

**CLARKE COUNTY PLANNING COMMISSION
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June 1, 2021 Work Session, June 4, 2021 Business Meeting,
June 9 Special Meeting/Public Hearing**

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Clarke County Planning Commission

AGENDA – Work Session

Tuesday, June 1, 2021 – 3:00PM

Berryville/Clarke County Government Center– Main Meeting Room

- 1. Approval of Work Session Agenda**
- 2. Review of June 4, 2021 Business Meeting Agenda Items**
- 3. Old Business Items**
 - A. Zoning and Subdivision Ordinance Update Project – Update on June 9 Special Meeting/Public Hearing and Public Outreach
- 4. New Business Items**
 - A. Berryville Area Plan Five-Year Review Resolution
- 5. Other Business**
- 6. Adjourn**



Clarke County Planning Department

101 Chalmers Court, Suite B

Berryville, Virginia 22611

(540) 955-5132

www.clarkecounty.gov

TO: Planning Commission

FROM: Brandon Stidham, Planning Director

**RE: Zoning & Subdivision Ordinance Update Project –
Update on June 9 Special Meeting/Public Hearing and Public Outreach**

DATE: May 27, 2021

The purpose of this memo is to update you on the June 9 Special Meeting/Public Hearing and status of Staff's public outreach efforts:

- The June 9 Special Meeting and Public Hearing has been scheduled and a draft agenda is included at the end of the meeting packet. The Public Hearing Notice has been sent to the Winchester Star with runs on May 26 and June 2. As discussed previously, the Special Meeting will begin at 6:00PM with a Staff presentation and the Public Hearing will be held at 7:00PM. Speakers will be permitted to ask questions to which Staff will respond.

As a reminder, the Commission has agreed not to take action on the draft Ordinances at the June 9 Special Meeting and will continue the Public Hearing to the July 2 Business Meeting as described in the Public Hearing Notice.

- Regarding public outreach, the Ordinance Update project webpage is complete and went live on May 17 with all documents posted as discussed at last month's meeting. Staff also worked with the public information director on a series of messages about the project and Public Hearing for posting to the County Facebook page. The first message was posted on May 21 and additional messages will be posted periodically throughout the public comment period. The text for these messages is attached for your information.
- As of the drafting of this memo, Staff has not received any questions or comments from the public. We will keep you updated as comments are received.

Please let me know if you have any questions or concerns in advance of the meetings.

OUTREACH MESSAGES FOR COUNTY FACEBOOK PAGE ORDINANCE UPDATE PROJECT

Run between May 21 and June 4

The Clarke County Planning Commission will hold a Public Hearing on Wednesday, June 9 at 7:00PM in the Berryville-Clarke County Government Center Main Meeting Room to receive comments on proposed changes to the County's Zoning and Subdivision Ordinances. A Staff presentation on the proposed changes will begin at 6:00PM. This Public Hearing will be continued to the Commission's meeting on Friday, July 2 at 9:00AM to provide an additional opportunity to receive comments and questions. For more information on the amendments, please visit www.clarkecounty.gov/ordinanceupdateproject or contact the Department of Planning at (540) 955-5132.

Did you know that the Clarke County Planning Commission recently completed a multi-year project to clarify, modernize, and update the County's Zoning and Subdivision Ordinances? The Planning Commission is now soliciting comments and questions on the draft revisions and has scheduled Public Hearing opportunities on Wednesday, June 9 at 7:00PM and on Friday, July 2 at 9:00AM in the Berryville-Clarke County Government Center Main Meeting Room. A Staff presentation will be given on June 9 prior to the Public Hearing starting at 6:00PM. For more information on the amendments, please visit www.clarkecounty.gov/ordinanceupdateproject or contact the Department of Planning at (540) 955-5132.

Run June 7

Don't forget!

- Public Hearing on Proposed Amendments to the Clarke County Zoning and Subdivision Ordinances.
- Wednesday, June 9 at 7:00PM with a Staff presentation beginning at 6:00PM in the Berryville-Clarke County Government Center Main Meeting Room.
- For more information on the amendments, please visit www.clarkecounty.gov/ordinanceupdateproject or contact the Department of Planning at (540) 955-5132.

Run June 10 and June 21

In case you missed the Clarke County Planning Commission's June 9 Public Hearing on Proposed Amendments to the County's Zoning and Subdivision Ordinances, there will be an additional opportunity to provide your comments and questions at the Commission's meeting on Friday, July 2 at 9:00AM in the Berryville-Clarke County Government Center Main Meeting Room. For more information on the amendments, please visit www.clarkecounty.gov/ordinanceupdateproject or contact the Department of Planning at (540) 955-5132.

Run June 28

Don't forget!

- Continued Public Hearing on Proposed Amendments to the Clarke County Zoning and Subdivision Ordinances.
- Friday, June 2 at 9:00AM in the Berryville-Clarke County Government Center Main Meeting Room.
- For more information on the amendments, please visit www.clarkecounty.gov/ordinanceupdateproject or contact the Department of Planning at (540) 955-5132.



Clarke County Planning Department

101 Chalmers Court, Suite B

Berryville, Virginia 22611

(540) 955-5132

www.clarkecounty.gov

TO: Planning Commission

FROM: Brandon Stidham, Planning Director

RE: Berryville Area Plan Five-Year Review Resolution

DATE: May 27, 2021

At their May 26 meeting, the Berryville Area Development Authority (BADA) adopted the attached Resolution to Initiate Review of the 2015 Berryville Area Plan. As noted in the resolution, the review is expected to begin in 2022 following release of all Census 2020 data and contingent upon the Authority's and Staff's workloads.

This resolution is being provided for informational purposes only – no action is required by the Planning Commission. Please let me know if you have questions or concerns.

**RESOLUTION TO INITIATE REVIEW
OF THE 2015 BERRYVILLE AREA PLAN**

WHEREAS, the 2015 Berryville Area Plan was adopted by the Berryville Town Council on May 10, 2016 and by the Clarke County Board of Supervisors on May 17, 2016, and

WHEREAS, Code of Virginia §15.2-2230 requires that at least once every five years, a locality’s planning commission shall review the comprehensive plan “to determine whether it is advisable to amend the plan,” and

WHEREAS, the Berryville Area Plan is an implementing component plan of the 2013 Clarke County Comprehensive Plan,

AND WHEREAS, May 2021 marks the five-year anniversary of the Plan’s adoption.

NOW THEREFORE, BE IT RESOLVED that the Berryville Area Development Authority has determined that it is necessary to conduct a review of the 2015 Berryville Area Plan, and that the scope of this review shall include, but not be limited to, the following issues:

- The current Plan’s goals and objectives and whether they remain relevant and current or need to be updated.
- Changes in population and demographic information as reported in the final release of 2020 Census data.
- The results of the Southeastern Collector Study (PrimeAE, April 2020).
- Cooperative economic development efforts between the Town and County.
- The build-out status of residential sub-areas (including Battlefield Estates, Hermitage Section 5, Berryville Glen, and Shenandoah Crossing) and whether these sub-areas can be removed from the Area Plan.
- The status of designated potential future growth areas.
- The impact of any updates to the County or Town Comprehensive Plans since the previous Berryville Area Plan update.
- The impact of new development projects, capital projects, or transportation improvements completed since the previous Plan update.
- Development of guidance for a future review and update of the Town-County Annexation Area Agreement.
- Any other subject not addressed or inadequately addressed by the current Plan.

BE IT FURTHER RESOLVED that the Authority intends to commence this review in 2022 following publication of all Census 2020 data and as the Authority's and Staff's workload permits.

Adopted this 26th day of May, 2021.

Allen Kitselman, Chair



Clarke County Planning Commission

AGENDA – Business Meeting

Friday, June 4, 2021 – 9:00AM

Berryville/Clarke County Government Center – Main Meeting Room

1. **Approval of Agenda**
2. **New Staff Member Introduction – Kristina Maddox**
3. **Approval of Minutes**
 - A. May 4, 2021 Work Session
 - B. May 7, 2021 Business Meeting

Minor Subdivision Applications

4. **MS-21-01, John M. Rose.** Request approval of a two-lot Minor Subdivision for the property identified as Tax Map #4-A-5, located on the north side of Withers Larue Road (Rt. 640) between Crums Church Road (Rt. 632) and Deerwood Lane, Russell Election District, zoned Agricultural-Open Space-Conservation (AOC).
5. **MS-21-02, Curtis E. Harvey.** Request approval to revise the location of a private access easement serving two existing lots that was previously approved by the Planning Commission in 2006 (MS-06-14). Properties are identified as Tax Map #25D-1-12A and 25D-1-12B, located on the south side of Oakleaf Lane between Longwood Lane and dead end, Millwood Election District, zoned Forestal-Open Space-Conservation (FOC).
6. **Board/Committee Reports**
 - A. Board of Supervisors (Matthew Bass)
 - B. Board of Septic & Well Appeals (George Ohrstrom, II)
 - C. Board of Zoning Appeals (Anne Caldwell)
 - D. Historic Preservation Commission (Jeremy Camp)
 - E. Conservation Easement Authority (George Ohrstrom, II)
 - F. Broadband Implementation Committee (Brandon Stidham)

Other Business

Adjourn

UPCOMING MEETINGS:

**Special Meeting – Public Hearing
Zoning and Subdivision Ordinances**

Wednesday, June 9 (6:00PM Presentation, 7:00PM Public Hearing)
Main Meeting Room

July Work Session

Tuesday, June 29 (3:00PM)
Main Meeting Room

July Business Meeting

Friday, July 2, 2021 (9:00AM)
Main Meeting Room

NOTE – NO COMMISSION MEETINGS IN AUGUST



Clarke County Planning Commission

DRAFT MINUTES – Work Session

Tuesday, May 4, 2021 – 3:00PM

Berryville/Clarke County Government Center – Main Meeting Room

ATTENDANCE:			
George L. Ohrstrom, II (Chair/Russell)	✓E	Pearce Hunt (Russell)	✓
Randy Buckley (Vice-Chair/White Post)	✓	Scott Kreider (Buckmarsh)	✓E
Matthew Bass (Board of Supervisors)	✓	Douglas Kruhm (Buckmarsh)	✓
Anne Caldwell (Millwood)	✓	Frank Lee (Berryville)	✓
Buster Dunning (White Post)	X	Gwendolyn Malone (Berryville)	✓
Robert Glover (Millwood)	X	Doug Lawrence (BOS alternate)	X

E – Denotes electronic participation

Notes: George L. Ohrstrom, II participated electronically due to health issues related to the current pandemic. Scott Kreider participated electronically for personal reasons.

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

CALL TO ORDER: By Chair Ohrstrom at 3:03PM.

1. Approval of Agenda

The agenda was approved by consensus as presented by Staff.

2. Review of Agenda Items for May 7, 2021 Business Meeting

Mr. Stidham noted the draft minutes from the March 30 Work Session and April 2 Business Meeting for the Commission’s consideration along with the Board and Committee Reports. He said the only action item is dependent on the Commission’s discussion today and that is whether Commissioners are ready to schedule Public Hearing on the revised Zoning and Subdivision Ordinances.

3. Old Business Items – Zoning and Subdivision Ordinance Update Project

Mr. Stidham said that the goal for today is to review the final substantive edits to the draft Ordinances and see if Commissioners have any questions, edits, additions, or deletions to the drafts. He said if Commissioners are comfortable with the drafts, we can discuss scheduling the Public Hearing and outreach. He also said that he will review the documents included in the packet that are going to be posted to the project webpage.

Mr. Stidham reviewed the list of final substantive edits to the draft Ordinances. He noted that these edits were found in conjunction with developing the summary documents for the webpage. He also reported that the Virginia Department of Conservation and Recreation’s review of the revised Flood Plain Overlay District regulations resulted in no new changes. He noted that once the revised

Zoning Ordinance is formally adopted, Staff will send the adopted text for final written approval and confirmation that the Ordinance conforms to National Flood Insurance Program requirements. Commissioner Caldwell asked Mr. Stidham to clarify the changes to the definition for “Structure, historic.” Mr. Stidham stated that the definition had to be updated as part of the revision to the Flood Plain Overlay District regulations and that he inadvertently left the current definition in under “Structure, historic.” He added that the current definition would be replaced with the new definition and the redundant term “Historic structure” would be deleted.

Mr. Stidham said that he has assembled the final drafts of the Subdivision Ordinance and Definitions Article and will work on the Zoning Ordinance final draft after he has received any edits today from the Commission. He asked Commissioners if they had any questions, comments, or edits. Chair Ohrstrom said that he previously discussed his questions with Mr. Stidham and they have been addressed and encouraged Commissioners to offer their questions and comments now.

Commissioner Caldwell said that she had minor edits to the documents for posting to the project webpage and would provide them to Staff after the meeting. She also asked whether there should be a definition of “sliding-scale zoning.” Mr. Stidham said that he did not think we needed to have a definition for the term as the concept is described in detail in new Section 3, which is the only place in the Ordinances where the term is used. Commissioner Bass noted that sliding-scale zoning is described in the Guidance Manual as well. Mr. Stidham added that the Guidance Manual probably provides the best description of sliding-scale zoning.

Commissioner Bass asked why “pool rooms, billiard halls, and game arcades” are being removed as an allowable use. Mr. Stidham replied that these uses are no longer being built as freestanding uses and instead are developed as accessory to a restaurant or recreation center. Commissioner Bass also asked why “golf courses” are being removed as an allowable use. Mr. Stidham replied that the golf course use was added to the Ordinance specifically for the former Virginia National golf course. Commissioner Bass asked what would happen if someone proposed to develop a golf course in the future. Mr. Stidham replied that the Ordinances Committee had a discussion about golf courses and did not believe that one would be developed in the future given the number of nearby golf courses that are currently struggling. He added that you may not want to allow a use that has a significant development impact that might fail in the future and be difficult to find an adaptive reuse to replace it. Commissioner Bass asked about “outdoor theater” being removed as an allowable use. Mr. Stidham replied that an outdoor theater is more like a drive-in movie theater business and not like an outdoor amphitheater that is developed in conjunction with a community park. Commissioner Caldwell asked if deleting the “golf courses” use would make the course at the Millwood Country Club nonconforming. Mr. Stidham replied that he thinks the course is already nonconforming as it is part of the private club and pre-dates the “golf course” use being added to the Ordinance.

Mr. Stidham asked if Commissioners are comfortable with the draft Ordinances and they said yes. Mr. Stidham then reviewed the outline for the Ordinance Update Project webpage and descriptive summaries. Regarding the descriptive summaries, Mr. Stidham said that they are not intended to be a complete description of every substantive change. He added that they are intended to inform interested stakeholders of the project scope and the potential impact on issues that may be pertinent to them and to encourage stakeholder to ask questions about the revisions.

Regarding the Work Plan, Mr. Stidham said that he thought that having the Public Hearing on June 1 with a continuation to the July Business Meeting might be confusing to the public as the June 4 Business Meeting falls between those dates. He said he is concerned that people may think that comment will be received at the June 4 meeting. As an alternative date, he said he is recommending Wednesday, June 9 with a 7:00PM Public Hearing and a Staff presentation at 6:00PM. Chair Ohrstrom asked if one hour is enough time. Mr. Stidham replied that he did not know whether a question and answer period could fit in that time but suggested the Commission could allow questions to be posed at the Public Hearing for Staff to answer. He noted that the Commission expressed an interest in being able to hear all the questions that are posed. Commissioner Caldwell said that it would be a good idea to have a question and answer period as part of the Public Hearing. Chair Ohrstrom added that we could open the Public Hearing by asking what questions the attendees have. Mr. Stidham cautioned that they may want to avoid Commissioners having back and forth dialogue with speakers by having Staff answer all questions. He also said that we can let attendees know that they can also ask Staff their questions after the meeting. Commissioner Bass asked if there is a way to advertise informally that citizens should submit their questions before the Public Hearing. Mr. Stidham replied that the notice states that written copies of statements are requested but not required. He said that he could add “or questions” to this sentence to address Commissioner Bass’s concern. Commissioner Caldwell said that she expects we will have more questions than substantive comments. Mr. Stidham said that he will modify the Public Hearing notice to state there will be a Public Hearing at 7:00PM and a Staff presentation at 6:00PM along with the modification requesting comments and questions. He said he would also add contact information for the Planning Department for citizens with questions. Commissioner Bass said that his only concern is with the use of the word “continued” and asked if there is any way to describe two public hearings. Mr. Stidham said that the notice would reference Public Hearings on June 9 and July 2. Commissioner Kruhm asked if law enforcement would be available for the Public Hearing. Chair Ohrstrom said that for a past hearing on kennel regulations, Sheriff Roper said that he would be happy to have a deputy present. Chair Ohrstrom added that it would not be a bad idea to have law enforcement at the Public Hearing. Vice-Chair Buckley said he does not think that we have made such significant changes that would bring out large crowds of people for the Public Hearing. He added that it is better to be safe than sorry. Commissioner Kruhm said that he would talk to Chair Ohrstrom and Vice-Chair Buckley individually about his concerns after the meeting. Commissioner Bass asked if Staff will be giving a presentation at both meetings. Mr. Stidham said that he may not need to give a presentation at the July 2 meeting. Vice-Chair Buckley noted that this is something that can be evaluated based on the attendance at the June 9 hearing.

Mr. Stidham concluded by stating that he is looking for the Commission to take action to schedule the Public Hearing on Friday and will have a revised notice for the Commission’s review. He added that he will likely post the Public Hearing notice to the webpage once it is ready for publication which will occur before the first advertisement date. Commissioner Bass recommended working with Cathy Kuehner and Mr. Stidham replied that she will be creating the webpage and also posting outreach messages to the County Facebook page. Commissioner Kruhm asked when the drafts will be available for the public. Mr. Stidham replied that he hopes to have drafts finalized by Friday.

New Business Items

None

Other Business

None

ADJOURN: The Work Session was adjourned by consensus at 3:37PM.

Brandon Stidham (Clerk)



Clarke County Planning Commission

DRAFT MINUTES -- Business Meeting

Friday, May 7, 2021 – 9:00 AM

Berryville/Clarke County Government Center - Main Meeting Room

ATTENDANCE:			
George L. Ohrstrom, II (Chair/Russell)	✓E	Pearce Hunt (Russell)	✓
Randy Buckley (Vice-Chair/White Post)	✓	Scott Kreider (Buckmarsh)	✓
Matthew Bass (Board of Supervisors)	✓	Douglas Kruhm (Buckmarsh)	✓
Anne Caldwell (Millwood)	✓	Frank Lee (Berryville)	✓
Buster Dunning (White Post)	✓	Gwendolyn Malone (Berryville)	✓
Robert Glover (Millwood)	X	Doug Lawrence (BOS alternate)	X

E – Denotes electronic participation

L – Denotes arrived late

Note: George L. Ohrstrom, II participated electronically due to health issues related to the current pandemic. Scott Kreider participated electronically for personal reasons.

STAFF PRESENT: Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner/Zoning Administrator), and Debbie Bean (Administrative Assistant).

CALL TO ORDER:

Chair Ohrstrom called the meeting to order at 9:00AM.

1. Approval of Agenda

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

Motion to approve the May 7 Business Meeting agenda as presented by Staff:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice-Chair)	AYE	Kreider	AYE
Bass	AYE (moved)	Kruhm	AYE
Caldwell	AYE	Lee	AYE (seconded)
Dunning	AYE	Malone	AYE
Glover	ABSENT		

2. Approval of Minutes

A. March 30, 2021 Work Session Minutes

The commission voted 10-0-1 to approve the March 30, 2021 Work Session minutes as presented by Staff.

Motion to approve the March 30, 2021 Work Session minutes as presented by Staff:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice-Chair)	AYE	Kreider	AYE
Bass	AYE	Kruhm	AYE
Caldwell	AYE (moved)	Lee	AYE (seconded)
Dunning	AYE	Malone	AYE
Glover	ABSENT		

B. April 2, 2021 Business Meeting Minutes

Chair Ohrstrom noted on Page 87 of 87 under his Conservation Easement Authority report that “pot shots taken at various items” may have been what he said but does not clearly convey what he was reporting. He asked to replace these words with “accusations of possible problems with County-held easements.”

The commission voted 10-0-1 to approve the April 2, 2021 Business Meeting minutes with the requested edits.

Motion to approve the April 2, 2021 Work Session minutes with requested edits:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice-Chair)	AYE	Kreider	AYE
Bass	AYE	Kruhm	AYE
Caldwell	AYE (moved)	Lee	AYE (seconded)
Dunning	AYE	Malone	AYE
Glover	ABSENT		

3. **SET PUBLIC HEARING**

Proposed Amendments to the Clarke County Zoning Ordinance (Chapter 188) and Subdivision Ordinance (Chapter 161), Recodification to new Chapter 200 (Clarke County Zoning and Subdivision Ordinances)

Mr. Stidham said that he has distributed to Commissioners the revised final Public Hearing notice and a draft motion to schedule Public Hearing on the proposed amendments to the Zoning and Subdivision Ordinances. Regarding the Public Hearing notice, he said that the wording of the previous draft described two separate Public Hearings and the County Attorney indicated that this would require a second advertisement for the July 2 continued Public Hearing. He said that the notice has been amended to state that there will be a Public Hearing on June 9 that will be continued to the July 2 Business Meeting. He noted that the Public Hearing is advertised to start at 7:00PM but the Special Meeting will begin at 6:00PM with a Staff presentation. He also noted the link to the webpage that will be set up on the County website for project information. He also pointed out that written copies of comments and questions are encouraged and added Staff contact information as requested by Commissioners. He said the notice is ready to go and that he previously emailed download links to the documents that will be posted to the project webpage, noting that he can print hard copies for any Commissioners that need them.

Commissioner Caldwell noted the inclusion of a link to the working draft of the Guidance Manual in the notice and said that it might be helpful to state that this document is not going to be part of the County Code but will be something new and different. Mr. Stidham replied that this will be explained prominently on the webpage and is also explained in detail in the Guidance Manual. He added that the County Attorney did not have a concern with how the Guidance Manual is referenced in the Public Hearing notice.

The commission voted 10-0-1 to approve the following motion to set Public Hearing:

Move to schedule public hearing on Proposed Amendments to the Clarke County Zoning Ordinance and Subdivision Ordinance consisting of the repeal of County Code Chapter 161 (Subdivision of Land) and Chapter 188 (Zoning), to be replaced with new Chapter 200 (Clarke County Zoning and Subdivision Ordinances), for Wednesday, June 9 at 7:00PM, with an informational meeting at 6:00PM, and a continuation of this Public Hearing to the Commission’s Business Meeting on Friday, July 2 at 9:00AM.

Motion to set Public Hearing on the Proposed Amendments to the Clarke County Zoning Ordinance and Subdivision Ordinance:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice-Chair)	AYE	Kreider	AYE
Bass	AYE	Kruhm	AYE (moved)
Caldwell	AYE	Lee	AYE
Dunning	AYE	Malone	AYE (seconded)
Glover	ABSENT		

4. Board/Committee Reports

Board of Supervisors

Commissioner Bass stated that the Board recently adopted the budget and did not receive much input from the public on proposed changes. He said the agenda for the Board’s workshop will be coming out later today so he does not have information to report on upcoming agenda items.

Board of Septic & Well Appeals (BSA)

Chair Ohrstrom said there have been no new items for the BSA’s review.

Board of Zoning Appeals (BZA)

Commissioner Caldwell reported that the BZA recently had a variance hearing on the garage in White Post that was built into the setback area, noting that the property owner said that he did not know how it happened. She said the BZA denied the variance request. Chair Ohrstrom asked what his remedy is and Commissioner Caldwell replied that he can file an appeal of the variance request denial. Mr. Stidham added that the property owner has 30 days to file the appeal to the Circuit Court. He also said that if the 30 day period lapses with no appeal filed, we will send another notice ordering the violation to be corrected or we will go to court. Vice-Chair Buckley asked how far into the 30 day period we are and Mr. Stidham replied that it began on April 19. Commissioner Bass asked if the 30 day period is measured from the date of the hearing or the date that the property

owner receives written notice. Mr. Stidham replied that it is 30 days from the date of the hearing.

Historic Preservation Commission (HPC)

Commissioner Kruhm said that he has nothing to report on the HPC.

Conservation Easement Authority

Chair Ohrstrom said that the Authority has received an official complaint filed by a former Commission member stating that the owner of a property under County easement is running an AirBNB which, in their opinion, is an illegal activity that violates the easement terms. He added that the complaint also alleged other illegal and unethical activities on the part of the property owner that had nothing to do with the Authority. He said that the County Attorney has reviewed the complaint and found no violation of the easement terms.

Commissioner Caldwell asked if the subject of the complaint has received copies of the complaint and the County Attorney's response. Vice-Chair Buckley replied that he did receive a copy of the complaint. Mr. Stidham said that he thinks all parties involved have received the information by email.

Broadband Implementation Committee

Mr. Stidham said that the Committee met on April 21 and received several updates but no new news on broadband opportunities. He said that Paul Comes (Comcast) listened in via conference call and expressed an interest in working with us on future projects. He noted the next meeting will be held on July 14 at 2:00PM.

Other Business

None

Adjourn

The meeting was adjourned by consensus at 9:15AM.

George L. Ohrstrom, II (Chair)

Brandon Stidham (Clerk)

MINOR SUBDIVISION (MS-21-01)

June 4, 2021 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 M. Rose

Location:

- Tax Map Parcel #4-A-5
- The subject property is a vacant lot on Withers Larue Road (Route 640)
- Russell Election District (George L. Ohrstrom, II and Pearce Hunt)
- Agricultural Open Space-Conservation (AOC) Zoning District

Request:

The applicant requests approval for a two-lot Minor Subdivision.

Original Lot:

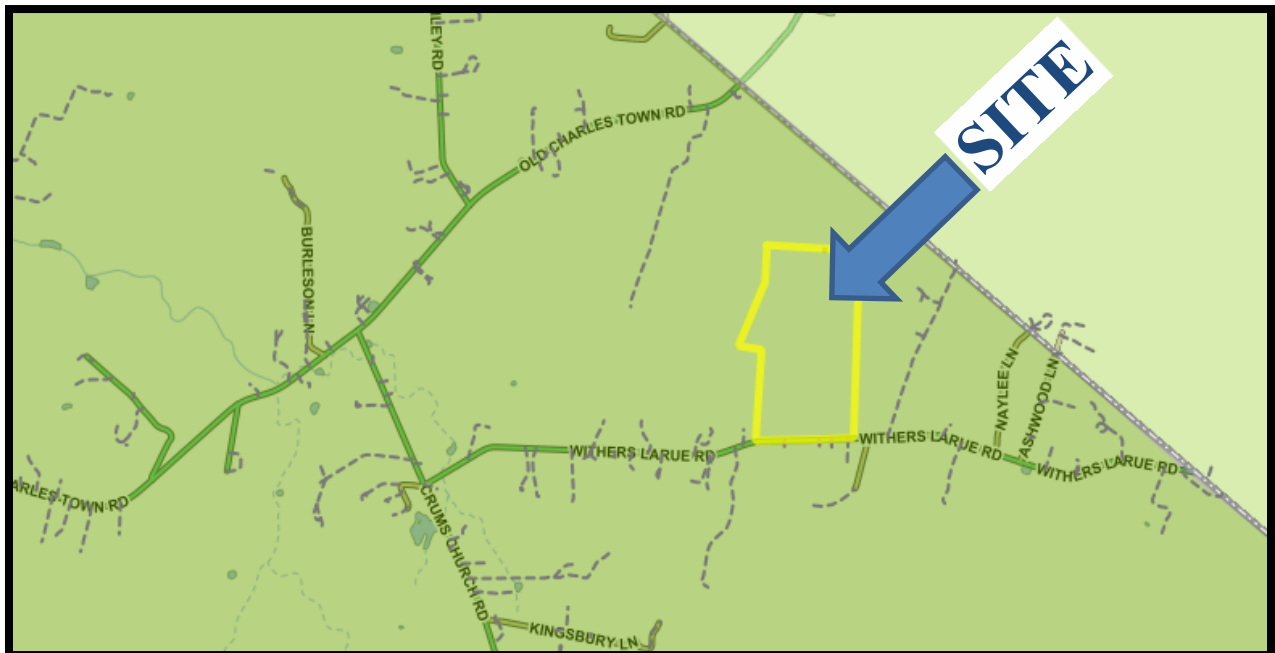
98.3852 acres (0 Dwellings, 2 DURs)

Proposed Lot:

95.3852 acres – Residue (1 DUR)

3.00 acres -- “Lot 1” (1 DUR)

98.3852 acres -- Total Area

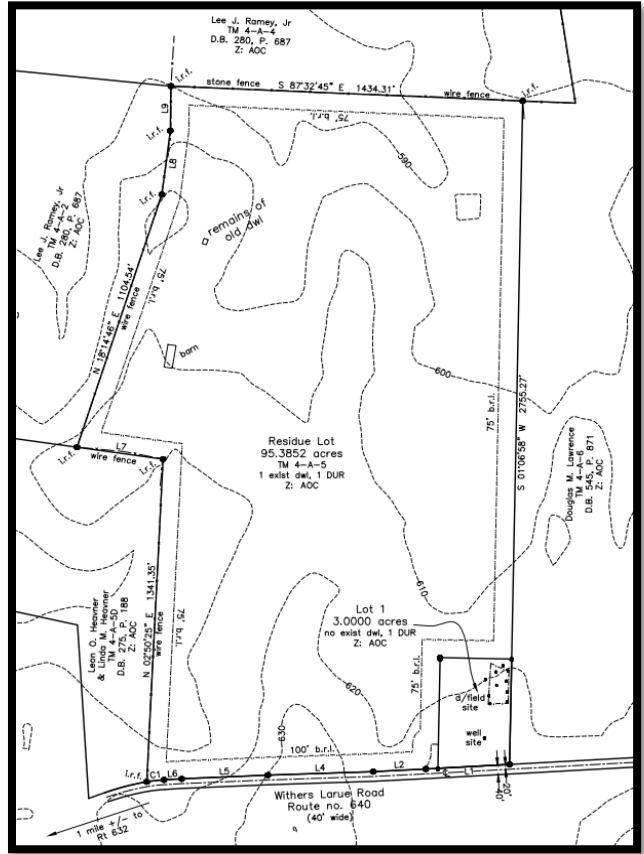


Access:

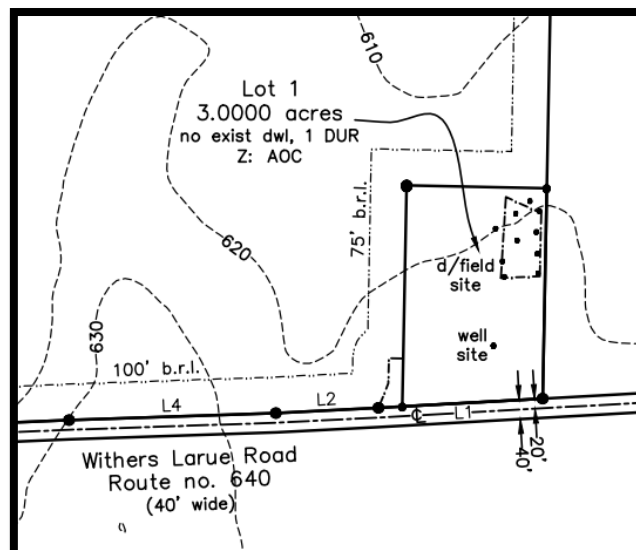
The subject property consists of a little less than 100 acres along Withers Larue Road (Route 640). The division would create one new lot with approximately 292 feet of public road frontage. The remaining property would retain nearly 1200 feet of public road frontage. A private access easement is proposed that would allow the two lots to share one approved VDOT entrance.



Existing



Proposed



Proposed – zoomed-in to new lot

VDOT provided comment that the existing field entrance shown does not meet VDOT entrance requirements and will need to be upgraded. In addition, VDOT noted that the proposed private access easement needs to be widened to accommodate the width of their PE-1 (private entrance) standards. A joint use maintenance agreement will also need to be created and recorded. Both the easement design and joint-use maintenance agreement will need to be reviewed by VDOT before final approval.

Water and Sewage Disposal:

A 4-bedroom conventional drainfield with a 100% reserve area is proposed for the new lot. No on-site system is currently proposed for the residue parcel. This is not required for lots over 40 acres.

The subdivision has been reviewed by VDH. They commented that they have no issues after the site was visited, but noted that a Certification Letter will need to be applied for and approved.

Karst Plan / Resistivity Test:

Resistivity testing results were submitted by the applicant and later approved on May 4, 2021 after review by Forrest Environmental Services, Inc.

Other: The plat submitted includes a reference to 1 existing dwelling on the Residue Lot. After research with the Applicant's surveyor it was determined that this is NOT correct because the house did not exist in 1980 when DURs were allocated. Therefore, this reference needs to be removed.

Recommendation:

Staff recommends deferral of Minor Subdivision #21-01 until such time that the applicant submits a revised plat that addresses the following:

- 1) Revising the Private Access Easement design to meet VDOT specifications.**
- 2) Removing the notation that indicates there is an existing dwelling on the residue lot.**

History:

April 5, 2021	Application Submitted.
May 4, 2021	Resistivity Testing Approved.
June 4, 2021	Scheduled date for Planning Commission review

MS-d1-01
Acct #170



CLARKE COUNTY
LAND DEVELOPMENT APPLICATION

Applicant JOHN M. ROSE
Applicant's Address 841 OLD CHARLES TOWN RD
STEPHENSON VA 22656
City State Zip Code
Applicant's E-Mail Address NONE
Agent (Contact Person) STUART DUNN Phone _____
Agent's Company DUNN LAND SURVEYS
Agent's Address 106 N CHURCH ST BERRYVILLE
Current Property Owner JOHN M ROSE
Owner's Address SAME Phone _____
Correspondence to be sent to: Applicant Owner Agent Other
Tax Map Parcel Number A-A-5 Magisterial District LONG MARCH
General Project Location NR SWIMKEY Site size (gross/net acreage) 98.3852

Check Appropriate Request:

- | | |
|---|---|
| PLANNING COMMISSION | PLANNING COMMISSION & BOARD of SUPERVISORS |
| <input type="checkbox"/> Major Subdivision | <input type="checkbox"/> Rezoning |
| <input checked="" type="checkbox"/> Minor Subdivision (1 or 2 lots) | <input type="checkbox"/> Special Use Permit |
| <input type="checkbox"/> Administrative Subdivision (parcels > 100 acres) | <input type="checkbox"/> Comprehensive Plan Amendment |
| <input type="checkbox"/> Boundary Line Adjustment | <input type="checkbox"/> Zoning Ordinance Text Amendment |
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> Subdivision Ordinance Text Amendment |
| <input type="checkbox"/> Site Plan Amendment | <input type="checkbox"/> Other |
| <input type="checkbox"/> Erosion & Sediment Plan | |
| <input type="checkbox"/> Storm Water Plan | |
| <input type="checkbox"/> Maximum Lot Size Exception | |

BOARD OF ZONING APPEALS

- Administrative Appeal
- Variance
- Special Exception

BOARD OF SEPTIC & WELL APPEALS

- Administrative Appeal
- Variance

BERRYVILLE AREA DEVELOPMENT AUTHORITY

- Site Plan
- Site Plan Amendment

HISTORIC PRESERVATION COMMISSION

- Certificate of Appropriateness

Complete as applicable:

Name of Subdivision, Development, or Proposal JOHN M ROSE SUBDIVISION
Proposal/Request APPROVAL OF MINOR DIVISION
Existing Zoning ADC Proposed Zoning ADC # of Proposed Lots 2

Applicant: The information provided is accurate to the best of my knowledge. I acknowledge that any percolation tests, topographic studies, or other requirements of the Health Official or Zoning Administrator will be carried out at my expense. I understand that the County may deny, approve, or conditionally approve that for which I am applying. I certify that all property corners have been clearly staked and flagged. Applicant's Signature John M. Rose Date 4-2-2021

Owner: I have read this completed application, understand its intent, and freely consent to its filing. If this application is for the purpose of subdivision, I understand that further subdivision of this property will not be permitted within twelve (12) months of approval of this action, unless an Exploratory Sketch Plan is submitted with this application. Furthermore, I grant permission to the Planning Department and other authorized government agents to enter the property and make such investigations and test as they deem necessary. Owner's Signature John M. Rose Date 4-2-2021

101 Chalmers Court
Berryville, VA 22611

www.clarkecounty.gov

(540) 955-5132
Fax (540) 955-5180

DEPARTMENT OF TRANSPORTATION

Staunton/Edinburg Land Development

14031 Old Valley Pike

Edinburg, VA 22824

Dear Mr. Camp:

We have reviewed the above referenced subdivision plat dated April 2, 2021 by Dunn Land Surveys, INC for impacts to the local roadway. Our comments are as follows:

- - The existing field entrance does not meet the State's minimum requirements for the proposed use and will need to be upgraded in the location shown on the plat. This new entrance will need to meet VDOT's entrance design standards for PE-1 private entrance. A VDOT Land Use Permit will need to be secure prior to construction.
 - The proposed private access easement is not wide enough at the state road to accommodate the installation of a VDOT standard private entrance. The easement should be flared onto Lot 1 as well to accommodate the entrance radii catch points, shoulders, drainage features (ditches, culverts, slopes, etc.), limits of grading, mailboxes, etc...
 - A sight distance easement will be required along the front to obtain and maintain minimum sight distance for the proposed joint-use entrance. This sight distance easement should be dedicated in a way that the property owner's utilizing the entrance legally can and will maintain the intersection sight distance for safe access to these parcels. This maintenance will need to be referenced in a joint-use agreement (mentioned below).
 - A joint-use maintenance agreement will need to be created and recorded between all the parcels allowed access through this entrance. A copy of the recorded agreement must be included with the VDOT Land Use Permit Application prior to issuance for the installation of the entrance.
 - A Land Use Permit shall be obtained before any work is performed on the State's right-of-way. The permit is issued by this office and will require application fees and surety coverage. Once satisfactory application has been made, a permit will normally take 7-14 days to process and issue.

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

Sincerely,

Bobby Boyce

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



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

May 4, 2021

John Rose
c/o Hadley Environmental Services
841 Old Charlestown Rd.
Stephenson, VA 22656

RE: Resistivity Test
Tax Map#4-A-5; Withers Larue Road

A resistivity test was conducted on the property described above, and a report generated by Forrest Environmental Services, Inc. in April 2021 defined as Project Number 21119. The test results were sent to Terracon Consultants, Inc. for review.

Based on the engineer's report and Terracon's review (Project JD197110, Task 33) dated May 3, 2021, this site passes the resistivity test, and if all other requirements are met, may be issued a permit by the Health Department.

If you have any questions or concerns regarding this information, please call me at 540-955-5134.

Sincerely,

Alison Teetor
Clarke County Natural Resource Planner

c. Clarke County Health Department



Lord Fairfax Health District

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



April 9, 2021

Jeremy F. Camp
Senior Planner/Zoning Administrator
101 Chalmers Court
Berryville, Virginia 22611

RE: MINOR SUBDIVISION PRELIMINARY REVIEW COMMENTS

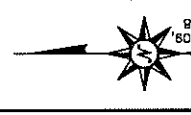
Applicant Name: John M. Rose
Health Department I.D. #: 043210039
Subdivision Name:
Section or Phase:
Tax Map #: 4-A-5
Proposed Lots: 1 New Lot

Dear Mr. Camp,

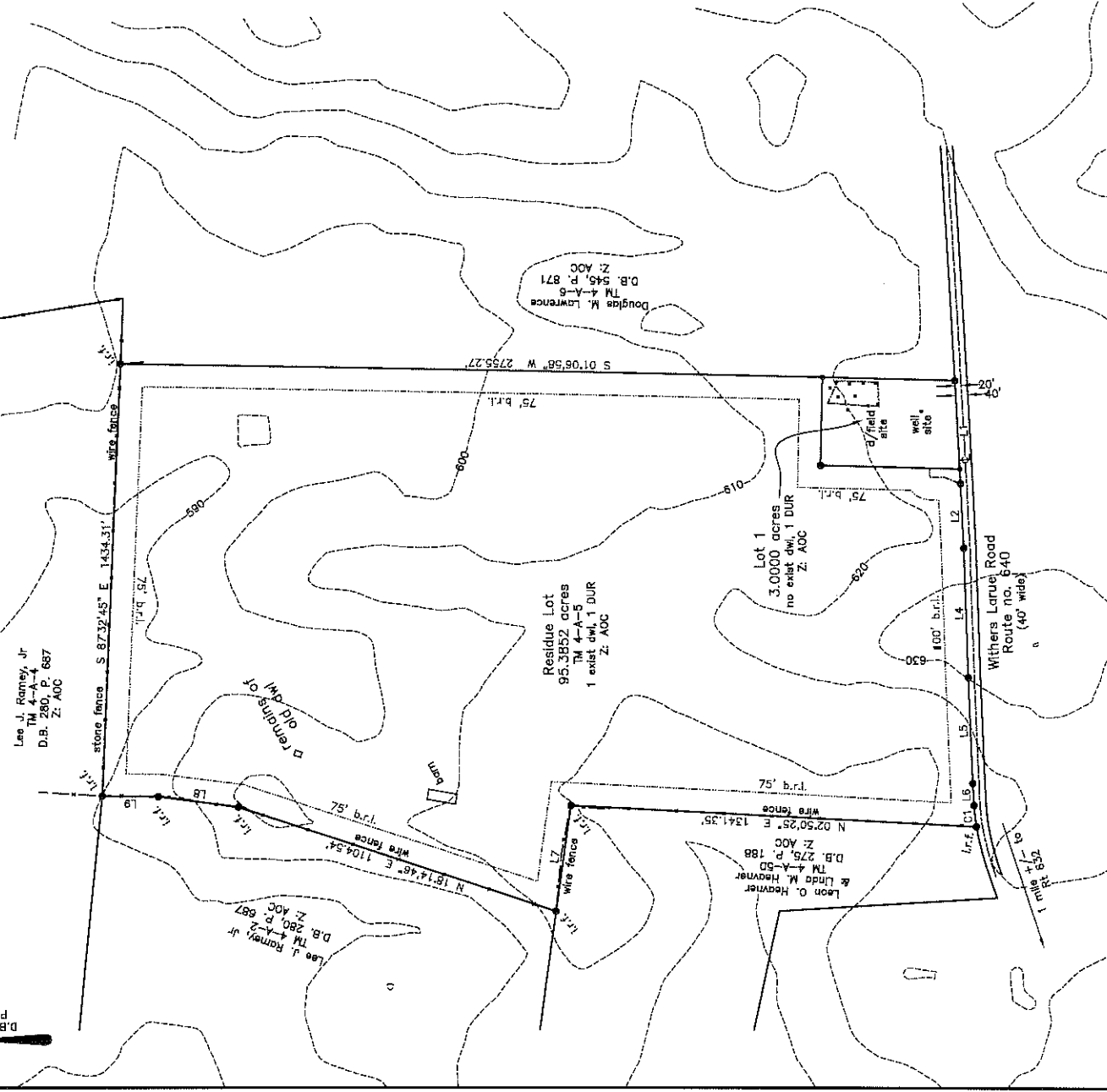
Pursuant to your written request, we have evaluated the aforementioned minor subdivision proposal, and offer the following comments at this point in the review process.

OWNER/APPLICANT ITEMS:

1. The applicant has not yet applied for a Certification Letter for proposed Lot 1 as required.
2. Proposed Lot 1 (3.0000 acres) is vacant. The project OSE located a site for a conventional primary drainfield and TL-3/trench 100% reserve area. The site was field reviewed on April 9, 2021, no outstanding issues were noted. The proposed design is for a Four (4) bedroom dwelling and will be served by a private well.
3. The remaining portion of TM# 4-A-5, Proposed Residue Lot (95.3852 acres) is vacant except for a barn and the remains of an old dwelling. There is no proposal for an onsite sewage system or private well for this lot.
4. This office has received a Geophysical Survey from Forrest Environmental Services, Inc. for the drainfield and reserve area identified for proposed Lot 1.



LINE	BEARING	DISTANCE	CURVE RADIUS	ARC LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
1	S 86°47'25" W	341.92	C1	617.00	71.05°	71.01°	35.97
2	S 87°04'28" W	213.55					
3	S 86°03'19" W	430.21					
4	S 87°31'19" W	351.10					
5	S 86°43'42" W	71.97					
6	S 86°43'42" W	354.08					
7	N 81°58'25" W	354.08					
8	N 07°24'04" E	287.29					
9	N 00°44'00" E	185.03					



Area Table:

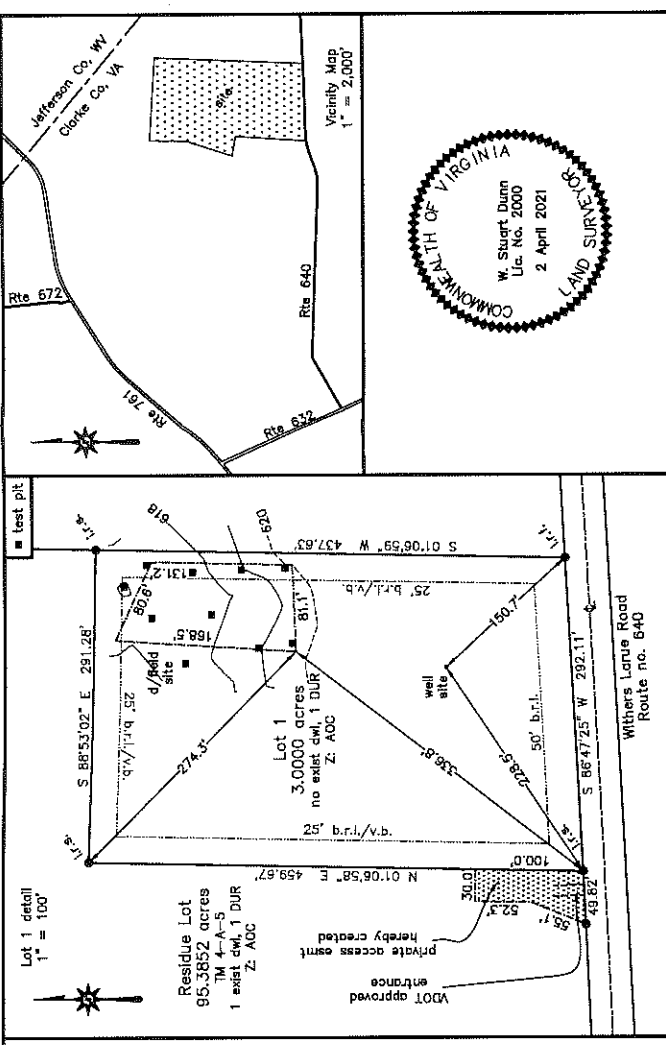
98.3852 acres	area of TM 4-A-5	1 exist dwl, 2 DUR
3.0000 acres	area of Lot 1	no exist dwl, 1 DUR
95.3852 acres	area of Residue Lot	1 exist dwl, 1 DUR
0.0000 acres	area dedicated for public use	

Approval:

Clarke County Zoning Administrator _____ date: _____

Chairman of Planning Commission _____ date: _____

Clarke County Health Department _____ date: _____



Surveyor's Certificate: I, W. Stuart Dunn, a duly Licensed Land Surveyor in the Commonwealth of Virginia, do hereby certify that the land herein subdivided is in the name of John M. Rose, and was acquired by him as stated in the Owner's Certificate. I certify that these tracts of land are properly and accurately described and are within the boundaries of the original tract and are referenced to the meridian established in Dead Book 209, Page 488.

W. Stuart Dunn, CLS #2000
Berryville, Virginia

Owner's Certificate: The undersigned fee simple owner hereby certifies that the foregoing Minor Subdivision of 98.3852 acres, being Tax Map 4-A-5, recorded in the name of John M. Rose in deed recorded in Dead Book 676, Page 170, of record in the Office of the Clerk of the Circuit Court of Clarke County, Virginia, is made with the free consent and in accordance with the desires of the undersigned owner of said land and the same is hereby confirmed and submitted for record in the aforesaid Clerk Office.

John M. Rose
841 Old Charles Town Road, Stephenson, VA 22656
State of Virginia, County of _____, to wit: _____
John M. Rose, whose name is in the Owner's Certificate, has acknowledged the same before me this _____ day of _____, 2021.
My commission as Notary expires: _____

Notary Public

Notes:

- (1) These lands are in Flood Zone X, established from FIRM Community Panel no. 510430050, effective September 28, 2007.
- (2) The resulting 95.3852 acres, Residue Lot, have 1 existing dwelling (remains) and 1 DUR.
- (3) Zoned: AOC (agricultural) - open space - conservation; use: residential/agricultural.
- (4) Building setbacks as follows:
Lot 1: 50' from the centerline of Route no. 640, 25' from all property lines, 50' from any intermittent stream, 100' from any perennial stream, spring or sinkhole.
- (5) Residue Lot: 100' from the centerline of Route no. 640, 75' from the edge of the private access easement, 75' from all property lines, 50' from any intermittent stream, 100' from any perennial stream, spring or sinkhole.
- (6) 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 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, 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) i.r.f. = iron rod found; i.p.f. = iron pipe found; dwl = dwelling; DUR = dwelling unit right; easmt = easement; d/field = drainfield; b.r.l. = building restriction line; v.b. = vegetated buffer
- (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 3-A-1-f of the Clarke County Zoning Ordinance.
- (9) Before fertilizers and pesticides are used for lawn or landscaping purposes, a soil test should be conducted. The application of such chemicals shall be limited due to the potential for groundwater contamination and should not exceed that determined necessary by the soil test.
- (10) The drainfield site on Lot 1 is approved for a 4 bedroom conventional system and an alternative reserve with a maximum capacity of 8 people and 800 gpd.
- (11) A Realistivity test has been conducted on the drainfield site on Lot 1. Results of this test are available at the office of the Clarke County Planning Department.

Minor Subdivision of the Land of
John M. Rose
Deed Book 676, Page 170 Tax Map 4-A-5
Longmarsh Magisterial District, Clarke County, Virginia

Dunn Land Surveys, Inc.
106 North Church Street
Berryville, Virginia 22611
Tel: 540-955-3388
April 2, 2021
survey no. 1761A_subd

MINOR SUBDIVISION (MS-21-02) – (Revision of MS-06-14)

June 4, 2021 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)

Curtis E. Harvey

Location:

- Tax Map Parcels #25D-1-12B and #25D-1-12A
- The lots are located off of the private road, Oakleaf Lane
- Millwood Election District (Anne Caldwell and Robert Glover)
- Forestal-Open Space-Conservation (FOC) Zoning District

Request:

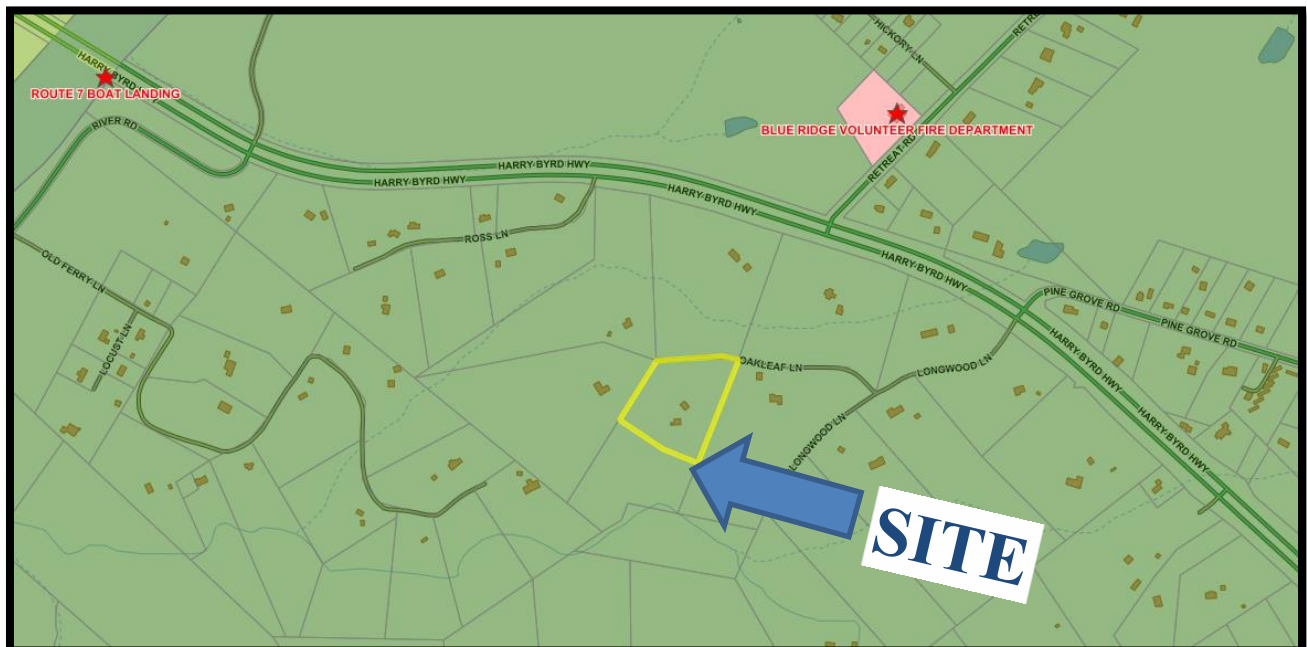
The two existing lots were approved in 2006 by the Planning Commission and subsequently recorded. The current request is to revise the location of the private access easement.

Original Lots (MS-06-17):

5.3836 acres (25D-1-12B – 0 dwellings, 1 DUR
5.3640 acres (25D-1-12A -- 1 dwelling, 0 DURs)
10.7476 acres

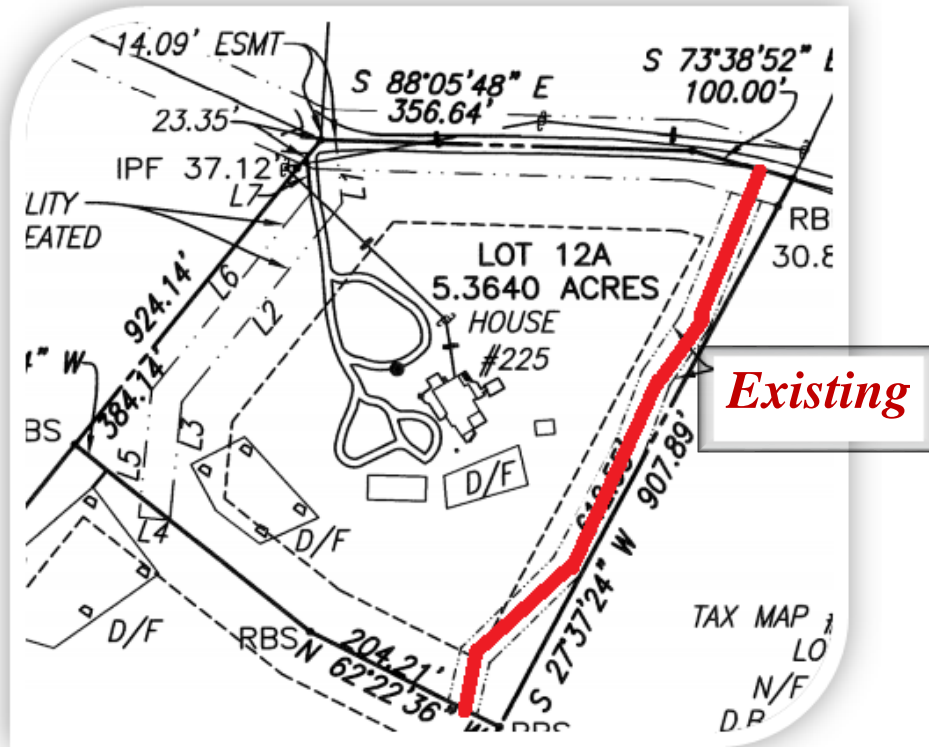
Proposed Lot:

****NO CHANGE****

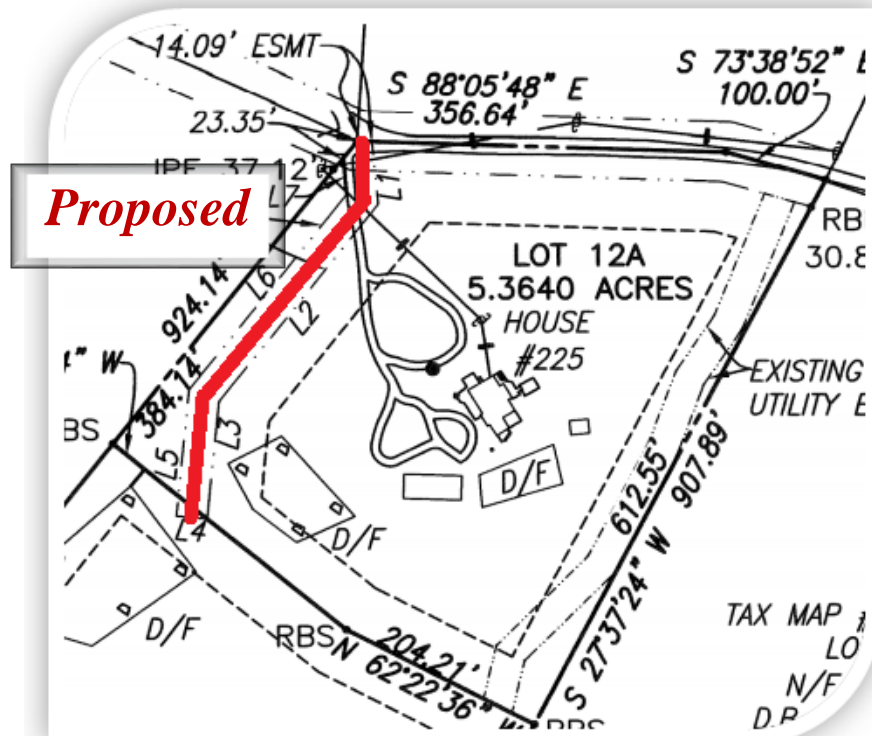


Staff Discussion/Analysis:

MS-06-14, EXISTING EASEMENT



MS-21-02, PROPOSED EASEMENT



Access:

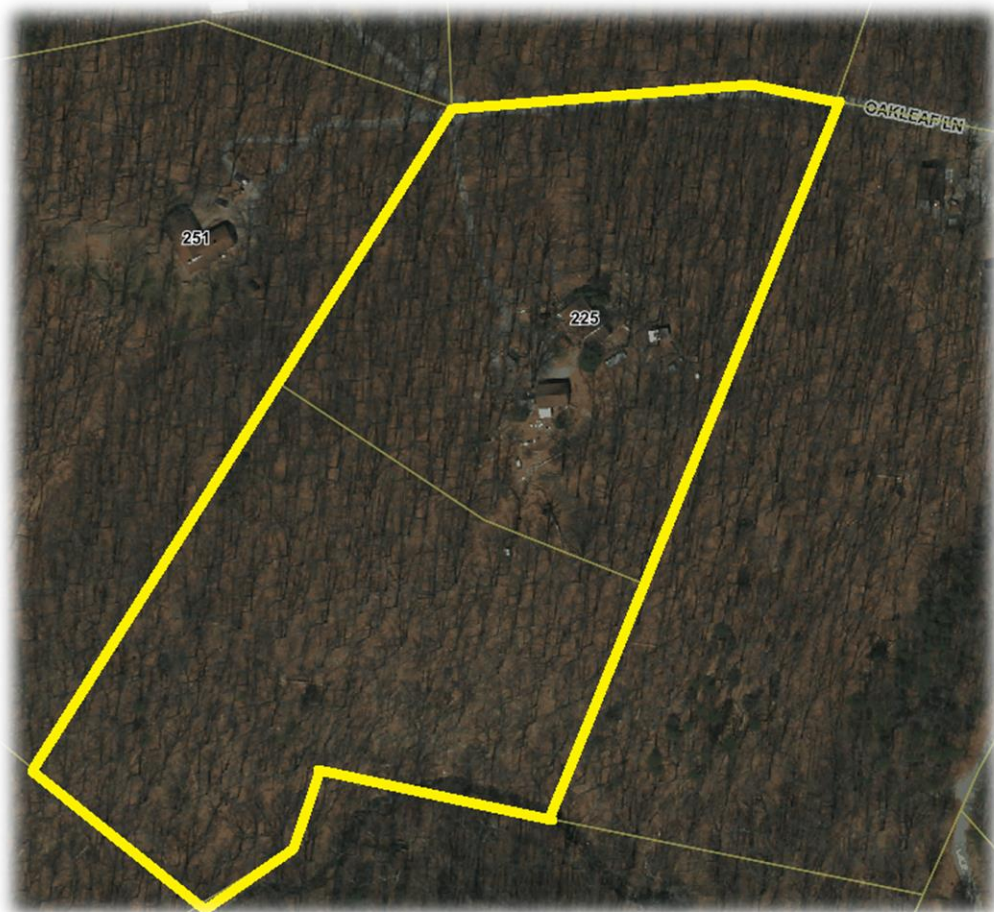
As the above illustrations show, the applicant wants to move the private access easement from the eastern side of the property to the western side. The private access easement was created in 2006 when the Applicant split his property into two lots. The lot in the rear (south) is currently vacant.

In 2006, the original subdivision application included a private access easement that ran along the eastern boundary line. During the Planning Commission's review, a plan was created that slightly altered the location so that it reduced the disturbance of wooded areas. While the driveway would still be along the eastern boundary line, it would take a more serpentine route instead of following straight along the boundary line. Approval was granted by the Planning Commission conditional that the private access easement location be moved to where it is currently.

The Applicant has submitted a letter that provides his justification for the change. In short, his objectives for moving the easement are as follows:

- 1) Reduction in the amount of environmental disruption
- 2) Restoring the statutory 25 foot vegetation buffer
- 3) Improved access for emergency vehicles.

The Applicant also included a letter from a excavator, who explains how the cost is significantly less using the proposed private access easement. The excavator also comments why there would be greater environmental impacts using the current location instead of the proposed location. Mr. Harvey provided photos of the two area. Both areas are heavily wooded with hardwood trees, as is much of the area.



The private access easement in either the current or proposed design would connect with Oak Leaf Lane, a private road. Oak Leaf Lane connects with Longwood Drive, also a private road. Longwood Drive connects with Route 7.

In 2006, VDOT did provide a comment about the substandard connection of Longwood Lane to Route 7. It appears that the applicant corrected this in 2006 by cleared vegetation along Route 7 to obtain VDOT approval of the sign distance.

Water and Sewage Disposal:

No changes are proposed to the well or septic. The VDH review the request and commented that the change to the access & utility easement is not an issue, along with providing some comments about setbacks and construction requirements.

Karst Plan / Resistivity Test:

Resistivity testing is not applicable for the change. Neither property is located in karst soils.

Recommendation:

Staff recommends approval of Minor Subdivision MS-21-01, a revision to Minor Subdivision MS-06-14, including the relocation of the access easement as shown.

History:

May 6, 2021	Application Submitted.
June 4, 2021	Scheduled date for Planning Commission review

**CLARKE COUNTY
LAND DEVELOPMENT APPLICATION**



Applicant CURTIS E. HARVEY
 Applicant's Address 225 OAKLEAF LANE
BLUEMONT VA 20135
 City State Zip Code
 Applicant's E-Mail Address curt@curtharvey.com
 Agent (Contact Person) ANDREW MARTIN Phone 540 974 0367
 Agent's Company GREENWAY ENGINEERING
 Agent's Address 151 WINDY HILL LN WINCHESTER, VA. 22602
 Current Property Owner CURTIS E. HARVEY
 Owner's Address 225 OAKLEAF LN BLUEMONT, VA. 20135 Phone 540 335 4311
 Correspondence to be sent to: Applicant Owner Agent Other
 Tax Map Parcel Number 25D 1 12 Magisterial District BATTLETOWN
 General Project Location 225 OAKLEAF LN BLUEMONT, VA. 20135 Site size (gross/net acreage) 10.75 ACRES

Check Appropriate Request:

PLANNING COMMISSION

- Major Subdivision
- Minor Subdivision (1 or 2 lots)
- Administrative Subdivision (parcels > 100 acres)
- Boundary Line Adjustment
- Site Plan
- Site Plan Amendment
- Erosion & Sediment Plan
- Storm Water Plan
- Maximum Lot Size Exception

PLANNING COMMISSION & BOARD of SUPERVISORS

- Rezoning
- Special Use Permit
- Comprehensive Plan Amendment
- Zoning Ordinance Text Amendment
- Subdivision Ordinance Text Amendment
- Other

BOARD OF ZONING APPEALS

- Administrative Appeal
- Variance
- Special Exception

BOARD OF SEPTIC & WELL APPEALS

- Administrative Appeal
- Variance

BERRYVILLE AREA DEVELOPMENT AUTHORITY

- Site Plan
- Site Plan Amendment

HISTORIC PRESERVATION COMMISSION

- Certificate of Appropriateness

Complete as applicable:

Name of Subdivision, Development, or Proposal _____
 Proposal/Request _____
 Existing Zoning _____ Proposed Zoning _____ # of Proposed Lots _____

Applicant: The information provided is accurate to the best of my knowledge. I acknowledge that any percolation tests, topographic studies, or other requirements of the Health Official or Zoning Administrator will be carried out at my expense. I understand that the County may deny, approve, or conditionally approve that for which I am applying. I certify that all property corners have been clearly staked and flagged. Applicant's Signature _____ Date _____

Owner: I have read this completed application, understand its intent, and freely consent to its filing. If this application is for the purpose of subdivision, I understand that further subdivision of this property will not be permitted within twelve (12) months of approval of this action, unless an Exploratory Sketch Plan is submitted with this application. Furthermore, I grant permission to the Planning Department and other authorized government agents to enter the property and make such investigations and test as they deem necessary. Owner's Signature _____ Date 4/12/2021

101 Chalmers Court
Berryville, VA 22611

www.clarkecounty.gov

(540) 955-5132
Fax (540) 955-5180

Curtis E. Harvey
225 Oakleaf Lane
Bluemont, Virginia 20135

Jeremy F. Camp, Senior Planner / Zoning Administrator
Department of Planning
Clarke County, VA
101 Chalmers Court, Suite B
Berryville, Virginia 22611

April 12, 2021

This correspondence is offered to present justification for the vacation of the existing utility and access easement from lot Tax Map# 25D-1-12A to lot Tax Map# 25D-1-12B, and the creation of a new utility an access easement for same.

The three primary objectives of moving the easement are:

- 1) reduction in the amount of environmental disruption
- 2) restoring the statutory 25 foot vegetation buffer
- 3) improved access for emergency vehicles

With regard to the first objective, the new easement is 228 feet shorter than the current easement, a 39.7% reduction in the amount of land disturbed. In addition, by my counting, there are 28 trees, six inches or more in diameter, in the existing easement, while there are only 20 trees, meeting the same criteria, in the proposed easement, a 28.5% reduction in the number of trees that would need to be felled.

Though not a quantifiable characteristic, the new easement is essentially flat and level, but the existing access has noticeable grade and slope which could lead to increased runoff should the land therein be disturbed.

Objective number two is achieved by aligning the new access easement *beside* the existing 25 foot vegetation buffer, whereas the existing access easement overlays the statutorily required vegetation buffer. Vacation of the old easement thereby restores the entire vegetation buffer.

The recent (March 24, 2021) destruction by fire of a home on Old Ferry Road, property which adjoins lot 12B, is offered as evidence of the importance of emergency vehicle accessibility. The flat, level disposition of the new access easement would eliminate the grade and slope concerns mentioned previously, which would greatly improve emergency vehicle access, especially in times of inclement weather.

Enclosed are four photographs. The two photos with yellow tape are of a portion of the existing easement, illustrating the slope and grade of the bottom 2/3 thereof. The photos with blue tape were taken within the new easement, facing in opposite directions from the same location therein, and show the flat and level attributes of the proposed access.

Also enclosed is a letter from John M. Virts, of Virts Excavating, with a "ballpark" estimate comparing the costs and environmental impact of building a driveway in each of the easements.

Your thoughtful consideration of this matter is greatly appreciated.

A handwritten signature in blue ink, followed by the date "4/12/2021". The signature is stylized and appears to be "J. Virts".

John M. Virts Excavating
39044 Rickard Road
Lovettsville, Virginia 20180
Phone: 540.882.3686

Date: April 20, 2021

Jeremy Camp, Senior Planner / Zoning Administrator
Department of Planning
Clarke County, Virginia
101 Chalmers Court, Suite B
Berryville, Virginia 22611

Dear Mr. Camp,

I was asked by Mr. Harvey to perform a site visit and provide rough estimates for two driveways, one traversing an existing access easement and the other to be built in a proposed access easement. These estimates are based on a visual inspection, which was conducted April 15, 2021. Also requested was an informal analysis of the potential environmental impacts of each driveway. Since these estimates are general in nature, and not binding until a formal job bid has been accepted, the observations presented here should be considered as professionally anecdotal and not the result of a thorough, scientific study.

Based on measurements provided in a plat of lot 12A, showing both easements, a driveway built in the existing easement would be at least 230 feet longer than a driveway built in the proposed easement. This represents a difference in total area of about 40% (roughly 6,900 square feet), resulting in a cost difference of (\$17,470.00).

Both driveways would necessitate the felling of several old growth trees, which Mr. Harvey says he could use for firewood. There are more large trees in the existing easement, about 25% more by my estimate.

A driveway in the existing easement would require the installation of a drainage culvert to prevent erosion, at an additional cost of (\$2,000.00). The placement of the existing easement means there is no vegetation buffer, so diffusing the discharge of the drainage culvert would be up to the owners of Mr. Harvey's neighbor (lot 11, Holmes). Placing the driveway in the proposed access easement, on the other hand, offers no drainage challenges, no possibility of erosion and no adverse impacts on the neighbors at lot 13, Cooper.

Rough cost estimates - (\$36,720.00) for a driveway build in the existing easement and (\$19,250.00) for a driveway in the proposed easement. The environmental impact would be considerably reduced if the driveway is built in the proposed location. The proposed driveway location would save more larger old growth trees and topography allows for less soil disturbing.

Respectfully,



John M. Virts

Zimbra

jcamp@clarkecounty.gov

Re: Revision of Minor Subdivision - Request for Comments

From : Davis, Walter <jim.davis@vdh.virginia.gov>

Subject : Re: Revision of Minor Subdivision - Request for Comments

To : Jeremy Camp <jcamp@clarkecounty.gov>

Tue, May 11, 2021 10:17 AM

Hi Jeremy,

The proposed 30' access & utility easement does not appear to be an issue. I changed the scale of the documents to reflect the proper scale (1" = 200'). It looks like there is at least 20 feet available from the lower corner of the 100% reserva area serving Lot 12A (but it is close) and a similar distance between the upper portion of the drainfield area serving Lot 12B. Both of the absorption areas have a prescribed 18 to 20" installation depth. If any excavation for driveway or utilities will be installed greater than 20" below grade, the required setback to the drainfield/absorption area is 20'. If the excavation for a driveway or utility is less than 18", a 10' separation is required. Also, there must be at least 10 feet from the edge of a utility easement to an absorption area. Both absorption areas are on a 5% slope so it does not appear there will be an issue with the proposal and proper setbacks can be maintained. I'd be happy to sign these plats.

Thanks

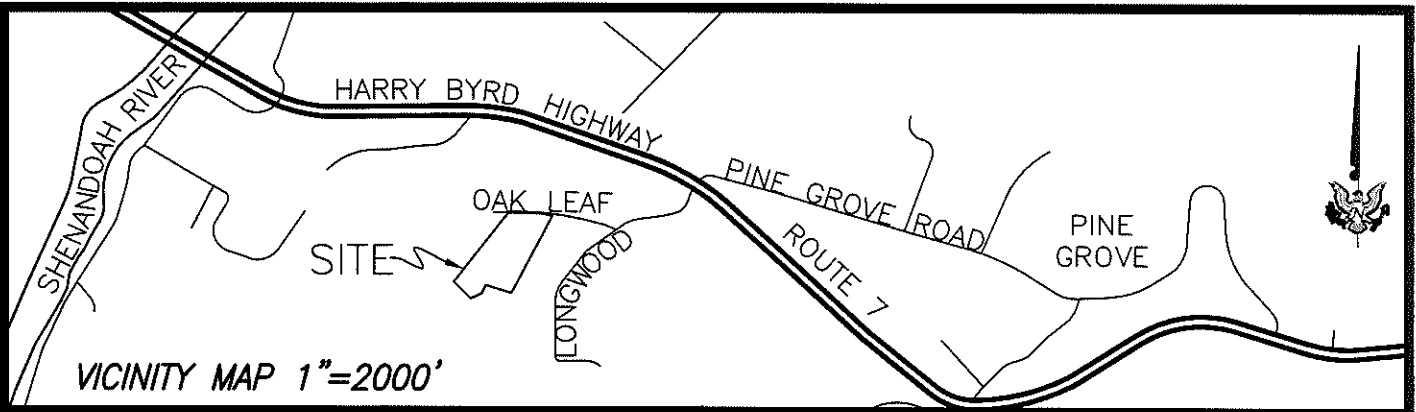
Jim

Jim Davis, REHS, MAOSE

Environmental Health Supervisor

Clarke, Frederick/Winchester & Warren Offices

jim.davis@vdh.virginia.gov



VICINITY MAP 1"=2000'

PLANNING COMMISSION APPROVAL:

 CHAIRMAN OF PLANNING COMMISSION DATE

COUNTY APPROVAL:

THIS "SUBDIVISION AMENDMENT", AS IT APPEARS ON THIS PLAT, IS IN ACCORDANCE WITH THE ZONING AND SUBDIVISION ORDINANCE AS SET FORTH BY THE CLARKE COUNTY PLANNING COMMISSION.

 CLARKE COUNTY AGENT DATE HEALTH DEPARTMENT DATE

OWNER'S CERTIFICATE:

THIS "SUBDIVISION AMENDMENT", AS IT APPEARS ON THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S), PROPRIETOR(S), OR TRUSTEE(S).

 CURTIS E. HARVEY DATE

NOTARY'S CERTIFICATE:

COMMONWEALTH OF VIRGINIA, COUNTY/CITY OF _____, TO WIT:

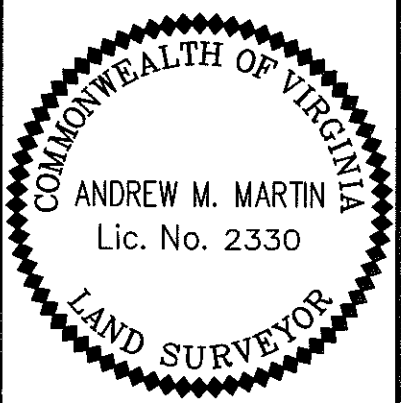
I, _____, A NOTARY PUBLIC IN AND FOR THE COMMONWEALTH OF VIRGINIA AND THE AFORESAID MENTIONED COUNTY, DO HEREBY CERTIFY THAT "CURTIS E. HARVEY", WHOSE NAME IS SIGNED TO THE ABOVE FOREGOING WRITING, BEARING DATE OF _____, 2021, HAS PERSONALLY APPEARED BEFORE ME AND ACKNOWLEDGED THE SAME. GIVEN UNDER MY HAND AND SEAL ON THE _____ DAY OF _____, 2021.

 NOTARY PUBLIC MY COMMISSION EXPIRES ON

SEAL

SUBDIVISION AMENDMENT
 LONGWOOD SUBDIVISION DEED BOOK 115 PAGE 368
 CURTIS E. HARVEY DIVISION DEED BOOK 473 PAGE 484
 LOT 12A
 DIVISION OF CURTIS E. HARVEY PROPERTY
 BATTLETOWN MAGISTERIAL DISTRICT, CLARKE COUNTY, VIRGINIA

SCALE: AS SHOWN DATE: MARCH 18, 2021



GREENWAY ENGINEERING, INC.
 151 Windy Hill Lane
 Winchester, Virginia 22602
 Telephone: (540) 662-4185
 FAX: (540) 722-9528
 www.greenwayeng.com

SHEET 1 OF 5
 JOB #7617

EMERGENCY SERVICES NOTICE:

THE RURAL LOCATION AND LIMITED ACCESS OF THIS PROPERTY, COMBINED WITH ADVERSE WEATHER CONDITIONS, MAY DELAY OR TOTALLY IMPEDE RESPONSE OF EMERGENCY SERVICE AGENCIES (POLICE, FIRE, MEDICAL) DESPITE THEIR BEST EFFORTS. THE COUNTY OF CLARKE WILL BE HELD HARMLESS AND NOT BE SUBJECT TO LIABILITY CLAIMS FOR DAMAGE TO PROPERTY, PERSONAL INJURY, OR LOSS OF LIFE UNDER SUCH CONDITIONS.

FORESTRY OPERATIONS NOTICE:

THIS PROPERTY IS IN THE FORESTAL-OPEN-SPACE CONSERVATION (FOC) 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, AND OTHER USERS OF PROPERTY IN THE FOC DISTRICT MAY BE SUBJECTED TO INCONVENIENCE, DISCOMFORT, AND 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 THE COUNTY. SUCH FORESTRY OPERATIONS MAY GENERATE NOISE, ODORS, AND DUST, AND MAY INVOLVE THE OPERATION OF MACHINERY, INCLUDING HEAVY EQUIPMENT AND CHAIN SAWS. DEBRIS SUCH AS TREETOPS AND LIMBS MAY BE LEFT ON SITE AT THE CONCLUSION OF A FORESTRY OPERATION. OWNERS, OCCUPANTS, AND USERS OF LAND IN FOC DISTRICT SHOULD BE PREPARED TO ACCEPT SUCH INCONVENIENCES OR DISCOMFORT AS A NORMAL AND NECESSARY ASPECT OF LIVING IN A ZONING DISTRICT IN A COUNTY WITH A STRONG RURAL CHARACTER AND AN ACTIVE FORESTAL SECTOR.

FERTILIZERS AND PESTICIDES NOTICE:

BEFORE FERTILIZERS AND PESTICIDES ARE USED FOR LAWN OR LANDSCAPING PURPOSES, A SOIL TEST SHOULD BE CONDUCTED. THE APPLICATION OF SUCH CHEMICALS SHOULD BE LIMITED DUE TO THE POTENTIAL FOR GROUNDWATER CONTAMINATION AND SHOULD NOT EXCEED THAT DETERMINED NECESSARY BY THE SOIL TEST.

PROPANE TANKS:

PROPANE TANKS OF 500 GALLONS OR LARGER SHALL BE PLACED UNDERGROUND TO PROMOTE FIRE SAFETY.

UTILITIES NOTE:

UTILITIES ARE REQUIRED TO BE PLACED UNDERGROUND AND WITHIN JOINT ACCESS AND UTILITY EASEMENTS.

VEGETATION BUFFER NOTE:

NEW HOUSES ON PARCELS OF FOUR ACRES OF MORE MUST RETAIN EXISTING WOODY VEGETATION WITHIN:
25 FEET OF ALL PROPERTY LINES
50 FEET OF THE EDGE OF PUBLIC RIGHTS OF WAY
25 FEET OF THE EDGE OF PRIVATE ACCESS EASEMENTS

ZONING REQUIREMENTS:

FORESTAL-OPEN SPACE-CONSERVATION DISTRICT (FOC)
LOT SIZE: 2 ACRE MINIMUM
NO MAXIMUM SIZE
MINIMUM LOT WIDTH=200 FEET
MAXIMUM STRUCTURE HEIGHT=35 FEET
MINIMUM SETBACK REQUIREMENTS
(PARCELS WITH AT LEAST 4 BUT LESS THAN 20 ACRES)
FROM ALL PROPERTY LINES=50 FEET
FROM PRIVATE ACCESS EASEMENTS=50 FEET
FROM CENTERLINE OF SECONDARY HIGHWAY=75 FEET
FROM EDGE OF PRIMARY HIGHWAY RIGHT OF WAY=100 FEET
FROM INTERMITTENT STREAMS=50 FEET
FROM PRNL STREAM & SPRINGS=100 FEET

SUBDIVISION AMENDMENT

LONGWOOD SUBDIVISION DEED BOOK 115 PAGE 368
CURTIS E. HARVEY DIVISION DEED BOOK 473 PAGE 484
LOT 12A

DIVISION OF CURTIS E. HARVEY PROPERTY
BATTLETOWN MAGISTERIAL DISTRICT, CLARKE COUNTY, VIRGINIA

SCALE: AS SHOWN

DATE: MARCH 18, 2021



Engineers
Surveyors

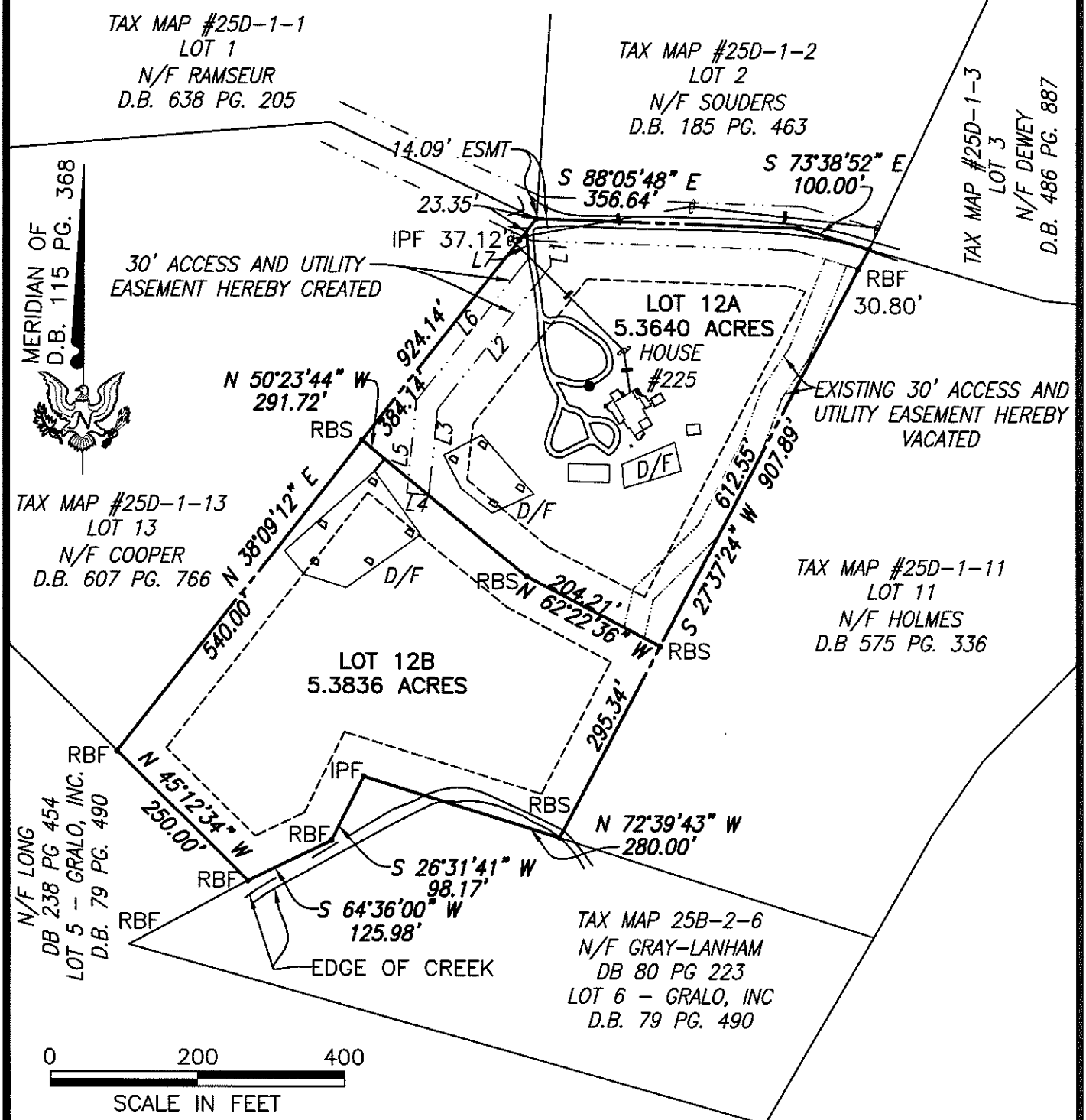
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SHEET 2 OF 5
JOB #7617

DRAINFIELD APPROVALS			
LOT	# OF BEDROOMS	MAX. OCCUPANCY	FLOW (GAL/DAY)
12A	3	6	450
12B	4	8	600



MERIDIAN OF
D.B. 115 PG. 368



TAX MAP #25D-1-13
LOT 13
N/F COOPER
D.B. 607 PG. 766

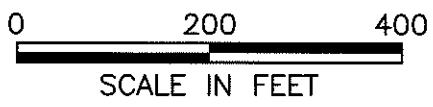
N/F LONG
DB 238 PG 454
LOT 5 - GRALO, INC.
D.B. 79 PG. 490

TAX MAP #25D-1-2
LOT 2
N/F SOUDERS
D.B. 185 PG. 463

TAX MAP #25D-1-3
LOT 3
N/F DEWEY
D.B. 486 PG. 887

TAX MAP #25D-1-11
LOT 11
N/F HOLMES
D.B 575 PG. 336

TAX MAP 25B-2-6
N/F GRAY-LANHAM
DB 80 PG 223
LOT 6 - GRALO, INC
D.B. 79 PG. 490



ROAD SLOPE NOTE:
SLOPES FOR THE ROAD TO BE BUILT IN THE
30' ACCESS AND UTILITY EASEMENT WILL NOT
EXCEED 5 PERCENT.

LINE	BEARING	DISTANCE
L1	S 05°09'11" E	63.62'
L2	S 38°09'12" W	249.98'
L3	S 05°52'57" W	117.30'
L4	N 84°07'03" W	30.00'
L5	N 05°52'57" E	125.98'
L6	N 38°09'12" E	246.75'
L7	N 05°09'11" W	36.45'

SUBDIVISION AMENDMENT
LONGWOOD SUBDIVISION DEED BOOK 115 PAGE 368
CURTIS E. HARVEY DIVISION DEED BOOK 473 PAGE 484
LOT 12A AND LOT 12B
DIVISION OF CURTIS E. HARVEY PROPERTY
BATTLETOWN MAGISTERIAL DISTRICT, CLARKE COUNTY, VIRGINIA

SCALE: 1" = 200' DATE: MARCH 18, 2021

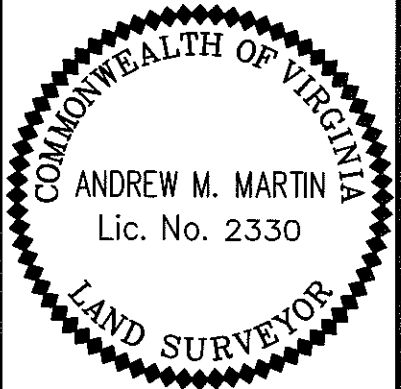


GREENWAY ENGINEERING, INC.

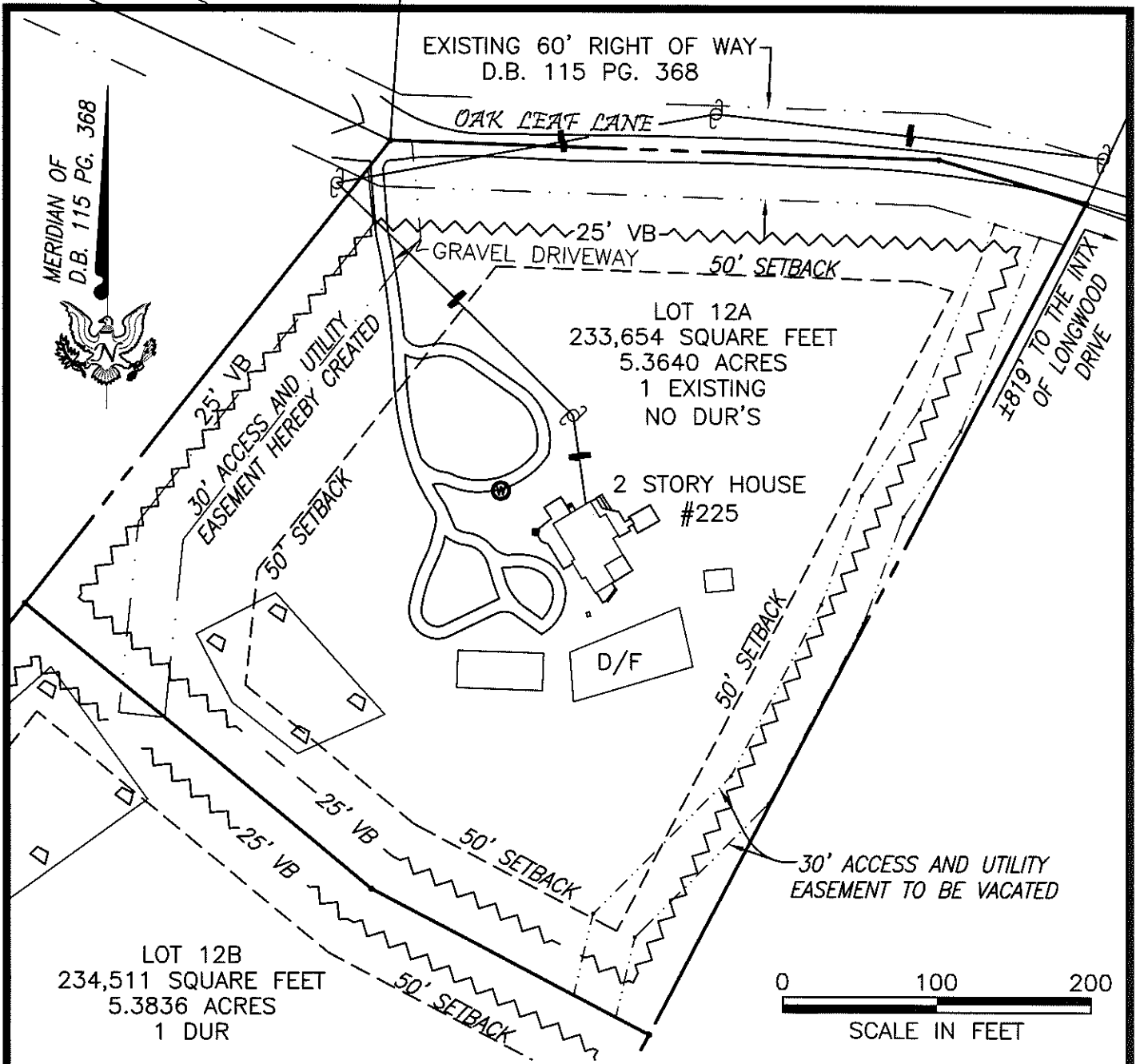
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SHEET 3 OF 5
JOB #7617



- LEGEND:**
- UTILITY POLE
 - EXISTING OVERHEAD WIRE
 - T.M. - TAX MAP
 - PG. - PAGE
 - D.B. - DEED BOOK
 - N/F - NOW OR FORMERLY
 - INTX - INTERSECTION
 - RBF - REBAR FOUND
 - IPF - IRON PIPE FOUND
 - DUR - DWELLING UNIT RIGHT
 - EXISTING WELL
 - VB - VEGETATED BUFFER
 - D/F - EXISTING DRAINFIELD

SUBDIVISION AMENDMENT
 LONGWOOD SUBDIVISION DEED BOOK 115 PAGE 368
 CURTIS E. HARVEY DIVISION DEED BOOK 473 PAGE 484
 LOT 12A

DIVISION OF CURTIS E. HARVEY PROPERTY
 BATTLETOWN MAGISTERIAL DISTRICT, CLARKE COUNTY, VIRGINIA

SCALE: 1" = 100' DATE: MARCH 18, 2021

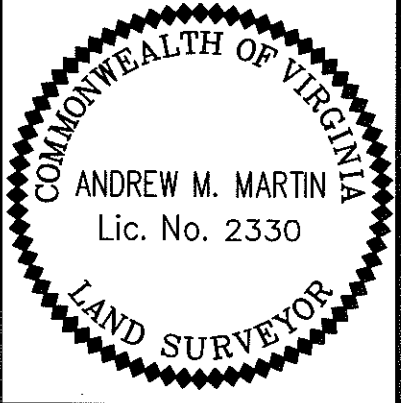


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SHEET 4 OF 5
 JOB #7617

GENERAL NOTES:

1. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY SURVEYED.
2. THIS PROPERTY IS SUBJECT TO ALL RESTRICTIONS, EASEMENTS, AND/OR RIGHT OF WAYS OF RECORD PRIOR TO THE DATE OF THIS PLAT.
3. THIS PARCEL IS LOCATED IN CLARKE COUNTY, VIRGINIA, IS ZONED "FOC" AND IS IDENTIFIED BY THE CLARKE COUNTY TAX MAPS AS PARCEL 25D-1-12A AND 25D-1-12B.
OWNER:
4. CURTIS E. HARVEY
225 OAK LEAF LANE
BLUEMONT, VA 20135
5. TOPOGRAPHIC INFORMATION SHOWN IS BASED ON A FIELD RUN SURVEY FOR AREAS WITHIN THE PROPOSED DRAINFIELDS AND FROM CLARKE COUNTY GIS MAPS FOR ALL OTHER AREAS.
6. ALL UTILITIES WITHIN THE 30' ACCESS AND UTILITY EASEMENT ARE TO BE PLACED UNDERGROUND.

ACCESS EASEMENT NOTE:

THE ACCESS EASEMENT SHOWN HEREON IS PRIVATE AND ITS MAINTENANCE, INCLUDING SNOW REMOVAL IS NOT A PUBLIC RESPONSIBILITY. IT WILL NOT BE ELIGIBLE FOR ACCEPTANCE INTO THE STATE SECONDARY ROAD SYSTEM FOR MAINTENANCE, UNTIL SUCH TIME AS IT IS CONSTRUCTED AND OTHERWISE COMPLIES WITH ALL OF THE CURRENT REQUIREMENTS OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE ADDITION OF SUBDIVISION ROADS AT THE TIME OF SUCH REQUEST. ANY COSTS REQUIRED TO CAUSE THIS ROAD TO BECOME ELIGIBLE FOR THE ADDITION TO THE STATE SYSTEM SHALL BE PROVIDED FROM THE FUNDS OTHER THAN THOSE ADMINISTERED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION AND CLARKE COUNTY.

SURVEYOR'S CERTIFICATE:

I, ANDREW M. MARTIN, A DULY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT THE PROPERTY SHOWN HEREON IS IN THE NAME OF CURTIS E. HARVEY, AS RECORDED IN DEED BOOK 656 PAGE 112, AS FOUND AMONGST THE LAND RECORDS OF CLARKE COUNTY, VIRGINIA.

ANDREW M. MARTIN

DATE

PROPERTY CORNER NOTE:

ALL PROPERTY CORNERS SHOWN AS EITHER FOUND ARE SET ARE BASED ON THE 2006 SUBDIVISION OF THE CURTIS E. HARVEY PROPERTY. NO FIELD WORK WAS RECENTLY DONE OR IMPLIED.

SUBDIVISION AMENDMENT

LONGWOOD SUBDIVISION DEED BOOK 115 PAGE 368
CURTIS E. HARVEY DIVISION DEED BOOK 473 PAGE 484
LOT 12A

DIVISION OF CURTIS E. HARVEY PROPERTY
BATTLETOWN MAGISTERIAL DISTRICT, CLARKE COUNTY, VIRGINIA

SCALE: 1" = 20'

DATE: MARCH 18, 2021



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ANDREW M. MARTIN
Lic. No. 2330

SHEET 5 OF 5
JOB #7617



Clarke County Planning Commission

AGENDA – SPECIAL MEETING/PUBLIC HEARING

Wednesday, June 9, 2021 – 6:00PM

Berryville/Clarke County Government Center– Main Meeting Room

1. **Staff Presentation** (6:00PM)

2. **Public Hearing** (7:00PM):

Proposed amendments to Code of Clarke County Chapters 161 (Subdivision of Land) and 188 (Zoning). Current Chapters 161 and 188 would be repealed and replaced with new Chapter 200 (Clarke County Zoning and Subdivision Ordinances) consisting of three Articles:

Article I – Zoning Ordinance

Article II – Subdivision Ordinance

Article III – Definitions

3. **Continuance of Public Hearing to July 2, 2021 Planning Commission Business Meeting (9:00AM, Government Center Main Meeting Room)**

4. **Adjourn**