

**CLARKE COUNTY PLANNING COMMISSION  
TABLE OF CONTENTS  
February 4, 2022 Business Meeting Packet**

<b><u>Item #</u></b>	<b><u>Description</u></b>	<b><u>Pages</u></b>
<b>1</b>	<b>Meeting Agenda</b>	<b>1</b>
<b>2</b>	<b>Approval of Minutes</b>	<b>2-17</b>
	-- November 30 , 2021 Work Session	<b>2-6</b>
	-- December 3, 2021 Business Meeting	<b>7-11</b>
	-- January 4, 2022 Work Session/Organizational Meeting	<b>12-17</b>
<b>3</b>	<b><u>MS-22-01, Lawrence R. &amp; Sandy L. Garrison</u></b>	<b>18-30</b>
	-- Staff report	<b>18-20</b>
	-- Application	<b>21-22</b>
	-- Subdivision plat	<b>23-26</b>
	-- Resistivity test letter	<b>27</b>
	-- Virginia Department of Health review letter	<b>28-29</b>
	-- Virginia Department of Transportation review letter	<b>30</b>



# Clarke County Planning Commission

AGENDA – Business Meeting

Friday, February 4, 2022 – 9:00AM

Berryville/Clarke County Government Center – Main Meeting Room

1. **Approval of Agenda**
2. **Approval of Minutes**
  - A. November 30, 2021 Work Session
  - B. December 3, 2021 Business Meeting
  - C. January 4, 2022 Work Session/Organizational Meeting

## Public Hearings

-- None scheduled

## Administrative Application Reviews

3. **MS-22-01, Lawrence R. & Sandy L. Garrison.** Request approval of a two-lot Minor Subdivision for the property identified as Tax Map #22-A-39A, located south of Briggs Road (Route 617), approximately 500 feet from Lime Marl Lane, at the address of 580 Briggs Road, in the Millwood Election District, and zoned Agricultural-Open Space-Conservation (AOC).

## Board and Committee Reports

4. **Board and Committee Reports**
  - Board of Supervisors (Matthew Bass)
  - Board of Septic & Well Appeals (George Ohrstrom, II)
  - Board of Zoning Appeals (Anne Caldwell)
  - Historic Preservation Commission (Bob Glover)
  - Conservation Easement Authority (George Ohrstrom, II)
  - Broadband Implementation Committee (Brandon Stidham)

## Other Business

5. **Agricultural Land Plan Five-Year Review Resolution**

## Adjourn

<b>UPCOMING MEETINGS:</b>	
<b>Commission Work Session</b>	Tuesday, March 1 (3:00PM) -- Main Meeting Room
<b>Commission Business Meeting</b>	Friday, March 4 (9:00AM) -- Main Meeting Room
<b>Comprehensive Plan Committee</b>	Thursday, February 17 (10:30AM) – Main Meeting Room
<b>Policy &amp; Transportation Committee</b>	TO BE SCHEDULED – Late February
<b>Ordinances Committee</b>	TO BE SCHEDULED – April
<b>Plans Review Committee</b>	No meetings currently planned



# Clarke County Planning Commission

**DRAFT MINUTES** – Work Session

Tuesday, November 30, 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)	X	Scott Kreider (Buckmarsh)	✓
Matthew Bass (Board of Supervisors)	✓	Douglas Kruhm (Buckmarsh)	X
Anne Caldwell (Millwood)	✓	Frank Lee (Berryville)	✓
Buster Dunning (White Post)	✓	Gwendolyn Malone (Berryville)	✓
Robert Glover (Millwood)	✓	Doug Lawrence (BOS alternate)	X

E – Denotes electronic participation

**NOTE:** George L. Ohrstrom, II participated electronically due to health issues related to the current pandemic.

**STAFF PRESENT:** Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner/Zoning Administrator), Kristina Maddox (Office Manager/Zoning Officer)

**CALL TO ORDER:** By Mr. Stidham at 3:00PM

Chair Ohrstrom said he made the decision unilaterally to give Commissioner Kruhm a six-month leave of absence from the Commission due to health-related issues. He said he hoped the Commissioners agree with that decision but he felt it was the right thing to do. Commissioner Caldwell commended him on the decision. Mr. Stidham said Staff would continue to include him on the packets and would send them via mail.

## Review of December 3, 2021 Business Meeting Agenda Items

Mr. Stidham said one of the items to discuss is to set public hearing for the Agricultural and Forestal District (AFD) six-year review. Mr. Camp provided Chair Ohrstrom asked if there had been any feedback regarding the public hearing to which Mr. Camp responded he had not heard and that he did not believe anyone would attend.

Mr. Stidham noted one other item on the agenda. He said the Historic Preservation Commission (HPC) has a mandatory vacancy for a representative of the Planning Commission to fill. Chair Ohrstrom thought Commissioner Malone was interested, however, she declined the opportunity. Mr. Stidham said if anyone was interested to contact Chair Ohrstrom.

## New Business Items – Comprehensive Plan Update

Discussion of issues identified by the Comprehensive Plan Committee - Mr. Stidham said the Comprehensive Plan Committee has been working on Chapter 2, which involves goals, objectives, and policies, and Chapter 3 covering implementing component plans. He said Staff has introduced some concepts that break from what is currently in the Comprehensive Plan and that the Committee wanted him to bring this to the full Commission for initial feedback. He said the first of the two issues is the possibility of eliminating the Capital Improvement Plan (CIP) and the Economic Development Strategic

Plan as being components of the Comprehensive Plan. He said they recommend this for any plan that requires annual updates. Regarding the CIP he said, previous iterations of the Comprehensive Plan included lists of actual capital projects and cost estimates that may have been there for many years after the project was funded and constructed. He added that since the CIP was only being reviewed once every five years, the information was out of date. He said with the 2013 update to the Comprehensive Plan, the specific projects were removed from the plan and Staff reformatted the section to include recommendations for developing a process for reviewing capital projects on an annual basis. He recalled last year's implementation of a formal review process for the CIP that they are now reviewing annually. He said the Committee believes that it is no longer necessary for the CIP to be a component plan of the Comprehensive Plan as the Commission is directly involved with reviewing those projects and determining their level of conformance with the Comprehensive Plan.

Mr. Stidham said they discussed whether the Strategic Plan should be a component plan in 2019 when they were talking about the five-year resolution for the update of the Strategic Plan. He added that it was first drafted in 2014 as the County's economic development and that it provided specific grant recommendations and other action items. He said at the time, the County did not have a structured economic development program. He said the Planning Department oversaw the economic development initiatives since Jesse Russell was not only the Zoning Administrator but also the Economic Developer. He added that since then the County has created a program which is now overseen by a director and has much more specific action items and directives. He said it is time for this plan to evolve to a different format, to be reviewed on an annual basis, and is no longer feasible to remain as a component of the Comprehensive Plan. He said one previously discussed concern is how to ensure that the Strategic Plan does not drift away from the Comprehensive Plan philosophy and become inconsistent. He continued that the Comprehensive Plan itself is the base plan and the source of guidance for our land use decision making and philosophy and not the Strategic Plan. He said it is important to create something to ensure this plan and others do not run afoul of the Comprehensive Plan and become inconsistent. He noted the bottom of Page 3 of 24 where it briefly discusses a new section that the Committee is going to include in Chapter 3 dealing with other relevant plans and studies and how they may not have a direct relevance to the Comprehensive Plan. He said the added language will help to ensure onset consistency and also at the end of the project when the Board of Supervisors takes action to adopt or accept it.

Commissioner Caldwell asked if the plans would reside with the Planning Department or with the Board of Supervisors for the Commission's approval or suggestions. Mr. Stidham answered that they would all become standalone plans and that the CIP would reside with the County Administration and the Board with Joint Administrative Services (JAS) doing the finance piece. He added that the Commission would be involved with the annual review of actual projects. He said the Strategic Plan would be a standalone plan that will be folded under the Economic Development Director and the two entities that she works with - the Industrial Development Authority and the Economic Development Advisory Committee. He recalled that when the Commission created the plan in 2014 that they took the "kitchen sink" approach and added as much as possible to start, however, it is now time for a more precise plan with action items that those entities would be responsible. He said similar plans such as the Telecommunications and Broadband study originated with the Planning Commission and a Telecommunications Committee which was then handed off to the Broadband Implementation Committee that the Board established. He stated the Town and County's Bicycle and Pedestrian Plan was done internally with staffing support provided by the Northern Shenandoah Valley Regional Commission to help us put together the joint plan. He said that while it is used as a tool to inform the County and Town's transportation plans, it is a document that does not necessarily need to be tied to the

Comprehensive Plan. He said guidance from the Comprehensive Plan is used in developing and implementing plans. He said the short answer to the question is that it depends on the plan and the topic area.

Mr. Stidham stated the second issue as being the concept of consolidating two of the existing component plans - the Agricultural Land Plan and the Mountain Land Plan. He said the Commission will be considering a five-year review resolution the Agricultural Land Plan to be adopted by February of next year as it was last adopted in 2017 and that the Mountain Land Plan is overdue for an update. He said given the growing numbers of component plans that the Commission has had over the years and the many shared issues that these two plans have for issues facing the rural unincorporated areas of the County, it may be a good idea to review them together and combine them into a single consolidated plan that addresses all issues. He stated that Mountain Land Plan was originally created to address very specific issues facing mountain areas, and the original Agricultural Land Plan was more of a conglomeration of data and information on the agricultural industry in Clarke County. He noted the bulleted list of Mountain Land Plan objectives on page 4 of 24 and said that while they are all important to mountain areas, that they are also applicable to the valley areas as well. He named topics such as protection of surface water quality, availability and quality of groundwater, wildlife habitat protection, ecosystems, scenic values, scenic byways, cultural resources, private property rights, and provide for well-sited development compatible with these objectives. For example, he said the protection of forest resources and the assurance of safe public private roads are two specific objectives that impact both the mountainous and non-mountainous areas. He added there is an opportunity to consolidate both plans and address the shared challenges both globally and how they impact the County but also focus on how they impact the mountain and valley areas uniquely. He said while the Agricultural Land Plan is a general document, that the Mountain Land Plan is specific and has a lot of information and specific recommendations. He said even though they have been implemented into ordinance, there are concerns that that detail could be lost if combined into one Rural Lands Plan. He suggests dividing the Commission into two separate work groups to focus on different areas and to develop the consolidated plans. He said each group would be responsible for studying those specific areas, identify their key issues, and potentially work with the stakeholders in those areas to avoid losing any of those detailed issues and concerns.

Regarding the Rural Lands Plan concept, Mr. Stidham said a potential approach to organizing this is to have an introduction and plan goals, a chapter on agriculture, forestry, Agribusiness and agritourism, and all issues that affect the rural areas equally. He added there is a dedicated chapter to mountain lands which is where the detail and the uniqueness of that area is retained. He said Chapter 4 covers the big picture of shared issues and challenges, broadband, long-term viability of wells and septic systems, secondary road safety and impacts, balancing preservation of cultural historic scenic and natural resources with the public's desire to enjoy them, and the rights of private property owners to use and enjoy their land. He reiterated that the Committee wanted to get this issue and the previous issue to the Commission for their thoughts and feedback now rather than have this be presented as a draft plan document.

Chair Ohrstrom commented that while it is a big change it is getting to the point where the Commission is implementing various component plans and now it makes sense to present the potential changes to the Commission to get feedback. Commissioner Lee agreed that it is a good idea to consolidate the two plans but wants to make sure people understand that when they want to develop land on the mountain, there are specific requirements they are going to have to meet. He said he did not want to use the same

criteria used in the valley for the mountain because of the mountain area's uniqueness. He said if they are to be combined, he wants to make sure that anyone who reads it understands that there are higher criteria and separate criteria for mountain uses than just the uses for the valley. Mr. Stidham suggested adding information in the introduction and history section about why the Mountain Land Plan was written in the 1990s to be ordinance specific, how the plans were implemented to create those different development regulations, and how to continue using and refining the plans. Commissioner Lee said he does not have a problem with it as long as it is clearly stated. Commissioner Caldwell stated that Clarke had several large subdivisions on the mountain in the 1990s and early 1980s, many of which were destructive in terms of roads and inappropriate in terms of the way the lots were formed as though they were flat terrain. She said it was basically like the western part of the County. She said those situations prompted a number of the specifics in the last Mountain Land Plan update and said it is interesting that despite the economy over the last number of years, Clarke has had no major development take place up on the mountain. She said there have been a couple of little houses, but nothing of major consequence and that it is interesting to her that perhaps it is due to the plan and its implementation. Commissioner Glover suggested that making Mountain Lands Chapter 2 right after the introduction could be a simple fix to address those issues. He agreed to make sure the mountain land stands out differently and they are separate. Chair Ohrstrom commented that as long as they are adequately addressed in the Comprehensive Plan and preferably in a couple of places, he thinks it will do and likes the idea of the Rural Lands Plan combination.

Overview of revised work plan - Mr. Stidham noted the work plan for the Comprehensive Plan update on Page 8 of 24 and said the Committee will be meeting on December 14<sup>th</sup> to go over the final drafts of Chapter 2 and 3. He said the goal is to get those two chapters to the Commission by February either in a full format or some sort of an executive summary to introduce the changes before the full document for discussion. He said census data has yet to be released for the demographic update, however, the Census Bureau said it is going to come out in 2022 at some point. He said if new census data is not released by the end of the year, projections from the previous year will be used as a fill-in so the process is not held up. He also said Chapter 1 should be complete by the end of January. He said this would have the Committee developing a full draft of this comprehensive plan document by the end of March for the Committee to review in April in hopes that the full document to the Commission for review in May. He said we could have a public hearing scheduled as early as July, to the Board for their public hearing and adoption by August or September of 2022.

### **Preparation of Annual Organizational Meeting**

Mr. Stidham said in preparation for the annual organization meeting in January, he will start the beginning of the meeting by opening up the floor for elections for Chair and Vice Chair for the year. He noted the memo and various documents starting on page 11. He said page 13 of 24 has a current list of committee appointments. He mentioned members are needed to fill Doug Kruhm's two seats on the Policy and Transportation Committee and the Comprehensive Plan Committee. Chair Ohrstrom asked if anyone is interested to let him know. Mr. Stidham said he believes that the Comprehensive Plan Committee will be doing the heavy lifting in 2022 and the Plans Review Committee meets on an as needed basis depending on what comes in in terms of applications. He said the Policy and Transportation Committee will probably be looking at policy issues that may result in new text amendments. He said he does not think the Ordinances Committee will be needed as much unless there are multiple items that are being reviewed. He said we want to split the labor between the Policy Committee and the Ordinances Committee. He noted the committees that currently have Planning Commission representation on them and that he added whether it is a mandatory assignment by County code provision or whether it is

optional at the Board of Supervisors level. He said Planning Commissioners have to serve on the Board of Septic and Well Appeals, Easement Authority, and the Historic Preservation Commission (HPC). He said traditionally there have been Commissioners serve on the Berryville Area Development Authority (BADA) and the Board of Zoning Appeals (BZA) but that it is optional at the Board of Supervisors discretion. He said the Broadband Committee is a special committee that was created and controlled by the Board with two Planning Commission representatives. He added that bylaws mention the Chair appointing liaisons to boards, however, he believes this to be an older concept where a Board or committee would request the Planning Commission or the stand in or participate in meetings as a non-voting member and that no one is currently assigned as a liaison to any group. He said every representation listed under these other committees are all voting positions. He mentioned that a second Planning Commissioner for the Broadband Committee is needed and a representative for the HPC. Chair Ohrstrom said he thought that the Broadband Committee was to be superseded by the contract. Mr. Stidham replied that it will most likely but that it has yet to be awarded. He then noted that if anyone is interested in the committees to speak with Chair Ohrstrom before the Friday meeting.

Mr. Stidham pointed everyone to page 15 for the draft 2022 meeting schedule. He said the draft bylaws started on page 16 of 24 and noted two proposed changes in red font. The first change, he noted, references the Chair being an ex officio member of all of the standing committees under the Planning Commission. He said the proposed change is to add language to allow the Chair serving as ex officio, to serve as an alternate if there is a member absence that will help with quorum issues. He said the Chair would only be able to stand in as an alternate and vote if a member is absent. He said wording was clarified regarding the appointment of a liaison to echo what was previously talked about regarding liaisons outside organizations. He said he made editorial changes to reference the code sections in the revised zoning ordinance and correction formatting issues. He said if anyone has any changes they would like to see in the bylaws, they can give him a heads up so he will incorporate them into the January meeting packets.

Mr. Stidham said page 22 or 24 is the current project priorities list as updated in July. He said he will have a draft to the Commission in the January packet. He said he also included an updated Comprehensive Plan component plan review scheduled as of November.

Chair Ohrstrom asked what date the Organizational Meeting was to which Mr. Stidham replied on Tuesday, January 4<sup>th</sup> at 3:00PM at the January Work Session.

**ADJOURN:** The November 30th Planning Commission Work Session adjourned by consensus at 3:36PM.

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George L. Ohrstrom, II (Chair)

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Kristina Maddox (Clerk)



# Clarke County Planning Commission

**DRAFT MINUTES – Business Meeting**

**Friday, December 3, 2021 – 9:00AM**

**Berryville/Clarke County Government Center – Main Meeting Room**

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

**E** – Denotes electronic participation

**NOTE:** George L. Ohrstrom, II participated electronically due to health issues related to the current pandemic.

**STAFF PRESENT:** Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner/Zoning Administrator), Kristina Maddox (Office Manager/Zoning Officer), Chris Boies (County Administrator)

**CALL TO ORDER:** By Chair Ohrstrom at 9:03AM.

## 1. Approval of Agenda

The Commission voted 9-0-2 to approve the December 3, 2021 Business Meeting agenda.

<b>Motion to approve the December 3, 2021 Business Meeting amended agenda:</b>			
Ohrstrom (Chair)	<b>AYE</b>	Hunt	<b>AYE</b>
Buckley (Vice Chair)	<b>ABSENT</b>	Kreider	<b>AYE</b>
Bass	<b>AYE</b>	Kruhm	<b>ABSENT</b>
Caldwell	<b>AYE</b>	Lee	<b>AYE</b>
Dunning	<b>AYE</b>	Malone	<b>AYE (Moved)</b>
Glover	<b>AYE (Seconded)</b>		

## 2. Approval of Minutes

The Commission voted 9-0-2 to approve the November 3, 2021 Work Session meeting minutes.

<b>Motion to approve the November 3, 2021 Work Session Meeting minutes:</b>			
Ohrstrom (Chair)	<b>AYE</b>	Hunt	<b>AYE</b>
Buckley (Vice Chair)	<b>ABSENT</b>	Kreider	<b>AYE</b>
Bass	<b>AYE</b>	Kruhm	<b>ABSENT</b>
Caldwell	<b>AYE (Moved)</b>	Lee	<b>AYE</b>
Dunning	<b>AYE</b>	Malone	<b>AYE (Seconded)</b>
Glover	<b>AYE</b>		



Commissioner Lee asked to change \$1,000 to \$50,000 under the Capital Improvement Plan on page 5 of 24.

The Commission voted 9-0-2 to approve the previously approved November 3, 2021 Work Session meeting minutes as corrected.

<b>Motion to approve the November 3, 2021 Work Session Meeting minutes as corrected:</b>			
Ohrstrom (Chair)	<b>AYE</b>	Hunt	<b>AYE</b>
Buckley (Vice Chair)	<b>ABSENT</b>	Kreider	<b>AYE</b>
Bass	<b>AYE</b>	Kruhm	<b>ABSENT</b>
Caldwell	<b>AYE (Moved)</b>	Lee	<b>AYE</b>
Dunning	<b>AYE</b>	Malone	<b>AYE (Seconded)</b>
Glover	<b>AYE</b>		

Commissioner Caldwell asked to change the word “or” to “for” on page 9 of 24 the third line in the last paragraph.

Commissioner Caldwell asked for additional verbiage at the end of a sentence on page 11 of 24 in the second paragraph, to which Mr. Stidham said to add “are prohibited”. The sentence now reads, “Mr. Stidham said other gatherings on a lot of persons that are not transient renters, or residents of the single-family dwelling, minor dwelling, or tenant house on the lot are prohibited.”

Commissioner Caldwell asked on page 16 of 24 asked for the word “logical” to be changed to “archaeological.”

Commissioner Caldwell asked that the last paragraph on page 17 of 24 verbiage be changed from “light” to “blight.”

Commissioner Caldwell asked that the “Set Public Hearing” heading be removed on page 17 of 24.

Commissioner Caldwell asked that the last line on page 17 of 24 include an “and” within the sentence.

For clarification purposes, Commissioner Glover asked that “Smithfield” be changed to “Smithfield conservation easement” on page 18 of 24 under the Conservation Easement Authority committee report.

The Commission voted 9-0-2 to approve the November 5, 2021 Business Meeting minutes as amended.

<b>Motion to approve the November 5, 2021 Business Meeting minutes as amended:</b>			
Ohrstrom (Chair)	<b>AYE</b>	Hunt	<b>AYE</b>
Buckley (Vice Chair)	<b>ABSENT</b>	Kreider	<b>AYE</b>
Bass	<b>AYE (Seconded)</b>	Kruhm	<b>ABSENT</b>
Caldwell	<b>AYE (Moved)</b>	Lee	<b>AYE</b>
Dunning	<b>AYE</b>	Malone	<b>AYE</b>
Glover	<b>AYE</b>		

**PUBLIC HEARING**

**3. Clarke County Agricultural & Forestal District (AFD) Six-Year Review**

Mr. Camp gave a presentation on the six-year review on the Agricultural and Forestal District.

Chair Ohrstrom asked what the total acreage is of the properties being withdrawn from the AFD. Mr. Camp responded that he did not have that information present but said they are rather large properties and several hundred-acre lots.

The Commissioners voted 9-0-2 to recommend renewal of the Clarke County Agricultural & Forestal District for a 6-year term with no changes except removal of the properties listed in Staff’s memorandum, as requested by the property owners.

<b>Move to recommend renewal of the Clarke County Agricultural &amp; Forestal District for a 6-year term with no changes except removal of the properties listed in Staff’s memorandum, as requested by the property owners.</b>			
Ohrstrom (Chair)	<b>AYE</b>	Hunt	<b>AYE</b>
Buckley (Vice Chair)	<b>ABSENT</b>	Kreider	<b>AYE (Moved)</b>
Bass	<b>AYE</b>	Kruhm	<b>ABSENT</b>
Caldwell	<b>AYE</b>	Lee	<b>AYE</b>
Dunning	<b>AYE</b>	Malone	<b>AYE (Seconded)</b>
Glover	<b>AYE</b>		

**Board of Supervisors (Matthew Bass)**

Chairman Bass summarized issues discussed in a legislative priorities meeting.

Commissioner Bass said the Board is for the previous unfunded mandate to now be funded by the state. He said this is in particular relation to costs with respect to jails, constitutional officers, and court personnel, etc.

Commissioner Bass noted the land conversion for nutrient credit program.

Regarding education, Commissioner Bass said Dr. Bishop had various requests of our representatives to the state including teacher licensing requirements to be made more flexible and support the elimination of the support staff act that was implemented to cut costs.

Commissioner Bass said the local Composite Index puts Clarke County at a disadvantage.

Additionally, Commissioner Bass said the mental health reform issue was discussed. He said this includes the reopening of state adult mental health hospitals as a number of them are not accepting new admissions. He said this puts our Town and County law enforcement at a disadvantage due to deputies having to stay with mental health patients at the hospital since they are unable to be transported to a facility. He said that the patients are not receiving treatment and that a patient often returns somewhere between 72 hours to five days after they are discharged. He said this is not viable for our community or our law enforcement. Commissioner Caldwell added that it impacts the emergency room tremendously as these patients occupy hospital beds preventing others from being helped. Commissioner Bass agreed that it impacts everyone involved in the situation and that it is not a sustainable situation.

Commissioner Bass said another discussion topic was public notice requirements allowing localities to use websites and social media accounts instead of the traditional newspapers. He said we support the idea that localities should have authority over their own rules, regulations, and zoning authority.

Commissioner Bass said a public hearing was set for Tuesday, December 21 at 6:30PM for short-term residential rentals and that he did hear some Board concerns that we might be attempting to regulate something about which there have not been that many complaints. He said the work the Commission has put forth has brought him on board and that the Commission has his support.

When asked by Commissioner Caldwell, Commissioner Bass said that the tower extension passed by the Board.

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

Nothing to report

**Board of Zoning Appeals (Anne Caldwell)**

Nothing to report

**Historic Preservation Commission (Jeremy Camp)**

Mr. Camp said the Historic Preservation Committee (HPC) last met in November. He said the Chairman gave an annual review presentation to the Commission and also plans to present to the Board in the near future. He said letters were distributed to properties that are determined to be historic as well as needing repairs. He said the letters intent was to let property owners know that the HPC is available to help if they need assistance and that there are a variety of programs to take advantage of. He said the HPC has received a few phone calls from the letters.

**Conservation Easement Authority (George L. Ohrstrom, II)**

Chair Ohrstrom said the Conservation Easement Authority (CEA) hopes a couple of properties will close before the end of the year. He added that it has been a good year for the CEA and there are some exciting things on the horizon that he is not prepared to discuss just yet. He said it could be quite a few acres added sometime over the next year.

**Broadband Implementation Committee (Brandon Stidham)**

Mr. Stidham said there was nothing new to report other than the next meeting on January 12.

**Other Business**

**4. Appointment of Planning Commission representative to the Historic Preservation Commission (HPC)**

The Commission voted 9-0-2 to appoint Commissioner Glover as a Planning Commission representative to the Historic Preservation Commission (HPC).

<b>Motion to appoint Commissioner Glover as a Planning Commission representative to the Historic Preservation Commission (HPC):</b>			
Ohrstrom (Chair)	<b>AYE</b>	Hunt	<b>AYE</b>
Buckley (Vice Chair)	<b>ABSENT</b>	Kreider	<b>AYE</b>
Bass	<b>AYE</b>	Kruhm	<b>ABSENT</b>
Caldwell	<b>AYE (Moved)</b>	Lee	<b>AYE</b>
Dunning	<b>AYE</b>	Malone	<b>AYE (Seconded)</b>
Glover	<b>AYE</b>		

**Adjourn**

The Commission unanimously voted to adjourn the December 3, 2021 Planning Commission Business Meeting at 9:26AM.

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George L. Ohrstrom, II (Chair)

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Kristina Maddox (Clerk)



# Clarke County Planning Commission

**DRAFT MINUTES** – Work Session/Annual Organization Meeting

Tuesday, January 4, 2022 – 3:00PM

Berryville/Clarke County Government Center – Main Meeting Room

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

**E** – Denotes electronic participation

**NOTE:** George L. Ohrstrom, II participated electronically due to health issues related to the current pandemic.

**STAFF PRESENT:** Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner/Zoning Administrator), Kristina Maddox (Office Manager/Zoning Officer)

**CALL TO ORDER:** By Mr. Stidham at 3:03PM.

## Approval of Agenda

Mr. Stidham modified the agenda to include Item 3B in order to provide an update to the short-term residential rentals text amendment discussed at the last Board of Supervisors meeting.

## Organizational Meeting

### Election of Officers: Chair and Vice Chair

The Commission voted 9-0-2 to elect George L. Ohrstrom, II as Chair to the Planning Commission for 2022.

<b>Motion to elect George L. Ohrstrom II as Planning Commission Chair for 2022:</b>			
Ohrstrom (Chair)	<b>AYE</b>	Hunt	<b>AYE</b>
Buckley (Vice Chair)	<b>AYE</b>	Kreider	<b>ABSENT</b>
Bass	<b>AYE</b>	Kruhm	<b>ABSENT</b>
Caldwell	<b>AYE (Moved)</b>	Lee	<b>AYE (Seconded)</b>
Dunning	<b>AYE</b>	Malone	<b>AYE</b>
Glover	<b>AYE</b>		

The Commission voted 9-0-2 to elect Randy Buckley as Vice Chair to the Planning Commission for 2022.

<b>Motion to elect Randy Buckley as Planning Commission Vice Chair for 2022:</b>			
Ohrstrom (Chair)	<b>AYE</b>	Hunt	<b>AYE</b>
Buckley (Vice Chair)	<b>AYE</b>	Kreider	<b>ABSENT</b>
Bass	<b>AYE</b>	Kruhm	<b>ABSENT</b>
Caldwell	<b>AYE</b>	Lee	<b>AYE (Moved)</b>
Dunning	<b>AYE</b>	Malone	<b>AYE (Seconded)</b>
Glover	<b>AYE</b>		

### **2022 Committees and Member Assignments**

Vice Chair Buckley volunteered to serve on the Comprehensive Plan Committee and Commissioner Dunning volunteered to serve on the Policy and Transportation Committee for 2022.

### **Review and Adoption of 2022 Meeting Schedule**

The Commission voted 9-0-2 to adopt the 2022 Meeting Schedule as presented by Staff.

<b>Motion to adopt the 2022 Meeting Schedule as presented by Staff:</b>			
Ohrstrom (Chair)	<b>AYE</b>	Hunt	<b>AYE</b>
Buckley (Vice Chair)	<b>AYE</b>	Kreider	<b>ABSENT</b>
Bass	<b>AYE</b>	Kruhm	<b>ABSENT</b>
Caldwell	<b>AYE</b>	Lee	<b>AYE (Moved)</b>
Dunning	<b>AYE</b>	Malone	<b>AYE (Seconded)</b>
Glover	<b>AYE</b>		

### **Review and Adoption of 2022 By-Laws**

Mr. Stidham noted a revised version of the By-Laws starting on page 7. A few changes to note, he said, reference the new Zoning Ordinance, reference sections, as well as some formatting changes. He added a significant revision at the top of page 8 where the current Chair serves as an ex officio member of all standing committees but does not vote. He said this change would allow the Chair to serve as the alternate automatically and be able to vote for that meeting if there is an absentee on one of the committees. The Commission had no changes to the 2022 By-Laws.

The Commission voted 9-0-2 to adopt the 2022 Planning Commission By-Laws as presented by Staff.

<b>Motion to adopt the 2022 Planning Commission By-Laws as presented by Staff:</b>			
Ohrstrom (Chair)	<b>AYE</b>	Hunt	<b>AYE</b>
Buckley (Vice Chair)	<b>AYE (Seconded)</b>	Kreider	<b>ABSENT</b>
Bass	<b>AYE</b>	Kruhm	<b>ABSENT</b>
Caldwell	<b>AYE (Moved)</b>	Lee	<b>AYE</b>
Dunning	<b>AYE</b>	Malone	<b>AYE</b>
Glover	<b>AYE</b>		

### **Review and Adoption of 2022 Project Priorities**

Mr. Stidham said the project priorities list is reviewed at the beginning of the year and again in the summertime.

Mr. Stidham said the first priority is the Comprehensive Plan and Component Plans. He said ideally the Committee wants to have a final revised draft for the Commission to review in May with setting public hearing potentially in June for a July public hearing.

The next priority, Mr. Stidham said, is to be the Agricultural Land Plan Five-Year Review Resolution. He said the Comprehensive Plan Committee will be looking at a draft version at their next meeting and hopes to have a revision complete by February's meeting to take action on.

Mr. Stidham said the third priorities are to review and update the Double Tollgate Area Plan as well as the Waterloo Area Plan. He said that while the Transportation Plan is a priority this year, he prefers to bump it to the latter part of the year for now given a number of various tasks the Commission will be doing.

The other priority, Mr. Stidham said, is the list of the Commission's potential text amendments to the Zoning and Subdivision Ordinances. He said there are two that are scheduled to go to the Policy and Transportation Committee to review including boundary line adjustment regulations and modifications of lots to exceed maximum lot size requirements. He also noted a review of the accounting process for dwelling unit rights when lots are merged.

Mr. Stidham said the Ordinances Committee will look at modifications to our regulations for waterworks and sewage system and treatment work provisions. He added that one additional item is the demolition review criteria text amendment that the Historic Preservation Commission (HPC) worked on at the end of last year.

The Commission voted 9-0-2 to approve the 2022 Priorities List as presented by Staff.

<b>Motion to approve the 2022 Project Priorities as presented by Staff:</b>			
Ohrstrom (Chair)	<b>AYE</b>	Hunt	<b>AYE</b>
Buckley (Vice Chair)	<b>AYE (Seconded)</b>	Kreider	<b>ABSENT</b>
Bass	<b>AYE</b>	Kruhm	<b>ABSENT</b>
Caldwell	<b>AYE</b>	Lee	<b>AYE (Moved)</b>
Dunning	<b>AYE</b>	Malone	<b>AYE</b>
Glover	<b>AYE</b>		

### **Other Business**

#### **Upcoming Agenda Items – January–June 2022**

Mr. Stidham said there is an upcoming agenda items list located on page 16 of 18. He said the Comprehensive Plan Committee is scheduled to meet and will review the final drafts of Chapters II and III and also the Five-Year Review Resolution for the Agricultural Land Plan. He said he plans to schedule another Comprehensive Plan Committee meeting for late January to start looking at an initial

draft of Chapter I, the forward, and the introduction sections. He said he plans to assemble a summary report of the changes to Chapters II and III for the committee to review.

In February's Work Session, Mr. Stidham said the Commission will look at the Five-Year Review Resolution for the Agricultural Land Plan and if all goes well, they can add it to the Business Meeting agenda for adoption. He added that the Comprehensive Plan Committee will continue working on the final draft of Chapter I.

Mr. Stidham said a Policy and Transportation Committee meeting is to be scheduled to begin work on the text amendments.

In March, Mr. Stidham said there are no agenda items currently, however, the Comprehensive Plan Committee will be finalizing the draft Comprehensive Plan and will start work on Double Tollgate Area Plan.

Mr. Stidham said the Commission will get their first look at the initial Comprehensive Plan draft in April. He said there are Comprehensive Plan Ordinance Committee Meetings expected in April as well.

In the May Work Session, Mr. Stidham said the Commission will continue to review the Comprehensive Plan draft and hopefully be able to consider getting close to finalizing it and June is when the Commission would consider scheduling the Public Hearing for July. He said he will try to update the list if there are any major changes and will plan to present a new one mid-year.

### **Status of Short-Term Residential Rentals Text Amendment**

Mr. Stidham provided an update on the short-term residential rental text amendment status. He said that the Board of Supervisors had a Public Hearing on December 21, 2021 where their decision was to defer action for one month based on comments received. He said that one of the owners of Llewellyn had expressed concern about the ten-person cap that was placed in the draft text amendment. He said that towards the end of the Commission's review process, a question as to whether we wanted to continue to include a maximum ten-person cap for short-term rentals on top of the limiting factors of the septic system capacity and building code requirements. He clarified that this is a maximum of ten people per lot of record to include transient renters and any permanent residents that are on the lot the time that rental activities take place. He commented the Commission wanted that regulation in place. He said the public hearing speaker brought up the point that they have a large main dwelling but also have tenant houses that have long-term residents. He said theoretically there could be a situation where there are eight to ten long-term residents that are on the property during rental periods which would dwindle the number of short-term rental renters that they can have to almost nothing. He said the Board has some concerns about this. He said one approach is to remove the ten-person cap and replace it with a limitation that one can only have short-term rental activities in two dwellings on a property. A property owner will be required to identify which structures are the tenant houses with a permit application and then Staff will judge the capacity based on the septic system and the building code issues with the two dwellings.

Chair Ohrstrom said he understood the issue to be a conflict between short-term and long-term rental tenants. He said he thinks the Commission could tie long-term and short-term rentals to septic system guidelines for the house. Mr. Stidham provided an example where someone could essentially create an AirBNB village by right with a zoning permit and a second example where someone purchases a large



lot with several DURs and builds several AirBNB homes. Chair Ohrstrom suggested they stick with the actual number of bedrooms as per the septic permits on each house. Mr. Stidham responded that he did not see any concern about us limiting the number of dwellings that can be used for short-term rentals and that technically home occupation bed and breakfasts can only be conducted within the main dwelling and not an accessory building at the moment. He said someone could probably challenge that but he doubts that we are determining the scope of the use and where it can occur on the property. Chair Ohrstrom said that if Mr. Stidham is comfortable and the Board approves, he is fine. Mr. Stidham said the only drawback is if a house with multiple bedrooms can prove that all of their bedrooms can be served by an onsite septic system that meets both the County and building code requirements. Commissioner Caldwell mentioned the ten person limit would apply when they go to the building department for a permit as, at that point, they are in excess of ten people and have to follow the building code for a commercial type of operation. Mr. Stidham added that it would reduce a lot of casual operators that rent out their place if they have to put in exit signs and fire safety measures.

Mr. Stidham mentioned another issue that was discussed during the Board of Supervisor's meeting regarding Calmes Neck. He said an individual on behalf of their Homeowner's Association wanted to be granted the same exception to the short-term rental rules that Shenandoah Retreat has. Mr. Stidham noted that if a property is zoned as Rural Residential, short-term residential rentals are not allowed. He said there are vast differences between the two subdivisions such as lot size. He said dealing with restrictive covenants and homeowner's association (HOA) law is a completely separate body of law compared to Zoning and Subdivision law. He added that the County is not party to those covenants and is something that should be left up to the HOA entirely. Commissioner Lee asked if it would be better to be covered through their HOA covenants and restrictions on the property. Mr. Stidham discussed the various HOAs on the mountain and said there really is no direct fix that would address their particular concern about common areas. He said they mentioned they wanted proof of insurance to which Mr. Stidham said we do not require that for other types of uses and if we require it, we only be able to verify that they had it at the time they got the permit. He said he did not think we should be the insurance police for the life of every zoning permit for short-term rentals. He said he encouraged the Board to reach out to their individual Planning Commissioners if they wanted to discuss in more detail. He added that he is going to present the two dwelling limit as an alternate text amendment including removal of the ten-person cap for their January meeting. He said he does not believe they have to re-advertise the public hearing as it is not making the rules more intensive, just changing the nature of the rules so there is a possibility of taking action in January.

Commissioner Bass said they were prepared to support the legislation as proposed but he did not think that everyone would be in agreement. He asked if someone could have a country inn and a couple large short-term residential rentals on the same lot. Mr. Stidham said he thought we would make them hold the country inn under it all otherwise it would be a loophole to some of the requirements.

Commissioner Bass asked Mr. Stidham to provide top end scenarios as far as properties much like Llewellyn or otherwise. Mr. Stidham said he believes the septic system limitations will really help with any situation where we might run into problems. Mr. Stidham asked Commissioner Lee what type of drain field would support fifty people. Commissioner Lee said a mass drainfield is 1,200 gallons house which is very large but the new regulations do not allow for mass drainfields as proposed and approved by the Board. Vice Chair Buckley asked Commissioner Lee to confirm that a large drain field is five or six bedrooms. Commissioner Lee confirmed and noted he has never done a drain field larger than five bedrooms. Vice Chair Buckley noted that a five or six-bedroom approved drainfield would be 10-12

people and 24 as the high number. Commissioner Lee said a 1,200 gallon septic system fulfills an eight-bedroom house before a mass drain field is done and noted that an eight-bedroom house is an acre and a half drain field. He continued that if one goes over that number of gallons per day, it is considered to be a mass drain field regardless of how it is done.

Commissioner Caldwell mentioned a large property on the mountain with a sizeable house. Commissioner Lee said he thought it was a six-bedroom house and noted that it is easier to get a larger drainfield on the mountain than in the valley due to the nature of the soils. When asked by Mr. Stidham if it was possible for a house to be served with two different systems, Commissioner Lee replied that it was. He said there are situations where a homeowner wishes to enlarge their home with an existing drain field and instead of increasing the existing range, there is a separate drain field added. He said they alternated between the two which is called a bull run valve.

Vice Chair Buckley commented that the standard AirBNB is going to be a two-to-three-bedroom house but there are houses larger than that in the County. Mr. Stidham said the biggest challenge will be enforcement. Vice Chair Buckley said it will be a huge deterrent when they have to add exit signs and work with fire marshals regarding fire codes, alarms, and sprinkler systems. Commissioner Lee noted that they will also have to add disability requirements as well.

Mr. Stidham said the permit application will have a box to check off that the property owner agrees to a certain number of people and that it would be a permit violation if they advertise for additional renters. Commissioner Bass clarified that if someone has a large main house with multiple residents and three tenant houses, that only two of those tenant houses could be used for short-term residential uses and there would be no limitation on renting a third for long-term rental. Mr. Stidham confirmed and said that there could be potentially two dwellings that share a septic system where one of them will be for short-term rentals and the other has a long-term renter and it will still be worked out through the Health Department to confirm not only the occupancy of that building but also their long-term renters too. Vice Chair Buckley said he is good with moving forward. Mr. Stidham suggested that the Commissioners call their Board members and answer any questions they may have.

**ADJOURN:** The January 4<sup>th</sup> Planning Commission Work Session and Organizational Meeting adjourned by consensus at 3:42PM. The next Planning Commission Business Meeting is February 1, 2022 and the next Comprehensive Plan Committee meeting is scheduled for Friday, January 7, 2022 at 10:00AM.

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Randy Buckley (Vice Chair)

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Kristina Maddox (Clerk)

# MINOR SUBDIVISION (MS-22-01)

February 4, 2022 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 also be useful to members of the general public interested in this proposed subdivision.

## CASE SUMMARY:

### Applicant(s)

Lawrence R. & Sandy L. Garrison

### Location:

- Tax Map Parcels #22-A-39A
- The existing site is located at 580 Briggs Rd., approximately 500 feet from Lime Marl Lane, between 538 and 620 Briggs Road.
- Millwood Election District (Anne Caldwell and Robert Glover)
- Agricultural-Open Space-Conservation (AOC) Zoning District

### Request:

The application proposes to create 1 new lot from the existing parcel, resulting in 2 lots.

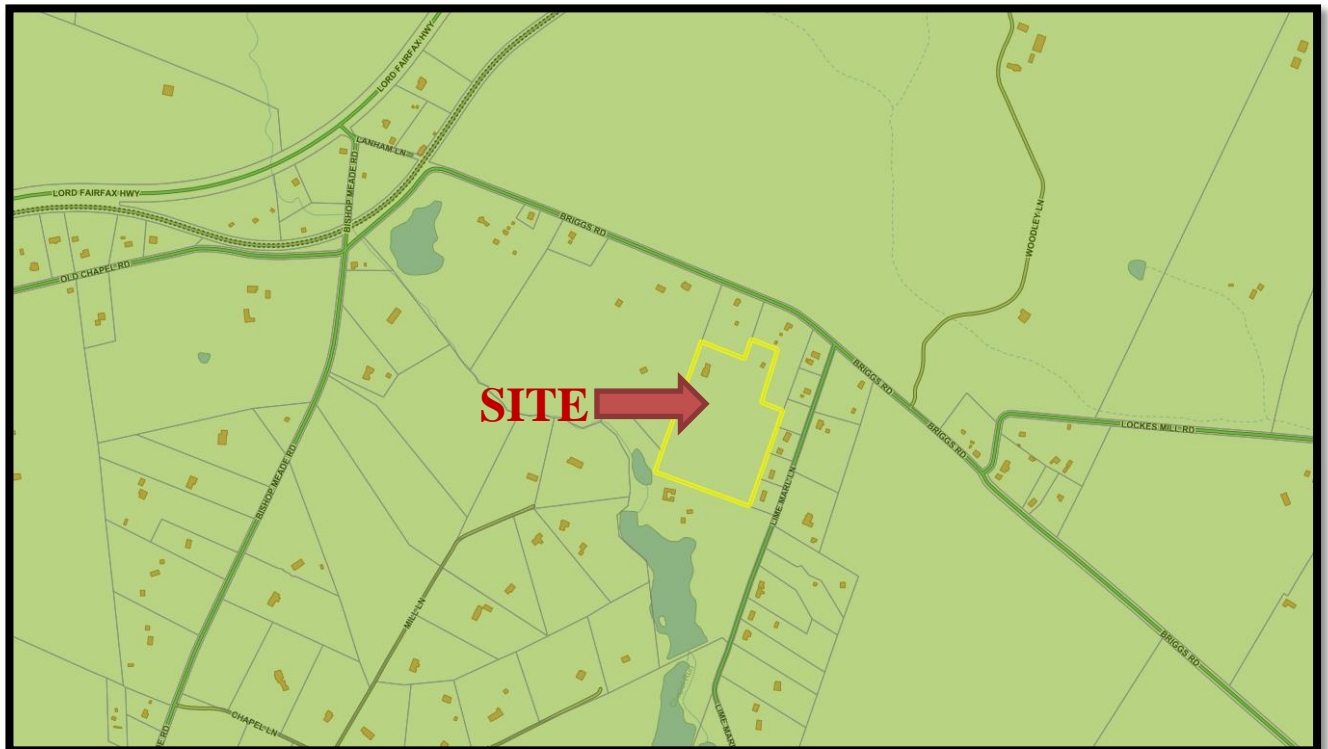
### Original Lot:

12.3479 acres (22-A-39A) – 1 dwelling, 1 DUR  
*12.3479 acres*

### Proposed Lots:

2.5146 acres (new) – 1 dwelling, 0 DUR  
9.8333 acres (22-A-39A) – 0 dwelling, 1 DUR  
*12.3479 acres*

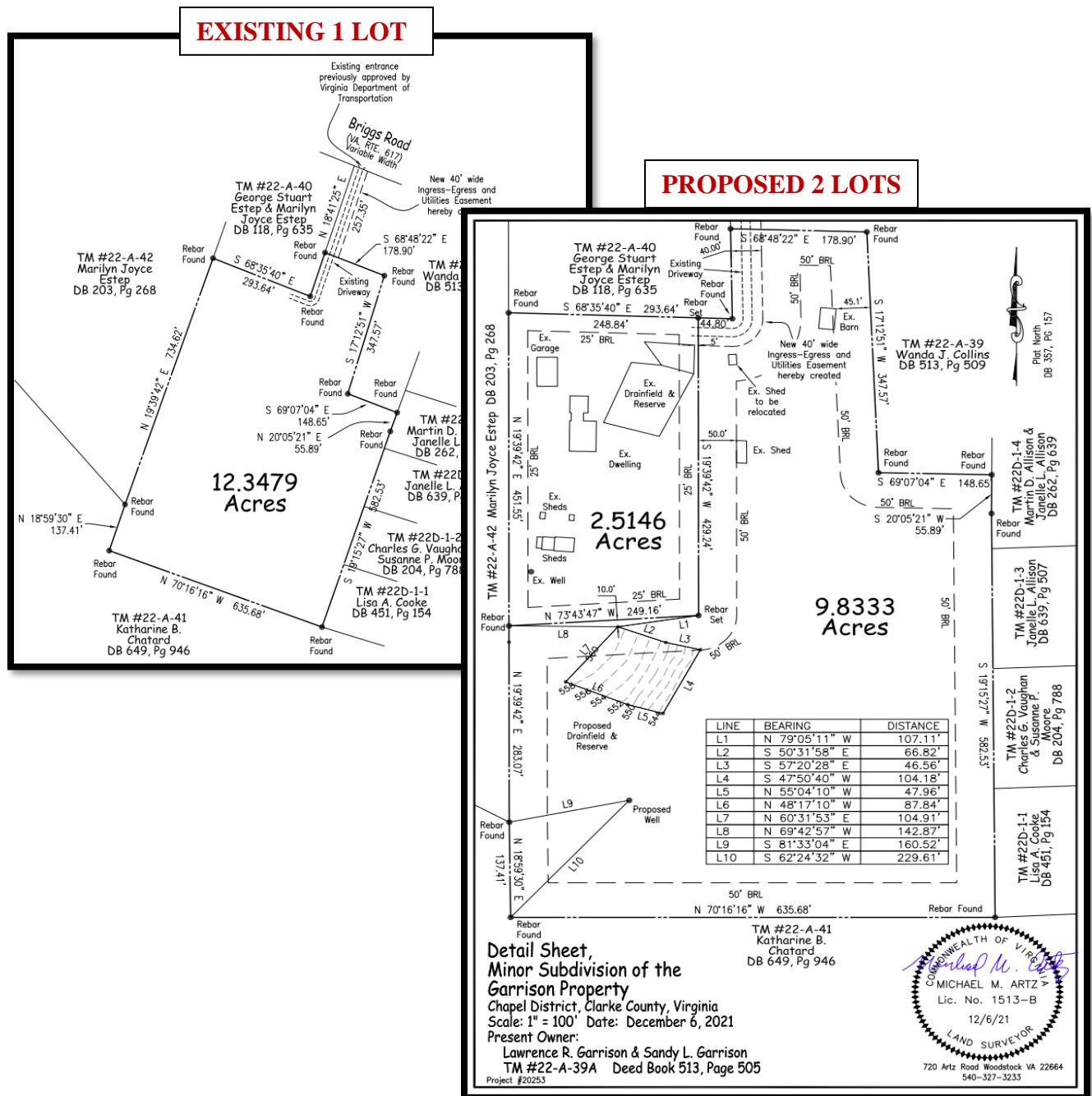
### Vicinity Map:



**Staff Discussion/Analysis:**

**Access:**

The house on the subject property is currently accessed from a driveway that traverses the adjoining parcel to the north, Tax Map Parcel #22-A-39 (620 Briggs Rd.). A 30-foot wide easement currently exists where the driveway is located. The subdivision proposes to establish a 40-foot wide easement over this existing driveway with a short extension for the purpose of accessing the proposed 2.5146 acre lot. The existing house (580 Briggs Rd.) is located on the 2.5146 acre lot. The 9.8333 acre lot would also share this access.



VDOT provided comments on January 26, 2022. VDOT indicated that they have no objections to the proposed subdivision, and that the exiting private entrance meets VDOT requirements for up to two single-family dwellings. Any additional uses would require the entrance to be upgraded.

Water and Sewage Disposal:

The existing house, on the proposed 2.5146-acre lot, utilizes a 3-bedroom conventional onsite sewage system with a 100% reserve area, and a Class IIIB well. The proposed 9.8333-acre lot has a 4-bedroom conventional drainfield and TL-3 trench 100% reserve area.

The VDH reviewed the subdivision application and have no objections.

Karst Plan / Resistivity Test:

Resistivity testing results were submitted by the applicant, reviewed by the County’s engineer, and approved on December 28, 2021

Staff Review Comments: Clarke County Staff provided the applicant with the following comments:

1. *Proposed 40’ wide Ingress-Egress and Utility Easement.* The proposed easement is partially on the adjacent lot, owned by Wanda F. Collins. Ms. Collins would need to be included in the minor subdivision, deed and plat, to create the proposed easement. Furthermore, unless the parcel of Ms. Collins (TM 22-A-39) is legally restricted from use of the easement, the easement would serve three lots, not two. This changes the classification from a Private Driveway to a Private Access Easement, the latter requiring compliance with Article II, Section 4.5.3 of the Subdivision Ordinance, including construction plans submitted with the subdivision application to demonstrate compliance with the minimum design standards. I discussed this with the Garrison's in the pre-application meeting.
2. *Note regarding recordation requirement.* Please include a note on the plat to the effect that indicates the date that the plat shall become null and void if not recorded within 6 months from the date evidencing approval by the approval authority, as required by Section 3.1.3 of the Subdivision Ordinance. This note should be near the approval block for the Zoning Administrator.
3. *Surveyor’s Certificate typo.* A typo exists in the third word in the last sentence of the Surveyor’s Certificate (thqt).

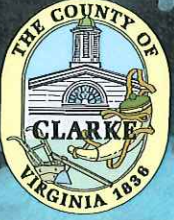
**Recommendation:**

**Staff recommends deferral of Minor Subdivision #22-01 until such time that the applicant submits a revised plat that addresses the review comments listed above.**

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**History:**

- December 28, 2021 Resistivity Testing Approved.
- January 5, 2022 Application Submitted.
- January 10, 2022 VDH comment letter to Clarke County.
- January 26, 2022 VDOT comment letter to Clarke County.  
Staff comment letter to applicant.
- February 4, 2022 Scheduled date for Planning Commission review.





# LAND DEVELOPMENT APPLICATION

## General Information

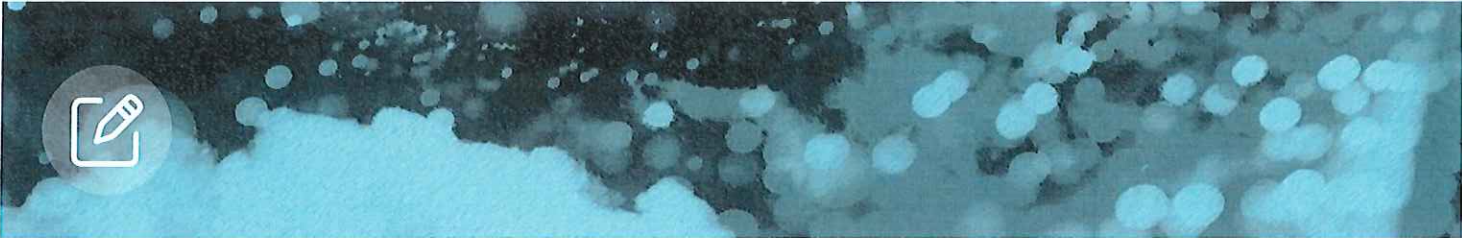
Date:	JAN 5, 2022	Tax Map #:	22-A-39A
Zoning District:	CHAPSL	Lot Size:	12.34 acres
Site Address:	580 BRIGGS ROAD BERRYVILLE VA 22611		
Property Owner's Name:	LAWRENCE R. + SANDY L. GARRISON		
Property Owner's Mailing Address:	580 BRIGGS RD BERRYVILLE VA 22611		
Applicant's Name: (if different than owner)			
Applicant's Mailing Address: (if different than owner)			
Phone:	540-533-2965	Email:	LSGARRISON@COMCAST.NET

## Application Type

Site Plan	<input type="radio"/>	Major Subdivision	<input type="radio"/>
Administrative Site Plan	<input type="radio"/>	Minor Subdivision	<input checked="" type="radio"/>
Rezoning	<input type="radio"/>	Boundary Line Adjustment	<input type="radio"/>
Special Use Permit	<input type="radio"/>	Lot Consolidation / Merger	<input type="radio"/>
Karst Plan	<input type="radio"/>	Administrative Subdivision (>100 acre parcels)	<input type="radio"/>
Zoning Ordinance Text Amendment	<input type="radio"/>	Subdivision Ordinance Text Amendment	<input type="radio"/>
Other:	<input type="radio"/>		

## Application Details

Name of Project or Subdivision:	GARRISON SUBDIVISION
Existing Use(s):	OPEN SPACE -
Proposed Use(s):	BUILD A HOUSE ON NEW LOT (DAUGHTER)



### Additional Details

Description of the proposed development or subdivision:

DIVIDING 12.3479 ACRES LEAVING 2.5146 WITH THE EXISTING HOUSES. NEW LOT WILL BE 9.8333 ACRES. ACCESSING NEW LOT THROUGH EXISTING RIGHT OF WAY OFF OF BRIGGS RD.

Number of Existing Lots:

1

Number of Proposed Lots (proposed and residual):


1 to give TOTAL OF 2 LOTS

Are you requesting any exemptions, such to the maximum average lot size?

If yes, describe the justification for such request. NO

Check all that apply:

Conservation Easement	<input type="radio"/>	Floodplain	<input type="radio"/>
Historic Overlay District	<input type="radio"/>	Public Water	<input type="radio"/>
Historic Accessory Corridor	<input type="radio"/>	Public Sewer	<input type="radio"/>
Spring Conservation Overlay District	<input type="radio"/>	Karst Soils	<input checked="" type="radio"/>

  
Signature of Applicant

JAN 5  
JAN 5, 2022 1-5-22  
Date

Office Use Only

ACTION TAKEN: \_\_\_\_\_

FEE: \$4,000 (paid)

COMMENTS: \_\_\_\_\_

Zoning Administrator

Date

8469

GIS Acct #

**Minor Subdivision of the Garrison Property**

Lawrence R. Garrison & Sandy L. Garrison  
TM #22-A-39A Deed Book 513, Pg 505  
December 6, 2021 Chapel District, Clarke County, Virginia

**Vicinity Map**  
1"=1000'



**SURVEYOR'S CERTIFICATE:**

I, Michael M. Artz, a duly authorized land surveyor, do hereby certify that the land hereby subdivided is in the names of Lawrence R. Garrison & Sandy L. Garrison and was acquired as stated in the Owner's Certificate. I further certify that these tracts are properly and accurately described and are within the boundaries of the original tracts. I further certify that the monuments designated hereon have been set in accordance with the Subdivision Ordinance of Clarke County, Virginia

\_\_\_\_\_  
Certified Land Surveyor

**OWNER'S CERTIFICATE:**

The undersigned fee simple owners hereby certify that the land herein subdivided is all of the property conveyed to Lawrence R. Garrison & Sandy L. Garrison by deed dated August 24, 2009 and recorded in Deed Book 513, Page 505. Said deed being of record in the Clerk's Office of the Circuit Court of Clarke County, Virginia

This Minor Subdivision as it appears on the accompanying plat is 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 Clerk's Office of the Circuit Court of Clarke County, Virginia.

\_\_\_\_\_  
Lawrence R. Garrison

\_\_\_\_\_  
Sandy L. Garrison

**NOTARY CERTIFICATE:**

STATE OF VIRGINIA; CITY/COUNTY OF \_\_\_\_\_, to-wit:

The foregoing owners consent and dedication was acknowledged before me by Lawrence R. Garrison and Sandy L. Garrison  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My commission expires \_\_\_\_\_  
\_\_\_\_\_  
Notary Public

**CERTIFICATE OF APPROVAL**

This Minor Subdivision is approved by the undersigned in accordance with existing subdivision regulations and may be admitted to record.

\_\_\_\_\_  
date Clarke County Zoning Administrator

\_\_\_\_\_  
date Clarke County Health Department

\_\_\_\_\_  
date Chairman, Planning Commission



**Minor Subdivision of the Garrison Property**

Lawrence R. Garrison & Sandy L. Garrison  
TM #22-A-39A Deed Book 513, Pg 505  
December 6, 2021 Chapel District, Clarke County, Virginia

**AREA TABULATION & D.U.R. REALLOCATION**

	Pre Division
<u>TM #22-A-39A</u>	= 12.3479 Ac. 1 D.U.R, 1 Existing Dwelling
	Post Division
TM #22-A-39A	= 2.5146 Ac. 1 Existing Dwelling
Residual Parcel	= 9.8333 Acres, 1 D.U.R.

**AGRICULTURE OPERATIONS NOTICE:**

This property is in the Agricultural-Open Space-Conservation (AOC) Zoning District. Agriculture is the primary economic activity of this zoning district. Owners, residents, and other users of property in the AOC district may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from agricultural operations even though conducted in accordance with best management practices and/or in accordance with existing laws and regulations of the Commonwealth and the County. Such agricultural operations may generate noise, odors, and dust, may involve the operation of machinery, including aircraft, the storage and disposal of manure, and the application of fertilizer, soil amendments, and pesticides. Owners, occupants, and users of land in the AOC district should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a zoning district in a county with a strong rural character and an active agricultural sector.

**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.

**VEGETATED PROPERTY BUFFERS:**

The 2.7092 acre and 9.6387 acre tracts are subject to a 25' wide vegetated property buffer along all property lines, per Clark County Zoning Ordinance, Section 7.4.1.

**VDH SUBDIVISION APPROVAL STATEMENT**

This subdivision is approved for individual onsite sewage systems in accordance with the provision of the *Code of Virginia*, and the *Sewage Handling and Disposal Regulations* (12 VAC 5-610-10 et seq., the "*Regulations*"), (and local ordinances if the locality has authorized the local health department to accept private evaluations for compliance with local ordinances).

This subdivision was submitted to the Health Department for review pursuant to § 32.1-163.5 of the *Code of Virginia* which requires the Health Department to accept private soil evaluations and designs from an Authorized Onsite Soil Evaluator (AOSE) or a Professional Engineer working in consultation with an AOSE for residential development. The Department is not required to perform a field check of such evaluations. This subdivision was certified as being in compliance with the Board of Health's regulations by Barry Hadley, Hadley, AOSE #01940001107. This subdivision approval is issued in reliance upon that certification.

Pursuant to § 360 of the *Regulations* this approval is not an assurance that Sewage Disposal System Construction Permits will be issued for any lot in the subdivision unless that lot is specifically identified as having an approved site for an onsite sewage disposal system, and unless all conditions and circumstances are present at the time of application for a permit as are present at the time of this approval. This subdivision may contain lots that do not have approved sites for onsite sewage systems.

This subdivision approval is issued in reliance upon the A.O.S.E. certification that approved lots are suitable for onsite sewage disposal systems, however actual sewage disposal system designs may be different at the time sewage disposal construction permits are issued.

**PRIVATE DRIVEWAY**

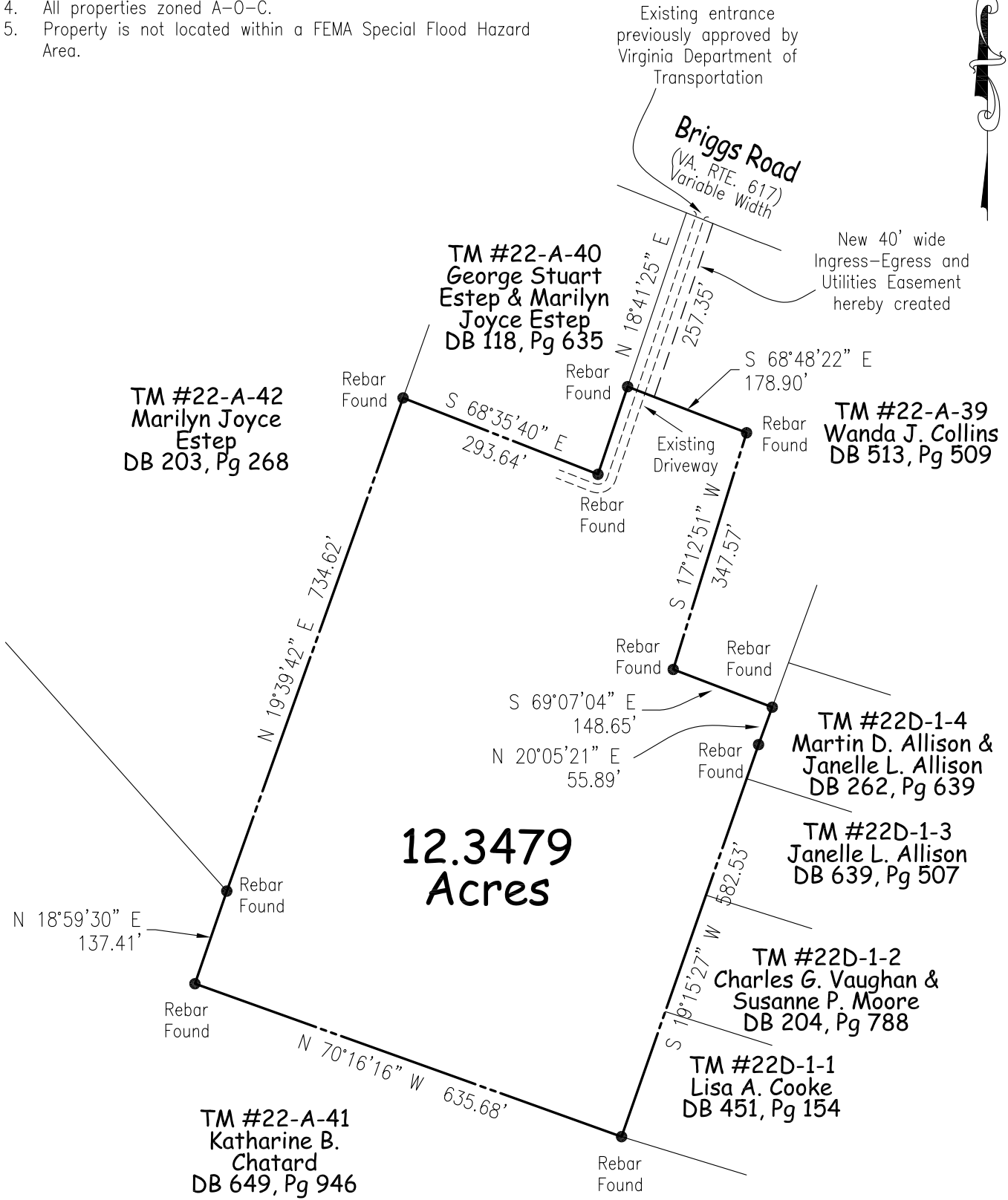
The existing private driveway/road is not built according to street specifications of and will not be maintained by, the Virginia Department of Transportation or Clarke County. The improvement and maintenance of said driveway/road shall be the sole responsibility of the owners of lots which are provided with access via the driveway/road. Said driveway/road will not be considered for inclusion into the state secondary system until it meets the applicable construction standards of the Virginia Department of Transportation. The cost of bringing said driveway/road to acceptable standards shall not be borne by the Virginia Department of Transportation nor by Clarke County.

Notes:

1. Boundary shown hereon was determined by a field run survey performed under my supervision.
2. This plat is subject to easements and restrictions of record.
3. No title report furnished.
4. All properties zoned A-O-C.
5. Property is not located within a FEMA Special Flood Hazard Area.

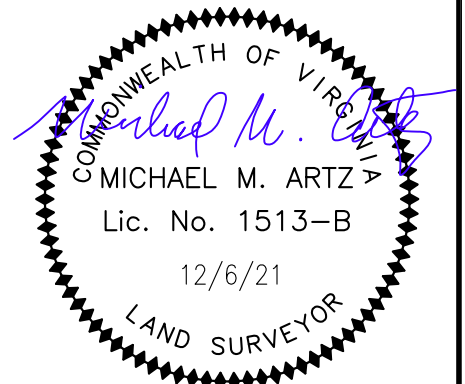


Plat North  
DB 357, PG 157

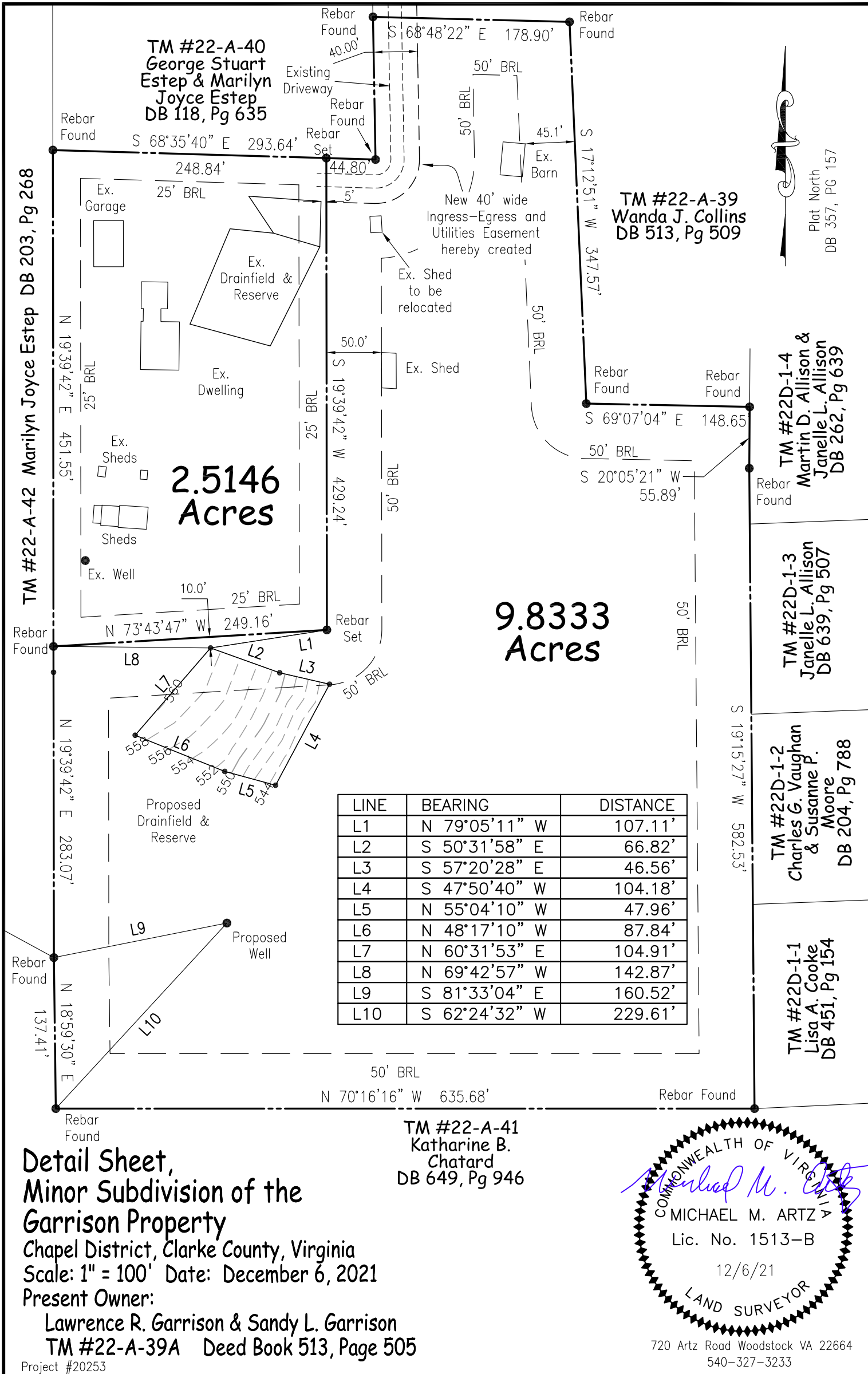


**Existing Conditions,  
Minor Subdivision of the  
Garrison Property**  
Chapel District, Clarke County, Virginia  
Scale: 1" = 200' Date: December 6, 2021  
Present Owner:  
**Lawrence R. Garrison & Sandy L. Garrison**  
**TM #22-A-39A Deed Book 513, Page 505**

Project #20253

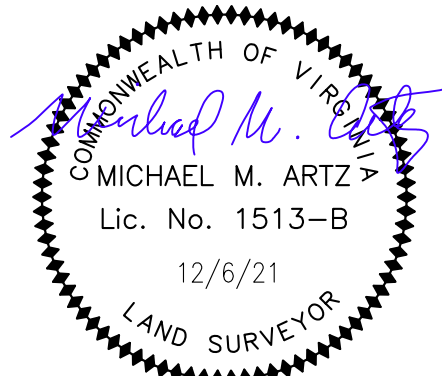


720 Artz Road  
Woodstock VA 22664  
540-327-3233



**Detail Sheet,  
Minor Subdivision of the  
Garrison Property**  
Chapel District, Clarke County, Virginia  
Scale: 1" = 100' Date: December 6, 2021  
Present Owner:  
Lawrence R. Garrison & Sandy L. Garrison  
TM #22-A-39A Deed Book 513, Page 505

TM #22-A-41  
Katharine B.  
Chatard  
DB 649, Pg 946



720 Artz Road Woodstock VA 22664  
540-327-3233



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

December 28, 2021

Lawrence R & Sandy L. Garrison  
580 Briggs Road  
Berryville, VA 22611

RE: Resistivity Test  
Tax Map#22-A-39A; 580 Briggs Road

A resistivity test was conducted on the property described above, and a report generated by Forrest Environmental Services, Inc. in December 2021 defined as Project Number 21166. The test results were sent to Terracon Consultants, Inc. for review.

Based on the engineer's report and Terracon's review (Project JD197110, Task 47) dated December 22, 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 540-955-5132.

Sincerely,

Kristina Maddox  
Clarke County Office Manager / Zoning Officer

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](http://www.vdh.virginia.gov)



January 10, 2022

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

RE: MINOR SUBDIVISION PRELIMINARY REVIEW COMMENTS (MS-22-01)

Applicant Name: Lawrence R. & Sandy L. Garrison  
Health Department I.D. #: 043220002  
Subdivision Name:  
Section or Phase:  
Tax Map #: 22-A-39A  
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:

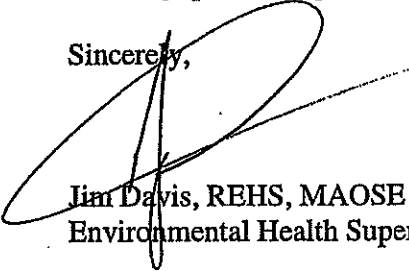
1. The applicants have applied for a Certification Letter for the proposed Residual Parcel (9.8333 Acres) as required.
2. Proposed Residual Parcel (9.8333 Acres) is vacant. The project OSE located a site for a conventional primary drainfield and TL-3/trench 100% reserve area. The site and soils were field reviewed on July 29, 2021, no outstanding issues were noted. The proposed design is for a Four (4) bedroom dwelling and will be served by a private Class IIIB well.
3. Tax Map# 22-A-39A to be (2.5146 Acres) has an existing dwelling. There is an Operation Permit on file dated November 17, 2003. The dwelling is served by a conventional onsite sewage system designed for Three (3) Bedrooms and has a 100% reserve area. The dwelling is connected to an existing Class IIIB well.

Comment Letter  
Lawrence R. & Sandy L. Garrison  
TM# 22-A-39A  
Page 2

4. This office has received a Geophysical Survey from Forrest Environmental Services, Inc. for the drainfield and reserve area identified for the proposed Residual Parcel and a county approval letter for the ERI.

This letter does not serve as an approval of the proposed minor subdivision, or its parts. If you have any questions, please contact me at (540) 955-1033

Sincerely,



Jim Davis, REHS, MAOSE  
Environmental Health Supervisor

PC: Lawrence R. & Sandy L. Garrison, Owners  
Michael M. Artz, Land Surveyor  
Barry R. Hadley, MAOSE  
Health Department File

Zimbra

jcamp@clarkecounty.gov

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**Clarke-Rt.617-Garrison TM 22-A-39A**


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**From :** Arthur Boyce <bobby.boyce@vdot.virginia.gov>  
**Subject :** Clarke-Rt.617-Garrison TM 22-A-39A  
**To :** jcamp@clarkecounty.gov

Wed, Jan 26, 2022 10:41 AM  
 3 attachments

**COMMONWEALTH of VIRGINIA**  
**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 December 6, 2021 by Michael Artz Land Surveyor for impacts to the local roadway system. We have no objections to the proposed subdivision. The existing private entrance meets VDOT requirements for up to two single-family dwellings. Any additional uses would require the entrance to be upgraded to current State standards.

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 of Land. We ask that you include a copy of this official public record in file for the subdivision. If you have any questions, would like to meet in the field and discuss 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  
 (540) 534-3211

**From:** Jeremy Camp <jcamp@clarkecounty.gov>

**Sent:** Thursday, January 6, 2022 10:50 AM

**To:** Arthur Boyce <bobby.boyce@vdot.virginia.gov>; Walter Davis <jim.davis@vdh.virginia.gov>

**Cc:** Kristina Maddox <kmaddox@clarkecounty.gov>

**Subject:** Fwd: MS-22-01 / Tax Map 22-A-39A / (Briggs Road) Rt 617 - Request for Review Comments

Hello Gentleman,

Attached is an application and draft plats for a minor subdivision of tax map #22-A-39, owned by the Garrisons. One new lot is proposed that would have access from Briggs Road (Route