



Clarke County Planning Commission

AGENDA – Regular Meeting

Friday, June 6, 2014 – 9:00AM

BERRYVILLE/CLARKE COUNTY Government Center – Main Meeting Room

- 1. Approval of Agenda**
- 2. Approval of Minutes**
 - a. April 29, 2014 Briefing Meeting
 - b. May 2, 2014 Regular Meeting
- 3. Resolution of Appreciation for Tom McFillen**
- 4. Subcommittee Appointments – Replacement for Tom McFillen**
 - a. Site Plan Subcommittee
 - b. Subdivision Subcommittee
 - c. Recreation Plan Subcommittee

Minor/Major Subdivisions

- 5. S-14-01, Thomas & Kristen Halsey. Request approval for a three lot Major Subdivision and Maximum Lot Size Exception for the property identified as Tax Map #12-A-5, located at 5679 Senseny Road in the White Post Election District zoned Agricultural Open-Space Conservation (AOC)**

Set Public Hearing Items

- 6. TA-14-02, Administrative Land Divisions**

Board/Committee Reports

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

Other Business

- 13. Economic Development Strategic Plan (presentation by Milton Herd)**

Adjourn

Upcoming Meetings (Note that July meetings are one week later due to July 4 holiday):

- Briefing Meeting – Tuesday, July 8 (3:00PM, Government Center A/B Meeting Room)
- Regular Meeting – Friday, July 11 (9:00AM, Government Center Main Meeting Room)

Clarke County

**PLANNING COMMISSION
DRAFT MEETING MINUTES
APRIL 29, 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 29, 2014.

ATTENDANCE

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

Absent: Scott Kreider and Tom McFillen

Staff Present: Brandon Stidham, Planning Director; Jesse Russell, Zoning Administrator; Alison Teetor, Natural Resource Planner.

CALLED TO ORDER

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

The Commission reviewed the items on the agenda for the Planning Commission meeting of May 2, 2014.

Mr. Russell presented the two minor subdivisions for consideration on Friday and answered questions from the Planning Commission. He said that there are no changes or issues that would require adjustment to staff's report or recommendation.

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
- 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

Mr. Stidham said that Staff is continuing to work with Bob Mitchell on the two pending text amendments and that he hopes to be able to provide a final recommendation on both at the June briefing meeting.

Mr. Stidham stated that there was consensus among the members at the April 1 briefing meeting to provide a formal recommendation on changes to the commercial kennel and animal shelter uses to the Board of Supervisors, and that a draft was provided for consideration. Members requested one change under item #3 to create a new “animal shelter/governmental” use. The requested changes would substitute the wording, “owned and/or operated by,” instead of “owned and/or endorsed by.” Mr. Stidham said that Staff will have a revised motion available at the meeting on Friday.

The Commission discussed new business items as follows:

New Business Items

a. **Mandatory Planning Commissioner Visits to Proposed Subdivision Sites**

In response to members’ request to discuss mandatory Commissioner visits to sites of proposed subdivisions, Mr. Stidham provided an overview of a staff report with a suggested approach for visits to all land use application sites and potential addition to the Commission’ By-Laws. Following a brief discussion, members were not in favor of establishing a policy to require site visits for upcoming land use cases. The members preferred conducting the site visits on a case-by-case basis and supported Staff’s recommendation that any site visits be limited to a maximum of two members at a time.

Other Business

a. **Discussion, Formation of Recreation Plan Subcommittee**

The Commission set the kickoff meeting date for the Recreation Plan Subcommittee for May 8, 2014 at 2:00 p.m.

b. **Update, Economic Development Strategic Plan Subcommittee**

The Commission scheduled the next Economic Development Strategic Plan Subcommittee for May 13, 2014 at 1:00 p.m. Mr. Stidham said that the Subcommittee will be reviewing a final version of the initial draft plan and may take action to forward it to the Planning Commission for consideration. He stated that this could possibly be the final meeting of the Economic Development Strategic Plan Subcommittee.

There being no further business to come before the Commission, the meeting was adjourned at 3:53 p.m.

George L. Ohrstrom, II, Chair

Brandon Stidham, Planning Director

Clarke County

Planning Commission
DRAFT Regular Meeting Minutes
May 2, 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, May 2, 2014.

ATTENDANCE

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

ABSENT: John Staelin (arrived late)

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 9:00 a.m.

APPROVAL OF AGENDA

The Commission voted to approve the agenda as modified.

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

No: No one

Absent: Staelin

APPROVAL OF MINUTES

The Commission voted to approve the briefing meeting minutes of April 1, 2014.

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

No: No one

Absent: Staelin

The Commission voted to approve the regular meeting minutes of April 4, 2014.

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

No: No one

Absent: Staelin

Minor/Major Subdivisions

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).

Mr. Russell explained this request. He said that the Applicant is requesting approval for a two lot subdivision and a maximum lot size exception. He stated the Applicant is 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. He said that both Lot 1 and Lot 2 will be giving up DURs and will be placed into conservation easement with the County Easement Authority. He said that the easement is being purchased using Farm and Ranchland Protection Program (FRPP) grant funds. He stated that the FRPP program prohibits subdivision after the land is in easement. He said the Applicant is requesting subdivision approval prior to the easement being recorded around July 1, 2014. He stated that the subject lots will be served by an existing access easement, Dorsey Orchard Lane. He said that the Health Department has reviewed the proposed reserve drainfield sites for the subject lots and has orally approved such. He stated that he is still waiting on the results of the resistivity test. After discussion with Staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted to approve this proposed request on condition that the applicant provides the results of the resistivity test before the Zoning Administrator signs off on the plats.

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

No: No one

Absent: Staelin

Commissioner Staelin entered the meeting at 9:07 a.m.

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).

Mr. Russell explained this request. He said the Applicant is requesting approval of a two lot minor subdivision. He stated that the Health Department has approved septic and well sites for both lots. He said that both parcels have been approved by VDOT for private entrances. After discussion with Staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted to approve this request on condition that the Applicant provides a Deed of Dedication to Staff before the Zoning Administrator signs off on the plats.

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

No: No one

Absent: No one

Board/Committee Reports

Board of Supervisors (John Staelin)

Commissioner Staelin stated that at the last Board of Supervisors meeting the Board unanimously denied the Happy Tails Development Special Use Permit and Site Plan. He said there were a number of concerns some being the size of the kennel, the septic system and that the land is in easement.

Sanitary Authority (John Staelin)

Commissioner Staelin stated that the Authority has found leaks in the system and are currently working to resolve the problem.

Board of Septic & Well Appeals (John Staelin)

No report

Board of Zoning Appeals (Anne Caldwell)

Commissioner Caldwell stated the Board had a request for a 38' side yard setback variance for a proposed garage. She said the Board voted unanimously to approve this request.

Historic Preservation Commission (Doug Kruhm)

Commissioner Kruhm stated that the Commission will have their regular meeting on May 28, 2014 followed by an awards luncheon for recognition of selected members of the community for their historic projects in the County.

Conservation Easement Authority (George Ohrstrom, II)

Chair Ohrstrom said that the Authority continues to look for grants.

Other Business

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

Mr. Stidham stated that at the briefing meeting on Tuesday the Commission had a consensus among the members to act on the draft commercial kennel motion at Friday's meeting. He said that there was one change in the motion that was requested under item #3 to create a new "animal shelter/governmental" use, the members preferred to use the wording, "owned and/or operated by" instead of "owned and/or endorsed by." He stated that the change in wording is on the yellow sheet of paper that was given to the Commission this morning. After discussion with Staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted to recommend to the Board of Supervisors consideration of the following actions:

1. Delete "Commercial Boarding Kennels of more than five canine or feline animals" and "Animal Shelters" as a special uses in the AOC District (Section 3-A-1-a-3-u). These two uses would become prohibited uses in the AOC District, and existing commercial boarding kennels and animal shelters would become nonconforming uses.

2. Delete “Commercial Boarding Kennels of more than five canine or feline animals” and “Animal Shelters” as special uses in the FOC District (Section 3-A-2-a-3-q). These two uses would become prohibited uses in the FOC District, and existing commercial boarding kennels and animal shelters would become nonconforming uses.
3. Adopt a new use in the AOC District, “Animal Shelter/Governmental,” for animal shelters that are either owned and/or operated by the County government. The Clarke County Animal Shelter would be classified under this new use and would not be made nonconforming by deletion of “Animal Shelters” from Section 3-A-1-a-3-u.

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

No: No one

Absent: No one

There being no further discussion, the meeting was adjourned at 9:18 a.m. until the next regular meeting of the Commission on June 6, 2014.

George L. Ohrstrom, II, Chair

Brandon Stidham, Director of Planning

Minutes prepared by Debbie Bean, Recording Secretary



Clarke County Planning Department
101 Chalmers Court, Suite B
Berryville, Virginia 22611
(540) 955-5132

TO: Planning Commission members

FROM: Brandon Stidham, Planning Director

RE: Resolution of Appreciation for Tom McFillen

DATE: May 30, 2014

Please note that the resolution of appreciation for Tom McFillen is still under development. We expect to have a draft available for consideration at the June 3 briefing meeting.

If you have any questions or concerns in advance of the meeting or suggestions on the resolution, please do not hesitate to contact me.



Clarke County Planning Department
101 Chalmers Court, Suite B
Berryville, Virginia 22611
(540) 955-5132

TO: Planning Commission members

FROM: Brandon Stidham, Planning Director

RE: Subcommittee Appointments – Replacement for Tom McFillen

DATE: May 29, 2014

Item #4 on your June 6 meeting agenda is an action item to appoint Planning Commission Subcommittee replacements to fill Tom McFillen's former roles. The following Subcommittees have vacancies to be filled:

- Site Plan Subcommittee.
- Subdivision Subcommittee.
- Recreation Plan Subcommittee. The Subcommittee discussed Mr. McFillen's vacancy at their kickoff meeting on May 8. They suggested that if there were no Commission members able to serve on the Subcommittee that they would like to consider filling the vacancy with another citizen with an interest or expertise in recreation. Staff is requesting the Commission to determine whether to appoint another Commissioner to fill the vacancy or to delegate selection of the member to the Subcommittee. As a reminder, the current four Subcommittee members are Jon Turkel, Daniel Sheetz (Parks & Recreation Advisory Board), Lee Shaeffer (Potomac Appalachian Trail Club), and Pete Engel (citizen member).

If you have any questions or concerns in advance of the meeting, please do not hesitate to contact me.

Thomas & Kristen Halsey
Major Subdivision and Maximum Lot Size Exception
June 6, 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 major subdivision. It may be useful to members of the general public interested in this proposed subdivision.

Applicant(s):

Thomas & Kristen Halsey

Location:

- 5679 Senseny Road
- White Post Election District (Bouffault, Buckley – Planning Commission; McKay – Board of Supervisors)

Parcel Size: 27.1116 acres

Request:

Approval of a three lot Major Subdivision and Maximum Lot Size Exception for the property identified as Tax Map #12-A-5, located at 5679 Senseny Road in the White Post Election District zoned Agricultural Open-Space Conservation (AOC).

Staff Evaluation:

Proposed Lot Sizes:

The proposed lot configuration is as follows:

Lot 1 = 8.2675 acres (1 pre-1980 house)

Lot 2 = 17.7057 acres (1 DUR)

Lot 3 = 3.000 acres (1 DUR)

Maximum Lot Size Exception:

The subject property contains a pre-1980 house. In accordance with County Zoning a pre-1980 house may be subdivided off and exceed the maximum lot size without Planning Commission approval.

Access:

Lot 1 (8.26 acres), containing the exiting house, has an existing private entrance. Lot 2 (15.7 acres) and Lot 3 (3.00 acres) propose access by a private access easement. Entrances have been reviewed by VDOT. While VDOT has provided written approval and although the private entrance is allowed to remain, VDOT does recommend that all three lots use the private access easement. staff is awaiting written approval.

Septic:

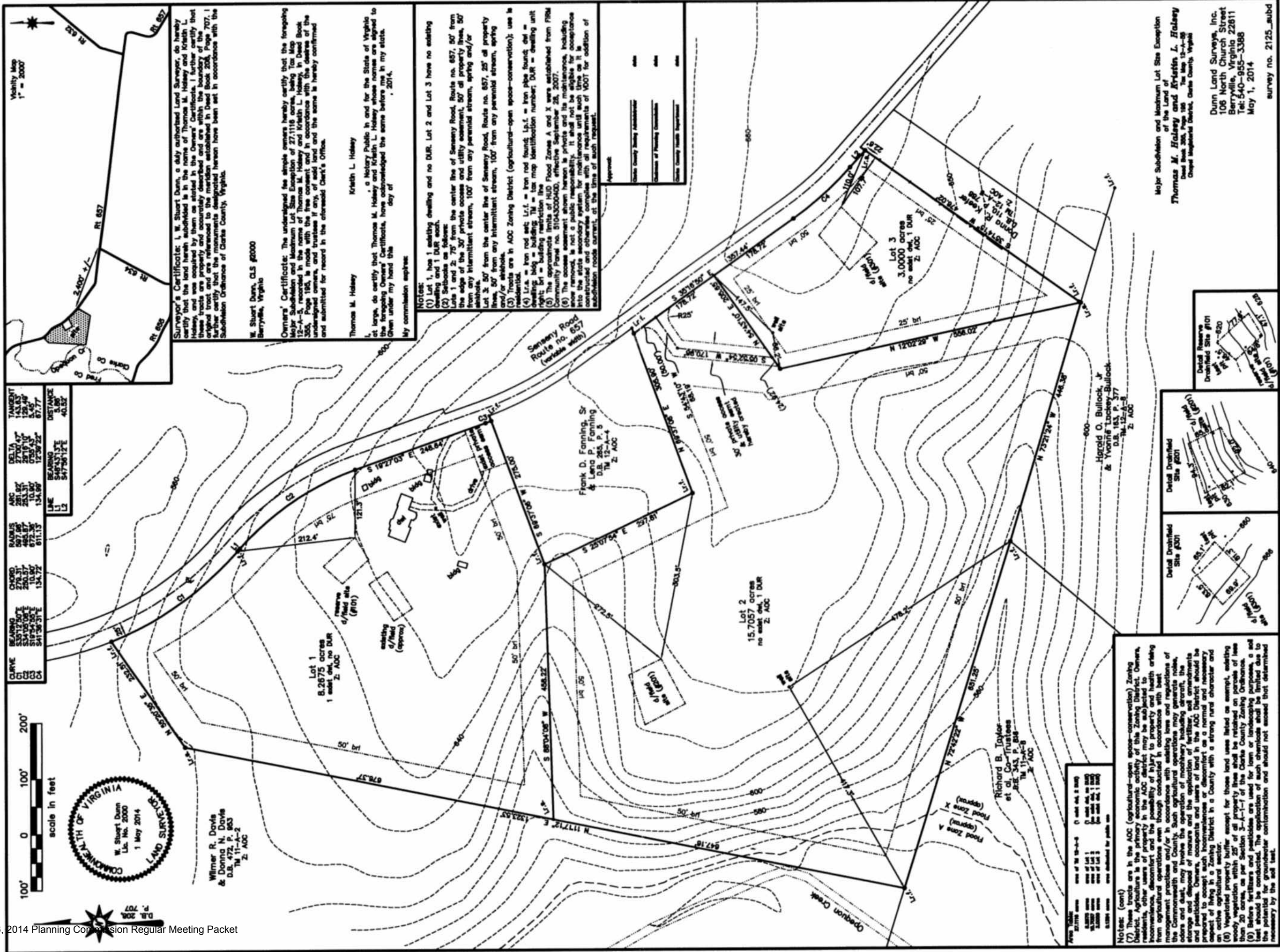
The Health Department has reviewed the soils for the proposed lots with drainfields and has approved such. The surveyor has been notified to revise the plats to show the capacity of each drainfield. Revised plats with drainfield capacity have been received with capacity numbers.

Resistivity:

The subject property is located outside of karst terrain along the Opequon Creek where the soils are shale. This was determined by county maps regarding karst and onsite inspection by the Health Dept.

Staff Recommendation:

Approval of final plat for a 3 lot major subdivision for the property identified as Tax Map Parcel 12-A-5 on condition that the applicant provide a deed of dedication in accordance with the County Subdivision Ordinance prior to the Zoning Administrator signing the plats.



CURVE	BEARING	CHORD	RADIUS	ARC	DELTA	TANGENT
C1	S 30° 12' 30" E	278.31	597.96	281.92	27° 00' 47"	143.63
C2	S 54° 05' 04" E	260.57	466.87	253.31	28° 19' 10"	128.48
C3	S 19° 54' 36" E	10.97	872.35	10.97	1° 59' 53"	178.52
C4	S 41° 38' 31" E	134.72	811.13	134.89	12° 38' 22"	87.77



Wilmer R. Davis
& Donna N. Davis
D.B. 472, P. 653
TM 11-A-2
Z: AOC

Stuart Dunn, CLS #0000
Berryville, Virginia

Surveyor's Certificate: I, W. Stuart Dunn, a duly authorized Land Surveyor, do hereby certify that the land herein subdivided is in the name of Thomas M. Holsey and Kristin L. Holsey, 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 referred to the meridian established in Deed Book 206, Page 707. I further certify that the monuments designated herein have been set in accordance with the Subdivision Ordinance of Clarke County, Virginia.

Owners' Certificate: The undersigned fee simple owners hereby certify that the foregoing Major Subdivision and Maximum Lot Size Exception of 27,116 acres, being Tax Map 12-A-5, recorded in the name of Thomas M. Holsey and Kristin L. Holsey, in Deed Book 305, Page 160, 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 aforesaid Clerk's Office.

Thomas M. Holsey
Kristin L. Holsey
a Notary Public in and for the State of Virginia
do hereby certify that Thomas M. Holsey and Kristin L. Holsey whose names are signed to the foregoing Owners' Certificate, have acknowledged the same before me in my state.
Given under my hand this _____ day of _____, 2014.

My commission expires _____

- Notes:**
- Lot 1, has 1 existing dwelling and no DUR. Lot 2 and Lot 3 have no existing dwelling and 1 DUR each.
 - Setbacks as follows:
 Lot 1 and 2: 70' from the center line of Sensary Road, Route no. 657, 50' from the edge of the 30' private access and utility easement, 50' all property lines, 50' from any intermittent stream, 100' from any perennial stream, spring and/or ashbake.
 Lot 3: 50' from the center line of Sensary Road, Route no. 657, 25' all property lines, 50' from any intermittent stream, 100' from any perennial stream, spring and/or ashbake.
 - Tracts are in AOC Zoning District (agricultural-open space-conservation); use is residential.
 - L.R.A. = iron rod set; L.L.L. = iron rod found; L.P.L. = iron pipe found; del = dwelling; bldg = building; TM = tax map identification number; DUR = dwelling unit right; Eri = building restriction line.
 - The approximate limits of HUD Flood Zones A and X were established from FEMA Community Panel no. 5104300400, effective September 28, 2007.
 - The access easement shown herein 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 MOOT for addition of subdivision roads current, at the time of such request.

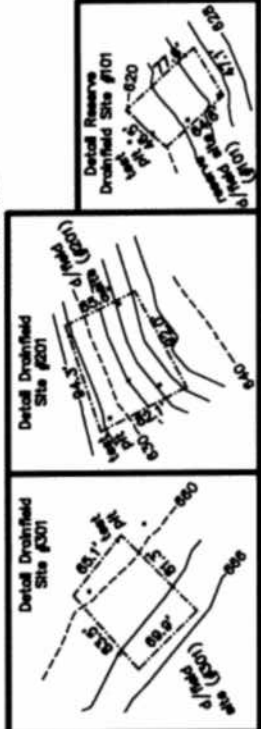
Adjacent	Owner	Address
	Clarke County Building Administration	State
	Clarke County Planning Commission	State
	Clarke County Health Department	State

Notes: (cont)

(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 tractors, the application of pesticides and the application of fertilizers. Owners of tracts in the AOC District should be prepared to accept such inconveniences or discomfort as a normal and necessary part 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 5-4-1-1 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.



Major Subdivision and Maximum Lot Size Exception
of the Land of
Thomas M. Holsey and Kristin L. Holsey
Deed Book 305, Page 160 Tax Map 12-A-5
Clarke Supplemint District, Clarke County, Virginia

Dunn Land Surveys, Inc.
106 North Church Street
Berryville, Virginia 22811
Tel: 540-955-3388
May 1, 2014
survey no. 2125_subd



Clarke County Board of Supervisors Regular Meeting Agenda

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

Item

May 20, 2014

Packet
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Afternoon Session 1:00 PM

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	- Public Hearing PH 14-08 Secondary Six-Year Plan for 2014/2015 - 2019/2020 has been advertised for the May 20 Regular Meeting at 6:30 pm. Action: See Agenda Item 20.	
	G. Closed Session Pursuant to §2.2-3711-A1 Specific Employees or Appointees of the Board. Action: Information only.	126

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 2

5/15/2014 10:00 AM



Clarke County Board of Supervisors Regular Meeting Agenda

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

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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

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5/15/2014 10:00 AM



Clarke County Planning Department
101 Chalmers Court, Suite B
Berryville, Virginia 22611
(540) 955-5132

TO: Planning Commission members

FROM: Brandon Stidham, Planning Director

RE: Economic Development Strategic Plan Draft, Discussion and Action Items

DATE: May 30, 2014

Item #13 on your June 6 regular meeting agenda is the presentation of the draft Economic Development Strategic Plan by Milton Herd (Herd Planning) and Staff. The Economic Development Strategic Plan Subcommittee completed their work on May 13 and voted to recommend the draft to the Planning Commission for consideration. The draft Plan was sent to you previously via email on May 19 and a hard copy was mailed out on May 20.

Following Mr. Herd's presentation and questions from the Commission members, Staff recommends that the Commission determine whether to move forward with scheduling formal public comment on the draft or whether further review and modifications may be necessary before finalizing the draft for the public. Should the Commission wish to have more time to discuss the draft Plan, Staff can schedule the item for the July 8 briefing meeting.

As with the Comprehensive Plan, the Planning Commission must hold a formal public hearing prior to taking action to recommend adoption of the draft Plan to the Board of Supervisors. If the Commission is ready to release the Plan for public comment, the members should discuss whether to proceed with a formal public hearing or to schedule an informal public comment session prior to conducting a formal public hearing. The latter approach would be similar to the comment sessions held on the initial draft of the Comprehensive Plan and would allow feedback from citizens and stakeholders to be considered prior to finalizing the draft Plan. If the Commission wishes to proceed with a formal public hearing, Staff can include an item on the July 11 regular meeting agenda to set public hearing for the September 5 meeting.

If you have any questions or concerns in advance of the meeting, please do not hesitate to contact me.