS alternate)	✓

**STAFF PRESENT:** Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner/Zoning Administrator), Chris Boies (County Administrator), Kristina Maddox (Office Manager / Zoning Officer)

**OTHERS PRESENT:** Patricia Shorr (Hecate Energy, LLC), Langdon Greenhalgh (Carter Hall), David Frank (Pennoni)

**CALL TO ORDER:** By Chair Ohrstrom at 9:00AM.

## 1. Approval of Agenda

The Commission voted 11-0-1 to approve the agenda as presented by Staff.

<b>Motion to approve the January 6, 2023 Business Meeting agenda as presented by Staff:</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>AYE</b>
Buckley (Vice-Chair)	<b>AYE (moved)</b>	Kreider	<b>AYE</b>
Bass	<b>ABSENT</b>	Lee	<b>AYE</b>
Dunning	<b>AYE</b>	Malone	<b>AYE (seconded)</b>
Glover	<b>AYE</b>	Staelin	<b>AYE</b>
Hunt	<b>AYE</b>	Lawrence	<b>AYE</b>

## 2. Approval of Minutes

### A. November 29, 2022 Work Session

The Commission voted 11-0-1 to approve the November 29, 2022 Work Session meeting minutes as presented by Staff.

<b>Motion to approve the November 29, 2022 Work Session meeting minutes as presented by Staff:</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>AYE</b>
Buckley (Vice-Chair)	<b>AYE</b>	Kreider	<b>AYE</b>
Bass	<b>ABSENT</b>	Lee	<b>AYE (seconded)</b>
Dunning	<b>AYE</b>	Malone	<b>AYE</b>
Glover	<b>AYE</b>	Staelin	<b>AYE (moved)</b>
Hunt	<b>AYE</b>	Lawrence	<b>AYE</b>

**B. December 2, 2022 Business Meeting**

The Commission voted 11-0-1 to approve the December 2, 2022 Business Meeting minutes as presented by Staff.

<b>Motion to approve the December 2, 2022 Business Meeting minutes as presented by Staff:</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>AYE</b>
Buckley (Vice-Chair)	<b>AYE (moved)</b>	Kreider	<b>AYE</b>
Bass	<b>ABSENT</b>	Lee	<b>AYE (seconded)</b>
Dunning	<b>AYE</b>	Malone	<b>AYE</b>
Glover	<b>AYE</b>	Staelin	<b>AYE</b>
Hunt	<b>AYE</b>	Lawrence	<b>AYE</b>

**CONTINUED PUBLIC HEARING**

**3. SUP-22-03/SP-22-04, Hecate Energy Gun Barrel Road Solar, LLC; Hecate Energy, LLC (applicants)/Debra Diane Davis, Administrator of the Estate of Montie Wood Gibson, Jr. (owner-deceased)**

Mr. Camp presented an update on this special use permit and site plan application including changes and revisions addressed since the December Business Meeting. He said the proposed solar panels are more focused toward the center of the main site and that the applicant added access roads, skids for control equipment, and perimeter landscaping. He added that fencing and stormwater improvements consisting of a series of check dams, ditches, and berms were included. He continued that the revised decommissioning plan was reviewed by Staff and the county attorney, that it meets State code requirements, and is acceptable to the county. He said there was a concern regarding condition numbers five and fifteen in the draft which have now been revised to clearly state the applicant’s responsibilities. He said Staff advises the Planning Commission recommend approval to the Board of Supervisors but noted the applicant requested a modification to one of the conditions regarding the timeframe in which they have to obtain permits and to complete construction of the facility. This includes a change from six to twelve months to obtain all permits in addition to extending the construction timeframe from eighteen to twenty-four months. When asked by Chair Ohrstrom if Staff has any objections to these changes, Mr. Camp said there are no objections from Staff.

As there were no questions from the Commissioners, Chair Ohrstrom opened the continued public hearing. As there were no speakers for the public hearing, Chair Ohrstrom closed the public hearing. The Commission had no questions or comments.

The Commission voted 11-0-1 to recommend approval of **SUP-22-03/SP-22-04, Hecate Energy Gun Barrel Road Solar, LLC; Hecate Energy, LLC (applicants)/Debra Diane Davis, Administrator of the Estate of Montie Wood Gibson, Jr. (owner-deceased)** to the Board of Supervisors.

<b>Motion to recommend approval of <u>SUP-22-03/SP-22-04</u>, Hecate Energy Gun Barrel Road Solar, LLC; Hecate Energy, LLC (applicants)/Debra Diane Davis, Administrator of the Estate of Montie Wood Gibson, Jr. (owner-deceased) to the Board of Supervisors:</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>AYE</b>
Buckley (Vice-Chair)	<b>AYE</b>	Kreider	<b>AYE (seconded)</b>
Bass	<b>ABSENT</b>	Lee	<b>AYE (moved)</b>
Dunning	<b>AYE</b>	Malone	<b>AYE</b>
Glover	<b>AYE</b>	Staelin	<b>AYE</b>
Hunt	<b>AYE</b>		

**SCHEDULE PUBLIC HEARING**

**4. SUP-22-02/SP-22-03, Carter Hall Estate, LLC.**

Mr. Camp announced that Vice Chair Buckley and Commissioner Dunning previously recused themselves from this application due to conflict of interest and would not be participating.

Mr. Camp presented the staff report for this special use permit and site plan. Following the presentation, he said Staff recommends the Commission schedule a public hearing on Friday, February 3, 2023. He said the Commission has until April 16, 2023, which is 100 days from the date of today’s meeting, to act on the application unless the applicant voluntarily extends the date.

Commissioner Staelin asked Mr. Camp how the noise ordinance does or does not relate to the application. Mr. Camp responded that the noise ordinance is unclear. He said it appears to state that activities permitted by the Board of Supervisors are exempt from the ordinance which would include special use permits. He added that noise issues can be addressed using special use permit conditions.

Commissioner Glover questioned why the public hearing is to be scheduled when there seems to be several unanswered questions. Mr. Camp responded that it is up to the applicant as to when the one-hundred days starts and that the Commission schedule the public hearing on a future date. Commissioner Glover asked that any future items and buildings be marked on the plans as proposed and noted the details within the chart are not consistent. He also noted there are no bathrooms within the 5,000 square foot building or in the pool area. He asked if the tents are required and asked about their capacity. Additionally, he asked about the above-ground fireworks and wanted more clarification if they are to be above or below the tree canopy. Mr. Glover said he is in agreement that a photometric survey needs to be done before he recommends it move forward.

Chair Ohrstrom said one of the reasons the public hearing is scheduled is so the Planning Commission has time to hear what the public has to say and to provide the applicant the opportunity to address any concerns and that the public hearing could be continued as needed. Commissioner Kreider said there are several questions that need answers including building materials to ensure noise reduction and light survey details.

Chair Ohrstrom said he does not consider glass soundproof and believes it would enhance sound and would like to see a certified engineer’s thoughts on the matter. He commented that there are several details regarding noise abatement details and procedures they plan to have in the stable but no detail for the glass conservatory building. He said it is an important detail to note as it is a rural residential neighborhood

where neighbors are potentially impacted. Chair Ohrstrom said he believes the Commission will create a series of noise conditions later on in the process.

Chair Ohrstrom said he read in the packet that the Virginia Department of Health says the new septic is compatible with 110 people and not 149. Commissioner Lee agreed to look into those details.

Chair Ohrstrom also noted a potential discrepancy within the packet where he read that the country inn use will start after phase one which is stormwater and septic. He said the Planning Commission is unable to approve this until the buildings have been renovated and brought up to code.

Chair Ohrstrom asked if Carter Hall Estate, LLC plans to provide a presentation to share their thoughts side of the project during the public hearing.

Commissioner Glover commented that his decision depends on the future impact of future Planning Commission decisions as well.

Langdon Greenhalgh (965 Red Gate Road, Millwood) stated that he represents Carter Hall Estate, LLC ownership along with David Frank of Pennoni Engineering. He asked that the Planning Commission consider the following points regarding their intent behind the Carter Hall special use permit and site plan. He said they propose that Carter Hall will continue similar to how it has been for the past forty years as an inn and events venue. He said they plan to invest additional capital of their own to keep the historical integrity of the property while also making it a country inn in which the county can be proud. He added they are applying for a country inn and special use permit that will allow for 15 rooms and 149 people to remain in compliance with the existing zoning ordinances even though it previously had been operating with 24 bedrooms.

Mr. Greenhalgh commented that Carter Hall is unique as a property in Clarke County and has already been in operation as an event location with lodging and meals for decades but has yet to be zoned as a country inn. He said their application plans to address the challenge. He added that Carter Hall is a true Clarke County country inn fit and that it matches the county's qualifications and zoning ordinance.

Mr. Greenhalgh said that a great deal of commitment, resources, and effort have gone into the extensive application process and that a lot of time and money have been spent addressing each question raised by the state and county as best as possible. He added they are happy to continue to work with the Planning Commission, Staff, and community so that all questions and concerns are addressed.

Mr. Greenhalgh welcomes the Planning Commission to do a site visit at Carter Hall and that he envisions the property will be more accessible to the community than it previously had been. He hopes for historic tour opportunities, access to the grounds and meeting spaces for Clarke County in addition to community-based organizations. He added that the property has a rich history and role within the county and they wish to run it as a country inn in order to preserve its historical value as a property such as this takes a lot of resources to maintain long-term. He said they recognize the unique history and local heritage related to Carter Hall and are committed to both historical preservation and education that is important for the benefit of generations to come. He said it is imperative to properly maintain the property and to do so successfully requires an immediate long-term investment and sustainable revenue model. He plans to operate Carter Hall as a vibrant business that will contribute in many valuable ways by creating new economic

opportunities for Millwood and Clarke County, new jobs, opportunities for partnership, and tax revenue benefits for the county.

Mr. Greenhalgh said they are committed to avoiding any issues that may arise related to future Carter Hall operations and want to work with the community and county to address traffic issues in Millwood and ensure that any noise from the property meet the county noise ordinance.

To address the light transmission questions, Mr. Greenhalgh said Carter Hall and conservatory building were confirmed to conform with current Clarke County zoning ordinance Section 6.H.11. He stated they have started the photometric study as part of the original design and plan to focus that further on the conservatory building for the Planning Commission. He said the application includes information on the tinted glass in the conservatory to reduce visible light transmission and reject solar. Additionally, he said they have also confirmed that a 3M film product is to be installed onto the conservatory ceiling windows which is estimated to provide a light glare reduction by more than 60% as well as a reduction of solar energy by more than 70%. He added that solar energy reduction addresses both passive solar and infrared heat coming into the building and that HVAC cooling and heating components can be provided to ensure comfort for all events and seasons. Mr. Greenhalgh said the film will support the already enhanced covering provided naturally by the trees surrounding the area.

To address the noise concerns, Mr. Greenhalgh said the conservatory building will be designed to reduce external noise at an estimated reduction of 20 decibels. He added the engineers and designers ensure that any music transmitted from within the building, when combined with the significant distance and natural obstacles involved in the terrain, ensure that any music noise from Carter Hall meets Clarke County ordinance requirements. He continued that the stables were previously referenced by Chair Ohrstrom and that they are going through extensive measures to ensure it is also a well-soundproofed building. Mr. Greenhalgh said details will be provided to the Commission as soon as they become available from the acoustic engineering experts regarding music sound reduction in these specific buildings.

Concerning fire safety, Mr. Greenhalgh said they are working with some of the best contractors in the area to ensure that everything meets and exceeds code expectations. He continued that he understands the building codes and that the fire officials will determine requirements and building codes will determine what fire system is required and that the locations and minimum number of egress points are to be provided. He said Carter Hall has fire hydrants throughout the property and that the building codes will determine whether or not there is a requirement for a sprinkler system and also the location and minimum number of emergency egress points that are provided. He explained they are working with Power Concepts, Inc based out of Winchester, VA who will be supporting them with the fire system design and ensuring requirement compliance from an electrical standpoint. He stated they are willing to provide additional details in terms of what codes are to be met and how.

With regards to phasing, Mr. Greenhalgh stated the intent is to upgrade all rooms, bathrooms, and facilities but to retain the historic character of the buildings as much as possible while bringing the country inn buildings up to modern standards. He reiterated that phase one is septic and stormwater management system and noted phase two is main house, stables, and wash house, etc. He commented they hope for some flexibility in this regard in that the country inn and events will be operational upon completion of phase one but would have additional upgrades in subsequent phases that would take place as soon as possible. He said they know they will need permits approved and have already submitted permits to do some of the work which is contingent on the county's special use permit determination. Chair Ohrstrom

said if they are unable to operate after phase one is complete, that it needs to be addressed. Mr. Greenhalgh responded that they understand there will be some back-and-forth across the phases and that they would not seek to occupy any building that has yet to obtain a certificate of occupancy. He said the way he understands the process is that the building would not be reoccupied until a certificate of occupancy is issued and Carter Hall Estate would comply with the standard county permitting and occupancy processes and requirements.

In response to potential tent locations, Mr. Greenhalgh said the majority of the events will be in the conservatory building or stables but would like the flexibility to have a tent on another part of the property. He added that the tents would be temporarily erected on the property for events on an as-needed basis and that Carter Hall would adhere to the county's person limit at all times regardless of location on the property. He said the revisions to the site plan will include ten potential tent locations.

Mr. Greenhalgh said adjoining the conservatory is the washhouse which will have five toilets and one urinal for all persons and added the distance from each building is not too far. Chair Ohrstrom commented that from a practicality standpoint that it does not make sense to not have a water facility in the conservatory. Mr. Greenhalgh responded they are working with a design team and said the washhouse and water is nearby and is an existing building rather than an addition. He added there is a total of forty-six toilets and urinals on the property itself to include twenty-nine toilets and urinals for guests and another seventeen for staff.

Mr. Greenhalgh commented that they are going back and forth with DEQ on stormwater review (Department of Environmental Quality) and said it is in the process of being addressed and approved by DEQ to meet those requirements and not disturb neighboring properties in any way.

In conclusion, Mr. Greenhalgh said they are committed to making an important contribution to our special Clarke County and that the partnerships in this project are rooted deep in the commitment to this community and their love for it. He said their fifth great grandfather originally built Carter Hall, they have families in Clarke, their children attend school here, and they want what is best for the county and community. He said he has done a lot of meaningful work around the world but wishes to do more in Clarke where he lives and where many generations of his family have lived.

Commissioner Staelin requested additional detail on the events themselves such as what type of events will be held and how meals are to be served. He also noted that even if the noise is reduced by 20 decibels, that the music will still be at a 100 or so decibel level. He questioned having events on the patio or even a tent with music and said all of these unknowns make it difficult to judge. He noted the comparison between Project Hope and what they plan to do with Carter Hall and said that while there are similarities, Project Hope did not host events every weekend. He also wants to better understand the catering logistics and noted that if it is to be a long-term investment, they will want to consider these situations.

In response to Commissioner Staelin, Mr. Greenhalgh said a lot of business analysis was done and they believe that the proposal put forward will be successful, sustainable, and will allow them to further contribute to the community. Additionally, he said he was attempting to communicate that there are similarities between them in that Project Hope fed and housed people in which Carter Hall plans to do the same.



Commissioner Glover said if it were just a matter of updating Carter Hall, the process would be a lot faster but it complicates matters by adding a 5,000 square foot conservatory. He said the conservatory is of a great concern to him and said that while the pool is less of an issue, it is still a concern. He said the new stormwater drains are troubling and that while DEQ is involved, he questions their standards. Commissioner Glover also addressed the potential sinkhole and depression issue on the property. He commented that he appreciates what Mr. Greenhalgh envisions but as far as the conservatory goes, it is off the table for him. He asked if Mr. Greenhalgh had a business model for making it work without the conservatory and if it is needed to survive. Mr. Greenhalgh responded that he believes the use of the space is a big part of what they want to do in order to bring people together in one area. Commissioner Glover said he would feel more comfortable if it was a regular building than a conservatory and that the neighbors and citizens may even prefer that. He also mentioned that conferences and weddings typically happen on the weekends when neighbors are home.

Mr. Greenhalgh thanked the Commission for their feedback and said he welcomes the opportunity for a site visit by the Commission to help them get a closer look.

Mr. David Frank of Pennoni asked to speak regarding Carter Hall stormwater management issues. He said they have been working with DEQ on this for quite some time and that they incorporated some downstream offsite improvements in the stormwater design. He said DEQ regulations require them to do a point of analysis which makes the drainage coming from the property go downstream to 1% of the drainage shed. He said they have met the DEQ design requirements and are not impacting downstream in a negative way. He continued that the downstream improvements they proposed that would help water flow downstream offsite from the property are not desired by the neighbors that live downstream and as such have been removed from the plans causing a slight delay in the project process.

Commissioner Staelin pointed out that the largest spring in Clarke County is located on the property and is the major source of water through Millwood and to the Shenandoah.

There were no further questions or comments from the Commission.

The Commission voted 9-0-3 to set a public hearing for **SUP-22-02/SP-22-03, Carter Hall Estate, LLC** for the Friday, February 3, 2023 business meeting.

<b>Motion to set a public hearing for <u>SUP-22-02/SP-22-03</u>, Carter Hall Estate, LLC for the Friday, February 3, 2023 business meeting:</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>AYE</b>
Buckley (Vice-Chair)	<b>ABSTAINED</b>	Kreider	<b>AYE</b>
Bass	<b>ABSENT</b>	Lee	<b>AYE</b>
Dunning	<b>ABSTAINED</b>	Malone	<b>AYE (seconded)</b>
Glover	<b>AYE</b>	Staelin	<b>AYE (moved)</b>
Hunt	<b>AYE</b>	Lawrence	<b>AYE</b>

## **Board and Committee Reports**

### **5. Board and Committee Reports**

#### **Board of Supervisors (Douglas Lawrence)**

Commissioner Lawrence noted the purchase of a new tax software program to help assist the Commissioner of the Revenue's office with preparing tax bills.

Commissioner Lawrence said there was a public hearing on the Waterloo Plan.

#### **Board of Septic & Well Appeals (George L. Ohrstrom, II)**

Nothing currently pending.

#### **Board of Zoning Appeals (Jeremy Camp)**

Mr. Camp noted there are no pending appeals but that he would like to hold an organizational meeting.

#### **Historic Preservation Commission – HPC (Bob Glover)**

Commissioner Glover said there is a meeting coming up in a few weeks and Mr. Camp explained there will be a preliminary discussion regarding the upcoming awards luncheon.

#### **Conservation Easement Authority - CEA (George L. Ohrstrom, II)**

Chair Ohrstrom said the CEA had a banner year in 2022 with approximately 800 acres put into conservation. Commissioner Buckley commented that 275 acres were put into conservation in December alone and that twelve DURs (dwelling unit rights) were retired with three parcels.

#### **Broadband Implementation Committee (Brandon Stidham)**

Mr. Stidham said that All Points Broadband was to make a presentation before the Board of Supervisors in December but that it was postponed to their February meeting due to scheduling conflicts.

### **OTHER BUSINESS**

Mr. Stidham announced that the Policy and Transportation Committee is meeting in the A/B conference room following this meeting to discuss campground issues.

**Adjournment:**

The Commission voted 11-0-1 to adjourn the meeting at 10:03AM.

<b>Move to adjourn the Business Meeting:</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>AYE</b>
Buckley (Vice-Chair)	<b>AYE</b>	Kreider	<b>AYE (seconded)</b>
Bass	<b>ABSENT</b>	Lee	<b>AYE (moved)</b>
Dunning	<b>AYE</b>	Malone	<b>AYE</b>
Glover	<b>AYE</b>	Staelin	<b>AYE</b>
Hunt	<b>AYE</b>	Lawrence	<b>AYE</b>

\_\_\_\_\_  
George L. Ohrstrom, II (Chair)

\_\_\_\_\_  
Kristina Maddox (Clerk)

# **SPECIAL USE PERMIT & SITE DEVELOPMENT PLAN (SUP-22-02 / SP-22-03)**

February 3, 2023 Planning Commission Business Meeting – *Public Hearing*

STAFF REPORT– Department of Planning

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The purpose of this staff report is to provide information to the Planning Commission & Board of Supervisors to assist them in reviewing this land use request. It may be useful to members of the general public interested in this request.

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## **Case Summary**

### **Applicant:**

Pennoni Associates Inc

### **Property Owner:**

Carter Hall Estate, LLC

### **Location:**

The site is located on Tax Map #30-A-15. It includes several buildings addressed off of Carter Hall Lane. Carter Hall Lane is located off of Bishop Meade Rd. (Route 255), approximately 983 feet northeast of the intersection of Bishop Meade Rd. and Millwood Rd. (Route 723). The property is zoned AOC District, and is within the Millwood Election District.<sup>1</sup>



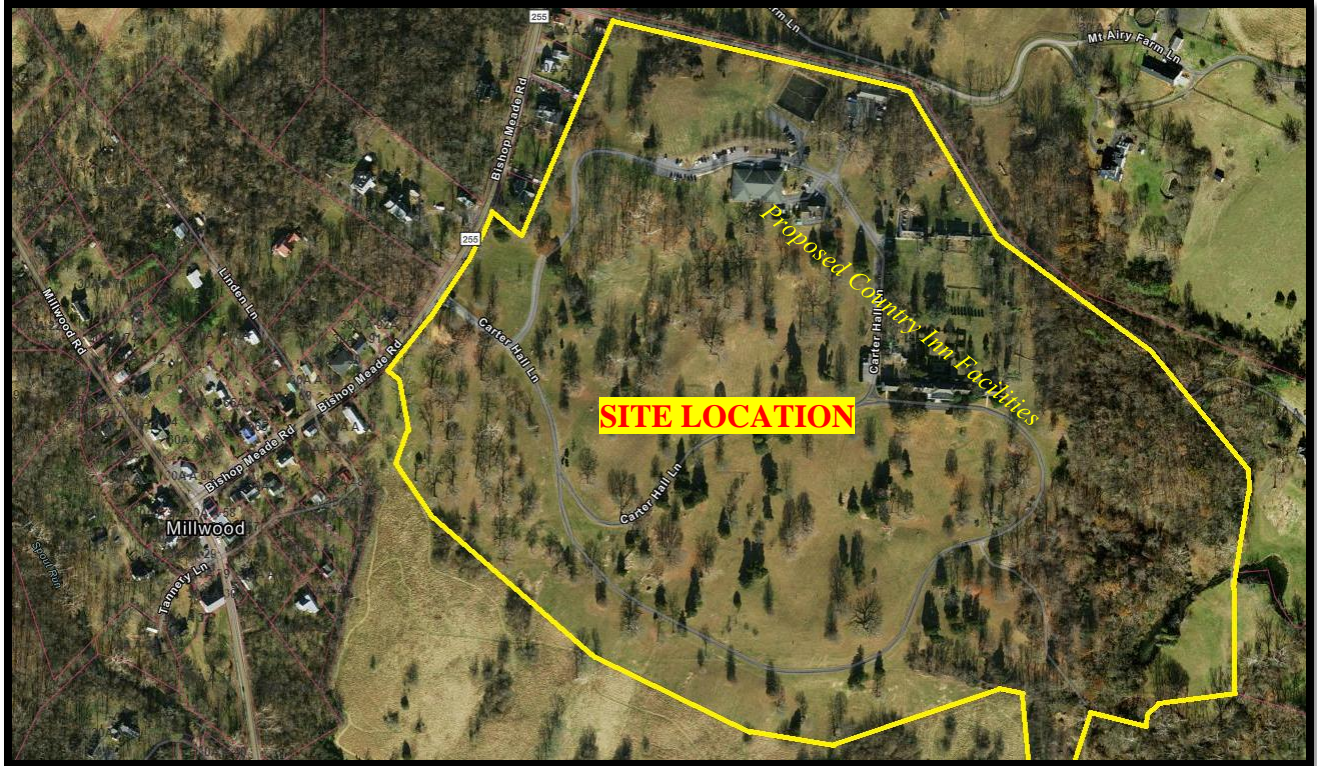
### **Request:**

This Special Use Permit application includes a request for approval of a Country Inn on the historic property of Carter Hall. The submittal also describes that events will be held in association with the Country Inn. A Site Development Plan Application was submitted concurrently with the Special Use Permit. The site plan depicts how the owner intends to utilize the existing facilities on the property for the proposed use. It also depicts new facilities that are proposed, including a conservatory building, pool, guard house, stormwater basin, plaza, patio, and various other improvements to existing parking areas, landscaping, walkways, drainfields, and the entrance off of Bishop Meade Rd (Route 255). The Country Inn is proposed to have 15 rooms. Events are proposed to have up to 149 people. This is the maximum allowed per the Zoning Ordinance’s regulations and represents all people on the property during events, including event attendees, staff and room guests. The 149 maximum people also includes any people present on the property for other purposes, such as employees for the nonprofit organization that currently operates from the existing administration building.

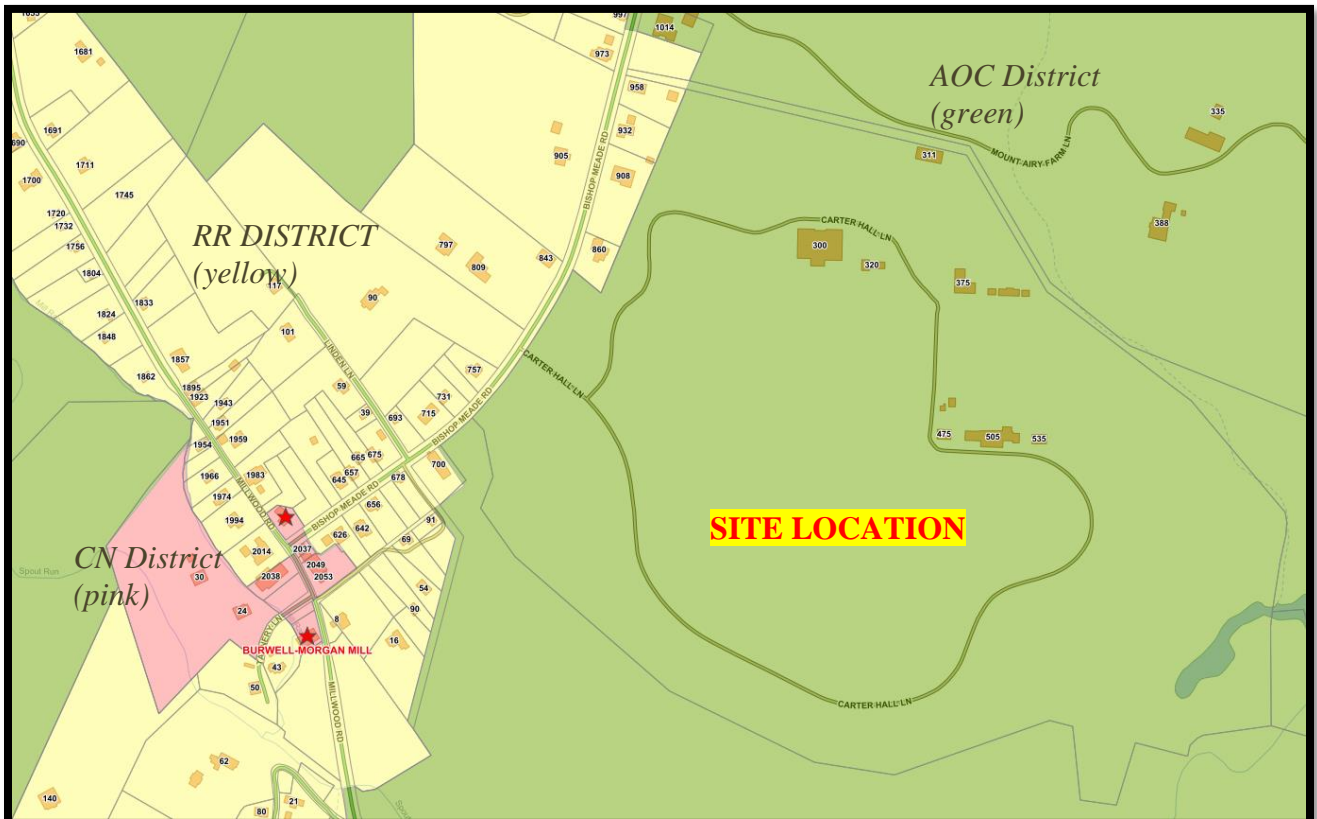
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<sup>1</sup> Planning Commission Representatives: Robert Glover & John Staelin  
Board of Supervisors Representative: Terri T. Catlett

**Illustrations:**

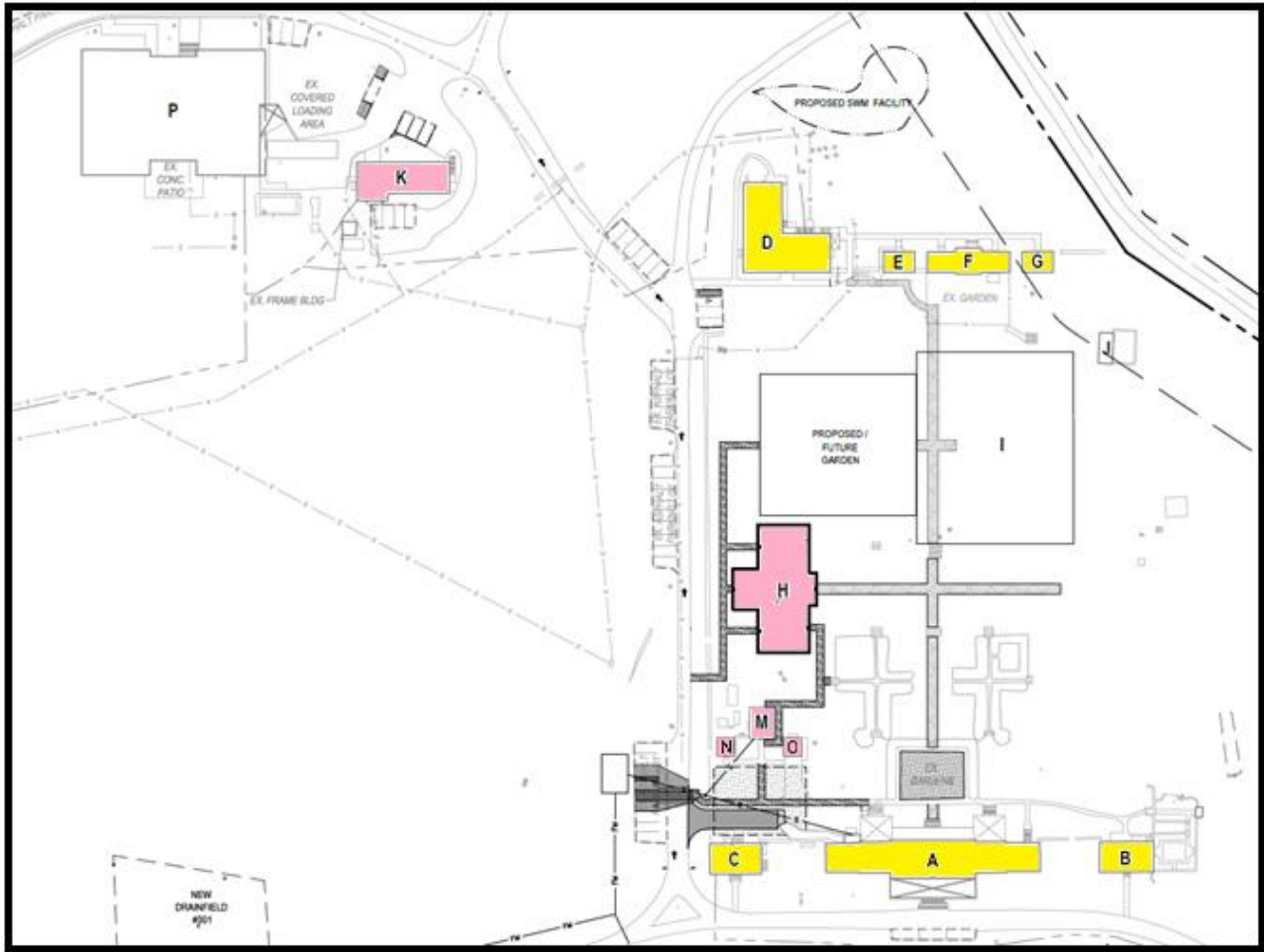


Above is an illustration of the boundaries of the property overlaid on an aerial image. The property consists of approximately 86.4 acres. Approximately 3.2 acres are proposed to be disturbed by the project for the proposed improvements. Below is an illustration that shows the zoning of the property in context to the surrounding properties.

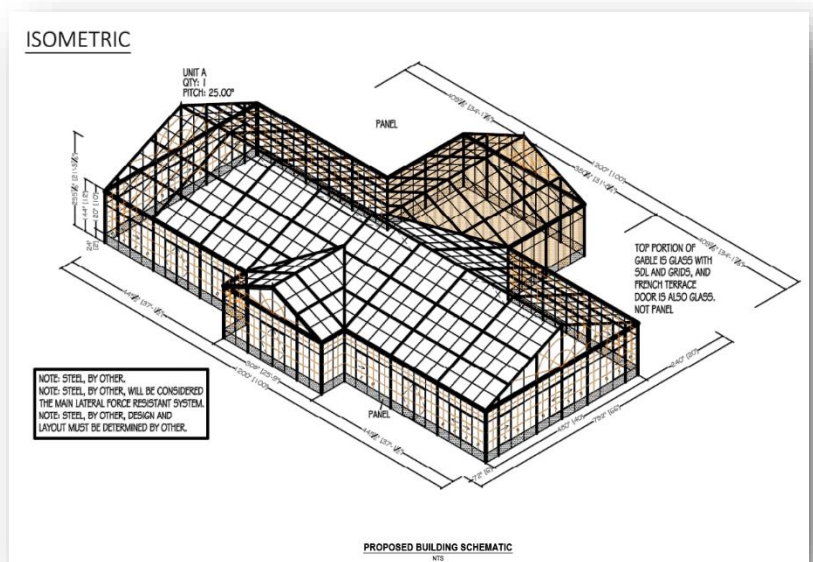


Building Name & Number on Carter Hall Lane	Proposed Use	# Proposed Bedroom	Other Rooms	Sq Ft	Proposed Alterations	Septic Field
<b>A</b> Main House (505)	Accommodation, Kitchen for Inn, Bar, Dining & Events Space	3 Bedrooms (Max 6 persons sleeping)	Main hall, morning room, den, dining room, butler's pantry, bathrooms, green room, kitchen, pantry, dishwashing room, utility rooms, attic.	14,695 sq. ft.	Asbestos remediation, renovation of existing bathrooms, expansion of bathroom on 1 <sup>st</sup> floor, updating of electrical, HVAC, roof repair and painting.	#201 & #301
<b>B</b> East House (535)	Accommodation	2 (Max 4 sleeping)	Living, dining, kitchen and bathroom	1,517 Sq. Ft.	Asbestos remediation, renovation of existing bathrooms, updating of electrical, HVAC, roof repair and painting.	#401
<b>C</b> West House (475)	Accommodation	2 (Max 4 sleeping)	Living, dining, kitchen and bathroom	1,221 Sq Ft.	Asbestos remediation, renovation of existing bathrooms, updating of electrical, HVAC, roof repair and painting.	#201 & #301
<b>D</b> Carriage House (375)	Accommodation	5 (Max 10 sleeping)	Living, dining, kitchen and bathroom	5,390 Sq Ft.	Asbestos remediation, renovation of existing bathrooms, renovation of bedrooms to make them larger, updating of electrical, HVAC, new roof and painting.	Existing drain fields + #101 + #501 as needed
<b>E</b> Cabin A	Accommodation	1 (Max 2 sleeping)	Bathroom	239 Sq. Ft.	Renovation of existing bathroom, updating of electrical, HVAC, new roof and painting.	Existing drain fields + #101 + #501 as needed
<b>F</b> Cabin B/C	Accommodation	1 (Max 2 sleeping)	Living, dining, kitchen and bathroom	781 Sq. Ft.	Renovation of existing bathroom, updating of electrical, HVAC, new roof and painting.	Existing drain fields + #101 + #501 as needed
<b>G</b> Cabin D	Accommodation	1 (Max 2 sleeping)	Bathroom	239 Sq. Ft.	Renovation of existing bathroom, updating of electrical, HVAC, new roof and painting.	Existing drain fields + #101 + #501 as needed
<b>H</b> Conservatory	Events and Meals	N/A	None	See SDP	New build.	N/A
<b>I</b> Pool	Swimming, events, dining	N/A	None	TBD	New build.	TBD
<b>J</b> Greenhouse	Greenhouse	N/A	None	238 Sq. Ft.	Historical restoration of Bunny Mellon's 1 <sup>st</sup> greenhouse	N/A
<b>K</b> Stables	Event location	N/A	Bathrooms	2,083 Sq. Ft.	Modernization of electrical and HVAC. New bathroom and sound proofing.	Existing drain fields + #101 + #501 as needed
<b>L</b> Maintenance Shop	Inn grounds and maintenance	N/A	Bathroom and break room	2,367 Sq. Ft.	Minor improvements to bathroom and break rooms.	Existing drain fields + #101 + #501 as needed
<b>M</b> Wash House	Bathroom for events	N/A	None	403 Sq. Ft.	Renovation of existing space and bathroom into 2 bathrooms to allow for ADA compliance	#201 and #301
<b>N</b> Dairy	Welcome (Check-in and check-out) with sales of Inn merchandise	N/A	None	165 Sq. Ft.	Renovation of space, updating of electrical, HVAC, new roof and painting.	N/A
<b>O</b> Smoke House	Smoking room	N/A	None	174 Sq. Ft.	Renovation of space, updating of electrical, HVAC, new roof and painting.	N/A
<b>P</b> Administrative Building (300)	Country Inn Support services and administration, non-profit organization use, community meetings	N/A	None	22,236 Sq. Ft.	Solar installation on roof, renovation of bathrooms, new ceiling tiles, modernization of HVAC system, new carpeting and painting.	Existing drain fields + #101 + #501 as needed

Page CS003 of the site plan provided a simplified layout of the property, including existing and proposed improvements. To the left is the chart on the same page that details what the proposed uses of these facilities would be.

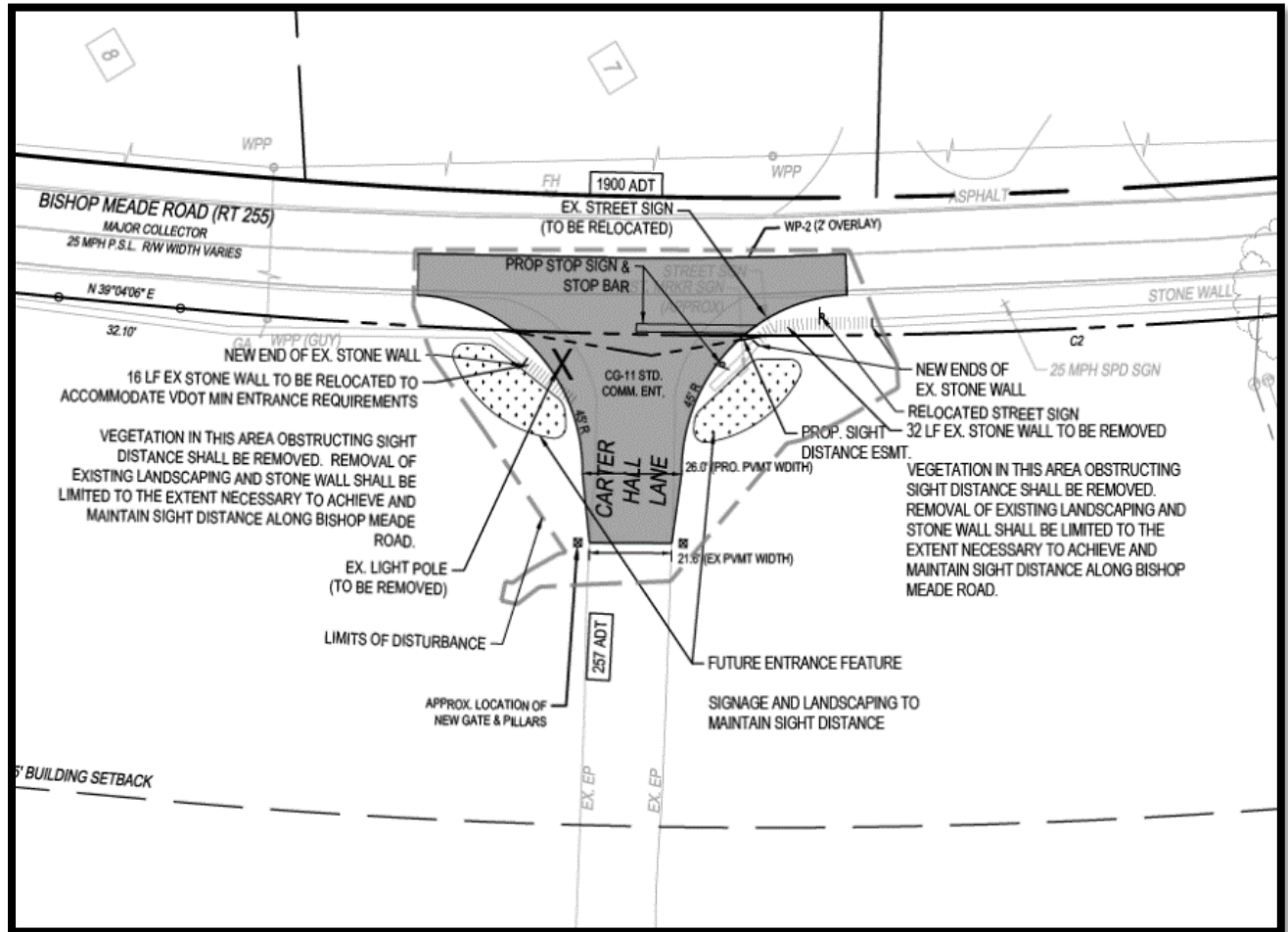


Above is an image taken from page CS003 of the site plan. The buildings labeled as A, B, C, D, E, F, and G (yellow) are proposed to include bedrooms for sleeping accommodations. Building H (illustrated to the right) is a proposed glass building that would be used to host events. Bathroom facilities for it are proposed in Building M. The large administrative building, labeled as building P, would be used for the owner’s nonprofit organization. Building K would be used for smaller event activities, and Building L (not shown) would be used primarily for maintenance. Building N is proposed for country inn related sales, and building O would be used for guests to smoke within. A guard house (not shown) and an existing greenhouse are other ancillary buildings.



Food and beverage services are only allowed as an accessory use to country inns. This includes serving of guests that are being lodged, but does not include serving guest that are only there for events. For this reason, the commercial kitchen in the Main House will only serve those staying at the Country Inn. Off-site catering is necessary to serve events.

The site plan details improvements to the existing entrance to the property from Bishop Meade Road. These improvements are required by the Virginia Department of Transportation (VDOT). Below is an illustration of the proposed entrance improvements that are conditionally approved at this time by VDOT.



The property is served by public water and utilizes onsite septic disposal systems. The Virginia Department of Health (VDH) review letter, dated August 8, 2022, provides a detailed summary of proposed improvements to the onsite septic disposal systems on the property. In brief, the Main and West houses will abandon the existing onsite septic disposal system to make room for the applicant's proposed glass conservatory building (building H). A new large alternative onsite sewage disposal system with 100% reserve is designed to provide service and is illustrated on the site plan. The Administrative Building, Stables, and Maintenance Cabins are served by an existing onsite septic disposal system that is in good operational condition. A 100% reserve area was located for this to meet current standards. The East House is currently served by a circa 1930s system that is being replaced with a new conventional onsite septic disposal system and 100% alternative reserve. Resistivity tests were submitted, reviewed and approved for the proposed new systems on August 26, 2022.



### **Application Documents:**

The applicant submitted a complete application form, narrative document, site plan, and paid the required application fees. In addition, the following state agency documents were provided.

- Land Disturbance & VSMP Plan Stormwater Management Report - DEQ
- Stormwater Pollution Prevention Plan (SWPPPP) - DEQ
- Turn Lane Warrant Report - VDOT
- Commercial Entrance Plan Checklist - VDOT
- BMP Stormwater Management Facility Maintenance Agreement - DEQ
- Preliminary Engineering Report for Onsite Sewage Treatment and Disposal System - DEQ

These are all large technical documents but are available upon request.

### **Current Review Status:**

As discussed later in this report, Staff's review is ongoing. At this time there are a number of issues that have not been addressed by the applicant. Below are departments and agencies that have reviewed the applications and provided comment.

- Planning Department  
[see Key Issues of Concern section of this report below.]
- Hurt & Proffitt (engineering consultant & Sanitary Authority agent)  
[approval confirmation received on January 5, 2023 following December 27, 2022 resubmittal]
- Maral Kalbian (historic resource consultant)  
[see comments included in the initial review comment letter from Staff dated 8/8/2022]
- Sherriff's Office  
[no comments]
- VDH  
[see letter dated 8/8/2022. Permits required]
- VDOT  
[conditional approval granted, see letter/email dated 12/8/2022. Permits required]
- Building Department  
[initial comments addressed. See responses to Planning Commission's questions below]
- Emergency Services  
[no comments. Reviewed by previous and current director.]
- Virginia Outdoor Foundation  
[no comments]
- DEQ  
[received approval email on January 5, 2023 following December 27, 2022 resubmittal]

Last month's Planning Commission agenda package included correspondence from Staff and the other review agencies for information purposes. This information is not reproduced for the purpose of the February 3, 2023 Planning Commission meeting, but is available upon request.

The resubmission of the site plan, date December 27, 2022, was reviewed and approved by Hurt & Proffitt and the Department of Environmental Quality (DEQ). Hurt & Proffitt reviewed the site plan for conformance with Erosion and Sediment Control regulations and for the Sanitary Authority. DEQ review the plan for stormwater compliance.

### **Country Inn Regulations:**

Section 5.2C of the Clarke County Zoning Ordinance includes the regulations for Country Inns. Country Inns are allowable with a special use permit in the AOC District. Below is a listing of the country inn regulations from this code section.

1. A maximum of 15 guest rooms for transitory lodging or sleeping accommodations shall be permitted.
2. The sale of meals or prepared food, which may include beverages and confections, is permitted as an accessory use to a country inn. Approvals or permits by applicable State agencies shall be obtained and remain active for the lifespan of this activity.
3. Assembly activities for compensation are permitted as an accessory use. The maximum number of building occupants during an assembly activity shall not exceed 149, or the maximum occupancy of the facility as approved by the Building Department, whichever is lesser.
4. One bathroom shall be provided per each bedroom in structures less than 50 years old or one bathroom shall be provided per each two bedrooms in structures 50 years or older.
5. Any need for parking shall be met off the street and other than in a required front yard, and shall conform in all other ways with the provisions of Section 7.2.5 (Parking Regulations).
6. No equipment, process, or vehicles which create unreasonable noise, vibration, glare, fumes or odors which are detectable to the normal sense off the premises shall be permitted.
7. The use shall comply with all applicable State and local permitting requirements including the Virginia Department of Health's (VDH) regulations for private wells and onsite septic systems. All permits shall remain in good standing throughout the lifespan of the use.
8. Regulations for country inns in the AOC and FOC Districts:
  - a. A country inn shall require the use of a dwelling unit right (DUR).
  - b. If a country inn is developed in a structure other than an existing single-family dwelling, the structure shall be designed to resemble a single-family dwelling and constructed to enable the structure to be converted to a single-family dwelling if the country inn use is discontinued. Architectural renderings and construction plans for the proposed structure shall be submitted for review with the special use permit application.
9. Special events shall comply with Chapter 57 of the Code of Clarke County (Special Events).

The Clarke County Zoning Ordinance also requires approval of a site development plan in conjunction with a Special Use Permit.

## Special Use Permit Review Criteria:

A Special Use Permit is a legislative approval by the Board of Supervisors. Prior to review by the Board of Supervisors, the Planning Commission is required to review the application and provide a recommendation. During both processes with the Board of Supervisors and the Planning Commission public hearings are required.

The Clarke County Zoning Ordinance provides a list of review criteria for the Planning Commission and Board of Supervisors to use when evaluating applications. These criteria are found under Section 6.3.1C-2 of the Clarke County Zoning Ordinance. Evaluation of an application using these criteria helps to establish a list of impacts and compatibility issues associated with the proposed land use. It also helps to identify conditions that may be required to mitigate the identified impacts.

Below is a list of the review criteria (shown in blue) from Section 6.3.1C-2. Comments from the Applicant and Staff are shown below each criteria. Staff's overall evaluation of the Applicant's conformance to the review criteria remains incomplete at this time, pending resolution of the identified issues that the applicant has not addressed at this time.



**CRITERIA A:** “Consistency with the Clarke County Comprehensive Plan and any applicable implementing component plans.”

**APPLICANT'S RESPONSE (9/15/2022 Response Letter):** “The Clarke Co Comprehensive Plan focuses on the following goals:

1. *Preserve and protect the agricultural, natural, and open-space character of unincorporated areas.*
2. *Enhance town, village, and commercial areas through context-sensitive design and walkability elements to improve the quality of life for all residents.*
3. *Encourage and maintain a diverse and viable local economy compatible with the County's size and character.*
4. *Exercise stewardship over resources so as to reduce the consumption of nonrenewable resources, utilizing renewable energy whenever possible; and foster within the private sector of the County a culture of resource conservation.*
5. *Provide for the economical delivery of necessary public services consistent with these goals.*

· *Our project meets these objectives in many important ways. Specifically, and according to each Comprehensive Plan goal:*

1. *Our project protects the natural land and open space with minimal disturbed land. The only disturbances are in areas for the proposed conservatory and pool in a confined area where there are already existing buildings and where there has been a pool in the past and the foundation for another building (icehouse). Further, the project commits to protecting undisturbed land on the entire south facing side of the property maintaining the beautiful natural benefits of the property in its entirety. The natural landscape will continue to be protected and with resources from Country Inn revenues, we will be able to preserve both the historical buildings and the land.*
2. *All of our design is purposefully intended to be very context sensitive. In our case this means, in particular, making improvements to the property through significant additional investment with the intent of retaining the historic character of the property while also bringing the property up to modern standards. We will always seek to be respectful to the past and the present while being fully integrated within the community. Further, the Carter Hall property*

*has already been opened again to Millwood and Clarke County residents for their access and outdoor benefit (including walkability).*

3. *Carter Hall as a Country Inn with events would create great economic benefits to the County and our community. First and foremost, many new jobs will be created through the Country Inn and related events. The Country Inn will also seek many different local businesses to support with a range of services (renovations works, landscaping, catering support services, arts etc. etc.). We envision Carter Hall as a place where businesses can share, promote, and sell local products, beverages, art and services. Local agriculture will be featured, with farm-to-table meals, creating more opportunities for local farmers. Further, the County is already benefiting from tax revenues and that will only increase through a Country Inn (particularly the meals tax) and events at Carter Hall. The economic benefits of this project are significant while also protecting and creating accessibility to a unique historical property.*
4. *Carter Hall Estate is firmly committed to environmental conservation. The intent of this property is to apply green and sustainable environmental practices to the greatest extent possible. As possible we will seek to use renewable energy, recycle on the property while featuring outdoor experience and environmental stewardship opportunities.*
5. *We do not anticipate any significant requirement on Clarke County public resources. The property is designed to continue being self-sustaining without any undue support from the County.”*

**STAFF COMMENTS:** Country Inns are allowed with a special use permit in the AOC District per the Clarke County Zoning Ordinance. As an allowed use with a special use permit, a Country Inn is generally considered to be in accordance with the Comprehensive Plan, provided that the use regulations are fully complied with and the specific activities do not create negative impacts. The review criteria in the Clarke County Zoning Ordinance provide a framework for evaluating special use permits. While there are a number of policy statements that can be related to a specific land use application, below are a few specific examples that appear to be most related to the potential impacts associated with this application for a Country Inn.

- **Objective 1 (Agriculture), Policy 7 states the following:** *“To the maximum extent possible, separate nonagricultural land uses from existing agricultural lands and operations. Where nonagricultural operations are adjacent to existing agricultural operations, the nonagricultural operations should provide buffering in the form of fencing, landscaping, and open space. Require a right-to-farm warning notice to be included within the deed of dedication for new subdivisions in agricultural zoned areas to promote awareness of living within an agricultural community.”*

STAFF COMMENT: Compatibility of the proposed use with adjacent and surrounding properties is an issue of concern. The most significantly impacted property is the adjacent agricultural business (horse farm). The aspects of the use that present the greatest impact appear to be the event activities that are focused primarily in the conservatory building. Activities at the pool could also become a compatibility issue due to its highly visible location from the adjacent horse farm.

- **Objective 3 (Natural Resources), Policy 19 states the following:** *“Adopt the most stringent regulations for alternative onsite sewage treatment systems permitted by State law to protect the County’s vulnerable surface and groundwater resources. Implement an onsite treatment system monitoring program including enforcement of mandatory pump-out requirements for septic systems as described in Policy #17 above. For new development and re-development projects that require a land use change, ensure use of the onsite sewage treatment method that provides the maximum protection to surface/groundwater resources*

*and Karst terrane.”*

STAFF COMMENT: The Large Alternative Onsite Septic System (AOSS) is proposed with a design capacity of 2,100 gallons per day for use by the Main House, West House, and Wash House. This system will replace the existing sewage disposal system that is proposed to be abandoned. Monitoring of the special maintenance requirements associated with this new Large AOSS system is recommended if the Country Inn is approved.

The introduction of Objective 3 (Natural Resources) includes the following language: *“Protect natural resources, including but not limited to soil, water, air, viewsheds, night sky, sound, wildlife habitats, and fragile ecosystems through the following policies, the Water Resources Plan, and other adopted policies.”* As discussed elsewhere in this report, the proposed conservatory building raises concerns about viewshed, night sky, and sound.

- **Objective 4 (Historic Resources), Policy 8 states the following:**  
*“Consider potential impacts to historic/archaeological resources when reviewing land-use decisions, such as rezoning, site plan, and subdivision requests.”*

STAFF COMMENT: As commented on by the County’s historic consultant, the scale of the conservatory building in relationship to the existing historic buildings is an issue of concern.

- **Objective 8 (Village Plans), Policy 7 states the following:**  
*“Promote projects that preserve or enhance the historic characteristics of each village.”*

STAFF COMMENT: Concerns have been raised by citizens that the Country Inn will have negative impacts to the surrounding area. This includes concerns about parking, traffic, noise, light, and property values.

- **Objective 10 (Economic Development), Policy 3 states the following:**  
*“Encourage new or expanded businesses that do not have the potential to cause significant degradation of the County’s natural resources and that do not adversely impact surrounding properties with noise, odor, or light pollution.”*

STAFF COMMENT: The applicant has not addressed the concerns raised focused around noise and light, particularly, but not exclusively, associated with the conservatory building and pool.

- **Objective 10 (Economic Development), Policy 9 states the following:**  
*“Ensure that new commercial development occurs according to the following provisions: a. Does not degrade the level of service of the existing transportation network to unacceptable levels for safety, congestion, and functionality. b. Ensures that access to and impacts on the transportation network are safe and do not impede traffic flow for emergency vehicles. c. Meets all applicable zoning and building code regulations and all standards for water, sewage disposal, and waste disposal needs.”*

STAFF COMMENT: Parking, pedestrian safety, and traffic are all significant issues of concern in the village of Millwood currently. Citizens have raised concerns that the proposed Country Inn would make these problems worse than they currently are.

- **Objective 10 (Economic Development), Policy 10** states the following:  
*“Evaluation of rezoning, conditional zoning, and special use permit applications for adaptive reuse projects and projects to redevelop existing agricultural, commercial, and light industrial uses shall include the following elements in addition to the criteria set forth in Policy #9 above for new development projects: a. Whether the project is in general accord with the Comprehensive Plan. b. Whether there is consistency with prior land use decisions involving similar cases. c. Whether the resultant structures, parking, lighting, landscaping, stormwater management, onsite well and septic systems, property ingress/egress, and other site elements would be in full compliance with County land use ordinances and State regulations. d. Whether the project mitigates an existing public safety concern. e. Whether the project mitigates any new impact to the existing character of the area including but not limited to noise, odor, intensity, or aesthetics. f. In the case of a conditional zoning application, whether the applicant’s proffer package addresses all existing and potential site impacts to surrounding properties.”*

STAFF COMMENT: The Applicant has not adequately addressed the concerns that have been raised. Additional mitigation of impacts appears to be needed.

Of the six goals for land use planning in the Comprehensive Plan, the following two may be relevant for consideration in the context of this application in consideration of the identified issues of concern.

- **Goal #1:** *“Preserve and protect the agricultural, natural, and open-space character of unincorporated areas.”*

STAFF COMMENT: The village of Millwood is an unincorporated area that is surrounded by agricultural uses, many of which are in conservation easements.

- **Goal #7:** *“Understand that policy decisions are precedent-setting and ensure that all such decisions are carefully and thoughtfully examined to determine their consistency with the Comprehensive Plan, the implementing component plans, and with the County’s land use philosophy.”*

STAFF COMMENT: A thorough evaluation requires that the Applicant address the issues of concern that have been identified.

Each of the above policy statements shown above can be linked to potential issues that have been identified. Without additional information, Staff would have to conclude that the application does not appear to conform to all, or at least some of these policies. Evaluation of the additional information the applicant intends to submit will be helpful to make a final determination.



**CRITERIA B:** *“Will not have an undue adverse impact on the short-term and long-term fiscal resources of the County for education, water, sewage, fire, police, rescue, solid waste disposal or other services, and will be compatible with the capital improvement goals and objectives of the Comprehensive Plan, to the end that growth of the community will be consonant with the efficient and economic use of public funds.”*

**APPLICANT’S REPONSE (9/15/2022 Response Letter):** *“The proposed Country Inn use does not require any new public funds. Instead, the Country Inn will only increase significant new funds through additional tax revenue from the Estate and the Country Inn business.”*

**STAFF COMMENTS:** The application has been reviewed by public service providers who have not identified any issues related to law enforcement, emergency services or the provision of public water. Solid waste disposal will be the responsibility of the applicant.



**CRITERIA C:** *“Will not cause an undue adverse impact that would reduce the conservation value of adjacent or nearby agricultural or forestal land or would impede the operations of an active agricultural or forestal operation.”*

**APPLICANT’S RESPONSE (9/15/2022 Response Letter):** *“The Country Inn will have a positive impact on conservation in the adjacent areas and the County. Not only will the Inn not impede operations in any way, but our food service will highlight local agricultural food with a local farm-to-table menu creating new and benefits opportunities for agriculture from Clarke Co.”*

**STAFF COMMENTS:** The Virginia Outdoor Foundation, owner of the surrounding conservation easements, was given the opportunity to review the applications and reported that they had no comments. Concerns have been raised that the use may have an adverse impact on the neighboring farm business. DEQ has issued preliminary approval of the stormwater plan.



**CRITERIA D:** *“Compliance with Virginia Department of Transportation (VDOT) regulations and recommendations of VDOT deemed necessary for safe and efficient movement of traffic.”*

**APPLICANT’S RESPONSE (9/15/2022 Response Letter):** *“VDOT recommendations and regulations will be followed. We are proposing adjusting the entrance and exit onto Bishop Meade so that it is safer than ever before. We anticipate less traffic than under previous use. We are designing a guard building inside the entrance of the property to assist with traffic flow and specifically to avoid any build-up of traffic on Bishop Meade during events.”*

**STAFF COMMENTS:** VDOT reviewed the site plan and issued conditional approval after the applicant revised the site plan to address their review comments.



**CRITERIA E:** *“No destruction of or encroachment upon historic or archeological sites, particularly properties under historic easement.”*

**APPLICANT’S RESPONSE (9/15/2022 Response Letter):** *“There is no destruction or encroachment within our plan – only protection and conservation. A critical purpose behind the Country Inn and events use of Carter Hall is to preserve an important historical property in Clarke Co and the state of Virginia.*

*Carter Hall requires immediate and long-terms investment so that it can be protected as a historical property. Many aspects of the property are in disrepair and need sustainable revenues from the Country Inn and related events to support on-going maintenance and to protect the property.*

*The Inn will allow the owners to continue investing in the historical preservation of the property creating revenues that can be used to maintain and enhance the property. All improvements to the property are being made so as to retain the historical character of the buildings while also bringing them up to modern standards. Further, Carter Hall will continue to be the location for the Carter Hall Center for Conservation which as a non-profit organization aims to benefit and support conservation in the Clarke County. Some of the revenues from the Country Inn and events will be*

*used to support the CHCC and thus support conservation projects in Millwood and the rest of Clarke County.”*

**STAFF COMMENTS:** No historic easements are known to exist. Clarke County’s historic consultant reviewed the site plan and provided comments which were previously provided to the Planning Commission. Of note, she raised concerns that the conservatory building was possibly larger in scale than what would be compatible with the existing historic buildings. She also suggested review of design plans for the gate house and suggested that events be considered in existing buildings instead of the new conservatory building.



**CRITERIA F:** *“Will not cause an undue adverse impact on the following important resources located on the subject property or surrounding properties:*

- *Surface or groundwater resources including but not limited to mitigation of pollution of such resources.*
- *Natural areas such as unique geological features, rare plant habitats, or wildlife nesting areas.*
- *Areas designated for conservation, recreation, or natural preservation including but not limited to properties under permanent conservation easement, State-designated scenic byways, scenic rivers, Blandy Experimental Farm, and the Appalachian National Scenic Trail corridor.”*

**APPLICANT’S REPONSE (9/15/2022 Response Letter):** *“The site visits and testing done by the Virginia Department of Health (VDH), Virginia Department of Environmental Quality and reputable firms hired by Carter Hall Estate and the County confirm that there will be no undue adverse impacts on surface or groundwater resources. VDH has also reviewed and approved our proposed septic system plan and approved of the resistivity testing. There is no significant change in impact to the natural areas on and around Carter Hall Estate. The owners are committed through our own efforts and to the greatest extent possible to protecting and enhancing geological features, plant habitats and wildlife nesting in an around the estate. We are actively working with our neighbors to protect and enhance the land and nature around us with wilding of certain land on the property while also opening the property as a natural resource to the local community.”*

**STAFF COMMENTS:** The Applicant’s statements are correct in regards to the fact that VDH and DEQ have both reviewed the plans and their issues are addressed. In regards to potential impacts on the neighboring conservation easements, a request for review comments was made to the Virginia Outdoor Foundation. However, they chose to provide no comments.



**CRITERIA G:** *“Will not cause undue noise, light or glare, dust, odor, fumes, or vibration.”*

**APPLICANT’S REPONSE (9/15/2022 Response Letter):** *“The Country Inn application specifically provides for a new conservatory building and renovation of the stables where event congregation of people can prevent undue noise. The metal and glass (or equivalent materials) from the conservatory is designed to reduce noise transmission. Further, the Carter Hall Estate is a large estate on more than 87 acres surrounded by significant tree cover creating natural distance from our neighbors and the Millwood community. The Country Inn will adhere to the new County ordinance related to noise disturbances.”*

**STAFF COMMENTS:** No design or plans has been provided that supports the applicant’s statements



regarding no noise and light impacts. A photometric plan and engineering certification is recommended from the Applicant. This has been identified by members of the public, Planning Commission and Staff as a key issue of concern.



**CRITERIA H:** *“Availability of sufficient water for foreseeable needs.”*

**APPLICANT’S REPOSE (9/15/2022 Response Letter):** *“The Country Inn would have its water provided by the County via the existing system and thus foresees that this existing well-functioning system will meet all future foreseeable water needs.”*

**STAFF COMMENTS:** The Sanitary Authority has reviewed the site plan (Hurt & Proffitt) and have not identified any issues regarding the provision of water to the site for the intended use. The Applicant has discussed with the Sanitary Authority that they intend to truck water to the site for the pool due to the water rates. This was confirmed with Sanitary Authority Staff.



**CRITERIA I:** *“No unreasonable depletion of or other undue adverse effect on the water source(s) serving existing development(s) in adjacent areas.”*

**APPLICANT’S REPOSE (9/15/2022 Response Letter):** *“Per above, water usage would be provided through existing sources by the County and would not result in any significant depletion.”*

**STAFF COMMENTS:** No comments other than what is noted above under h.



**CRITERIA J:** *“Effective screening and buffering is provided, or the proposed development will be situated away from adjacent properties, in a manner to avoid causing detrimental visual impacts.”*

**APPLICANT’S REPOSE (9/15/2022 Response Letter):** *“There is already significant tree and foliage buffering. If additional buffering is needed, Carter Hall Estate will be very happy to work with our neighbors and the County to add additional buffering.”*

**STAFF COMMENTS:** Based on recent site visits of the Mount Airy Farm, the proposed pool and conservatory may have a negative visual impact on the neighboring properties to the north. This is particularly true during the winter season when leaves have fallen.

## **Key Issues of Concern:**

A public hearing was scheduled for February 3, 2023 by the Planning Commission during their business meeting held in January. During the meeting in January, a number of issues and concerns were identified by Staff and members of the Planning Commission that remain unresolved. Below is a summary list of those issues:

- 1) **Noise.** The impacts of noise from the proposed use, particularly in association with events, but also in relationship with activities of the country inn, such as pool activity, is not adequately understood. The applicant was advised to provide details that demonstrate the sound impact, demonstrate the design details for mitigation, and demonstrate the effect that the mitigation measures will have. Engineering certification was recommended. It is understood that the Applicant is working on providing this information, but no new information has been submitted by the Applicant as of the date this report was prepared. Discussion was also made that any noise regulations would need to be established in the conditions for the special use permit since the County's noise ordinance may not apply for uses and activities approved by permit.

There are a number of proposed activities that could generate noise levels that would impact adjacent properties. While not intended to be a complete list, below is a list of potential noise generating factors.

- Live entertainment, inside or outside of buildings.
  - Music played from stereos, inside or outside of buildings.
  - Talking and other general sounds from events.
  - Talking and other general sounds from recreational activities held at the proposed pool.
  - Talking and other general sounds from Country Inn guests, inside or outside.
  - Vehicles, particularly that from buses and trucks.
  - Sound amplifying devices for communication and entertainment.
  - Impromptu gathers that may occur in association with events or lodging.
  - Activities within tents.
  - Food and beverage serving.
- 2) **Light.** Similar to the comments above about noise, the glare of light on adjacent properties is a concern that the applicant has been advised of. This concern is based on the new lighting proposed and the conservatory building which is made primarily of glass. Information has not been provided to demonstrate that the new lighting and glass building will not be a light issue. It was recommended that a photometric plan be provided by the Applicant that shows the degree of lighting impact that all proposed lighting will have. No additional information has been provided by the Applicant at the time that this report was prepared.
  - 3) **Public Safety – Building Code.** On January 4, 2023, Staff forwarded a list of questions for the Building Official from the Planning Commission. These questions are listed below for reference purposes:
    - a. Separated bathroom (wash house). The bathrooms for the glass event building (conservatory) show a smaller building separate but near the glass event building. Do you foresee any problems with this in regards to compliance with the building code requirements based on the occupancy of the conservatory building and the number of fixtures that will be required?

- b. Sprinklers. Will sprinklers be required for any of the buildings proposed for the country inn or associated events?
- c. Use groups. What use groups will each of the buildings be required to comply with?
- d. Occupancy. What would the occupancy for each of the buildings be?

On January 26, 2023, the Building Official provided a response to these questions in the attached letter and following information sheets. The information sheets lists the use group needed for each of the buildings and number of occupants that would be allowed. It also lists improvements and other requirements that would be required. Additional information needs to be verified with the applicant to verify if sprinklers will be required in certain buildings. This includes verification of travel distances to the closest egress door in each of the buildings.

- 4) **Tents.** The applicant noted in a response letter that tents would be used for event activities. No information is provided for this. The tent locations should be identified so impacts can be evaluated. It may not be possible to mitigate noise levels of events held within tents because tents do not allow the same level of noise mitigation that buildings can be designed for.
- 5) **Stormwater.** DEQ has issued approval at this time in coordination with the Erosion and Sediment review by the County's engineer. Staff has requested a narrative explanation from the applicant to better demonstrate how stormwater runoff will not impact adjacent properties. This was a focus in the site visits made by Planning Commissioners since the initial meeting where the public hearing was scheduled.
- 6) **Traffic.** The site plan was reviewed by VDOT and issued conditional approval. During their review process a Turn Lane Warrant Report was submitted. The report indicates that the Annual Average Daily Trips (AADT) is estimated to be 1900 Vehicles Per Day (VPD). Bishop Meade Road is a rural collector road by designation and the posted speed limit is 25 Miles Per Hour (MPH). Neither a turn lane, or taper, is required according to the report. However, upgrades to the entrance are included in the site plan design. Issues of concern have been identified by citizens regarding the impact that additional traffic will have on traffic, safety and parking in the village of Millwood, particularly at the intersection of Bishop Meade Road and Millwood Road. Parking in the Millwood village is also an issue of concern raised by members of the public.
- 7) **Conservatory Building.** The large size of the proposed conservatory building has been questioned by the County's Historic Consultant, Planning Commission and member so the public. The design of the Conservatory Building has only been shown in general details. Questions still exist regarding how the Applicant will mitigate sound and light resulting from events in the building and what effect that will have. As previously noted, the design of the building with primarily glass construction raises heightened concerns about these issues. It should also be noted that during sound testing conducted by the Applicant recently the sound generated disturbed horses on the farm to a point that the owner was concerned for their health.
- 8) **Pool.** A design of the proposed pool has not been provided other than the general location of it and maximum impervious area. The Applicant has stated that they are planning for the pool to be rectangular (or oval) with a pool deck (likely blue stone tile). The Applicant has also stated that the pool will include fencing and is intended for Country Inn guests. Additional information is advisable to effectively identify potential impacts of the pool and establish appropriate mitigation measures or conditions related to it. Of particular concern would be the visual impact and noise generated from the pool, but also if lighting is proposed in the pool

area. A visit to the adjacent property revealed that the pool area is highly visible from certain locations, as would be the proposed conservatory building.

- 9) **Conditions.** Staff will include a recommended list of conditions for this special use permit application after the Applicant provides the additional information they have indicated that they are working on. The conditions may include requirements that would limit activities that produce inappropriate noise and light. Certificates of occupancy for all buildings proposed for the Country Inn have been discussed, as well as a condition to clarify how the facilities will be returned to a legal use (or uses) if the Country Inn is abandoned in the future. Other conditions may include monitoring of required maintenance for the Large AOSS system and limitations on the frequency and locations of events and event activities.
- 10) **Plan Details.** Additional and more consistent information on the site plan has been requested, particularly in regards to the Planning Commission's comment regarding the site plan page that includes the overall layout plan and land use table. In addition, more information has been requested on the events, including the type of events, duration, frequency, and how meals will be served.
- 11) **Compatibility with Adjacent Properties.** Issues have been identified by citizens that the proposed Country Inn may have a detrimental impact to adjacent and other surrounding properties. The most directly impacted property appears to be the agricultural business (horse farm) to the north of the property.

**Staff Recommendation:**

**The Applicant has not addressed all issues. For this reason, Staff recommends deferral of this application to allow additional time for the applicant to submit the additional information needed to address these issues.**

A public hearing has been advertised for the February 3, 2023 Planning Commission Business Meeting.

Several (4) written comments from citizens were provided to staff prior to the public hearing and are included as attachments to this report.

The applicant submitted additional information on January 24, 2023 and on January 25, 2023, after the deadline for new information to be considered for the agenda, and after this report was drafted. This report was edited to include this new information but it has not been reviewed by Staff for the purpose of the upcoming public hearing.

Unless voluntarily deferred by the Applicant, a decision by the Planning Commission is required by April 7, 2023 (100 days from initial meeting).

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**History:**

<b>June 2, 2022</b>	<b>Pre-application meeting.</b>
<b>July 1, 2022</b>	<b>Original application submission – incomplete.</b>
<b>July 19, 2022</b>	<b>Review comments from the County’s historic consultant.</b>
<b>August 3, 2022</b>	<b>Application fees paid – complete application.</b>
<b>August 8, 2022</b>	<b>Review Comment Letter #1.</b>
	<b>Zoning Determination Letter (10/29/2021)</b>
	<b>Hurt &amp; Proffitt review comments (1).</b>
	<b>VDH review comment letter.</b>
<b>August 15, 2022</b>	<b>Plans Review Committee.</b>
<b>August 26, 2022</b>	<b>Resistivity test approval.</b>
<b>September 15, 2022</b>	<b>Applicant’s response letter to Review Comment Letter #1.</b>
<b>September 16, 2022</b>	<b>2<sup>nd</sup> Submittal.</b>
<b>October 25, 2022</b>	<b>Review Comment Letter #2.</b>
<b>October 31, 2022</b>	<b>Hurt &amp; Proffitt review comments (2).</b>
<b>November 4, 2022</b>	<b>Applicant’s response letter to Review Comment Letter #2.</b>
	<b>Applicant’s response letter to Hurt &amp; Proffitt’s October 31, 2022 comments.</b>
	<b>Applicant’s response letter to VDOT.</b>
<b>November 8, 2022</b>	<b>3<sup>rd</sup> Submittal.</b>
<b>November 16, 2022</b>	<b>Hurt &amp; Proffitt review comments (3).</b>
<b>November 21, 2022</b>	<b>Plans Review Committee.</b>
<b>December 8, 2022</b>	<b>VDOT approval letter.</b>
<b>December 14, 2022</b>	<b>DEQ review comment letter (September 15 – December 14, 2022).</b>
<b>December 27, 2022</b>	<b>4<sup>th</sup> Submittal.</b>
	<b>Applicant’s response letter to Hurt &amp; Proffitt’s November 16, 2022 comments.</b>
<b>January 3, 2023</b>	<b>Scheduled Planning Commission Work Session.</b>
<b>January 6, 2023</b>	<b>Scheduled Planning Commission Business Meeting (set public hearing).</b>
<b>January 11, 2023</b>	<b>Planning Commission site visit #1</b>
<b>January 13, 2023</b>	<b>Planning Commission site visits #2-#4</b>
<b>January 19, 2023</b>	<b>Planning Commission site visit #5</b>
<b>January 24, 2023</b>	<b>Correspondence received by the Applicant to the Planning Commission – Responses to Planning Commission Comments from January business meeting.</b>
<b>January 25, 2023</b>	<b>Correspondence received by the Applicant to the Planning Commission – Carter Hall Noise Survey.</b>
<b>January 26, 2023</b>	<b>Building Official response received to Planning Commission questions.</b>
<b>January 31, 2023</b>	<b>Scheduled Planning Commission Work Session</b>
<b>February 3, 2023</b>	<b>Scheduled Planning Commission Business Meeting (public hearing)</b>

Bridget and Tim Overcash  
388 Mt, Airy Farm Lane  
Millwood, VA 22646

Clarke County Planning Commission and  
Jeremy Camp, Clarke County Senior Planner/Zoning Administrator  
One Chalmers Court  
Suite B  
Berryville, VA 22611.

RE: Carter Hall Special Use Permit & Site Development Plan (SUP-22-02 / SP-22\_03)

Dear Ladies and Gentleman,

We purchased Mt. Airy Farm ("Mt. Airy"), a 122-acre horse farm located adjacent to Carter Hall in March of 2021. Mt Airy was once part of Carter Hall, in fact we understand our home was built around 1850 for the Carter Hall farm manager and the farm is where they kept their horses. Nearly 200 years later Mt. Airy Farm is still a horse farm-true to its original intent.

Prior to purchasing Mt. Airy we lived in Chevy Chase, Maryland and rented a farmhouse in Clarke County off of Annfield Rd - the Warfield's farm. It was there that we fell in love with the rural country roads and quiet lifestyle that Clarke County offers, and it quickly became our retirement dream to move to Clarke County and have our own farm.

When Mt. Airy became available we decided to sell our home in Chevy Chase and purchase Mt. Airy. We knew there was quite a bit of "deferred maintenance" that needed to be addressed and that a property the size of Mt. Airy would annually require significant maintenance. We also knew the property could generate income that would help fund that maintenance – horse boarding and rental activities – the barn and rental houses. Importantly, all of the income producing activities at Mt. Airy are consistent with the current Agricultural-Open-Space-Conversation ("AOC") zoning requirements.

The most significant income producing activity at Mt. Airy is renting the barn and fields for use in equine businesses. When we purchased Mt. Airy there were twelve paddocks that cover a little over fifty-six acres and an old fourteen stall horse barn that needed significant work and was not leasable. At the time, there were about sixteen field boarded horses on the farm and there was a kennel leased by the Snickersville Hunt where they kept their hounds. It should be noted that the lease with Snickersville was terminated in May 2022 and the kennel is in the process of being repurposed into a farm maintenance shop – i.e., will no longer be used as a kennel.

Bridget got work on day one fixing up Mt Airy and has worked tirelessly almost everyday since. She has organized and arranged for over 6,000 feet of new fencing, three new run-in sheds and the renovation of the two rental properties and the barn. Importantly, Bridget has formed relationships with and uses predominately local Clarke County contractors – Pika Fencing, Andrew Hopkins Plumbing, Waterloo Electric, Shenandoah Sheds and Local Wood to name a few.

The renovation of the barn was the most significant renovation and was a labor of love for Bridget. The barn itself is very old, some even recommended tearing it down and starting over. However, it reminded Bridget of the kind of barn she grew up with. The possibility of renovating the barn into one with vibrant young riders became one, if not the primary, draws to Mt. Airy for Bridget. She could see the ponytail set running through the barn with all the stalls full of horses and a lot of love.

It is a dream that has come true. After renovating the barn including completely redoing the tack room, we leased the barn to Rachel Lawson Eventing in April of 2022. We are very lucky to have leased the barn to Rachel Lawson

Dunning who is one of the nicest people and a very accomplished rider – we have a very good relationship with Rachel. Rachel runs a very busy and successful eventing barn. By all accounts Rachel’s clients are having a positive experience at Mt. Airy. Many of the horses on the property are thoroughbreds and trained to do amazing things in the arena and cross country. Horses are amazing animals. During the day, Mt. Airy is full of equine activity from lessons in the ring, trail rides and even the occasional “drive by” by the Blue Ridge Hunt – that is the dream.

Leasing the barn and the other properties is a double win for us. In addition the joy it brings us, it also provides the means to continue to upgrade and maintain Mt. Airy. The cost of maintaining a property like Mt. Airy is significant and as we look forward into our retirement, another source of income is important.

Our dream for Mt. Airy is not compatible with the plans for Carter Hall. The proposed construction of a 4,876 square foot conservatory and a new swimming pool followed by the operation of an event/wedding venue simply will make it very difficult to continue the current operations at Mt. Airy. The problem is very simple and does not have a solution – the proximity of Carter Hall to Mt. Airy. While Carter Hall is approximately eighty-six acres, the proposed event/wedding venue sits on 3.2 acres that abuts our property. In fact, the proposed conservatory and swimming pool are 215 feet from one our paddocks and only 800 feet from our home. To make matters worse there is no natural tree barrier to buffer the noise. Many of the Commissioners have seen this with their own eyes, and for those who have not seen, we would welcome your visit.

We will (and in fact today do) hear everything that goes on at Carter Hall. The food trucks, buses, vans, trash pickups, party goers, music and God forbid fireworks from the event/wedding venue will become part of the daily life at Mt. Airy. While we have not seen the business model for Carter Hall, it is not unreasonable to assume given the cost of acquiring the property and the proposed improvements that the business plan includes multiple events every weekend and some during the week.

The horses that we currently have on our property are not bomb proof - they are flight animals. Over time the endless noise can cause health issues both mentally and physically. These are expensive animals. Riding and jumping in the horse arena on Mt. Airy can be a dangerous sport at times and as the owner/landlord we must provide the safest environment for both the well fare of the horse as well as the rider. Having a noisy unpredictable environment will be detrimental to our adjacent business.

This was never more evident than on January 3<sup>rd</sup> when Bridget came back from the initial Carter Hall Clarke County zoning meeting to what amounted to a sound test coming from Carter Hall. Extremely loud thumping base music that went straight through you. The result was one of the horses in the paddock adjacent to Carter Hall running uncontrollably. You cannot reason with a thousand-pound animal and tell them it is just some music. That horse could have broke it’s leg or tore a tendon...thankfully it did not. But the panic it sent through the horse was very real.

We have discussed the proposed development of Carter Hall into an event/wedding facility with Rachel and she is very concerned that given the noise level she will not be able to continue to use Mt. Airy as the primary location for her business. Clearly, if Rachel were to leave it would be very difficult to lease the barn to another operator which in addition to killing our dream of a vibrant barn, will make maintaining Mt. Airy much more difficult for us financially.

Section 6.3.1C-2 of the Clark County Zoning Ordinance specifies specific criteria for the Planning Commission and Board of Supervisors to consider when reviewing special use permit applications. A few of these criteria, as described below, are pertinent to us with respect to Carter Hall Estate LLC’s special use application:

- c. *Will not cause undue adverse impact that would reduce the conservation value of adjacent or nearby agricultural or forestall land or would impede the operations of an active agricultural or forestall operation.* (Emphasis Added)

As described above, the proposed use of Carter Hall as an event/wedding venue will have a detrimental impact on the equine business at Mt. Airy. It is not certain that our current tenants will continue their business on Mt. Airy given the concern with the noise. Unfortunately, there is no practical remedy if the special use permit to construct and operate an event/wedding facility is granted and the noise becomes too much – we simply lose what we currently have.

In their application Carter Hall Estate LLC states *“the positioning and size of the Conservation site is important in maintaining the cohesiveness of the Country Inn and so that the events can be held for our country inn guests to generate the revenues needed to maintain the property”*. The only way to interpret this statement is that in order to cover their development costs and operating expenses, Carter Hall Estate LLC’s will have as many events as possible during the year. This is very troubling for our current business.

f. **Will not cause an undue adverse impact on the following important resources located on the subject property or surrounding properties:**

- *Surface or groundwater resources including but not limited to mitigation of pollution of such resources.*
- *Natural areas such as unique geological features, rare plant habitats, or wildlife nesting areas.*
- *Areas designated for conservation, recreation, or natural preservation including but not limited to **properties under permanent conservation easement, State-designated scenic byways, scenic rivers, Blandy Experimental Farm, and the Appalachian National Scenic Trail corridor.** (Emphasis Added)*

On December 18, 1991, Elizabeth C Clark, the former owner of Mt. Airy granted an open-space easement to the Virginia Outdoors Foundation in perpetuity restricting the uses at Mt. Airy– i.e., Mt. Airy is under permanent conservation easement. As described above, the proposed use of Carter Hall as an event/wedding venue will have an adverse impact on Mt. Airy and could lead to a degradation of the property.

g. **Will not cause undue noise, light or glare, dust odor, fumes or vibration** (Emphasis Added)

The construction of the proposed improvements and the operation of the event/wedding venue at Carter Hall will cause undue noise and light for Mt. Airy. The proximity of the properties as well as the natural topography make it impossible for that noise and light to be screened or buffered.

In its application, Carter Hall Estate LLC makes the following statement *“any illumination from the facility would be tempered by the location and tree cover (even during the winter) given its significant distance from other properties”* – as described above, this is simply not true with respect to Mt. Airy. They go on to say *“the Carter Hall Estate is a large estate on more than 87 acres surrounded by significant tree covering creating natural distance from our neighbors and the Millwood community”*. This statement is particularly troubling to us as it shows a complete disregard for the proximity to Mt. Airy and the disruption it will create and to be clear no one from Carter Hall Estate LLC has engaged us regarding the potential noise and possible mitigation (in fact our only interaction regarding noise was the unfortunate incident on January 3<sup>rd</sup> described above).



For the reasons described above we do not support the special use permit request. Additionally, we do not believe that the criteria by which the Planning Commission and Board of Supervisors as specified in Clark County Zoning Ordinance support it. When we purchased Mt. Airy our goals were to enjoy the property for the rest of our lives and to leave the physical property in better shape than we found it – those goals cannot be accomplished if Carter Hall Estate, LLC is granted the special use permit to operate an event/wedding venue.

Respectfully

Bridget and Tim Overcash

Susan Gallagher  
598 Clay Hill Road  
P.O. Box 14  
Millwood, VA 22646

January 16, 2023

Clarke County Planning Commission  
Jeremy Camp, Clarke County Senior Planner/Zoning Administrator  
One Chalmers Court  
Suite B  
Berryville, VA 22611.

RE: Carter Hall Special Use Permit & Site Development Plan (SUP-22-02 / SP-22\_03)

Ladies and Gentlemen,

My family and I live on a 30 acre horse farm adjacent to the Mt Airy, LQH and Claytonville farms, in the center of the Agricultural block that is immediately to the east of Bishop Meade Road in Millwood and the Carter Hall estate. Though not adjacent to Carter Hall, we are within shouting distance. I am writing to express our opposition to the above referenced Application for a Special Use Permit and Site Plan requesting that Carter Hall be permitted to operate as a Country Inn and build a 4,800 square foot events center.

Briefly I will say that my objection is based on concerns about the non-conforming commercial use of this historic farm for events that will disrupt our quiet, conserved farms and our dark skies and add considerable traffic to our country roads. I don't have to imagine these threats or merely suspect that they will become issues: the risk is plain in the application for the Special Use Permit and Site Plan itself. The application requests permission to build a 4,800 S.F. glass conservatory to be used as an events center. In addition to the glass conservatory, the application calls for the expansion of gardens, historic structures, and patios and the addition of a pool area, all of which will be used for an unlimited number of weddings and events featuring among other things bands, food trucks, traffic, and fireworks. These events are described as being indoor /outdoor events with features like bathrooms and food trucks being outside the glass structure. Taking the request at face value, it will involve noise, light and traffic far exceeding what currently exists in our portion of the County. In addition, the request clearly violates the County Zoning Code for Country Inns, amended and updated just last year, which has a Use Regulation that prohibits "equipment, process, or vehicles which create unreasonable noise, vibration, glare, fumes or odors which are detectable to the normal sense off the premises".

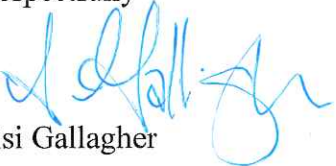
I have other concerns:

- Locke Store. The Locke Store plays a critical role in our community – as an employer, business, and community resource – but recent stumbles by its owner/management team raise concerns about their involvement in the Carter Hall project. How can they contribute to the Carter Hall project when they have made no progress with the two buildings next to the store or in managing parking and congestion issues in Millwood? I understand they also own the Battletown Inn and Westfield Farm where progress has ground to a halt.

- Size and Scope. The size and scope of the new construction proposed is excessive given that the County Code limits the total number of people (staff and guests) to 149 at any one time. A venue on the scale proposed by this application could host three times that number. This should alarm you as it signals disregard for the intent of the County's zoning restrictions and suggests the owners will be back with requests for further exceptions from this Board.
- Safety and Traffic. Millwood is a small community with no sidewalks and limited traffic capacity. Frequent events will bring a significant increase in traffic and that presents a safety risk, especially if it results from events where alcohol is served, to pedestrians, drivers, farmers and riders.

In short, I believe the application calls into question the owners' personal assurances that they will respect neighbors' concerns and the protect the character of this Agricultural-Open space-Conservation (AOC) district. I could say more about our friends and neighbors who will be affected by this application should it be approved, but I will let them speak for themselves on their concerns. Please just say No to this non-compliant development in our AOC and vote to keep this beautiful historic place in compliance with the letter and spirit of the zoning laws that have so long protected the rural, agricultural character of Clarke County for all of us.

Respectfully



Sisi Gallagher

Alex Lee  
Brookside  
PO Box 393  
Millwood, VA 22646

January 21, 2023

Clarke County Planning Commission  
Attention: Mr. Jeremy Camp, Senior Planner & Zoning Administrator  
One Chalmers Court, Suite B  
Berryville, VA 22611

**RE: Carter Hall Special Use Permit & Site Development  
Plan (SUP-22-02 / SP-22-03)**

Dear Members of the Planning Commission:

I'm addressing all of you because of a momentous decision that will soon be before the Planning Commission. The impact of your decision will have profound consequences upon those of us living in the Millwood Election District. My home, Brookside, is in Millwood's historical center, and overlooks the mill. During our fifteen years in the village, we have sought to be constructive partners with the Clarke County Historical Association and active supporters of the Millwood Community Association. A distinguishing characteristic of our little village, and its environs, is how many of us cherish today's Millwood, with its sobering history, multi-racial character, thriving community spirit and home to the Burwell-Morgan Mill, an architectural gem and a major platform for educational and cultural outreach. Most of us recognize that change is inevitable, but we want that change to be shaped by the controlled growth ethos that has characterized Clarke County.

The owners of Carter Hall Estate, LLC have submitted to the Planning Commission an application for a Special Use Permit to operate a 15 room "Country Inn" and to host "associated" events on the property. They must get the Planning Commission's approval because the Carter Hall property is zoned Agricultural-Open Space-Conservation. The developers are proposing a business model completely at odds with the conservation and equity principles which have guided Clarke County's valiant efforts to implement a strategy that protects the quality of life for the residents of our still very green and collegial county.

The developers' ambitions go far beyond creating a small, sedate "Country Inn" on this grand, tranquil, estate, for they are funding a multi-million dollar investment to convert the property into a major, dynamically evolving events center designed to attract large numbers of day visitors. Accordingly, they are requesting permission from the Planning Commission to build an ambitious, costly infrastructure—which includes a glass conservatory capable of hosting very

large events, a second indoor venue in the former stables, an expansion of outside gathering places for parties, a big pool area and parking area enlargements—to support a continuing flow of events, held day and night. Temporary “soundproof” big tents could be added to the mix.

### **A Useful Comparison**

When assessing the Carter Hall Estate, LLC proposal, I have found it instructive to keep in mind the Board of Supervisors’ recent approval of a Special Use Permit to the Kentland Foundation, Inc., to host events, a necessary step given that Kentlands is also zoned Agricultural-Open Space-Conservation. As you well know, the Board authorized the Kentland Foundation to host sixty events per year, all capped at 149 allowable persons, with live or amplified music ending at 11 pm. I’m particularly struck by the following comparisons. Kentlands is a property of 343 acres, as opposed to Carter Hall’s 86 acres; however, Kentland’s special use permit **confines its event activities to just a ten acre zone!** Yet Kentlands is surrounded by agricultural holdings and has no sizeable clusters of inhabitants in its immediate vicinity. In contrast, the much smaller Carter Hall property is fringed on its south and west by Millwood village, with its approximately 110 inhabitants. And let’s not forget all of the residences rimming Carter Hall’s boundaries. Finally, while Kentland offers direct access to Route 7, a four lane highway, only two secondary country roads funnel traffic to Carter Hall, with the bulk of the vehicles already flowing through Millwood village.

### **The Future of Millwood and its Surroundings**

Most Clarke County residents are familiar with the county’s Comprehensive Plan’s first guiding principle: “Preserve and protect the agricultural, natural, and open-space character of unincorporated areas.” Adherence to this objective distinguishes our beautiful, still rural county. The Comprehensive Plan’s second guiding principle is equally important: “Enhance town, village, and commercial areas through context-sensitive design and walkability elements to improve the quality of life for all residents.” The Planning Commission will need to assess whether the developers’ proposal is really true to these two guiding principles.

The Carter Hall Estate, LLC developers bought the historic property understanding that its 86 acres were zoned Agricultural-Open Space-Conservation, and that their business model would need to obtain from the Planning Commission a Special Use Permit to convert the property into one big venue for large events. That was their gamble. The developers have sought to assuage community concerns about their transformation of the Carter Hall property into a busy events center by pledging fidelity to historical preservation, environmental conservation, employment generation and agricultural product sourcing—as well as their opening of the property to county residents “for their access and outdoor benefit (including walkability).” (Pennoni Letter, September 15, 2022, page 95). The developers’ pledges may have been made in good faith, but they do not address the inevitable problems that their business model will inflict upon us.

I hope the Planning Commission will apply the spirit of the Comprehensive Plan's second guiding principle to its analysis of the Carter Hall Estate, LLC proposal. Given the controlled growth ethos of the Comprehensive Plan, its call for "context-sensitive design" when applied to "villages" cannot be so narrowly interpreted that it exempts responsibility for rigorously assessing the "quality of life" impact of a proposal's overall "design" upon county residents. In other words, I plead for the Planning Commission to focus not just on the suitability of specific infrastructure blueprints, but to evaluate rigorously the impact of the business model being proposed. As a small, unincorporated village, where else can the inhabitants of Millwood and its environs turn to protect their "quality of life" if not to the Planning Commission or, if necessary, to the Board of Supervisors?

### **Impact of an Event Center upon Its Neighbors**

The Carter Hall Estate, LLC developers propose to erect a conservatory made of glass and metal, which would be illuminated at nights, as a venue to host indoor events. The projected size of this structure, 4,876 square feet, is so much larger than what one would expect of a venue that ostensibly will host no more than 140 party goers (supported by, say, nine staff), that it suggests the developers are also contemplating events exceeding the 149 person cap. The conservatory has spurred particular alarm among neighbors about noise and light pollution. The developers respond that their conservatory is being designed "to mitigate noise *to the greatest extent possible*" (my italics; Pennoni Letter, September 15, 2022, page 104) and that the existing tree cover, to which can be added, will make the conservatory difficult to see from adjoining properties. The Planning Department staff has recommended to the Commission that a "photometric plan" should be required to validate the developers' minimization of potential light pollution emanating from the conservatory and that "more affirmative plans" are required regarding the developers' claims about controlling noise. Even if these two recommendations are approved by the Commission, I find it worrisome that the developers will have free reign to select the companies to evaluate these two significant public concerns.

The developers are proposing to make additional costly investments to build, or renovate, a variety of other venues on the property to host festive events and large gatherings both inside and outdoors; inevitably, these events will also generate noise, light pollution and other adverse impacts. I note that the developers have proposed that their enterprise will be open 24 hours a day when guests are overnighing at the property, and that they anticipate for "associated Country Inn events...festivities will start to conclude around 10 pm with additional time needed (approximately two hours) beyond then for close up." (my italics; Pennoni Letter, September 15, 2022, page 105).

Why should those of us living around Carter Hall have to accept the disruptions generated by the developers' events driven business model, especially given that the model is inappropriate for a property with a significant number of neighboring residents who cannot be shielded from its negative impacts?

## A Traffic, Parking and Pedestrian Nightmare

The Planning Commission should challenge the developers' assertions that their events driven business model will not precipitate increased traffic through the Millwood Historic District, nor through the two country roads that funnel traffic onto the Carter Hall property.

The developers maintain:

"Traffic is not anticipated to be any more significant than past traffic usage at Carter Hall by Project Hope. At one time Project Hope had 80+ staff coming in and out of the property on any given day. The proposed Inn usage of the property is less than this past usage which was deemed acceptable by the County for decades. Furthermore, the number of available guest rooms are being reduced to a maximum of 15 rooms and will result in a net decrease in average traffic generation."

"... Nor...we anticipate...additional traffic congestion in Millwood. In fact, we think there could be less traffic than when Project Hope previously had significant traffic moving in and out of the property on a daily basis." (Pennoni Letter, September 15, 2022, page 105).

I question whether during the Project Hope era 80 or even 40 cars *routinely* parked in the property. My guess is that 30 cars would be more accurate, but I'm willing to stand corrected. A more compelling take down is the obvious logical inconsistency of the developers' treatment of potential traffic flows. They state the country inn will have only 15 rooms, perhaps to convey the impression that a maximum of 30 guests will be coming and going. Unmentioned by the developers, at least with regard to traffic generation, is that their business model envisions hosting recurring events (perhaps sixty a year, or even more?), each potentially numbering up to the 149 person cap. The arrival and departure of these guests, mostly day trippers, plus the caterers and staff, will be clustered around specifically timed events, and most likely during weekends, so that these vehicular surges will occur when Millwood village is already overflowing with parked cars.

The Millwood Community Association has conducted a persistent and constructive lobbying campaign to persuade both the Board of Supervisors and VDOT of the need to mitigate the danger of intensive traffic flows speeding through the village and its feeder country roads. I'm pleased that VDOT will be sharing at the end of January the measures it is prepared to implement in Millwood. Although I do not know the details of VDOT's proposals, they seem to focus on enhancing pedestrian safety in the Millwood Historic Center by making the three pedestrian crossings more visible to vehicles. However welcome this VDOT development, it suggests that VDOT is still envisioning relatively modest pedestrian safety measures which will leave the **fundamental problems of increased traffic flows and chronic parking congestion in a village with no sidewalks dangerously unresolved**, a vulnerability that will only be greatly exacerbated by the developers' event driven business model.

## My Bottom Line Assessment

The owners of Carter Hall Estate, LLC are proposing a multi-million dollar investment to reconfigure the property so that it can routinely host a variety of large events for day visitors and guests. The very scale of the developers' investment guarantees their full-court press at both business generation and regulatory relaxation. I'm acutely conscious that a Planning Commission approval of capital intensive building projects on the Carter Hall estate will be virtually impossible to reverse, whereas county regulatory and zoning restrictions can be revisited by future Planning Commissions. I've been urging fellow residents of the Millwood Election District that, as they scan for the most objectionable aspects of the developers' proposals from their vantage points, they don't lose sight of the developers' fundamental business objective—creating a dynamic, income producing events hub—in their zeal to zero out specific problematic items, such as the conservatory.

To my mind, the most definitive protection of Millwood as a cherished historic village, and of the quality of life of its residents as well as those who live around the Carter Hall estate, is for the Planning Commission to **not authorize** any new buildings, or the conversion of existing buildings, or the creation of expansive outside forums, including a huge pool area, that can be used to host large numbers of visitors.

A small, tranquil country inn would seem congruent with the county's Comprehensive Plan, but there is a very real slippery slope danger to such a zoning approval. We should be deeply skeptical as to whether a 15 room country inn, lacking the ability to routinely host large events, can be financially viable given the inexorably costly expenditure required to maintain such a property as Carter Hall's—confronting us with the troubling probability of the owners pressing in the future for regulatory relaxations to make a struggling country inn viable by hosting large events on a "temporary" basis; these ad hoc events will nevertheless remain burdensome upon the community. I urge the Planning Commission to not open the door to Trojan Horses.

The inhabitants of the Millwood Election District, especially those living in the immediate vicinity of Carter Hall, should not be saddled with paying the price imposed by an events driven business model that is so obviously inappropriate for the property. Why should we suffer real harm to our individual, and collective, quality of life for a business model that so clearly violates both the spirit and the letter of Clarke County's Comprehensive Plan?

Thank you for your consideration of my views.

Regards,



Alex Lee

Millwood, VA



G. Cabell Williams III  
960 Bishop Meade Road  
P.O. Box 126  
Millwood, VA 22646

January 16, 2023

Clarke County Planning Commission and  
Jeremy Camp, Clarke County Senior Planner/Zoning  
Administrator  
One Chalmers Court  
Suite B  
Berryville, VA 22611.

RE: Carter Hall Special Use Permit & Site Development Plan  
(SUP-22-02 / SP-22\_03)

Ladies and Gentlemen,

My wife, Kathy, and I moved to Clarke County five years ago. After raising four children in Washington, DC and retiring from our careers we chose to move to Millwood Virginia. In choosing Millwood we were careful to select a community in the Virginia Blue Ridge Mountains that was zoned agricultural and was governed by a county that was intent on keeping it that way. We are fortunate to have purchased a 30 acre farm with a historic home adjacent to Carter Hall. It is called Apple Hill, and shortly after our purchase we entered into an agreement with Project Hope to acquire an additional 70 acres. That parcel had five development rights. In keeping with our desire to live in a rural farming community we donated four of the development rights to the Clarke County Easement Authority. No doubt we had found heaven on earth.

Needless to say we are dumbfounded to now find ourselves in the position of opposing the proposed addition of a large wedding venue adjacent to our farm. We are writing to request that the Clarke County Planning Commission vote to reject the proposed Carter Hall Special Use Permit Application and Site Development Plan. After studying the application, we believe that a No vote is the only responsible choice because the Carter Hall proposal in no way “promotes the health, safety and general

welfare of the public” and this is particularly true for the citizens of Millwood. This project actually has no benefits, rather it degrades the community on every level.

Just to be sure we were not overreacting to the prospect of having an event center next to our house, I called the owner of a nearby wedding venue to find out more about its operations. Like most hospitality businesses, volume determines profitability. Due to high fixed costs and high labor costs, wedding venues must achieve occupancy levels greater than 60% for the business to survive. In the case of the nearby wedding venue, break even occurred at approximately 70 weddings a year. Last year that venue had 144 weddings and on some weekends they hosted as many as seven. Size also matters, as there are economies of scale. This explains why the proposed wedding venue at Carter Hall is 4800 square feet and will likely have an occupancy limit of close to 500 persons.

Imagine 100 weddings a year in Millwood. What a disaster for the community! Just think of the amount of traffic there will be from buses and cars carrying guests into Carter Hall. Service vehicles including those for staff, caterers, bands, food trucks, and trash removal and all the attendant noise will fill our streets and the quiet of adjacent farms. Imagine the traffic jams and the danger to pedestrians right in the bottleneck of a little village that is already fighting with VDOT for traffic control measures.

We despair that the noise, light and commotion from events, trash removal and food trucks will drown out the sound of wildlife and change forever the silence of the rural community that so many of us cherish. The proposed Special Use Permit even specifies the use of fireworks, which on its face is evidence our new neighbors are unaware or insensitive to the character of this place. Our neighborhood, like much of Clarke County is home to thousands of acres of livestock including calf and cow operations and many equestrian farms that train and compete valuable horses. Directly adjacent to Carter Hall and very near to the proposed wedding facility is an equestrian facility named Mount Airy. It boards twenty five thoroughbred horses and trains many students, including children. I spoke with its owner and if this wedding venue is permitted, for safety reasons they will have to close their business.

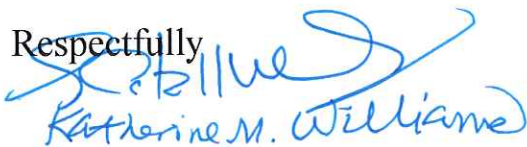
Carter Hall is not near any lodging facilities so after each wedding guests will be leaving by car, no doubt many of them

too drunk to drive. Is this good for our community? Wedding events are also considered COVID super spreader events which is not good, particularly for the senior citizens in our community. Does this promote the “health safety and general welfare of the public”? NO!

The current proposal calls for the construction of a 4,800 square foot building made of glass. It has no running water and no bathrooms. How can that be? In addition to being a poor insulator of noise the auditorium is an architectural and historic abomination, too big and set too close to Carter Hall, a historical landmark, one that is currently on the National Register of Historic Places. Project Hope at some point built a poorly designed and ill-conceived office building on this beautiful farm. It left a legacy of confusion over zoning and purpose. Please don't let history repeat that mistake, compounding the confusion with a glass palace that we fear will further alter the real identity of Carter Hall as a grand estate in one of Clarke County's beautiful Agricultural districts.

My wife and I have not heard of a single person in Millwood that is in favor of this wedding venue. It contributes absolutely nothing to the community. It causes a great deal of congestion and pollution that only benefits its owners. It is completely out of step with the green environmentally conscious neighborhood. We can only hope that each member of the Planning Commission has the courage and the foresight to reject the Special Use Permit and Site Development Plan and vote to keep Carter Hall a farm.

Respectfully



Cabell and Kathy Williams

# Carter Hall Estate

January 19, 2023

This document includes Carter Hall Estate responses to comments made by the Planning Commission in January 2023 and as related to our SUP application for the Carter Hall Country Inn.

## 1. *Light Transmission From the Conservatory*

- The Carter Hall Country Inn and new conservatory building will conform with current Clarke County Zoning Ordinance and specifically with section 6-H-11 beginning on page 156.
- As previously explained in our application, the conservatory glass used throughout the conservatory is specifically tinted to reduce visible light transmission and reject solar.
- In addition, we have confirmed that a film (3M Sun Control Window Film – PR 40X) will be installed onto the conservatory ceiling windows. This film is estimated to provide a reduction in light glare by more than 60% as well as a reduction in solar energy by more than 70%. The solar energy reduction addresses both passive solar heat as well as the infrared heat coming into the building. Please see attached specifications for additional detail regarding the film that we will install on the conservatory ceiling glass.
- HVAC cooling and heating components will also be added to the conservatory to ensure that it is a comfortable location for events in all seasons.
- This film will support and enhance covering that may be provided by trees around this building.

## 2. *Noise from Music in the Conservatory & Stables*

- Per the attached Carter Hall Noise Survey, noise measurements were conducted by acoustic engineers from Acoustical Solutions (2420 Grenoble Road, Richmond, VA 23294) and found that the locations identified at Carter Hall for potential music would be compliant with Clarke County Noise Ordinance (Chapter 120, Section 6).
- For the conservatory, the entire building would be designed to reduce music noise externally. The glass used for the conservatory is designed to reduce noise with an **estimated reduction of 20 decibels**.
- Our designers and engineers believe that this reduction will ensure that any music transmitted from within any Carter Hall building and including the Conservatory, when combined with the significant distance and natural obstacles involved in the terrain, will ensure that any music noise from Carter Hall meets Clarke County ordinance requirements.
- Regarding the Stables, we would install robust sound insulation (mass loaded vinyl, double layer of 5/8" sheetrock with Green Glue damping compound between layers, acoustic caulk, Firestop putty pads and RSIC clip over the studs) to suppress sound with an STC rating of 60 that should result in reduction of 50 DB. Further, we plan to add new plantings for additional sound insulation.

### 3. *Fire Systems*

- Carter Hall Estate understands that building codes and the fire officials will determine requirements. Building codes will determine what fire system is required, the locations and the minimum number of egress points to be provided. We understand these standard safety codes and by meeting them it is determined as to if the building is safe for the proposed use.
- Carter Hall has fire hydrants within 300' as the fire hose rests on the ground for the Conservatory. The building codes will state whether or not there is a requirement for a sprinkler system and the location and the minimum number of emergency egress points that are provided. These are standard safety codes and by meeting them it is determined that the building is safe for the use proposed.
- In addition, Carter Hall has identified the local contractor, Power Concepts Inc. from Winchester Virginia, to support with the fire system design and installation.
- If required, a letter from Power Concepts can be provided stating their intention to meet the following codes and AHJ (Authority Having Jurisdiction):
  - 2017 NFPA 70
  - 2016 NFPA 72
  - 2015 IBC

### 4. *Phasing*

- Our understanding is that once building permits are issued for building works, that the building could not be reoccupied until a Certificate of Occupancy is issued. Carter Hall Estate would comply with these standard County permitting and occupancy processes and requirements.
- Building permits for 10 buildings (Main House, East House, West House, Cabins A, B/C and D, Stables, Wash House, Dairy and Smoke House) have already been submitted to Clarke County for approval. Additional building permits would be submitted to the County for any other buildings and the pool per County requirements.
- These building permits have not yet been fully approved with the recommendation for building permit approval now linked to SUP application approval.
- As included on our previous response, the upgrading of all rooms, bathrooms and facilities is intended to retain the historic character of the buildings as much as possible while also bringing Country Inn buildings up to modern standards.
- These upgrades to Carter Hall Estate would happen in phases:
  - Phase 1: Septic System & Stormwater Management System
  - Phase 2: Main House, Cabin D, Stables, Wash House, Dairy
  - Phase 3: East House, West House, Administrative Building (Solar Installation Only), Cabin A, Cabin B/C & Carriage House
  - Phase 4: Conservatory
  - Phase 5: Pool, Green House, Maintenance Shop & Smoke House
  - Phase 6: Administrative Building
- Phases may be advanced concurrently or in advance of previously listed phases to match required upgrade tempo and contractor availability.

- The Country Inn with events is to be operational upon completion of Phase 1 as long as all buildings in use by the Country Inn have a Certificate of Occupancy. Additional upgrades in subsequent phases would take place as soon as possible thereafter.

5. *Building Uses*

- Per the request of the Planning Commission, please see below the previous table submitted regarding the Carter Hall Buildings with additional detail added in red below regarding building uses.

<b>Building Name &amp; Number on Carter Hall Lane</b>	<b>Proposed Use</b>	<b># Proposed Bedroom</b>	<b>Other Rooms</b>	<b>Sq Ft</b>	<b>Proposed Alterations</b>	<b>Septic Field</b>
<b>A (Existing)</b> <i>Main House (505)</i>	Accommodation, Kitchen for Inn, Bar, Dining & Events Space <b>(Including conferences, meetings, trainings, parties, weddings, galas, music and theater)</b>	3 Bedrooms (Max 6 persons sleeping)	Main hall, morning room, den, dining room, butler’s pantry, bathrooms, green room, kitchen, pantry, dishwashing room, utility rooms, attic.	14,695 sq. ft.	Asbestos remediation, renovation of existing bathrooms, expansion of bathroom on 1 <sup>st</sup> floor, updating of electrical, HVAC, roof repair and painting.	#201 & #301
<b>B (Existing)</b> <i>East House (535)</i>	Accommodation	2 (Max 4 adults sleeping)	Living, dining, kitchen and bathroom	1,517 Sq. Ft.	Asbestos remediation, renovation of existing bathrooms, updating of electrical, HVAC, roof repair and painting.	#401
<b>C (Existing)</b> <i>West House (475)</i>	Accommodation	2 (Max 4 adults sleeping)	Living, dining, kitchen and bathroom	1,221 Sq Ft.	Asbestos remediation, renovation of existing bathrooms, updating of electrical, HVAC, roof repair and painting.	#201 & #301
<b>D (Existing)</b> <i>Carriage House (375)</i>	Accommodation	5 (Max 10 adults sleeping)	Living, dining, kitchen and bathroom	5,390 Sq Ft.	Asbestos remediation, renovation of existing bathrooms, renovation of bedrooms to make them larger, updating of electrical, HVAC, new roof and painting.	Existing drain fields + #101 + #501 as needed
<b>E (Existing)</b> <i>Cabin A</i>	Accommodation	1 (Max 2 adults sleeping)	Bathroom	239 Sq. Ft.	Renovation of existing bathroom, updating of electrical, HVAC, new roof and painting.	Existing drain fields + #101 +

						#501 as needed
<b>F (Existing)</b> <i>Cabin B/C</i>	Accommodation	1 (Max 2 adults sleeping)	Living, dining, kitchen and bathroom	781 Sq. Ft.	Renovation of existing bathroom, updating of electrical, HVAC, new roof and painting.	Existing drain fields + #101 + #501 as needed
<b>G (Existing)</b> <i>Cabin D</i>	Accommodation	1 (Max 2 adults sleeping)	Bathroom	239 Sq. Ft.	Renovation of existing bathroom, updating of electrical, HVAC, new roof and painting.	Existing drain fields + #101 + #501 as needed
<b>H (Proposed)</b> <i>Conservatory</i>	Events (including conferences, meetings, trainings, weddings, galas, theater, music, parties) and Meals	N/A	None	See SDP	New build.	N/A
<b>I (Proposed)</b> <i>Pool</i>	Swimming, events (including cocktail parties, birthday parties, wedding related events), dining	N/A	None	TBD	New build.	TBD
<b>J (Existing)</b> <i>Greenhouse</i>	Greenhouse	N/A	None	238 Sq. Ft.	Historical restoration of Bunny Mellon's 1 <sup>st</sup> greenhouse	N/A
<b>K (Existing)</b> <i>Stables</i>	Event (including conferences, meetings, trainings, weddings, galas, music, theater parties) location	N/A	Bathrooms	2,083 Sq. Ft.	Modernization of electrical and HVAC. New bathroom and sound proofing.	Existing drain fields + #101 + #501 as needed
<b>L (Existing)</b> <i>Maintenance Shop</i>	Inn grounds and maintenance	N/A	Bathroom and break room	2,367 Sq. Ft.	Minor improvements to bathroom and break rooms.	Existing drain fields + #101 + #501 as needed
<b>M (Existing)</b> <i>Wash House</i>	Bathrooms for events	N/A	None	403 Sq. Ft.	Renovation of existing space and bathroom into 2 bathrooms to allow for ADA compliance	#201 and #301
<b>N (Existing)</b> <i>Dairy</i>	Welcome (Check-in and check-out) with sales of Inn merchandise	N/A	None	165 Sq. Ft.	Renovation of space, updating of electrical, HVAC, new roof and painting.	N/A

<b>O (Existing)</b> <i>Smoke House</i>	Lounge	N/A	None	174 Sq. Ft.	Renovation of space, updating of electrical, HVAC, new roof and painting.	N/A
<b>P (Existing)</b> <i>Administrative Building (255)</i>	Inn administration, owner's business and non-profit organization use, community meetings	N/A	None	22,236 Sq. Ft	Solar installation on roof, renovation of bathrooms, new ceiling tiles, modernization of HVAC system, new carpeting and painting.	Existing drain fields + #101 + #501 as needed
<b>Q (Proposed)</b> <i>Gardens</i>	Garden and Events	N/A	None	TBD.	New Build.	N/A

#### 6. Listing Types of Carter Hall Events

- Conferences
- Meetings-Public/Community and Private
- Trainings
- Weddings
- Galas
- Parties (e.g. Birthday & Anniversary Parties)
- Music
- Theater

Note: Not all events would involve amplified music. Amplified music would most likely be for weddings and gala type events.

#### 7. Pool Information

- The pool we are currently designing is to be oval in shape and approximately 50 meters long and 25 meters wide.
- We are planning for blue stone tile as the surface around the pool area with chairs and loungers for guests around the pool area.
- Internal pool lighting would light the pool itself during the pool season for only for a few hours days given that natural light is out into the evenings on longer summer days. Ground lighting would light areas around the pool. Further, trees and bushes around the pool area would hinder any light transmission.

#### 8. Potential Tent Locations

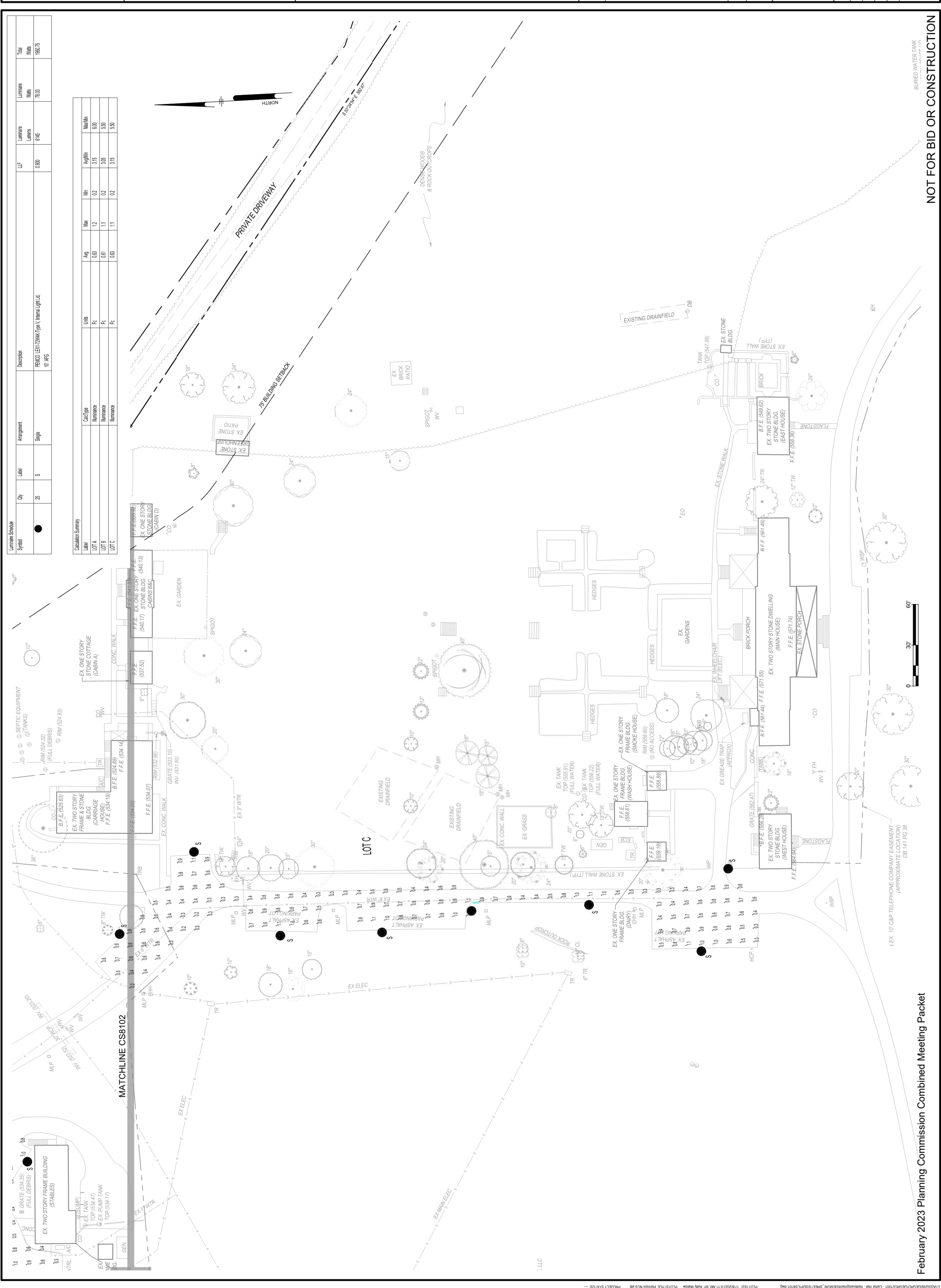
- Tents could be temporarily erected on the property for events on an as needed basis. At all times Carter Hall Estate would adhere to the County Noise Ordinance as well as the 149 persons limit on the property for all events regardless of location on the property.
- Potential tent locations have been added to the revised site plan. See page CS-000XX.

#### 9. Updating of Summary Sheet



- Per Commission Glover request, the summary sheet has been updated to provide additional details and clarifications.

Attachments include requests for Planning Commissioners for Mapping of possible tent locations, additional clarification to the building identification and land use plan, and photometric plans for the existing site lighting.



Luminaire Schedule	Qty	Label	Arrangement	Description	LF	Luminaire Lumens	Luminaire Footcandles	Total Hours
●	26	S	Single	PENNONI LED 70W/Type V, Internal Light, 10' APG	0.900	8145	78.33	1560.75

Calculation Summary	Label	Units	Ag	Min	Max	Ag/Min	Max/Min
Lot A	Lot A	FC	0.83	1.2	0.2	3.15	6.00
Lot B	Lot B	FC	0.81	1.1	0.2	3.05	5.50
Lot C	Lot C	FC	0.83	1.1	0.2	3.15	5.50

**Pennoni ASSOCIATES INC.**  
117 East Piccadilly Street  
Winchester, VA 22601  
T 540.667.2139 F 540.665.0493

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

**CARTER HALL COUNTRY INN**  
**SITE PLAN**  
505 CARTER HALL LANE | MILLWOOD, VIRGINIA 22646  
MILLWOOD MAGISTRAL DISTRICT  
CARTER HALL ESTATE, LLC  
255 CARTER HALL LANE (P.O. BOX 259) | MILLWOOD, VIRGINIA 22646

NO.	DATE	REVISIONS	BY

PROJECT	GEGR021001
DATE	20220504
DRAWING SCALE	AS SHOWN
DRAWN BY	TEAM
APPROVED BY	DLF

**CS8101**  
57 of 124  
SHEET CS8101 OF 2

NOT FOR BID OR CONSTRUCTION

PROJECT	GEGR021001
DATE	20220504
DRAWING SCALE	AS SHOWN
DRAWN BY	TEAM
APPROVED BY	DLF

DATE	NO.	REVISIONS	BY

**CARTER HALL COUNTRY INN  
SITE PLAN  
EXISTING PHOTOMETRICS**

505 CARTER HALL LANE | MILLWOOD, VIRGINIA 22646  
MILLWOOD MAGISTRAL DISTRICT  
CARTER HALL ESTATE, LLC  
255 CARTER HALL LANE (P.O. BOX 259) | MILLWOOD, VIRGINIA 22646



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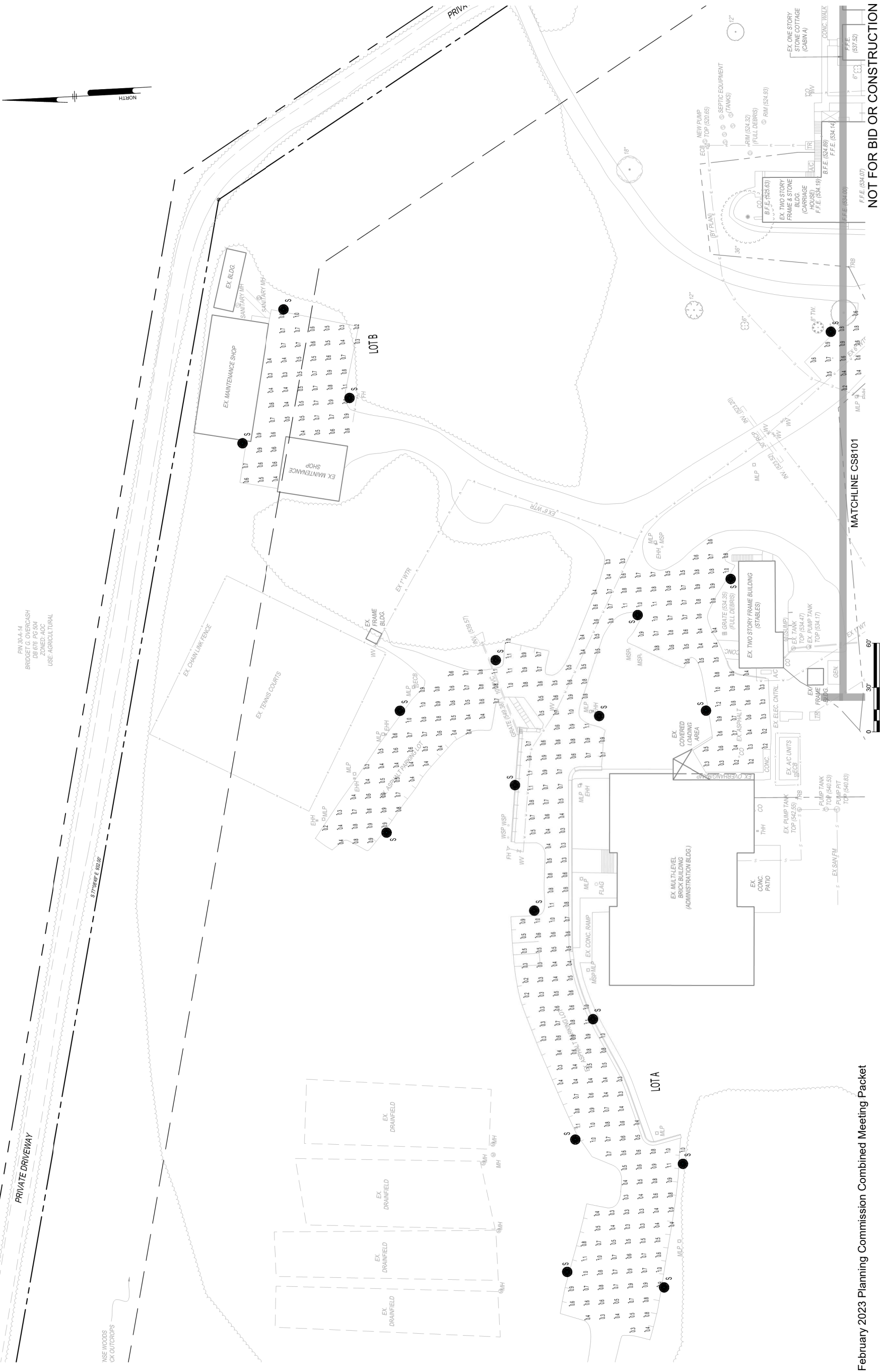
Symbol	Qty	Label	Arrangement	Description	LF	Luminaire Lumens	Luminaire Width	Total Width
●	25	S	Single	RECURSIVE TYPE II, ILLUMINATED, 17' RFG	0.800	6145	78.00	1560.75

Label	Calculation Summary	Units	Min	Avg	Max	Angle/Min	Max/Min
LOTA	ILLUMINANCE	FC	0.61	1.1	0.2	3.15	6.00
LOTB	ILLUMINANCE	FC	0.63	1.1	0.2	3.15	5.50
LOT C	ILLUMINANCE	FC	0.63	1.1	0.2	3.15	5.50



USE AGRICULTURAL  
ZONING A-OC  
BRIDGETT C. OTERO-CASH  
PIN 30A-14



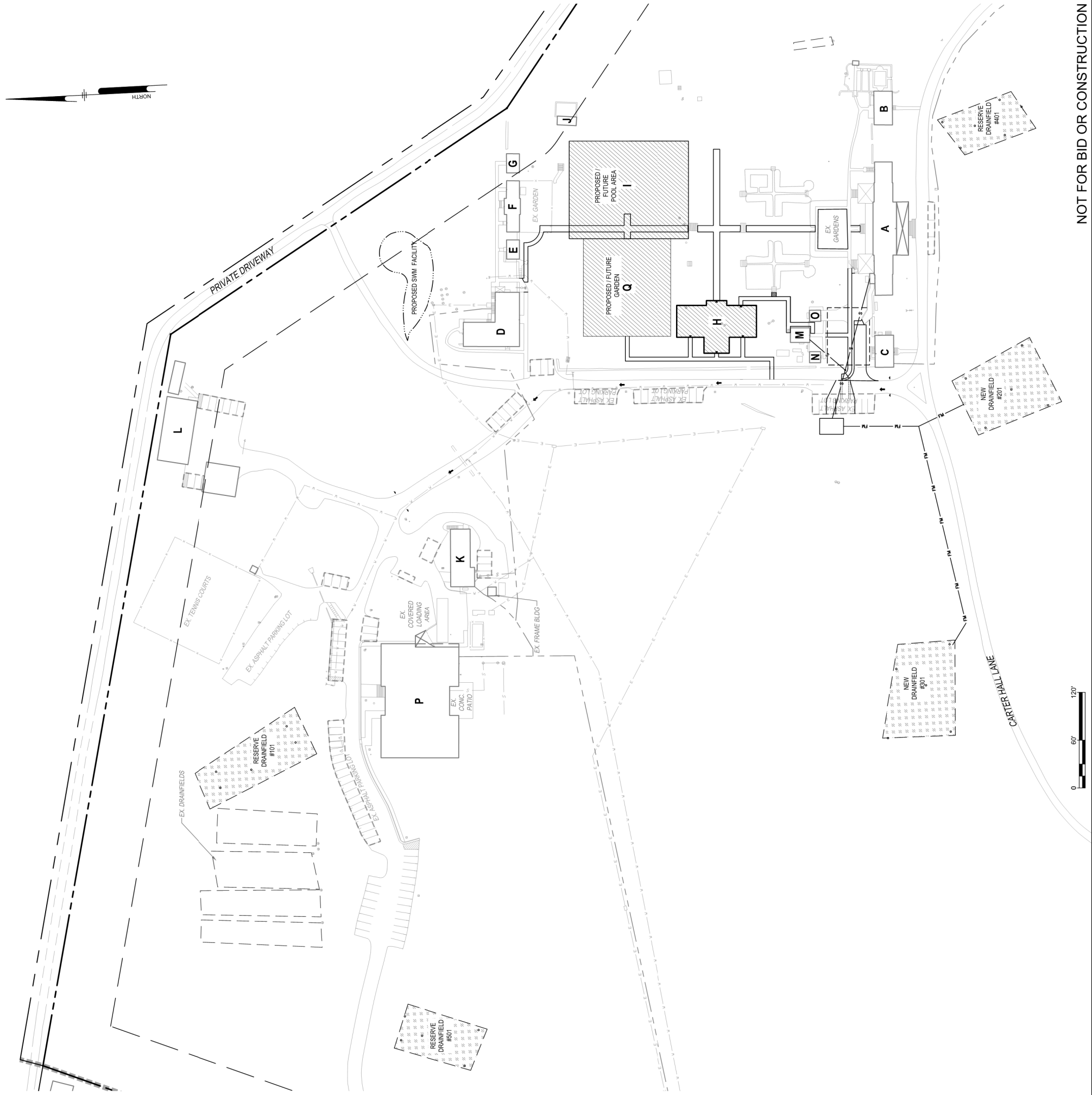
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February 2023 Planning Commission Combined Meeting Packet

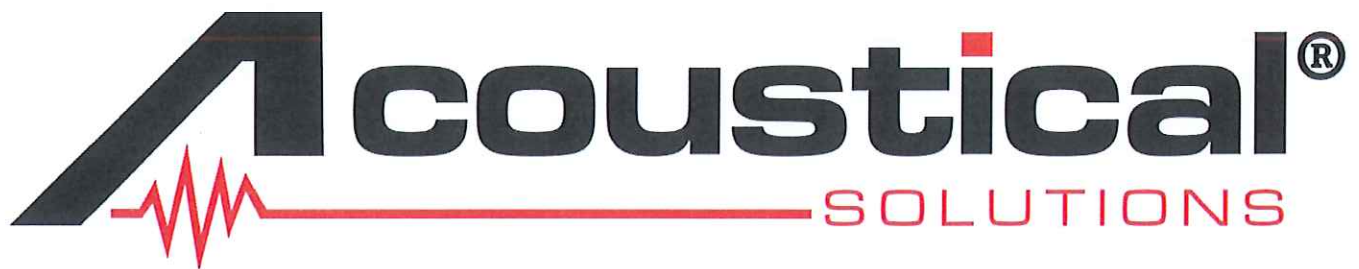
NOT FOR BID OR CONSTRUCTION

<p><b>PENNONI ASSOCIATES INC.</b> 117 East Piccadilly Street Winchester, VA 22601 T 540.667.2139 F 540.665.0493</p>		<p><b>CARTER HALL COUNTRY INN</b> <b>SITE PLAN</b></p> <p>505 CARTER HALL LANE   MILLWOOD, VIRGINIA 22646 MILLWOOD MAGISTRAL DISTRICT</p> <p><b>TENT LOCATION PLAN</b></p> <p>CARTER HALL ESTATE, LLC 295 CARTER HALL LANE # 200   MILLWOOD, VIRGINIA 22646</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>DATE</th> <th>NO.</th> <th>REVISIONS</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	DATE	NO.	REVISIONS	BY																				
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Building Name & Number on Carter Hall Lane	Proposed Use	# Proposed Bedroom	Other Rooms	Sq Ft	Proposed Alterations	Septic Field
<b>A (Existing)</b> Main House (505)	Accommodation, Kitchen for lin., Bar, Dining & Events Space (including meetings, trainings, parties, weddings, galas, music and theater)	3 Bedrooms (Max 6 persons sleeping)	Main hall, morning room, den, dining room, butler's pantry, bathrooms, green room, kitchen, pantry, dishwashing room, utility room, attic	14,695 sq. ft.	Asbestos remediation, renovation of existing bathrooms, expansion of bathroom on 1 <sup>st</sup> floor, updating of electrical, HVAC, roof repair and painting.	#201 & #301
<b>B (Existing)</b> Four House (435)	Accommodation	2 (Max 4 sleeping)	Living, dining, kitchen and bathroom	1,517 sq. ft.	Asbestos remediation, renovation of existing bathrooms, updating of electrical, HVAC, roof repair and painting.	#401
<b>C (Existing)</b> West House (475)	Accommodation	2 (Max 4 adults sleeping)	Living, dining, kitchen and bathroom	1,221 sq. ft.	Asbestos remediation, renovation of existing bathrooms, updating of electrical, HVAC, roof repair and painting.	#201 & #301
<b>D (Existing)</b> Carriage House (375)	Accommodation	5 (Max 10 adults sleeping)	Living, dining, kitchen and bathroom	5,390 sq. ft.	Asbestos remediation, renovation of existing bathrooms, updating of electrical, HVAC, roof repair and painting.	Existing drain fields #501 + #501 as needed
<b>E (Existing)</b> Cabin A	Accommodation	1 (Max 2 adults sleeping)	Bathroom	239 sq. ft.	Renovation of existing bathroom, updating of electrical, HVAC, new roof and painting.	Existing drain fields #501 + #501 as needed
<b>F (Existing)</b> Cabin B/C	Accommodation	1 (Max 2 adults sleeping)	Living, dining, kitchen and bathroom	781 sq. ft.	Renovation of existing bathroom, updating of electrical, HVAC, new roof and painting.	Existing drain fields #501 + #501 as needed
<b>G (Existing)</b> Cabin D	Accommodation	1 (Max 2 adults sleeping)	Bathroom	239 sq. ft.	Renovation of existing bathroom, updating of electrical, HVAC, new roof and painting.	Existing drain fields #501 + #501 as needed
<b>H (Proposed)</b> Conservatory	Events (including conferences, meetings, trainings, galas, theater, parties) and Meals	N/A	None	See SDP	New build.	N/A
<b>I (Proposed)</b> Pool	Swimming, events (including cocktail parties, birthday parties, wedding related events), dining	N/A	None	TBD	New build.	TBD
<b>J (Existing)</b> Greenhouse	Greenhouse	N/A	None	238 sq. ft.	Historical restoration of Burnside Mill's 1 <sup>st</sup> greenhouse.	N/A
<b>K (Existing)</b> Stables	Event (including conferences, meetings, trainings, parties) location and maintenance	N/A	Bathrooms	2,083 sq. ft.	Modernization of electrical and HVAC. New bathroom and sound proofing.	Existing drain fields #501 + #501 as needed
<b>L (Existing)</b> Maintenance Shop	Minor improvements	N/A	Bathroom and break room	2,367 sq. ft.	Minor improvements to bathroom and break rooms.	Existing drain fields #501 + #501 as needed
<b>M (Existing)</b> Wash House	Bathrooms for events	N/A	None	403 sq. ft.	Renovation of existing space and bathroom into 2 bathrooms to allow for ADA	#201 and #301
<b>N (Existing)</b> Dairy	Welcome (Check-in and check-out) with sales of lin merchandise	N/A	None	165 sq. ft.	compliance of space, Renovation, updating of electrical, HVAC, new roof and painting.	N/A
<b>O (Existing)</b> Smoker House	Lounge	N/A	None	174 sq. ft.	Renovation of space, updating of electrical, HVAC, new roof and painting.	N/A
<b>P (Existing)</b> Administrative Building (255)	Inn administration, owner's business and non-profit organization use, community meetings	N/A	None	22,236 sq. ft.	Solar installation on roof, renovation of bathrooms, new ceiling tiles, modernization of HVAC system, new carpeting and painting.	Existing drain fields #501 + #501 as needed
<b>Q (Proposed)</b> Gardens	Garden and Events	N/A	None	TBD	New Build.	N/A





<b>Project Title</b>	Carter Hall Noise Survey
<b>Client</b>	Carter Hall Estate, LLC
<b>Report Title</b>	Noise Survey and Analysis Report
<b>Report Number</b>	NSR-10650-01 Rev A
<b>Report Date</b>	24 <sup>th</sup> January 2023

Prepared by	
Approved by	

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## Executive Summary

On January 6<sup>th</sup> 2023 noise measurements were conducted at locations within and adjacent to the Carter Hall property in Millwood, Virginia, owned by Carter Hall Estate LLC. The intent of these measurements was to provide an evaluation of the potential for the property to comply with the applicable Clarke County Noise Ordinance.

The measurements were conducted using a representative noise source, operating at a representative noise level, for the type of events which are planned to be held at Carter Hall.

Measurements were conducted with the noise source located in 3 different potential event spaces: The Stables Building, Carter Hall's Main Reception Room, Carter Hall's Rear Terrace. At The Stables Building and Carter Hall's Reception Room the noise source was located inside these buildings.

These measurements were analyzed for compliance based on the noise source used during the survey. Further compliance analysis was conducted extrapolating potential higher source noise levels, to account for unforeseen source noise level increases (e.g. due to different events/musical style/musical performers).

To achieve compliance the Clarke County Noise Ordinance (Chapter 120, section 6) the noise must be such that *"No person shall permit, operate, or cause any source of sound to create a sound level that can be heard in another person's residential dwelling... in excess" of 65dBA during the Daytime period (7am-10pm) or 55dBA during the Nighttime period (10pm-7am), "when measured inside the residence at least four (4) feet from the wall nearest the source, with doors and windows to the receiving area closed."*

Carter Hall Estates LLC plans to conduct business during both Daytime and Nighttime periods, as such compliance will be considered relative to both Daytime and Nighttime noise limits.

For the Stable Building event location, measurements were taken within a representative residential property, and it was found to be compliant with the representative noise source used during testing, and extrapolative analysis finds that the Stable Building location will be compliant even if the noise source increases four-fold.

For the Carter Hall Reception Room event location, measurements were taken at the nearest property boundary. Measurements were analyzed based on a theoretical dwelling with building facades that have no acoustical benefit. This location was found to be compliant with as-measured and extrapolated noise sources.

The on-site measurements were used to create a computer model to predict the noise levels at the property boundary, if the proposed Glass Conservatory was used as an event space. Compliance with the noise ordinance is achieved, provided the receiving residential dwelling has a wall which provide 15dBA of acoustic reduction.

Further design modifications were modelled and analyzed in the pursuit of good neighborliness and additional acoustic reductions of 4-6dBA were found by modification of the Glass Conservatory or a change to Traditional Construction design for the building.

Based on the measurements made at site and the subsequent analysis (conducted analytically and vis computer-generated models) it has been found that Carter Hall will be compliant with the Clarke County Noise Ordinance daytime and nighttime noise limits (interior of adjacent dwellings), for all three of its proposed event spaces.



## Compliance Noise Survey

### 1 Introduction

This report pertains to the measurement and analysis of the potential noise present at the proposed Carter Hall site due to the noise from music which may take place during events.

A noise assessment of the Carter Hall location took place on 6<sup>th</sup> January 2023, to assess the potential noise levels around the property due to the noise of a representative musical source.

These results will be used to compare relative noise level at the property boundary and adjacent dwellings with the statutory requirements as laid out by Clarke County's current noise ordinance.

### 2 Design Criteria

As per Clarke County VA ordinance, Chapter 120 which pertains to noise, section 6 of the ordinance gives specific day-time (*between 7:00 a.m. and 10:00 p.m.*) and night-time (*between 10:00 p.m. and 7:00 a.m.*) periods during which *"No person shall permit, operate, or cause any source of sound to create a sound level that can be heard in another person's residential dwelling"* in excess of:

Nighttime...	55 dBA
Daytime...	65 dBA

*"when measured inside the residence at least four (4) feet from the wall nearest the source, with doors and windows to the receiving area closed."*

This was recently updated (March 2021) from the previous boundary level only measurement (70dBA).

### 3 Measurement Details

#### Personnel

- The entire acoustical survey was conducted by Mr. Jordan Moran

#### Time and Date

- The survey took place on the 6<sup>th</sup> January 2023 and spanned from 11am to 1pm.

#### Equipment

- Class 1 Quest SoundPro SE/DL-1 Sound Level Meter, Serial number: 36787
- Class 1 Quest QC-10 Acoustic Calibrator, Serial number: 6124

#### Metrological

- The survey took place outdoors, without precipitation, gusts of wind below 5 m/s.
- Windshield and outdoors noise measurement settings were used on the Sound Level Meter.

**4 Measurement Locations**

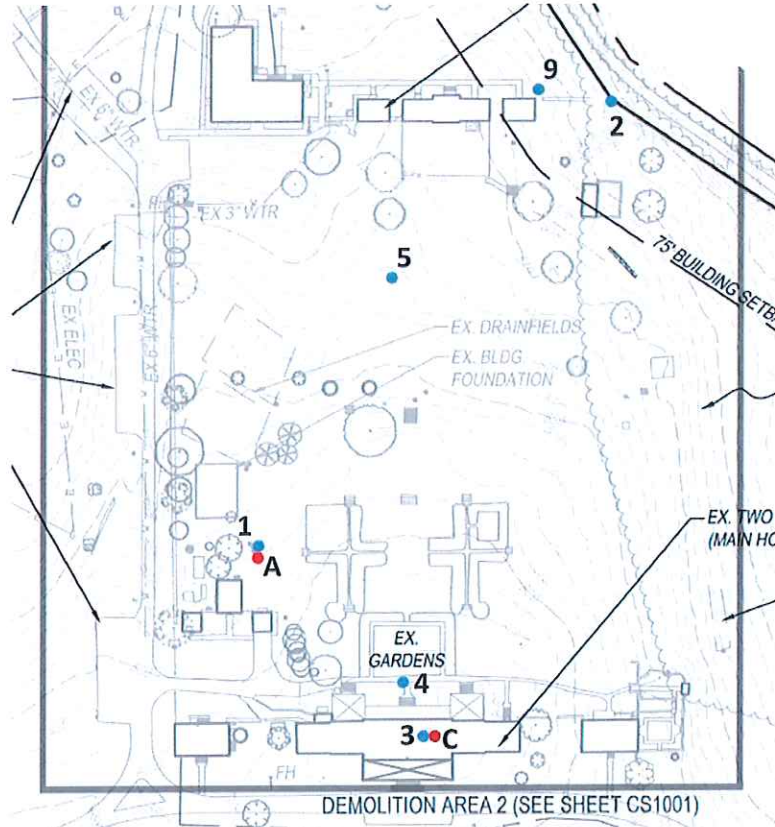


Figure 1 – Carter Hall Noise Source Locations and Measurement Position, Carter Hall Area

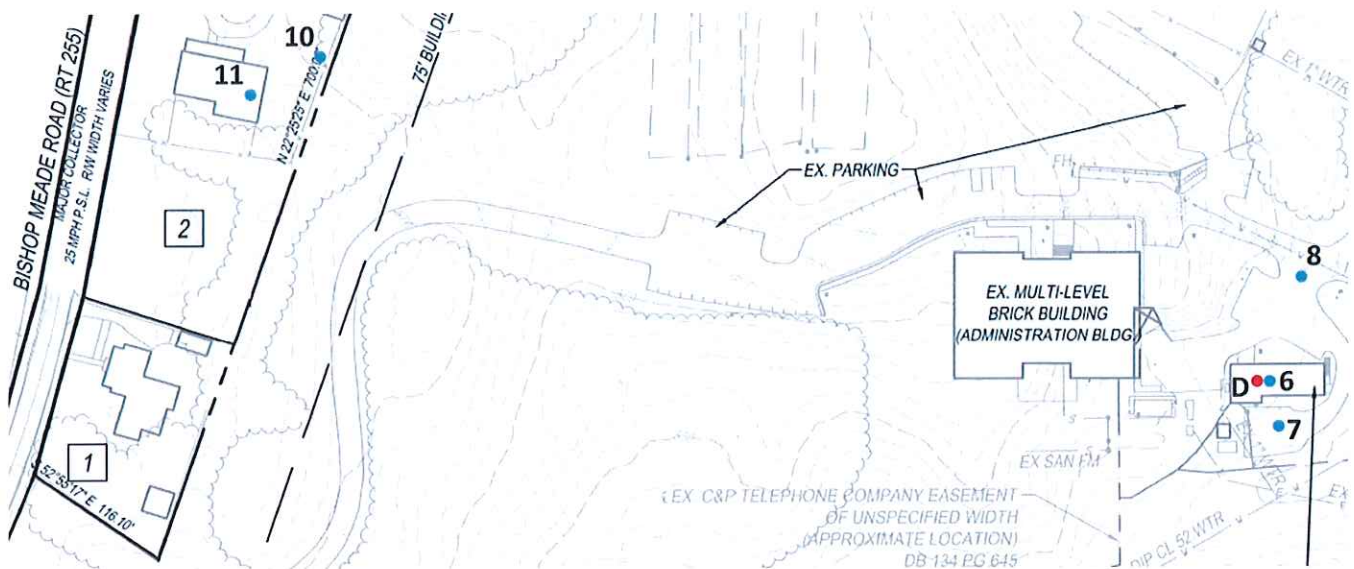


Figure 2 – Carter Hall Noise Source Locations and Measurement Positions, Stables Area

## 5 Noise Measurements

Prior to and after all measurements were taken, the calibration of the sound level meter was checked in accordance with the measurement procedure. In every case the deviation was less than 0.5 dB; hence the measurements taken are acceptable for use.

Due to the nature of the noise environment, measurements were taken using 1-minute integration periods to establish the total A-weighted sound level. The measurements were taken using the “slow” integration period.

The summary results for each measurement position are given below, see Table 1.

Ref. #	Description (NS means Noise Source)	dBA	Refer to Figure 1 & 2	
			Speaker Location	Measurement Position
74	Background Noise Level at Mount Airy Farm Ln Property Line [Representative of Background Noise around entire property]	43.9	BG	2
71	NS behind wash house, measured 3ft from NS	89.8	A	1
73	NS as above, measured at Mount Airy Farm Lane Boundary	55.7	A	2
75	NS inside Carter Hall Main Room, measured 3ft from NS	88.6	C	3
76	NS as above, measured on rear patio at base of steps	67.1	C	4
77	NS as above, measured at Mount Airy Farm Lane Boundary	45.1	C	2
78	NS as above, measured at center of former badminton courts	63.6	C	5
79	NS inside Stables Building, measured 3ft from NS	95.7	D	6
80	NS as above, measured at center of Stables’ “rear patio”	77.7	D	7
81	NS as above, measured at parking lot entrance	62.3	D	8
82	NS as above, measured at corner of Cottages	44.3	D	9
83	NS as above, measured at Mount Airy Farm Lane Boundary	43.0	D	2
84	NS as above, measured at Twin Gates Property Boundary [Dogs dominant audible noise, NS inaudible]	54.4	D	10
85	NS as above, measured INSIDE Twin Gates Property [NS inaudible]	33.2	D	11

Table 1 – Measured A-Weighted Total Sound Pressure Levels Measured During Survey

Refer to Figure 1 and Figure 2 for the approximate locations of each speaker location and measurement position. The measurements were split in to three different “use cases”:

- Speaker location A, which is representative of an “outdoor” event in the rear gardens of Carter Hall.  
*NOTE: There are no plans to conduct outdoor events, these would be held in the Glass Conservatory.*
- Speaker location C, which is representative of an indoor event in Carter Hall’s main room.
- Speaker location D, which is representative of an indoor event in Carter Hall’s Stable building.

Each case will be investigated for compliance with the design criteria when using the as-measured noise source. As events are not yet being held, and the exact noise level of an event can vary, compliance will also be investigated theoretical using a higher extrapolated noise source, to ensure compliance analysis is conservative.

For cases where the noise source was inside the building, all access doors were opened to be representative of an event whereby doors are kept open. This will give a worst-case scenario of usage for these indoor events.

It should be noted that the stables were under renovation at the time of measurement, and as such the walls were only the exterior skin (wood paneling). After renovation this space will have acoustically treated walls. As such the Stable Building case can be seen as a worst-case.

## 6 Measurements Discussion

The nearest noise sensitive receivers (NSR's) are the dwellings located adjacent to the property boundary along Bishop Meade Road and the single-family dwelling at the termination of Mount Airy Farm Lane. As such, measurements were made at the property lines closest to these dwellings. In the case of the Bishop Meade Road residences, representative measurements could be taken inside a dwelling in one use case of the Carter Hall property (noise source inside the Stables building).

The background noise level was measured at 44 dBA and consisted primarily of nature noises plus some human activity at local dwellings. This is thought to be representative of the background noise level during the daytime period around the entire property.

When the noise source was located inside the Stables building, with a representative noise level being produced, the noise was measured inside the nearest residential dwelling (The Twin Racquets Inn) at 33 dBA, the noise source was perceptually inaudible both inside and outside the property. As such, the ordinance is complied with under the as measured conditions during both the daytime and nighttime periods.

As measurements were not made inside the nearest neighboring residential building, when the noise source was located outside and/or located inside Carter Hall's Main Room, a pragmatic approach must be taken to analyze compliance. The measurements at the property boundary will be used to infer the relative noise inside a theoretical dwelling. Compliance will be based on whether the amount of noise reduction this dwelling's nearest wall must provide.

When the noise source is located inside Carter Hall, the noise at the property line nearest the closest dwelling was measured at 45 dBA. As such, even if the wall of the theoretical dwelling provides zero decibels of acoustic reduction, the ordinance is complied with under the as measured conditions during both the daytime and nighttime periods. However, it should be noted that the noise source was audible at the property line, but the noise level measured is scarcely above the existing background noise level (44dBA).

When the noise source is located outside in the rear of Carter Hall, the noise at the property line nearest the closest dwelling was measured at 56 dBA. As such, even if the wall of the theoretical dwelling provides 1 decibels of acoustic reduction, the ordinance is complied with under the as measured conditions during both the daytime and nighttime periods. However, it should be noted that the noise source was clearly audible at the property line.

It should be noted that the façade of a residential dwelling will typically provide a minimum of 20 dBA, depending on the construction and type of windows/doors that are installed in the dwelling.

The decibel level of the noise source is thought to be representative of an appropriate noise level for the anticipated events to be held. However, to be conservative, compliance should be assessed based on a noise source which is 9 dBA louder than the noise source used during the survey. This is equivalent to 4 times the acoustic sound power i.e. four total noise sources of a level equal to the original noise source.

Thus, the theoretical noise level of each source at each location is as follows:

- Inside the Stables Building, approximately 105 dBA.
- Inside Carter Hall's Main Room, approximately 98 dBA
- Outside Carter Hall in Rear Garden, approximately 99 dBA

Which results in a theoretical increase at each property boundary measurement as follows:

- Inside the Stables Building, Inside Twin Racquets Inn, approximately 42 dBA.
- Inside Carter Hall's Main Room, at Mount Airy Farm Lane boundary, approximately 54 dBA
- Outside Carter Hall in Rear Garden, at Mount Airy Farm Lane boundary, approximately 65 dBA

Using these noise levels, it can be seen that for both "indoor cases" (events held inside the Stables or inside Carter Hall) the noise level inside the nearest NSR dwellings would be compliant with the noise ordinance for both Daytime and nighttime periods, regardless of dwelling construction.

If the event is held outside, there is the potential that noise level in a theoretical NSR dwelling could exceed the nighttime noise limit, if the dwelling façade noise reduction is less than 15 dBA.

However, as previously stated, events will not be held outdoors, but rather in a newly constructed Glass Conservatory, as such compliance must be assessed when the event is held inside this new structure. To do this requires a theoretical analysis based upon the measurements taken at site.

Compliance has been assessed at the nearest boundaries to the nearest neighboring residential dwellings since this provides assessment of the worst-case. Other dwellings that are located further away, will be less impacted. Thus, if compliance is achieved at the assessed locations, compliance will be achieved at any other affected dwellings.

## Noise Reduction Analysis

### 7 Purpose

Based upon the findings of the on-site measurements of representative noise sources, it can be seen that compliance is achieved in all use cases, even if a pessimistic correction factor is applied to account for more noise sources/a louder overall noise source, providing the neighbor's residential dwelling wall provides a façade noise reduction of 15 dBA or more (which is reasonable to assume).

However, as mentioned previously, the client Carter Hall Estate LLC plans to conduct all events in the rear of Carter Hall inside a newly constructed building (Glass Conservatory), not "outside" as per the noise measurements.

Hence, further analysis will be undertaken to ensure that the Glass Conservatory event space at the rear of Carter Hall is compliant regardless of the nearest neighbor's residential dwelling construction. This will ensure compliance of the proposed solution.

The client Carter Hall Estate LLC also wishes to investigate ways to be a "good neighbor" regardless of numerical compliance with the local noise ordinance. As such, additional analysis was undertaken to assess potential construction changes which could improve the proposed event space's acoustic performance.

### 8 Modelling Methodology

The data gathered was used to produce a computer model in the commercially available software SoundPlan v8.2, a noise mapping software. These images will be presented throughout to illustrate visually the improvements from proposed treatments; however, it should be noted that these are for illustration purposes only.

The first step is to establish a baseline case which reflects the "as measured" environment due to the primary noise source of concern. All three measured cases were modelled to cross reference baseline cases and analyze correlation. However, only the outdoor noise source case will be reported as this is the use case of interest.

#### 8.1 Baseline Cases

After modelling all baseline cases (those that directly mimic the three as measurement situations), a good correlation between each case was found, and a good correlation between the near field noise levels predicted versus the noise levels measured at site.

However, there were clear deviations in the far field measurements, for most measurement positions and cases this deviance was approximately 2 dBA, after the measurements are corrected for Background Noise (the model does not include background noise). This is within expected error margins, as an outdoor engineering survey has an accuracy of  $\pm 3$  dBA.

The larger concern is the 10dBA discrepancy in theoretical prediction versus measured results at Measurement Position 2 (Mount Airy Farm Ln) when the noise source is outdoor. It is theorized that either the topology directly behind Carter Hall is being over accounted for in the 3D model causing additional geometric sound decay or, the real-world measurements at this location were affected by additional background noise which artificially inflated the noise level reading.

Due to this discrepancy, and the inability of solving which input is the source of it, when potential treatments are modelled for the outdoor noise case, a 10dBA correction will be applied to the data to ensure the potential treatment will correlate to the real-world implications regardless.

For reference the outdoor noise source baseline case is sound mapped in Figure 3, but does not include the far field corrections required to ensure correlation.

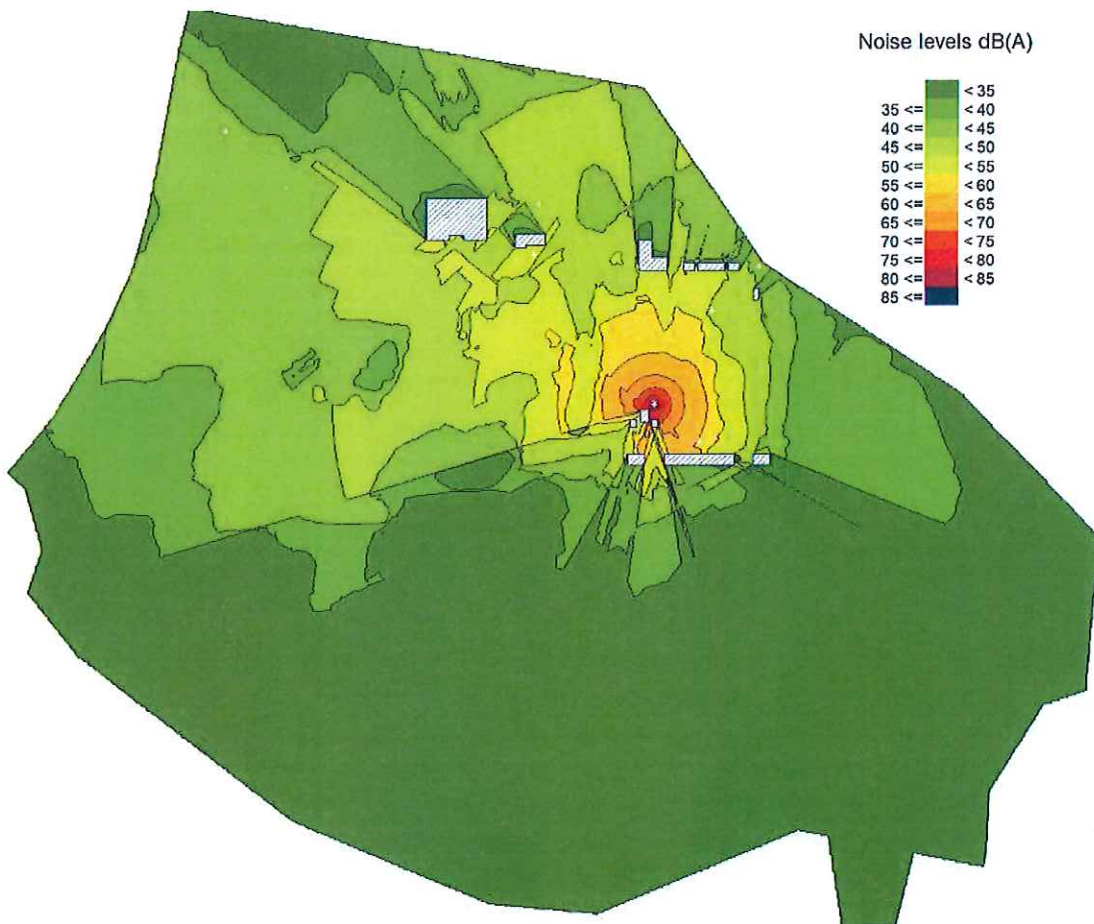


Figure 3 – Baseline Case: Modelling Single Outdoor Noise Source (Speaker Location A)

## 8.2 Glass Conservatory Event Space

As mentioned previously, the plan for the rear of Carter Hall is a Glass Conservatory event space rather than the outdoor event measured during the site visit. The Stables Building’s adjusted noise source inputs described in the previous section i.e. four loudspeakers operating at the level measured during the survey. This is to model a “loud” 4-piece band using amplified sound. As mentioned previously, this is equivalent to increasing the sound power level by four times, which is a 9dBA increase in overall level. A 3dBA design margin will also be included, as per typical modelling process. Hence, the noise source selected for the Glass Conservatory event space is equivalent to approximately 108 dBA at 3ft from the Stage.

The building was modelled as a radiating source, where all walls and roofing were assigned the acoustic transmission values of 1/8” single pane glass. This is thought to be representative of the current intended building construction. The planned building will have several entry/exit doors, and as such the model assumes these are left open during an event, due to high traffic in/out of the building.

A representative sound map of the Glass Conservatory, given the construction and assumption above, is shown in Figure 4.

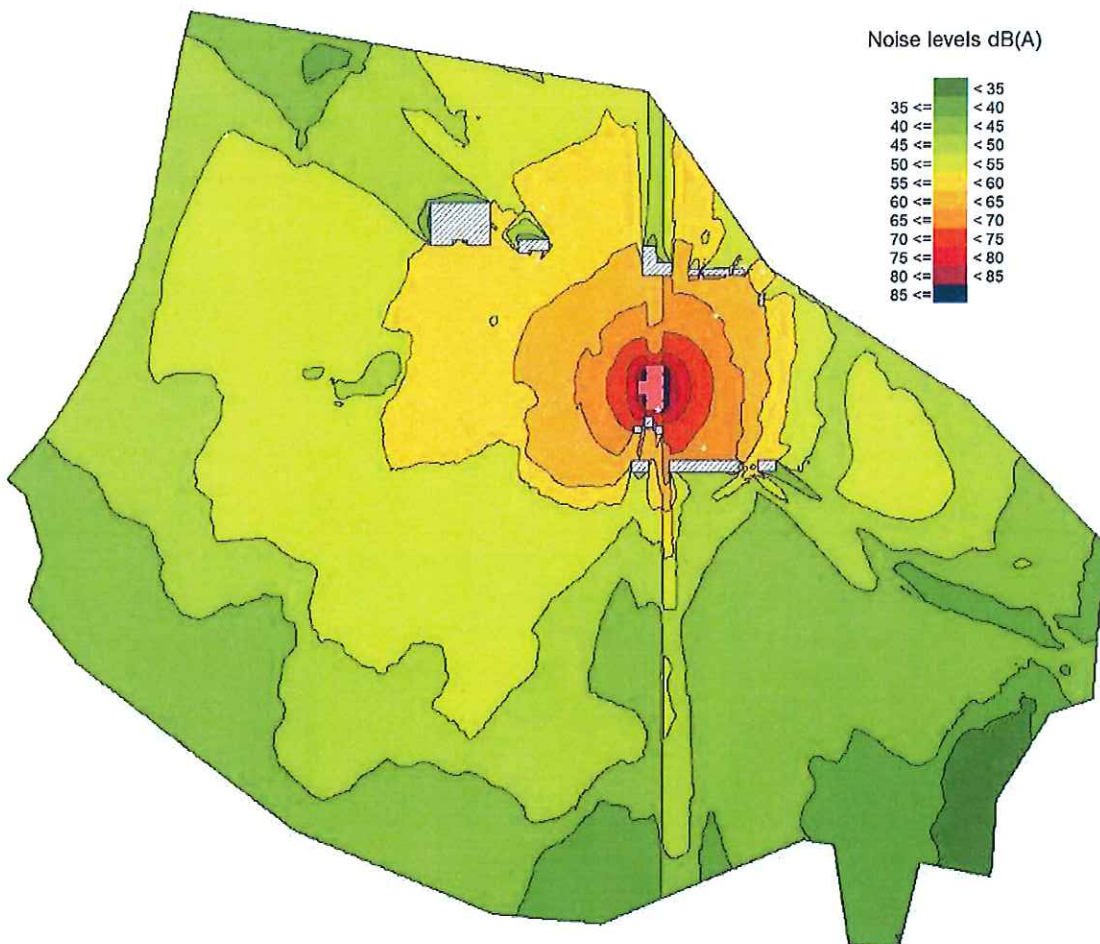


Figure 4 – Resultant Sound Map, Glass Conservatory assuming glass transmission loss of walls/roof, with open doors



The predicted resultant noise level at the nearest adjacent property lines with the Glass Conservatory event space modelled are: 59dBA at Mount Airy Farm Lane, and 50dBA at The Twin Racquets Inn.

Adding 10dBA to the measurement, due to the aforementioned potential modelling discrepancies, these would become 69dBA and 60dBA at the property line.

Hence, as per previous compliance investigation, provided the neighboring residential dwelling has a wall construction which provides 15dBA of acoustic reduction, the interior noise level would be in compliance with the local noise ordinance requirements, during both daytime and nighttime periods.

### ***8.3 Glass Conservatory Event Space – Acoustic Improvements***

In the pursuit of “good neighborliness” additional analysis was conducted to determine potential improvements to the event space, which would yield reductions at the property boundary, and thus reduce the overall impact on the surrounding community.

Analysis revealed that the door openings were the primary acoustic weak point, especially since these are modelled as permanently open during an event. As such the first area of improvement was to reduce the number of door openings, and create a vestibule (two sets of doors “in series” i.e. inner door and outer door) at each door opening.

The vestibule is modelled assuming only the outer door is closed, and the doors are modelled as lightweight construction without acoustic/weather seals (this is so worst-case is analyzed) – thus approximate STC of 10. Additional acoustic absorption adjacent to the stage was also implemented in this model.

A representative sound map of the Glass Conservatory with the vestibule acoustic improvements, is shown in Figure 5.

The predicted resultant noise level at the nearest adjacent property lines with the Glass Conservatory event space modelled with these improvements are: 54dBA at Mount Airy Farm Lane, and 47dBA at The Twin Racquets Inn. Adding 10dBA to the measurement, due to the aforementioned potential modelling discrepancies, these would become 64dBA and 57dBA at the property line.

Compared to the original planned Glass Conservatory this is an acoustic improvement of 3-5dBA at the property boundaries. This is a noticeable reduction in perceived noise level, and equivalent to at least a halving of the acoustic sound power radiated by the event space.

A conservative approach has been taken to all calculations; however, it should be noted that if both the inner and outer doors of the vestibule are closed, the event space increases significantly. Thus, further reducing the overall noise level at the property boundaries.

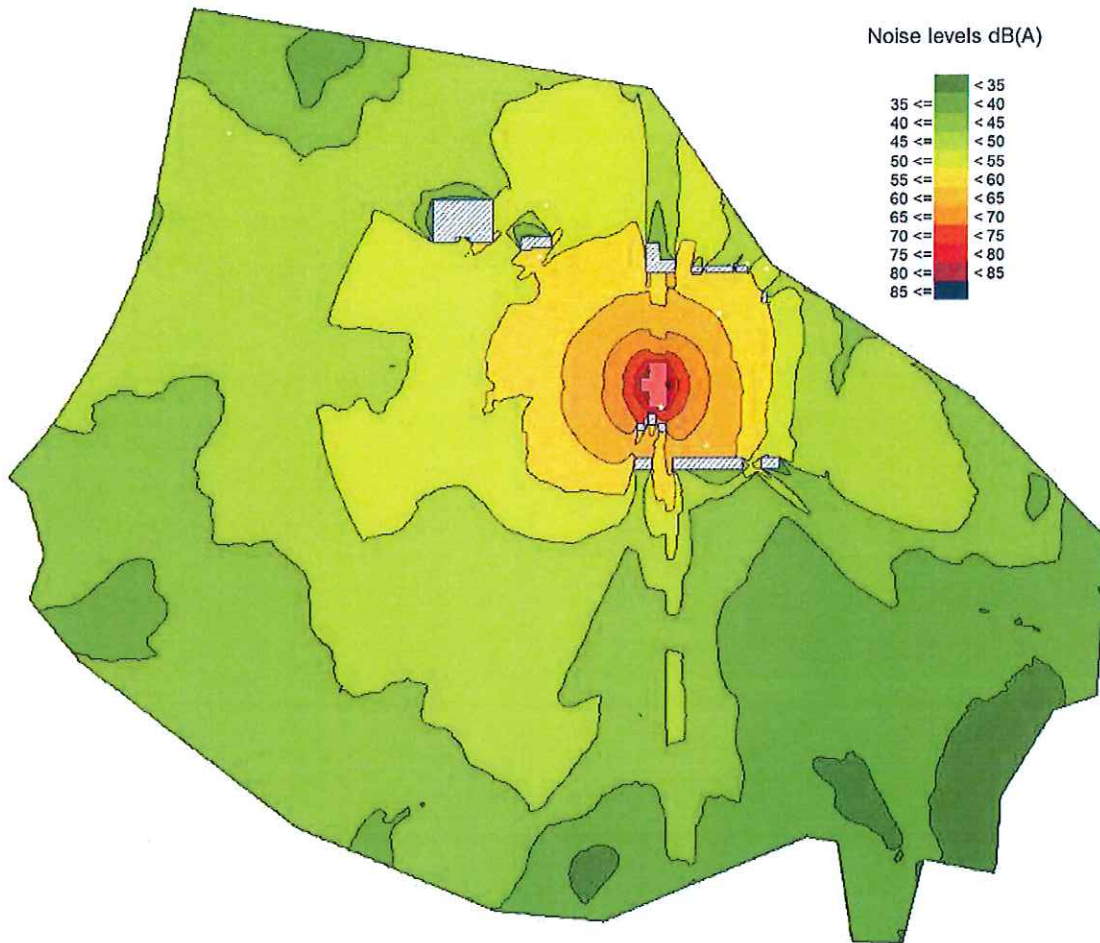


Figure 5 – Resultant Sound Map, Glass Conservatory assuming glass transmission loss of walls/roof, with Vestibule Doors

### 8.4 Event Space Traditional Construction

In an effort to further decrease the noise levels affecting the local community, the client has investigated changing the design from a Glass Conservatory to a Traditional Construction Building. The same vestibule and interior acoustic treatment would be implemented, along with the wall changing from glass construction to an acoustical robust drywall based design. Large glass windows would be added to the “front” of the building.

A representative sound map of the Glass Conservatory with the vestibule acoustic improvements, is shown in Figure 5.

Switching construction methodology of the new Event Space yields a further 1-2 dBA reduction in the noise level at the property boundaries. The real-world impact of switching construction methodology will be greater than these predictions, as the predicted reduction are limited by the conservative approach taken when modelling the door openings (one of the vestibule doors always being open).

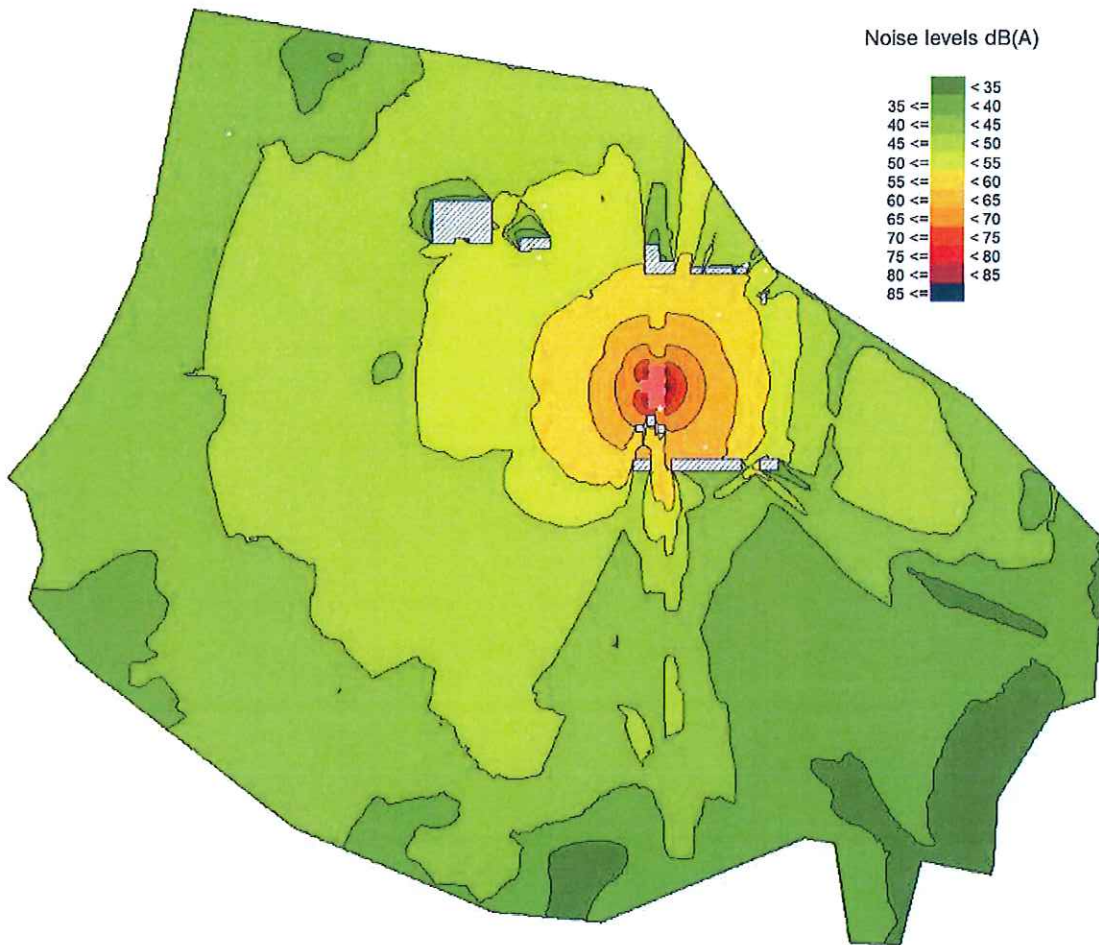


Figure 6 – Resultant Sound Map, Conventional Construction Event Space Building

## 9 Noise Treatment Summary

As per the methodology discussed during the analysis of the measurement survey data, compliance assessment can be made based on property boundary noise levels. Based upon the worst-case theoretical model undertaken of an event taking place in the proposed Glass Conservatory at the Carter Hall property, the Glass Conservatory is found to be compliant with the noise ordinance, provided the residential dwelling wall provided 15dBA of noise reduction.

Since the untreated Glass Conservatory is compliant with the noise ordinance, all additional acoustical treatments are in pursuit of “good neighborliness” and reducing overall acoustic impact to the local community.

A theoretical model was undertaken of an event taking place in the proposed Glass Conservatory at the Carter Hall property, with the anticipated noise treatment solution (interior absorptive treatment, and all entry door vestibules with 1 door open at all times), it has been predicted that the acoustic treatments will improve the noise level throughout the community by 3-5dBA (both exterior and interior noise levels of receiving residential dwellings).

A further theoretical model was undertaken of based on the Glass Conservatory event space being replaced with a building using conventional construction (which includes the proposed interior absorption and vestibules). It has been predicted that this solution will improve the noise level throughout the community by an additional 1-2dBA (both exterior and interior noise levels of receiving residential dwellings).

Thus, a total of 4-6dBA compared to the original proposed Glass Conservatory without any acoustic treatment.

The acoustic performance predicted of the proposed event space is limited by the conservative approach taken to door openings (one vestibule door is permanently). When both doors of the vestibule are closed, the noise levels in the community will reduce further, and the acoustic benefits of the conventional building will increase.

## 10 On the Subject of Good Neighborliness

As a side note, compliance with the noise ordinance may not lead to no noise complaints. The subject of perceived noise and a particular person's annoyance threshold is a large area of study, with large variability depending on person, noise source, perceived reason, and environmental factors.

Established international research suggests the likelihood of annoyance can be reasonably correlated to the level of noise relative to the existing background noise level. Typically: 5dBA above existing noise may cause a few complaints as the noise is perceivable above existing noise levels; 10dBA above existing noise may cause many complaints as the noise is clearly perceivable above existing noise levels.

Based on measurements taken during the study and historic data, the noise inside a residential dwelling can vary between 35dBA and 50dBA depending on the activity level inside the home. As such, even an exterior noise source that has been reduced to 55dBA inside the dwelling, may be perceivable/clearly audible and thus cause complaints.

For example, the interior noise in a NSR dwelling could be 35dBA. If the dwelling façade (plus additional sound decay due to distance) provides 25dBA of reduction, and the boundary level is 65dBA, this would result in a 40dBA noise level inside the residential dwelling. As such, Carter Hall would be well below the threshold of the noise ordinance, but the noise would be clearly perceivable (5dBA above existing noise level). Thus, there may be a complaint.

Acoustic improvements to the proposed Glass Conservatory reduce the noise level in the community by an additional 3-5dBA which will decrease likelihood of complaint, and the switch to a Traditional Construction event space will decrease this likelihood further.

However, further recommendation to assist in good neighborliness is to "route" all music through Carter Hall owned mixing desk + speaker system. This reduces variability of noise sources from different bands/performers etc. and allows Carter Hall to effectively ad hoc manage the sound level inside the space, without interruption/consent of the performing artist(s).

By controlling the interior noise level, this effectively controls the exterior noise level, and thus the noise exposure of the local community.



**County of Clarke**  
**James H. Royston, II**  
**Building Official**

26 January 2023

Carter Hall Estate  
Tax Map: 30-A-15

Please see the attached documents containing the proposed Use of Structures and Occupancies regarding the above referenced site.

Please be advised that the information presented for the proposed Building's A through P, are prescriptive requirements per the 2018 VCC. Additionally, there are no references to the 2018 VA existing Building Code in any submitted documents from the Carter Hall team. In the event that a RDP could come on board and decide to reference the VA existing Building Code (specifically historic structures), there would be many listed items not necessary.

The main house Building A, needs to have travel distances verified to the closest Egress Door: 200 feet without sprinklers and 250 feet with sprinklers. This is measured from the furthest point of the sleeping room to your nearest egress door.

Please provide more information for Building H, I, K, P, and Cabin F.

Respectfully,

James H. Royston, II

26 January 2023

Carter Hall Estate

Tax Map: 30-A-15

**Building A:**

Purposed Use Group: R-3

Bedrooms: 3

B - Kitchen for Guest Meals, Bar, Dining & Events Space

Number of Guest Rooms: 3-6 Occupants

Total of Occupants allowed in Structure: 49 (Including Staff & Guests)

**{Additional Requirements}**

- 911 Address
- ABC License for the Bar
- Commercial Kitchen Upgrade: Suppression System for Hood
- Occupant Notification to include all floors, not just a local bell
- Certificate of Occupancy
- Notice of Onsite Sewage
- Health Department Permit Required for Food Establishment & Bar

**Section 303.1.1: Small Building & Tenant Spaces, Less than 50 Occupants.**

**Section 310.4: Residential R-3, 3 Bedrooms states occupant's primary transient.**

**Section 310.4: Radon Resistant Construction required (Vent to Exterior)**

**Smoke Alarms compliant with Section 907.2.10./420.4**

**ADA access for Bar, Dining & Events Space, to include restrooms associated with these areas.**

***\*This Building is currently Non-Sprinkled; however, Section F420.4 / 903.2.8 Group R / 903.2.8.1 requires that Group R Occupancies structures shall be equipped with automatic sprinklers\****

***\*There must be separation between sleeping rooms and have 24 hour Fire Doors. Walls must adhere to Section 708***

***\*Horizontal separation between occupancies & Floor / Ceilings Adhere to Section 711***

***\*Identify and illuminate path of Egress & actual Egress doors***

\*Verify windows and doors meet required Width 5.7 Sq. Ft, Distance 3'0"x6'8", and Clear opening of 34"

\*Mark travel directions to Egress Door: 200 Ft Non-Sprinkled and 250 Ft Sprinkled

**Building B East House:**

Purposed Use Group: R-3 / Occupants primarily transient

Kitchen to be disabled

Sleeping Rooms: 2

Total of Occupants allowed in structure: 4

**Smoke Alarms per Section: 907.2.10.2 / 420.5**

**Section 310.4: Radon Vent through the roof**

**{Additional Requirements}**

- 911 Address
- Certificate of Use & Occupancy
- Notice of Onsite Sewage
- Identify and Illuminate paths of Egress and actual Egress doors
- Verify windows in sleeping rooms meet EERO 5.7 Sq. Ft requirement
- Verify windows and doors meet required Width 5.7 Sq. Ft, Doors 3'0"x6'8", and Clear opening of 34"
- There must be a separation wall 108 / Horizontal Separations Floor / Ceiling 711
- Mark travel directions to Egress Door: 200 Ft Non Sprinkled and 250 Ft Sprinkled

***\*This Building is currently Non-Sprinkled; however, Section F420.4 / 903.2.8 Group R / 903.2.8.1 requires that Group R Occupancies structures shall be equipped with automatic sprinklers\****

**Building C West House:**

Purposed Use Group: R-3 / Occupants primarily transient

Sleeping Rooms: 2

Total of Occupants allowed in structure: 4

**Smoke Alarms per Section: 907.2.10.2 / 420.5**

**Section 310.4: Radon Vent through the roof**

**{Additional Requirements}**

- 911 Address
- Certificate of Use & Occupancy
- Notice of Onsite Sewage
- Identify and illuminate paths of Egress and actual Egress doors
- Verify windows in sleeping rooms meet EERO 5.7 Sq. Ft requirement
- Verify windows and doors meet required Width 5.7 Sq. Ft, Doors 3'0"x6'8", and Clear opening of 34"
- There must be a separation wall 108 / Horizontal Separations Floor / Ceiling 711
- Mark travel directions to Egress Door: 200 Ft Non Sprinkled and 250 Ft Sprinkled

***\*This Building is currently Non-Sprinkled; however, Section F420.4 / 903.2.8 Group R / 903.2.8.1 requires that Group R Occupancies structures shall be equipped with automatic sprinklers\****

**Building D Carriage House: Currently 12 Sleeping Rooms on site**

Purposed Use Group: R-3 / Occupants primarily transient

Allowed Sleeping Rooms: 5

Total of Occupants allowed in structure: 10

This Building has a leveled entrance and sleeping rooms on the same plane

ADA requirements can be easily achieved

**Section 310.4: Radon Vent through the roof**

**Smoke Alarms per Section: 907.2.10.2 / 420.5**

\*Separation required (Walls) 708

\*Horizontal separation for Floor / Ceiling 711

***\*This Building is currently Non-Sprinkled; however, Section F420.4 / 903.2.8 Group R / 903.2.8.1 requires that Group R Occupancies structures shall be equipped with automatic sprinklers\****

**{Additional Requirements}**

- 911 Address
- Certificate of Use & Occupancy
- Notice of Onsite Sewage
- Identify and illuminate paths of Egress and actual Egress doors



- Verify windows in sleeping rooms meet EERO 5.7 Sq. Ft requirement
- Verify windows and doors meet required Width 5.7 Sq. Ft, Doors 3'0"x6'8", and Clear opening of 34"
- No cooking appliances
- No use of existing fireplaces (Off Limits)

**Building E: One Bedroom Cabin 239 Sq. Ft**

Purposed Use Group: R-3 (Transient Occupancy)

Bedrooms: 1

Total of Occupants allowed in structure: 2

**Building G: 239 Sq. Ft**

Purposed Use Group: R-3 (Transient Occupancy)

Bedrooms: 1

Total of Occupants allowed in structure: 2

**{Additional Requirements for Building's E & G}**

- 911 Address
- Certificate of Use & Occupancy
- Notice of Onsite Sewage
- Identify paths of Egress and actual Egress doors / Illuminate both
- Verify windows and doors meet required Width 5.7 Sq. Ft, Doors 3'0"x6'8", and Clear opening of 34"
- No cooking appliances
- No use of existing fireplaces (Off Limits)
- Entrances walk ways & Landing / Stoops need to be corrected

**Section 310.4: Radon Vent through the roof**

**Smoke & Fire Alarms per Section: 907.2.10.2 / 420.5**

***\*This Building is currently Non-Sprinkled; however, Section F420.4 / 903.2.8 Group R / 903.2.8.1 requires that Group R Occupancies structures shall be equipped with automatic sprinklers\****

**Building F: 781 Sq. Ft**

Site Plan Chart reflects 1 Bedroom / 2 Max Occupants

Submitted application reflects 2 Bedrooms / 4 Max Occupants

Both the Site Plan and application state the Kitchen / Dining area is located in the middle of structure.

Purposed Use Group: R-3

**{Additional Requirements}**

- 911 Address
- Certificate of Use & Occupancy
- Notice of Onsite Sewage
- Identify paths of Egress and actual Egress Doors / Illuminate Both
- Verify windows and doors meet required Width 5.7 Sq. Ft, Doors 3'0"x6'8", and Clear opening of 34"
- No cooking appliances
- No use of existing fireplaces (Off Limits)
- Entrances walk ways & Landing / Stoops need to be corrected
- Windows should be in compliance with required EERO opening and Egress door

***\*This Building is currently Non-Sprinkled; however, Section F420.4 / 903.2.8 Group R / 903.2.8.1 requires that Group R Occupancies structures shall be equipped with automatic sprinklers\****

**Building I: This sketch is conceptual: No plans / Special Use permits limits total occupancy of property to 149.**

**Building H: This sketch is conceptual: No plans / Special Use permits limits total occupancy of property to 149.**

**Building K: Stables 2,083 Sq. Ft**

- Listed as Event Location with Bedrooms
- New proposed Bathroom to be added
- Discussion of removing 2<sup>nd</sup> Floor and creating vaulted ceilings

\*This would eliminate stairs and landing on the exterior

Purposed Use: Event Location

If this Building were to be used as an Art Gallery or Exhibition Hall, please see the below example.

The Use Group would be A-3

- Hypothetically: 2,083 Sq. Ft
- Tables and Chairs would allow 138 people

**Section [F] 903.2.1.3 Group A-3: An automatic sprinkler system shall be provided throughout stories containing Group A-3 occupancies and throughout all stories from the Group A-3 occupancy to and including the levels of exit discharge serving that occupancy where one of the following conditions exists:**

1. The fire area exceeds 12,000 square feet.
2. In Group A-3 Occupancies other than places of religious worship, the fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

None of the above exist, if the 2<sup>nd</sup> floor is removed for an vaulted ceiling. If the second floor is not removed, then I would possibly drop the occupancy level to 49 people and the Use Group could remain A-3 or change to B.

Both of the above options would not require automatic sprinklers.

**{Additional Requirements}**

- Exit & Emergency lights
- Illuminate paths of Egress and actual Egress doors
- Rest Rooms and fixture count should meet or exceed required number of fixtures

**Building J: Green House 238 Sq. Ft**

Purposed Use Group: U / Utility

Total number of occupants allowed in structure: N/A

**Building L: Maintenance Shop 2,367 Sq. Ft**

Purposed Use Group: U

Total number of occupants allowed in structure: 20

**911 Address is required**

**Building M: Wash House 403 Sq. Ft**

Purposed Use Group: B

Total number of occupants allowed in structure:

**{Requirements}**

- To be divided into (2) two restrooms Male & Female
- Each restroom is required to have one ADA Stall
- A total of (3) three fixtures and sinks in each restroom
- Exit signs with E-Lights for Restrooms
- ADA access to be provided
- Illumination of path of Egress and actual Egress doors
- Notice of Onsite Sewage is required / Verify Septic Capacity

**Building N (Dairy Building): 165 Sq. Ft**

**Check In & Out / Merchandise Sales**

Purposed Use Group: B

Total number of occupants allowed in structure: 10

**{Requirements}**

- ADA compliant entrance
- Paths of Egress illuminated

**Building O: Smoke House 174 Sq. Ft**

Lighting and Ventilation

**Building P: Administration Building 22,236 Sq. Ft (Two-Story)**

***\*Please explain how this Building is intended for Support Services\*?***

***\*Please explain the Community Meeting, and where this would be located at\*?***

Purposed Use Group: Mixed Use Group B

Purposed Use Group: Mixed Use Group A-3 for Community Meeting

\*Administration

\*Non-Profit Organization use

\*Total number of occupants allowed in structure: 99 people, until such time with sprinklers on the lower level can be verified as operational. Location needs to be identified within the Building for purposed groups.

\*Current monitoring services

\*Verify condition of all Emergency Lights and Exit Signs

\*ADA Compliance

\*Lower lever walkout is sprinkled; Upper level is not sprinkled

# MINOR SUBDIVISION (MS-23-01)

February 3, 2023 Planning Commission Meeting  
STAFF REPORT -- Department of Planning

The purpose of this staff report is to provide information to the Planning Commission to assist them in reviewing this proposed minor subdivision. It may also be useful to members of the general public interested in this proposed subdivision.

## CASE SUMMARY:

### Applicant(s)

Blue Ridge Bishop's Gate LLC

### Location:

- Tax Map Parcel #26-A-133A
- The site is located at 18979 Blue Ridge Mountain Road, on the northwest side of Blue Ridge Mountain Road (Route 601).
- Millwood Election District (Robert Glover & John Staelin)
- FOC (Forestal-Open Space-Conservation) Zoning District

### Request:

The application proposes to create 1 new lot from the existing parcel, resulting in 2 lots.

### Original Lots:

21.00 acres (26-A-133A) – 1 dwl., 1 DUR

### Proposed Lots:

10.5853 acres (Lot 2/Residue) – 1 dwl., 0 DURs

10.4147 acres (Lot 3/New Lot) – 0 dwl., 1 DUR

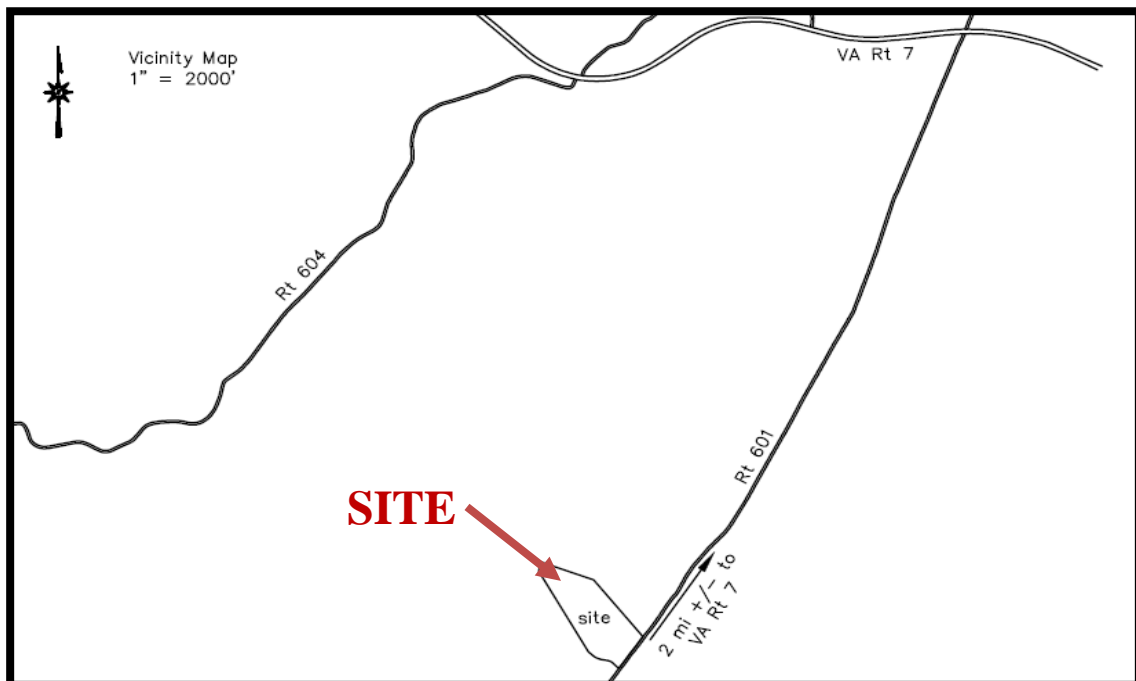
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21.00 acres

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21.00 acres

### Vicinity Map:

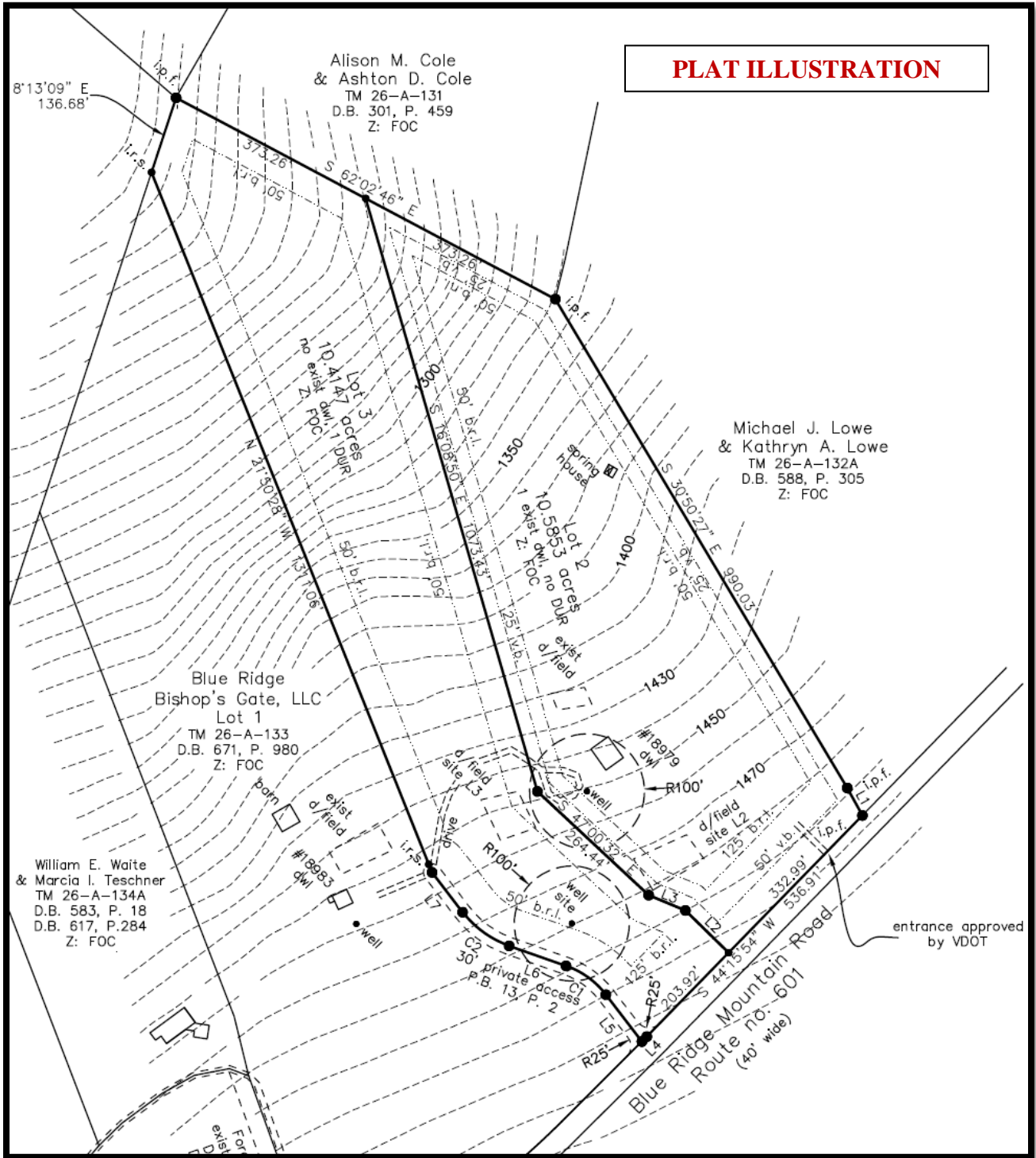


**Staff Discussion/Analysis:**

Access:

Both proposed lots, including the Residue Lot, referred to as Lot 2, and the New Lot, referred to as Lot 3, will be accessible from Blue Ridge Mountain Road (Route 601). Lot 3 will utilize the existing driveway used by the adjacent property (18983 Blue Ridge Mountain Road). A 30' private access easement is proved on the plat. Lot 2 will abandon the existing driveway and establish a new entrance off of Blue Ridge Mountain Road. Below are illustrations of the property, including an illustration with aerial and the illustration from the plat.





VDOT reviewed the proposed plat and provided comments on January 25, 2023. They have no objections to the subdivision but stipulated that the existing entrance be paved prior to any building permits issued for a new dwelling on the lot. A Land Use Permit is required by VDOT prior to any construction work within the public right-of-way.



Water and Sewage Disposal:

VDH reviewed the plat and provided comments, which are noted in their attached letter, dated January 24, 2023. Their comments are noted below.

1. The applicant has not yet applied for a Certification Letter for the proposed reserve area on Proposed Lot 2, as required.
2. Proposed Lot 2 (10.5853 acres) has an existing dwelling (#18979) that is served by a conventional gravity fed drainfield. CCHD does not have a permit on file from when this system was originally installed, however, there is a repair construction permit on file dated October 29, 1982 indicating a three (3) bedroom design and a record of inspection dated November 3, 1982. This lot is served by a private well.
3. On November 7, 2017 a Certification Letter was issued for a 200% reserve area to serve the existing dwelling on Proposed Lot 2 (#18979) for 450 gallons per day, 3 bedrooms, and 6 maximum occupants. The design for the 200% reserve area utilizes Advanced Secondary pretreatment to trench dispersal.
4. The 200% reserve area for 18979 Blue Ridge Mountain Road sits on Proposed Lot 3 (10.4147 acres) and is intended to now be used for a new dwelling on Proposed Lot 3 (10.4147 acres). There are no dwellings on Proposed Lot 3. This lot will be served by a private well.
5. The project OSE located a new 200% reserve area on Proposed Lot 2 to serve the existing dwelling (#18979). The site and soils were field reviewed on December 14, 2022 and appeared to be suitable for the proposed design. The proposal for the 200% reserve area utilizes Advanced Secondary pretreatment to drip disposal.

Karst Plan / Resistivity Test:

Resistivity testing is not required in the location due to the absence of karst soils.

Staff Review Comments:

The Applicant revised the original plat to correct certain notes listed on the plat that were conflicting and inaccurate. These changes have been made and there are no know outstanding issues.

The proposed subdivision appears to meet the requirements of Section 4.1.1 of the Clarke County Subdivision Ordinance and the FOC District regulations found under Section 4.1.2 of the Clarke County Zoning Ordinance.

The proposed lots are subject to the vegetative property buffer requirements for the FOC District. This requirement is specified under Section 4.1.2B of the Clarke County Zoning Ordinance, with detailed requirements found under Section 7.4.2 of the Clarke County Zoning Ordinance. The second page of the plat identifies steep slope areas where clearing of existing vegetation is prohibited except for certain exceptions listed.

The existing dwelling on the property is assigned with an exemption as a pre-1980 dwelling. This dwelling will be located on Lot 2. There is 1 remaining DUR that is being assigned to Lot 3.

**Recommendation:**

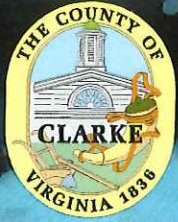
**Based on VDOT’s comments, Staff advises that the Planning Commission ask the applicant if they are willing to pave the entrance to the existing driveway at such time that the lot is ever developed. A permit is required by VDOT for this work.**

**Staff recommends approval of this minor subdivision application (MS-23-01).**

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**History:**

November 30, 2022	Pre-application meeting
January 6, 2023	Application Submitted & Fee Paid
January 9, 2023	Submitted to VDOT and VDH for review.
January 23, 2023	Review comment letter dated January 18, 2023 provided from VDH
January 24, 2023	Revised comment letter dated January 24, 2023 provided from VDH Revised plat submitted by surveyor with minor error corrections to the notes.
January 25, 2023	VDOT comments received.
January 31, 2023	Scheduled date for Planning Commission Worksession.
February 3, 2023	Scheduled date for Planning Commission Business Meeting.



# LAND DEVELOPMENT APPLICATION

## General Information

Date:	6 January 2023	Tax Map #:	26-A-133A
Zoning District:	FOC	Lot Size:	21.0000 acres
Site Address:	18979 Blue Ridge Mountain Road, Bluemont, VA 20135		
Property Owner's Name:	Blue Ridge Bishop's Gate LLC		
Property Owner's Mailing Address:	88 Forest Ridge Lane, Bluemont VA 20135		
Applicant's Name: <i>(if different than owner)</i>	William Waite, Manager		
Applicant's Mailing Address: <i>(if different than owner)</i>	same		
Phone:		Email:	

## Application Type

Site Plan	<input type="radio"/>	Major Subdivision	<input type="radio"/>
Administrative Site Plan	<input type="radio"/>	Minor Subdivision	<input checked="" type="radio"/>
Rezoning	<input type="radio"/>	Boundary Line Adjustment	<input type="radio"/>
Special Use Permit	<input type="radio"/>	Lot Consolidation / Merger	<input type="radio"/>
Karst Plan	<input type="radio"/>	Administrative Subdivision (>100 acre parcels)	<input type="radio"/>
Zoning Ordinance Text Amendment	<input type="radio"/>		
Other:	<input type="radio"/>		

## Application Details

Name of Project or Subdivision: Minor Subdivision of Blue Ridge Bishop's Gate LLC

Existing Use(s): residential

Proposed Use(s): residential



## Additional Details

Description of the proposed development or subdivision:

2 lot minor subdivision in FOC zone

Number of Existing Lots: 1

Number of Proposed Lots (proposed and residual): 2

Are you requesting any exemptions, such to the maximum average lot size?

If yes, describe the justification for such request.

No

Check all that apply:

Conservation Easement	<input type="radio"/>	Floodplain	<input type="radio"/>
Historic Overlay District	<input type="radio"/>	Public Water	<input type="radio"/>
Historic Accessory Corridor	<input type="radio"/>	Public Sewer	<input type="radio"/>
Spring Conservation Overlay District	<input type="radio"/>	Karst Soils	<input type="radio"/>

*WJL*

Signature of Property Owner

6 January 2023

Date

Office Use Only

**ACTION TAKEN:** \_\_\_\_\_

**FEE:** 4,000<sup>00</sup>

*Paid 1/6/23 CK#108*

**COMMENTS:** \_\_\_\_\_

\_\_\_\_\_  
Zoning Administrator

\_\_\_\_\_  
Date

\_\_\_\_\_  
GIS Acct #



# Lord Fairfax Health District

Clarke County Health Department  
100 North Buckmarsh Street  
Berryville, Virginia 22611  
Tel. (540) 955-1033 ~ Fax (540) 955-4094  
[www.vdh.virginia.gov](http://www.vdh.virginia.gov)



January 24, 2023

Jeremy Camp  
101 Chalmers Ct  
Berryville, Virginia 22611

## RE: MINOR SUBDIVISION PRELIMINARY REVIEW COMMENTS

Subdivision name:	Blue Ridge Bishop's Gate, LLC
Health Department I.D. #:	043-23-011
Tax Map #:	26-A-133A
Proposed lots:	1 new lot

Dear Mr. Camp,

Pursuant to your request, we have evaluated the aforementioned minor subdivision proposal, and offer the following comments at this point in the review process.

### OWNER/APPLICANT ITEMS:

1. The applicant has not yet applied for a Certification Letter for the proposed reserve area on Proposed Lot 2, as required.
2. Proposed Lot 2 (10.5853 acres) has an existing dwelling (#18979) that is served by a conventional gravity fed drainfield. CCHD does not have a permit on file from when this system was originally installed, however, there is a repair construction permit on file dated October 29, 1982 indicating a three (3) bedroom design and a record of inspection dated November 3, 1982. This lot is served by a private well.
3. On November 7, 2017 a Certification Letter was issued for a 200% reserve area to serve the existing dwelling on Proposed Lot 2 (#18979) for 450 gallons per day, 3 bedrooms, and 6 maximum occupants. The design for the 200% reserve area utilizes Advanced Secondary pretreatment to trench dispersal.
4. The 200% reserve area for 18979 Blue Ridge Mountain Road sits on Proposed Lot 3 (10.4147 acres) and is intended to now be used for a new dwelling on Proposed Lot 3 (10.4147 acres). There are no dwellings on Proposed Lot 3. This lot will be served by a private well.

5. The project OSE located a new 200% reserve area on Proposed Lot 2 to serve the existing dwelling (#18979). The site and soils were field reviewed on December 14, 2022 and appeared to be suitable for the proposed design. The proposal for the 200% reserve area utilizes Advanced Secondary pretreatment to drip disposal.

This letter does not serve as an approval of the proposed subdivision, or its parts. If you have any questions, please contact me at 540.955.1033

Sincerely,



Carter Neiswander, EHS

Zimbra

jcamp@clarkecounty.gov

---

**Clarke County- Rte 601- Bishops Gate LLC Minor Subdivision- Tax Map# 26-A-133**

---

**From :** Arthur Boyce <bobby.boyce@vdot.virginia.gov> Wed, Jan 25, 2023 03:33 PM  
**Subject :** Clarke County- Rte 601- Bishops Gate LLC Minor Subdivision- Tax Map# 26-A-133 1 attachment  
**To :** Jeremy Camp <jcamp@clarkecounty.gov>  
**Cc :** Rhonda Funkhouser <rhonda.funkhouser@vdot.virginia.gov>, Johnson, Joseph <josephw.johnson@vdot.virginia.gov>, Jonathan Swartz <jonathan.swartz@vdot.virginia.gov>, Stuart Dunn <dunnland1@verizon.net>

# COMMONWEALTH OF VIRGINIA

## DEPARTMENT OF TRANSPORTATION

Staunton/Edinburg Land Development

14031 Old Valley Pike

Edinburg, VA 22824

Dear Mr. Camp:

We have reviewed the above referenced subdivision with plat dated January 6, 2023 by Dunn Land Surveys for impacts to the local roadway system. We have no objections to the proposed subdivision with the condition that a paved entrance be installed on the existing 30' wide private access easement prior to any building permits being issued for a new dwelling.

A Land Use Permit shall be obtained before any work is performed on the State's right-of-way. The permit is issued by this office and will require an application fee and surety coverage. Once satisfactory application has been made, a permit will normally take 10-20 days to process and issue. We appreciate the County's efforts to include VDOT in the early planning stages for development and the opportunity to provide comments on this subdivision. If you have any questions or need further information, please do not hesitate to give me a call.

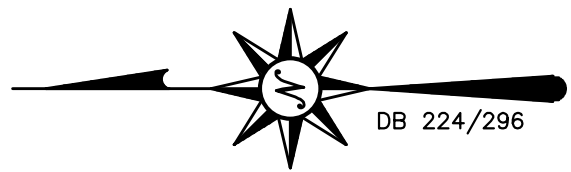
Sincerely,

*Bobby Boyce*

VDOT- Land Development Engineer  
Shenandoah, Frederick, Clarke, & Warren Counties  
14031 Old Valley Pike  
Edinburg, VA 22824  
(540) 534-3211

<< >>  
February 2023 Planning Commission Combined Meeting Packet

94 of 124



Kimberly R. Harris  
& Andy E. Moody  
TM 26-A-127  
D.B. 574, P. 863  
Z: FOC

Alison M. Cole  
& Ashton D. Cole  
TM 26-A-131  
D.B. 301, P. 459  
Z: FOC

Heath Farley  
& Erin Jones  
TM 26-A-135  
D.B. 617, P. 662  
Z: FOC

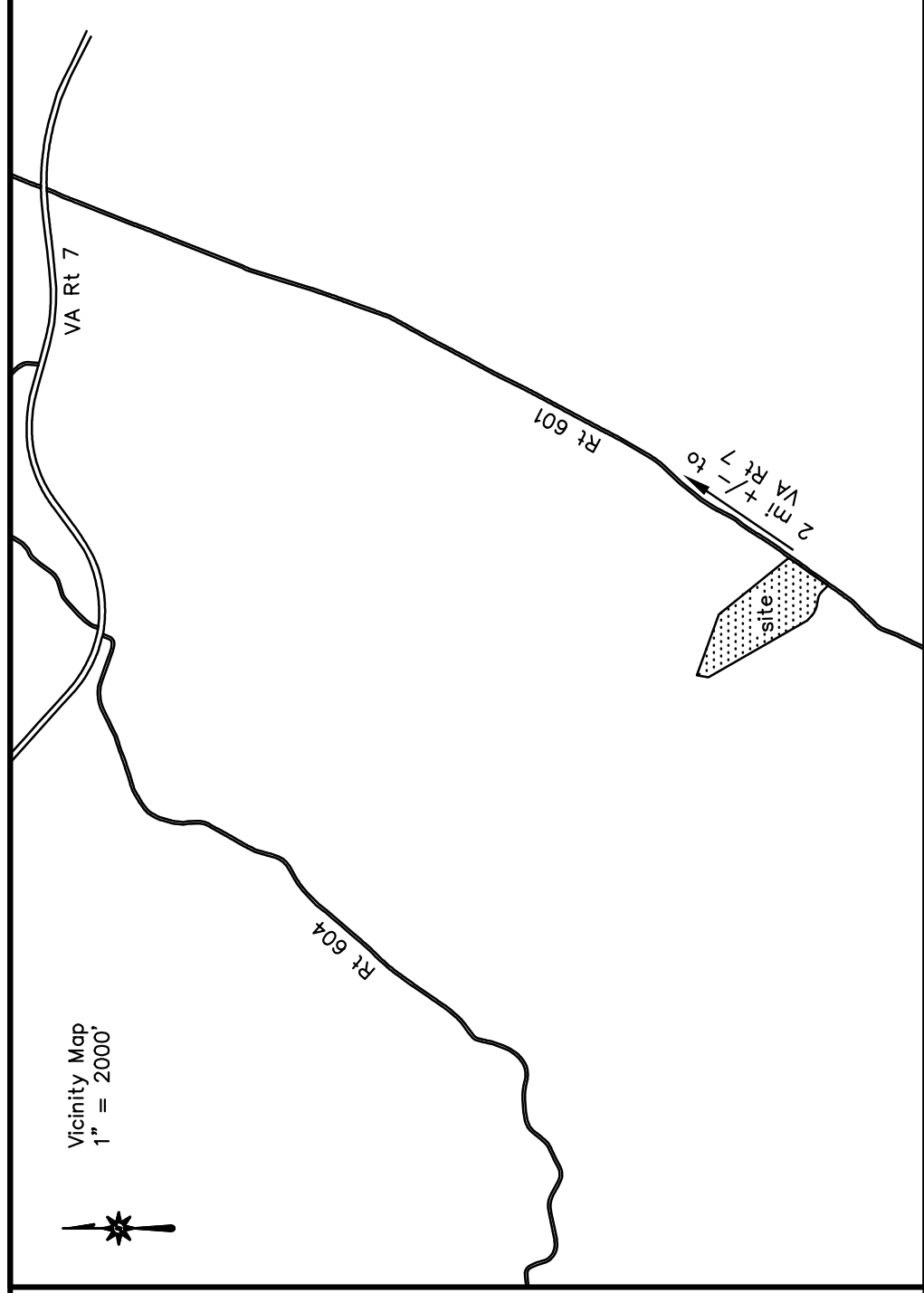
Michael J. Lowe  
& Kathryn A. Lowe  
TM 26-A-132A  
D.B. 588, P. 305  
Z: FOC

Blue Ridge  
Bishop's Gate, LLC  
Lot 1  
TM 26-A-133  
D.B. 677, P. 980  
Z: FOC

William E. Waite  
& Marcia I. Teschner  
TM 26-A-134A  
D.B. 583, P. 18  
D.B. 617, P. 284  
Z: FOC

Coval Baker Johnson  
TM 26-A-134  
D.B. 516, P. 446  
Z: FOC

Vicinity Map  
1" = 2000'



**Surveyor's Certificate:** I, W. Stuart Dunn, a duly licensed Land Surveyor in the Commonwealth of Virginia, do hereby certify that the land hereby subdivided is in the name Blue Ridge Bishop's Gate, LLC, and was acquired as stated in the Owner's Certificate. I further certify that these tracts are properly and accurately described and are within the boundary of the original tract and are referenced to the meridian established in Deed Book 224, Page 296. I further certify that the monuments designated hereon have been set in accordance with the Subdivision Ordinance of Clarke County, VA.

W. Stuart Dunn, CLS #2000  
Berryville, Virginia

**Owner's Certificate:** The undersigned fee simple owner hereby certifies that the foregoing Minor Subdivision of 21.0000 acres, being Tax Map 26-A-133A, recorded in the name of Blue Ridge Bishop's Gate, LLC, in deed recorded in Deed Book 696, Page 726, located on the West side of Route no. 601, Blue Ridge Mountain Road, Southwest of Bluemont, and situate in Battletown Magisterial District, Clarke County, VA, is made with the free consent and in accordance with the desires of the undersigned owner, and trustees if any, of said land and the same is hereby confirmed and submitted for record in the Office of the Clerk of the Circuit Court of Clarke County, VA.

Blue Ridge Bishop's Gate, LLC  
William E. Waite, Manager  
88 Forest Ridge Lane, Bluemont, VA 20135

State of \_\_\_\_\_, City/County of \_\_\_\_\_, to wit:

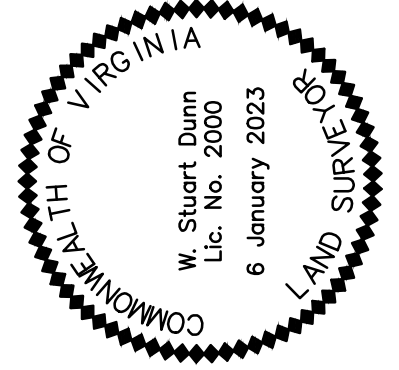
I, \_\_\_\_\_, a Notary Public for said City/County of \_\_\_\_\_, in the State of \_\_\_\_\_, do hereby certify that William E. Waite, Manager of Blue Ridge Bishop's Gate, LLC, whose name is signed in the Owner's Certificate has acknowledged the same before me in my City/County aforesaid.

My commission expires: \_\_\_\_\_

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2023

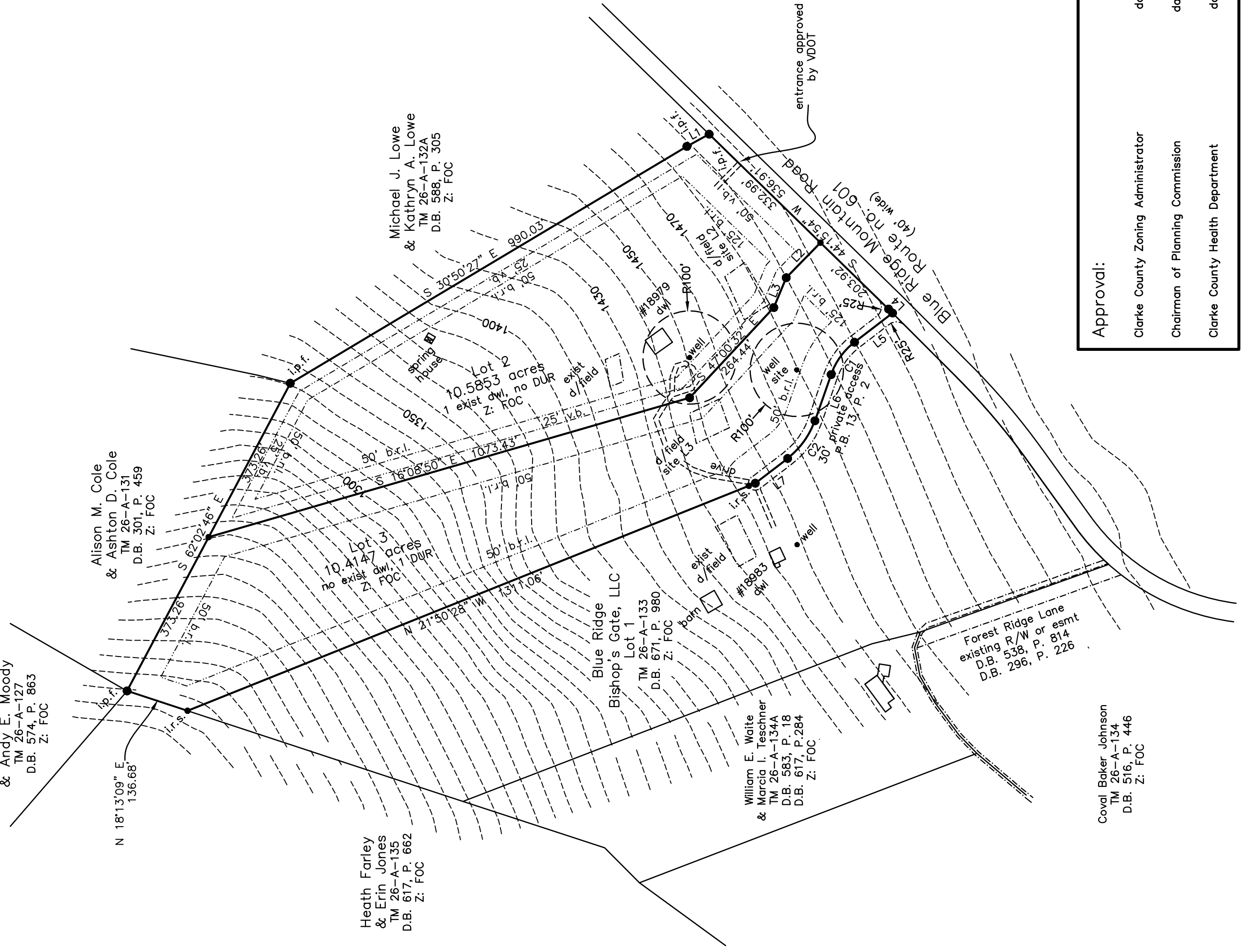
Notary Public

Minor Subdivision of the Land of  
**Blue Ridge Bishop's Gate, LLC**  
Deed Book 696, Page 726 Tax Map 26-A-133A  
Battletown Magisterial District, Clarke County, Virginia



Dunn Land Surveys, Inc.  
106 North Church Street  
Berryville, Virginia 22611  
Tel: 540-955-3388  
email: dunnlandi@verizon.net  
6 January 2023  
sheet 1 of 2

survey no. 1742



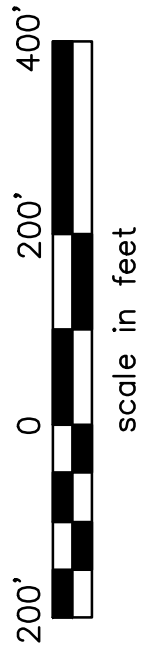
**Approval:**

Clarke County Zoning Administrator	date:
Chairman of Planning Commission	date:
Clarke County Health Department	date:

**Area Table:**

21.0000 acres	area of TM 26-A-133A, exist Lot 2	1 existing dwelling, 1 DUR
10.5853 acres	area of new Lot 2	1 existing dwelling, no DUR
10.4147 acres	area of Lot 3	no existing dwelling, 1 DUR
0.0000 acres	area dedicated for public use	





scale in feet

Kimberly R. Harris  
& Andy E. Moody  
TM 26-A-127  
D.B. 574, P. 863  
Z: FOC

Allison M. Cole  
& Ashton D. Cole  
TM 26-A-131  
D.B. 301, P. 459  
Z: FOC

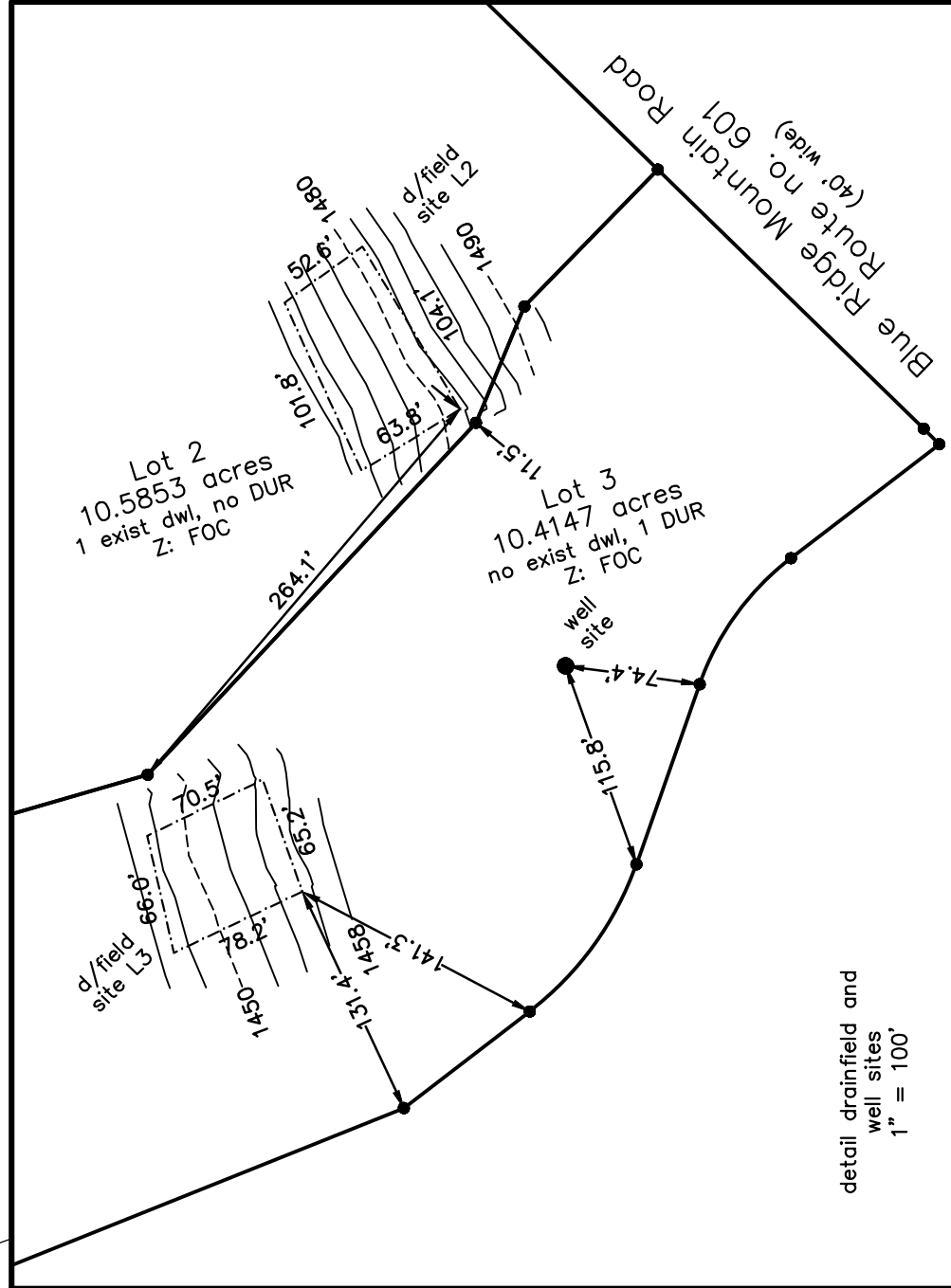
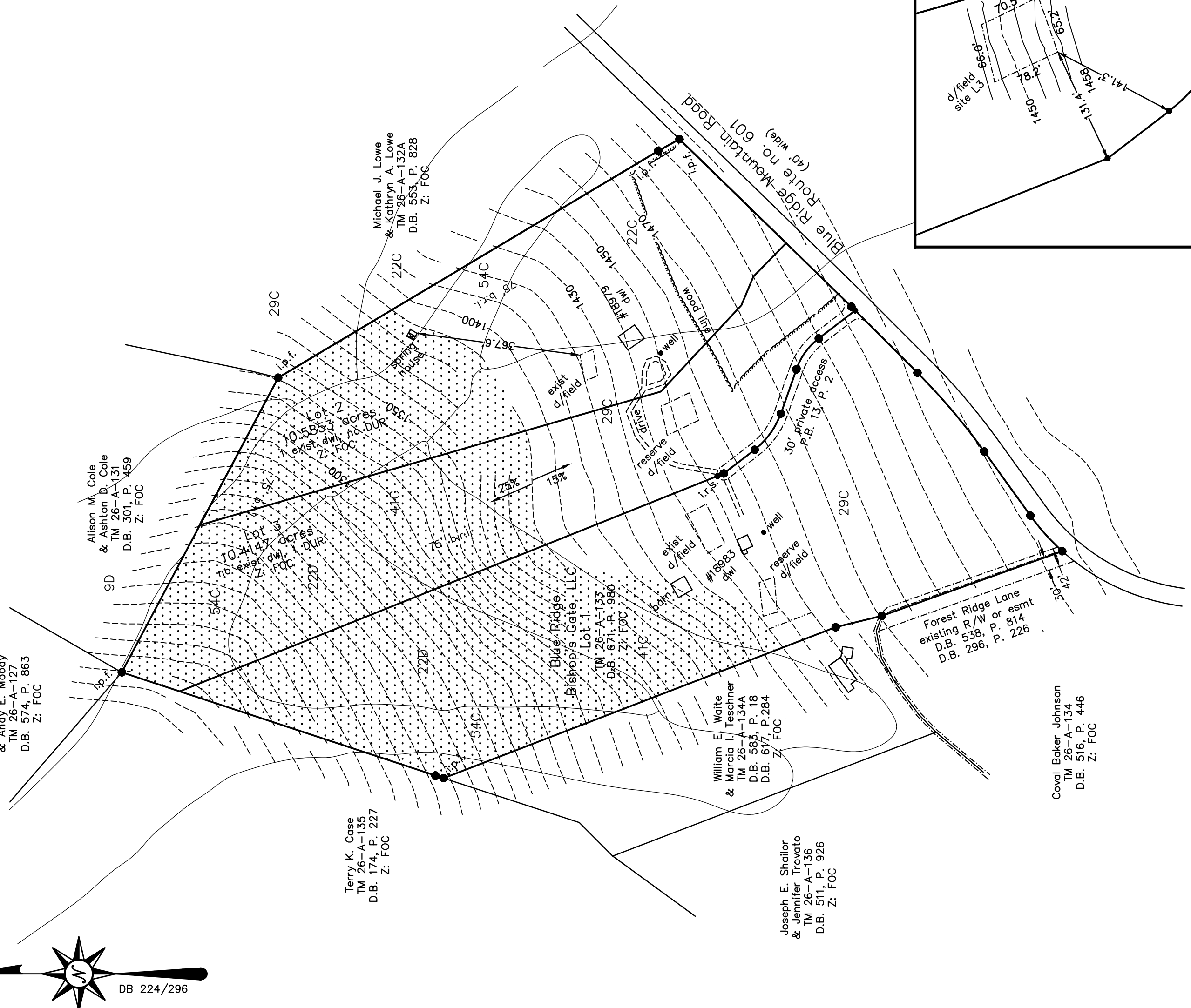
Terry K. Case  
TM 26-A-135  
D.B. 174, P. 227  
Z: FOC

Michael J. Lowe  
& Kathryn A. Lowe  
TM 26-A-132A  
D.B. 553, P. 828  
Z: FOC

Joseph E. Shollar  
& Jennifer Trivette  
TM 26-A-126C  
D.B. 511, P. 926  
Z: FOC

William E. Waite  
& Marcia I. Teschner  
TM 26-A-134A  
D.B. 585, P. 18  
D.B. 671, P. 284  
Z: FOC

Coval Baker Johnson  
TM 26-A-134  
D.B. 516, P. 446  
Z: FOC



detail drainfield and well sites  
1" = 100'

Legend:		
Areas with slopes exceeding 25%		
slippage soil	highly erodible soil	
9D	no	yes
22C	no	yes
22D	no	yes
29C	no	yes
41C	no	yes
54C	yes	no

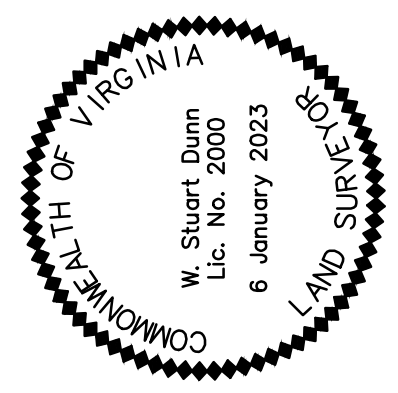
Soils Table:

type	slippage soil	highly erodible soil
9D	no	yes
22C	no	yes
22D	no	yes
29C	no	yes
41C	no	yes
54C	yes	no

**Notes:**

- Setbacks for Lots 2 and 3: 50' from the edge of any private access easement or right-of-way, 125' from the center line of Route no. 601, 50' from all other property lines, 50' from any intermittent stream, 100' from any perennial stream, spring or sinkhole.
- Parcels are in FOC zoning district (forestal - open space - conservation); Use: residential.
- These parcels are in Flood Zone X, established from FIRM Community Panel no. 51043C0180D, effective September 28, 2007.
- The boundaries of these parcels were established from a boundary survey by Dunn Land Surveys, Inc. and surveys of record.
- Vegetated buffers must be maintained per the Clarke County Zoning Ordinance.
- Before fertilizers and pesticides are used for lawn or landscaping purposes, a soil test should be conducted. The application of such chemicals shall be limited due to the potential for groundwater contamination and should not exceed that determined necessary by the soil test.
- The rural location and limited access of this property, combined with adverse weather conditions, may delay or totally impede the timely response of emergency service agencies (police, fire, medical) despite their best efforts. The County of Clarke will be held harmless and not be subject to liability claims for damage to property, personal injury, or loss of life under such conditions.
- These parcels are in the FOC (forestal - open space - conservation) Zoning District. Forestry is the primary economic activity of this zoning district and is necessary for the health and viability of the forest resource itself. Owners, residents, other users of property in the FOC District may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from forestry operations - even though conducted in accordance with best management practices and/or in accordance with existing laws and regulations of the Commonwealth and County. Such forestry operations may generate noise, odors and dust, may involve the operation of machinery, including heavy equipment and chain saws. Debris such as tree-tops and limbs may be left on site at the conclusion of a forestry operation. Owners, occupants and users of land in the FOC District should be prepared to accept such inconvenience or discomfort as a normal and necessary aspect of living in a zoning district in a county with a strong rural character and an active forestal sector.
- Propane tanks 500 gallons or larger shall be placed underground to promote fire safety.
- The private access easement in this subdivision does not meet the standards for inclusion in the system of state highways and will not be maintained by the VDOT or Clarke County and are not eligible for rural addition funds or any other funds appropriated by the Virginia General Assembly and allocated by the Commonwealth Transportation Board.
- Development of any parcel shown hereon is subject to the requirements established in the Clarke County Zoning Ordinance in Section 4.1.2.B.1, 2, and 3. Vegetated Property Buffer & Clearing Limits, retaining existing vegetation on slopes.
- The 200% reserve drainfield site on Lot 2 is approved for 4 bedroom alternative system with a maximum occupancy of 6 people and 450 gpd. primary and reserve drainfield site on Lot 3 is approved for a 3 bedroom alternative system with a maximum occupancy of 6 people and 450 gpd. (13) dwl = dwelling; bltg = building; R/W = right-of-way; esmt = easement; bri = building restriction line; i.p.f. = iron pipe found; i.r.s. = iron rod set; i.r.f. = iron rod found; TM = tax map number; DUR = dwelling unit right; d/field = drainfield; v.b. = vegetated buffer
- Notice of Development Regulations: this subdivision is subject to the buffering and preservation requirements depicted herein. No land disturbance, construction or clearing shall take place within the delineated buffering and preservation areas without prior inspection and authorization by the County of Clarke.
- Agricultural and forestal activities: clearing for agricultural activities shall not occur prior to the filing of a Farm Management Plan as required by Section 3-A-2-F-8 of the Zoning Ordinance. Forestal activities: clearing for conservation forestry activities shall not occur without the filing of a Pre-Harvest Plan as required by Section 3-A-2-k of the Zoning Ordinance.
- The existing driveway accessing the dwelling on Lot 2 will be replaced by a new driveway starting at the entrance approved by VDOT. No access easement will be created over the existing driveway.

Minor Subdivision of the Land of  
**Blue Ridge Bishop's Gate, LLC**  
Deed Book 696, Page 726 Tax Map 26-A-133A  
Battletown Magisterial District, Clarke County, Virginia



Dunn Land Surveys, Inc.  
106 North Church Street  
Berryville, Virginia 22611  
Tel: 540-955-3388  
email: dunnlandi@verizon.net  
6 January 2023  
sheet 2 of 2

survey no. 1742

# MINOR SUBDIVISION/MAXIMUM LOT SIZE EXCEPTION

(MS-23-03/MLSE-23-01)

February 3, 2023 Planning Commission Meeting

STAFF REPORT -- Department of Planning

The purpose of this staff report is to provide information to the Planning Commission to assist them in reviewing this proposed minor subdivision. It may also be useful to members of the general public interested in this proposed subdivision.

## CASE SUMMARY:

### Applicant:

Kenneth R. Unger, III

### Location:

- Tax Map Parcel #3-A-11
- The site is located along Swimley Rd. (Route 672), across the street from 1380 Swimley Road. The property extends from Swimley Rd. to the B&O Railroad.
- Russell Election District (Pearce Hunt & George L. Ohrstrom, II)
- AOC (Agricultural-Open Space-Conservation) Zoning District

### Request:

The application proposes to create 1 new lot from the existing parcel, resulting in 2 lots. A maximum lot size exception is requested based on the pre-1980 dwelling that once existed on the property, but has been demolished.

### Original Lots:

75.16438 acres (3-A-11) – 1 dwl.\*, 3 DURs  
*\*exception - demolished pre-1980 dwelling*

---

75.16438 acres

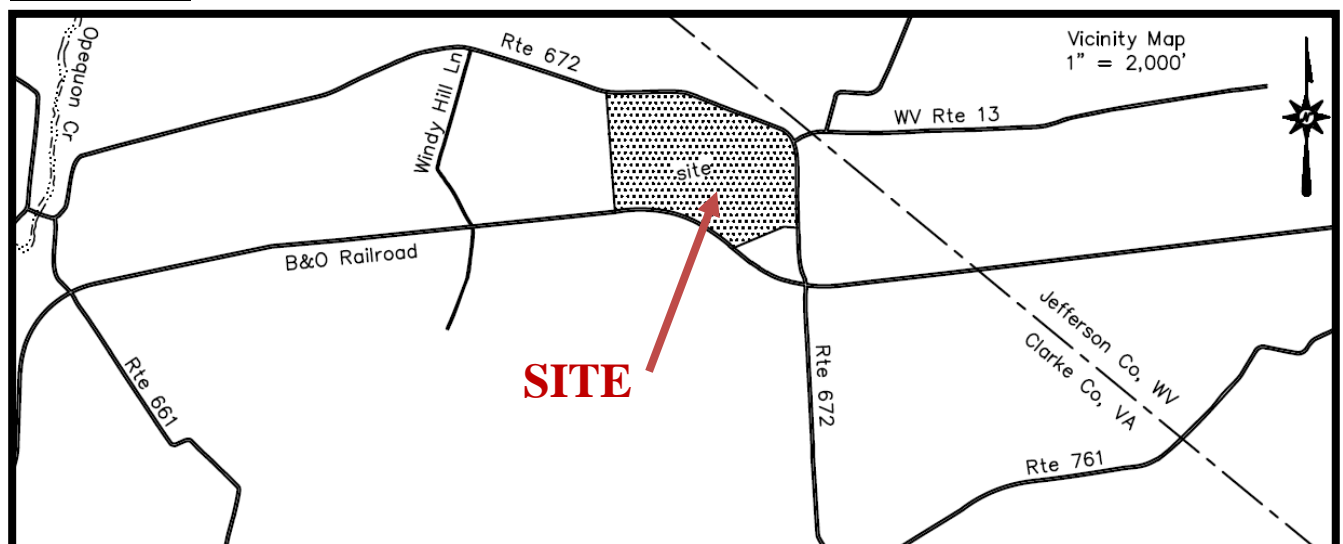
### Proposed Lots:

69.15438 (Residue) – 0 dwl, 3 DURs  
6.01000 acres (Lot 1/New Lot) – 0 dwl., 1 DUR

---

75.16438 acres

### Vicinity Map:

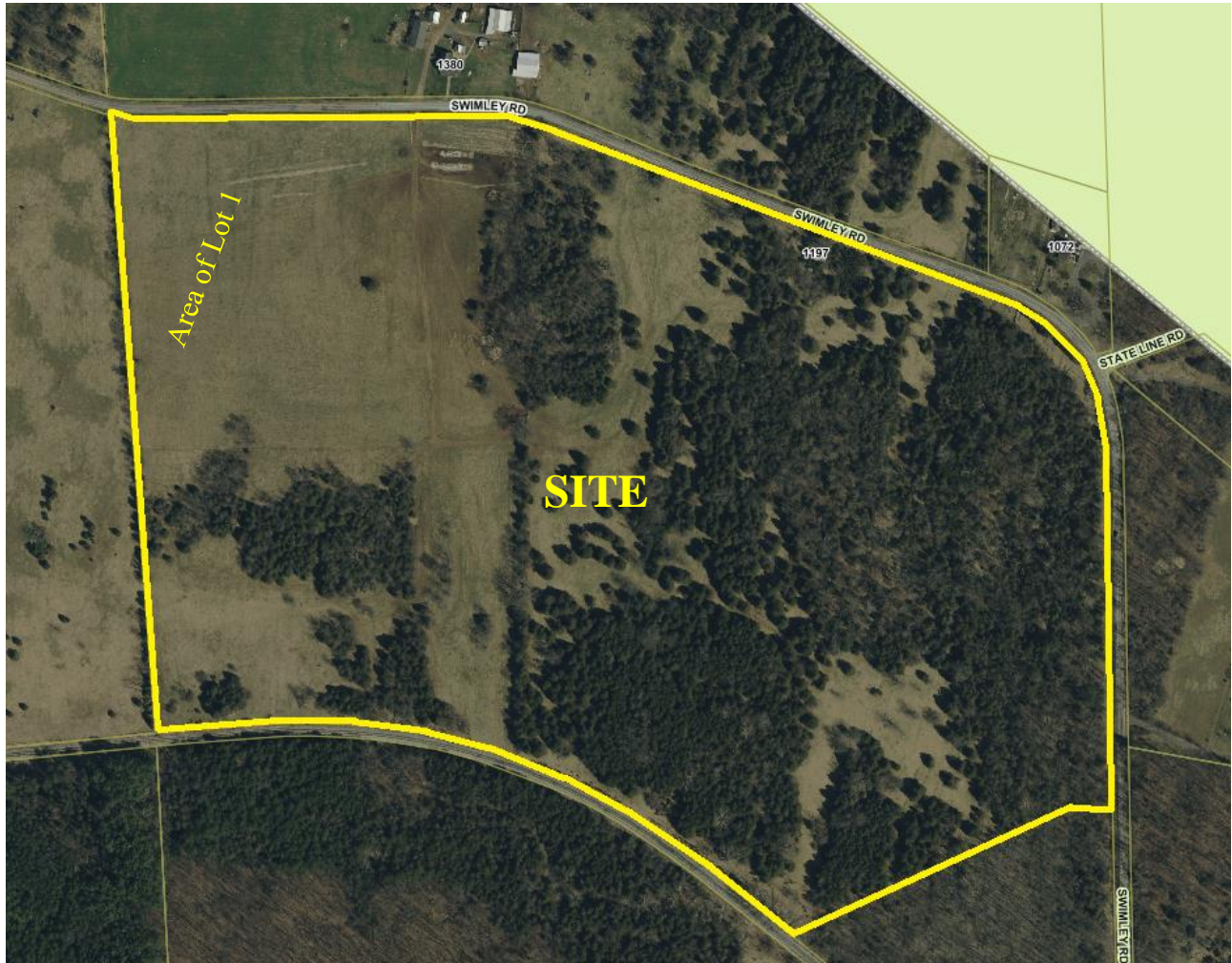


**Staff Discussion/Analysis:**

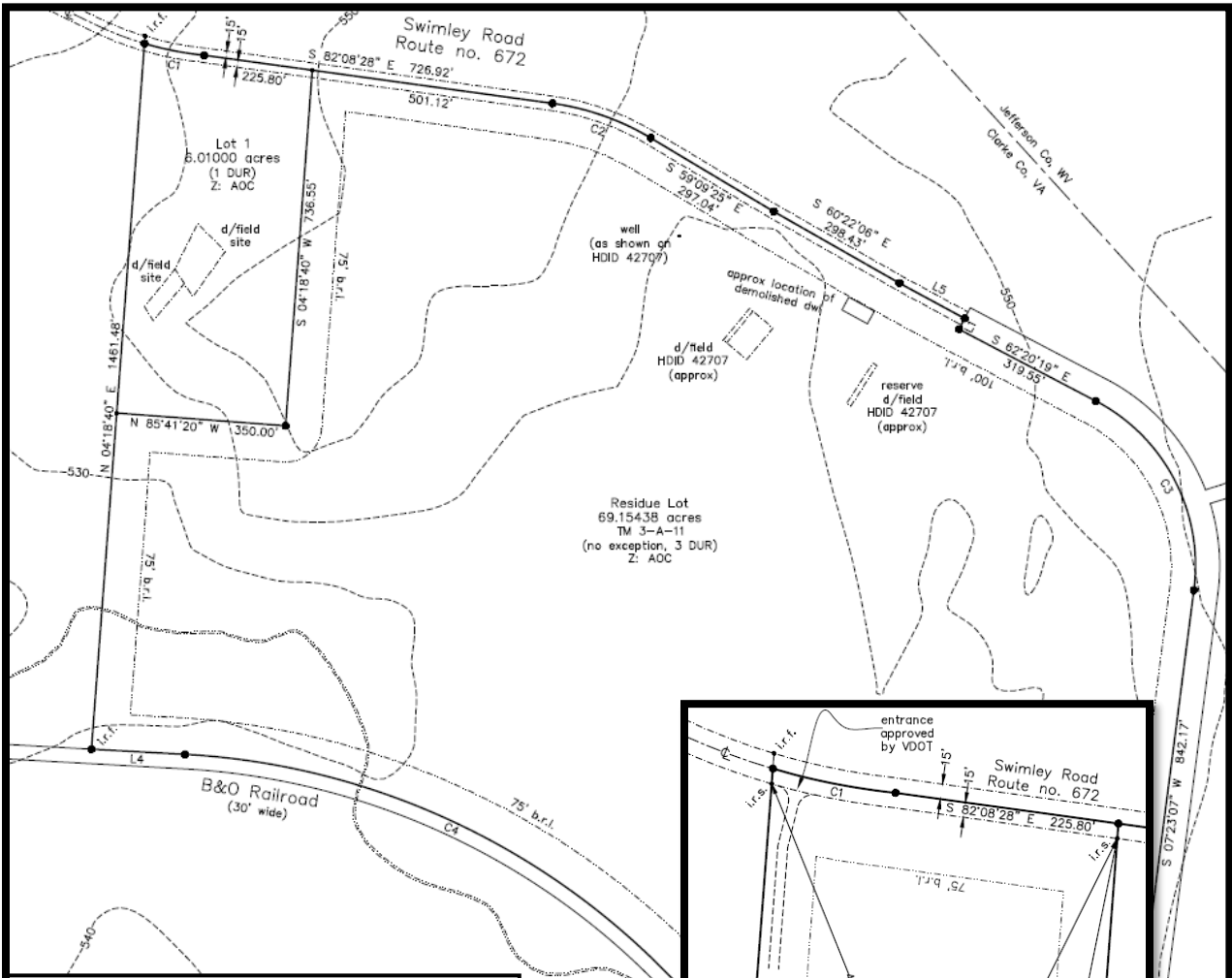
**Access:**

Both the Reside and Lot 1 will have direct access to Swimley Road (Route 672). VDOT reviewed the plat and provided comments on January 25, 2023. They have no objections to the proposed minor subdivision and advised that future access points that may be used for the additional DURs in the future should be a consideration prior to the transfer of ownership to ensure that a safe entrance location can be obtained. Below is an aerial illustration of the property showing Swimley Road along the north and east property boundaries. The following page includes illustrations from the plat, including a detailed layout of the new lot proposed.

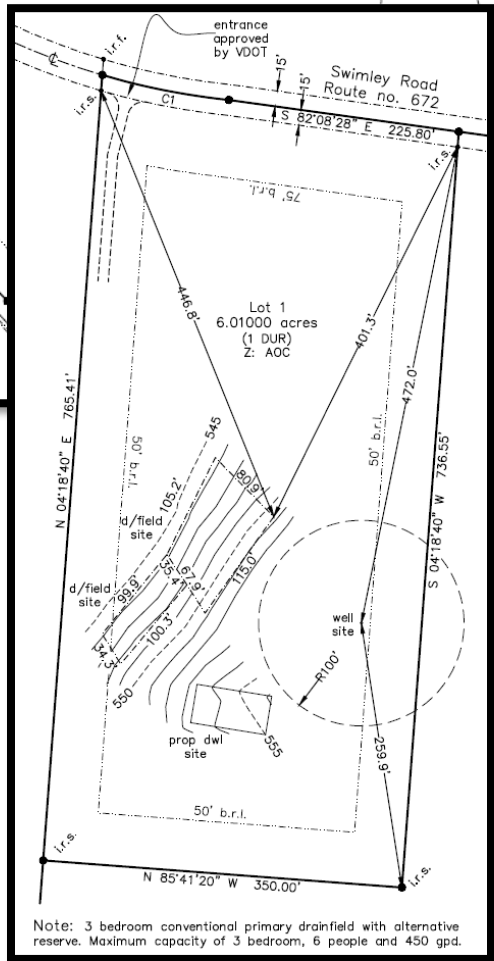
**AERIAL ILLUSTRATION**



# PLAT ILLUSTRATIONS



Notes: (cont)  
 Vegetated property buffer except for those land uses listed as exempt, existing  
 native vegetation within 25 feet of all property lines shall be retained on parcels  
 less than 20 acres, as per Section 3-A-1-f of the Clarke County Zoning  
 Ordinance.  
 Before fertilizers and pesticides are used for lawn or landscaping purposes, a  
 soil test should be conducted. The application of such chemicals shall be limited



Note: 3 bedroom conventional primary drainfield with alternative  
 reserve. Maximum capacity of 3 bedroom, 6 people and 450 gpd.

Water and Sewage Disposal:

VDH provided a comment letter after review of the proposed minor subdivision. This letter is attached and dated January 19, 2023. The design of the new on-site septic disposal system for Lot 1 is for a 3 bedroom conventional primary drainfield with an alternative 100% reserve. This was field reviewed by VDH on October 28, 2022. The plat was amended to show the approximate location of the old well and septic system for the pre-1980 dwelling that was demolished. With this change there are no outstanding issues with VDH. Follow-up permitting and a certification letter is required following the minor subdivision.

Karst Plan / Resistivity Test:

Resistivity testing was completed by Forrest Environmental Services, Inc. for the new drainfield on Lot 1. This was reviewed by CTL, the County’s Karst Engineer, who indicated that the report meets the intent of the County Ordinance and general industry practice.

Staff Review Comments:

The proposed maximum lot size exception request qualifies based on the pre-1980 dwelling criteria listed under Section 6.2.6C-1a of the Clarke County Zoning Ordinance. Staff has previously discussed this with the Planning Commission because it was unclear if this criteria allowed the maximum lot size exception to be applied to a lot in a different location than the pre-1980 dwelling, and if the maximum lot size exception applied to pre-1980 dwellings that were demolished. Based on this previous review with the Planning Commission this request meets the intent of the Zoning Ordinance requirements to allow for the maximum lot size exception.

Minor corrections were made to the plat by the surveyor based on review comments from Staff, VDOT and VDH. A revised plat was submitted on January 25, 2023, and again on January 26, 2023. The property owner, Virginia Unger, is required to sign the final plats prior to final approval or a power of attorney is required.

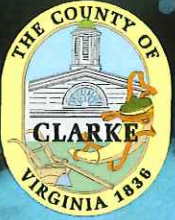
The proposed subdivision appears to meet the requirements of Section 4.1.1 of the Clarke County Subdivision Ordinance and the FOC District regulations found under Section 4.1.2 of the Clarke County Zoning Ordinance.

**Recommendation:**

**Staff recommends approval of this application for a minor subdivision with a maximum lot size exception (MS-23-03/MLSE-23-01).**

-----  
**History:**

September 19, 2022	Pre-application meeting
January 6, 2023	Application Submitted & Fee Paid
January 9, 2023	Submitted to VDOT and VDH for review.
January 19, 2023	Review comment letter dated January 18, 2023 provided from VDH
January 25, 2023	Revised plat submitted by surveyor with minor corrections and location of the old well and drainfield. VDOT review letter received with no objections.
January 26, 2023	Revised plat submitted with minor corrections.
January 31, 2023	Scheduled date for Planning Commission Worksession.
February 3, 2023	Scheduled date for Planning Commission Business Meeting.



# LAND DEVELOPMENT APPLICATION

## General Information

Date:	6 January 2023	Tax Map #:	3-A-11
Zoning District:	AOC	Lot Size:	75.16438 acres
Site Address:	Swimley Road and B&O Railroad, North of Berryville		
Property Owner's Name:	Virginia D Unger		
Property Owner's Mailing Address:	136 Shady Creek Rd, Clearbrook, VA 22624		
Applicant's Name: <i>(if different than owner)</i>	Kenneth R Unger, III		
Applicant's Mailing Address: <i>(if different than owner)</i>	same		
Phone:	540-550-2899	Email:	tyungeriii@gmail.com

## Application Type

Site Plan	<input type="radio"/>	Major Subdivision	<input type="radio"/>
Administrative Site Plan	<input type="radio"/>	Minor Subdivision	<input checked="" type="radio"/>
Rezoning	<input type="radio"/>	Boundary Line Adjustment	<input type="radio"/>
Special Use Permit	<input type="radio"/>	Lot Consolidation / Merger	<input type="radio"/>
Karst Plan	<input type="radio"/>	Administrative Subdivision (>100 acre parcels)	<input type="radio"/>
Zoning Ordinance Text Amendment	<input type="radio"/>		
Other:	<input type="radio"/>		

## Application Details

Name of Project or Subdivision: Minor Division & Maximum Lot Size Exception of Virginia D Unger

Existing Use(s): agricultural

Proposed Use(s): agricultural/residential



### Additional Details

Description of the proposed development or subdivision:

minor division creating parcel of 6.00000 acres

Number of Existing Lots: 1

Number of Proposed Lots (proposed and residual): 2

Are you requesting any exemptions, such to the maximum average lot size?

If yes, describe the justification for such request.

maximum lot size exception based on dwelling existing in 1980

Check all that apply:

Conservation Easement	<input type="radio"/>	Floodplain	<input type="radio"/>
Historic Overlay District	<input type="radio"/>	Public Water	<input type="radio"/>
Historic Accessory Corridor	<input type="radio"/>	Public Sewer	<input type="radio"/>
Spring Conservation Overlay District	<input type="radio"/>	Karst Soils	<input type="radio"/>

*[Signature]* for Virginia D. Unger 6 January 2023  
 Signature of Property Owner Date

Office Use Only

ACTION TAKEN: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

FEE: \$4000.00 - MS  
 \$1500.00 - MSE  
 \$275 - resistivity

*paid 1/9/23*

\_\_\_\_\_  
 Zoning Administrator Date GIS Acct #



# Lord Fairfax Health District

Clarke County Health Department

100 North Buckmarsh Street

Berryville, Virginia 22611

Tel. (540) 955-1033 ~ Fax (540) 955-4094

[www.vdh.virginia.gov](http://www.vdh.virginia.gov)



January 19, 2023

Jeremy Camp  
Senior Planner/Zoning Administrator  
101 Chalmers Ct  
Berryville, Virginia 22611

RE: MINOR SUBDIVISION PRELIMINARY REVIEW COMMENTS

Health Department I.D. #: 043-23-013  
Subdivision Name: Virginia D. Unger  
Tax Map #: 3-A-11  
Proposed Lots: 1 New Lot

Dear Mr. Camp,

Pursuant to your request, we have evaluated the aforementioned minor subdivision proposal, and offer the following comments at this point in the review process.

OWNER/APPLICANT ITEMS:

1. The proposed Residue Lot (69.15438 acres) has an existing well and septic system that is not shown on the plat prepared by Stuart Dunn, Survey no. 2924.
2. The project OSE located a drainfield site, with a 100% reserve on Proposed Lot 1. The project OSE has not provided design specifications for this site. The site and soils were field reviewed by this office on October 28, 2022 and appeared to be suitable for conventional, gravity fed trenches with an alternative reserve. Resistivity was conducted on this site, but is pending county approval.
3. The applicant has not yet applied for a certification letter for the proposed drainfield on Proposed Lot 1, as required.

This letter does not serve as an approval of the proposed subdivision, or its parts. If you have any questions, please contact me at 540.955.1033

Sincerely,

A handwritten signature in blue ink that reads "Carter L. Neiswander". The signature is written in a cursive, flowing style.

Carter Neiswander, EHS



Zimbra

jcamp@clarkecounty.gov

---

**Clarke County - Route 672 Swimley Road - Unger Minor Subdivision and Maximum Lot Size Exception - Tax Map# 3-A-11**

---

**From :** Arthur Boyce <bobby.boyce@vdot.virginia.gov> Wed, Jan 25, 2023 02:51 PM  
**Subject :** Clarke County - Route 672 Swimley Road - Unger Minor Subdivision and Maximum Lot Size Exception - Tax Map# 3-A-11 1 attachment  
**To :** Jeremy Camp <jcamp@clarkecounty.gov>  
**Cc :** Rhonda Funkhouser <rhonda.funkhouser@vdot.virginia.gov>, Johnson, Joseph <josephw.johnson@vdot.virginia.gov>, Stuart Dunn <dunnland1@verizon.net>, Jonathan Swartz <jonathan.swartz@vdot.virginia.gov>

## COMMONWEALTH OF VIRGINIA

### DEPARTMENT OF TRANSPORTATION

Staunton/Edinburg Land Development

14031 Old Valley Pike

Edinburg, VA 22824

Dear Mr. Camp:

We have reviewed the above referenced subdivision with plat dated December 8, 2022 by Dunn Land Surveys, Inc for impacts to the local roadway system. We have no objections to the proposed subdivision, any additional lots that are proposed in the future will need an entrance that meets minimum sight distance requirements. Future access points to remaining DUR's should be considered prior to transferring ownership of any lots, to ensure a safe entrance location can be obtained.

We appreciate the County's efforts to include VDOT in the early planning stages for development and the opportunity to provide comments on this subdivision. We ask that you include a copy of this official public record in file for the subdivision. If you have any questions or need further information, please do not hesitate to give me a call.

Sincerely,

*Bobby Boyce*

VDOT- Land Development Engineer  
Shenandoah, Frederick, Clarke, & Warren Counties  
14031 Old Valley Pike  
Edinburg, VA 22824

(540) 524-3211  
February 2023 Planning Commission Combined Meeting Packet

104 of 124

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**Geophysical Survey  
Proposed Septic Fields  
1197 Swimley Road  
Tax Map 3 A 11  
Berryville, Virginia**

Prepared For:

**Mr. Ty Unger**

136 Shady Creek Road  
Clear Brook, Virginia 22624

Prepared By:

*Forrest Environmental Services, Inc.*



3057 Crosen Court  
Oak Hill, Virginia 20171  
(703) 648-9090

December 2022

FES Project No. 22269

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A	ER Cross-Sections 1 and 2

## 1.0 Introduction

Forrest Environmental Services, Inc. (FES) performed a geophysical survey for the proposed septic field (Tax Map Number 3-A-11) located on 1197 Swimley Road in Berryville, Virginia on the 7<sup>th</sup> November 2022 (Figure 1). The survey consisted of an electric resistivity (ER) survey to locate potential voids that may develop into sinkholes.

Two east-west electric resistivity lines (ER lines 1 and 2) were conducted at the proposed septic field (Figure 2). The ER survey covered approximately 670 linear feet and approximately 1,400 soundings were collected. The electrode spacing (dipole size) was 3 meters (10 feet) and used 35 electrodes for ER lines 1 and 2 for a total distance of 335 feet.

The 1197 Swimley Road site is located within the Valley and Ridge Province of Virginia. The site geology includes the Rockdale Run Formation which is a predominately a interbedded bluish-gray limestone with several distinctive chert zones.

No sinkholes and depressions were not observed during the survey. Bedrock outcrops/float was observed approximately 25 feet west of the proposed septic field. The closest geologic feature is the Corner Anticline located approximately 500 feet east of the septic field. The closest water body is a creek located approximately 500 feet to the south of the proposed septic field. These features appear not to influence the proposed septic field.

Topographically, the site slopes downhill to the south at the site. The site generally consisted of a grass pasture. Survey locations and physical features are shown in Figures 1 and 2. Details of the geophysical survey are described in the following sections.

## 2.0 Equipment and Procedures

The geophysical survey instrument used during this survey was an earth resistivity meter that maps the resistivity changes in the earth. Resistivity is a fundamental parameter of the material that describes how easily the material can transmit electrical current. High values of resistivity imply that the material is very resistant to the flow of electricity, and low values of resistivity imply that the material transmits electrical current very easily.

The primary factors affecting the resistivity of earth materials are porosity, water saturation, clay content, and ionic strength of the pore water. The minerals making up soil and rock generally do not readily conduct electric current. Most of the current flow takes place through the material's pore water in which the resistivity decreases with increasing porosity and water saturation. Clay minerals are conductive because of the availability of free ions in the sheet structure of the clay particles in which resistivity decreases with increasing clay content. Similarly, higher salinity in groundwater makes the water more conductive to electrical current and resistivity decreases. Hard competent bedrock, such as limestone or granite, generally has a high resistivity in the absence of fracture or other permeable features.

The geophysical survey instrument used during this survey was a Sting R8 earth resistivity meter (Sting) connected to a Swift automatic electrode system (Swift). The Sting measures the electrical resistivity of the earth and the Swift automates the resistivity measurement process using the multi-electrode system.

The Swift was connected to the Sting and SMART electrodes to optimize survey efficiency by gathering maximum information with a minimum of electrodes. Each SMART electrode is numbered by a computer chip located within the electrode. The Swift selects which electrodes to employ as the current and receiver. For example for this ER survey, the first sounding uses electrodes 1 and 2 as the transmitter and electrodes 3 and 4 as the receiver. The next sounding uses electrodes 2 and 3 as the transmitter and electrodes 4 and 5 as the receiver. The Swift also uses redundancies in the data set to reduce the effects of lateral heterogeneities in the earth and to calculate uncertainties in the data. The survey was conducted automatically using the Sting/Swift dipole-dipole array system.

The earth resistivity meter works by introducing a measured current into the earth through two electrodes; the resultant voltage is then measured across two different electrodes. At the low currents used, the voltage is proportional to the current. The resistivity meter calculates the voltage/current ratio or resistance in ohms. The resistance is then converted to resistivity using an algorithm which is a function of the electrode array configuration. Measured differences in the electrical resistivity of various earth materials are then used to map the geology and character of the soil and rock materials. For example, clays generally have low resistivities and limestones have high resistivities.

A contact resistance test was conducted before the Sting/Swift dipole-dipole survey commenced. The contact resistance test ensures the stake has good contact with the ground. The Sting produces a current between the first two stakes and measures the voltage. The instrument measures the resistance between the first and second stakes and the ground. The contact resistance is also checked for the measurements consistent for all of the 35 electrodes.

The Swift cable resistance checks the voltage difference signal between two electrodes. Four leads of the Swift cable using two electrodes send a current through a 1 ohm resistor in the Swift box. The test is checked before the first ER survey and after the last ER line for each day.

The Swift switch relays test is performed to check the Swift cable is continuous and the relays in the electrodes are working properly. A current is sent through each lead in the Swift cable to make sure the relays are functioning properly and there is no leakage between leads, and to test the relays for sticking. The test is checked before the first ER survey and after the last ER line for each day.

The depth of investigation by Sting is a function of the total distance of the electrode layout was 335 feet. The Sting has an effective analysis depth of approximately 60 feet using a 3-meter (10 feet) electrode spacing. This depth is considered sufficient to locate voids and caverns at the proposed septic fields at the 1179 Swimley Road site.

### 3.0 Interpretation Methods

The ER data was converted into a resistivity depth model using Rapid 2D resistivity inversion model and the least-squares method (RES2DINV). Soundings from each line were modeled to produce the measured apparent resistivity pseudo-sections. The model calculated the apparent resistivity pseudo-sections using finite-difference forward modeling. The least-squares optimization technique was used for the inversion routine that calculated the modeled resistivity section. The profiles include cross-sections that consist of the inverse model resistivity cross-section. The horizontal and vertical scales are in feet.

The cross-section is the inverse model resistivity pseudo-section. The ER data was converted into a resistivity depth model (RES2DINV) using a resistivity inversion model by the least-squares method and is topographically corrected. The ground surface elevations were determined by interpolating between contours interpreting contours from a USGS topographic quadrangle map. RES2DINV confirms the model reliability by calculating the modeled data into empirical data or the calculated resistivity pseudo-section. The difference between the measured and calculated data is the root mean square percent error. The modeled calculated mean root square error was approximately less than 10 rms error which is considered accurate.

Low resistive materials can be caused by certain conductive soils such as clay. High resistive materials are caused generally by bedrock, sand, wood, and air. Low ER values represent the thickening overburden. Lower ER anomalies are generally found at saturated or semi-saturated sinkholes, or fractures in the rock.

Typical resistivities of the overburden (clay) are approximately 100 ohm meters (blue). Limestone resistivities typically range from 200 (green) to 5,000 (red) ohm meters. Saturated zone/mud-filled void resistivities typically measure approximately less than 50 ohm meters (dark blue), and less dense or soft zone areas that can cause lower blow counts during split-spoon sampling typically measure approximately 1,000 ohm meters (yellow). Air-filled voids typically measure greater than 3,500 ohm meters (red).

## 4.0 Survey Results

The objective of the ER survey was to locate suspected voids and caverns that may develop into sinkholes. ER cross-sections are provided in Appendix A. The horizontal scale is in feet. The vertical scale is in feet above sea level.

ER line 1 indicated depth to bedrock about near ground surface at approximately 80 feet East to about 25 feet below ground surface at approximately 175 feet East.

ER line 2 indicated one resistive anomaly at approximately 110 feet East about 10 feet below ground surface. The resistive anomaly appears to be limestone float. One conductive anomaly is centered at approximately 275 feet East about 20 feet below ground surface. The conductive anomaly appears to be a mud seam. Depth to bedrock appears to be about near ground surface at approximately 275 feet East to about 25 feet below ground surface at approximately 145 feet East.

The geophysical survey indicated one minor karst feature within the proposed septic field. The resistive anomaly appears to be limestone float.

The geophysical survey indicated one major karst feature approximately 100 feet east of the proposed septic field. The karst feature appears to be a mud seam.

Depth to bedrock appears to be from about 10 feet to about 20 feet below ground surface at the septic field

The geophysical survey indicated one major karst feature east of the proposed septic field. The geophysical survey indicated no groundwater-threatening karst-related structures beneath the proposed septic field and has a low risk in collapse or groundwater contamination.

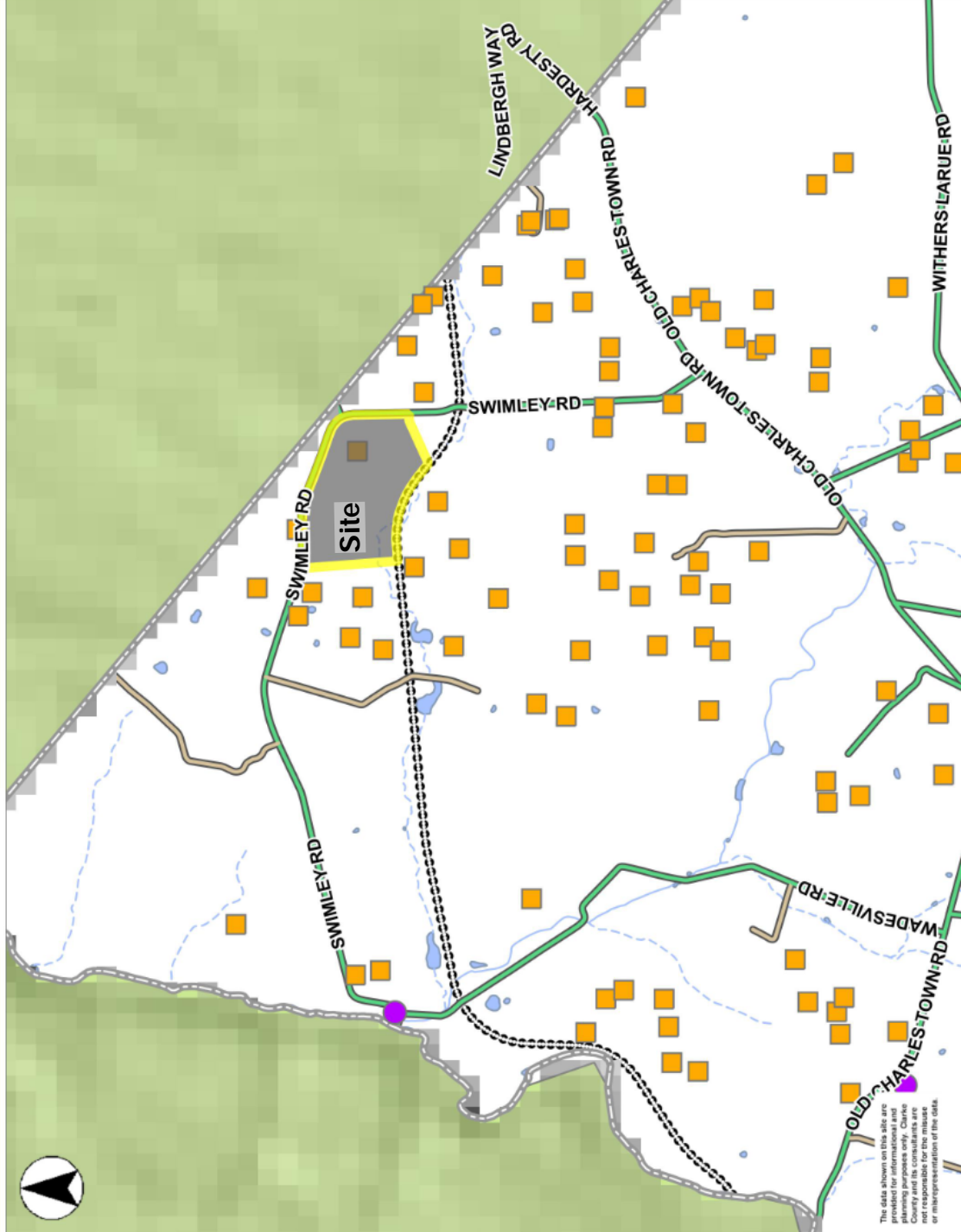




Photo 1 - ER Line 1



- Public
- Parks of Interest
- Springs
- Swimways
- Parcels
- Towns
- Clarke County Boundary
- Major Roads
- Interstate
- US Highway
- State Highway
- Surrounding Counties
- Clarke County Roads
- Roads
- Rail
- Buildings
- Archaeological Trail
- Streams
- Potential Streams
- Intermittent Streams
- Ponds
- Rivers



0 2500 5000 ft

Printed on 12/18/2022 at 05:54 PM

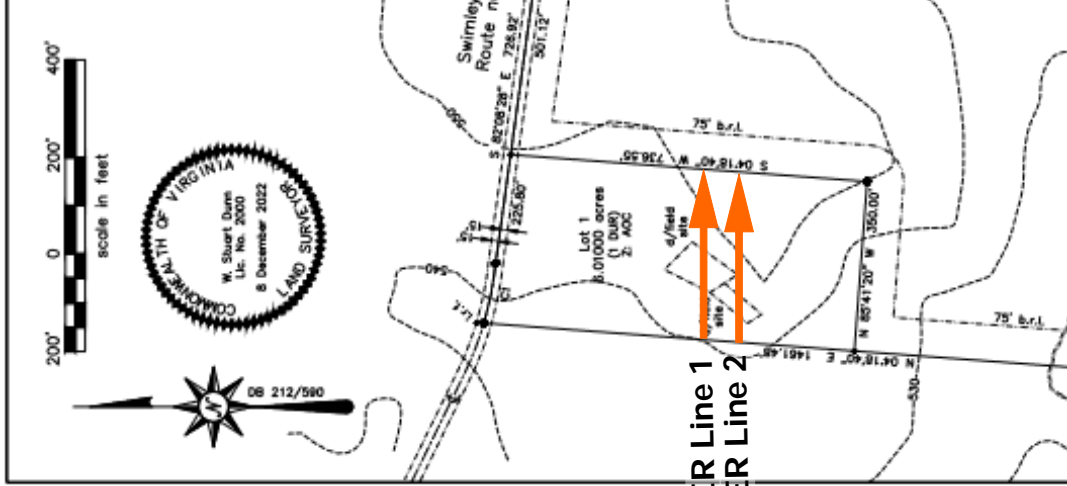
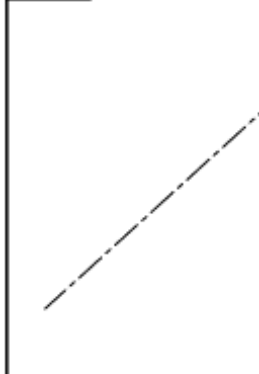
## Clarke County MapsOnline

**Forrest Environmental Services, Inc.**  
 Oak Hill, Virginia  
 (703) 648-9090  
[www.fesinc.net](http://www.fesinc.net)

DATE	December 2022	SCALE	shown	TITLE	Geophysical Area Map Tax Map 3 A 11
DRAWN BY		APPROVED BY			1197 Swimley Road Berryville, Virginia
JOB NO.	22269	DWG. NO. / REV. NO.	U3A11F1	CLIENT	Unger

FIGURE 1

Area Table:	75.16438 acres	area of record of TM 3-A-11	(1) ac
8.01000 acres	area of Lot 1	(no. 4	acres
68.15438 acres	area Residue of TM 3-A-11	(no. 4	acres
CHORD BEARINGS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
68.4.42	125.20	125.52	S 78°52'42" E 307.10
2.2	216.62	215.17	S 70°48'57" E 222.22
2.3	384.26	438.93	S 77°25'08" E 659.11
2.4	1509.85	1160.86	N 84°46'29" W 444.11
LINE BEARINGS			
1	S 27°32'		
2	N 79°15'		
3	N 42°42'		
4	N 86°05'		
5	S 81°32'		



- Notes
- (1) Lot Size E:
  - (2) The area of the field site:
  - (3) The use is as a building field:
  - (4) L.L. zoning:
  - (5) The zoning is as a building field:
  - (6) The zoning is as a building field:
  - (7) The zoning is as a building field:
  - (8) The zoning is as a building field:
  - (9) The zoning is as a building field:
  - (10) The zoning is as a building field:
  - (11) The zoning is as a building field:

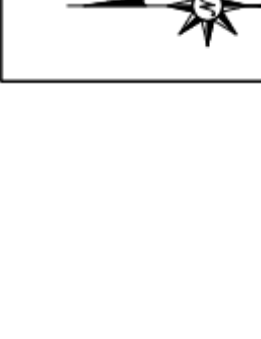
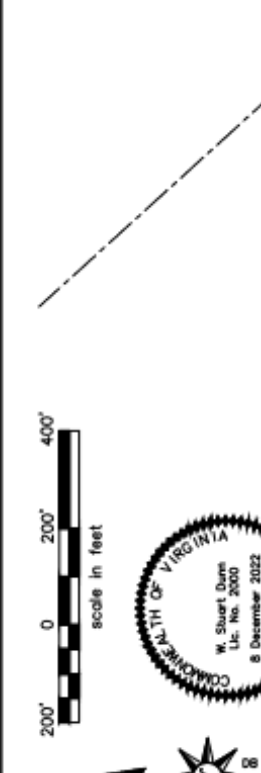
**Legend**

Orange arrow = ER Line

<b>Forrest Environmental Services, Inc.</b> Oak Hill, Virginia (703) 648-9090 <a href="http://www.fesinc.net">www.fesinc.net</a>	<b>Geophysical Site Map</b> Tax Map 3 A 11 1197 Swimley Road Berryville, Virginia	<b>Unger</b>
DATE: December 2022	SCALE: shown	TITLE
DRAWN BY:	APPROVED BY:	
JOB NO: 22269	DATE NO. REV. NO: U3A11F2	CLIENT
		FIGURE: 2

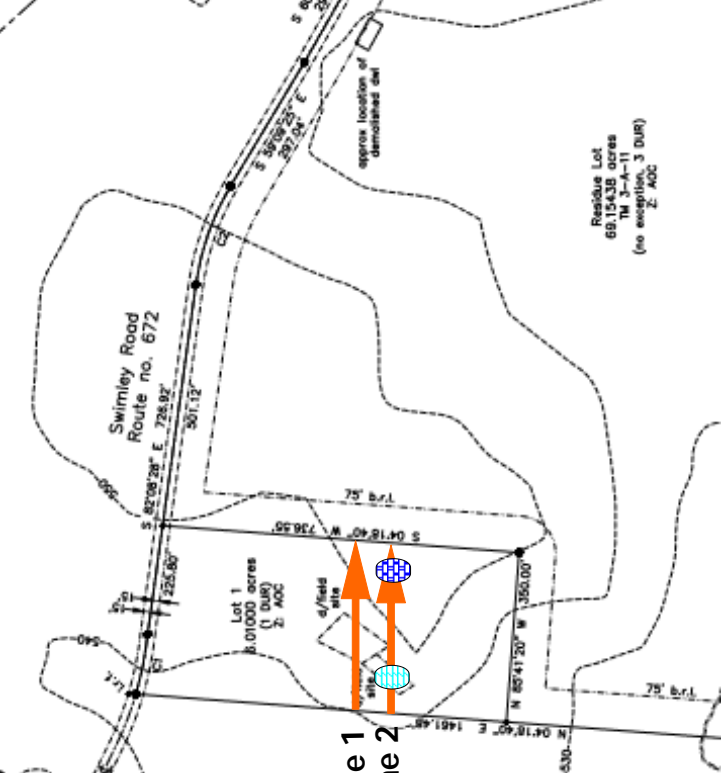
Area Table:

CL	CLURP PARCELS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	(1) ac	(no. 4
						acres
1	68.15438	125.707	125.527	S 78°52'43" E	307	68.15438
2	68.15438	216.62	215.17	S 70°28'57" E	222	68.15438
3	68.15438	468.39	438.93	S 77°25'08" E	699	68.15438
4	68.15438	1150.86	1132.50	N 84°48'29" W	1441	68.15438



Notes

- (1) Lot Size E
- (2) Tr lines, 1
- (3) Tr use in building field
- (4) L.L. zoning
- (5) The zoning
- (6) The zoning
- (7) The zoning
- (8) The zoning
- (9) The zoning
- (10) The zoning



ER Line 1  
ER Line 2

**Forrest Environmental Services, Inc.**  
 Oak Hill, Virginia  
 (703) 648-9090  
[www.fesinc.net](http://www.fesinc.net)

DATE	December 2022	SCALE	shown	TITLE	Geophysical Anomaly Map Tax Map 3 A 11 1197 Swimley Road Berryville, Virginia
DRAWN BY		APPROVED BY		CLIENT	Unger
JOB NO.	22269	DWG. NO. (REV. NO.)	U3A11F1	FIGURE	3

## **Appendix A**

### **ER Cross-Sections**

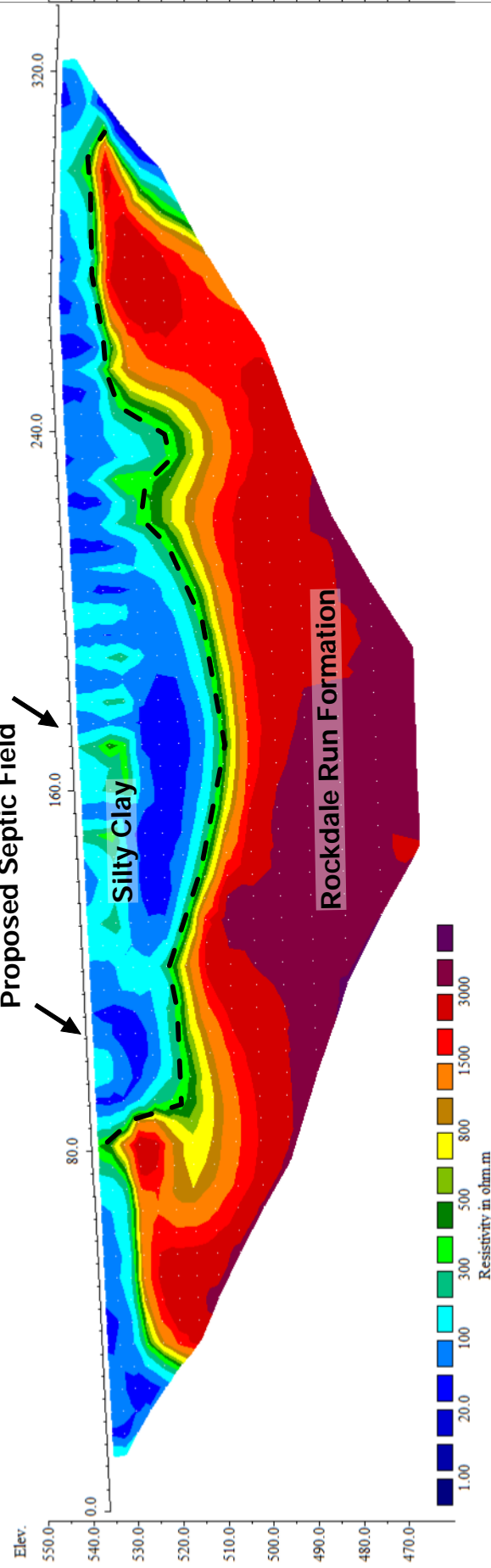
#### **1 and 2**

West

East

Sting/Swift prg: U3A11A

Model resistivity with topography  
Iteration 9 Abs. error = 2.0



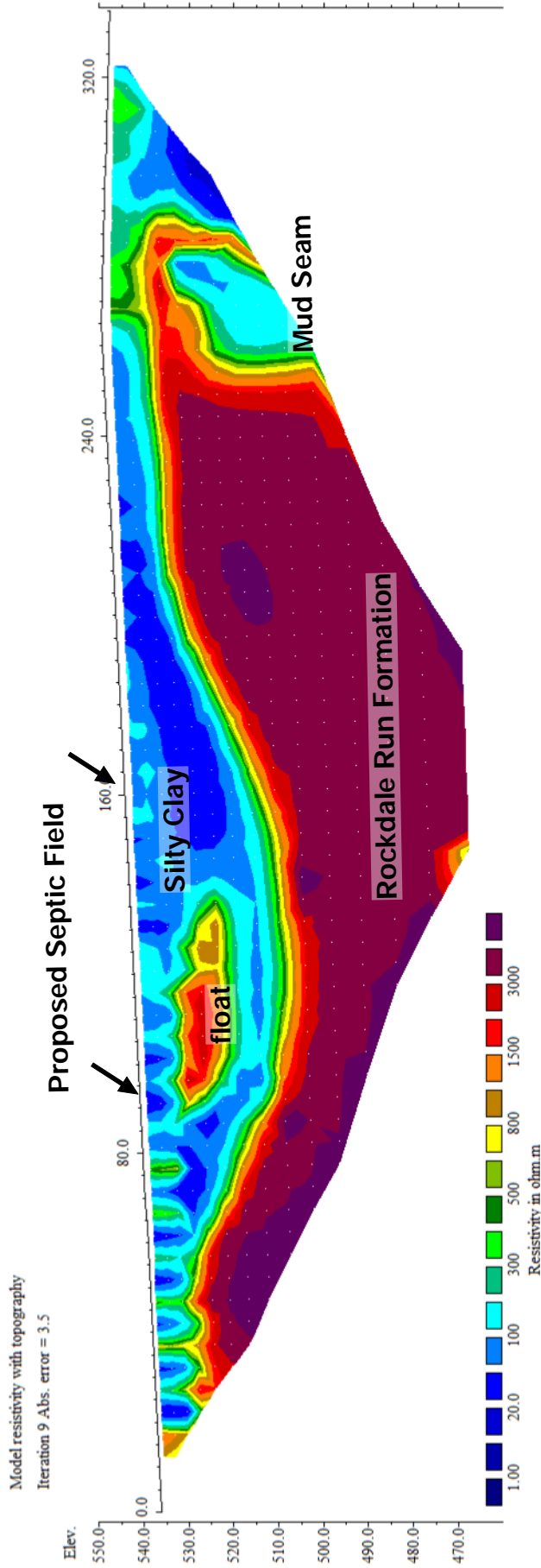
**Forrest Environmental Services, Inc.**  
  
 Oak Hill, Virginia  
 (703) 648-9090  
[www.fesinc.net](http://www.fesinc.net)

DATE	December 2022	SCALE	shown	TITLE	ER Line 1 Tax Map 3 A 11 1197 Swimley Road Berryville, Virginia
DRAWN BY		APPROVED BY		CLIENT	Unger
JOB NO.	22269	DWG. NO./REV. NO.	U3A11-1	FIGURE	

West

East

Sting/Swift prg: U3A11B



**Forrest Environmental Services, Inc.**  
  
 Oak Hill, Virginia  
 (703) 648-9090  
[www.fesinc.net](http://www.fesinc.net)

DATE	December 2022	SCALE	shown	TITLE	ER Line 2 Tax Map 3 A 11 1197 Swimley Road Berryville, Virginia
DRAWN BY		APPROVED BY		CLIENT	Unger
JOB NO.	22269	DWG. NO./REV. NO.	U3A11-2	FIGURE	



January 18, 2023

Brandon Stidham  
 Director of Planning  
 Clarke County  
 101 Chalmers Court, Suite B  
 Berryville, VA 22611

Re: Review of Geophysical Survey Report – Ty Unger  
 1197 Swimley Road  
 Tax Map 3 A 11  
 Berryville, Virginia  
 CTL Project No. 22050035MORV

Dear Mr. Stidham,

This letter report is in response to your request for CTL to review the above referenced Geophysical Report submitted to your office to determine if it meets the intent of the recently updated and adopted Clarke County Septic Ordinance (Ordinance) dated December 21, 2021. Please note that CTL did not perform any field verification of the data in the provided report.

*Report Reviewed: Geophysical Survey, Proposed Septic Field, Tax Map Number 3 A 11, 1197 Swimley Road, Berryville, Virginia dated December 2022 prepared by Forrest Environmental Services, Inc. (No. 22269)*

The Ordinance requires that the geophysical survey report include requirements that are listed below. In addition, we have provided our professional opinion whether the report meets these requirements

<u>Dipole-dipole electrical resistivity survey</u>	<u>Minimum Requirement Compliance</u>
• Two lines each area	Yes
• Perpendicular to strike	Yes
• Minimum depth of 20 feet at edges	Yes
• Minimum 200 soundings	Yes
• Minimum 40 feet depth	Yes

<u>Report</u>	<u>Minimum Requirement Compliance</u>
• Directional orientation and plan maps	Yes
• Color profiles identifying hazards, consistent color scale, treatment area indicated	Yes
• Amount of Overburden	Yes
• Elevations	Yes



<i><b>Report</b></i>	<i><b>Minimum Requirement Compliance</b></i>
• Geologic structure	Yes
• Low, moderate, high risk	Yes, Low
• Other	N/A

The geophysical survey report included two electrical resistivity lines across the proposed septic field. Depths to bedrock appear to be near surface feet to approximately 25 feet below the ground surface. Resistive anomalies within the drain field were interpreted as limestone float; based on the limestone geology and our experience in the area, the interpretation is credible. In accordance with the County Ordinance, no significant karst features, whether surface or noted in the subsurface of the ERI survey, were identified that would restrict the drain field use in the proposed locations. **The geophysical survey report reviewed meets the intent of the County Ordinance and general industry practice.**

We hold our opinions to a reasonable degree of scientific certainty and/or probability, and we also reserve the right to modify this report based upon receipt of new information that differs from that used in preparing this report. We appreciate the opportunity to be of service and if you have any questions, please contact us.

Respectfully submitted,

CTL ENGINEERING, INC.

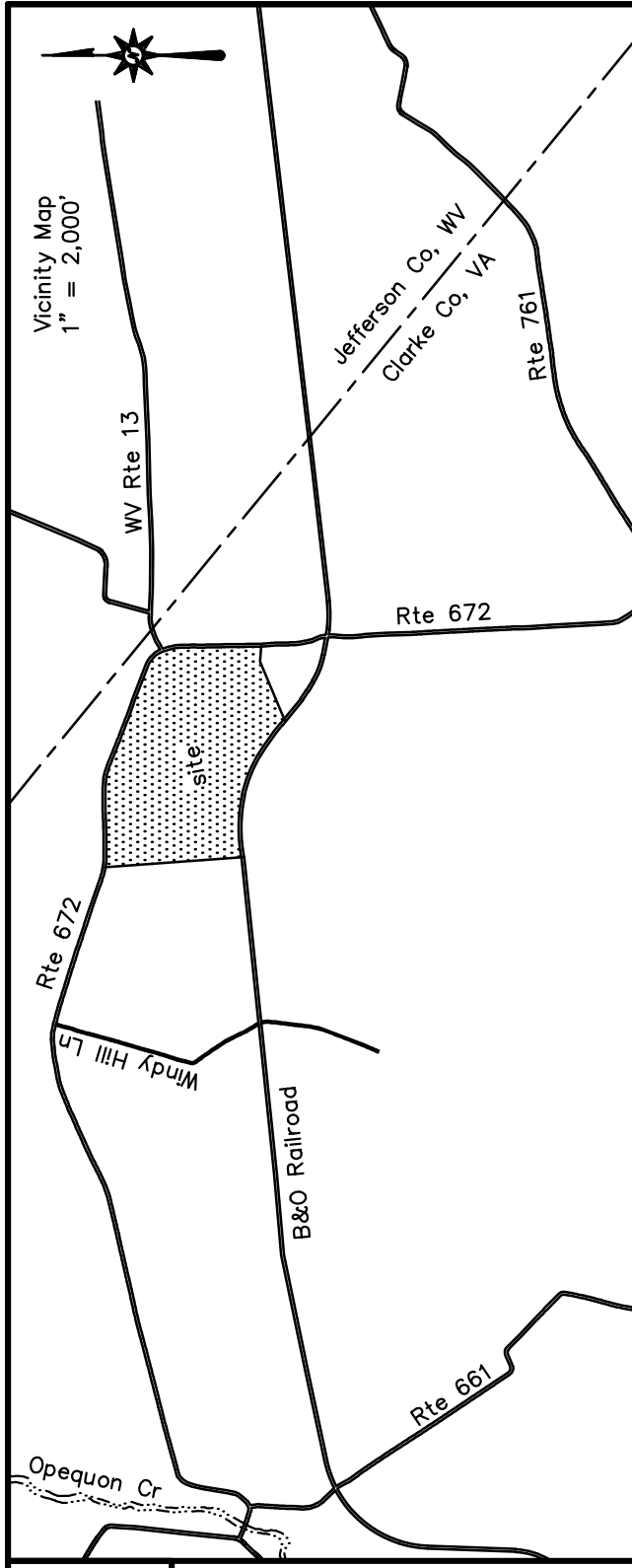


Patrick E. Gallagher, PE, PS, CPGS  
Project Consultant



CK Satyapriya, PE  
Technical Reviewer





Area Table:

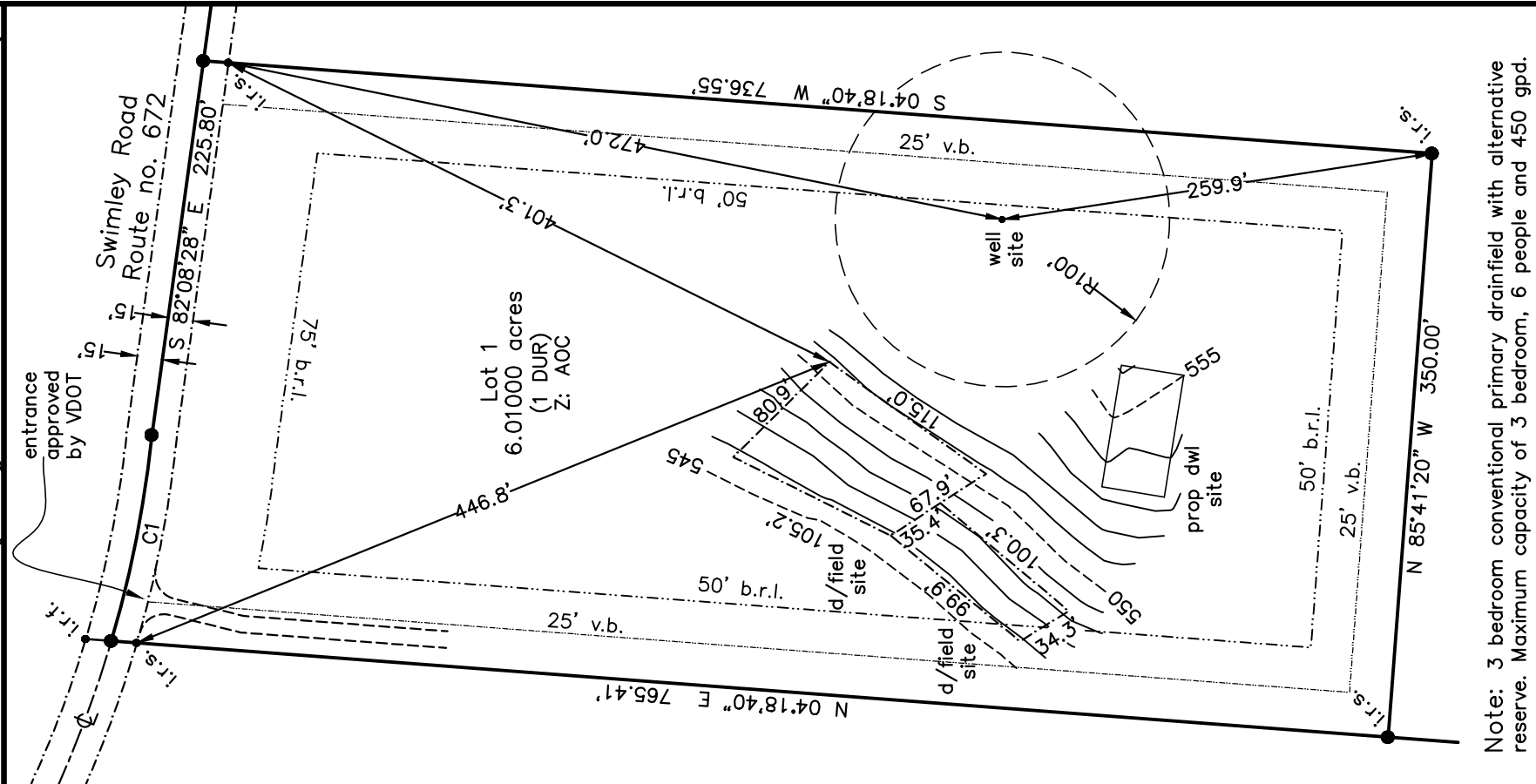
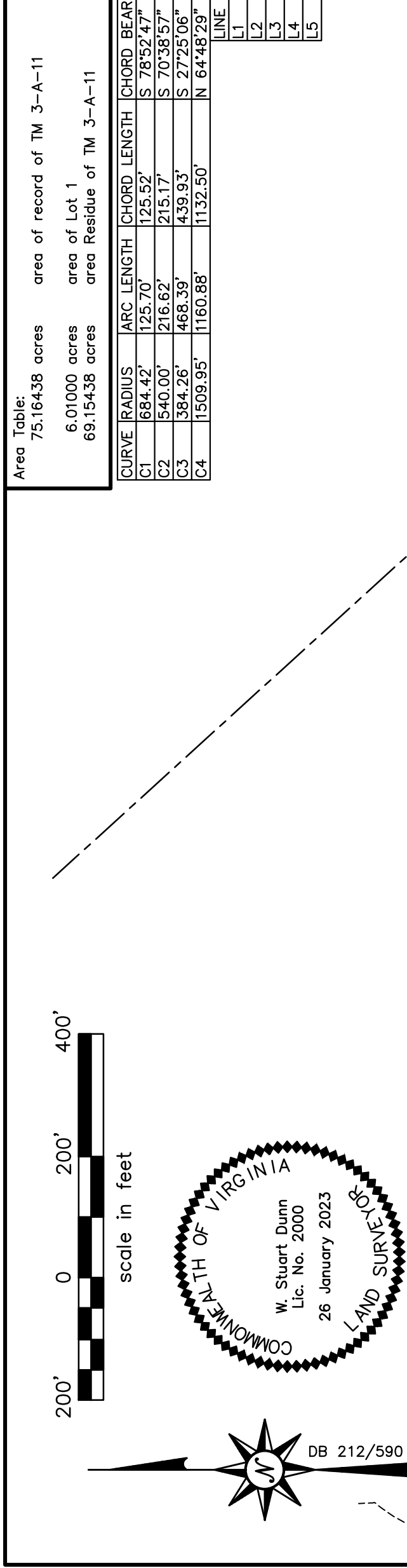
75.16438 acres	area of record of TM 3-A-11
6.01000 acres	area of Lot 1
69.15438 acres	area Residue of TM 3-A-11

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	684.42	125.70	125.52	S 78°52'47" E	10°31'22"	63.03
C2	540.00	216.62	215.17	S 70°38'57" E	22°59'03"	109.79
C3	384.26	468.39	439.93	S 27°25'06" E	69°50'26"	268.27
C4	1509.95	1160.88	1132.50	N 64°48'29" W	44°03'00"	610.83

LINE	BEARING	DISTANCE
L1	S 27°39'41" W	25.00
L2	N 79°19'52" W	136.48
L3	N 42°44'59" W	246.53
L4	N 86°49'23" W	193.99
L5	S 61°32'38" E	153.36



**Notes:**

- Lot 1, 6.01000 acres, has no existing dwelling and 1 DUR. The Residue Lot, 69.15438 acres, has no existing dwelling and 3 DUR. The existing Maximum Lot Size Exception due to the demolished dwelling has now been used.
- Setbacks as follows:  
 Lot 1: 75 feet from the centerline of Route no. 672, 50 feet from all property lines, 50 feet from any intermittent stream, 100 feet from any perennial stream, spring and/or sinkhole.  
 Residue Lot: 100 feet from the centerline of Route no. 672, 75 feet all property lines, 50 feet from any intermittent stream, 100 feet from any perennial stream, spring and/or sinkhole.
- Tracts are in AOC zoning district (agricultural - open space - conservation); use is agricultural.
- I.r.s. = iron rod set; I.r.f. = iron rod found; i.p.f. = iron pipe found; b.r.l. = building restriction line; v.b. = vegetated buffer; DUR = dwelling unit right; esmt = easement; d/f = drain field
- These tracts are in the AOC (agricultural - open space - conservation) zoning district. Agriculture is the primary economic activity of this Zoning District. Owners, residents, other users of property in the AOC district may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from agricultural operations even though conducted in accordance with best management practices and/or in accordance with existing laws and regulations of the Commonwealth and County. Such agricultural operations may generate noise, odors and dust, may involve the operation of machinery including aircraft, the storage and disposal of manure and the application of fertilizer, soil amendments and pesticides. Owners, occupants and users of land in the AOC District should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a Zoning District in a County with a strong rural character and an active agricultural sector.
- This land is in Flood Zone X as designated by HUD, established from FIRM Community Panel no. 51043C0035D, effective September 28, 2007.

**Owner's Certificate:** The undersigned fee simple owner hereby certifies that the foregoing Minor Subdivision and Maximum Lot Size Exception of 6.01000 acres, being a portion of Tax Map 3-A-11, standing in the name of Virginia D. Unger, in deed recorded as Deed Book 252, Page 106, of record in the Circuit Court of Clarke County, Virginia, is made with the free consent and in accordance with the desires of the undersigned owner of said land and the same is hereby confirmed and submitted for record in the aforesaid Clerk's Office.

Virginia D. Unger  
 288 Milburn Road, Winchester VA 22603

I, \_\_\_\_\_, to wit: \_\_\_\_\_, a Notary Public for said City/County of \_\_\_\_\_, do hereby certify that Virginia D. Unger, whose name is signed in the Owner's Certificate has acknowledged the same before me.

My commission expires: \_\_\_\_\_

Notary Public: \_\_\_\_\_

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2022

**Surveyor's Certificate:** I, W. Stuart Dunn, a duly authorized Land Surveyor, do hereby certify that the land herein subdivided is in the name of the Virginia D. Unger, and was acquired by her as stated in the Owner's Certificate. I further certify that this tract is properly and accurately described and is within the boundary of the original tract and is referenced to the meridian established in Deed Book 212, Page 590. I further certify that the monuments designated hereon have been set in accordance with the Subdivision Ordinance of Clarke County, Virginia.

W. Stuart Dunn, CLS #2000  
 Berryville, Virginia

**Composite Plat of Minor Subdivision and Maximum Lot Size Exception of the Land of Virginia D. Unger**

Deed Book 252, Page 106 Tax Map 3-A-11  
 Longmarsh Magisterial District, Clarke County, Virginia

Note: 3 bedroom conventional primary drainfield with alternative reserve. Maximum capacity of 3 bedroom, 6 people and 450 gpd.

Approval:

Clarke County Zoning Administrator \_\_\_\_\_ date: \_\_\_\_\_

Chairman of Planning Commission \_\_\_\_\_ date: \_\_\_\_\_

Clarke County Health Department \_\_\_\_\_ date: \_\_\_\_\_

**Notes: (cont)**

- Vegetated property buffer except for those land uses listed as exempt, existing woody vegetation within 25 feet of all property lines shall be retained on parcels of less than 20 acres, as per Sections 4.1.B.1 and 7.4.1 of the Clarke County Zoning Ordinance.
- Before fertilizers and pesticides are used for lawn or landscaping purposes, a soil test should be conducted. The application of such chemicals shall be limited due to the potential for groundwater contamination and should not exceed that determined necessary by the soil test.
- A Land Use Permit shall be obtained prior to any work being performed in the State right-of-way. The permit is issued by the VDOT Edinburg office. It may require application fees and surety coverage.

**PROJECTED UPCOMING AGENDA ITEMS – FEBRUARY-AUGUST 2023  
(1/31/2023 Work Session)**

**FEBRUARY**

**Committee Meetings**

- **Policy and Transportation Committee (date TBD)**
  - Finish campground regulations text amendment
  - Transportation Plan Update (initial discussion)

**MARCH**

**2/28 Work Session**

- Campground regulations text amendment (initial discussion)

**3/3 Business Meeting**

- SUP-22-01/SP-22-02, Horus Virginia I, LLC/Bellringer Farm, LLC (Set Public Hearing, Tentative)
- SUP-22-02/SP-22-03, Carter Hall Estate, LLC (TBD)
- MS-23-02, Old Waterloo Road, LLC
- Historic Preservation Commission (HPC) Annual Report

**Committee Meetings**

- **Policy and Transportation Committee**
  - Transportation Plan Update (continued)
- **Ordinances Committee:**
  - Maximum lot size exception regulations text amendment (initial discussion)
  - Farm winery/farm brewery/farm distillery regulations text amendment (initial discussion)
- **Plans Review Committee (Tentative):**
  - SUP-22-01/SP-22-02, Horus Virginia I, LLC/Bellringer Farm, LLC

**APRIL**

**4/4 Work Session**

- No agenda items identified

### **4/7 Business Meeting**

- SUP-22-01/SP-22-02, Horus Virginia I, LLC/Bellringer Farm, LLC (Public Hearing, Tentative)
- Campground regulations text amendment (Initiate consideration and set Public Hearing)

### **Committee Meetings**

- **Policy and Transportation Committee**
  - Transportation Plan Update (continued)
- **Ordinances Committee:**
  - Finish maximum lot size exception regulations text amendment
  - Finish farm winery/farm brewery/farm distillery regulations text amendment

## **MAY**

### **5/2 Work Session**

- Maximum lot size exception regulations text amendment (initial discussion)
- Farm winery/farm brewery/farm distillery regulations text amendment (initial discussion)

### **5/5 Business Meeting**

- Campground regulations text amendment (Public Hearing)
- Maximum lot size exception regulations text amendment (Initiate consideration and set Public Hearing)
- Farm winery/farm brewery/farm distillery regulations text amendment (Initiate consideration and set Public Hearing)

### **Committee Meetings**

- **Policy and Transportation Committee**
  - Finish Transportation Plan Update
- **Comprehensive Plan Committee**
  - Waterloo Area Plan Update (initial discussion)

## **JUNE**

### **5/30 Work Session**

- Transportation Plan Update (initial discussion)

### **6/2 Business Meeting**

- Maximum lot size exception regulations text amendment (Public Hearing)
- Farm winery/farm brewery/farm distillery regulations text amendment (Public Hearing)
- Transportation Plan Update (Set Public Hearing)

### **Committee Meetings**

- **Comprehensive Plan Committee:**
  - Waterloo Area Plan Update (continued)
  - Rural Lands Plan development (initial discussion)

## **JULY**

### **Wednesday, 7/5 Work Session**

- No agenda items identified

### **7/7 Business Meeting**

- Transportation Plan Update (Public Hearing)

### **Committee Meetings**

- **Comprehensive Plan Committee:**
  - Waterloo Area Plan Update (continued)
  - Rural Lands Plan development (continued)

## **AUGUST**

**NOTE -- No Commission Work Session or Business Meeting in August**

### **Committee Meetings**

- **Comprehensive Plan Committee:**
  - Waterloo Area Plan Update (continued)
  - Rural Lands Plan development (continued)