



Clarke County Planning Commission

AGENDA – Regular Meeting

Friday, May 2, 2014 – 9:00AM

BERRYVILLE/CLARKE COUNTY Government Center – Main Meeting Room

1. **Approval of Agenda**
2. **Approval of Minutes**
 - a. April 1, 2014 Briefing Meeting
 - b. April 4, 2014 Regular Meeting

Minor/Major Subdivisions

3. **MS-14-02/MLSE-14-01 Moore & Dorsey.** Request approval of a two lot Minor Subdivision and a Maximum Lot Size Exception for the property identified as Tax Map #16-A-16 and 16-1-1A, located at 364 Dorsey Orchard Lane in the Buckmarsh Election District, zoned Agricultural Open-Space Conservation (AOC).
4. **MS-14-03 Jason Burns.** Request approval of a two lot Minor Subdivision for the property identified as Tax Map #26-A-104, located in the 100 block of Ebenezer Road in the Buckmarsh Election District, zoned Forestal Open-Space Conservation (FOC).

Set Public Hearing Items

None

Board/Committee Reports

5. **Board of Supervisors (John Staelin)**
6. **Sanitary Authority (John Staelin)**
7. **Board of Septic & Well Appeals (John Staelin)**
8. **Board of Zoning Appeals (Anne Caldwell)**
9. **Historic Preservation Commission (Doug Kruhm)**
10. **Conservation Easement Authority (George Ohrstrom, II)**

Other Business

11. **Recommendation to the Board of Supervisors on Zoning Ordinance Commercial Boarding Kennel Provisions**

Adjourn

Upcoming Meetings:

- Briefing Meeting – Tuesday, June 3 (3:00PM, Government Center A/B Meeting Room)
- Regular Meeting – Friday, June 6 (9:00AM, Government Center Main Meeting Room)

Clarke County

**PLANNING COMMISSION
DRAFT BRIEFING MEETING MINUTES
APRIL 1, 2014**



A briefing meeting of the Planning Commission of Clarke County, Virginia was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Tuesday, April 1, 2014.

ATTENDANCE

Present: Anne Caldwell, Vice Chair; Robina Bouffault, Randy Buckley, Scott Kreider, Doug Kruhm, Cliff Nelson, John Staelin, Chip Steinmetz and Jon Turkel.

Absent: Tom McFillen and George L. Ohrstrom

Staff present: Brandon Stidham, Planning Director; and Jesse Russell, Zoning Administrator.

CALL TO ORDER

Vice Chair Caldwell called the meeting to order at 3:00 p.m.

The Commission reviewed the items on the agenda for the Planning Commission meeting of April 4, 2014.

The Commission discussed old business items as follows:

Old Business Items

- a. TA-14-02, Administrative Land Divisions
- b. TA-14-03, Establishment of Filing Deadlines for Rezoning, Special Use Permit, Site Plan, and Major Subdivision Applications

Mr. Stidham reviewed a memo that he provided the members on these two proposed text amendments indicating that they are both still under review by County Attorney Robert Mitchell. He said that he hoped to have the amendments ready for the Commission's consideration at the May meeting.

- c. Board of Supervisors Request -- Removal of Commercial Kennels, Animal Shelters, Veterinary Services, Animal Hospitals, and Breeding Kennels Uses as Special Uses from the AOC and FOC Districts and Establishing Them as By-Right Uses in the Highway Commercial (CH) District

In response to the Commission's request from the March briefing meeting, Mr. Stidham presented a report on how nearby counties regulate kennels and animal-related uses. The members then discussed their individual concerns with these uses in the context of the recent Happy Tails special use permit case. Concerns that were cited included adverse impact of traffic from the use on the private road, noise, number of dogs allowed, potential adverse impact on the viewshed, and waste disposal concerns.

Following discussion of these concerns, the members agreed by consensus to have Staff assemble a written response to the Board of Supervisors containing the following recommendations:

- Delete “Commercial Boarding Kennels of more than five canine or feline animals” and “Animal Shelters” as special uses in the AOC District.
- Delete “Commercial Boarding Kennels of more than five canine or feline animals” and “Animal Shelters” as special uses in the FOC District.
- Adopt a new use in the AOC District, “Animal Shelter/Governmental,” for animal shelters that are either owned or endorsed by the County government.

The members indicated that the Board could consider their recommendations and determine whether to request the Commission to develop a text amendment.

New Business Items

The Commission discussed the following new business item:

- a. Discussion, Formation of Recreation Plan Subcommittee

Mr. Stidham noted that the Commission’s project priority list indicated that the development of the new Recreation Component Plan would begin in the Spring with the formation of a subcommittee to develop the plan. Mr. Turkel indicated that he would be interested in serving on the subcommittee, and several members noted that Mr. McFillen would be a good candidate to serve as well. Staff suggested including non-Commission members on the subcommittee including a representative from the Parks & Recreation Advisory Board, and several names were discussed. Mr. Stidham added that this item is included on the April 4 meeting agenda for the purpose of appointing the subcommittee.

Other Business

The Commission discussed the following other business item:

- a. Update, Economic Development Strategic Plan Subcommittee

Mr. Stidham provided an update on the progress of the Strategic Plan Subcommittee. He indicated that their next meeting is scheduled for Thursday, April 24 at 6:30PM and that the previously scheduled April 2 meeting was cancelled due to the Subcommittee’s progress on the Plan.

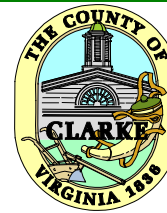
There being no further business to come before the Commission, the meeting was adjourned at 4:20 p.m.

Anne Caldwell, Vice Chair

Brandon Stidham, Planning Director

Clarke County

Planning Commission
DRAFT Regular Meeting Minutes
April 4, 2014



A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Friday, April 4, 2014.

ATTENDANCE

George L. Ohrstrom, II, Chair; Anne Caldwell, Vice Chair; Robina Bouffault, Randy Buckley, Scott Kreider, Doug Kruhm, Cliff Nelson, John Staelin and Jon Turkel.

ABSENT: Tom McFillen and Chip Steinmetz

STAFF

Brandon Stidham, Planning Director; Jesse Russell, Zoning Administrator; Alison Teetor, Natural Resource Planner; and Debbie Bean, Recording Secretary.

CALLED TO ORDER

Chair Ohrstrom called the meeting to order at 9:04 a.m.

APPROVAL OF AGENDA

The Commission voted to approve the agenda as modified.

Yes: Bouffault, Buckley, Caldwell, Kreider, Kruhm, Nelson (seconded), Ohrstrom, Staelin, and Turkel (moved)

No: No one

Absent: McFillen and Steinmetz

APPROVAL OF MINUTES

The Commission voted to approve the briefing meeting minutes of February 4, 2014.

Yes: Bouffault (seconded), Buckley, Caldwell (moved), Kreider, Kruhm, Nelson, Ohrstrom, Staelin, and Turkel

No: No one

Absent: McFillen and Steinmetz

The Commission voted to approve the regular meeting minutes of February 7, 2014.

Yes: Bouffault, Buckley, Caldwell, Kreider (seconded), Kruhm, Nelson (moved), Ohrstrom, Staelin, and Turkel

No: No one

Absent: McFillen and Steinmetz

The Commission voted to approve the briefing meeting minutes of March 4, 2014

Yes: Bouffault (moved), Buckley, Caldwell (seconded), Kreider, Kruhm, Nelson, Ohrstrom, Staelin, and Turkel

No: No one

Absent: McFillen and Steinmetz

Minor/Major Subdivisions

MS-14-01 Mark Binda. Request approval of a two lot Minor Subdivision for the property identified as Tax Map #37A1-3-31, located at 283 Shenandoah River Lane in the White Post Election District zoned Forestal Open-Space Conservation. The subject property contains two dwellings. The minimum lot size in FOC is 3 acres in area.

Mr. Russell explained this request. He stated that the property is located in Shenandoah Farms off a private access easement called Shenandoah River Lane. He said that the applicant will be providing an additional 30' wide private access easement through Lot 31A to 31B. He said that the Health Department has approved the septic system and well site. He stated that a resistivity test is not required as the subject property is not in Karst terrain. He said that no one from the Planning Commission has visited the site and he recommended that someone visit the subject property as a condition of approval.

Chair Ohrstrom asked if there is a policy stating that proposed subdivisions must be visited by Planning Commission members. Mr. Russell stated that we do not have a policy. After discussion with Staff and the Commission a decision was made to review this matter at a later time.

There being no further discussion, Chair Ohrstrom called for a motion.

The Commission voted to approve this request on condition that the Greenway District representatives (Bouffault and Buckley) of the Planning Commission visit the site within the next two weeks and that the Zoning Administrator will not sign off on this request until this is accomplished.

Yes: Bouffault (moved), Buckley, Caldwell, Kreider, Kruhm (seconded), Nelson, Ohrstrom, Staelin, and Turkel

No: No one

Absent: McFillen and Steinmetz

Set Public Hearing Items

None

Board/Committee Reports

Board of Supervisors (John Staelin)

Commissioner Staelin stated that the Board is currently working on the budget and that the public hearing on the budget will be on April 9, 2014 at 7:30 p.m. He stated that the BOS had the public hearing on the revocation for the Shenandoah University and it was passed.

Sanitary Authority (John Staelin)

Commissioner Staelin stated that the Authority is currently working on the financing issue for the Millwood Tower on Browntown Road.

Board of Septic & Well Appeals (John Staelin)

No report.

Board of Zoning Appeals (Anne Caldwell)

No report.

Historic Preservation Commission (Doug Kruhm)

Commissioner Kruhm stated that the upcoming HPC meeting in May is going to be the annual awards luncheon. He said that these awards are for recognizing residents in the County for their good work in the County.

Conservation Easement Authority (George Ohrstrom, II)

Chair Ohrstrom stated that currently the Authority is going through our new County procurement process to replace Kate Petranech.

Other Business

Request from Salvation Army to Extend Deadline to Record Subdivision Plat

Mr. Russell explained this request. He stated that John Farrell, agent for the Salvation Army, is requesting an extension of the deadline to record the subdivision plat for the property on Westwood Road until July 1, 2017. He said the Salvation Army subdivision request was approved at the Planning Commission's January 2012 meeting. He said that in the Subdivision Ordinance it states that the time to record a plat is no later than six months from the time of approval unless otherwise extended by the Planning Commission before recordation is required. He said that a request to extend this deadline was placed on the Commission's June 2012 agenda. He stated that at that time, County Attorney Robert Mitchell determined that the applicant had until April 30, 2014 in which to record the plat. He said that the determination by Mr. Mitchell was based on the surety agreement between the County and Salvation Army dated April 30, 2012 for the completion of required improvements associated with the subdivision. He stated it is also in the Subdivision Ordinance Section 4-K-4 that allows the recordation deadline to be extended to the time limit specified in the surety agreement. He said that in this case, the surety agreement is scheduled to expire 24 months from the date of execution or April 30, 2014.

Mr. Farrell was present and spoke. He said that in the State Code Section 15.2-2209 extends automatically the time in which a plat must be recorded until July 1, 2017. Mr. Russell said that the County attorney does not agree with the agent's interpretation of that Code section and has opined that the automatic freeze on recording subdivision plats was given to only those subdivision plats approved as of January 1, 2011 and not for subdivision plats approved later than January 1, 2011. He stated that Mr. Farrell has agreed to request an extension for filing the subdivision plat from the Planning Commission that reflects the same State Code filing date of July 1, 2017. Mr. Russell said that the Planning Commission may set any extension time that they wish.

Chair Ohrstrom asked the Commission if they had any questions.

Commissioner Kruhm asked is there any indication as to when the Salvation Army intends to record their property subdivision. Mr. Farrell said that the market for doing a subdivision at the present time has all but vanished. He said that this is why the Salvation Army has delayed recording the subdivision plat in the hope that the market recovers.

Commissioner Caldwell asked Mr. Farrell to explain the connection between the market being down, not having a buyer and not recording the plat. Mr. Farrell stated that once we record the plat the land is no longer assessed as 400 raw acres. He said that the Salvation Army does not want to pay higher taxes on 400 acres of raw land with no market at this time. Commissioner Caldwell said that there are roll back taxes and she asked Mr. Farrell if he envisioned the buyer of the land or the Salvation Army paying these taxes. Mr. Farrell said that if the buyer or the Salvation Army pays these taxes that it will be up to them. He said at the present time we are just asking for an extension and if we have to record it now we will pay the taxes.

After discussion with Staff and the Commission, Chair Ohrstrom asked for a motion.

The Commission voted not to extend the deadline to record the subdivision plat until July 1, 2017 and which therefore should be recorded by April 30, 2014.

Yes: Bouffault (moved), Buckley, Caldwell, Kreider (seconded), Kruhm, Nelson, Ohrstrom, Staelin, and Turkel

No: No one

Absent: McFillen and Steinmetz

Appearance by Tyler Klein (Northern Shenandoah Valley Regional Commission), Draft 2014 Town of Berryville & Clarke County Bicycle and Pedestrian Plan

Tyler Klein, Senior Planner with the Northern Shenandoah Valley Regional Commission (NSVRC) gave a brief overview of the Draft 2014 Bicycle and Pedestrian Plan for the Town of Berryville and Clarke County. He said that the NSVRC has been working with the Town and County for the last six months. He stated that this project is being funded by the Virginia Department of Transportation therefore there is no cost to the County or the Town. He said that the purpose of the plan is to document the existing routes that can be used in the area. He stated with this information the plan is to link to those routes and not create new ones. He said that they want this network to be safe for the residents and the community. He stated that this draft plan will be presented to the Board of Supervisors at their work session and also to the Berryville Town Council at their next meeting. He said that they plan to have a public meeting in May which is national bike month and to take comments from the community.

Commissioners Bouffault and Staelin remarked that there are some roads in the County that will need improvements as the roads are hardly wide enough for cars let alone bikes. Mr. Klein stated he would review these areas with the Commission.

Appointment of Recreation Plan Subcommittee

At the briefing meeting on April 1, 2014 the Commission named individuals to serve on the Recreation Plan Subcommittee.

The Commission voted to appoint Tom McFillen, Jon Turkel, Pete Engel, Lee Shaffer, and Daniel Sheetz to serve on the Recreation Plan Subcommittee.

Yes: Bouffault (seconded), Buckley, Caldwell (moved), Kreider, Kruhm, Nelson, Ohrstrom, Staelin, and Turkel

No: No one

Absent: McFillen and Steinmetz

There being no further discussion, the meeting was adjourned at 10:15 a.m. until the next regular meeting of the Commission on May 2, 2014.

George L. Ohrstrom, II, Chair

Brandon Stidham, Director of Planning

Minutes prepared by Debbie Bean, Recording Secretary

MINOR SUBDIVISION (MS-14-02 & MLSE-14-01)
Moore & Dorsey
May 2, 2014 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 be useful to members of the general public interested in this proposed subdivision.

Case Summary

Applicant(s):

Moore & Dorsey (Tupper Dorsey, Agent)

Location:

- 364 Dorsey Orchard Lane, Tax Map Parcel #16-A-16 and 16-1-1A (lot to be merged)
- Buckmarsh Election District (Kreider, Kruhm – Planning Commission; Weiss – Board of Supervisors)

Parcel Size/:

123 acres

Request:

Approval of a two lot Minor Subdivision and a Maximum Lot Size Exception for the property identified as Tax Map #16-A-16, located at 364 Dorsey Orchard Lane in the Buckmarsh Election District zoned Agricultural Open-Space Conservation.

The applicant is also conducting a merger of a two acre lot into proposed lot 2 thus adding one additional DUR to Lot 2 for a total of 3 DURs and 1 exemption. Both Lot 1 and 2 will be giving up DURs and will be placed into conservation easement with the County Easement Authority. This will be discussed in more detail below.

Staff Evaluation:

Proposed Lot Sizes:

The proposed lot configuration is as follows:

Lot 1 = 57.9025 acres (2 DURs and 1 exemption)

Lot 2 including merger of a 2 acre lot = 62.8205 acres (3 DURs and 1 exemption)

Total Area in Subdivision and Merger = 122.7230 acres

Maximum Lot Size Exception

County Zoning Ordinance allows for a maximum lot size exception (MLSE) by right if the parcel contains a dwelling constructed prior to October 17, 1980. The subject property meets the criteria for a MLSE.

Conservation Easement Proposal:

Mr. Dorsey has applied to the Clarke County Conservation Easement Authority to place the entire property in conservation easement and retire all 5 of the remaining DURs. The easement is being purchased using Farm and Ranchland Protection Program (FRPP) grant funds. The FRPP program prohibits subdivision after the land is in easement and therefore Mr. Dorsey is requesting subdivision prior to the easement recordation. It is anticipated that the easement will be recorded prior to July 1, 2014.

Access:

The subject lots will be served by an existing private access easement, Dorsey Orchard Lane. VDOT has not yet commented on the existing easement. Since the private access easement is existing and will not be serving any additional dwellings other than the two existing dwellings, it is not expected that VDOT will have any objection.

Septic:

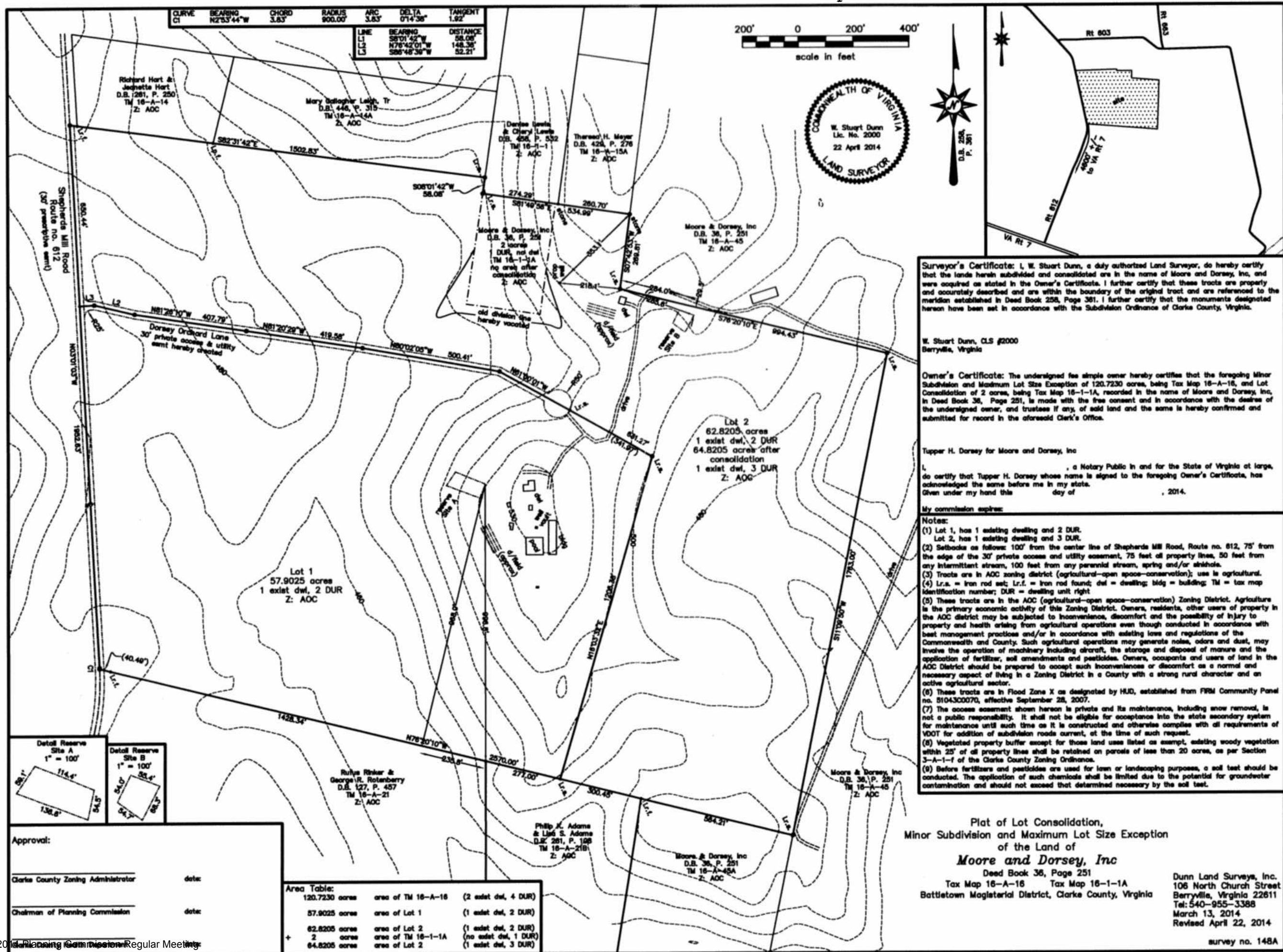
The Health Department has reviewed the proposed reserve drainfield sites for the subject lots and has orally approved such. Written approval from the Health Department had not been received at the time of writing this staff report although staff should receive the written approval prior to the May meeting.

Resistivity:

Staff has not yet received the results of the resistivity test.

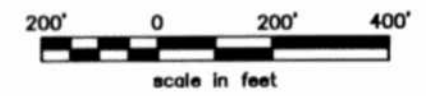
Staff Recommendation:

Approval of a 2 lot minor subdivision for the property identified as Tax Map Parcel 16-A-16 on condition of resistivity test approvals.



CURVE	BEARING	CHORD	RADIUS	ARC	DELTA	TANGENT
C1	N25°34'44"W	3.83'	900.00'	3.83'	0°14'38"	1.92'

LINE	BEARING	DISTANCE
L1	S8°01'42"W	58.08'
L2	N78°42'01"W	143.38'
L3	S88°46'38"W	52.21'



Surveyor's Certificate: I, W. Stuart Dunn, a duly authorized Land Surveyor, do hereby certify that the lands herein subdivided and consolidated are in the name of Moore and Dorsey, Inc. and were 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 258, Page 381. I further certify that the monuments designated hereon have been set in accordance with the Subdivision Ordinance of Clarke County, Virginia.

W. Stuart Dunn, C.L.S. #2000
Berryville, Virginia

Owner's Certificate: The undersigned fee simple owner hereby certifies that the foregoing Minor Subdivision and Maximum Lot Size Exception of 120.7230 acres, being Tax Map 16-A-16, and Lot Consolidation of 2 acres, being Tax Map 16-1-1A, recorded in the name of Moore and Dorsey, Inc. in Deed Book 36, Page 251, is made with the free consent and in accordance with the desire of the undersigned owner, and trustees if any, of said land and the same is hereby confirmed and submitted for record in the aforesaid Clerk's Office.

Tupper H. Dorsey for Moore and Dorsey, Inc.

I, _____, a Notary Public in and for the State of Virginia at large, do certify that Tupper H. Dorsey whose name is signed to the foregoing Owner's Certificate, has acknowledged the same before me in my state. Given under my hand this _____ day of _____, 2014.

My commission expires: _____

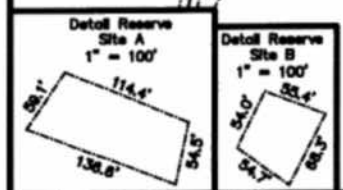
- Notes:**
- (1) Lot 1, has 1 existing dwelling and 2 DUR.
 - (2) Lot 2, has 1 existing dwelling and 3 DUR.
 - (3) Setbacks as follows: 100' from the center line of Shepherd's Mill Road, Route no. 812, 75' from the edge of the 30' private access and utility easement, 75 feet of property lines, 50 feet from any intermittent stream, 100 feet from any perennial stream, spring and/or sinkhole.
 - (4) Tracts are in AOC zoning district (agricultural-open space-conservation); use is agricultural.
 - (5) L.r.s. = iron rod set; L.r.f. = iron rod found; del = dwelling; bldg = building; TM = tax map identification number; DUR = dwelling unit right
 - (6) 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 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 agricultural sector.
 - (7) These tracts are in Flood Zone X as designated by HUD, established from FIRM Community Panel no. 81043C0070, effective September 28, 2007.
 - (8) The access easement shown hereon is private and its maintenance, including snow removal, is not a public responsibility. It shall not be eligible for acceptance into the state secondary system for maintenance until such time as it is constructed and otherwise complies with all requirements of VDOT for addition of subdivision roads current, at the time of such request.
 - (9) 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 3-A-1-f of the Clarke County Zoning Ordinance.
 - (10) 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.

Plat of Lot Consolidation,
Minor Subdivision and Maximum Lot Size Exception
of the Land of
Moore and Dorsey, Inc
Deed Book 36, Page 251
Tax Map 16-A-16 Tax Map 16-1-1A
Battletown Magisterial District, Clarke County, Virginia

Dunn Land Surveys, Inc.
106 North Church Street
Berryville, Virginia 22611
Tel: 540-955-3388
March 13, 2014
Revised April 22, 2014

survey no. 148A

Area Table:		
120.7230 acres	area of TM 16-A-16	(2 exist del, 4 DUR)
57.9025 acres	area of Lot 1	(1 exist del, 2 DUR)
62.8205 acres	area of Lot 2	(1 exist del, 2 DUR)
2 acres	area of TM 16-1-1A	(no exist del, 1 DUR)
64.8205 acres	area of Lot 2	(1 exist del, 3 DUR)



Approval:

Clarke County Zoning Administrator date: _____

Chairman of Planning Commission date: _____

MINOR SUBDIVISION (MS-14-03)
Jason Burns
2014 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 be useful to members of the general public interested in this proposed subdivision.

Case Summary

Applicant(s):

Jason Burns

Location:

- 100 block of Ebenezer Road, Tax Map Parcel #26-A-104
- Buckmarsh Election District (Kreider, Kruhm – Planning Commission; Weiss – Board of Supervisors)

Parcel Size/:

16.15 acres

Request:

Approval of a two lot Minor Subdivision for the property identified as Tax Map #26-A-104, located in the 100 block of Ebenezer Road in the Buckmarsh Election District zoned Forestal Open-Space Conservation (FOC).

Staff Evaluation:

Proposed Lot Sizes:

The proposed configuration is as follows:

Lot 1 = 12.8829 acres (1 DUR)

Lot 2 = 3.000 acres (1 DUR)

Total Area in subdivision = 15.8829 acres

Access:

Both parcels have been approved by VDOT for private entrances.

Septic:

The Health Department has approved septic and well sites for both proposed lots.

Staff Recommendation:

Approval of a 2 lot minor subdivision for the property identified as Tax Map Parcel 26-A-104 on condition that the applicant provide a deed of dedication prior to signing plats.

Notes:

- (1) Lot 1 has one (1) DUR no existing dwelling.
- (2) Lot 2 has one (1) DUR no existing dwelling.
- (3) Setbacks as follows:
 Lot 1: 75' from the center line of Route no. 604, 50' from all property lines, 50' from any intermittent stream, 100' from any perennial stream, spring or sinkhole.
 Lot 2: 50' from the center line of Route no. 604, 25' from all property lines, 25' from any intermittent stream, 100 feet from any perennial stream, spring or sinkhole. Note that due to the fact that the R/W line of a portion of Route no. 604 is located 45' from centerline, an assumption has been made that the front setback should be at 25' as shown.
- (4) Lots are in FDC zoning district (forestal - open space - conservation).
- (5) These tracts are in Flood Zone X, established from FIRM Community Panel no. 51043C01800.
- (6) The boundaries shown hereon were established by a field survey by Dunn Land Surveys, Inc.
- (7) The drainfield site on Lot 1 is approved by the Clarke County Health Department for a 4 bedroom system with a maximum occupancy of 8 people and 600 gallons per day.
- (8) The drainfield site on Lot 2 is approved by the Clarke County Health Department for a 4 bedroom system with a maximum occupancy of 8 people and 600 gallons per day.
- (9) No subdivision for 3 years before or after a timber harvest operation. No pre-harvest plan accepted for 3 years after subdivision approval. Vegetative buffer for commercial forestry of 50' along public rights-of-way and 25' along property lines, tree thinning is allowed up to 50% of crown cover within buffer.
- (10) Vegetated buffers and clearing limits: total area allowed for clearing (for each house, accessory buildings, and drainfield, not including driveways and may not include drainfield if no other option. For slopes of 7% up to 15% under 800 foot elevation, no limit. New houses on parcels of 4 acres or more must retain existing woody vegetation within 25' of all property lines, 50' from the edge of public rights-of-way, 25' from the edge of private access easements.
- (11) 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.
- (12) The rural location and limited access of this property, combined with adverse weather conditions, may delay or totally impede the timely response of emergency services 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.

CURVE	BEARING	CHORD	RADIUS	ARC	DELTA	TANGENT
C1	S87°16'32"E	367.81'	430.19'	380.05'	90°37'05"	203.43'

LINE	BEARING	DISTANCE
L1	N87°16'45"E	71.10'
L2	S57°21'36"E	71.80'

Surveyor's Certificate: I, W. Stuart Dunn, a duly authorized Land Surveyor in the Commonwealth of Virginia, do hereby certify that the land hereby subdivided is in the name of Jason E. Burns and Rebecca J. Burns, and was acquired by them as stated in the Owners' 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 Plot Book 8, Page 24. I further certify that the monuments designated hereon have been set in accordance with the Subdivision Ordinance of Clarke County, Virginia.

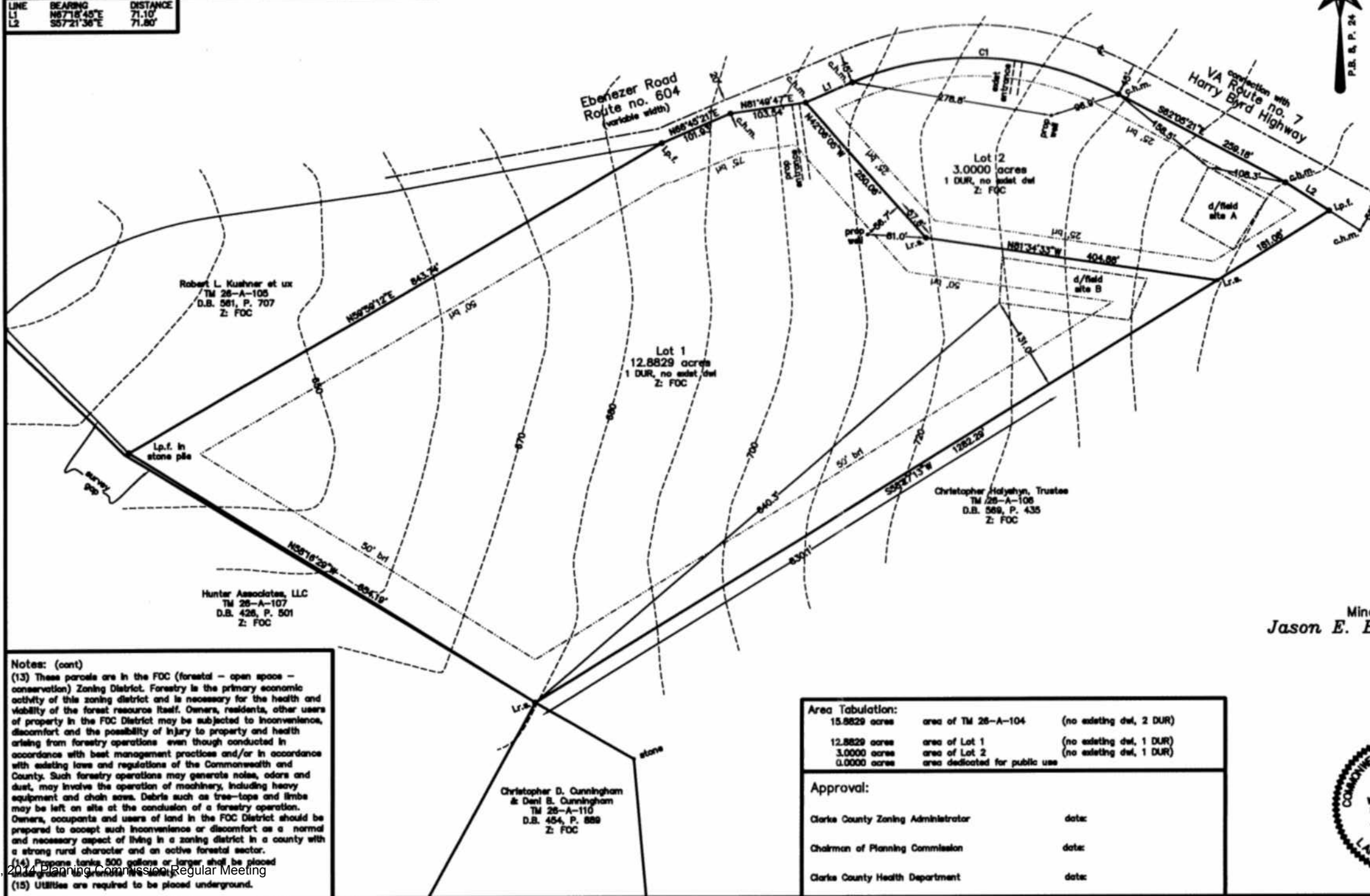
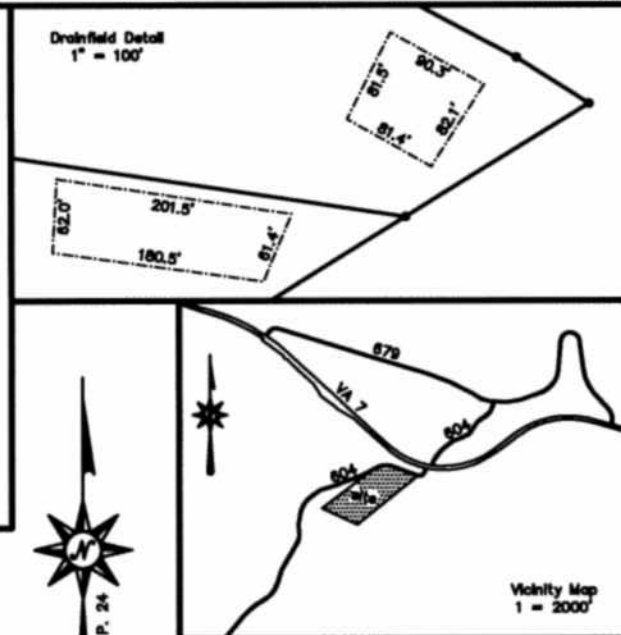
W. Stuart Dunn, CLS #2000
Berryville, Virginia

Owners' Certificate: The undersigned fee simple owners hereby certify that the foregoing Minor Subdivision of 15.8829 acres, being Tax Map 28-A-104, recorded in the name of Jason E. Burns and Rebecca J. Burns, in deed recorded in Deed Book 575, Page 852, located on the Southeast side of Route no. 604, Ebenezer Road, about 5 miles East of Berryville, and situate in Bottletown Magisterial District, Clarke County, Virginia, is made with the free consent and in accordance with the desires of the undersigned owners, 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, Virginia.

Jason E. Burns and Rebecca J. Burns

Commonwealth of Virginia, County of Clarke, to wit: Acknowledged before me in my State and County aforesaid this _____ day of _____, 2014.

Notary Public: My commission expires: _____



Notes: (cont)

- (13) These parcels are in the FDC (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 FDC 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-top and limbs may be left on site at the conclusion of a forestry operation. Owners, occupants and users of land in the FDC 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.
- (14) Private tanks 300 gallons or larger shall be placed underground.
- (15) Utilities are required to be placed underground.

Minor Subdivision of the Land of
Jason E. Burns and Rebecca J. Burns
 Deed Book 575, Page 852
 Tax Map 28-A-104
 Bottletown Magisterial District
 Clarke County, Virginia

Area Tabulation:

15.8829 acres	area of TM 28-A-104	(no existing dul, 2 DUR)
12.8829 acres	area of Lot 1	(no existing dul, 1 DUR)
3.0000 acres	area of Lot 2	(no existing dul, 1 DUR)
0.0000 acres	area dedicated for public use	

Approval:

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



Dunn Land Surveys, Inc.
 106 North Church Street
 Berryville, Virginia 22611
 Tel: 540-955-3388
 April 12, 2014

survey no. 1100A



Clarke County Board of Supervisors Regular Meeting Agenda

Main Meeting Room Berryville / Clarke County Government Center
101 Chalmers Court, 2nd Floor, Berryville, Virginia

April 15, 2014

Packet
Page

Item

Afternoon Session 1:00 PM

1. Call To Order	5
2. Adoption Of Agenda	6
3. Citizen's Comment Period	7
4. VDOT Update	8
5. CCPS School Board Update	9
- Superintendent Search Update by School Board Member Janet Alger and Brad Draeger	
6. Special Event Permit: Full Moon Ranch Field Festival; Medium; Multi-year June 2014, 2015, 2016	10
7. SUP-13-02/SP-13-08, Gina Schaecher (Happy Tails Development LLC) Continued Board Discussion	34
8. Approval of Minutes	
- March 10, 2014 FY2015 Budget Work Session	225
- March 18, 2014 Regular Meeting	237
9. Consent Agenda	297
A. SYIP FY2015-2020 Primary Highway Priorities - Commonwealth Transportation Board	298
10. Board of Supervisors Personnel Committee Items	328
A. Closed Session: Action: Information Only	328
B. Expiration of Term for appointments expiring through June 2013. Action: The Committee recommends appointment of:	330
- Kevin Dunbar Clarke to the County Library Advisory Council for a term expiring April 15, 2018.	
- Upon the unanimous recommendation of the Clarke County Planning Commission, the re-appointment of Doug Kruhm for a term expiring April 30, 2014.	
C. Clarke County General Government Pay and Classification Study and Procurement Personnel Policy Revision and Update by David Ash. Action: Information only.	329
11. Board of Supervisors Work Session	340
A. Closed Session with Robert Mitchell pursuant to §2.2-3711-A7. Action: Information only.	340
B. Draft 2014 Town of Berryville & Clarke County Bicycle and Pedestrian Plan. Action: Information only.	343
C. Stormwater Management Program Update by Brandon Stidham. Action: Information only.	392

Note: The order in which Agenda items are considered may be changed to assure that public hearings are started as close as possible to the scheduled time

Page 1 of 3

4/10/2014 3:44 PM



Clarke County Board of Supervisors Regular Meeting Agenda

Main Meeting Room Berryville / Clarke County Government Center
101 Chalmers Court, 2nd Floor, Berryville, Virginia

Item	April 15, 2014	Packet Page
D. Budget Impasse Resolution by J. Michael Hobert. Action: The Board took action at the 04/07/2014 Work Session.		405
E. White Post Dairy Update by Alison Teetor. Action: Alison Teetor will provide draft letters for consideration by the Board.		409
F. Fire and EMS – Implementation of Workgroup Recommendations Update by David Ash and Brandon Stidham. Action: Update and Board review moved from the 04/07/2014 Work Session to the Regular Meeting.		421
G. Identify CCPS Discussion Issues. Action: See Agenda Item 5.		342
12. Board of Supervisors Finance Committee Items		434
1. Clarke County Sanitary Authority Sewer Fund projection. Action: Mike Legge will be on hand to describe the actions the CCSA has taken to minimize this deficit.		435
2. FY2014 Supplemental Appropriation. Action: The Finance Committee recommends approval of <i>"Be it resolved that Conservation Easement Fund budgeted expenditures and appropriations be increased \$69,600, that \$34,800 in Commonwealth revenue from VDACS be recognized, and that local tax funding of \$34,800 be recognized from the existing balance of the Fund, all for the purchase of the Bailey conservation easement."</i>		437
3. Park Van Donation. Action: The Finance Committee recommends approval of <i>"Be it resolved that the 15 passenger van formerly used by Parks and Recreation, and valued at \$1,000, be donated to Cooperative Extension agency, and that Joint Administrative Services be directed to process no payments for operating costs (fuel, repairs, insurance, etc.) related to the future operation of this vehicle."</i>		438
4. FY2015 Budget. Action: Information only.		434
5. Acceptance of March Bills and Claims. Action: The Finance Committee recommends acceptance.		439
6. Standing Reports. Action: Information Only.		
FY2014 General Fund Balance		462
Reconciliation of Appropriations		463
General Government Expenditure Summary		464
Conservation Easement Authority		479
General Government Capital Projects		480
13. Joint Administrative Services Board Update		481
14. Government Projects Update		495
15. Miscellaneous		496
16. Summary Of Required Action		497
17. Board Member Committee Status Reports		498
18. Closed Session [as necessary]		

Note: The order in which Agenda items are considered may be changed to assure that public hearings are started as close as possible to the scheduled time

Page 2 of 3

4/10/2014 3:44 PM



Clarke County Board of Supervisors Regular Meeting Agenda

Main Meeting Room Berryville / Clarke County Government Center
101 Chalmers Court, 2nd Floor, Berryville, Virginia

Item	April 15, 2014	Packet Page
19. Adjournment		499
<i>No Evening Session Scheduled</i>		
Reports in April Packet:		
1. Building Department		500
2. Commissioner of the Revenue		506

Note: The order in which Agenda items are considered may be changed to assure that public hearings are started as close as possible to the scheduled time

Page 3 of 3

4/10/2014 3:44 PM