

**CLARKE COUNTY PLANNING COMMISSION
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April 1, 2022 Business Meeting**

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Clarke County Planning Commission

AGENDA – Business Meeting

Friday, April 1, 2022 – 9:00AM

Berryville/Clarke County Government Center – Main Meeting Room

1. **Approval of Agenda**
2. **Approval of Minutes – March 4, 2022 Business Meeting**

Public Hearings

-- None scheduled

Minor Subdivision Reviews

3. **MS-22-02, Ray M. Pennington, III.** Request approval of a two-lot minor subdivision for the property identified as Tax Map #7-A-85F, located on the east side of Crums Church Rd. (Rt.632) between Laurel Wood Lane and Garden Road (Rt. 675), Russell Election District, zoned Agricultural-Open Space-Conservation (AOC).
4. **MS-22-03, L Seven Farm L.C., c/o Thomas Moore Lawson, Manager.** Request approval of a two-lot minor subdivision for the property identified as Tax Map #27-A-6, located near the southeast corner of the Featherbed Road (Rt. 644) and Lord Fairfax Highway (Rt 340) intersection, White Post Election District, zoned Agricultural-Open Space-Conservation (AOC).

Schedule Public Hearings

5. **TA-22-01, Unpaid Taxes and Charges.** Proposed text amendment to add a new Subsection E to Zoning Ordinance Section 2.3 (Issuance of Permits and Approvals). The purpose is to require payment of all delinquent real estate taxes, nuisance charges, and any other charges that constitute a lien on a subject property prior to acceptance of an application associated with that subject property. New Subsection E would apply to applications for any permit or review process delineated in Zoning Ordinance Section 6 (Permits and Review Processes), land disturbance permits issued in conjunction with Code of Clarke County Chapter 148 (Erosion and Sediment Control Ordinance), and building permits issued in conjunction with Code of Clarke County Chapter 71 (Building Construction).

Board and Committee Reports

6. **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

-- None scheduled

Adjourn

UPCOMING MEETINGS:	
Comprehensive Plan Committee	Thursday, April 7 (2:30) – Main Meeting Room
Policy & Transportation Committee	TO BE SCHEDULED -- April
Ordinances Committee	TO BE SCHEDULED – April
Commission Work Session	Tuesday, May 3 (3:00PM) -- Main Meeting Room
Commission Business Meeting	Friday, May 6 (9:00AM) -- Main Meeting Room
Plans Review Committee	No meetings currently planned



Clarke County Planning Commission

DRAFT MINUTES – Business Meeting

Friday, March 4, 2022 – 9:00AM

Berryville/Clarke County Government Center – Main Meeting Room

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

E – Denotes electronic participation

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

OTHER PRESENT: David Weiss (Board of Supervisors), Doug Lawrence (Board of Supervisors), Chris Boies (County Administrator), Douglas Kruhm, Lawrence and Sandy Garrison (applicants)

CALL TO ORDER: By Vice-Chair Buckley at 9:10AM.

1. Approval of Agenda

The Commission voted 9-0-1 to approve a revised agenda for March 4, 2022 moving item number five to number two and adjusting accordingly.

Motion to approve the revised March 4, 2022 Business Meeting agenda:			
Ohrstrom (Chair)	ABSENT	Glover	AYE
Buckley (Vice Chair)	AYE	Hunt	AYE
Bass	AYE	Kreider	AYE (Moved)
Caldwell	AYE	Lee	AYE (Seconded)
Dunning	AYE	Malone	AYE

2. Resolution of Appreciation – Douglas Kruhm

Vice-Chair Buckley read the Resolution of Appreciation for Douglas Kruhm thanking him for his service on the Clarke County Planning Commission.

Mr. Weiss thanked Mr. Kruhm for his service, dedication, and friendship and presented a Resolution of Appreciation on behalf of the Board of Supervisors. Mr. Weiss noted that throughout his years of service Mr. Kruhm has been an inspiration to many.

The Commission voted 9-0-1 to approve the resolution of gratitude and appreciation to Douglas Kruhm and that it go on record of action of the Clarke County Planning Commission.

Motion to approve the Resolution of Appreciation for Douglas Kruhm:			
Ohrstrom (Chair)	ABSENT	Glover	AYE
Buckley (Vice-Chair)	AYE	Hunt	AYE
Bass	AYE	Kreider	AYE
Caldwell	AYE (Moved)	Lee	AYE
Dunning	AYE	Malone	AYE (Seconded)

3. Approval of Minutes

February 1, 2022 Work Session Meeting Minutes

Commissioner Caldwell asked for a correction on page 3 of 29 to change “Chapter II covers the implementing components” to “Chapter III covers the implementing components.”

Commissioner Bass asked that Staff could listen to the recording from February 1, 2022 to better clarify the discussion between Mr. Stidham and himself surrounding the revisions to the Comprehensive Plan. His main concern was regarding specific verbiage used.

The Commission voted 9-0-1 to approve the February 1, 2022 Work Session meeting minutes as amended.

Motion to approve the February 1, 2022 Work Session Meeting minutes as amended:			
Ohrstrom (Chair)	ABSENT	Glover	AYE
Buckley (Vice-Chair)	AYE	Hunt	AYE
Bass	AYE	Kreider	AYE
Caldwell	AYE (Moved)	Lee	AYE (Seconded)
Dunning	AYE	Malone	AYE

February 4, 2022 Business Meeting Minutes

Commissioner Caldwell on page 7 of 29 under the voting section added that Ms. Gwendolyn Malone was present but did not include an “AYE” vote next to her name.

The Commission voted 9-0-1 to approve the February 4, 2022 Business Meeting minutes as amended.

Motion to approve the February 4, 2022 Business Meeting minutes as amended:			
Ohrstrom (Chair)	ABSENT	Glover	AYE
Buckley (Vice-Chair)	AYE	Hunt	AYE
Bass	AYE	Kreider	AYE
Caldwell	AYE	Lee	AYE (Moved)
Dunning	AYE	Malone	AYE (Seconded)

4. MS-22-01, Lawrence R. & Sandy L. Garrison

Mr. Camp presented minor subdivision MS-22-01 (Lawrence R. & Sandy L. Garrison) to the Commission.

Commissioner Lee asked what outstanding items remain. Mr. Camp replied there are two typos on the plat and that the adjacent property owner needs to sign the updated easement document. He said it will be finalized when the corrected plats and easement are received and signed.

The Commission voted 9-0-1 to approve **MS-22-01**, Lawrence R. & Sandy L. Garrison based upon the condition that all of the necessary documents are signed prior to final approval by Staff.

Moved to approve minor subdivision <u>MS-22-01</u>, Lawrence R. & Sandy L. Garrison based upon the condition that all of the necessary documents are signed accordingly:			
Ohrstrom (Chair)	ABSENT	Glover	AYE
Buckley (Vice-Chair)	AYE	Hunt	AYE
Bass	AYE	Kreider	AYE (Moved)
Caldwell	AYE	Lee	AYE
Dunning	AYE	Malone	AYE (Seconded)

5. Board and Committee Reports

Board of Supervisors (Matthew Bass)

Commissioner Bass announced that the Board of Supervisors passed the short-term residential rental regulations. He noted that the Board also passed a resolution of appreciation for Douglas Kruhm. He said the Board is reviewing budgets but that he does not see any drastic changes in the near future.

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

Mr. Stidham said the Board met earlier this week regarding a contractor who conducted blasting for a new home with a deep basement without prior approval. He said the blasting was discovered initially through a citizen complaint. He said Staff contacted the contractor who immediately attempted to resolve the issue by filing a blasting plan. He said they were able to file the paperwork in a timely manner, paid the necessary consultant fees, and the plan was approved. Mr. Stidham said that while the contractor had blasted in the County previously, he had misunderstood the regulations. He said Staff has added a blasting checkbox to the zoning permit application to avoid this issue going forward. He noted the contractor recommended that Staff have a map that better illustrates the different areas that apply to the blasting ordinance.

Board of Zoning Appeals (Anne Caldwell)

Commissioner Caldwell noted there was a hearing on Monday for a non-conforming building in White Post that used to be the White Post store. She said the building is currently vacant and that the owner wants to upgrade it with a porch over the front and with porch protection over the back door. She said the application was unanimously approved.

Historic Preservation Commission – HPC (Bob Glover)

Mr. Camp said the next meeting is March 16th. He said the HPC submitted an application for a historic marker at Bears Den Historic District. He said they will not review applications until June and that it will be a while before we know if it is approved or not.

Mr. Camp noted the HPC will be finalizing the review of the Battle of Berryville draft report and that significant revisions were made and will be sent to a consultant.

Additionally, Mr. Camp said the HPC plans to discuss the upcoming annual HPC awards that will take place in May. He said there was a press release issued that citizens can submit their own nominations this year if they are aware of a worthy project.

Mr. Glover mentioned that the newspaper article also helped make citizens aware of blighted buildings and how to help.

Conservation Easement Authority – CEA (George L. Ohrstrom, II)

Vice-Chair Buckley noted the CEA had their annual Wingate Mackay-Smith award ceremony at the Millwood Country Club. He said Chuck Johnston was awarded and recognized for his early work on the easement authority.

Broadband Implementation Committee (Brandon Stidham)

Mr. Stidham said this Committee is on hold temporarily and that they are working with the VATI grant which was awarded in December. He continued that the Northern Shenandoah Valley Regional Commission is the project manager for this project. He said they are in the process of coordinating negotiations among all of the counties that were included in the award. He said this includes surrounding counties in our region except for Shenandoah County. He added that there is a group Zoom meeting next Friday for an update.

Other Business

Mr. Stidham noted there is a Policy and Transportation meeting following the Planning Commission Business Meeting.

Adjournment:

The Commission voted 9-0-1 to adjourn the March 4, 2022 Planning Commission Business Meeting at 9:37AM.

Move to adjourn the March 4, 2022 Planning Commission Business Meeting:			
Ohrstrom (Chair)	ABSENT	Glover	AYE
Buckley (Vice-Chair)	AYE	Hunt	AYE
Bass	AYE (Seconded)	Kreider	AYE
Caldwell	AYE	Lee	AYE (Moved)
Dunning	AYE	Malone	AYE

Randy Buckley (Vice-Chair)

Kristina Maddox (Clerk)

MINOR SUBDIVISION (MS-22-02)

April 1, 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 for members of the general public.

CASE SUMMARY:

Applicant(s)

Ray M. Pennington, III

Location:

- Tax Map #7-A-85F
- The site is located on the east side of Crums Church Rd. (Rt.632), between Laurel Wood Ln and Garden Rd, behind the house addressed as 1014 Crums Church Rd.).
- Russell Election District (Pearch Hunt and George L. Ohrstrom, II)
- Agricultural-Open Space-Conservation (AOC) Zoning District

Request:

The application proposes to create 1 new lot from 96 acres. This would result in 2 lots, Lot 2 (3 acres) and the residue (96 acres).

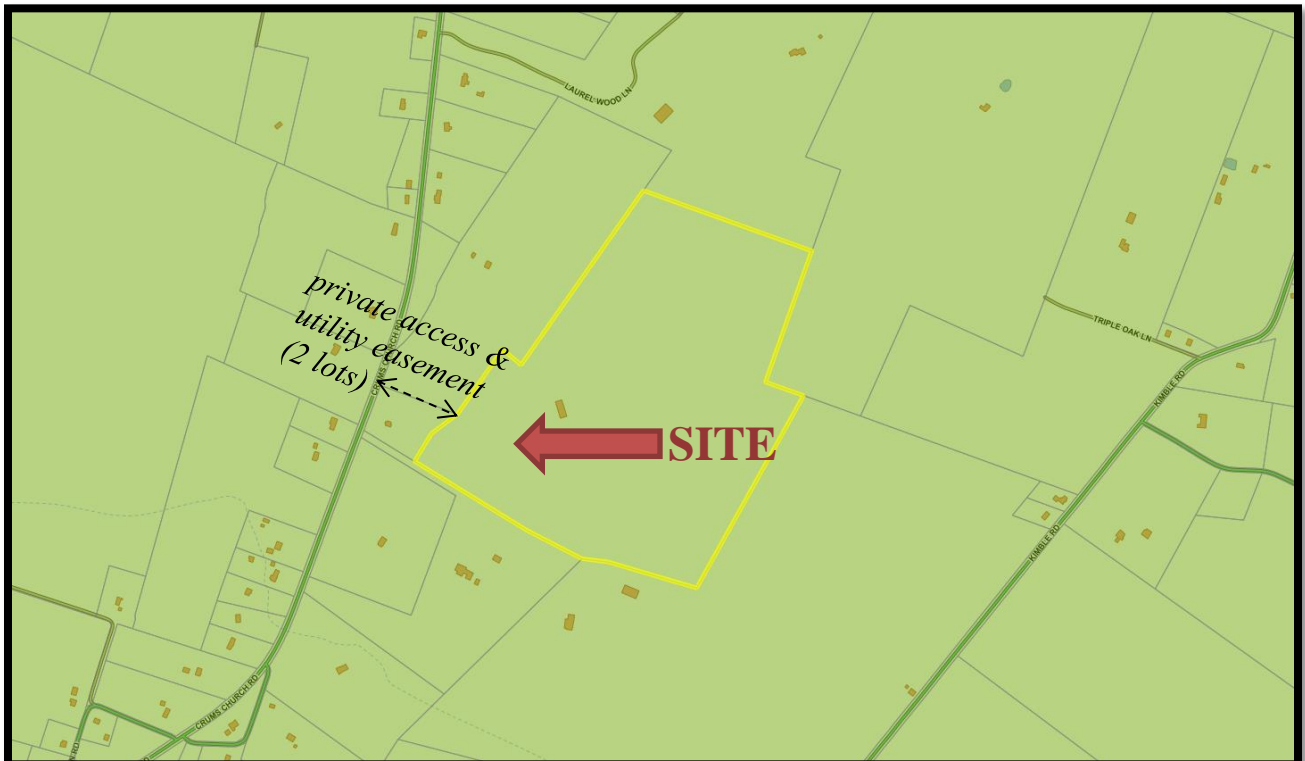
Original Lot:

96.050 acres (TM#7-A-85F) – 0 dwl., 2 DUR
96.050 acres

Proposed Lots:

3.0 acres (new Lot 2) – 0 dwelling, 1 DUR
93.050 acres (TM#7-A-85F) – 0 dwl., 1 DUR
96.050 acres

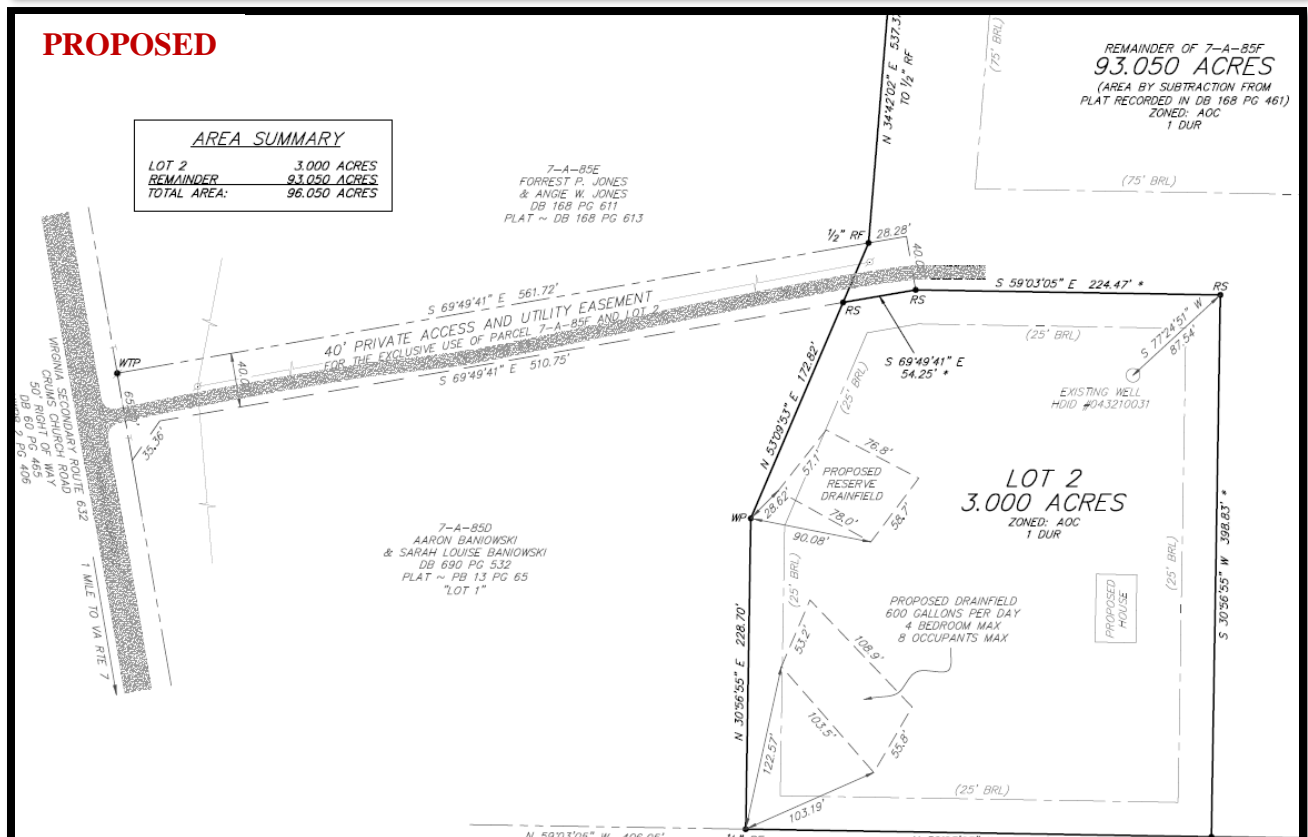
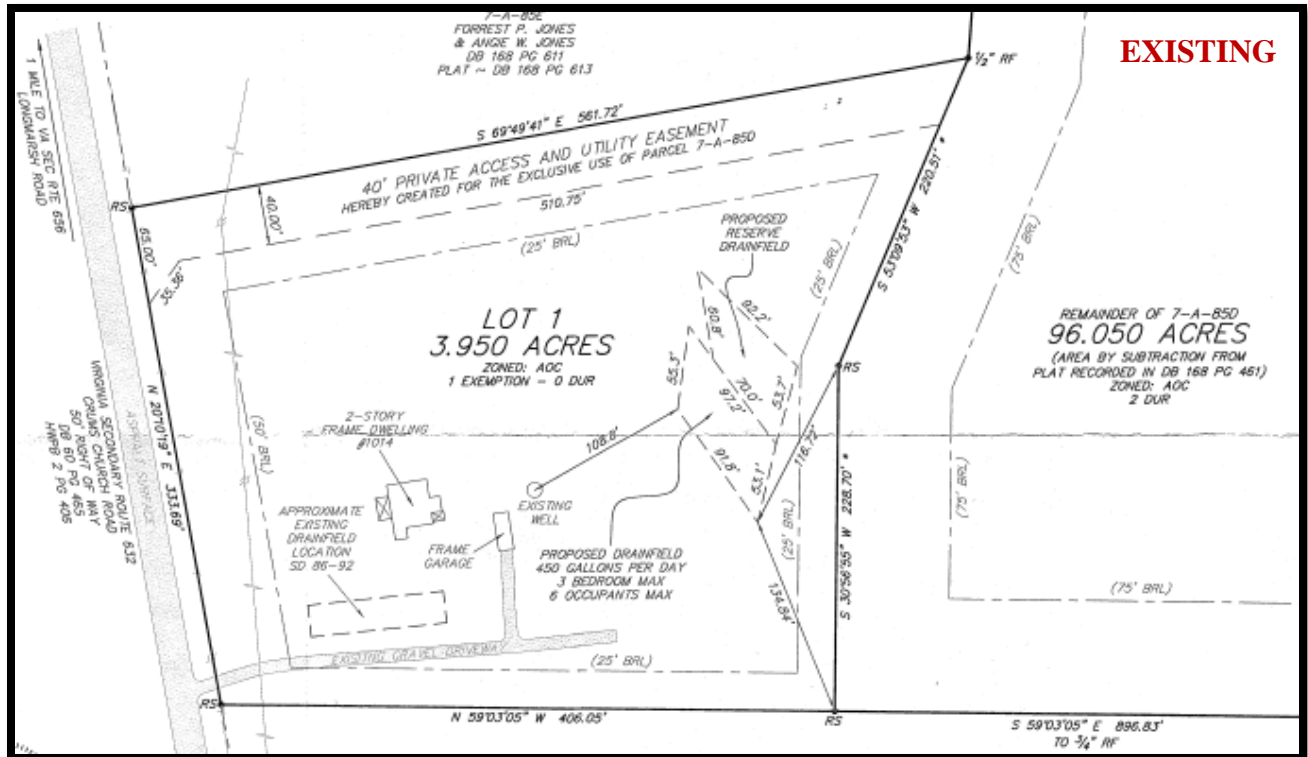
Vicinity Map:



Staff Discussion/Analysis:

Access:

The property is presently accessed by a 40-foot wide private access and utility easement that was created in 2019 when the applicant created Lot 1 (1014 Crums Church Rd). This easement is proposed as the access for Lot 2 and the residue parcel that are part of this minor subdivision application. The easement will be for the exclusive use of these two lots.



The entrance was previously approved by VDOT and the private access and utility easement already exists. VDOT provided review comments on March 22, 2022, reporting no objections to the proposed minor subdivision.

Water and Sewage Disposal:

Based on the soil evaluation report the proposed drainfield for Lot 2 is designed for a capacity of 600 gallons per day (4 bedrooms, 8 occupants) using a TL-2/drip field design with 100% reserve area. A private well is proposed.

VDH provided comments on February 25, 2022 with no objections to the subdivision noted. They did report that the applicant did not apply for the Certification Letter yet. The applicant was notified and promptly submitted an application.

Karst Plan / Resistivity Test:

Resistivity testing results were submitted by the applicant, reviewed by the County's engineer, and approved on April 22, 2019.

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

1. *Note 8 includes a reference to the old Clarke County Zoning Ordinance. This should be changed to the correct code reference, 4.1.1.*

Recommendation:

Staff recommends conditional approval of the proposed minor subdivision application, conditioned that the code reference be corrected as noted in this report.

History:

April 22, 2019	Resistivity Testing Approved (completed with Lot 1)
February 21, 2022	Application Submitted.
February 24, 2022	Submitted application to VDH and VDOT for review.
February 25, 2022	VDH review completed.
March 22, 2022	VDOT review completed.
March 28, 2022	Scheduled date for Planning Commission work session.
April 1, 2022	Scheduled date for Planning Commission business meeting.

MARSH & LEGGE LAND SURVEYORS, P.L.C.

560 North Loudoun Street, Winchester, VA 22601 ■ 540-667-0468 ■ Fax: 540-667-0469 ■ E-mail: office@marshandlegge.com

LETTER OF TRANSMITTAL

Date: February 3, 2022
Re: Pennington Parcel 7-A-85F
M & L Project No. 10,568

TO: Mr. Jeremy Camp
Senior Planner & Zoning Administrator
County of Clarke
101 Chalmers Court
Berryville, Virginia 22611

We are delivering to you the following items:

COPIES	DATE	DESCRIPTION
5	02/02/2022	Minor Subdivision of a Portion of the Lands of Ray M. Pennington, III
1	02/02/2022	Land Development Application
1	02/02/2022	AOSE Soil Evaluation Report

These items are transmitted for your use.

FROM: M. Benjamin Brashears, L.S.

CLARKE COUNTY
LAND DEVELOPMENT APPLICATION



Applicant RAY M. PENNINGTON, III
 Applicant's Address PO BOX 650
BERRYVILLE VA 22611
City State Zip Code
 Applicant's E-Mail Address pennington7020@gmail.com
 Agent (Contact Person) BEN BRASHEARS Phone 540-247-5175
 Agent's Company MARSH & LEGGE LAND SURVEYORS
 Agent's Address 500 N. LOUDOUN ST, WINCHESTER, VA 22601
 Current Property Owner RAY M. PENNINGTON, III
 Owner's Address PO BOX 650 BERRYVILLE VA 22611 Phone 540-622-7020
 Correspondence to be sent to: Applicant Owner Agent Other
 Tax Map Parcel Number 7-A-85F Magisterial District LONG MARSH
 General Project Location GRUMS CHURCH RD Site size (gross/net acreage) 3.000 AC

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 SUBDIVIDE A 3,000 ACRE TRACT FROM PARCEL 7-A-85F
 Existing Zoning AOC 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 _____

101 Chalmers Court
 Berryville, VA 22611

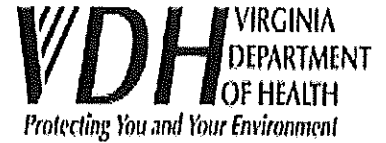
www.clarkecounty.gov

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



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



February 25, 2022

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

RE: MINOR SUBDIVISION PRELIMINARY REVIEW COMMENTS

Applicant Name: Ray Pennington
Health Department I.D. #: 043220028
Tax Map #: 7-A-85F
Proposed Lots: 1 New Lot

Dear Mr. Camp,

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

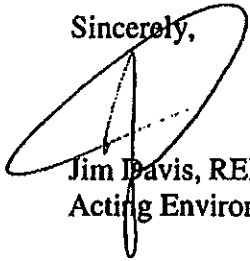
OWNER/APPLICANT ITEMS:

1. The applicant has not yet applied for a Certification Letter for proposed Lot 2 as required.
2. Proposed Lot 2 (3.000 acres) is vacant. The project OSE located a site for a TL-2/drip field and a similar 100% Reserve Area. The site and soils were field reviewed on June 12, 2018 and no outstanding issues were noted. A private well construction permit (HDID# 043210031) was issued for this site on March 22, 2021 and a construction inspection was conducted on May 13, 2021. There is no Well Drillers Completion Report or GW-2 report on file.
3. The remainder (93.050 acres) is vacant. There have been no proposals for onsite sewage disposal or private well for this parcel submitted to this office.

4. This office has a Geophysical Survey dated July 2018 for proposed Lot 2 and a approval letter from your office dated April 22, 2019 on file.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Davis", written over a large, loopy scribble.

Jim Davis, REHS
Acting Environmental Health Manager

PC: Ray Pennington
Bruce Legge
Health Department File

Zimbra

jcamp@clarkecounty.gov

FW: Request for Review Comments - Minor Subdivision - Pennington Property - TM 7-A-85F

From : Arthur Boyce <bobby.boyce@vdot.virginia.gov> Tue, Mar 22, 2022 02:19 PM
Subject : FW: Request for Review Comments - Minor Subdivision - Pennington Property - TM 7-A-85F 5 attachments
To : jcamp@clarkecounty.gov
Cc : Rhonda Funkhouser <Rhonda.Funkhouser@vdot.virginia.gov>

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 for impacts to the local roadway system and have no objections. 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, February 24, 2022 11:06 AM**To:** Arthur Boyce <bobby.boyce@vdot.virginia.gov>; Walter Davis <jim.davis@vdh.virginia.gov>**Cc:** Kristina Maddox <kmaddox@clarkecounty.gov>**Subject:** Request for Review Comments - Minor Subdivision - Pennington Property - TM 7-A-85F

Hello Gentleman,

Attached is an application and draft plat for a new minor subdivision in Clarke County for tax map #7-A-85F, owned by the Ray M. Pennington, III. One new lot is proposed that would have access from located off of Crums Church Road (Route 632) via a shared private access easement.

Resistivity was approved April 22, 2019, a copy of which is attached.

Please review and provide comment for consideration by the Planning Commission.

Thank you,

Jeremy F. Camp, Senior Planner / Zoning Administrator

Department of Planning

Clarke County, VA

101 Chalmers Court, Suite B

Berryville, VA 22611

540-955-5131

 **Test Pennington7A85DER.pdf**

2 MB

 **Approval 7-A-85D.pdf**

198 KB

 **Application Submission Materials.pdf**

2 MB

 **ID10568-CRUMS CHURCH-LOT 2 PLAT 2-2-2022.pdf**

347 KB

NOTES:

1. THE BOUNDARY AND DRAINFIELD INFORMATION SHOWN HEREON IS BASED ON A FIELD RUN SURVEY MADE IN JANUARY 2022.
2. MERIDIAN BASED ON VA NAD 83 (2011) STATE GRID NORTH ZONE, ESTABLISHED BY GPS METHODS.
3. NO TITLE REPORT FURNISHED; THEREFORE, EASEMENTS OR ENCUMBRANCES MAY EXIST THAT ARE NOT SHOWN.
4. THIS PROPERTY IS LOCATED IN FLOOD ZONE "OTHER AREAS ZONE X" - OUTSIDE THE 500-YEAR FLOOD ZONE PER FLOOD INSURANCE RATE MAP 51043C0045D, WITH AN EFFECTIVE DATE OF SEPTEMBER 28, 2007.
5. ZONING: AOC - AGRICULTURAL-OPEN SPACE-CONSERVATION DISTRICT
6. **AGRICULTURAL 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.
7. **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.
8. LOT 2 IS SUBJECT TO A 25' WIDE VEGETATED PROPERTY BUFFER ALONG ALL PROPERTY LINES, PER CLARKE COUNTY ZONING ORDINANCE, SECTION 3-A-1-F.
9. THE 40' PRIVATE ACCESS AND UTILITY EASEMENT SHOWN HEREON PROVIDES ACCESS TO PARCEL 7-A-85F AND LOT 2. THIS IS A PRIVATE ACCESS EASEMENT AND IS NOT A PART OF ANY PUBLIC ROAD SYSTEM. AT NO TIME WILL THE COUNTY OF CLARKE OR THE VIRGINIA DEPARTMENT OF TRANSPORTATION ACCEPT RESPONSIBILITY FOR CONSTRUCTION, UPGRADING, AND/OR MAINTENANCE OF SAID EASEMENT.
10. THE PRIVATE ACCESS EASEMENT IN THIS SUBDIVISION DOES NOT MEET THE STANDARDS NECESSARY FOR INCLUSION IN THE SYSTEM OF STATE HIGHWAYS AND WILL NOT BE MAINTAINED BY THE VDOT OR CLARKE COUNTY AND IS NOT ELIGIBLE FOR RURAL ADDITION FUNDS OR ANY OTHER FUNDS APPROPRIATED BY THE VIRGINIA GENERAL ASSEMBLY AND ALLOCATED BY THE COMMONWEALTH TRANSPORTATION BOARD.
11. THE 40' PRIVATE ACCESS AND UTILITY EASEMENT SHOWN HEREON IS FOR THE EXCLUSIVE USE OF PARCEL 7-A-85F AND LOT 2. THESE PARCELS MUST MAINTAIN PROPER SIGHT DISTANCES AT THE INTERSECTION OF THE PRIVATE ACCESS EASEMENT AND VIRGINIA SECONDARY ROUTE 632 - CRUMS CHURCH ROAD, AS PART OF THE VDOT ENTRANCE PERMIT.

OWNER'S CERTIFICATE

THIS MINOR SUBDIVISION OF THE LAND OF RAY M. PENNINGTON, III (TAX PARCEL 7-A-85F), AS APPEARS ON THE ACCOMPANYING PLAT, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES, IF ANY.

RAY M. PENNINGTON, III

NOTARY PUBLIC

STATE OF VIRGINIA, AT LARGE,
 CITY/COUNTY OF _____
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____ DATE
 BY RAY M. PENNINGTON, III
 MY COMMISSION EXPIRES _____
 NOTARY PUBLIC

APPROVAL

CLARKE COUNTY ZONING ADMINISTRATOR	DATE
CLARKE COUNTY PLANNING COMMISSION	DATE
CLARKE COUNTY HEALTH DEPARTMENT	DATE

AREA SUMMARY

LOT 2	3.000 ACRES
REMAINDER	93.050 ACRES
TOTAL AREA:	96.050 ACRES

7-A-85E
 FORREST P. JONES
 & ANGIE W. JONES
 DB 168 PG 611
 PLAT ~ DB 168 PG 613

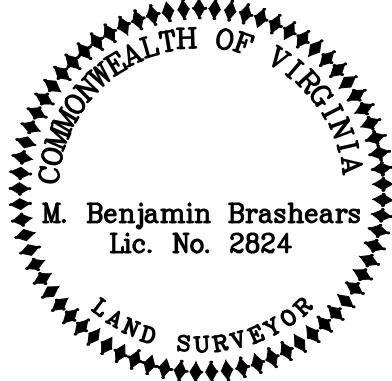
7-A-85D
 AARON BANIEWSKI
 & SARAH LOUISE BANIEWSKI
 DB 690 PG 532
 PLAT ~ PB 13 PG 65
 "LOT 1"

LEGEND

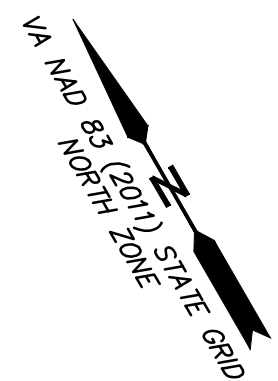
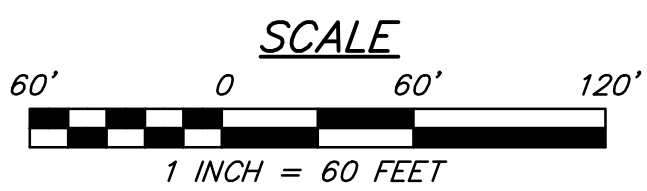
- RS - REBAR SET
- RF - REBAR FOUND
- WTP - WOODEN TELEPHONE POLE
- * - NEW PROPERTY LINE HEREBY CREATED
- BRL - BUILDING RESTRICTION LINE
- Ø - WOODEN UTILITY POLE
- — — OVERHEAD ELECTRIC LINE
- T — OVERHEAD TELEPHONE LINE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE INFORMATION SHOWN ON THIS PLAT REPRESENTS AN ACTUAL FIELD RUN SURVEY MADE UNDER MY SUPERVISION OF A PORTION OF THE LAND CONVEYED TO RAY M. PENNINGTON, III FROM JOHN R. FRIANT, JR. AND DAVID H. MOYES, COMMISSIONERS OF SALE, BY DEED DATED JUNE 25, 2013, AND RECORDED IN DEED BOOK 565 AT PAGE 843 IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF CLARKE COUNTY, VIRGINIA.



SHEET 1 OF 1
 DRAWN BY: MBB
 ID10568-LOT 2



REMAINDER OF 7-A-85F
93.050 ACRES
 (AREA BY SUBTRACTION FROM
 PLAT RECORDED IN DB 168 PG 461)
 ZONED: AOC
 1 DUR

LOT 2
3.000 ACRES
 ZONED: AOC
 1 DUR

PROPOSED DRAINFIELD
 600 GALLONS PER DAY
 4 BEDROOM MAX
 8 OCCUPANTS MAX

PROPOSED HOUSE

7-8-2
 CLYDE V. CROSWELL, JR.
 & MIZUE F. CROSWELL
 DB 214 PG 518
 PLAT ~ DB 173 PG 299

MINOR SUBDIVISION
 OF A PORTION OF THE LANDS OF
RAY M. PENNINGTON, III
 TAX PARCEL 7-A-85F ~ DEED BOOK 565 PAGE 843
 PLAT ~ DEED BOOK 168 PAGE 461
 LONGMARSH MAGISTERIAL DISTRICT
 CLARKE COUNTY, VIRGINIA
 FEBRUARY 2, 2022

MINOR SUBDIVISION (MS-22-03)

April 1, 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 for members of the general public.

CASE SUMMARY:

Applicant(s)

L. Seven Farm, L.C. c/o Thomas Moore Lawson, Manager

Location:

- Tax Map #27-A-6
- The site is located near the southeast corner of the Featherbed Rd. (Rt. 644) and Lord Fairfax Hwy. (Rt 340) intersection.
- White Post Election District (Randy Buckley and Buster Dunning)
- Agricultural-Open Space-Conservation (AOC) Zoning District

Request:

The application proposes to create 1 new lot from 22 acres. This would result in 2 lots, Lot 4 (3 acres) and the remainder (19 acres)

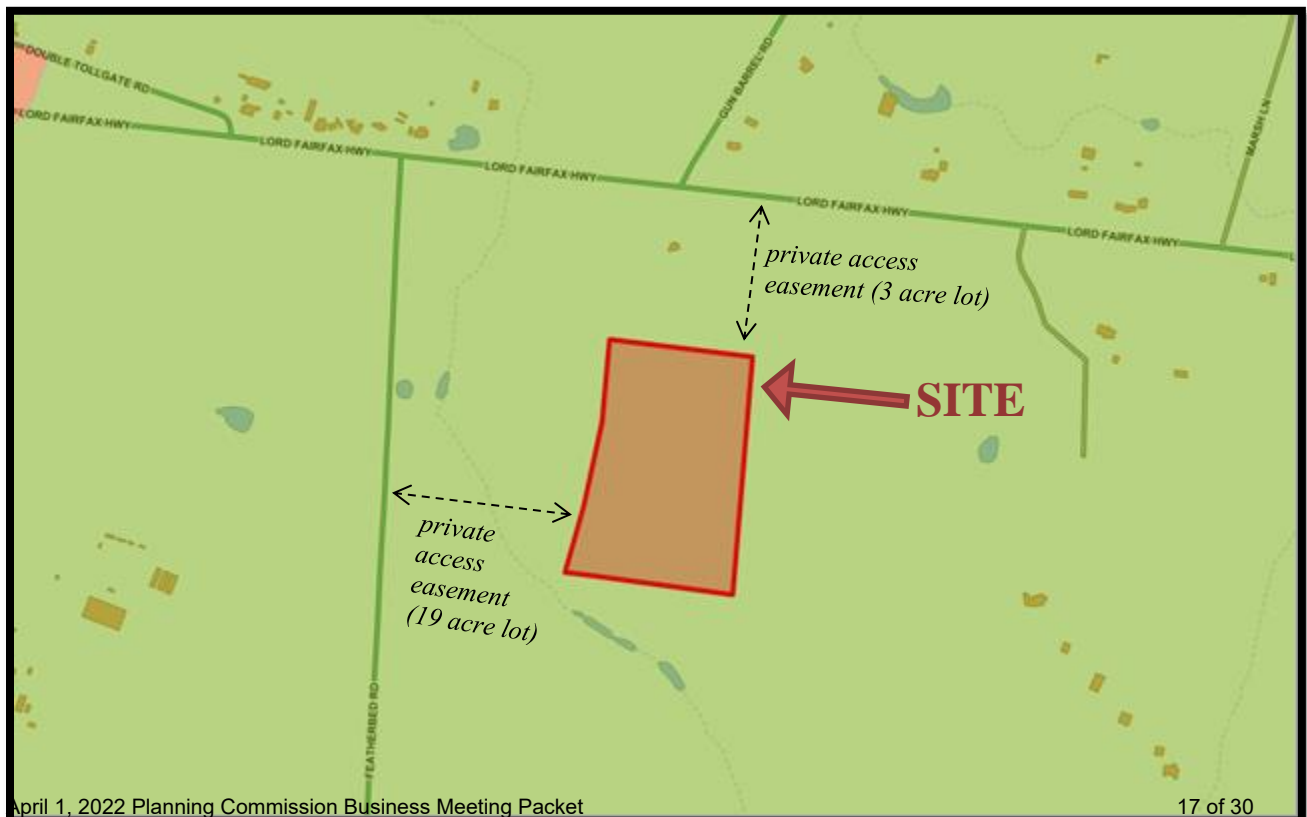
Original Lot:

22.0609 acres (TM#27-A-6) – 0 dwl., 2 DUR
22.0609 acres

Proposed Lots:

3.0 acres (new Lot 4) – 0 dwelling, 1 DUR
19.0609 acres (TM#27-A-6) – 0 dwl., 1 DUR
22.0609 acres

Vicinity Map:

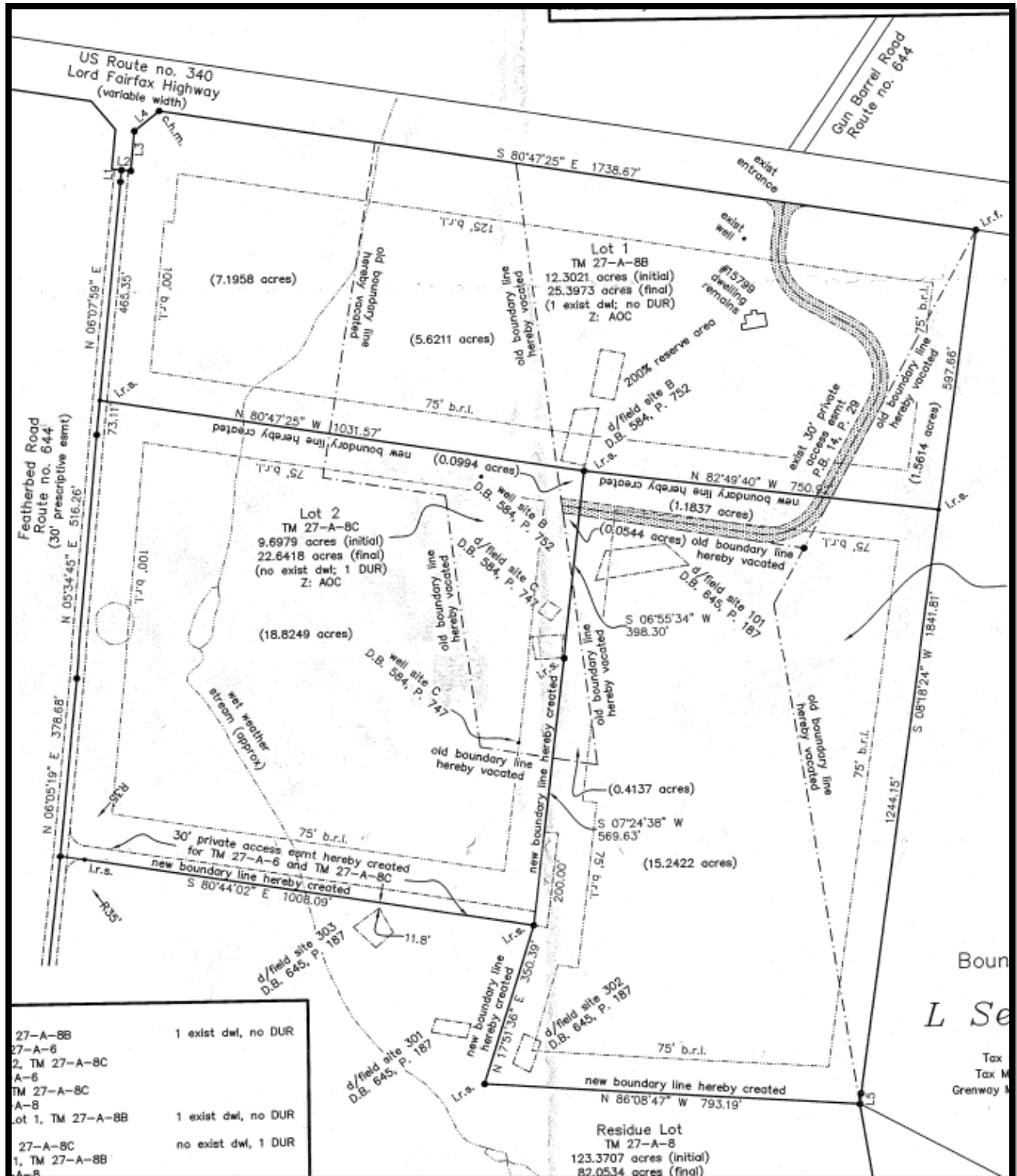


Staff Discussion/Analysis:

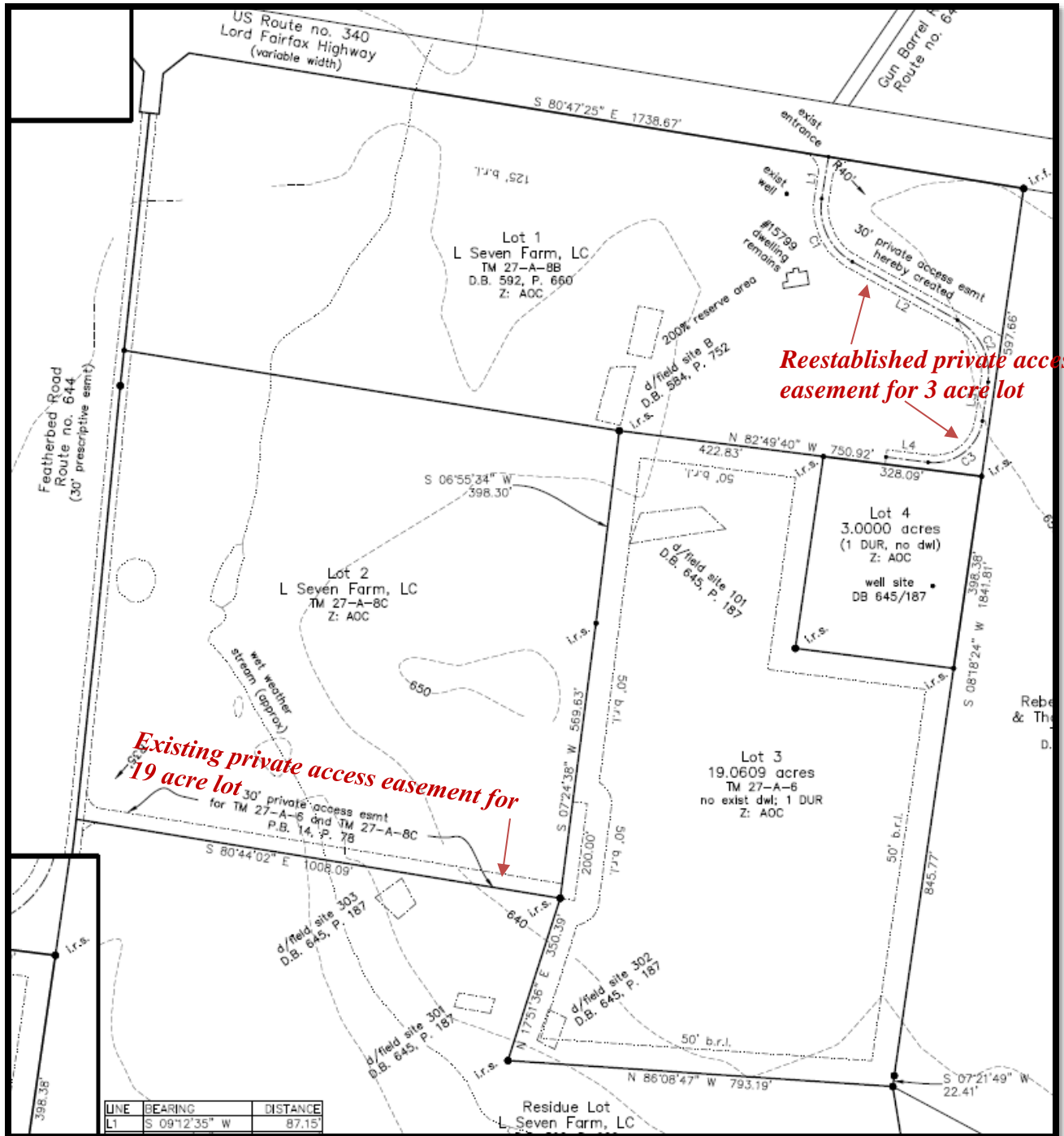
Access:

The property is presently accessed by a 30-foot wide private access easement that was created in 2021 from Featherbed Road to the 22 acres. The proposed minor subdivision would utilize this private access easement for the 19 acres and reestablish a private access easement from Lord Fairfax Highway that was previously vacated in 2021. These easements are illustrated in the existing and proposed layouts shown below.

EXISTING



PROPOSED



After review of the minor subdivision, VDOT reported on March 23, 2022 that they have no comments on this minor subdivision application. The proposed entrances were reviewed and approved by VDOT in prior applications.

Water and Sewage Disposal:

The proposed drainfields for Lot 3 and Lot 4 are both designed with a capacity of 600 gallons per day (4 bedrooms, 8 occupants) with a reserve area. The design for both lots is a TL-3/trench AOSS with 100% reserve area. A private well is proposed for both lots.

VDH provided comments on March 10, 2022. Their comments included a request to change the labels of the drainfield and reserve areas on the inset illustration of Lot 4 so it matches their records. Otherwise, no issues were reported.

Karst Plan / Resistivity Test:

Resistivity testing results were submitted by the applicant, reviewed by the County's engineer, and approved on September 18, 2019.

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

1. *Note 6 includes a reference to the old Clarke County Zoning Ordinance. This should be changed to the correct code reference, 4.1.1.*
2. *As noted by the VDH, the drainfield/reserve drainfield labels for Lot 4, shown as d/field site 101, should be changed to match corresponding labels on-file with the VDH (DF Site D and Site #201).*

The plat was revised and resubmitted on 3/22/2022 addressing the above comments. A copy is attached.

Recommendation:

Staff recommends approval of Minor Subdivision #22-03, submitted by L Seven Farm, LC for the creation of 1 lot from Tax Map #27-A-6.

History:

September 18, 2019	Resistivity Testing Approved.
March 9, 2022	Application Submitted & fee paid.
March 9, 2022	Submitted application to VDH and VDOT for review.
March 10, 2022	VDH review completed.
March 22, 2022	resubmitted plats
March 23, 2022	VDOT review completed.
March 28, 2022	Scheduled date for Planning Commission work session.
April 1, 2022	Scheduled date for Planning Commission business meeting.

Clarke County

LAND DEVELOPMENT APPLICATION



Applicant L Seven Farm, L.C. c/o Thomas Moore Lawson, Manager
 Applicant's Address P.O. Box 2740
Winchester VA 22604
 City State Zip Code
 Applicant's E-Mail Address tlawson@lspc.com
 Agent (Contact Person) Stuart Dunn Phone (540) 955-3388
 Agent's Company Dunn Land Surveyors, Inc.
 Agent's Address 106 N. Church Street, Berryville, VA 22611
 Current Property Owner L Seven Farm, L.C.
 Owner's Address P.O. Box 2740, Winchester, VA 22604 Phone (540) 665-0050
 Correspondence to be sent to: Applicant Owner Agent Other
 Tax Map Parcel Number 27-A-6 Magisterial District White Post
 General Project Location 15799 Lord Fairfax Highway Site size (gross/net acreage) _____

Check Appropriate Request:

PLANNING COMMISSION

- Major Subdivision
- Minor Subdivision (1 or 2 lots)
- Administrative Subdivision (parcels > 100 acres)
- Boundary Line Adjustment
- Merger of Parcels
- 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 L SEVEN FARM, LC
 Proposal/Request APPROVAL OF MINOR SUBDIVISION
 Existing Zoning AOC Proposed Zoning AOC # of Proposed Lots 2

Applicant: The information provided is accurate to the best of my knowledge. I acknowledge that fees and expenses for professional review of application materials by county consultants shall be reimbursed to the County at cost, including any percolation tests, topographic studies, or other requirements of the Health Official or Zoning Administrator. I understand that the County may deny, approve, or conditionally approve this application. I certify that all property corners have been clearly staked and flagged.

Applicant's Signature _____ Date March 4, 2022

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 months of approval of this action, unless an Exploratory Sketch Plan is submitted with this application. 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 March 4, 2022

Town/County Government Center
 101 Chalmers Court
 Berryville, VA 22611

www.clarkecounty.gov
 voice 540-955-5132
 fax 540-955-5180



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



March 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: L Seven Farm/Thomas Moore Lawson
Health Department I.D. #: 043220035
Subdivision Name:
Section or Phase:
Tax Map #'s: 27-A-6
Proposed Lots: 2 Lots

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. Proposed Lot 3 (19.0609 acres) is vacant. There is site and soil work on file labeled Site #101 and Site #302 which matches the drainfield footprints shown on the plat by W. Stuart Dunn, Land Surveyor dated March 4, 2022 but the information is contained in our file labeled TM# 27-A-8. This office has field reviewed the sites and no outstanding issues were noted. The proposed design is for a TL-3/trench AOSS with and a similar design and separate partial reserve area for a total of 100%. The partial reserve area is shown Site #302 on the plat. The proposed design is for a Four (4) Bedroom dwelling, Eight (8) occupants 600 gallons per day. This property will be served by a private well.
2. Proposed Lot 4 (3.0000 acres) is vacant. There is site and soil work on file labeled DF Site D and Site #201 in the file labeled TM# 27-A-6. These site are a modification of the original Site D. These are the sites shown on the plat as d/field site 101 and d/field site 101. It would be great if that could be changed on the plat. These sites combined will allow for a Four (4) Bedroom dwelling, Eight (8) occupants, 600 gallon per day design. The propped design is for a TL-3/trench AOSS and includes a separate 100% reserve area. The property will be served by a private well.

3. This office has Geophysical Survey data and a county approval letter on file for all of the aforementioned sites

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
Environmental Health Supervisor

PC: Thomas Moore Lawson, Owner
W. Stuart Dunn, Dunn Land Surveys, Inc.
Health Department File

Fwd: L Seven Farm LC

From : Jeremy Camp <jcamp@clarkecounty.gov>
Subject : Fwd: L Seven Farm LC
To : Kristina Maddox <kmaddox@clarkecounty.gov>

Fri, Mar 25, 2022 09:02 AM

 1 attachment

From: "Arthur Boyce" <bobby.boyce@vdot.virginia.gov>
To: "Jeremy Camp" <jcamp@clarkecounty.gov>
Sent: Wednesday, March 23, 2022 7:13:28 AM
Subject: FW: L Seven Farm LC

Hey Jeremy,
We do not have any additional comments for this subdivision.

Thanks,
Bobby

From: Stuart Dunn <dunnland1@verizon.net>
Sent: Thursday, March 17, 2022 11:50 AM
To: jbump@clarkecounty.gov; bobby.boyce@vdot.virginia.gov
Subject: Re: L Seven Farm LC

Jeremy,
I have attached plat recorded in PB 14 P 29.
You will note that the entrance was approved by Bobby Boyce at that time.
I have copied Bobby, trying to save him a trip to CI Co.
I will address the CCHD issues and get you a revised plat.
Stuart

-----Original Message-----

From: Jeremy Camp <jbump@clarkecounty.gov>
To: Stuart Dunn <dunnland1@verizon.net>
Sent: Thu, Mar 17, 2022 9:42 am
Subject: L Seven Farm LC

Hello Stuart,

The Minor Subdivision for Lot 4 has a couple minor errors on the plat. 1) the code in note #6 is from the old zoning ordinance and should be updated to the new code (4.1.1), and 2) the VDH's records have different reference labels that the ones show drainfield/reserve area on Lot 4. Jim Davis said it was filed as DF Site D and Site # have not received comments from VDOT.


Thanks,
Jeremy F. Camp, Senior Planner / Zoning Administrator
Department of Planning
Clarke County, VA

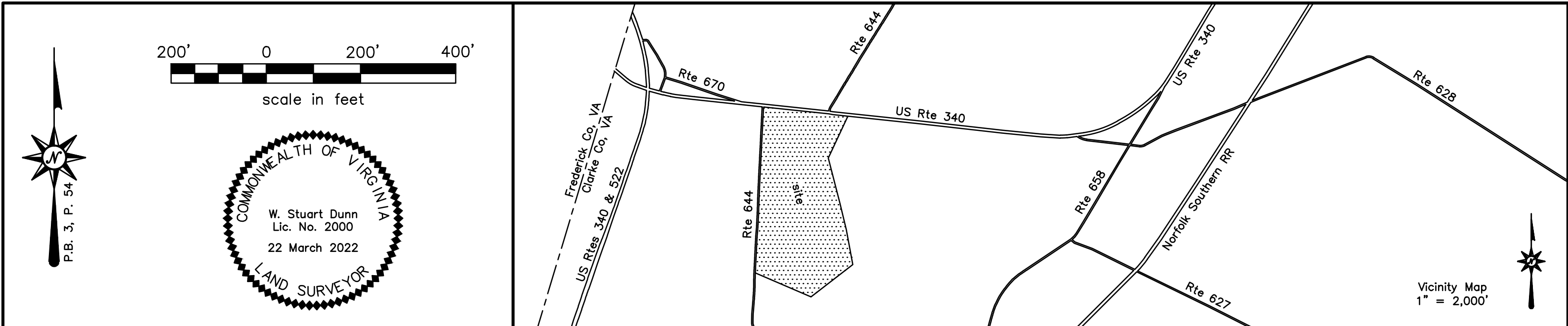
101 Chalmers Court, Suite B
Berryville, VA 22611
540-955-5131

--

Jeremy F. Camp, Senior Planner / Zoning Administrator
Department of Planning
Clarke County, VA

101 Chalmers Court, Suite B
Berryville, VA 22611
540-955-5131

 **PB14 P29.pdf**
498 KB



Notes:

- (1) These lands are in Flood Zone X, established from FIRM Community Panels no. 51043C0120D, effective September 28, 2007.
- (2) Zoned: AOC; use: Vacant.
- (3) Building setbacks as follows: Lot 3: 50' from the 30' private access easement, 50' all other property lines, 50' from any intermittent stream, 100' from any perennial stream, spring or sinkhole; Lot 4: 25' from the 30' private access easement, 25' all other property lines, 50' from any intermittent stream, 100' from any perennial stream, spring or sinkhole
- (4) i.r.s. = iron rod set; i.r.f. = iron rod found; dwl = dwelling, esmt = easement; b.r.l. = building restriction line; DUR = dwelling unit right; d/f = drainfield
- (5) These tracts are in the AOC (agricultural - open space - conservation) zoning district. Agriculture is the primary economic activity of this Zoning District. Owners, residents, other users of property in the AOC district may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from agricultural operations even though conducted in accordance with best management practices and/or in accordance with existing laws and regulations of the Commonwealth and County. Such agricultural operations may generate noise, odors and dust, may involve the operation of machinery, including aircraft, the storage and disposal of manure and the application of fertilizer, soil amendments and pesticides. Owners, occupants and users of land in the AOC District should be prepared to accept such 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.
- (6) 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 4-1-1 of the Clarke County Zoning Ordinance.
- (7) 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.
- (8) The private access easements shown hereon will conform to the requirements of the Clarke County Subdivision Ordinance Sections 4.3 and 4.5.3. No construction permit for the construction of dwellings will be issued until the roadways are in compliance.
- (9) The private access easements in this subdivision do not meet the standards necessary for inclusion in the system of State highways and will not be maintained by VDOT or Clarke County and are not eligible for rural addition funds appropriated by the Virginia General Assembly and allocated by the Commonwealth Transportation Board.

Surveyor's Certificate: I, W. Stuart Dunn, a duly authorized Land Surveyor in the State of Virginia, do hereby certify that this Minor Subdivision is of the land in the name of L Seven Farm, LC, and was acquired as stated in the Owner's Certificate. I certify that these parcels of land are properly and accurately described and are within the boundaries of the original tracts.

W. Stuart Dunn, CLS #2000
Berryville, Virginia

Owner's Certificate: The undersigned fee simple owner hereby certifies that the foregoing Minor Subdivision of 22.0609 acres, being TM 27-A-6, recorded in the name of L Seven Farm, LC in deed recorded in Deed Book 592, Page 660, is made with the free consent and in accordance with the desires of the undersigned owners, and trustees, if any, of said lands and the same is hereby confirmed and submitted for record in the Office of the Clerk of the Circuit Court of Clarke County, Virginia.

Thomas M. Lawson
for L Seven Farm, LC

State of Virginia, City/County of _____, to wit: I, _____, a Notary Public for said City/County of _____, do hereby certify that Thomas M. Lawson, whose name is signed in the Owner's Certificate has acknowledged the same before me.

My commission expires: _____

Notary Public:

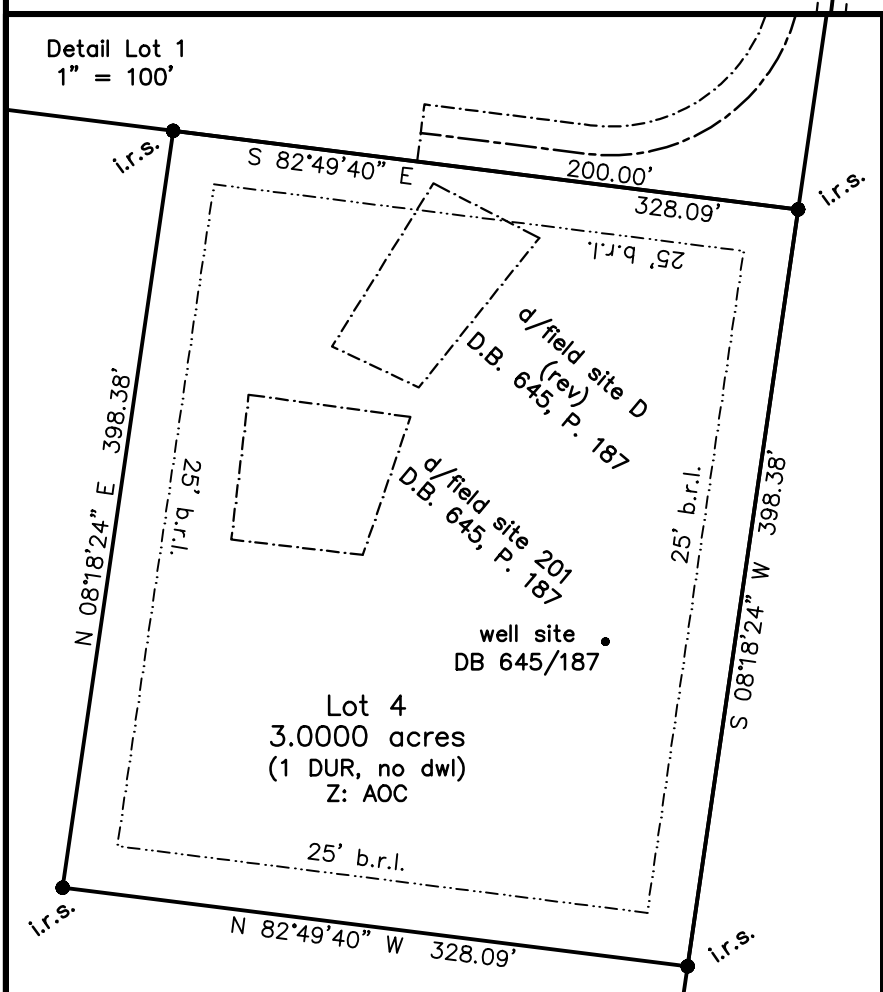
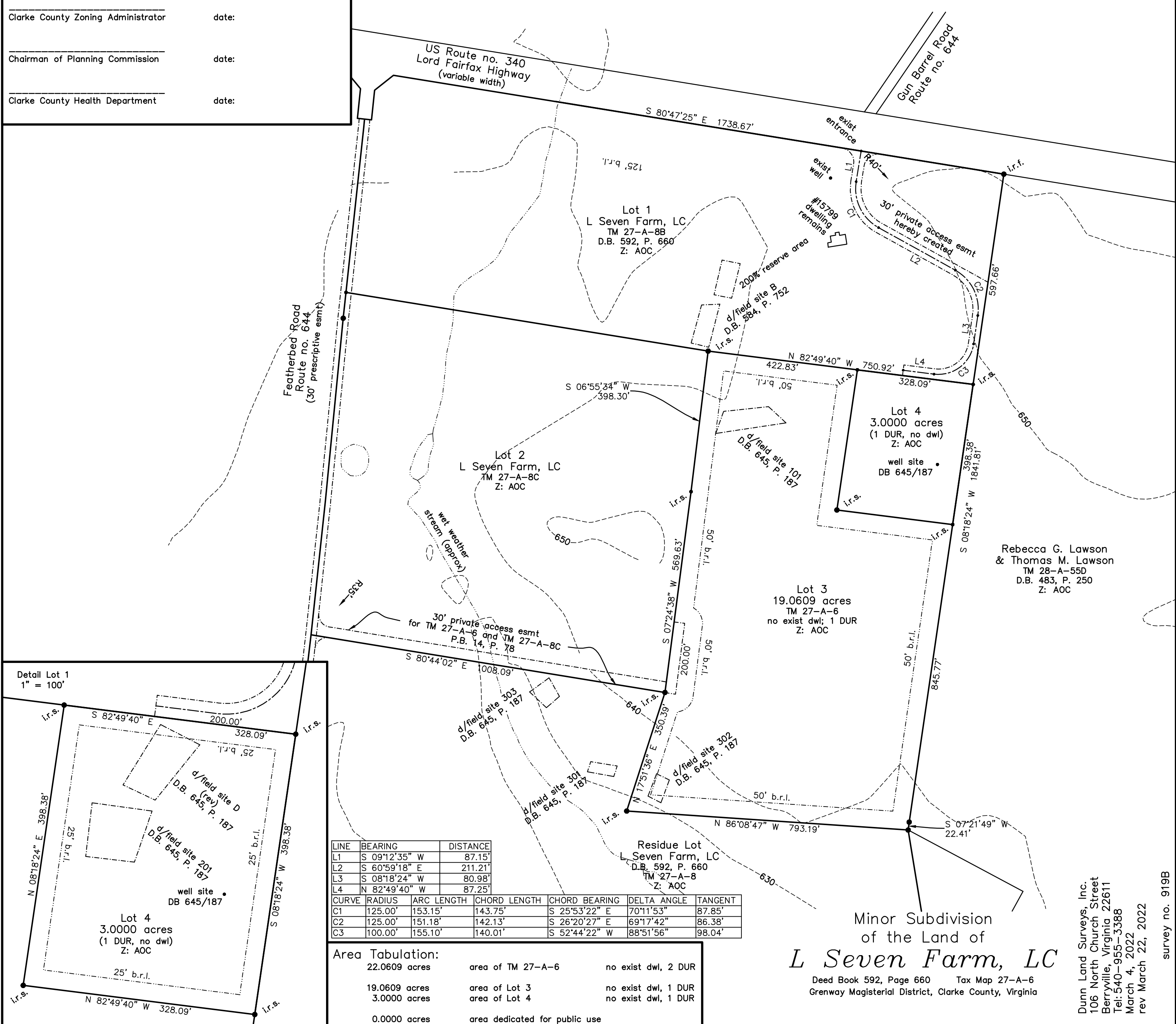
Given under my hand this _____ day of _____ 2022

Approval:

Clarke County Zoning Administrator date: _____

Chairman of Planning Commission date: _____

Clarke County Health Department date: _____



LINE	BEARING	DISTANCE
L1	S 09°12'35" W	87.15'
L2	S 60°59'18" E	211.21'
L3	S 08°18'24" W	80.98'
L4	N 82°49'40" W	87.25'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	125.00'	153.15'	143.75'	S 25°53'22" E	70°11'53"	87.85'
C2	125.00'	151.18'	142.13'	S 26°20'27" E	69°17'42"	86.38'
C3	100.00'	155.10'	140.01'	S 52°44'22" W	88°51'56"	98.04'

Area Tabulation:

22.0609 acres	area of TM 27-A-6	no exist dwl, 2 DUR
19.0609 acres	area of Lot 3	no exist dwl, 1 DUR
3.0000 acres	area of Lot 4	no exist dwl, 1 DUR
0.0000 acres	area dedicated for public use	

Minor Subdivision
of the Land of
L Seven Farm, LC
Deed Book 592, Page 660 Tax Map 27-A-6
Grenway Magisterial District, Clarke County, Virginia

Dunn Land Surveys, Inc.
106 North Church Street
Berryville, Virginia 22611
Tel: 540-955-3388
March 4, 2022
rev March 22, 2022
survey no. 919B

ZONING ORDINANCE TEXT AMENDMENT (TA-22-01)

Unpaid Taxes and Charges

April 1, 2022 Planning Commission Meeting – SET PUBLIC HEARING

STAFF REPORT – Department of Planning

The purpose of this staff report is to provide information to the Planning Commission and Board of Supervisors to assist them in reviewing this proposed ordinance amendment. It may be useful to members of the general public interested in this proposed amendment.

Description:

Proposed text amendment to add a new Subsection E to Zoning Ordinance Section 2.3 (Issuance of Permits and Approvals). The purpose is to require payment of all delinquent real estate taxes, nuisance charges, and any other charges that constitute a lien on a subject property prior to acceptance of an application associated with that subject property. New Subsection E would apply to applications for any permit or review process delineated in Zoning Ordinance Section 6 (Permits and Review Processes), land disturbance permits issued in conjunction with Code of Clarke County Chapter 148 (Erosion and Sediment Control Ordinance), and building permits issued in conjunction with Code of Clarke County Chapter 71 (Building Construction).

Requested Action:

Initiate consideration of this text amendment and schedule the proposed text amendment for Public Hearing at the May 6, 2022 Planning Commission Business Meeting.

Background:

There is currently no mechanism in the Zoning Ordinance or in the Code of Clarke County to authorize County staff to refuse to accept and process land development applications for a subject property from an applicant who has unpaid debts owed to the County and related to that subject property. Denying a property owner access to a County service such as regulatory permitting can be an effective tool for collection of unpaid debts.

Code of Virginia §15.2-2286(B) allows zoning ordinances to contain a requirement that applicants must produce satisfactory evidence that there are no unpaid debts owed to the locality that would constitute a lien on the subject property as a prerequisite for filing certain applications or for issuance of a final approval of such applications:

- B. Prior to the initiation of an application by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the authorizing body may require the applicant to produce satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the locality and have been properly assessed against the subject property, have been paid, unless otherwise authorized by the treasurer.*

The enabling language in this section applies to zoning applications as well as applications for land disturbance permits and building permits. The latter two permit types are not regulated by the Zoning Ordinance but by separate sections of the Code of Clarke County – Chapters 148 (Erosion and Sediment Control Ordinance) and 71 (Building Construction).

Proposed Text Amendment:

The proposed text amendment follows the enabling language in Code of Virginia §15.2-2286(B) in establishing a new Subsection E to Zoning Ordinance Section 2.3 (Issuance of Permits and Approvals). New Section 2.3E would apply to the following application types at the application filing stage as opposed to the final approval stage as allowed by §15.2-2286(B):

- All administrative, legislative, and quasi-judicial permit and review processes listed in Zoning Ordinance Section 6 (Permits and Review Processes)
- Land disturbance permits issued in conjunction with County Code Chapter 148
- Building permits issued in conjunction with County Code Chapter 71

Payment of unpaid taxes and charges associated with the subject property and owed to Clarke County would include:

- Delinquent real estate taxes
- Nuisance charges
- Any other charges that constitute a lien on the subject property and have been properly assessed by the County, unless otherwise authorized by the Treasurer of Clarke County

If adopted, County staff would refuse to accept any of the listed application types until all unpaid taxes and charges associated with the subject property are paid. Staff would also modify application forms to require certification from the applicant that there are no unpaid taxes or charges.

The proposed Ordinance amendment text is included at the end of this Staff Report.

Staff Recommendation:

Staff recommends that the Planning Commission initiate consideration of the text amendment and schedule Public Hearing for the May 6, 2022 Business Meeting.

History:

April 1, 2022.

Placed on the Commission’s Business Meeting agenda to set Public Hearing.

Ordinance Amendment Text (changes shown in bold italics with strikethroughs where necessary):

2.3 Issuance of Permits and Approvals

E. Unpaid taxes and charges. Payment of all unpaid taxes and charges associated with a subject property and owed to Clarke County is required prior to acceptance of an application associated with that subject property. Applications subject to this requirement include:

- Any permit or review process delineated in Zoning Ordinance Section 6 (Permits and Review Processes)***
- Land disturbing permits issued in conjunction with Code of Clarke County Chapter 148 (Erosion and Sediment Control Ordinance)***
- Building permits issued in conjunction with Code of Clarke County Chapter 71 (Building Construction)***

Payment of unpaid taxes and charges shall include all delinquent real estate taxes, nuisance charges, and any other charges that constitute a lien on the subject property, that are owed to Clarke County and have been properly assessed against the subject property, unless otherwise authorized by the Treasurer of Clarke County.