



Clarke County Planning Commission

AGENDA – Business Meeting

Friday, October 4, 2024 – 9:00AM

Berryville/Clarke County Government Center – Main Meeting Room

For more information on this public meeting, please contact the Clarke County Department of Planning at (540) 955-5132 or visit the Clarke County website at www.clarkecounty.gov.

<u>CALL TO ORDER/ADMINISTRATIVE MATTERS</u>		
1	Approval of Agenda	p. 1-2
2	Approval of Minutes	pp. 3-17
	-- September 3, 2024 Work Session	pp. 3-7
	-- September 6, 2024 Business Meeting	pp. 8-17

<u>MINOR SUBDIVISION APPLICATIONS</u>		
3	<u>MS-24-06, Buckmarsh, LLC.</u> Request approval of a two-lot minor subdivision for the property located at 943 Parshall Road, Tax Map #15-A-11A, Buckmarsh Election District, zoned Agricultural-Open Space-Conservation (AOC).	pp. 18-35
	-- Staff report	pp. 18-23
	-- Land development application	pp. 24-26
	-- Virginia Department of Health (VDH) review letter (8/13/2024)	p. 27
	-- Hillis-Carnes review letter(8/14/2024)	pp. 28-30
	-- Memo from applicant (8/14/2024)	p. 31
	-- Resistivity testing approval letter (8/19/2024)	p. 32
	-- Septic pumpout receipt (9/17/2024)	p. 33
	-- Virginia Department of Transportation (VDOT) review email (9/25/2024)	p. 34
	-- Subdivision plat	p. 35

<u>REPORTS/OTHER BUSINESS/ADJOURN</u>		
4	Board and Committee Reports	--
	<ul style="list-style-type: none"> • Board of Supervisors (Terri Catlett) • Board of Septic & Well Appeals (George Ohrstrom, II) • Board of Zoning Appeals (John Staelin) • Historic Preservation Commission (Bob Glover) • Conservation Easement Authority (George Ohrstrom, II) 	
5	Other Business ~ None scheduled	--

6	Projected Upcoming Agenda Items, October -- January	pp. 36-37
7	Adjourn	--

UPCOMING MEETINGS:	
Comprehensive Plan Committee	To be scheduled
Ordinances Committee	<ul style="list-style-type: none"> • Thursday, October 10 (1:00PM) – A/B Meeting Room • Thursday, November 14 (3:00PM) – A/B Meeting Room • Tuesday, January 14 (2:00PM) – A/B Meeting Room
Policy & Transportation Committee	No upcoming meetings
Plans Review Committee	No upcoming meetings
Commission Work Session	Tuesday, October 29 (3:00PM) -- Main Meeting Room
Commission Business Meeting	Friday, November 1 (9:00AM) -- Main Meeting Room



Clarke County Planning Commission

DRAFT MINUTES – Work Session

Tuesday, September 3, 2024 – 3:00PM

Berryville/Clarke County Government Center – A/B Meeting Room

ATTENDANCE:			
George L. Ohrstrom, II (Chair/Russell)	✓	Ronnie “Ron” King (Buckmarsh)	✓
Randy Buckley (Vice-Chair/White Post)	✓	Frank Lee (Berryville)	✓
Terri Catlett (Board of Supervisors)	✓	Gwendolyn Malone (Berryville)	✓
Buster Dunning (White Post)	✓	Ryan Reed (Buckmarsh)	✓
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)

CALL TO ORDER: By Chair Ohrstrom at 3:00PM.

1. **Approval of Agenda**
2. **Review of September 6 Business Meeting Agenda Items**

The Commission approved the agenda by consensus as presented by Staff. Mr. Stidham distributed a list of changes to the July 9 Work Session and July 12 Business Meeting minutes.

A. **Conflict of Interest Statements**

Commissioner Lee read the following statement to note a conflict of interest that he has with minor subdivision application MS-23-12/MLSE-23-05, Suromi, LLC:

I disqualify myself from participating in the matter of MS-23-12/MLSE-23-05, Suromi, LLC before the Planning Commission as I have a personal interest in said matter by reason of work which I performed for the applicant pertaining to this application, and I may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action taken by the Planning Commission on the application.

B. **Agenda Review**

Mr. Camp presented the staff report for MS-23-12/MLSE-23-05, Suromi, LLC. Commissioner Staelin asked how many DURs would be allowed to use the road. Mr. Camp stated that the regulations allow up to nine lots on a private access easement. He added that they currently have 3 lots using it and this would be the fourth. Commissioner Staelin asked if anyone has had time to visit the site. Vice-Chair Buckley stated that he has been on the property and it is a pretty substantial road. Mr. Camp added that he has gone out there and also had the fire chief go out and inspect the road and he has no concerns. Mr. Stidham added that the Commission added language to the ordinance a couple years ago to allow the fire chief to determine whether a

private access road is passable for emergency service vehicles. He added that this would help to determine whether construction requirements could be waived. Commissioner Staelin asked if they have permission to visit the site. Mr. Camp stated that the owner would not mind. Mr. Camp added that it is staff's recommendation for approval of the maximum lot as exception and approval of the minor subdivision application with the waiver. He added that staff feels it would be appropriate to add a condition in the joint maintenance agreement to ensure that the easement is maintained for emergency service vehicles in the future. Commissioner Staelin asked again if it would be okay to go by the site and take a look before the next meeting. Mr. Camp stated that he would call the owner and give her a notice that some of the Commission members may stop by prior to the next meeting. Commissioner Lee gave some background information about the property and family that lives around that area.

Commissioner Lee returned to the dais.

Mr. Camp moved on and provided the staff report for MS-24-04, Russell & Jacqueline McGrath. Chair Ohrstrom asked if there was a sign to show where the property was located. Mr. Camp stated that they do not post signs for minor subdivisions. Commissioner Staelin asked whether they can make the 50% reserve area a 100% by doing an alternative system. Commissioner Lee stated that you can usually convert a 50% conventional reserve into a 100% alternative reserve in most cases. Mr. Camp added that staff is recommending approval of the minor subdivision.

Mr. Camp moved on and provided the staff report for MS-24-05/MLSE-24-02, Alison Teetor. Commissioner Hunt asked if they would need a separate system for the suite or if they will share the same system. Mr. Camp stated that they will be sharing the same system that is approved for four bedrooms and her house currently has three and she is only adding one more. He added that staff is recommending approval of the two-lot minor subdivision and maximum lot size exception.

Mr. Stidham stated the other items on the agenda are the Board and Committee reports as well as the continued discussion of the Rural Lands Plan update.

C. Status of Deferred Applications

Mr. Camp presented the deferred applications. He stated that they have Berryville Berries and Watermelon Park. He added that Watermelon Park requested an extension and they are still working on the previous comments that they were given. He stated that he has suggested a meeting as soon as possible to get things figured out with them. He stated that the applicant is waiting to see the outcome of the upcoming text amendment so they can adjust their application as needed and they are requesting a continued deferral. Mr. Camp stated that Regan Partnership is making progress in the negotiations between the owners and plan to move forward in about a month. He added that there is an upcoming minor subdivision for Buckmarsh, LLC that is scheduled for next month and they don't foresee any issues with that one. He added that they have the Town of Berryville water treatment plant with a site plan amendment with updates to the water plant and that it is on the agenda for October but there may be a deferral on that one.

4. Old Business

A. Update, Development of New Zoning District for Double Tollgate Plan Area

Mr. Stidham stated that they scheduled an Ordinances Committee meeting for September 19 at 2pm to start working on the development of the new zoning district for Double Tollgate. He added that in addition to the Ordinances Committee they have expanded participation to include a number of non-voting members to contribute from the Industrial Development Authority Committee, the Economic Development Advisory Committee, and members of the Board of Supervisors. He stated that since developing a new zoning district has not been done in quite some time the first two meetings will be a visioning and information meeting where the participants will discuss what uses they are looking for with this property. He added that they will also look at current uses they have in the Ordinance that could potentially be used for this district. He stated they will create definitions for the district and requirements and limitations. He stated that once they have a draft district that they all feel comfortable with they will advance and present to the full Commission for review.

5. New Business

A. Discussion, Rural Lands Plan Update

Mr. Stidham stated that they have the Agricultural Land Plan and the Mountain Land Plan scheduled to be updated and when the Commission was updating the Comprehensive Plan a few years ago, there was a thought that they could potentially look at combining those two plans and maybe include the village plan. He stated that the Comprehensive Plan Committee has been focusing on identifying policies both for the villages and also all the different issues that impact our unincorporated areas. He added that once they get a draft they will present it down the road and see if there are any concerns with combining them together but they won't know for sure until they see what the draft looks like. Commissioner Staelin stated that politically the villages don't think of themselves as rural. Commissioner Catlett added that Millwood would definitely have an opinion.

Mr. Stidham stated that politically when they take this to the public, the fact that they combined all the rural areas together instead of calling out the mountain areas may put it through a different lens. He added that they are bringing this to the table because the Committee is finished at this point with the identification and they are getting to the point where they want to have outreach workshops for Millwood and White Post to get reactions from the public on the boundaries of the plan and getting their feedback. He added that the point is clarity so everyone understands what they are talking about but they want to get the Commission's full feedback prior to refining the document and taking it to the public.

Mr. Stidham discussed to the Scope of Agriculture and stated that this is not just going to be dealt within the goals and strategies. He stated that this plan will have a substantial narrative section and describe different levels of agriculture in Clarke County. He stated that they will be divided up based on the impacts that they have ranging from traditional agriculture all the way up to the industrial scale. He added that they are going to note that agriculture comes in many forms, some with impacts that differ from traditional farming operations. He said that these can

include customer oriented businesses that can generate traffic and impacts to secondary roads and also possible noise impacts to surrounding properties from events. He described industrial-scale agriculture within fully enclosed, climate-controlled buildings. He stated that these uses consume farmland, have significant water usage and can possibly generate light pollution.

Mr. Stidham stated that in the narrative they are going to describe five different categories of agriculture that should be planned for and regulated separately. He added that the first category is traditional farming, and this is something that meets the state code definition of an agricultural operation. Chair Ohrstrom asked if the Zoning Ordinance definition of agriculture is the same as the state code definition. Mr. Stidham stated they borrowed the wording. He stated that if you operate a traditional farm, it will be considered agriculture per the Zoning Ordinance and not require any sort of zoning permits or special use permit. He added that the primary function of a traditional farm is the growing of crops and or the raising of poultry or livestock. He stated that traditional farms should be minimally regulated under the Zoning Ordinance as agriculture and as allowed by the Code of Virginia. He added the examples of traditional farms include crop production, pasturing cattle and dairy farms and poultry farms. He stated that they have had discussions about dealing with equestrian operations. He stated that other places will require other types of zoning approval for certain types of equestrian operations, but Clarke County considers equestrian operations, including horse breeding, boarding and training, to be traditional farming. Commissioner Glover asked if there is a cap on how many horses can be in the events. Mr. Stidham stated that at this time as long as the attendees are all participants and it is not open to the general public there is no cap. Commissioner Glover asked if someone had 200 acres, what would stop them from constructing a large building and having horse shows. Mr. Stidham stated nothing would stop them.

Mr. Stidham stated that the last bullet for traditional farms include intensive livestock, dairy and poultry facilities. He added that these facilities should be regulated as allowed by the Code of Virginia to mitigate their adverse impacts on the environment on surrounding properties. He added that these are facilities that have way more than the numbers of animals that you typically see at a farm. He stated that we have a separate ordinance used for this, and there is a facility management plan requirement that must be submitted. Commissioner Catlett asked what they decided about pigs. Mr. Stidham stated that they are allowed but require a 3,000 foot setback for any building housing pigs.

Mr. Stidham stated another issue that they have spent a lot of time on is how to deal with what farm can or can't sell on their property. He stated that under current rules, you can sell your own products that you produce on site, and you can sell products that you've produced from your own products and from products that you have brought from off site. He added that one of the ways we tried to quantify what we value is being sold on a farm is to referred to "value-added products" as a term and that is something Vice Chair Buckley suggested, and they thought was a great idea. He explained the definition of "value-added product" and how the term can be used to characterize agricultural products. He said that the proposed policy would allow a farm to sell their value-added products as well as value-added products from farms in the County and in adjacent locations. Commissioner Catlett asked if it would be a consideration to touch base with some of the people who might be doing this and ask them ahead of time to get a little more input on what may or may not be appropriate and how the people that this impacts how they feel about

it. Mr. Stidham replied that it would be good to get some input through a workshop with members of the agricultural community.

Mr. Stidham stated that the second category of agriculture is low impact agribusinesses, and these are businesses that provide direct support services to traditional farms and that operate in a manner that has minimal, if any, adverse impact on surrounding properties and the environment. He added that they are regulated as by-right uses subject to use regulations to ensure compatibility with surrounding rural areas. He said these uses could not be called agriculture, but they would be by-right uses in AOC and FOC districts. He said low impact agribusinesses may have limited or no agricultural production occurring on site, and they may be operated as a home occupation or as a standalone use regulated similarly to a home occupation, and examples include animal services such as farriers, mobile livestock veterinarians and equestrian rider education and therapeutic riding operations.

Commissioner Reed suggested classifying a farm that sells other farms' products as a "farm store" regulated as a low-impact agribusiness. Mr. Stidham replied that it would be good to get feedback from the agricultural community on how much regulatory oversight they could tolerate for a farm store. Commissioner Staelin asked what the lowest level of permitting would be and Mr. Stidham replied a home occupation zoning permit. Commissioner Staelin added if a low-impact agribusiness zoning permit could be created. Mr. Stidham reviewed the agritourism category.

Members agreed to continue this discussion at the Friday Business Meeting.

ADJOURN

The Commission agreed by consensus to adjourn the meeting at 4:23PM.

George L. Ohrstrom, II (Chair)

Danielle Ritter (Clerk)



Clarke County Planning Commission

DRAFT MINUTES – Business Meeting

Friday, September 6, 2024 – 9:00AM

Berryville/Clarke County Government Center – Main Meeting Room

ATTENDANCE:			
George L. Ohrstrom, II (Chair/Russell)	✓	Ronnie “Ron” King (Buckmarsh)	✓
Randy Buckley (Vice-Chair/White Post)	✓	Frank Lee (Berryville)	✓
Terri Catlett (Board of Supervisors)	✓	Gwendolyn Malone (Berryville)	✓
Buster Dunning (White Post)	✓	Ryan Reed (Buckmarsh)	✓
Robert Glover (Millwood)	X	John Staelin (Millwood)	✓
Pearce Hunt (Russell)	✓ ^E	Doug Lawrence (BOS alternate)	X

E – Participated electronically

STAFF PRESENT: Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner/Zoning Administrator)

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

1. Approval of Agenda

The Commission voted 10-0-1 to approve the agenda as presented by Staff.

Motion to approve the agenda as presented by Staff:			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE (seconded)	Lee	AYE
Catlett	AYE	Malone	AYE (moved)
Dunning	AYE	Reed	AYE
Glover	ABSENT	Staelin	AYE
Hunt	AYE		

2. Approval of Minutes

A. July 9, 2024 Work Session

Mr. Stidham noted the corrections that were presented at the September 3 Work Session. The Commission voted 10-0-1 to approve the July 9, 2024 minutes with edits presented by Staff.

Motion to approve the July 9, 2024 meeting minutes with edits presented by Staff:			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE (moved)	Lee	AYE
Catlett	AYE	Malone	AYE (seconded)
Dunning	AYE	Reed	AYE
Glover	ABSENT	Staelin	AYE
Hunt	AYE		

B. July 12, 2024 Business Meeting

Mr. Stidham noted the corrections that were presented at the September 3 Work Session. The Commission voted 10-0-1 to approve the July 12, 2024 minutes with edits presented by Staff.

Motion to approve the July 12, 2024 meeting minutes with edits presented by Staff:			
Ohrstrom (Chair)	AYE	King	AYE (seconded)
Buckley (Vice-Chair)	AYE	Lee	AYE
Catlett	AYE	Malone	AYE (moved)
Dunning	AYE	Reed	AYE
Glover	ABSENT	Staelin	AYE
Hunt	AYE		

MINOR SUBDIVISION APPLICATIONS

3. MS-23-12/MLSE-23-05, Suromi, LLC.

Commissioner Lee read the following statement to note a conflict of interest that he has with minor subdivision application MS-23-12/MLSE-23-05, Suromi, LLC at the September 3, 2024 Work Session:

I disqualify myself from participating in the matter of MS-23-12/MLSE-23-05, Suromi, LLC before the Planning Commission as I have a personal interest in said matter by reason of work which I performed for the applicant pertaining to this application, and I may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action taken by the Planning Commission on the application.

Commissioner Lee left this dais.

Mr. Camp presented the staff report for the MS-23-12/MLSE-23-05, Suromi, LLC. Mr. Camp added that it is staff's recommendation for approval of the maximum lot exception and approval of the minor subdivision application with the waiver. He added that staff feels it would be appropriate to add a condition in the joint maintenance agreement to include a provision that ensures that the easement is maintained for emergency service vehicles in the future. Chair Ohrstrom asked if there were any comments from the Commission and there were none. Chair Ohrstrom asked for a motion. Vice-Chair Buckley motioned to approve the MLSE-23-05 and MS-23-12 with the waiver requested under the condition that the joint maintenance agreement include a provision that ensures the private access easement shall be maintained in the future for safe access by emergency service vehicles and shall include maintenance of the road surface and clearing of the encroaching vegetation.

Motion to approve MS-23-12/MLSE-23-05 subject to the waiver request with recommended condition by Staff:			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE (moved)	Lee	ABSTAINED
Catlett	AYE	Malone	AYE (seconded)
Dunning	AYE	Reed	AYE
Glover	ABSENT	Staelin	AYE
Hunt	AYE		

Commissioner Lee returned to the dais.

Commissioner Staelin asked if there is anything in our regulations that says people have to maintain a road like that for emergency vehicles. Mr. Camp stated that putting it in the joint maintenance agreement at least gives the County leverage that if there is an issue with access, staff could address it with the property owner. Commissioner Staelin asked if that was in all joint agreements. Mr. Camp stated no that it is not standard language and the agreements are just drafted around who is maintaining the roads. Mr. Stidham stated that it would be a good idea to go back into those standards and put something in about maintenance.

4. MS-24-04, Russell & Jacqueline McGrath.

Mr. Camp presented the staff report for MS-24-04, Russell & Jacqueline McGrath. Mr. Camp added that staff is recommending approval of the minor subdivision. Chair Ohrstrom asked if there were any questions or comments from the Commission and asked for a motion. Vice-Chair Buckley motioned to approve MS-24-04 for the creation of one new three acre lot on Tax Map 8-A-13.

Motion to approve MS-24-04 as recommended by Staff:			
Ohrstrom (Chair)	AYE	King	AYE (seconded)
Buckley (Vice-Chair)	AYE (moved)	Lee	AYE
Catlett	AYE	Malone	AYE
Dunning	AYE	Reed	AYE
Glover	ABSENT	Staelin	AYE
Hunt	AYE		

5. MS-24-05/MLSE-24-02, Alison Teetor.

Mr. Camp presented the staff report for MS-24-05/MLSE-24-02, Alison Teetor. He added that staff is recommending approval of the two-lot minor subdivision and maximum lot size exception. Chair Ohrstrom asked if there were any questions or comments from the Commission and asked for a motion. Commissioner King motioned to approve the MS-24-05 and MLSE-24-02.

Motion to approve MS-24-05/MLSE-24-02 as recommended by Staff:			
Ohrstrom (Chair)	AYE	King	AYE (moved)
Buckley (Vice-Chair)	AYE	Lee	AYE
Catlett	AYE	Malone	AYE (seconded)
Dunning	AYE	Reed	AYE
Glover	ABSENT	Staelin	AYE
Hunt	AYE		

6. Board and Committee Reports

Board of Supervisors (Catlett)

Commissioner Catlett stated that the Board of Supervisors changed their meeting date to September 25 and at that meeting they will have the public hearings including Long Branch. She added that they are continuing working on projects.

Board of Septic & Well Appeals (Ohrstrom)

Chair Ohrstrom stated that they do not have any applications at this time but are expecting a blasting plan application to come in soon so they will be having an upcoming meeting to discuss that.

Board of Zoning Appeals (Staelin)

Commissioner Staelin stated that there are no updates for the Board of Zoning Appeals.

Historic Preservation Commission (Glover)

In Commissioner Glover's absence, Mr. Camp stated that the HPC grant was approved and they are moving forward with the procurement process. He stated that the grant was to update their historic district guidelines so they are more user friendly and objective. He added that they held a special meeting last month because they received an application in the White Post historic district from an applicant who was on a time crunch to get some work done. He added that they were able to get enough people there for a quorum and accommodate an expedited review to help that move along, and that was approved.

Conservation Easement Authority (Ohrstrom)

Chair Ohrstrom stated he was not at the last CEA meeting and asked Vice-Chair Buckley if they had anything to report. Vice-Chair Buckley stated there was nothing new to report at this time.

The Commission recessed the meeting at 9:23AM and reconvened at 9:27AM. Commissioner Hunt left the meeting.

7. Other Business

A. Continued Discussion, Rural Lands Plan Update

Mr. Stidham picked up the discussion from the work session with commercial scale agribusinesses. He stated that these provide support to traditional farms that typically have greater impact on surrounding properties and the environment, such as noise, odor, traffic or runoff, and these impacts warrant regulations, in some cases, as a special use subject to site development plan. He stated that this is the first level of agriculture where we say that it may be more appropriate to treat these uses as special uses. He reviewed examples including, farm supplies sales and farm machinery sales and service. He added that they can come in two different scales, either by right or by special use permit based on the size of the business.

Mr. Stidham stated that livestock auction markets are currently allowed in the AOC district subject to special use permit and site development plan. He noted large scale farm markets in which retail sales are the primary use and agriculture is an accessory use or not conducted at all on the lot. He stated that large scale farm markets may also sell other types of products in addition to value added products produced by traditional farms. He stated that this is a different way of explaining what a retail business could be in an agricultural context in the AOC and FOC districts, and this is something that somebody could apply to do today with a special use permit in the site development plan. He added that just to reiterate, the agricultural level of onsite sales limits them to selling only their products and products that are produced using their products and products from off site. He stated that the committee is also talking about incorporating allowing other farm products, or value added products from county farms and farms in adjacent counties. He said this would allow them to sell more other types of products, and also have the sale of such items being the dominant use of the property as opposed to an accessory use. Chair Ohrstrom asked if they could limit the size of those through the special use permit process. Mr. Stidham stated that they could definitely put a cap in the use regulations and say that they do not want them over a certain size.

Mr. Stidham stated that the next one is a modification that could be done to one of our existing uses. He added that the committee discussed small scale processing and shipment of agricultural products and this would be an expansion of the use that is currently in the zoning ordinance which is small scale processing of fruits and vegetables. He said this use requires a special use permit and a site development plan and was added to the ordinance a number of years ago for the tomato processing plan that was operating previously on Wright's Mill Road. He stated that this would propose expanding that beyond fruits and vegetables to include all types of agricultural products, but would still be subject to a special use permit and site plan. Chair Ohrstrom stated they need to add language in there that have to be applicable state and federal laws. Mr. Stidham stated that they can definitely include that.

Mr. Stidham stated that the next use would be large animal veterinary and specialty hospitals. He stated that this would be another type of use that can currently be approved under the veterinary clinic use with a special use site development plan, but explaining it using this terminology can help people better understand that. He stated that the last use is something that we took out the ordinance a number of years ago but the committee wants to consider putting back in and this is abattoirs or slaughterhouses. He noted language stating that abattoirs that are subject to

compliance with applicable state and federal regulations. He added that it is not currently allowed in the zoning ordinance, but there has been some interest in possibly adding this back into the ordinance as a special use permit with a site plan approval. He stated that he thinks it was taken out a number of years ago because of concerns about its obvious impacts, but state and federal regulations of this type of use may help to ensure that it is cleaner and less impactful operation than we may have thought of these things few decades ago. Commissioner Catlett asked if there is a way to make it so it is not a big operation. Mr. Stidham stated they would have to come up with a baseline of what a small one would be. He stated that it really depends on where you want to allow them, and you may want to allow an abattoir with a very limited size in most areas of the AOC and FOC districts. He noted that there may be a demand for regional ones, since there seems to be an absence of regional ones in the area now that might be appropriate in a location that has direct access to a primary highway. He added that you can maybe have a small scale abattoir and large scale abattoirs two separate uses with two separate sets of regulations.

Chair Ohrstrom asked how you would define that. Mr. Stidham stated that they would have to do research to figure out what is the baseline for a regional one. Chair Ohrstrom stated his cousin runs one and will gather information from him. Mr. Stidham stated that there may be some federal regulations that they have to provide certain things at a bare minimum in order to comply with federal regulations such as, they are going to be X number of square feet and have certain facilities that we would have to account for. Chair Ohrstrom asked if they have to be on water and sewer. Mr. Stidham stated they do not want them to have drain fields and they are unsure how much processing they do onsite. Mr. Stidham stated that the next step once this is adopted would be for us to put together regulations.

Mr. Stidham stated that the final category is industrial scale agriculture, and we say that we do not consider this to be by-right, agriculture and therefore permissible in the County's unincorporated areas. He added that the definition of industrial scale agriculture is controlled environment agriculture within a fully enclosed climate control building which relies on year round water usage as opposed to seasonal irrigation. He stated that examples include vertical farming, hydroponics, and aeroponics. He added that they are making an attempt to exclude greenhouses like the hoop ones or the ones that you might see with a traditional farm. He said what they are talking about is a fully enclosed building that would be located on an AOC or FOC area, and where everything is grown indoors within this climate control building year round. He noted that this is conversion of farmland to non-farm use by virtue of having an enclosed building. Chair Ohrstrom stated that a greenhouse if in operation all year technically is the same thing. Mr. Stidham stated that this is why they are including the language regarding fully enclosed climate control, because we don't want to rope in the hoop greenhouses. He added that they could specifically exclude greenhouses to make it clear.

Vice-Chair Buckley asked what if a traditional farming operation put up some kind of a controlled environment building like a dairy enclosed their free stall barn. Mr. Stidham stated that it would have to be an accessory structure to the farm, versus an industrial agricultural building being the primary structure on the property or the primary use. He added that just like they want to exclude hoop greenhouses, they would also want to exclude any traditional farm that may use those types of buildings as accessory buildings. Mr. Stidham stated that there was a

discussion of what if in the future they have a livestock farmer that raises their livestock within a fully enclosed building. Vice-Chair Buckley stated that in his mind that would still be traditional agriculture. Mr. Stidham stated it was just something to think about and they could exclude livestock.

Mr. Stidham stated that construction of industrial scale agricultural buildings is considered a conversion of farmland to a non-farm use and therefore the AOC and FOC districts are not appropriate locations for industrial scale agriculture. He noted that the growing of crops regulated as a controlled substance for sale and or distribution, such as cannabis, is considered to be industrial scale agriculture and not traditional farming. He added that unless local authorities are preempted under the Code of Virginia in the future, the growing crops regulated as a controlled substance shall not be allowed in the AOC and FOC districts as agriculture. He added that they recently had to make that interpretation because an interested party wanted to do one of these facilities in Clarke County. He said since cannabis is not listed as an agricultural product and it is a controlled substance, we thought that would be the best way to treat it under current law. He reiterated that the state could change their definition, call it part of agriculture, so we have that language built in state law changes in the future.

Mr. Stidham stated they have their five levels of agriculture that they went through and this will be in the narrative chapter of the Rural Lands Plan. He stated that since it is in the narrative chapter, they can flesh this out in as great detail as they want to explain what their vision is. He then reviewed the next section containing the goals and strategies. He stated that they have Goal #2 that is going to be in Chapter Three to ensure that agribusiness, agritourism, and activities of industrial scale are regulated to mitigate impacts to surrounding rural lands. He said Strategy 1 encourages agribusinesses that provide products and services to support the agriculture community and that are compatible with surrounding rural lands and to explore the feasibility of establishing or attracting agricultural support facilities for production and sales of agricultural products. He added that the key language in this section is we want to make sure that it is compatible with surrounding rural lands. He added that Strategy #2 is to support nontraditional agricultural enterprises to support traditional farming operations including, but not limited to pick your own operations, farm to table events and agritourism activities. He noted that these enterprises should be compatible with surrounding rural lands. He noted Strategy #3 to ensure that nontraditional agricultural activities do not significantly expand beyond the scope of traditional agriculture and the intent of the Right to Farm Act and maintain dividing lines by designating special uses or prohibited uses that exceed the scope of agriculture. He continued with Strategy #4 maintain and strengthen regulations and processes to ensure that agritourism businesses, which primarily serve the public and grow crops or raise livestock as secondary uses do not adversely impact the health, safety or general welfare of the public. He reviews that Strategy #5 to solicit input from the agricultural community on zoning ordinance text amendments that proposed commercial or public assembly activities in conjunction with agricultural operations. He reviewed that Strategy #6 to allow intensive livestock facilities as required by state law, ensuring that site development regulations mitigate potential adverse environmental impacts on surrounding properties and waterways. He concluded with Strategy #7, industrial scale agriculture, controlled environment agriculture within a fully enclosed climate control building which relies on year round water usage as opposed to seasonal irrigation is not considered to be by right agriculture and shall not be allowed in the AOC and FOC

districts. Chair Ohrstrom stated that he thinks the Committee did a good job coming up with these and it is a good start.

Mr. Stidham stated the next topic is managing impacts and land conversion threats in the rural areas. He stated that there is going to be a corresponding narrative section in Chapter #2 focusing on a lot of the big picture issues that we are concerned with regarding farmland consumption. He stated that Goal #1 is to protect and preserve farmland and open space. He reviewed Strategy #3 to oppose any efforts or actions to convert important farmland and open space to non-farm uses which primarily benefit areas outside of Clarke County, including a construction of new or expansion of existing utility transmission line corridors and related infrastructure. Chair Ohrstrom asked why they started with Strategy #3 and not #1. Mr. Stidham stated that they are only bringing up ones that are applicable to the discussion today. Mr. Stidham continued to Strategy #4 to continue to allow the use of behind the meter solar by property owners, primarily for onsite electricity needs and with incidental sale to the grid and to limit utility scale solar operations to areas adjacent to the county the county's existing electrical substations, as delineated in the Zoning Ordinance.

Under the Mountain Areas Section, Mr. Stidham stated that Goal #1 says to limit the impacts of development activity in the mountain areas. He reviewed Strategy #2 to limit approval of traffic generating commercial uses and special events on private roads on the mountain in particular those private roads which do not conform to the private access easement design requirements in the subdivision ordinance. He stated that Goal #3 is to prevent adverse impacts from the public's access to the mountain areas and recreational resources including the Shenandoah River. He added that these areas should be enjoyed in the most natural state by limiting creation of new or expansion of existing public recreational opportunities in the mountain areas to low impact passive recreation such as unimproved walking trails and passive use spaces. He also noted to discourage recreational uses that require significant improvements to roads and parking or would require excessive tree clearing and land disturbance.

Mr. Stidham reviewed the Millwood Goals and Strategies, noting the first goal is to preserve the form and scale of buildings and encourage compatible uses. He added that Strategy #1 is to consider developing zoning regulations specifically for Millwood to ensure compatible current and future uses and structures. He added that right now, we have a one size fits all rural residential district and neighborhood commercial district. He said that rather than creating uses or use regulations that are specific to Millwood, perhaps we start to break those things out and focus more on the development of each district or each village and how they differ, and maybe different regulations. He continued to Strategy #2 to prohibit the rezoning of lots of AOC located within the plan area to RR or CN and to ensure that special uses approved on these AOCs and properties, particularly those lots located in whole or in part within the village core, mitigate adverse impacts to existing uses on adjoining and nearby properties within or adjacent to the plan areas. He continued to Strategy #3 to prohibit unnecessary light pollution and protect the peace and quiet by discouraging noise generating activities and uses. He said this again goes towards some of the impacts that we saw with Carter Hall. He reviewed Strategy #4 to protect and preserve historic structures within the plan area, including former Burwell-Morgan Mill and encourage renovation of structures located outside the Historic overlay district in a manner that is consistent with the true form and character of the district. Chair Ohrstrom asked what

mothballing actually means. Mr. Stidham stated that instead of renovating a structure, you take measures to help slow or prevent further degradation until you get to the point where you can renovate right. He also noted to encourage mothballing of structures to prevent. Chair Ohrstrom asked if it would enable them to force someone to fix a fallen structure. Mr. Stidham stated no. Mr. Stidham reviewed Strategy Five to encourage establishment of conservation easements on adjacent and providences and properties. He reviewed Goal #3 to ensure the safe movement of vehicles and pedestrians to the village. He reviewed Strategy #2 to evaluate pedestrian accommodations which do not adversely impact structures and properties in the village. Chair Ohrstrom asked what a pedestrian accommodation was. Mr. Stidham stated that it could be a sidewalk or a trail. Mr. Stidham continued to Strategy #3 to explore proposed off street parking options to limit congestion in the village's commercial historic business district.

Mr. Stidham continued to White Post and stated that Goal #1 is to preserve the form and scale of buildings and encourage compatible uses. He reviewed Strategy #1 to consider developing zoning regulations specifically for White Post to ensure compatible current and future uses and structures. He said Strategy #2 is the same language but would prohibit the rezoning of lots located within adjacent and the plan area. He reviewed Strategy #3 to discourage expansion of public water public water systems specifically to increase capacity for future development of the village and any future extension of public sewer service to the village should be limited only to address widespread failures alongside sewage disposal systems. He reviewed that Goal #2 to protect White Post's character and its resources. He also reviewed the associated structures for this Goal.

Commissioner Staelin asked about the sewer issue for White Post and asked if that was something destined for a problem now or if we are 50 years away from that. Commissioner Lee stated a lot of it depends on the maintenance of the systems, the age of the systems, and the maintenance of the systems. He added that unfortunately, in White Post, we have a lot of small lots that have no area for reserve areas to be found. He added that the county does allow a system off site on a nearby property, generally contingent with the existing system. He said that has to be approved by the landowner of the system property, so there is limited capacity for any type of repair to be done there. Commissioner Staelin asked do they want to have a goal or strategy for better enforcement issues for maintaining existing subject systems. Chair Ohrstrom stated that if you focused on White Post they would get the impression that we are trying to put public sewer in there. Mr. Stidham stated that the online RME program that Alison is working on is going to make septic records available online, and also gives us the ability to figure out where the alternative septic systems are and which ones are being maintained. He added that they should be able to look up on there and see maintenance records. He stated that we can take advantage of that resource to get the knowledge out there, to have people be more aware that this is something potential in the future.

Mr. Stidham stated that the next steps are presenting this information to the Board of Supervisors so they can be aware of the issues that we want to take to the public. Mr. Stidham asked if the Commission would like to take another look at this at the next work session in October prior to sharing this with the board. Commissioner Lee stated that he would like to see the Board have initial review of it, so if they have any major problems with any of it, we can address those in advance.

8. Projected Upcoming Agenda Items, June - September

Mr. Stidham stated that they are canceling the Comprehensive Plan Committee Meeting for September 10 and the only other committee meeting this month is the Ordinances Committee Meeting on September 19. He added that they do not have anything identified for the October 1 Work Session or Business Meeting. He added that they are waiting for Berryville Berries and Watermelon Park to figure out what they are doing. He stated that they will be scheduling a public hearing for the site plan for the town of Berryville water treatment plan upgrade. He added that they are expecting two minor subdivision applications as well. He stated that they will be scheduling Comprehensive Plan Committee meeting at some point, as well as the next Double Tollgate discussion. He added that in November they have the annual Capital Improvement Plan Review coming as well. He added that Chris Boies will present the CIP at the Work Session on October 29 and if everyone is comfortable with it they will have an action item on the November 1 Business Meeting agenda. He stated moving onto the December Work Session will be preparing for the January 2025 organization of meeting. Mr. Stidham asked if anyone had any questions.

After no comments or questions, Chair Ohrstrom asked for a motion to adjourn the meeting.

ADJOURN

The Commission voted 9-0-2 to adjourn the meeting at 10:37AM.

Motion to adjourn:			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE	Lee	AYE (moved)
Catlett	AYE	Malone	AYE (seconded)
Dunning	AYE	Reed	AYE
Glover	ABSENT	Staelin	AYE
Hunt	ABSENT		

George L. Ohrstrom, II (Chair)

Danielle L. Ritter (Clerk)

MINOR SUBDIVISION (MS-24-06)

October 4, 2024 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 application. It may also be useful information for the public.

CASE SUMMARY:

Applicant/Owner:

Buckmarsh, L.L.C.

Location:

- Tax Map Parcel #15-A-11A
- The subject property is located along Parshall Road (Route 608), approximately 1 mile south of Harry Byrd Highway (US Route 7).
- Buckmarsh Election District (Commissioners King & Reed)
- AOC (Agricultural-Open Space-Conservation) Zoning District

Request:

The application proposes to create 1 new 3-acre lot from an existing parcel in the AOC District that is approximately 100 acres in land area. This will result in a 3.00-acre lot and a 97.4992-acre lot.

Original Lots:

100.4992 acres (15-A-11A) – 1 dwl., 3 DURs

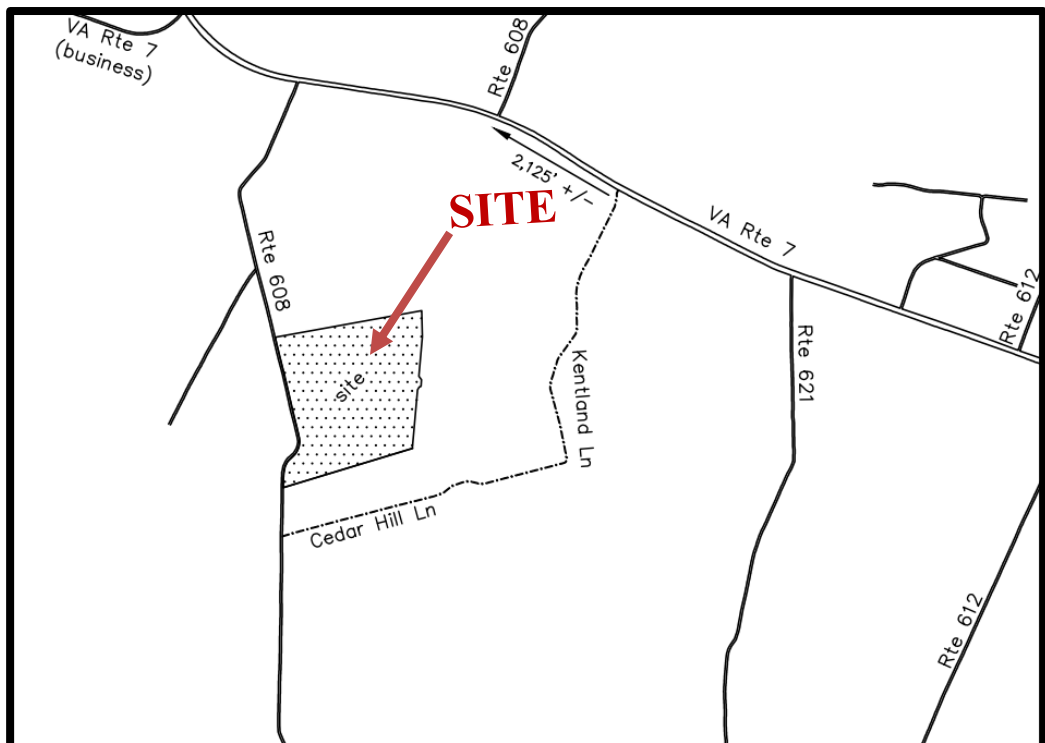
Proposed Lots:

3.00 acres (Lot 1/New) – 0 dwl., 1 DUR
97.4992 acres (Residue) – 1 dwl., 2 DUR

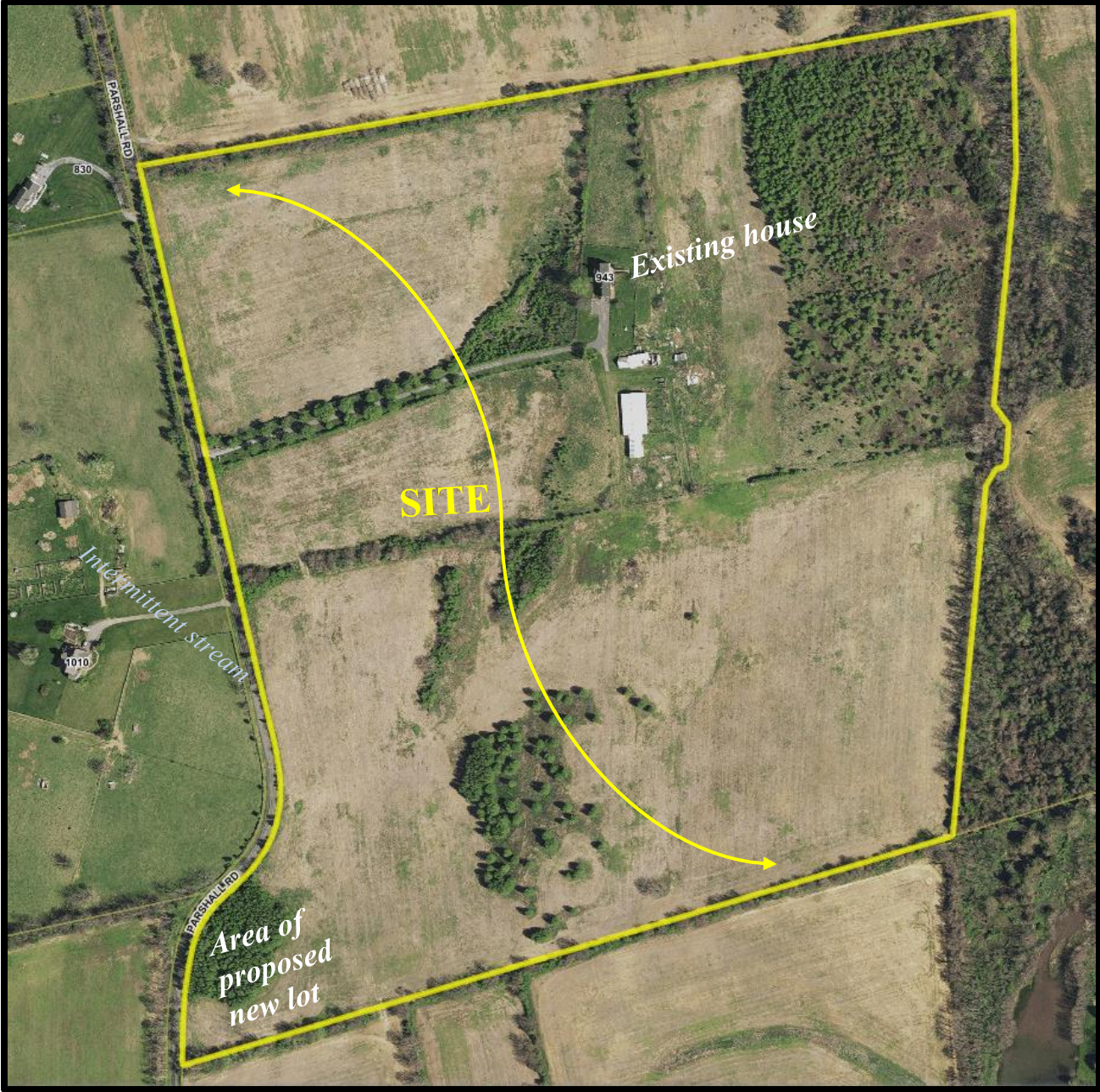
100.4992 acres

100.4992 acres

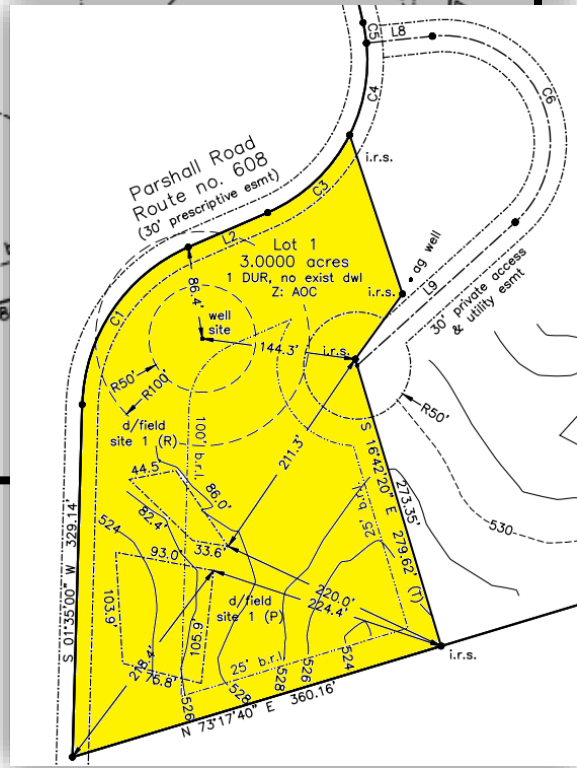
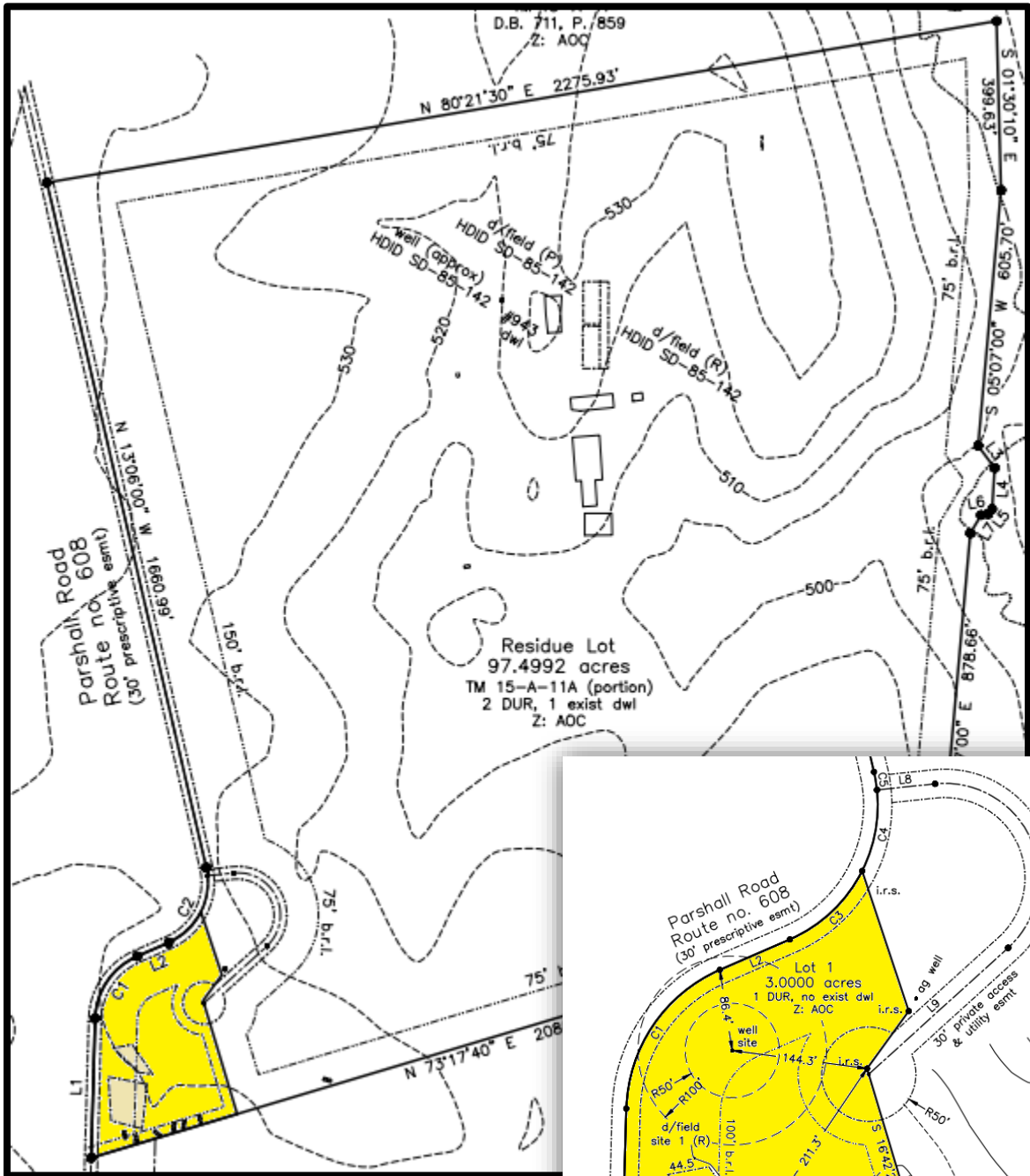
Vicinity Map:



AERIAL ILLUSTRATION



PLAT ILLUSTRATIONS



Staff Discussion/Analysis:

Access:

Access to the new lot (Lot 1) is proposed via a new 30-foot private access easement located on the residue lot just north of the proposed new lot. It is designed in a way that may accommodate a future division. Construction plans would be required in the future if additional lots are proposed and the private access easement would be used by more than 2 lots.

VDOT provided review comments on September 25, 2024, noting that they have no objections to the proposed minor subdivision.

Water and Sewage Disposal:

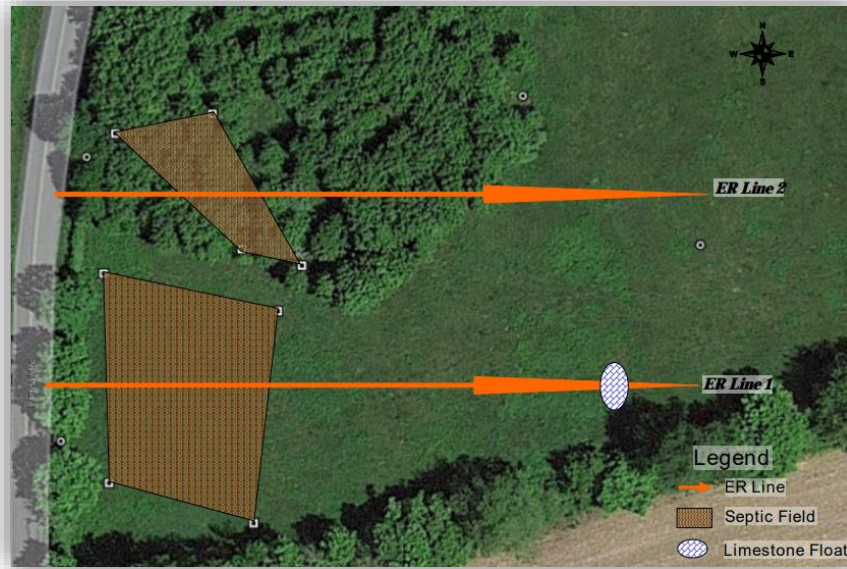
VDH reviewed this minor subdivision application on August 13, 2024, and made the following comments:

1. *“The project OSE located a new drainfield site with a 100% reserve area on proposed Lot 1 (3.0000 acres) to serve a future 4 bedroom dwelling. The proposed design is a conventional septic system with a 100% alternative TL-3 drip reserve area. The site and soils were field reviewed by this office on June 25, 2024 and appeared to be suitable for the proposed design. The applicant has not yet conducted resistivity testing over the proposed drainfield area or applied for a certification letter for proposed Lot 1 (3.0000 acres) as required.*
2. *There is an existing five (5) bedroom dwelling (#943) on the residue lot (97.4992) that is served by an existing conventional sewage disposal system that was installed on 7-29-86 and designed to serve a 4-bedroom dwelling, 600 gallons per day, and 8 maximum full time occupants with a 50% reserve area. The project OSE has submitted a redesign of the existing reserve area with calculations proving that it is a suitable size for a 100% alternative drip reserve area (to serve a 4 bedroom dwelling, 600 gallons per day, 8 maximum occupants). Proof that the existing septic tank has been pumped within the last 5 years is required for subdivision approval.”*

Since the above comments were made, the applicant addressed VDH’s comments regarding the number of bedrooms, resistivity approval, and pump out of the septic tank. The applicant provided a signed letter on August 14, 2024 clarifying that the existing house is only 4 bedrooms. The confusion was apparently based around a bonus room in the house that is not a bedroom. The Clarke County real estate assessor subsequently corrected their records to show that the existing house has only 4 bedrooms. Resistivity was conducted and approved as summarized on the following page. The applicant provided documentation that the existing septic tank was pumped on September 16, 2024.

Karst Plan / Resistivity Test:

Resistivity was conducted by Forrest Environmental Services, Inc. in July 2024. No karst features were found within 50 feet of the proposed septic fields (requirement). One (1) minor Karst feature was located, but it was located 150 feet away from the proposed septic fields. The County’s Karst Consultant, Hillis-Carnes Engineering Associates, Inc., reviewed the report and found that it met the minimum parameters as defined within the County Ordinance. Approval was issued on August 19, 2024 by Clarke County.



Staff Review Comments:

The subject 100.4992 acres was issued 4 DURs in 1980 when the County created the sliding-scale zoning system. 1 DUR was used to build the existing dwelling in 1985-1986. 1 DUR will be transferred to Lot 1 as part of this minor subdivision. After the proposed subdivision the residue lot would retain 2 DURs.

The proposed 3-acre lot meets the AOC District minimum and maximum average lot size requirements.

Larger setbacks are applied to both the residue lot and the proposed Lot 1 due to Parshall Road being classified as a scenic byway.

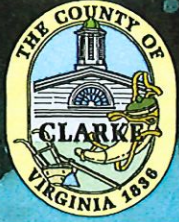
The proposed subdivision appears to meet the minor subdivision requirements of Section 3.2.1 of the Clarke County Subdivision Ordinance and complies with the AOC District regulations found under Section 4.1.1 of the Clarke County Zoning Ordinance. It is not located within the Agricultural and Forestal District, Floodplain District, Historic Overlay District, Stream Protection Overlay District, Spring Conservation Overlay District, or in a Conservation Easement.

Recommendation:

Staff recommends approval of the proposed minor subdivision application (MS-24-06) for the creation of one new 3-acre lot off of tax map #15-A-11A.

History:

August 1, 2024	Application submitted and fees paid (minor subdivision and MLSE).
August 2, 2024	Resistivity application submitted.
August 13, 2024	VDH comments received.
August 14, 2024	Hillis-Carnes report of resistivity test received.
	Letter from applicant clarifying error in number of bedrooms of existing dwelling.
August 19, 2024	Resistivity approved.
September 17, 2024	Septic pump-out documentation received from applicant.
September 25, 2024	VDOT comments received.
October 4, 2024	Scheduled date for Planning Commission Business Meeting.



LAND DEVELOPMENT APPLICATION

General Information

Date:	1 AUG 2024	Tax Map #:	15-A-11A
Zoning District:	AOC	Lot Size:	100.4922 Acs
Site Address:	943 PARSHALL RD, BERRYVILLE VA 22611		
Property Owner's Name:	BUCKMARSH LLC		
Property Owner's Mailing Address:	PO BOX 879, BERRYVILLE, VA 22611		
Applicant's Name: (if different than owner)	LEO JOHN WALKER		
Applicant's Mailing Address: (if different than owner)	SAME		
Phone:	240 372-3310	Email:	Jawalker07@comcast.net

Application Type

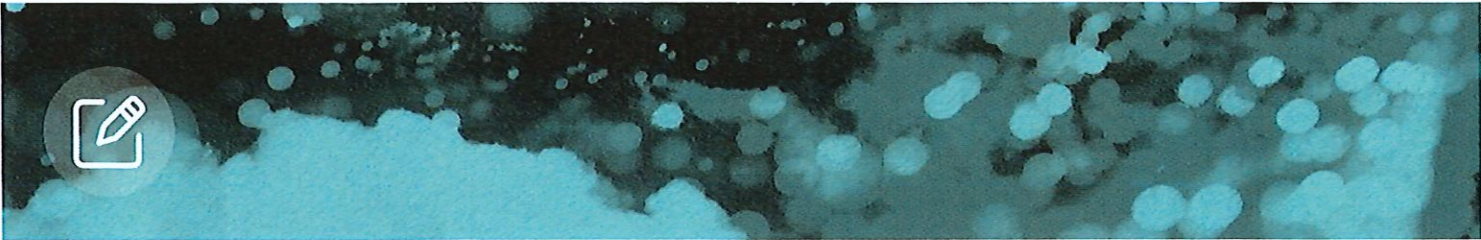
Site Plan	<input type="radio"/>	Major Subdivision	<input type="radio"/>
Administrative Site Plan	<input type="radio"/>	Minor Subdivision	<input checked="" type="radio"/>
Rezoning	<input type="radio"/>	Boundary Line Adjustment	<input type="radio"/>
Special Use Permit	<input type="radio"/>	Lot Consolidation / 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: BUCKMARSH FARM MINOR SUB

Existing Use(s): AGR

Proposed Use(s): AGR / RES



Additional Details

Description of the proposed development or subdivision:

Minor Subdivision creating 1 lot.

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"/>

Signature of Property Owner

[Handwritten Signature] *managing member*

Date

1 AUG 2024

Office Use Only

ACTION TAKEN: _____

FEE: _____

COMMENTS: _____

Zoning Administrator

Date

2462

GIS Acct #

Clarke County Government
TREASURERS OFFICE
101 Chalmers Ct
Berryville, VA 22611
(540) 955-5160
Welcome

08/01/2024 03:53PM Register
006859-0003 000183018

PERMITS / INSPECTIONS

Minor Subdivision - FEE

2024 Item: MS-24-06|MS

Balance due: \$0.00

Balance unpaid: \$0.00 \$4,000.00

\$4,000.00

Subtotal

\$4,000.00

Total

\$4,000.00

CHECK

\$4,000.00

Check Number 2928

Change due

\$0.00

Paid by: buckmarh llc

Thank you for your payment

CUSTOMER COPY



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



August 13, 2024

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

RE: MINOR SUBDIVISION PRELIMINARY REVIEW COMMENTS

Health Department I.D. #: 043-24-132
Subdivision Name: Buckmarsh Farm
Tax Map #: 15-A-11A
Proposed Lots: 2 New Lots

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 project OSE located a new drainfield site with a 100% reserve area on proposed Lot 1 (3.0000 acres) to serve a future 4 bedroom dwelling. The proposed design is a conventional septic system with a 100% alternative TL-3 drip reserve area. The site and soils were field reviewed by this office on June 25, 2024 and appeared to be suitable for the proposed design. The applicant has not yet conducted resistivity testing over the proposed drainfield area or applied for a certification letter for proposed Lot 1 (3.0000 acres) as required.
2. There is an existing five (5) bedroom dwelling (#943) on the residue lot (97.4992 acres) that is served by an existing conventional sewage disposal system that was installed on 7-29-86 and designed to serve a 4 bedroom dwelling, 600 gallons per day, and 8 maximum full time occupants with a 50% reserve area. The project OSE has submitted a redesign of the existing reserve area with calculations proving that it is a suitable size for a 100% alternative drip reserve area (to serve a 4 bedroom dwelling, 600 gallons per day, 8 maximum occupants). Proof that the existing septic tank has been pumped within the last 5 years is required for subdivision approval.

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

August 14, 2024

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

10228 Governor Lane Blvd.
Suite 3007
Williamsport, MD 21795
Phone (301) 582-4662
Fax (301) 582-4614
www.hcea.com

Re: Geophysical Report Review
943 Parshall Road – Buckmarsh, LLC
Tax Map No.: 15-A-11A
Berryville, Virginia
HCEA Project Number: H23085

Mr. Stidham:

Hillis-Carnes Engineering Associates, Inc. (HCEA) is pleased to submit this technical review services for the above-referenced project. This review has been performed utilizing Clarke County's Septic Ordinance dated December 21, 2021, to assess if the provided report meets the general intent of the requirements. The document provided by your office for our review was prepared by Forrest Environmental Services, Inc. (FES) dated July 2024, FES Project Number: 24188.

The project site is located along the eastern portion of Parshall Road; north of the intersection with Cedar Hall Lane in Berryville, Virginia. (Figure 1).

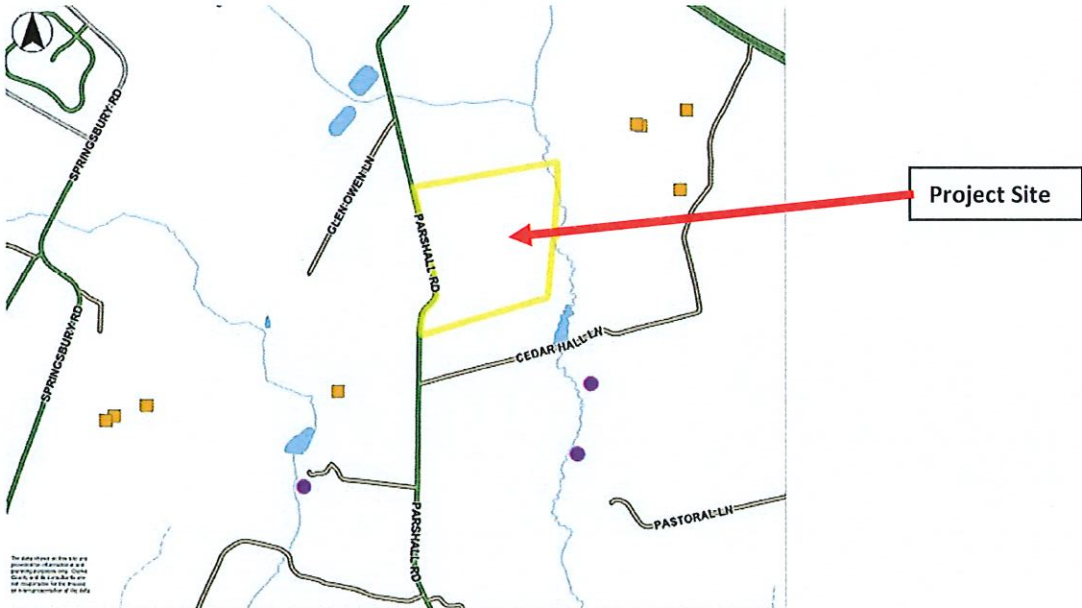


Figure 1

Source: Clarke County Maps Online

Within the provided report, two (2) west to east electrical resistivity (ER) lines were performed across the proposed septic fields (Figure 2). Depths to bedrock appear to be 10 to 40 feet under the approved drainage field areas. The geophysical report indicated one (1) minor Karst feature consisting of a limestone float noted on ER Line 1, approximately 150 to the east of the proposed septic field.



Figure 2 (Excerpt from FES Report – Fig. 3)

According to the report, no Karst features were located within 50 feet of the proposed septic fields as required by the County Ordinance. In addition, the report indicates the proposed septic field has a low risk of collapse or groundwater contamination.

The report was evaluated for the following parameters as required by the ordinance:

Dipole-Dipole Electrical Survey Minimum Parameters	Review Compliance Findings
Two lines performed	Yes
Lines orientated perpendicular to regional geologic strike	Yes
20-feet of survey results at the end of lines	Yes
200 soundings per line	Yes
40-feet depth in the area to be evaluated	Yes
Report Minimum Parameters	
Directional orientation, site map, color profiles, identifying hazards, consistent color scale, treatment area identified	Yes
Amount of overburden	Yes
Elevations	Yes
Geologic structure	Yes
Low, moderate, high-risk evaluation	Yes
Other	

Based on our review of the report, it does meet the minimum parameters as defined within the County Ordinance for septic fields.

Our review has been prepared for the exclusive use of the project site. Our services were performed in accordance with contemporary geophysical engineering practices. No warranty, either expressed or implied, is made. Our review is based on design information furnished to us.

It is important to note that our review was done in an effort to assist planning and design personnel in the preparation of generalized drawings and specifications for the project. As a result of this, potential contractors should be encouraged to conduct their own individually tailored studies to assess surface conditions, soil types and conditions, rock levels and conditions, excavation slope gradients, and groundwater/perched water levels and conditions.

We appreciate the opportunity to provide our professional review of this project. Should you have any questions regarding our findings, please do not hesitate to contact our office.

Sincerely,
HILLIS-CARNES ENGINEERING ASSOCIATES, INC.



Cindy S. Shepeck
Senior Geologist
cshepeck@hcea.com



Rajesh Goel, P.E.
Regional Manager
rgoel@hcea.com

BUCKMARSH LLC
P.O. BOX 837
BERRYVILLE, VIRGINIA 22611

August 14, 2024

Mr. Jeremy Camp

Clarke County Planning and Zoning

101 Chalmers Court

Berryville, VA 22611

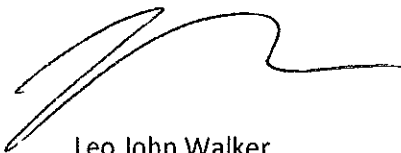
Dear Mr. Camp,

I appreciate your call today advising us that we were misrepresenting our house located at 943 Parshall Road, referring to it as a 5 bedroom house. We were given this property in 1999 from our Mother and Uncle. We were not aware of the perc status and that it was a 4 bedroom with a bonus room, not a 5 bedroom home. Going forward we will only refer to it as a 4 bedroom home.

Currently we have 2 people occupying the house. In their Lease they are only allowed 2 occupants (see Lease attached). We will notify them that this is a 4 bedroom house, not a 5 bedroom house.

Please accept our apologies for mis advertising the property in the past. It won't happen again.

Truly yours,

A handwritten signature in black ink, appearing to read "Leo John Walker". The signature is fluid and cursive, with a long horizontal stroke at the end.

Leo John Walker

Managing Member



Clarke County Department of Planning
Berryville-Clarke County Government Center
101 Chalmers Court, Suite B
Berryville, VA 22611

August 19, 2024

Buckmarsh LLC
c/o Leo John Walker
P.O. Box 837
Berryville, VA 22611

RE: Resistivity Test
Tax Map# 15-A-11A; 943 Parshall Rd

A resistivity test was conducted on the property described above, and a report generated by Forrest Environmental Services, Inc. in July 2024 defined as Project Number 24188. The test results were sent to Hillis-Carnes Engineering Associates, Inc. for review.

Based on the engineer's report and the Hillis-Carnes Engineering Associate, Inc. review (Project H23085) dated August 14, 2024, this site passes the resistivity test, and if all other requirements are met, may be issued a permit by the Health Department.

If you have any questions or concerns regarding this information, please call the Planning Department at (540) 955-5132.

Sincerely,

A handwritten signature in blue ink that reads "Lorien Lemmon".

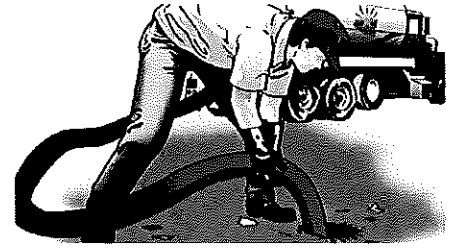
Lorien Lemmon
Clarke County Conservation Planner | GIS Coordinator

c. Clarke County Health Department

INVOICE

Martins Pumping Service LLC
11865 Hary Byrd Hwy
Berryville, VA 22611

martinspumping@yahoo.com
+1 (540) 667-4038



Bill to
Buckmarsh LLC
PO Box 837
Berryville, VA 22611

Ship to
Buckmarsh LLC
PO Box 837
Berryville, VA 22611

Invoice details

Invoice no.: 12931
Terms: Due on receipt
Invoice date: 09/17/2024
Due date: 09/17/2024

#	Date	Product or service	Description	Qty	Rate	Amount
1.	09/16/2024	Pumping - Clarke	@ 943 Parshall Rd	1	\$225.00	\$225.00
2.	09/16/2024	Fuel Surcharge - Clarke		1	\$5.00	\$5.00

Total **\$230.00**

Ways to pay



Note to customer

Sewage System Operator License # 1942001325

Make check payable to Martins Pumping Service

We appreciate your business. In the event of non payment of service provided customer will be responsible for any and all attorney and/or collection fees.

\$50.00 late fee will apply for every 30 days past due.

\$50.00 Fee will be assessed on all returned checks

[View and pay](#)

Zimbra

jcamp@clarkecounty.gov

Re: New Minor Subdivision Application - TM15-A-11A - Parshall Road (Rt. 608) - Buckmarsh Farm

From : Johnson, Joseph (VDOT) <JosephW.Johnson@vdot.virginia.gov> Wed, Sep 25, 2024 08:41 AM
Subject : Re: New Minor Subdivision Application - TM15-A-11A - Parshall Road (Rt. 608) - Buckmarsh Farm
To : Jeremy Camp <jcamp@clarkecounty.gov>, Neiswander, Carter (VDH) <carter.neiswander@vdh.virginia.gov>
Cc : Funkhouser, Rhonda (VDOT) <rhonda.funkhouser@vdot.virginia.gov>

Jeremy,

VDOT has no objections to the proposed minor subdivision (Buckmarsh Farm) located on Route 608 (Parshall Road).

Joseph W. Johnson, PE

Area Land Use Engineer / Edinburg Residency
 Virginia Department of Transportation
 14031 Old Valley Pike / Edinburg, VA 22824
 Phone #540.534.3223
josephw.johnson@vdot.virginia.gov

From: Jeremy Camp <jcamp@clarkecounty.gov>
Sent: Monday, August 5, 2024 2:10 PM
To: Johnson, Joseph (VDOT) <josephw.johnson@vdot.virginia.gov>; Neiswander, Carter (VDH) <carter.neiswander@vdh.virginia.gov>
Cc: Funkhouser, Rhonda (VDOT) <rhonda.funkhouser@vdot.virginia.gov>
Subject: New Minor Subdivision Application - TM15-A-11A - Parshall Road (Rt. 608) - Buckmarsh Farm

Hello,

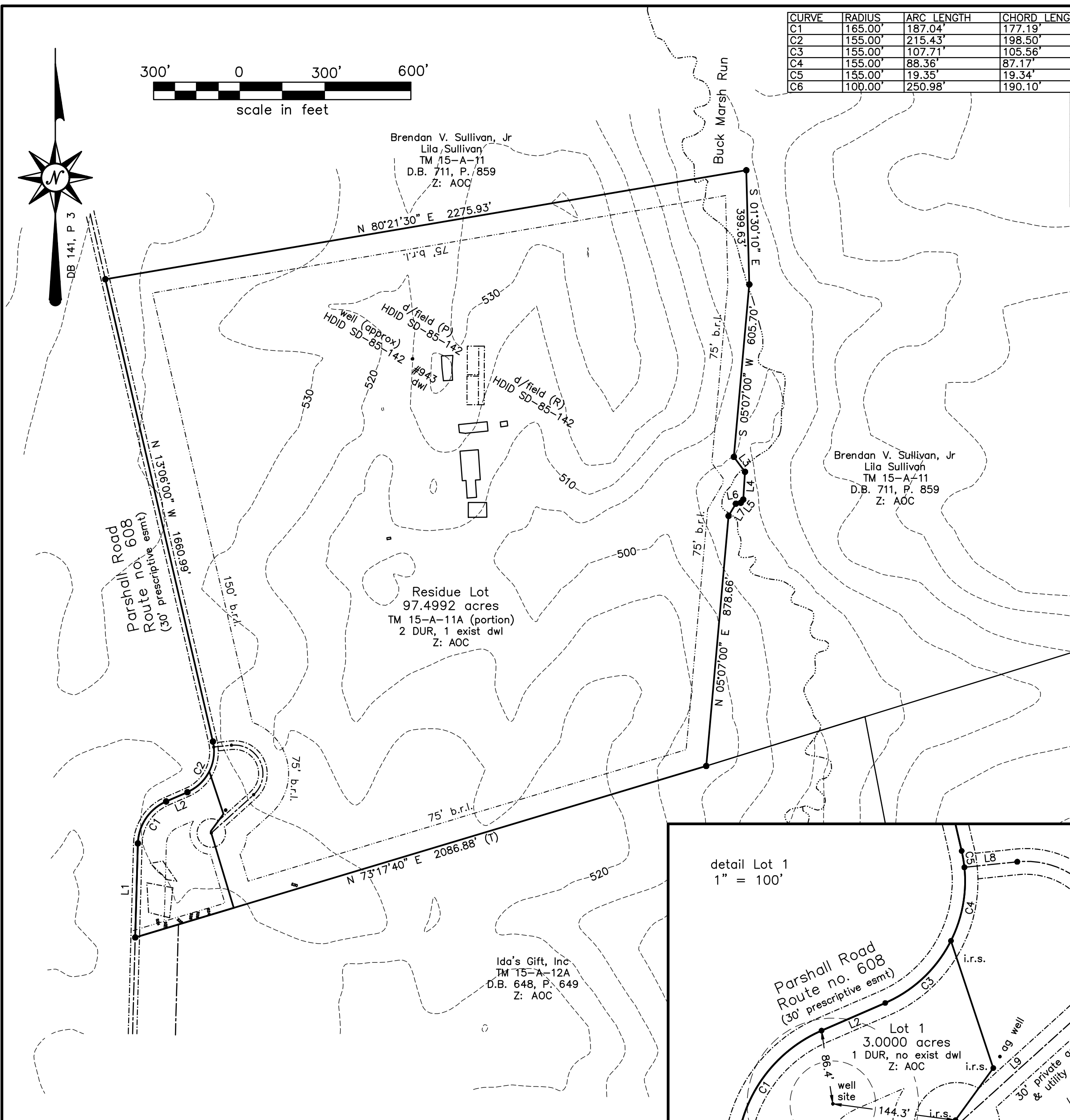
Attached is a new plat received with a minor subdivision application. The owner desires to subdivide his 100-acre lot, creating a new 3-acre lot and leaving a residue of 97 acres.

Resistivity was just submitted and is under review.

Please review and provide comments related to your agency's requirements for consideration by the Planning Commission.

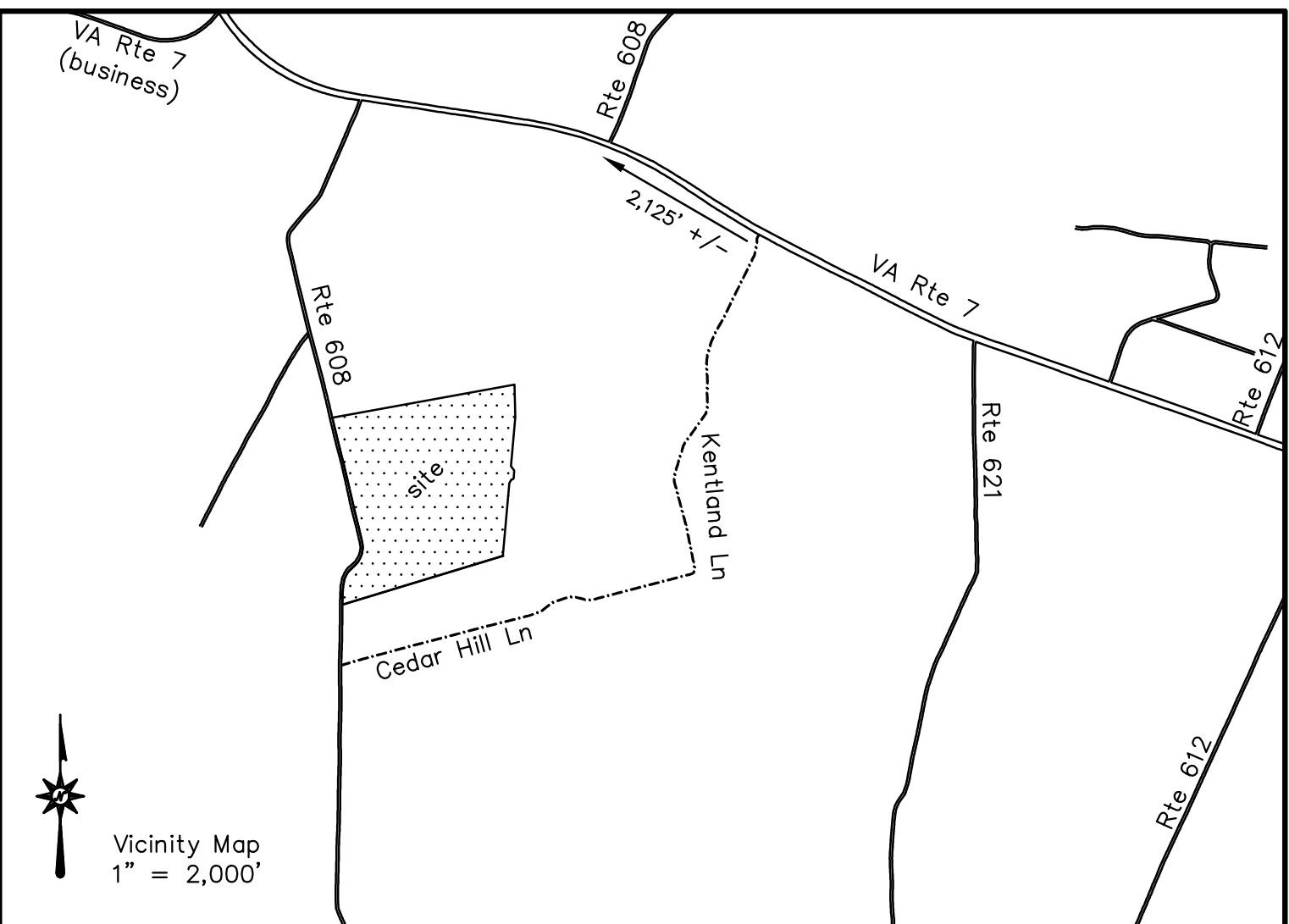
Thank you,
 Jeremy F. Camp, Senior Planner / Zoning Administrator
 Department of Planning
 Clarke County, VA

101 Chalmers Court, Suite B
 Berryville, VA 22611
 540-955-5131



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	165.00'	187.04'	177.19'	S 34°03'30" W	64°57'00"
C2	155.00'	215.43'	198.50'	S 26°43'30" W	79°38'00"
C3	155.00'	107.71'	105.56'	S 46°37'30" W	39°49'00"
C4	155.00'	88.36'	87.17'	S 10°23'05" W	32°39'51"
C5	155.00'	19.35'	19.34'	S 09°31'25" E	7°09'09"
C6	100.00'	250.98'	190.10'	N 24°02'47" W	143°48'07"

LINE	BEARING	DISTANCE
L1	S 01°35'00" W	329.14'
L2	N 66°32'00" E	81.01'
L3	N 36°35'40" W	65.26'
L4	N 03°38'20" E	97.33'
L5	S 38°09'20" W	14.00'
L6	S 79°16'20" W	17.50'
L7	N 30°42'20" E	49.69'
L8	N 84°03'09" E	62.00'
L9	N 47°51'16" E	199.38'



Owner's Certificate: The undersigned fee simple owner hereby certifies that the foregoing Minor Subdivision of 100.4992 acres, being Tax Map 15-A-11A, recorded in the name of Buckmarsh, LLC in deed recorded in Deed Book 307, Page 310, is made with the free consent and in accordance with the desires of the undersigned owner of said land, and trustees if any, and the same is hereby confirmed and submitted for record in the aforesaid Clerk's Office.

Leo John Walker
 Manager of Buckmarsh, LLC
 PO Box 879, Berryville, VA 22611

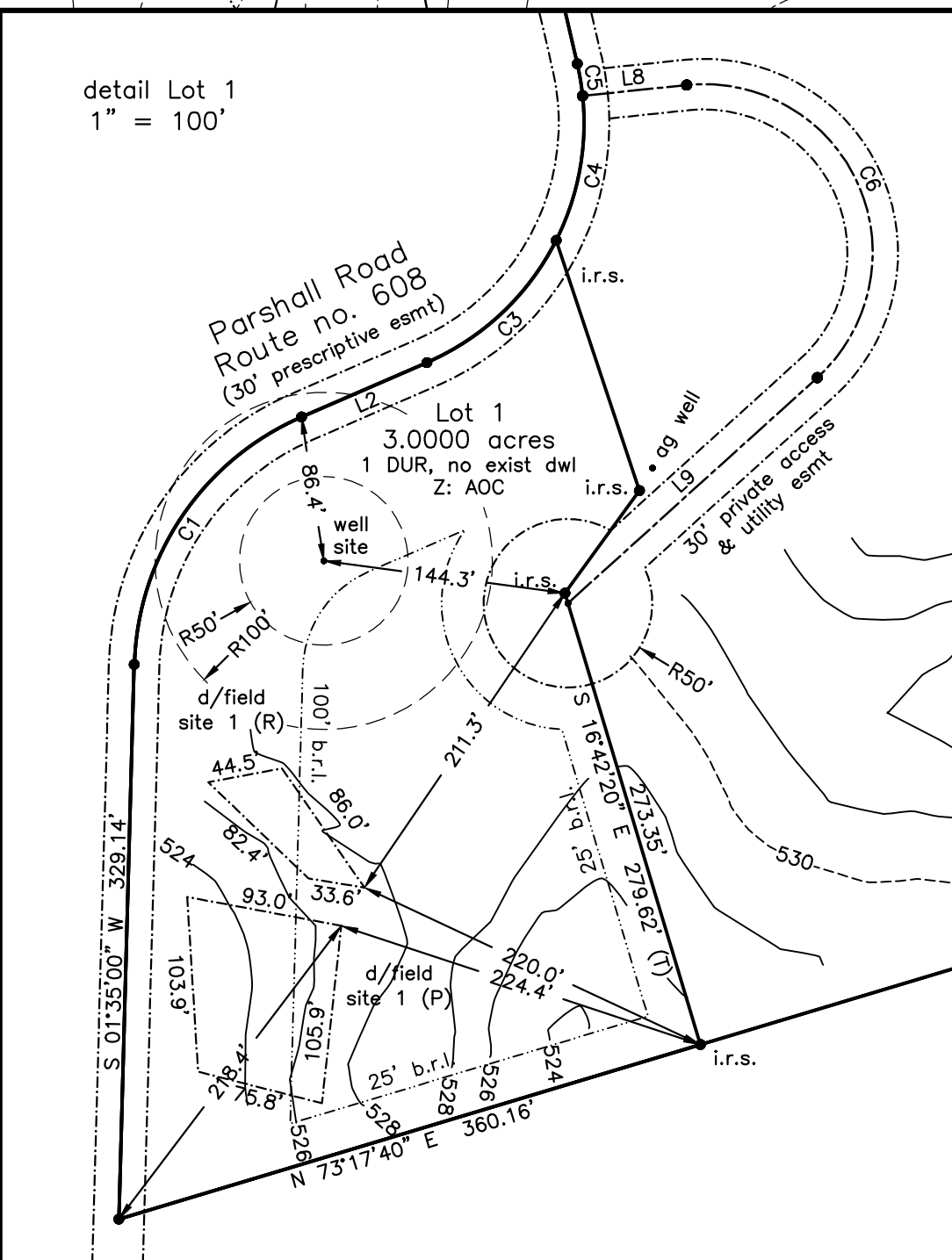
State of Virginia, City/County of _____, to wit: I, _____, a Notary Public for said City/County of _____, do hereby certify that Leo John Walker, whose name is signed in the Owner's Certificate has acknowledged the same before me.

My commission expires: _____

Notary Public: _____

Given under my hand this _____ day of _____ 2024

- Notes:**
- (1) No Title Report furnished. Easements of record not shown may exist.
 - (2) This land is in Flood Zone X, established from FIRM Community Panel no. 51043C64D, effective September 28, 2007.
 - (3) i.p.f. = iron pipe found; i.r.f. = iron rod found; i.r.s. = iron rod set; esmt = easement; dwl = dwelling; TM = tax map and parcel number; DUR = dwelling unit right
 - (4) The private access easement in this subdivision does not meet the standards necessary for inclusion in the system of state highways and will not be maintained by the VDOT or Clarke County and is not eligible for rural addition funds or any other funds appropriated by the Virginia General Assembly and allocated by the Commonwealth Transportation Board.
 - (5) Zoned: AOC; use: agricultural
 - (6) Building setbacks as follows:
 Lot 1: 100' from the centerline of Route no. 608 (State Scenic Byway), 25' from the edge of the private access easement, 25' all other property lines, 50' from any intermittent stream, 100' from any perennial stream, spring or sinkhole.
 Residue Lot: 150' from the centerline of Route no. 608 (State Scenic Byway), 75' from the edge of the private access easement; 75' all other property lines, 50' from any intermittent stream, 100' from any perennial stream, spring or sinkhole.
 - (7) 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.
 - (8) Vegetated property buffer except for those land uses listed as exempt, existing woody vegetation within 25' of all property lines shall be retained on parcels of less than 20 acres, as per Section 4-1-1 of the Clarke County Zoning Ordinance.
 - (9) 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.
 - (10) This plat of Minor Subdivision is to be recorded within six months of the date of approval. Else it shall become null and void.
 - (11) Drainfield Site 1 on Lot 1 is approved by the Clarke County Health Department for a 4 bedroom, 8 occupants, 600 gpd primary conventional system with a 100% alternative drip reserve.



Approval:

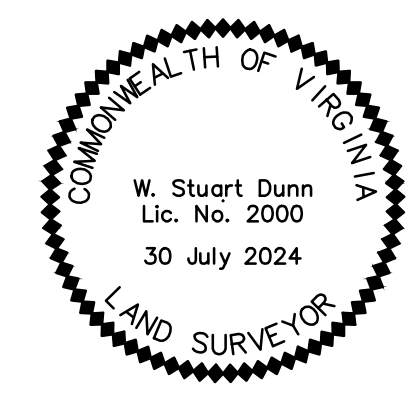
 Clarke County Zoning Administrator date: _____

 Chairman of Planning Commission date: _____

 Clarke County Health Department date: _____

Area Tabulation:

100.4992 acres	area of TM 15-A-11A	1 exist dwl, 3 DUR
3.0000 acres	area of Lot 1	no exist dwl, 1 DUR
97.4992 acres	area of Residue Lot, portion of TM 15-A-11A	1 exist dwl, 2 DUR
0.0000 acres	area dedicated for public use	



Buckmarsh Farm
 Composite Plat of
 Minor Subdivision of the Land of
Buckmarsh, LLC
 Deed Book 307, Page 310 Tax Map 15-A-11A
 Battletown Magisterial District, Clarke County, Virginia

Dunn Land Surveys, Inc.
 106 North Church Street
 Berryville, Virginia 22611
 Tel: 540-955-3388
 30 July 2024

Survey no. 2602A

**PROJECTED UPCOMING AGENDA ITEMS, OCTOBER 2024 -- JANUARY 2025
(10/4/2024 Business Meeting)**

OCTOBER

COMMITTEE MEETINGS

Ordinances Committee (Thursday, October 10 at 1:00PM):

- Double Tollgate zoning district development – ongoing work

NOVEMBER

OCTOBER 29 WORK SESSION

- Continued Discussion, 2025-2030 Capital Improvement Plan

NOVEMBER 1 BUSINESS MEETING

Set Public Hearings:

- SUP-23-01/SP-23-01, Blake & Tamara Bullard (Berryville Berries)
- SUP-23-02/SP-23-02, John U. Miller (Watermelon Park)

Public Hearing:

- SP-24-01, Town of Berryville

Minor Subdivisions:

- MS-23-08, Regan Partnership, LP

Action Item:

- Recommendation to Board of Supervisors on 2025-2030 Capital Improvement Plan

COMMITTEE MEETINGS

Ordinances Committee (Thursday, November 14 at 3:00PM):

- Double Tollgate zoning district development – ongoing work

DECEMBER

DECEMBER 3 WORK SESSION

- Update, Double Tollgate zoning district development
- Overview of Items for January 2025 Organizational Meeting

DECEMBER 6 BUSINESS MEETING

Public Hearings:

- SUP-23-01/SP-23-01, Blake & Tamara Bullard (Berryville Berries)
- SUP-23-02/SP-23-02, John U. Miller (Watermelon Park)

COMMITTEE MEETINGS

Comprehensive Plan Committee (to be scheduled – December/January):

- Rural Lands Plan – ongoing work

JANUARY 2025

JANUARY 7 WORK SESSION/ORGANIZATIONAL MEETING

Organizational Meeting:

- Election of Officers: Chair and Vice Chair
- 2025 Committees and Member Assignments
- Review and Adoption of 2025 Meeting Schedule
- Review and Adoption of 2025 By-Laws
- Review and Adoption of 2025 Project Priorities

Work Session – No items identified

JANUARY 10 BUSINESS MEETING

- No items identified

COMMITTEE MEETINGS

Ordinances Committee (Tuesday, January 14 at 2:00PM):

- Double Tollgate zoning district development – ongoing work

Comprehensive Plan Committee (to be scheduled):

- Rural Lands Plan – ongoing work

OTHER MEETINGS

Rural Lands Plan outreach workshops (to be scheduled, February -- March)