

**CLARKE COUNTY PLANNING COMMISSION
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November 3, 2017 Regular Meeting**

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Clarke County Planning Commission

AGENDA – Regular Meeting

Friday, November 3, 2017 – 9:00AM

Berryville/Clarke County Government Center – Main Meeting Room

1. **Approval of Agenda**
2. **Approval of Minutes**
 - a. October 3, 2017 Briefing Meeting
 - b. October 6, 2017 Regular Meeting

Minor Subdivisions

3. **MS-17-05/MLSE-17-01, John D. Hardesty, Jr.**

Board/Committee Reports

4. **Board of Supervisors (Mary Daniel)**
5. **Board of Septic & Well Appeals (George Ohrstrom, II)**
6. **Board of Zoning Appeals (Anne Caldwell)**
7. **Historic Preservation Commission (Doug Kruhm)**
8. **Conservation Easement Authority (George Ohrstrom, II)**
9. **Broadband Implementation Committee (Mary Daniel)**

Other Business

10. **Follow-Up Discussion, Large-Scale Greenhouse Operations**

Adjourn

UPCOMING MEETINGS

Tuesday, November 28, 2017 (3:00PM) – Briefing Meeting

Friday, December 1, 2017 (9:00AM) – Regular Meeting

Clarke County



**PLANNING COMMISSION
BRIEFING MEETING MINUTES
TUESDAY, OCTOBER 3, 2017 -- DRAFT**

A briefing meeting of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Tuesday, October 3, 2017.

ATTENDANCE

Present: Robina Bouffault; Randy Buckley; Barbara Byrd (Board of Supervisors liaison alternate); Anne Caldwell (Vice-Chair); Mary Daniel (arrived late); Scott Kreider; Frank Lee; Gwendolyn Malone; Cliff Nelson; George L. Ohrstrom, II (Chair); and Jon Turkel.

Absent: Douglas Kruhm

Staff Present: Brandon Stidham, Planning Director; Ryan Fincham, Senior Planner/Zoning Administrator; Bob Mitchell, County Attorney

CALLED TO ORDER

Chair Ohrstrom called the meeting to order at 3:04PM.

AGENDA

The members approved the agenda by consensus as presented.

REVIEW OF AGENDA ITEMS FOR OCTOBER 6, 2017 MEETING

SUP-17-03/SP-17-01, Clarke County Board of Supervisors

Mr. Fincham provided an update of the citizens' convenience center special use permit and site development plan application. He said that the case was deferred at the Commission's September 1 meeting to allow additional work on Virginia Department of Transportation (VDOT), Virginia Department of Environmental Quality (DEQ), and Karst plan review issues. He reported that outstanding concerns have been resolved on all three issues and only minor administrative items remain to be completed. He also presented Staff's recommended conditions for the special use permit and reviewed each condition in detail noting that several conditions have been adapted from the Hecate Energy special use permit case. Mr. Stidham reminded the Commission of the 2232 review process for Comprehensive Plan conformance for public infrastructure projects and the need to adopt a motion prior to taking action on the special use permit and site development plan applications. Mr. Fincham also distributed a project timeline developed by the applicant showing the history of the project dating back to 1999. He indicated that Staff recommends approval of the special use permit and conditional approval of the site development plan.

Vice Chair Caldwell noted a minor correction that needs to be made to the landscaping plan sheet – the table shows only five American hollies to be used but the diagram shows many more than five. She suggested that they double check all other landscaping numbers against the quantity depicted in the diagram. Mr. Fincham said that he would bring that to their attention. Vice Chair Caldwell asked whether something should be added to require the trees and shrubs to be watered during the first year, noting that there are hundreds of trees at the Hecate Energy solar farm that are dead because they were neglected. Mr. Stidham said that he had concerns with how to enforce a watering requirement. He added that since this is a County project, the landscaping contractor would likely be responsible as part of their contract to maintain all plantings and replace any that may die in the first year. Mr. Turkel asked whether maintenance is only required in the first year and what happens after two years. Mr. Stidham replied that they are responsible for maintaining landscaping according to the plan throughout the life of the project.

Mr. Stidham noted that Staff has added a Broadband Implementation Committee report to the list of monthly reports on the meeting agenda.

OLD BUSINESS ITEMS

None

NEW BUSINESS ITEMS

Discussion, Large-Scale Greenhouse Operations

Mr. Stidham said that this item was added to the agenda in response to concerns from citizens regarding the possibility of a large-scale greenhouse operation being developed. He noted that Staff has not received an application for any projects such as this but previously spoke to a party that is interested in developing a large-scale greenhouse somewhere in the County. Referencing the Staff memo in the meeting materials, he described what a large-scale greenhouse is, indicating that it is considered to be a by-right use under “agriculture,” and would only require a zoning permit and an erosion and sediment control plan approval by the County. He also described specific activities of the operation that would have to be limited in order to be considered a by-right agricultural use. He noted that a copy of the Virginia Right to Farm Act is included along with a separate code section that prohibits localities from requiring special use permits for agricultural activities.

Mr. Turkel asked for confirmation that whether a water system constitutes a “waterworks” is dependent upon the number of users and not the number of wells. Mr. Stidham noted if multiple wells were connected in a single system, Staff could make the argument that it is a waterworks if it served more than the maximum number of people. Mr. Kreider asked if anything could be done if the amount of water being pulled out via those wells adversely impacted neighboring property owners’ wells. Ms. Daniel replied that this would be a private cause of action among the property owners and not something the County could regulate. Chair Ohrstrom noted an example a few years ago in Frederick County being required to do a “cone of depression” analysis to determine potential impact of a proposed municipal well on surrounding private wells. Mr. Lee noted that the example is different because Frederick County was developing a public well for drinking and domestic use.

Vice-Chair Caldwell asked why the waterworks ordinance was written in reference to the number of connections and users as opposed to some other metric. Mr. Stidham said that he heard anecdotally that the provision was added to the Zoning Ordinance to prevent a large number of residences from sharing a single well. Mr. Fincham said that the actual language was taken from the Virginia Department of Health's waterworks regulations.

Chair Ohrstrom asked Mr. Mitchell whether the County could require a facility of this size to be removed if it ceases operation and becomes vacant. Mr. Mitchell replied that there is no County action that would be taken to grant the use that would also allow for such requirements to be imposed. He said that if the building is abandoned, the County could determine it to be a nuisance if it poses a risk to public health or safety and order the building to be removed. Ms. Bouffault asks what happens if the landowner is bankrupt and Mr. Mitchell said that is always the risk. Ms. Daniel asked if there has been a specific party that has inquired about such a business and Mr. Stidham said yes. Chair Ohrstrom added that the party was looking at a different location at that time.

Vice-Chair Caldwell asked Mr. Mitchell if the County could create well usage regulations to address health, safety and welfare issues since the property in question on Senseny Road is in the recharge zone for the Prospect Hill Spring and provides water for a number of properties. Mr. Mitchell said that he would look into this issue. Chair Ohrstrom added that he thought many of the nearby residents in that area have low-yield wells that could be impacted by a hydroponics facility that uses a lot of water. Mr. Stidham noted that the County has a Spring Conservation Overlay District but that it is only covering the area near the Prospect Hill Spring on Browntown Road. Ms. Bouffault noted that the groundwater recharge area is a critical location with karst geology that can impact water quantity and water quality from discharges. Mr. Lee wondered whether the water would be recycled by a hydroponic facility to ensure that additives are used rather than discharged, and Chair Ohrstrom noted that a traditional outdoor growing operation using the same fertilizers would likely have more additives going directly into the soil. Mr. Lee said that a discharge system would likely fall under the regulation of the Department of Environmental Quality. Mr. Stidham said that if the waste was being discharged into a surface point-source, it would likely require County approval. Vice-Chair Caldwell noted that the County's intensive livestock regulations require a nutrient management plan. Chair Ohrstrom said that whether or not a livestock operation has to submit a nutrient management plan for approval is based on the number of animal units at the operation. He added that he did not know what you would use to develop a similar system for "intensive crop" production.

Ms. Byrd asked about the lighting impacts of these facilities and how our regulations would apply to them. Mr. Stidham replied that there are "dark-sky" regulations for agricultural and residential uses that reside in the County Code and would apply to these facilities. He noted that the regulations govern light spillover upwards and off of the property, but they are not designed to prevent any light from being seen by adjoining property owners. Ms. Bouffault asked what the maximum allowable height of building is and Mr. Stidham said 35 feet. A resident in attendance asked if there were any regulations to govern heavy truck traffic on a road that is not designed to handle it. Mr. Stidham said that the VDOT would regulate the safety of the property entrance. He added that the only tool to regulate truck traffic on public roads is the "through-truck restriction" but that this can only be applied to truck traffic traveling through the road in question and not to trucks that are stopping at destinations along the road.

Chair Ohrstrom asked Mr. Mitchell if there is any process for the County or citizens to ask VDOT to address road safety concerns. Mr. Mitchell replied that VDOT would probably recommend developing a road improvement project and Mr. Stidham added that they would likely only provide funding in a revenue sharing arrangement.

Mr. Nelson asked Chair Ohrstrom if the four concerned citizens in the audience could ask questions and he replied yes. One of the residents asked about why you can regulate lighting for the convenience center project and not for a large-scale greenhouse operation. Chair Ohrstrom replied that you can regulate light spillover at the property line for these operations. The resident noted that there is a facility in Vermont that has lighting that extends a radius of six square miles. Chair Ohrstrom noted that the State has tied the counties' hands with the Right to Farm Act and how they can regulate agricultural operations. He added that the County requires an agricultural operations notice on all subdivision plats to notify residents of the impacts of living in an agricultural community, and Mr. Stidham provided background information and read the notice to the Commission.

Ms. Bouffault noted that the two applicable State code sections were developed many years ago and amended many times and that State lawmakers did not contemplate vertical farming technology when they created the laws. She asked whether it would be worthwhile to consult our State delegation to determine their take on this issue. She added that hydroponics is not a new concept but its application in industrial-style settings is new. Vice-Chair Caldwell suggested seeing if the Virginia Farm Bureau has an official position on large-scale greenhouses. Mr. Lee said that the Farm Bureau is the only entity with the political clout to address the issue with the General Assembly. Mr. Stidham said that he would check with the Farm Bureau and report back to the Commission.

OTHER BUSINESS

None

The meeting was adjourned by consensus at 3:55PM.

George L. Ohrstrom, II (Chair)

Brandon Stidham, Planning Director

Clarke County

**PLANNING COMMISSION
REGULAR MEETING MINUTES -- DRAFT
FRIDAY, OCTOBER 6, 2017**



A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Friday, October 6, 2017.

ATTENDANCE

Present: George L. Ohrstrom, II, Chair; Robina Bouffault; Barbara Byrd (Board of Supervisors liaison alternate); Randy Buckley; Scott Kreider; Doug Kruhm; Frank Lee; Gwendolyn Malone; Cliff Nelson and Jon Turkel.

ABSENT

Anne Caldwell, Vice Chair and Mary Daniel

Staff Present: Brandon Stidham, Planning Director; and Ryan Fincham, Senior Planner/Zoning Administrator; 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 presented.

Yes: Bouffault, Buckley, Byrd, Kreider, Kruhm, Lee, Malone (seconded), Nelson (moved), Ohrstrom and Turkel

No: No one

Absent: Caldwell and Daniel

APPROVAL OF MINUTES

The Commission voted to approve the briefing meeting minutes of August 29, 2017 with one typographical correction.

Yes: Bouffault (moved), Byrd, Kreider, Kruhm, Lee, Malone (seconded), Nelson, Ohrstrom and Turkel

No: No one

Absent: Caldwell and Daniel

Abstained: Buckley

The Commission voted to approve the regular meeting minutes of September 1, 2017.

Yes: Bouffault, Buckley, Byrd, Kreider (moved) Kruhm (seconded), Malone, Nelson, Ohrstrom and Turkel

No: No one

Absent: Caldwell and Daniel

Abstained: Lee

Public Hearing

SUP-17-03/SP-17-01, Clarke County Board of Supervisors (Citizens' Convenience Center). Request approval of a Special Use Permit (SUP) and Site Development Plan for Public Utility Uses and Structures per §3-A-1-a-3-p of the Zoning Ordinance. The purpose is to construct a County-operated citizens' convenience center for drop-off of household waste and recycling to be developed on a two-acre portion of a 149 acre property owned by Stuart M. Perry, Inc. The property is zoned Agricultural-Open Space-Conservation (AOC) District and is identified as Tax Map #16-A-33. The proposed use would be located on the west side of Quarry Road (Rt. 612) approximately 500 feet south of its intersection with Harry Byrd Highway (Rt. 7) in the Buckmarsh Election District.

Mr. Fincham gave a brief discussion on this request. He stated the applicant is requesting approval of a Special Use Permit and Site Development Plan for Public Utility Uses and Structures per §3-A-1-a-3-p of the Zoning Ordinance. He said the purpose of this request is to construct a County-operated citizens' convenience center for drop-off of household waste and recycling. He said that at the last Planning Commission meeting the Commission voted to defer action on this request and continue the Public Hearing until the October 6, 2017 meeting. He stated that four of the required nineteen criteria still needed to be resolved before moving forward with this request. He said the following four criteria have now been resolved:

1. **Will not cause unreasonable traffic congestion or unsafe conditions on existing or proposed public road and has adequate road access.** The property entrance will be a "moderate-volume commercial entrance" meeting VDOT requirements. VDOT has approved the request and no comments regarding traffic congestion were noted.
2. **Will not cause unreasonable depletion of or other undue adverse effect on the water source(s) serving existing developments in adjacent areas.** Dan Rom, County Karst Engineering consultant, has approved the Karst plan and analysis and no depletion or adverse effect to water sources are expected.
3. **Will not cause undue surface or subsurface water pollution.** Dan Rom, County Karst Engineering Consultant, has approved the Karst plan and analysis and no undue surface or subsurface water pollution is expected.
4. **Will have adequate facilities to provide safety from flooding, both with respect to proposed structures and to downhill/downstream properties.** The Virginia Department of Environmental Quality has approved the applicant's stormwater management plan.

Mr. Fincham stated that another review criteria is whether this request will be consistent with the Comprehensive Plan of the County. He said that Mr. Stidham will address this item.

Mr. Stidham stated that "public utility uses and structures" has been an allowable use in the AOC district for a number of years. He said that the use itself is in general accord with the Comprehensive Plan by virtue of its inclusion in the Zoning Ordinance. He stated that Objective 11 of the Comprehensive Plan

provides guidance regarding the siting of new County facilities that can be applied to the locations and scale of the proposed citizens' convenience center. He said that the area of the proposed convenience center is in a good location for neighbors using the facility and will not cause unreasonable traffic congestion. He stated the operation of hours will be the same as the other facility in the County. He said the location, character and extent of the proposed citizens' convenience center is in general accord with the County's Comprehensive Plan subject to compliance with the Zoning Ordinance's regulations.

After discussion with Staff and the Commission, Chair Ohrstrom opened the continued public hearing.

Paul Williams, 3831 Harry Byrd Highway, Berryville, Virginia, stated that he has several questions about this request. He said that one item that concerns him is traffic as there is already a lot of traffic on Quarry Road. He asked if the road will be updated since more traffic will be added. He said that he would like to see below the surface of the pavement on the road as there could be bad stuff going on. He stated that he has a creek on his farm and does not want it to be destroyed due to water runoff from the pavement. He asked if there will be a stream monitoring system installed. He asked about the budget prospective and if the County can afford this or will it blow the budget. Chair Ohrstrom stated that he would need to contact VDOT to answer his questions about the traffic. Chair Ohrstrom said that DEQ could answer some of his questions in regard to the stream.

Willie Pollard lives across the highway from the proposed request. He said that he is dealing with a lot of traffic and a lot of noise from the quarry and he is concerned that this proposed request will increase the traffic and noise more. He asked if a traffic light will be installed. He stated that he is also concerned about the lights and possible odors that will be coming from the proposed site. He said that they already have a lot of water that flows through their property after heavy rain and is wondering if it will become worse. He stated that he already worries about the existing concerns and wonders what this will do to the value of his property. He said he is very much opposed to this request.

Meg Roque, 501 Chestnut Lane, Berryville, Virginia, said she is super excited about the proposed facility. She said to have this facility close by will be so much more convenient for the residents in this area. She stated that she appreciates the concerns of the neighbors but a lot of people will be really happy about this.

There being no further public comments, Chair Ohrstrom closed the continued public hearing.

Commissioner Bouffault said the traffic has always been a problem and the county cannot do anything about it as these are old problems. She said she does not know how we can address these concerns such as the roads as our hands are somewhat tied. Chair Ohrstrom said that the Board of Supervisors can possibly help these neighbors.

Commissioner Kruhm stated that he has been to other Convenience Centers and that said that the odor at the facilities is far less than the biosolid applications that are applied to the neighboring farms in the area. He said it should be watched and observed but he does not think odor will be a problem. He said he will talk to the person that monitors the streams to ensure that there is no contamination from the Convenience Center.

Mr. Fincham stated that prior to taking formal action on the special use permit and site development plan applications, the Commission should adopt one of the following draft motions regarding the issue of substantial accordance with the Comprehensive Plan per Code of Virginia §15.2-2232.

The Commission voted that the approximate location, character, and extent of the proposed citizens' convenience center to be substantially in accord with the Clarke County Comprehensive Plan per Code of Virginia §15.2-2232.

Yes: Bouffault, Buckley, Byrd, Kreider, Kruhm (seconded), Lee, Malone, Nelson, Ohrstrom and Turkel
(moved)

No: No one

Absent: Caldwell and Daniel

The Commission voted to recommend approval of the special use permit for the proposed citizen's convenience center subject to conditions listed in this report and conditional approval of the site plan, subject to resolution of the administrative items as presented, to the Board of Supervisors.

Yes: Bouffault (moved), Buckley, Byrd, Kreider, Kruhm, Lee, Malone (seconded), Nelson, Ohrstrom and Turkel

No: No one

Absent: Caldwell and Daniel

Mr. Stidham stated the Board of Supervisors will hold a Public Hearing on this matter on October 17, 2017 at 6:30 p.m.

Board/Committee Reports

Board of Supervisors (Barbara Byrd)

Convenience center

Board of Septic & Well Appeals (George Ohrstrom, II)

No report.

Board of Zoning Appeals (Anne Caldwell)

No report.

Historic Preservation Commission (Doug Kruhm)

No report.

Conservation Easement Authority (George Ohrstrom, II)

Chair Ohrstrom stated that there was a very nice article in the Winchester Star newspaper about the Conservation Easement Authority.

Discussion

Mr. Stidham stated that the Broadband website is now active and available to the public. He stated that Cathy Kuehner from the Winchester Star wants to run an article in the paper about the website.

On motion by Commissioner Kreider and seconded by Commissioner Nelson the meeting was adjourned at 9:43 a.m.

George L. Ohrstrom, II, Chair

Brandon Stidham, Director of Planning

Minutes prepared by Debbie Bean, Recording Secretary

MINOR SUBDIVISION (MS-17-05) / MAXIMUM LOT SIZE EXCEPTION (MLSE-17-01)
John D. Hardesty, Jr.
November 3, 2017 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):

John D. Hardesty, Jr.

Location:

- Subject property is located at 537 Longmarsh Road
- Tax Map Parcel #7-A-120
- Russell Election District (Nelson and Ohrstrom)

Zoning District and Lot Guidelines:

Agricultural Open Space-Conservation (AOC)

Proposed Lot Configurations:

New Lot A = 66.5983 acres (1 Pre-1980 Existing Dwelling / 1 DUR)
Remainder Lot = 68.8040 acres (No Existing Dwelling / 5 DUR)
(23.6636 acres / 2 DUR North of Longmarsh Road)
(45.1404 acres / 3 DUR South of Longmarsh Road)

Total Area in subdivision = 135.4023 acres

Request:

Approval of a one lot Minor Subdivision for the property identified as Tax Map #7-A-120, located at 537 Longmarsh Road in the Russell Election District zoned Agricultural Forestal Open-Space Conservation (AOC).

Staff Discussion/Analysis:

The applicant is utilizing the properties one allowable maximum lot size exception for the existing pre-1980 house at 537 Longmarsh Road. The remainder parcel is located on both sides of Longmarsh Road. The definition of tract in the subdivision ordinance is “A parcel of land for which there exists a separate parcel designation on the Clarke County Real Property Identification Map as of October 17, 1980. Parcels which have been divided by a public road, which is maintained by the Virginia Department of Transportation, shall be considered as separate tracts, even though such tracts may be assigned one parcel designation as set forth herein.” The applicant may work with the Commissioner of the Revenue in the future to assign the two tracts separate tax map parcel identification numbers, but chose not to address this matter at this time. Staff has provided comments to the surveyor for administrative revisions needed and await the revised plats no later than Tuesday October 31, 2017.

Access:

The ingress/egress for New Lot A will be the existing driveway shown on the subdivision plat, and the lot also has extensive road frontage. The ingress/egress for the Remainder is not established since there is no new development proposed and extensive road frontage. VDOT has been sent a plat for review and has not provided comments to date.

Water and Septic:

There is an existing septic drainfield for two bedroom capacity to serve the existing house and a 100% reserve area as shown on the plat for New Lot A. There is no requirement for the remainder since it is greater than 40 acres in size. Well site not shown and surveyor has been asked to show location on the plat. VDH has provided comments and will sign the plats once the applicant has paid the proper fee for a certification letter.

Karst Plan / Resistivity Test:

The resistivity tests have been reviewed and approved by County consultant Dan Rom for the 100% reserve area.

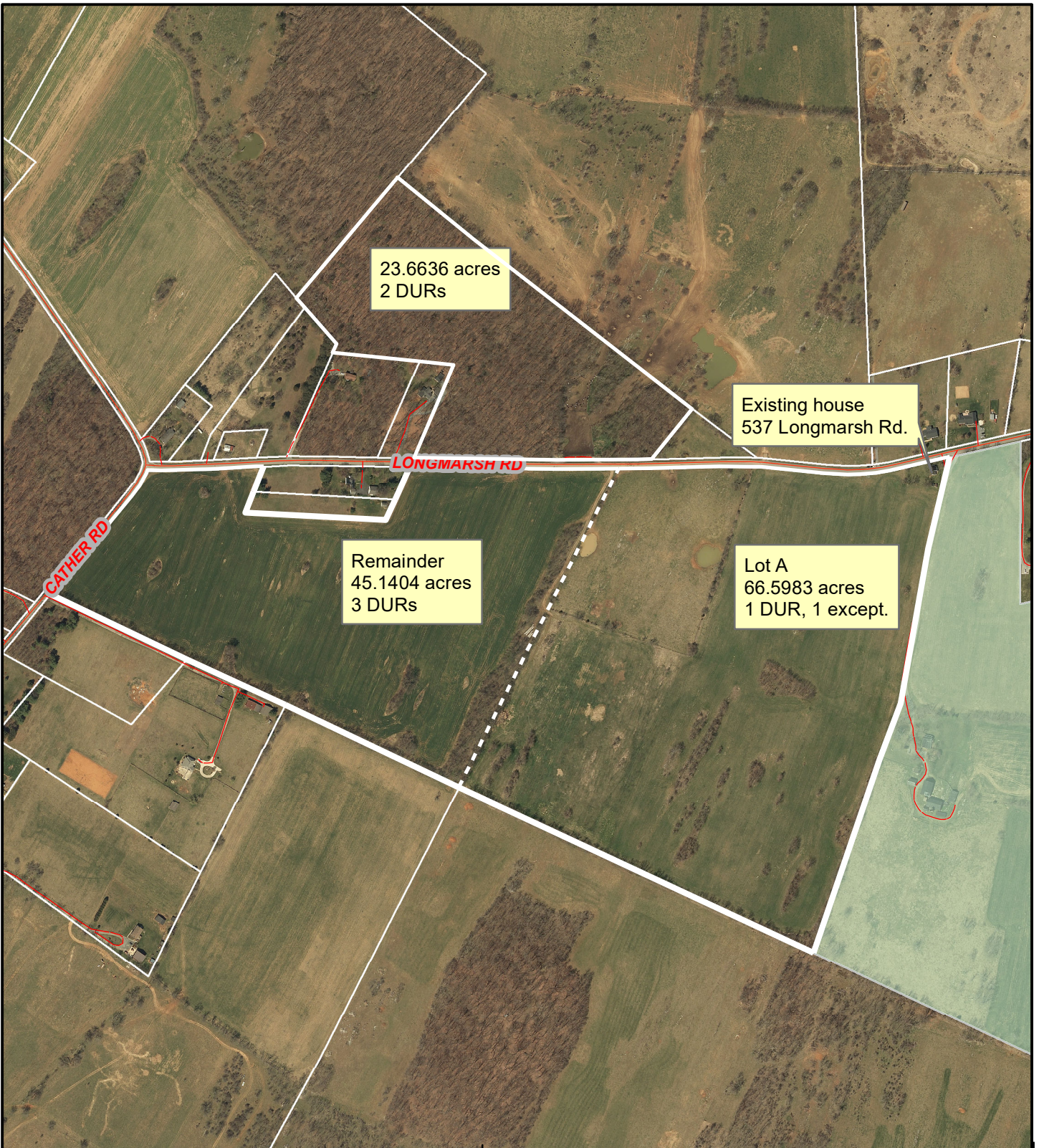
Recommendation:

Staff recommends approval of a one lot Minor Subdivision for the property identified as Tax Map #7-A-120, located at 537 Longmarsh Road in the Russell Election District zoned Agricultural Forestal Open-Space Conservation (AOC).

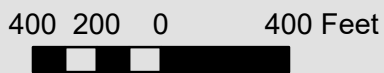
History:

- October 3, 2016 Complete Application filed with the Department of Planning.

- November 3, 2016. Placed on the Commission’s regular meeting agenda.



JC Hardesty, LLC
 Tax Map# 7-A-120
 135.4023 acres
 6 DUR's, 1 exception

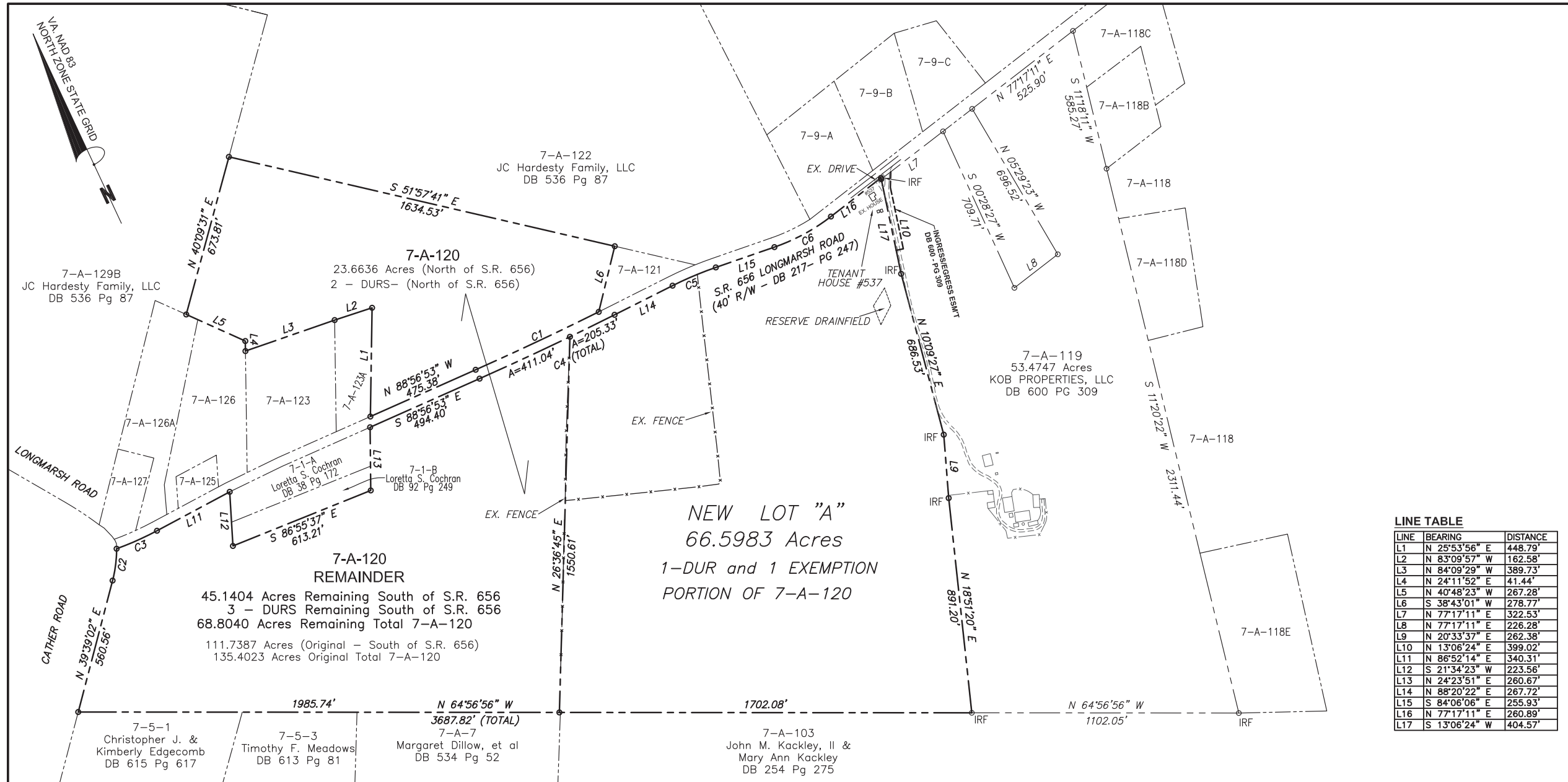


Clarke County GIS
 October 26, 2017



Legend

- Parcel Boundary
- Conservation Easements
- Structures
- Proposed Lot Line
- Existing Lot Line
- Roads
- Private Road



LINE TABLE

LINE	BEARING	DISTANCE
L1	N 25°53'56" E	448.79'
L2	N 83°09'57" W	162.58'
L3	N 84°09'29" W	389.73'
L4	N 24°11'52" E	41.44'
L5	N 40°48'23" W	267.28'
L6	S 38°43'01" W	278.77'
L7	N 77°17'11" E	322.53'
L8	N 77°17'11" E	226.28'
L9	N 20°33'37" E	262.38'
L10	N 13°06'24" E	399.02'
L11	N 86°52'14" E	340.31'
L12	S 21°34'23" W	223.56'
L13	N 24°23'51" E	260.67'
L14	N 88°20'22" E	267.72'
L15	S 84°06'06" E	255.93'
L16	N 77°17'11" E	260.89'
L17	S 13°06'24" W	404.57'

7-A-120
23.6636 Acres (North of S.R. 656)
2 - DURS- (North of S.R. 656)

7-A-120 REMAINDER
45.1404 Acres Remaining South of S.R. 656
3 - DURS Remaining South of S.R. 656
68.8040 Acres Remaining Total 7-A-120
111.7387 Acres (Original - South of S.R. 656)
135.4023 Acres Original Total 7-A-120

NEW LOT "A"
66.5983 Acres
1-DUR and 1 EXEMPTION
PORTION OF 7-A-120

APPROVED BY

CLARKE COUNTY PLANNING COMMISSION _____ DATE _____

CLARKE COUNTY HEALTH DEPARTMENT _____ DATE _____

CLARKE COUNTY ZONING ADMINISTRATOR _____ DATE _____

OWNER'S CERTIFICATE

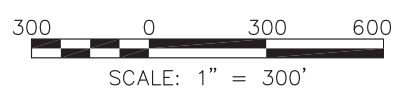
THE MINOR SUBDIVISION, MAXIMUM LOT SIZE EXEMPTION, OF A PORTION OF TAX MAP PARCEL 7-A-120, STANDING IN THE NAME OF JC HARDESTY, LLC, AS APPEARS IN THE ACCOMPANYING PLAT, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER, PROPRIETOR AND TRUSTEE, IF ANY.

JC HARDESTY, LLC

DATE: _____, 2017 BY _____

LEGEND:

IRF - IRON ROD FOUND
IPF - IRON PIPE FOUND
IRS - IRON ROD SET
VDH - CONCRETE MONUMENT FOUND



CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	561.48'	12980.00'	2°28'42"	S 89°48'46" W	561.44'
C2	132.72'	510.00'	14°54'39"	N 32°11'42" E	132.35'
C3	182.58'	1270.00'	8°14'14"	S 89°00'39" E	182.42'
C4	616.37'	13020.00'	2°42'45"	N 89°41'45" E	616.31'
C5	193.93'	1470.00'	7°33'32"	S 87°52'52" E	193.79'
C6	266.37'	820.00'	18°36'43"	N 86°35'33" E	265.20'

NOTES:

1. BOUNDARY INFORMATION SHOWN HEREON IS BASED ON AN ACTUAL FIELD SURVEY COMPLETED DURING SEPTEMBER 2017.

2. HORIZONTAL ORIENTATION IS BASED ON VA. NAD 83 (93) NORTH ZONE STATE GRID ESTABLISHED USING GPS METHODS, REFERENCED TO SURVEY CONTROL MONUMENTS AS PUBLISHED BY N.G.S.

NOTARY PUBLIC

STATE OF VIRGINIA, AT LARGE,
CITY/COUNTY OF _____, TO-WIT:

THE FOREGOING OWNER'S CERTIFICATE WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2017, BY _____ ON BEHALF OF JC HARDESTY, LLC.

MY COMMISSION EXPIRES _____

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PROPERTY CONTAINED IN THIS MINOR SUBDIVISION, MAXIMUM LOT SIZE EXEMPTION, IS A PORTION OF THE SAME PROPERTY CONVEYED TO JC HARDESTY, LLC, BY DEED OF GIFT DATED MAY 12, 2011, FROM HARDESTY PROPERTIES, LLC, WHICH DEED OF GIFT IS OF RECORD IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF CLARKE COUNTY, VIRGINIA, IN DEED BOOK 536 AT PAGE 87.



Marsh & Legge Land Surveyors, P.L.C.
560 NORTH LOUDOUN STREET ~ WINCHESTER, VIRGINIA 22601
PHONE (540) 667-0468 ~ FAX (540) 667-0469 ~ EMAIL office@marshandlegge.com

MINOR SUBDIVISION PLAT
MAXIMUM LOT SIZE EXEMPTION
LOT "A" - 66.5983 ACRES
A PORTION OF
TAX MAP PARCEL 7-A-120
STANDING IN THE NAME OF
JC HARDESTY, LLC
LONGMARSH MAGISTERIAL DISTRICT
CLARKE COUNTY, VIRGINIA

DRAWING NO. **ID4123**
DATE: SEPTEMBER 27, 2017
104123-SUBD 66 AC SWM2
SHEET

1
OF 1



Clarke County Planning Department

101 Chalmers Court, Suite B

Berryville, Virginia 22611

(540) 955-5132

www.clarkecounty.gov

TO: Planning Commission members

FROM: Brandon Stidham, Planning Director

RE: Follow-Up Discussion, Large-Scale Greenhouse Operations

DATE: October 26, 2017

Item #10 under “Other Business” is a follow-up discussion from the October 3 Briefing Meeting regarding large-scale greenhouse operations. Commissioners requested Staff and the County Attorney to research and report back on two specific items that are addressed in detail below:

- **Potential regulation of groundwater withdrawal.** Vice-Chair Caldwell asked County Attorney Bob Mitchell whether the County could create well usage regulations to address health, safety and welfare issues since the property in question on Senseny Road is in the recharge zone for the Prospect Hill Spring and provides water for a number of properties. Mr. Mitchell researched this item and noted that in general terms, there is no current authority in the State code that allows the County to regulate the amount of groundwater that can be withdrawn via private wells. Additionally, the County’s current Spring Conservation Overlay District regulations only govern an area in the immediate vicinity of the Prospect Hill Spring located on Browntown Road and does not extend west of Lord Fairfax Highway (U.S. 340). Staff notes that the Spring Conservation Overlay District regulations provide additional protections from groundwater impacts such as sewage disposal systems and land disturbance activities but does not regulate the usage of private wells. Staff also notes that the Virginia Department of Health (VDH) does not regulate the quantity of water that can be withdrawn by private wells.
- **Virginia Farm Bureau position.** Commissioners also asked Staff to contact the State office of the Virginia Farm Bureau to determine whether they have taken a position on large-scale greenhouse operations. Staff spoke with Arielle Brown and she indicated that the Farm Bureau has a general policy of supporting alternative forms of agriculture such as hydroponic farming. She added that the creation and consideration of any new policies would have to be developed through the County’s local Farm Bureau chapter.

Staff recommends that Commissioners provide any additional questions or research items for Staff at the November 3 meeting. If you have questions in advance of the meeting, please do not hesitate to contact me.