

**CLARKE COUNTY PLANNING COMMISSION  
TABLE OF CONTENTS  
September 2, 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>2-14</b>
	-- June 28, 2022 Work Session	2-4
	-- June 29, 2022 Special Meeting/Public Hearing	5-8
	-- July 1, 2022 Business Meeting	9-14
<b>3</b>	<b>MS-22-08/MLSE-22-01, Terrence P. Spinosa (Applicant)/George M. Hoff (Owner)</b>	<b>15-45</b>
	-- Staff Report	15-18
	-- Land Development Application	19-25
	-- Karst Review	26-28
	-- Virginia Department of Transportation (VDOT) Review	29
	-- Virginia Department of Health (VDH) Review	30
	-- Maximum Lot Size Exception Review	31-44
	-- Subdivision Plat	45



# Clarke County Planning Commission

AGENDA – Business Meeting

Friday, September 2, 2022 – 9:00AM

Berryville/Clarke County Government Center – Main Meeting Room

1. **Approval of Agenda**
2. **Approval of Minutes**
  - A. June 28, 2022 Work Session
  - B. June 29, 2022 Special Meeting/Public Hearing
  - C. July 1, 2022 Business Meeting

## Minor Subdivision Application

3. **MS-22-08/MLSE-22-01, Terrence P. Spinosa (Applicant)/George M. Hoff (Owner).**  
Request approval of a two-lot Minor Subdivision and Maximum Lot Size Exception for the property identified as Tax Map #20-A-18F, located on the east side of Ginns Road (Rt. 644) in the White Post 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 (Jeremy Camp)
  - Historic Preservation Commission (Bob Glover)
  - Conservation Easement Authority (George Ohrstrom, II)
  - Broadband Implementation Committee (Brandon Stidham)

## Adjourn

UPCOMING MEETINGS:	
<b>Ordinances Committee</b>	Friday, September 2 immediately following Business Meeting
<b>Comprehensive Plan Committee</b>	Meeting to be scheduled in September/October
<b>Policy &amp; Transportation Committee</b>	Meeting to be scheduled in September/October
<b>Commission Work Session</b>	Tuesday, October 4 (3:00PM) -- Main Meeting Room
<b>Commission Business Meeting</b>	Friday, October 7 (9:00AM) -- Main Meeting Room



# Clarke County Planning Commission

**DRAFT MINUTES** – Work Session

Tuesday, June 28, 2022 – 3:00PM

Berryville/Clarke County Government Center – Main Meeting Room

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

**Approval of Agenda**

The Commissioners had no additions to the agenda and approved it by consensus.

**Review of July 1, 2022 Business Meeting Agenda Items**

Mr. Stidham noted two upcoming meetings – the Comprehensive Plan public hearing on June 29, 2022 and the Business Meeting on July 1, 2022. Regarding the Comprehensive Plan, he said the Commission decided not to take any action during the public hearing in the event there is additional work to be done at the Business Meeting. Chair Ohrstrom asked if anyone from the public has shown any interest in the public hearing to which Mr. Stidham replied that he had not heard from anyone. He added that Commissioner Lee may have some geology-related edits that can be incorporated in the revised version. The first edit, he said, is adding technical language provided by Commissioner Lee and the second edit is adding the word “over” in front of the “10” in the sentence on page 1-15 that reads, “The Appalachian National Scenic Trail runs the length of the county, providing 10 miles of hiking along the Blue Ridge Mountains.” He continued that if the Commission has additional edits, to send them Mr. Stidham prior to the Business Meeting.

Mr. Stidham said there are two sets of meeting minutes to review at the upcoming Business Meeting and one public hearing regarding a Text Amendment to the Historic Overlay District demolition criteria for review.

Regarding edits to the Comprehensive Plan, Commissioner Bass asked that a space be added in between “open” and “space” in the last paragraph, third line down on page 1-15.

Mr. Camp reviewed the Historic Preservation Commission (HPC) demolition criteria. He noted the substantive changes to the review criteria and wording changes requested by the Commission. Other

than some minor formatting changes, Mr. Camp said changes were made to the preamble section 4.2.4. The Commission had no further questions on the demolition criteria text amendment.

Mr. Camp reviewed minor subdivision applications MS-22-05 and MS-22-06 filed by 624 Old Waterloo Road, LLC. He said Staff recommends approval of both minor subdivisions. Commissioner Bass asked about time limits on applying for minor subdivisions to which Mr. Camp said there were no restrictions. Mr. Stidham agreed and noted there cannot be time-based restrictions on subdivision ordinance provisions.

Mr. Camp reviewed minor subdivision MS-22-07 filed by David L. & Nicole R Kimble. He said Staff recommends approval of this application and noted that resistivity has been reviewed and that VDOT and the Health Department have also reviewed the details of the application. He added that no extra DURs remain after approval.

Mr. Stidham finalized the Business Meeting review by noting the remaining items on the agenda including the Comprehensive Plan update followed by the Board and Committee Reports.

### **Old Business Items**

No items to discuss.

### **New Business Items**

#### **Initial Review, 2022 Double Tollgate Area Plan Draft**

Mr. Stidham gave a presentation on the revised 2022 Double Tollgate Area Plan draft. At the conclusion of the presentation, he said that he wants the Commission to review it over the summer and decide in September whether to schedule public hearing.

Chair Ohrstrom asked if we would contemplate rezoning once Frederick County agrees to provide water and sewer or would we rezone when a plan and applicant was in place. He said the latter is his preference as potential proffers could be considered. Mr. Stidham replied the latter was his preference as well.

Commissioner Bass suggested discussing the timing of Smart Scale as it might be viable to long-range planning down the road. Mr. Stidham explained that the window to file an application only comes about once every two years and even then the scoring criteria changes each cycle. He said this was a program created a number of years ago to try to establish some level of fairness across state. Mr. Camp asked if revenue sharing would be quicker. Mr. Stidham responded that it is faster except the county has not previously participated in revenue sharing. He added that developer funds can be used as a match towards a revenue sharing application and that developer funds can be part of your Smart Scale application to get points as well.

#### **Review of Project Priority List**

Mr. Stidham reviewed the upcoming project priority list to include the five-year review of the Waterloo Area Plan, potential various text amendments, campground zoning regulations, and structures in setback areas. He added there are two large upcoming applications for the solar farm and the Carter Hall country inn special use permit.

Mr. Stidham said he updated the two charts on page 13 of 14 to keep everyone on track for the Comprehensive Plan and Component Plan reviews. He added the timeline chart on page 14 of 14 to give an idea of how the different phases of those project updates are going to fall across that timeline.

There were no further questions from the Commission.

**Other Business**

No items to discuss.

**ADJOURN:** The June 28, 2022 Planning Commission Work Session adjourned by consensus at 3:44PM.

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George L. Ohrstrom, II (Chair)

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Kristina Maddox (Clerk)



# Clarke County Planning Commission

**DRAFT MINUTES** – Special Meeting / Public Hearing

Wednesday, June 29, 2022 – 7:00PM Public Hearing

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)	✓	Ronnie “Ron” King (Buckmarsh)	✓
Matthew Bass (Board of Supervisors)	✓	Scott Kreider (Buckmarsh)	✓
Anne Caldwell (Millwood)	✓	Frank Lee (Berryville)	X
Buster Dunning (White Post)	✓	Gwendolyn Malone (Berryville)	✓
Robert Glover (Millwood)	X	Doug Lawrence (BOS alternate)	X

E – Denotes electronic participation

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

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

**OTHER:** John R. Staelin, Bill Waite, Turner Kobayashi

**CALL TO ORDER:** By Vice-Chair Buckley at 7:01PM.

## 1. Approval of Agenda

The Commissioners voted 9-0-2 to approve the June 29, 2022 Special Meeting / Public Hearing agenda as presented by Staff.

Move to approve the June 29, 2022 Special Meeting and Public Hearing meeting as presented by Staff:			
Ohrstrom (Chair)	<b>AYE (seconded)</b>	Hunt	<b>AYE</b>
Buckley (Vice Chair)	<b>AYE</b>	King	<b>AYE</b>
Bass	<b>AYE</b>	Kreider	<b>AYE (moved)</b>
Caldwell	<b>AYE</b>	Lee	<b>ABSENT</b>
Dunning	<b>AYE</b>	Malone	<b>AYE</b>
Glover	<b>ABSENT</b>		

## Staff Presentation

Mr. Stidham gave a PowerPoint presentation on the 2022 Clarke County Comprehensive Plan Update. There were no questions or comments from the Planning Commission during the presentation.

At the conclusion of the presentation, Mr. Stidham explained that the Commission will consider action to recommend the Plan to the Board of Supervisors at their meeting on Friday, July 1<sup>st</sup>. He also

explained that the proposed Comprehensive Plan will be reviewed by the Board of Supervisors following formal action by the Commission. He said the Board of Supervisors will decide if they wish to hold a Public Hearing at a future meeting and would then vote on whether or not to adopt the proposed plan draft following their public hearing.

## **Public Hearing**

Vice-Chair Buckley opened the Public Hearing at 7:20pm.

Speaker John R. Staelin (Clay Hill Road) suggested the word “significant” that is used throughout the Comprehensive Plan be used minimally to avoid conflicting with the new defined phrase “significant degradation of natural resources.” He suggested using different measurable phrases that are more meaningful to the average reader and to set a better tone.

Mr. Staelin suggested adding noise as a natural sound to the natural resources section of the plan due to the various noise concerns. He said he understands that agriculture may be a concern due to heavy equipment but noted there are certain agriculture protections in place and that perhaps those situations could be an exception. He suggests adding sound as a factor to consider in other sections of the plan including the Economic Development Plan.

Mr. Staelin said he would like the Commission to consider adding a footnote to the table on page 131 that not all employees who work at some of the top Clarke County employers actually work in the county to avoid potential confusion.

Another wordsmithing consideration from Mr. Staelin, he said, is on page 9, section 2, and number 4 where it reads “encouraging adaptive reuse of historic structures.” He said he thinks the word “encouraged” is too strong and suggests a word similar to “supportive” or “allow” instead. He said his reasoning behind this change stems from the 2008 housing crisis when property values decreased.

Mr. Staelin suggested that the heading “Energy Conservation and Sustainability” be changed to “Resource Conservation” or another broad heading as the context is confusing and does not seem to match the heading.

Lastly, Mr. Staelin would like the Commission to consider changing the term “environmental resources” to “natural resources” to be consistent and clear throughout the plan and to use the term only when discussing the environment in general.

Speaker Bill Waite (Forest Ridge Lane) said he may have questions after reading about the consolidation of the Mountain Component Plan and Agricultural Land Plan as he is unsure how it will work. He added that he would return with any outstanding questions.

There being no additional speakers, Vice-Chair Buckley closed the public hearing at 7:30PM.

When asked by Chair Ohrstrom about the Commissioner’s thoughts on the comments, Commissioner Bass said he thought the only section that “significant” is defined in the context of another word is when “significant degradation” is defined. Mr. Stidham said he has a potential modification for it to read “more than minimal measurable negative reduction in the quality or quantity of a natural

resource” and leaves the preference and direction to the Commission. Commissioner Bass clarified that significant degradation is more than a minimal measurement negative reduction and that the definition is being modified and not the actual terminology. He said he understands Mr. Staelin’s point that to the casual reader the word “significant” means the same thing each time they read it and will not latch on to the definition. He suggested to instead change or limit the word throughout the plan versus in the definition itself. Chair Ohrstrom noted the various places throughout the document that the term was used. Mr. Stidham said he liked the idea of changing the word throughout the document versus in the definition and could create a list of edits for the Commissioners. Commissioner Bass noted that would probably be the easiest route and that he did not think it would be productive at this stage to drastically alter it. Mr. Stidham said the revisions can be incorporated into a draft motion to recommend the adoption of the plan subject to the incorporation of these edits.

Mr. Stidham referenced Commissioner Lee’s revisions made to page I-4 in the third paragraph regarding the description of metamorphic rocks. He said the new language reads, “The Blue Ridge region includes metamorphic rocks, including sandstone, phyllite, quartzite, slate and shale.” He said Commissioner Lee’s second edit was on page 1-15 in the first paragraph where it currently references the Appalachian National Scenic Trail being a 10-mile hike. Mr. Stidham said Commissioner Lee suggests that the sentence read “over 10.”

Mr. Stidham asked the Commissioners if they are comfortable with adding the word “sound” to the list of the different types of natural resources found on page 2-6. He said he does not wish to give the impression that we only want pure nature sounds in the county and to avoid all unnecessary noise. He added that sound is different in various parts of the county from the river, farms, next to a highway, or at Chet Hobert Park as examples. Commissioner Bass pointed out that the newly adopted Noise Ordinance sets forth very specific standards for measurement and that document governs. Mr. Stidham said an applicant could ask for a special use permit for an activity that may generate noise where the Planning Commission or the Board of Supervisors has a higher level of discretion.

Mr. Stidham said a footnote can be added to the table about the employees within the top employers in Clarke County.

Mr. Stidham said he is good with the word “support” being used in place of “encourage” as per Mr. Staelin’s suggestion.

Regarding the objective that deals with energy conservation and sustainability, Mr. Stidham recommends adding “Resource Conservation” rather than “Energy Conservation” to avoid any confusion with the previous objective on conservation easements.

“Environmental resources,” Mr. Stidham noted, can be replaced with “natural resources” in the appropriate sections.

Mr. Stidham said he will email all of the outlined edits with page references to the Commissioners to be discussed at Friday’s meeting in order to incorporate them in a motion to move forward.



**ADJOURN:**

The June 29, 2022 Special Meeting / Public Hearing was adjourned by consensus at 7:43PM.

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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, July 1, 2022 – 9:00AM

Berryville/Clarke County Government Center – Main Meeting Room

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

**E** – Denotes electronic participation

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

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

**OTHER PRESENT:** Stuart Dunn, Betsy Arnett

**CALL TO ORDER:** By Chair Ohrstrom at 9:00AM.

## 1. Approval of Agenda

The Commission voted 9-0-2 (Glover, Lee absent) to approve the agenda as amended for July 1, 2022 as presented by Staff.

Motion to approve the July 1, 2022 Planning Commission Business Meeting agenda as presented by Staff:			
Ohrstrom (Chair)	<b>AYE</b>	Hunt	<b>AYE</b>
Buckley (Vice-Chair)	<b>AYE (moved)</b>	King	<b>AYE</b>
Bass	<b>AYE</b>	Kreider	<b>AYE</b>
Caldwell	<b>AYE</b>	Lee	<b>ABSENT</b>
Dunning	<b>AYE</b>	Malone	<b>AYE (seconded)</b>
Glover	<b>ABSENT</b>		

## 2. Approval of Minutes

### A. May 31, 2022 Work Session

Commissioner Caldwell asked to correct and complete the second sentence on page 5 of 97.

The Commission voted 9-0-2 (Glover, Lee absent) to approve the May 31, 2022 Work Session meeting minutes as amended.

<b>Motion to approve the May 31, 2022 Planning Commission Work Session meeting minutes as amended:</b>			
Ohrstrom (Chair)	<b>AYE</b>	Hunt	<b>AYE</b>
Buckley (Vice-Chair)	<b>AYE</b>	King	<b>AYE</b>
Bass	<b>AYE</b>	Kreider	<b>AYE (moved)</b>
Caldwell	<b>AYE</b>	Lee	<b>ABSENT</b>
Dunning	<b>AYE</b>	Malone	<b>AYE (seconded)</b>
Glover	<b>ABSENT</b>		

### **June 3, 2022 Business Meeting**

Chair Ohrstrom had a correction on page 10 of 97 under the Conservation Easement Authority Committee Reports. He said the line that reads, “He said Clarke County’s impervious surface cap is 1% and that the property has many buildings on it already. He continued that while it is a great easement it is problematic to figure out what that precedent is for it and whether the impervious surface cap needs to be restructured, perhaps on a sliding scale for size of properties.” Chair Ohrstrom asked that the second line be changed to, “He continued that while it is a great easement it is problematic to figure out what precedent it would set and whether the impervious surface cap needs to be restructured, perhaps on a sliding scale for size of properties.”

Commissioner Caldwell asked that the word “compliment” be changed to “complement” on page 9 of 97 under TA-22-03, Historic (H) District Review Criteria for Demolitions within the fourth line.

The Commission voted 9-0-2 (Glover, Lee absent) to approve the June 3, 2022 Business Meeting minutes as amended.

<b>Motion to approve the June 3, 2022 Planning Commission Business Meeting minutes as amended:</b>			
Ohrstrom (Chair)	<b>AYE</b>	Hunt	<b>AYE</b>
Buckley (Vice-Chair)	<b>AYE</b>	King	<b>AYE</b>
Bass	<b>AYE</b>	Kreider	<b>AYE (moved)</b>
Caldwell	<b>AYE (seconded)</b>	Lee	<b>ABSENT</b>
Dunning	<b>AYE</b>	Malone	<b>AYE</b>
Glover	<b>ABSENT</b>		

### **Public Hearing**

#### **3. TA-22-03, Historic Overlay District Demolition Criteria**

Mr. Camp presented the text amendment and with no questions or comments from the Commission, Chair Ohrstrom opened the public hearing.

Speaker Betsy Arnett (Chair of the Historic Preservation Commission) said she encourages the Commission to make a favorable recommendation to the Board of Supervisors. She noted the Commission

took time in reviewing and creating the amendment and that the intention is to have objective criteria regarding its value, the practicality, and feasibility of saving it. She said they have looked at other communities’ demolition criteria and confirmed what they are attempting to do is not new or unusual. She said she believes the text amendment complements what they have set out to do and encourages the Commission to make a favorable recommendation to the Board of Supervisors.

As there were no questions or comments from the Commission, Chair Ohrstrom closed the public hearing.

The Commission voted 9-0-2 (Glover, Lee absent) to recommend approval of **TA-22-03, Historic Overlay District Criteria** as presented by Staff.

<b>Moved to recommend approval of <u>TA-22-03, Historic Overlay District Criteria</u> as presented by Staff:</b>			
Ohrstrom (Chair)	<b>AYE</b>	Hunt	<b>AYE</b>
Buckley (Vice-Chair)	<b>AYE</b>	King	<b>AYE</b>
Bass	<b>AYE</b>	Kreider	<b>AYE (moved)</b>
Caldwell	<b>AYE</b>	Lee	<b>ABSENT</b>
Dunning	<b>AYE</b>	Malone	<b>AYE (seconded)</b>
Glover	<b>ABSENT</b>		

**Minor Subdivision Applications**

**4. MS-22-05, 624 Old Waterloo Road, LLC**

Mr. Camp presented the minor subdivision application to the Commission. He said Staff recommends approval as it has undergone resistivity testing and has both Department of Health and VDOT approval. There were no comments or questions from the Commissioners.

The Commission voted 9-0-2 (Glover, Lee absent) to approve **MS-22-05, 624 Waterloo Road, LLC** as presented by Staff.

<b>Moved to approve <u>MS-22-05, 624 Waterloo Road, LLC</u> as presented by Staff:</b>			
Ohrstrom (Chair)	<b>AYE</b>	Hunt	<b>AYE</b>
Buckley (Vice-Chair)	<b>AYE (moved)</b>	King	<b>AYE</b>
Bass	<b>AYE</b>	Kreider	<b>AYE (seconded)</b>
Caldwell	<b>AYE</b>	Lee	<b>ABSENT</b>
Dunning	<b>AYE</b>	Malone	<b>AYE</b>
Glover	<b>ABSENT</b>		

**5. MS-22-06, 624 Waterloo Road, LLC**

Mr. Camp presented the second minor subdivision application to the Commission. He said Staff recommends approval of this application due to the passed resistivity test, VDOT, and Department of Health approval. There were no questions or comments from the Commissioners.

The Commission voted 9-0-2 (Glover, Lee absent) to approve **MS-22-06**, 624 Waterloo Road, LLC as presented by Staff.

<b>Moved to approve MS-22-06, 624 Waterloo Road, LLC as presented by Staff:</b>			
Ohrstrom (Chair)	<b>AYE</b>	Hunt	<b>AYE</b>
Buckley (Vice-Chair)	<b>AYE (moved)</b>	King	<b>AYE</b>
Bass	<b>AYE</b>	Kreider	<b>AYE (seconded)</b>
Caldwell	<b>AYE</b>	Lee	<b>ABSENT</b>
Dunning	<b>AYE</b>	Malone	<b>AYE</b>
Glover	<b>ABSENT</b>		

**6. MS-22-07, David L. & Nicole R. Kimble**

Mr. Camp reviewed the third minor subdivision application and said Staff recommends approval. He said it passed resistivity testing and received approval from both VDOT and the Department of Health. Commissioners had no questions or comments.

The Commission voted 9-0-2 (Glover, Lee absent) to approve **MS-22-07**, Kimble as presented by Staff.

<b>Moved to approve MS-22-07, Kimble as presented by Staff:</b>			
Ohrstrom (Chair)	<b>AYE</b>	Hunt	<b>AYE</b>
Buckley (Vice-Chair)	<b>AYE</b>	King	<b>AYE (seconded)</b>
Bass	<b>AYE</b>	Kreider	<b>AYE (moved)</b>
Caldwell	<b>AYE</b>	Lee	<b>ABSENT</b>
Dunning	<b>AYE</b>	Malone	
Glover	<b>ABSENT</b>		

**7. 2022 Clarke County Comprehensive Plan**

Mr. Camp reviewed the updates from the memorandum of proposed edits to the 2022 Clarke County Comprehensive Plan that were emailed to the Commission. He said the substantive changes include eliminating the word “significant” throughout the document so there is no confusion with the term of art we are establishing called “significant degradation of natural resources.” He added that Mr. Stidham prepared a draft motion with three options. He said the first option is to recommend adoption of the Comprehensive Plan with changes as presented by Staff, the second option is to recommend adoption with additional changes, or the third option is to defer action until the September Business Meeting. When asked by Chair Ohrstrom for the Commission’s thoughts, Commissioner Caldwell said she thought Mr. Stidham’s modifications were excellent. Chair Ohrstrom and several other Commissioners verbally agreed.

The Commission voted 9-0-2 (Glover, Lee absent) to recommend adoption of the revised 2022 Clarke County Comprehensive Plan draft subject to the changes listed in the memorandum dated July 1, 2022 as presented by Staff and also move to pass this document on to the Board of Supervisors for their evaluation.

<b>Move to recommend adoption of the revised 2022 Comprehensive Plan as presented by Staff:</b>			
Ohrstrom (Chair)	<b>AYE</b>	Hunt	<b>AYE</b>
Buckley (Vice-Chair)	<b>AYE</b>	King	<b>AYE</b>
Bass	<b>AYE</b>	Kreider	<b>AYE</b>
Caldwell	<b>AYE (moved)</b>	Lee	<b>ABSENT</b>
Dunning	<b>AYE</b>	Malone	<b>AYE (seconded)</b>
Glover	<b>ABSENT</b>		

**Board and Committee Reports**

Prior to hearing the Board and Committee reports, Chair Ohrstrom honored and thanked Commissioner Caldwell for her 20 years of service on the Planning Commission as she will be retiring.

**8. Board and Committee Reports**

**Board of Supervisors (Matthew Bass)**

Commissioner Bass said the Board had the opportunity to recognize several important areas of the community including a resolution of a life well lived for Ms. Viola Brown.

Commissioner Bass said the Board had a public hearing on the DUR merger issue that came before the Commission in addition to what he calls a “pay to play” regulation. He said any delinquent property taxes must be paid prior to obtaining county permits.

Additionally, Commissioner Bass, said the Board had the opportunity in an evening session to recognize Clarke County’s boys soccer state champions and also the girls cross country state champions.

Commissioner Bass said they had a presentation from a 501(c)(3) regional group generating interest from surrounding localities for a pool and ice-skating rink facility. He noted the group claims to have funding in the works and added the Board authorized by consensus for Mr. Boies to study it. He said the proposed location is in Middletown currently. Commissioner Bass asked the Director of Parks and Recreation Lisa Cooke, who was in attendance, if she thought Clarke County residents would make use of a facility in Middletown to which she said she thought they would.

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

Nothing to report

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

Nothing to report

**Historic Preservation Commission – HPC (Bob Glover)**

Nothing to report

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

Chair Ohrstrom asked Vice-Chair Buckley if there was a conclusion to the impervious surface cap issue and the other easement at their last meeting. Vice-Chair Buckley responded that although it was a lengthy discussion, there is yet to be a conclusion.

Chair Ohrstrom commented they plan to do a site inspection the following week and may have more in the pipeline.

**Broadband Implementation Committee (Brandon Stidham)**

Mr. Stidham said that All Points is trying to finalize all of the contract documents. Chair Ohrstrom added he imagines it to be a complicated procedure with the large grant and state and federal agencies involved.

**Other**

Mr. Camp announced that the next Planning Commission work session on Tuesday, August 30<sup>th</sup> but there will be various committee meetings throughout August.

**Adjournment:**

The Commission unanimously voted to adjourn the July 1, 2022 Planning Commission Business Meeting at 9:29AM.

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George L. Ohrstrom, II (Chair)

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Kristina Maddox (Clerk)

# MINOR SUBDIVISION (MS-22-08 / MLSE-22-01)

September 2, 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 and maximum lot size exception application. It may also be useful for members of the general public.

## CASE SUMMARY:

### Applicant:

Terrence P. Spinosa

### Owner:

George M. Hoff

### Location:

- Tax Map #20-A-18F
- The site is located on the east side of Ginns Road north of John Mosby Highway.
- White Post Election District (Randy Buckley and Buster Dunning)
- Agricultural-Open Space-Conservation (AOC) Zoning District

### Request:

The application proposes to divide 72.8350 acres into two lots, Lot 1 would consist of 6.1689 acres and the residue lot would consist of 66.6661 acres. A maximum lot size exception is included in the request to allow the new lot to exceed the maximum average lot size requirement of 3 acres.

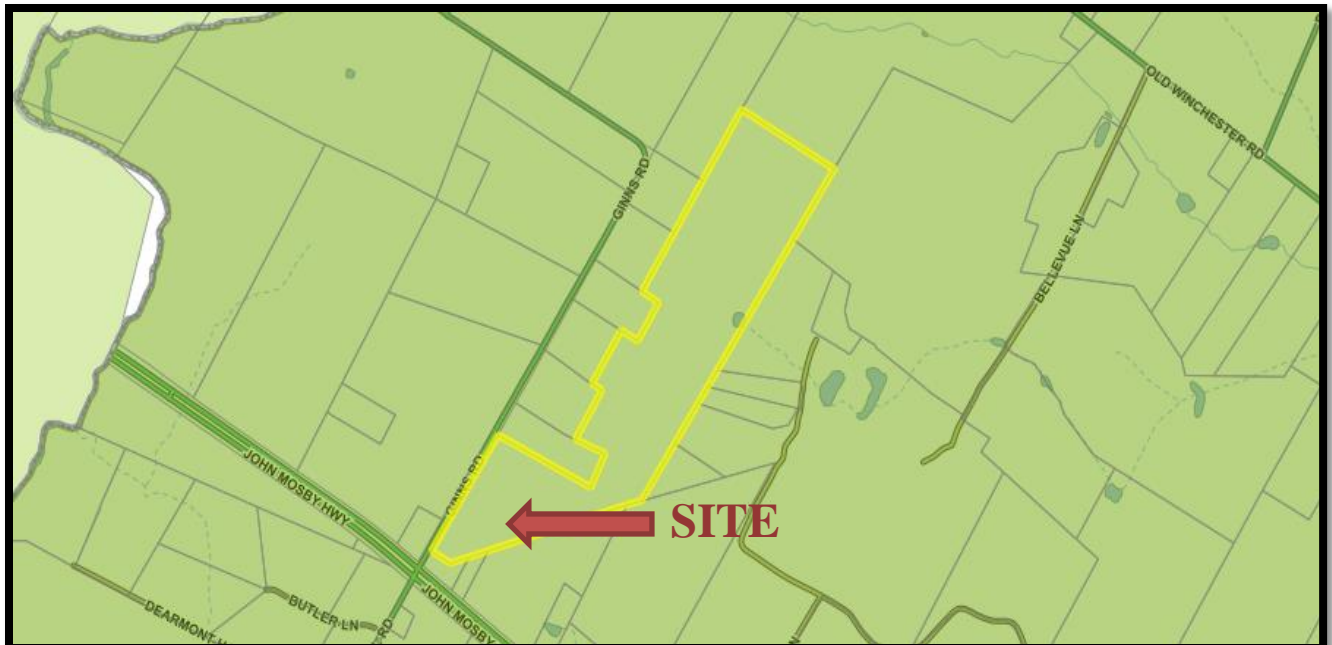
### Original Lot:

72.8350 (TM#20-A-18F) – 0 dwl., 2 DUR  
72.8350 acres

### Proposed Lots:

6.1689 acres (new Lot 1) – 0 dwelling, 1 DUR  
66.6661 acres (residue) – 0 dwl., 1 DUR  
72.8350 acres

### Vicinity Map:

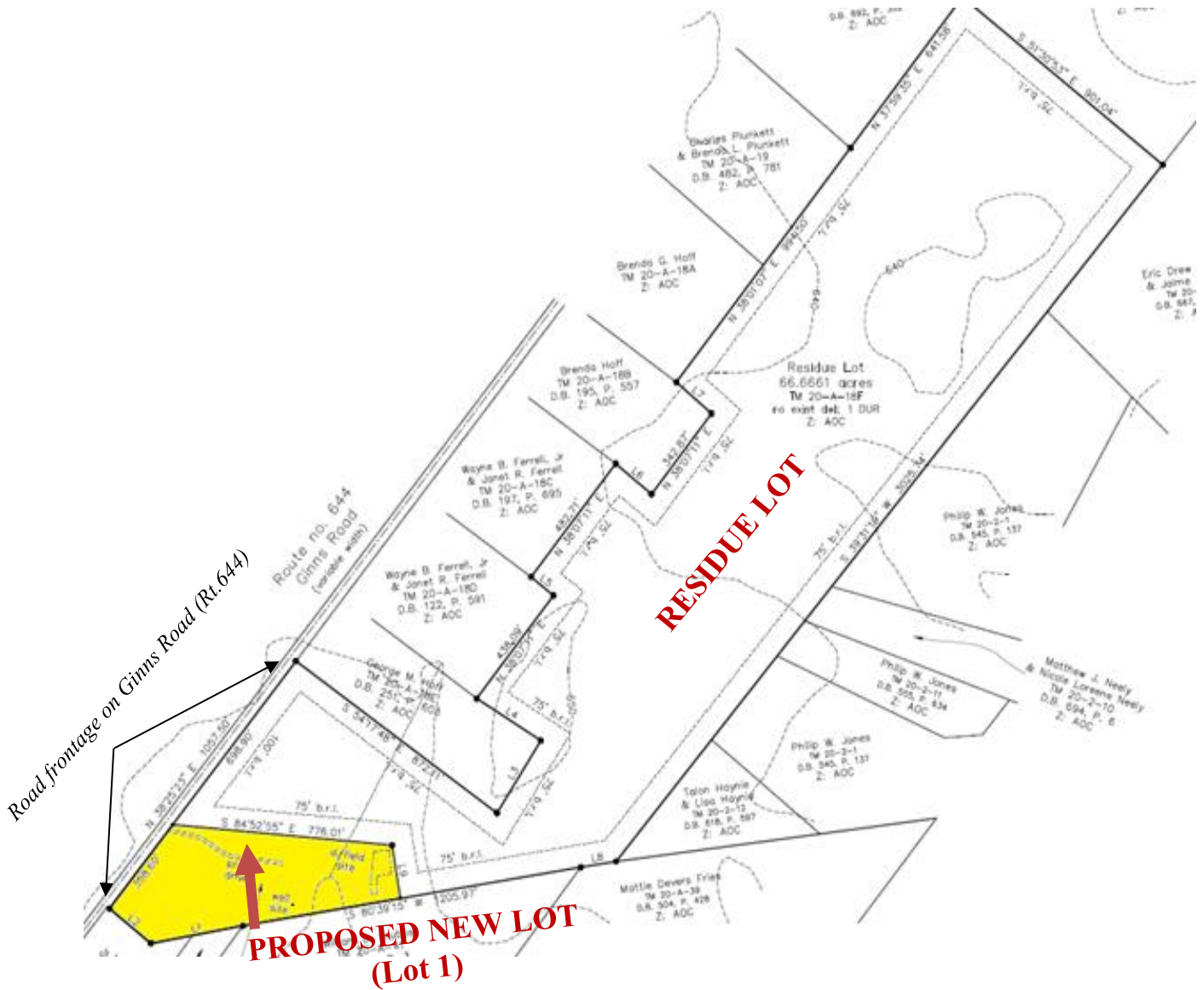




**Staff Discussion/Analysis:**

Access:

The property presently has approximately 1,057 feet of road frontage on Ginns Road (Route 644). A new lot is proposed with approximately 358 feet of road frontage and the remaining 698 feet of road frontage will be part of the residue parcel. No easement is proposed since both lots will have frontage on the existing state road.



VDOT provided review comments on this minor subdivision and noted that they have no objections. A VDOT permit is required prior to any work being performed in the State's right-of-way.

Water and Sewage Disposal:

The area of the proposed drainfield has a shallow water table. VDH's comments reported that a drip system is suitable in the location based on their field review on March 28, 2022.

Since that time, the drainfield has been designed as an Alternative Onsite Sewage System utilizing TL-3 effluent to a shallow-placed drip dispersal drainfield with a 100% reserve area. The size of the drainfield (a minimum of 4,092 square feet) would accommodate 3 bedrooms.

Karst Plan / Resistivity Test:

Resistivity testing results were submitted by the applicant, reviewed by the County's engineer, and approved on July 8, 2022.

Maximum Lot Size Exception (MLSE-22-01):

The applicant has submitted a request for a maximum lot size exception (MLSE) to allow the proposed lot to be 6.1689 acres, instead of the 3.0 acre maximum average lot size requirement in the AOC District. A letter from the applicant explaining the reasons associated with this request is attached. In brief, the applicant would like a larger sized residential lot so it can have frontage on the state road. This may not be possible otherwise due to the location of the proposed drainfield.

Pursuant to 6.2.6C-1 of the Clarke County Zoning Ordinance, a maximum lot size exception may only be granted by the Planning Commission under three circumstances. In summary, this includes the following:

- When there is an existing dwelling on the lot that existed prior to October 17, 1980.
- When the lot is in conservation easement.
- When the lot is on land with low quality.

MLSEs qualifying for low land quality are required to meet one of the following criteria:

- Physical features or small size or irregular shape of potential residual lot such that efficient use of farm machinery would not be possible or that said land would be left to no useful purpose; or
- Combination of physical features and setting such that the maximum lot size allowed in this section for a lot proposed in a minor or major subdivision is too small to accommodate a dwelling, drainfield, and well so as to meet the minimal applicable health standards and provided that no lot may be created or increased in area so as to exceed a maximum area of four acres. An application for a maximum lot size exception, submitted under this section, shall be accompanied by a written statement prepared by a Virginia Health Department environmental specialist or a professional soil scientist (as defined in County Code Chapter 143, Septic Systems) stating why the proposed lot could not accommodate a dwelling, drainfield, and well meeting Virginia and Clarke County health standards within the maximum lot size allowed in this section. Lots proposed in a major subdivision are not eligible for a Maximum Lot Size Exception under this section; or
- Land that is part of a lot where such land has been determined by the Zoning Administrator to be not important farmland.

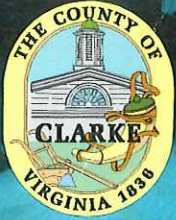
Staff used the Clarke County Land Evaluation and Site Assessment (LESA) system for the property to determine if the property would be designated as important farmland. While the score for the entire 72-acre property scored high, the portion proposed for the new lot scored only 61.46. Section 6.2.6C-3 of the Clarke County Zoning Ordinance specifies that a score below 72% (for lots under 40 acres) is not considered important farmland. A copy of the scoring data is attached with this email.

**Recommendation:**

Staff recommends approval of this minor subdivision application (MS-22-08), including approval of the maximum lot size exception (MLSE-22-01) on the basis that the land is no important farmland according the LESA system.

-----  
**History:**

September 2, 2022	Scheduled Planning Commission Business Meeting
August 29, 2022	Scheduled Planning Commission Work Session
August 2, 2022	Applicant letter regarding MLSE request
July 8, 2022	Resistivity Testing Approved (completed with Lot 1)
July 1, 2022	applicant deferral of PC Work Session
June 27, 2022	VDOT review / applicant deferral of PC Work Session
June 9, 2022	VDH Review
June 3, 2022	Application Submitted & fee paid.



# LAND DEVELOPMENT APPLICATION

## General Information

Date: 6/3/2022 Tax Map #: 20-A-18F

Zoning District: AOC Lot Size: 72.8350

Site Address: Ginns Road, short distance North of US Routr no. 50, John Mosby Hwy

Property Owner's Name: George M. Hoff

Property Owner's Mailing Address: 278 Ginns Road, Boyce VA 22620

Applicant's Name: Terrence P. Spinosa  
*(if different than owner)*

Applicant's Mailing Address: 308 Clydesdale Drive, Stephens City, VA 22655  
*(if different than owner)*

Phone: 703.906.9681 Email: terryspinosa@aol.com

## Application Type

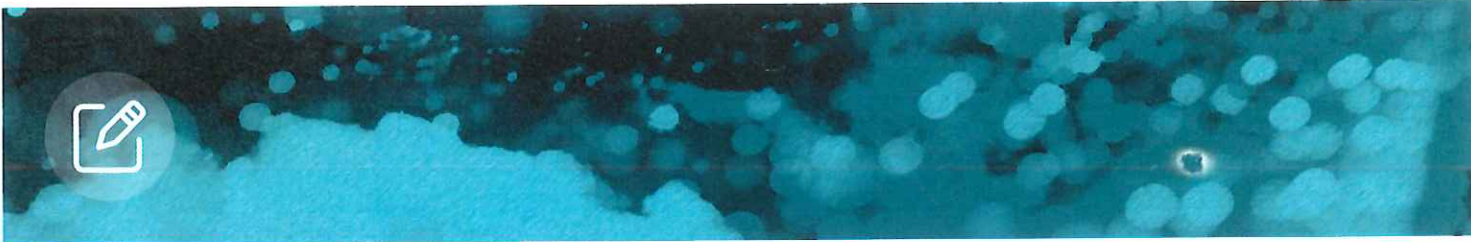
Site Plan	<input type="radio"/>	Major Subdivision	<input type="radio"/>
Administrative Site Plan	<input type="radio"/>	Minor Subdivision (w/MLSE)	<input checked="" type="radio"/>
Rezoning	<input type="radio"/>	Boundary Line Adjustment	<input type="radio"/>
Special Use Permit	<input type="radio"/>	Lot 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: Minor Subdivision of the land of George M. Hoff

Existing Use(s): Agricultural

Proposed Use(s): Agricultural/Residential



## Additional Details

Description of the proposed development or subdivision:

Creation of one (1) 6.1689 acre parcel in AOC Zoning District, leaving a residue of 66.666 acres +/-

Number of Existing Lots: 1

Number of Proposed Lots (proposed and residual): 2

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

If yes, describe the justification for such request.

A maximum lot size exception due to low quality land characteristics.

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 type="radio"/>

Signature of Applicant

6/3/2022

Date

Office Use Only

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

**FEE:** \_\_\_\_\_

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

\_\_\_\_\_  
Zoning Administrator

\_\_\_\_\_  
Date

\_\_\_\_\_  
GIS Acct #

Clarke County Government  
TREASURERS OFFICE  
101 Chalmers Ct  
Berryville, VA 22611  
(540) 955-5160  
Welcome

004860-0093 Ann T. 06/07/2022 11:32AM

PERMITS / INSPECTIONS

Minor Subdivision - FEE  
2022 Item: MS-22-08|MS

Balance due: 0.00  
Balance unpaid: 0.00 4,000.00

-----  
4,000.00

Subtotal 4,000.00  
Total 4,000.00

CHECK 4,000.00  
Check Number 1047

-----  
Change due 0.00

Paid by: spinosa terrence

Thank you for your payment

CUSTOMER COPY



from the desk of: **Terrence P. Spinosa**

August 2, 2022

Clarke County Planning Commission  
Berryville-Clarke County Government Center  
101 Chalmers Ct., Suite B  
Berryville VA 22611

Re: Minor Subdivision of the land of George M. Hoff, Tax Map: 20-A-18F; Large Lot Exception

Dear Commission Members:

I am providing this bulleted information to you while considering the disposition of the Large Lot Exception request for the above referenced property.

- The area of the property in question is north of the intersection of Route 50 (John Mosby Hwy.) and Ginns Road.
- The entire lot, 20-A-18F is approximately 73 acres.
- The majority of the property is "land locked" except for 1,000 feet of access from Ginns Road at the southern portion of the lot.
- The desired result is to have a minor subdivision for a single family building lot at the southern end of the lot.
- Soils test indicated the first viable area for a septic system is approximately 750' from Ginns Road frontage.
- In order to gain access to this area there is significant non-tillable acreage fronting on Ginns Road.
- Of the approximate 6.2 acres of the proposed lot, approximately 4.6 acres scored poorly on a LESA review conducted by the County of Clarke.
- Safe and practical access to the viable area occurs approximately 350' north of the southernmost property corner along Ginns Road.

I am providing some representative photographs indicating the access availability along Ginns Road and the condition of the land contained in the approximate 4.6 acres which scored poorly on the LESA report.

Should you have any questions, comments or concerns I am available to address them at this meeting.

Thank you in advance for your time and consideration and I look forward to a favorable response from the Planning Commission.

Respectfully

Terrence P. Spinosa  
Cc: Mr. George M. Hoff

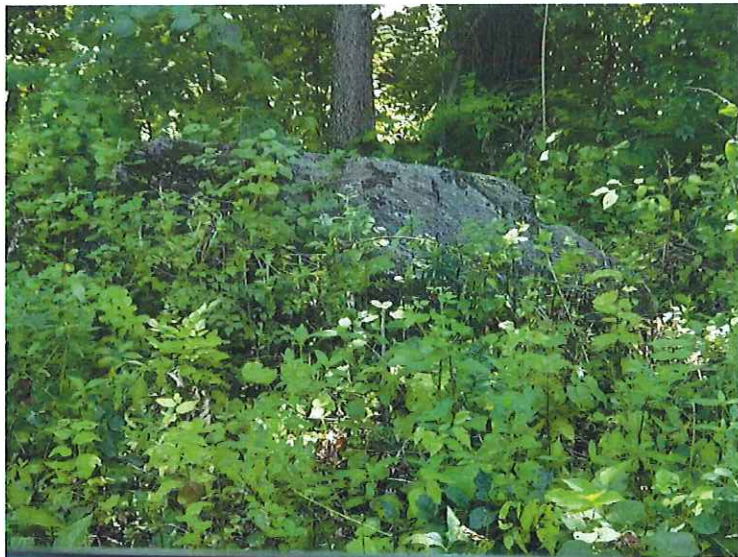
Terrence P. Spinosa  
308 Clydesdale Drive, Stephens City, VA 22655  
703-906-9681



from the desk of: **Terrence P. Spinosa**



Rock ledge along Ginns Road frontage-1



Rock ledge along Ginns Road frontage-2

Terrence P. Spinosa  
308 Clydesdale Drive, Stephens City, VA 22655  
703-906-9681





from the desk of: **Terrence P. Spinosa**



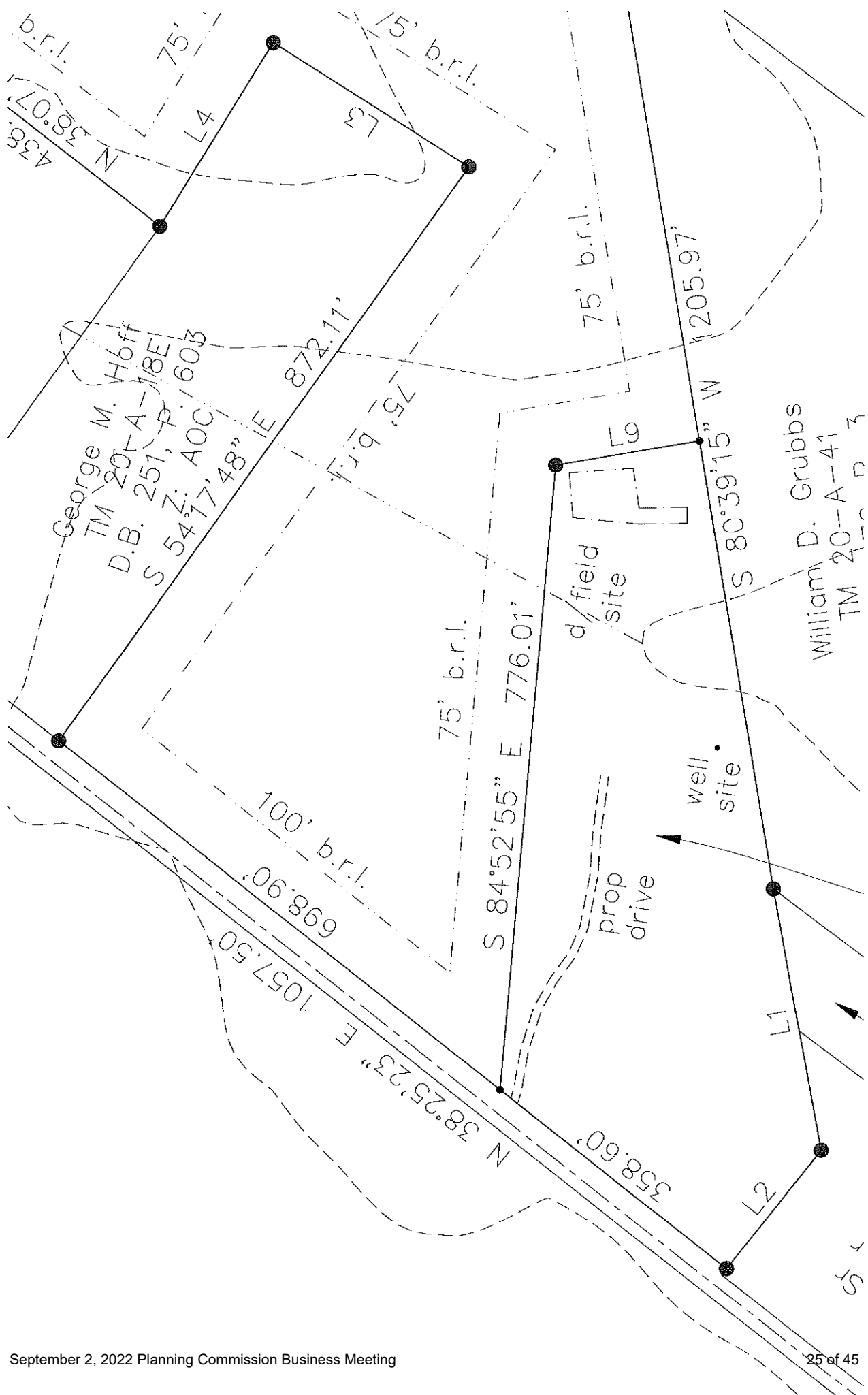
Rock outcroppings Ginns Road interior-1



Rock outcroppings Ginns Road interior-2

Terrence P. Spinosa  
308 Clydesdale Drive, Stephens City, VA 22655  
703-906-9681

[terryspinosa@aol.com](mailto:terryspinosa@aol.com)





## Clarke County Planning Department

101 Chalmers Court, Suite B

Berryville, Virginia 22611

(540) 955-5132

[www.clarkecounty.gov](http://www.clarkecounty.gov)

July 8, 2022

Mr. Terry Spinosa  
308 Clydesdale Drive  
Stephens City, VA 22655

RE: Resistivity Test  
Tax Map#20-A-18F; Ginns Road, Boyce VA

A resistivity test was conducted on the property described above, and a report generated by Forrest Environmental Services, Inc. in June 2022 defined as Project Number 22171. The test results were sent to CTL Engineering, Inc. for review.

Based on the engineer's report and CTL Engineering's review (Project 22050035MORE) dated June 28, 2022, 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



June 28, 2022

Brandon Stidham  
 Director of Planning  
 Clarke County  
 101 Chalmers Court, Suite B  
 Berryville, VA 22611

Re: Review of Geophysical Survey Report  
 Tax Map 20 A 18F, Spinosa  
 Ginns Road - Boyce, Virginia  
 CTL Project No. 22050035MORE

Dear Mr. Stidham,

This letter report is in response to your request for CTL to review the above referenced Geophysical Report submitted to your office to determine if it meets the intent of the recently updated and adopted Clarke County Septic Ordinance (Ordinance) dated December 21, 2021. Please note that CTL did not perform any field verification of the data in the provided report.

*Report Reviewed: Geophysical Survey, Proposed Septic Field, Tax Map Number 20 A 18F Ginns Road Boyce, Virginia, Spinosa*

The Ordinance requires that the geophysical survey report include requirements that are listed below. In addition, we have provided our professional opinion whether the report meets these requirements

<b><i>Dipole-dipole electrical resistivity survey</i></b>	<b><i>Minimum Requirement Compliance</i></b>
• Two lines each area	Yes
• Perpendicular to strike	Yes
• Minimum depth of 20 feet at edges	Yes
• Minimum 200 soundings	Yes
• Minimum 40 feet depth	Yes

<b><i>Report</i></b>	<b><i>Minimum Requirement Compliance</i></b>
• Directional orientation and plan maps	Yes
• Color profiles identifying hazards, consistent color scale, treatment area indicated	Yes
• Amount of Overburden	Yes
• Elevations	Yes

<u>Report</u>	<u>Minimum Requirement Compliance</u>
• Geologic structure	Yes
• Low, moderate, high risk	Yes, Low
• Other	N/A

The geophysical survey report included two electrical resistivity lines across the proposed septic field. Depths to bedrock appear to be about near ground surface to approximately 50 feet below the ground surface. Resistive anomalies within the drainfield were interpreted as limestone floats and ledges, based on the limestone geology and our experience in the area, the interpretation is credible. Also, in accordance with the County Ordinance, the report indicated no limestone outcrops were observed within 10 feet horizontal distance from the proposed fields. No significant karst features, whether surface or noted in the subsurface of the ERI survey, were identified that would restrict the drainfield use in the proposed locations. **The geophysical survey report reviewed meets the intent of the County Ordinance and general industry practice.**

We hold our opinions to a reasonable degree of scientific certainty and/or probability, and we also reserve the right to modify this report based upon receipt of new information that differs from that used in preparing this report. We appreciate the opportunity to be of service and if you have any questions, please contact us.

Respectfully submitted,

CTL ENGINEERING, INC.



Patrick E. Gallagher, PE, PS, CPGS  
Project Consultant



CK Satyapriya, PE  
Technical Reviewer



Zimbra

jcamp@clarkecounty.gov

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**Clarke-Route 644 Ginns Road-George Hoff Subdivision**

---

**From :** Arthur Boyce <bobby.boyce@vdot.virginia.gov>  
**Subject :** Clarke-Route 644 Ginns Road-George Hoff Subdivision  
**To :** jcamp@clarkecounty.gov  
**Cc :** Rhonda Funkhouser  
<Rhonda.Funkhouser@vdot.virginia.gov>

Mon, Jun 27, 2022 11:36 AM

&lt;&lt;...&gt;&gt;

**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 May 6, 2022 by Dunn Land Surveys, Inc for impacts to the local roadway system. We have no objections to the proposed subdivision, however an entrance will need to be installed by the owner for access under a VDOT Land Use Permit.

The VDOT permit shall be obtained before any work is performed on the State's right-of-way. This permit is issued by this office and will require application fees and surety coverage. Once satisfactory application has been made, a permit will normally take 7-14 days to process and issue. To request a permit please call (540) 534-3207.

We appreciate the County's efforts to include VDOT in the early planning stages for development and the opportunity to provide comments. If you have any questions or need further information, please do not hesitate to give me a call.

Sincerely,

*Bobby Boyce*

VDOT- Land Development Engineer  
Shenandoah, Frederick, Clarke, & Warren Counties  
14031 Old Valley Pike  
Edinburg, VA 22824  
(540) 534-3211



## 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)



June 9, 2022

Jeremy Camp  
101 Chalmers Court  
Berryville, Virginia 22611

RE: MINOR SUBDIVISION PRELIMINARY REVIEW COMMENTS

Health Department I.D. #: 043-22-89

Tax Map #: 20-A-18F

Dear Mr. Camp,

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

#### OWNER/APPLICANT ITEMS:

1. The applicant has not yet applied for a Certification Letter for the proposed lot as required.
2. Proposed Lot 1 is currently used for agricultural purposes. There are no known wells or drain fields on the lot.
3. The project OSE located a drain field site with 100% reserve for proposed Lot 1. On March 28, 2022, this department field reviewed the site and soils for the proposed alternative drain field with 100% reserve. The area has a shallow water table, but an alternative drip would be suitable, provided the resistivity test passes. As of now, the gallons per day for the system has not been decided.
4. Resistivity testing has been conducted, but not yet approved by the county.

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 blue ink that reads "Carter L. Neiswander".

Carter Neiswander, EHS

ARTICLE I – ZONING ORDINANCE  
2021 EDITION

subject to the provision for violations and penalties set forth in [Section 10 \(Enforcement\)](#) of this Ordinance.

- c. Any change in the approved plans subsequent to the issuance of the certificate of appropriateness shall be promptly submitted to the Zoning Administrator prior to construction of the modified feature. The Zoning Administrator may administratively approve non-substantial modifications with notice thereof to the architectural review board at its next meeting. Copies of any proposed revisions deemed substantive by the Zoning Administrator shall be forwarded to the architectural review board, accompanied by additional application materials as determined necessary by the Zoning Administrator and the architectural review board to render a decision.

<b>6.2.6</b>	<b>MAXIMUM LOT SIZE EXCEPTION (MLSE)</b> This process, applicable only to the AOC District, allows for a new lot to be created through the Minor or Major Subdivision review process that exceeds the maximum lot size requirement for the District so long as certain criteria are met as described below.	
	<u>Approval Authority:</u> Planning Commission	<u>Time Limit for Review:</u> Yes – see Minor and Major Subdivision review requirements ( <a href="#">Article II, Subdivision Ordinance, Section 3.2</a> )
	<u>Pre-Application Meeting Required:</u> Yes – see Minor and Major Subdivision review requirements ( <a href="#">Article II, Subdivision Ordinance, Section 3.2</a> )	<u>Public Hearing Required:</u> For Major Subdivision applications only ( <a href="#">Article II, Subdivision Ordinance, Section 3.2.2</a> )
	<u>Other Applicable Deadlines:</u> Yes – see Minor and Major Subdivision review requirements ( <a href="#">Article II, Subdivision Ordinance, Section 3.2</a> )	<u>Expiration:</u> Yes – See <a href="#">Subsection D</a>

- A. **When Required.** In the AOC District only, a maximum lot size exception is required in order to allow the maximum lot size requirement for the district to be exceeded when creating a new lot through the minor or major subdivision review processes.
- B. **Review Procedures.** An application for maximum lot size exception shall be filed in conjunction with an application for a minor or major subdivision ([Article II, Subdivision Ordinance, Section 3.2, Subdivision Review Processes](#)) for a new lot or lots proposed to exceed the maximum lot size requirement in the AOC District. The maximum lot size exception application shall be reviewed concurrently and in accordance with the review procedures for a minor or major subdivision application.



**C. Review Criteria and Regulations.**

1. Procedures for maximum average lot size exceptions. A lot or lots may qualify for a maximum average lot size exception by meeting one of the following criteria:
  - a. Dwelling existing prior to October 17, 1980. Dwellings in existence and taxed as such or with a building permit issued before October 17, 1980 may be located on a lot that exceeds the maximum area requirements. Such lots may be created so long as their size and location does not create low quality land characteristics on any other lots created as a result of the division, or if the lots created have zero dwelling unit rights remaining (excluding any lots for residential dwelling units that do not exceed the maximum area requirements). This exception shall not be applied more than once per lot existing on March 20, 2001 containing one or more such pre-1980 dwellings, or;
  - b. Lot in conservation easement. The lot being divided, including without limitation any residual lot irrespective of area, has been placed under an easement granted to the Clarke County Conservation Easement Authority, the Virginia Board of Historic Resources, the Virginia Outdoor Foundation, and/or any other entity authorized to hold an open-space easement pursuant to the [Code of Virginia Open-Space Land Act](#) and approved by the Clarke County Board of Supervisors, and that all the lots in the division are located in a manner consistent with the physiographic and/or historic characteristics of the property. As to requests for a maximum lot size exception based upon the land having been placed in an easement held or co-held by the Clarke County Conservation Easement Authority (recorded after November 19, 2013), said easement must have included the termination of at least one (1) dwelling unit right in order for the property to qualify for a maximum lot size exception under this paragraph, or;
  - c. Low quality land. It is determined by the Planning Commission, prior to subdivision approval, that the lot to be subdivided is of sufficiently low quality to justify using more than the maximum lot area of low quality land for a proposed lot.
2. Low quality land characteristics. The following are considered characteristics of low quality land that would permit maximum lot sizes for dwelling purposes in excess of the maximum lot size allowed by this section:
  - a. Physical features or small size or irregular shape of potential residual lot such that efficient use of farm machinery would not be possible or that said land would be left to no useful purpose; or
  - b. Combination of physical features and setting such that the maximum lot size allowed in this section for a lot proposed in a minor or major subdivision is too small to accommodate a dwelling, drainfield, and well so as to meet the minimal applicable health standards and provided that no lot may be created or increased

ARTICLE I – ZONING ORDINANCE  
2021 EDITION

in area so as to exceed a maximum area of four acres. An application for a maximum lot size exception, submitted under this section, shall be accompanied by a written statement prepared by a Virginia Health Department environmental specialist or a professional soil scientist (as defined in [County Code Chapter 143, Septic Systems](#)) stating why the proposed lot could not accommodate a dwelling, drainfield, and well meeting Virginia and Clarke County health standards within the maximum lot size allowed in this section. Lots proposed in a major subdivision are not eligible for a Maximum Lot Size Exception under this section; or

- c. Land that is part of a lot where such land has been determined by the Zoning Administrator to be not important farmland.

- 3. Important farmland determination. For the purpose of granting maximum lot size exceptions under this section, the dominant decision-making tool shall be the [Clarke County Land Evaluation and Site Assessment \(LESA\) System, edition dated March 24, 1992](#), which is maintained for public use, inspection and information in the Clarke County Administrative Offices in Berryville, Virginia, and is hereby incorporated into and made a part of this Ordinance as if fully set out herein. The Zoning Administrator shall use the aforementioned LESA System to evaluate a maximum lot size exception. A report on the result shall be forwarded to the Commission. The Commission shall designate as Important Farmland any lands with the following characteristics:

Lot Size	LESA Rating
Under 40 Acres	72% or More
40-129.99 Acres	68% or More
130 Acres or More	64% or More

In instances where the LESA score of a lot is within four points above or below the minimum LESA rating that qualifies a lot as Important Farmland, the Commission may grant or deny a maximum lot size exception, depending on the evidence presented indicating whether the subject land is important farmland. In these instances, the Commission may consider:

- The extent that the proposed lot exceeds the maximum lot size allowed in this section;
- Whether the LESA System accurately reflects the suitability of the subject lot for continuing agricultural use; and
- Factors reasonably related to agricultural suitability of the subject lot that are not appropriately addressed by the LESA System, such as physical features.

In instances where the lot being subdivided is 20 acres or larger and the LESA score of a lot is within four points above or below the minimum LESA rating that qualifies a lot as Important Farmland, and the Commission grants a maximum lot size exception, the area of the proposed lot shall not exceed four acres. If the LESA score is between five and twelve points below the minimum LESA rating, the area of the proposed lot shall not

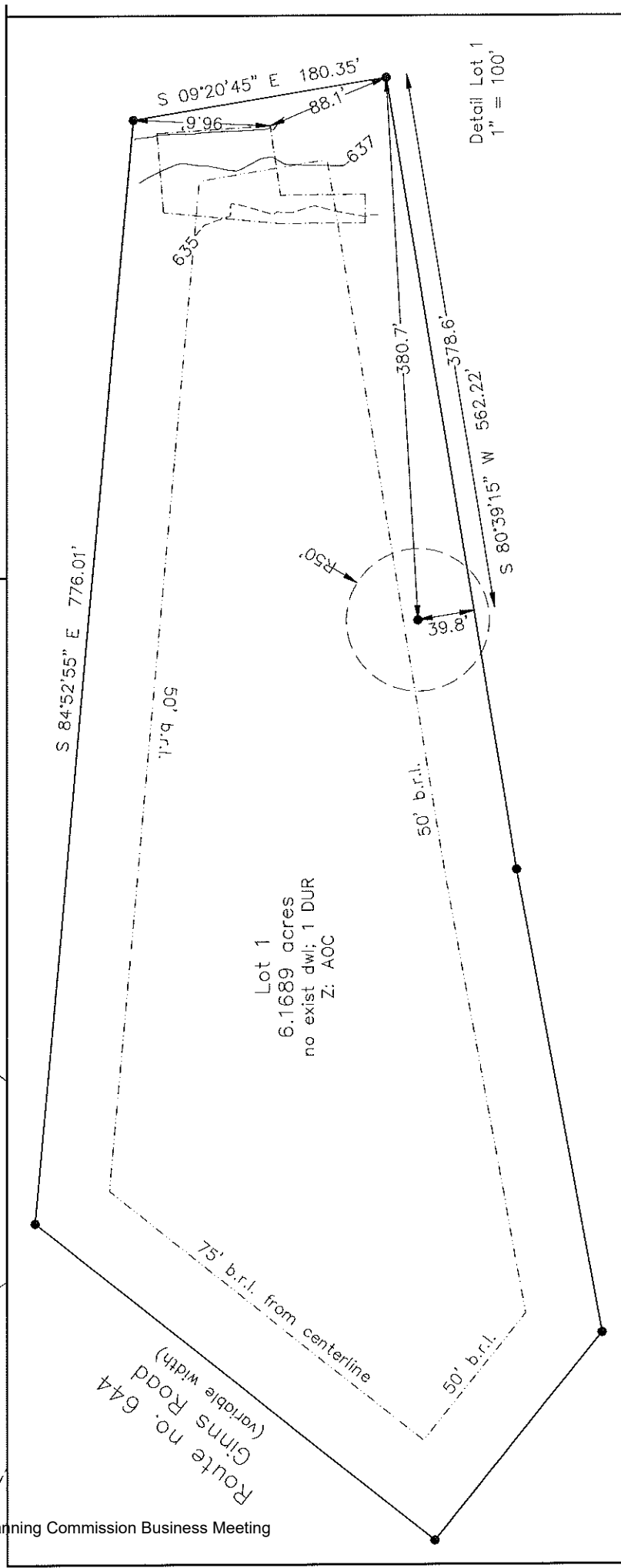
ARTICLE I – ZONING ORDINANCE  
2021 EDITION

exceed six acres. In instances where the LESA score of a lot is twelve or more points below the minimum LESA rating, or the lot being subdivided is less than 20 acres, the area of the proposed lot shall not exceed the acreage determined by the Commission. In any instance, the Commission may set a maximum area less than specified above.

- D. Expiration.** A maximum lot size exception approval by the Planning Commission shall remain valid for so long as the Commission’s approval of the accompanying minor or major subdivision application remains valid in accordance with [Article II, Subdivision Ordinance, Section 3.2 \(Subdivision Review Processes\)](#).
- E. Appeal.** An applicant aggrieved by a decision of the Planning Commission on a maximum lot size exception request may appeal any decision or designation made under the provisions of this Section to the Board of Supervisors. Such appeal shall be filed with the Zoning Administrator within 30 days of the date of action by the Planning Commission.

<b>6.2.7</b>	<b>PRE-HARVEST PLAN (PHP)</b> This review process is required for commercial forestry activities that exceed one acre of harvested area.	
	<u>Approval Authority:</u> Zoning Administrator	<u>Time Limit for Review:</u> None
	<u>Pre-Application Meeting Required:</u> No	<u>Public Hearing Required:</u> No
	<u>Other Applicable Deadlines:</u> Application to be filed at least 10 business days before start of a harvest operation	<u>Expiration:</u> See <a href="#">Subsection D</a>

- A. When Required.** The cutting or logging of any trees for profit that exceeds one acre of harvested area, shall not be conducted without a pre-harvest plan, which shall include Virginia Department of Forestry Best Management Practices. Pre-harvest plans are reviewed by the Zoning Administrator and a consulting forester or certified arborist for compliance with County ordinance.
- B. Review Procedures.**
  1. Applicant submits a complete pre-harvest plan application and required fees to the Zoning Administrator at least 10 business days before the start of a harvest operation.
  2. Zoning Administrator reviews the application for compliance with Ordinance requirements and consults with reviewing agencies and departments if necessary.



S 84°52'55" E 776.01'

50' b.r.l.

Lot 1  
6.1689 acres  
no exist dwl; 1 DUR  
Z: AOC

75' b.r.l. from centerline

50' b.r.l.

50' b.r.l.

S 09°20'45" E 180.35'

9.96'

88.1'

637'

635'

380.7'

378.6'

562.22'

Detail Lot 1  
1" = 100'

R50

39.8'

S 80°39'15" W

Route no. 644  
Gims Road  
(variable width)

## LESA CALCULATION

Name Hoff  
TAX MAP# 20-A-18F  
ACRES 6.1

LAND EVALUATION			
SOIL TYPE	AREA (ACRE)	SOIL RELATIVE VALUE	RELATIVE VALUE PRODUCT
33B	1.63	82	133.66
5B	0.52	59	30.68
32B	0.67	82	54.94
43C	3.28	35	114.8

6.1

334.08

LE=TOTAL RELATIVE VALUE PRODUCT/TOTAL ACRES =

54.76721

CRITERIA	SITE ASSESSMENT MAX. VALUE	CALCULATED VALUE
1) Size of farm	7.0	0
2) Compatible with comprehensive plan	6.0	6
3) Adjacent to agricultural use	5.0	3.75
4i) Access to water/sewer	4.0	4
4ii) Road frontage	2.4	2.4
4iii) Limited access artery impairing use	2.0	2
4iv) Utility easements/ROW impairing use	1.6	1.6
4b) Zoning/land use	4.0	4
4c) Mineral rights leased	1.0	1
5a) Scenic easement	3.0	0
5b) Ag. District	2.7	0
5c) Ag. Zoning	2.1	2.1
5d) Historic or scenic resources	1.5	0
6) Distance to town	2.0	2
7) Water resources	1.0	0
	45.3	28.9

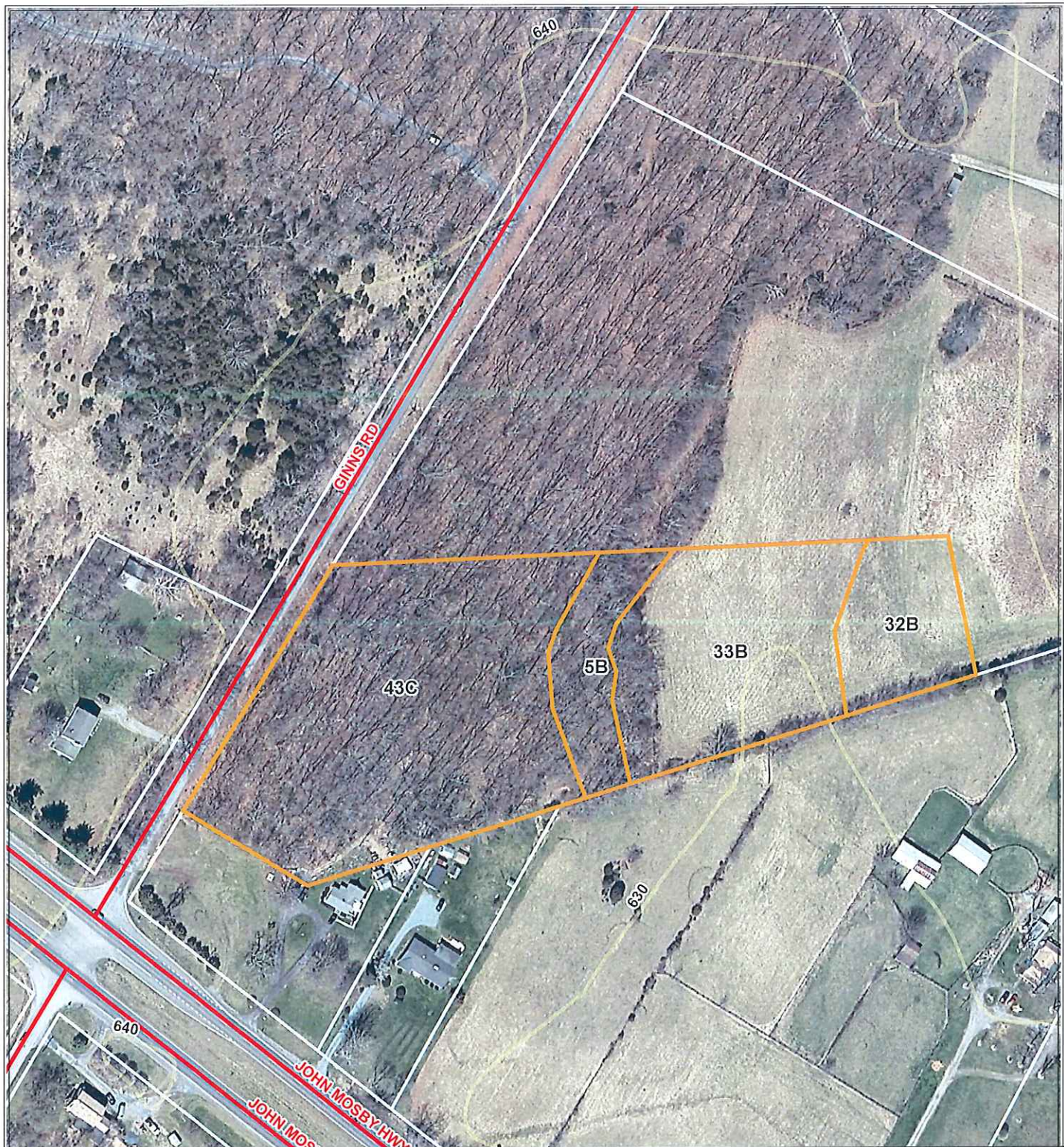
$$SA = \text{TOT.CALC.VAL.} / \text{TOT.MAX. VALUE} \times 100 = 63.68653$$

$$LESA = (WF)(LE) + (1-WF)(SA) = 61.46$$

IF AREA  $\geq$  40 ACRE, THEN WF = .33

IF AREA < 40 ACRE, THEN WF = .25

(For easement property evaluation score only) 1/2 LESA Score



Hoff, 20-A-18F



June 7, 2022  
Clarke County GIS

100 50 0 100 Feet

September 2, 2022 Planning Commission Business Meeting



- Public Roads
- Hoff 20\_A\_18F\_Subdivision\_Lot\_Soil
- Hoff 20\_A\_18F Parcel Boundary
- 10ft countours



## LESA CALCULATION

Name Hoff  
 TAX MAP# 20-A-18F  
 ACRES 73

### LAND EVALUATION

SOIL TYPE	AREA (ACRE)	GROUP	SOIL RELATIVE VALUE	RELATIVE VALUE PRODUCT
31B	20.85	1	100	2085
32B	15.97	4	82	1309.54
33B	3.34	5	82	273.88
43C	7.3	9	35	255.5
5B	26.16	7	59	1543.44

73.62

5467.36

**LE=TOTAL RELATIVE VALUE PRODUCT/TOTAL ACRES =**

**74.2646**



CRITERIA	SITE ASSESSMENT MAX. VALUE	CALCULATED VALUE
1) Size of farm	7.0	4.69
2) Compatible with comprehensive plan	6.0	6
3) Adjacent to agricultural use	5.0	3.75
4i) Access to water/sewer	4.0	4
4ii) Road frontage	2.4	2.4
4iii) Limited access artery impairing use	2.0	2
4iv) Utility easements/ROW impairing use	1.6	1.6
4b) Zoning/land use	4.0	4
4c) Mineral rights leased	1.0	1
5a) Scenic easement	3.0	1.8
5b) Ag. District	2.7	1.5
5c) Ag. Zoning	2.1	2.1
5d) Historic or scenic resources	1.5	0
6) Distance to town	2.0	2
7) Water resources	1.0	0.4
	45.3	37.2

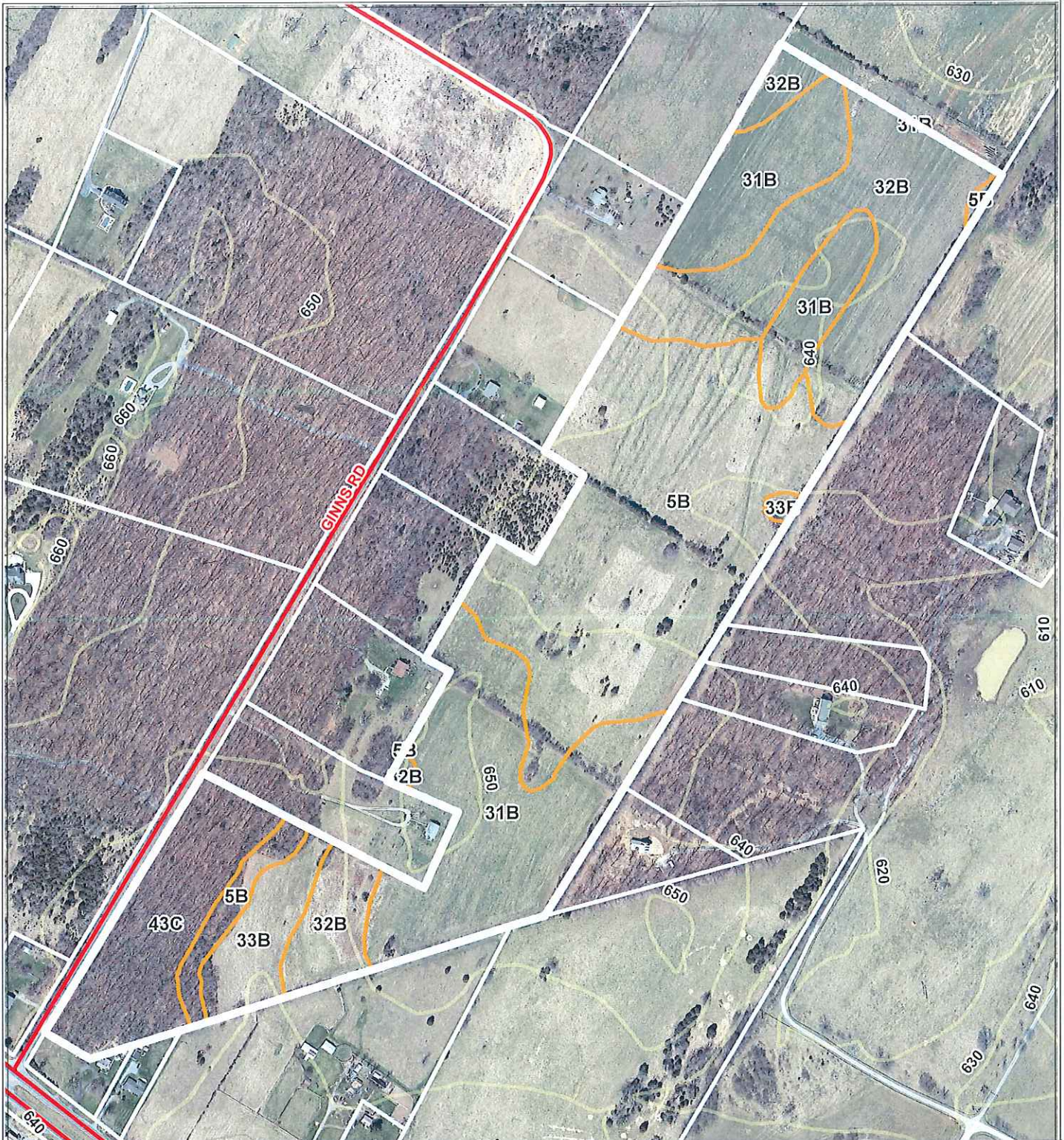
$$SA = \text{TOT.CALC.VAL.} / \text{TOT.MAX. VALUE} \times 100 = 82.20751$$

$$LESA = (WF)(LE) + (1-WF)(SA) = 79.59$$

IF AREA ≥ 40 ACRE, THEN WF = .33

IF AREA < 40 ACRE, THEN WF = .25

(For easement property evaluation score only) 1/2 LESA Score



Hoff, 20-A-18F







June 7, 2022  
Clarke County GIS

260 130 0 260 Feet

September 2, 2022 Planning Commission Business Meeting



-  Public Roads
-  Hoff20\_A\_18FEntire\_Soil\_Clip
-  Parcel Boundary
-  10ft contours



## LESA CALCULATION

Name Hoff

TAX MAP# 20-A-18F

ACRES Remainder 67 acres

### LAND EVALUATION

SOIL TYPE	AREA (ACRE)	GROUP	SOIL RELATIVE VALUE	RELATIVE VALUE PRODUCT
31B	20.85	1	100	2085
32B	15.29	4	82	1253.78
33B	1.71	5	82	140.22
43C	4.02	9	35	140.7
5B	25.64	7	59	1512.76

67.51

5132.46

LE=TOTAL RELATIVE VALUE PRODUCT/TOTAL ACRES =

76.02518

CRITERIA	SITE ASSESSMENT MAX. VALUE	CALCULATED VALUE
1) Size of farm	7.0	4.69
2) Compatible with comprehensive plan	6.0	6
3) Adjacent to agricultural use	5.0	3.75
4i) Access to water/sewer	4.0	4
4ii) Road frontage	2.4	2.4
4iii) Limited access artery impairing use	2.0	2
4iv) Utility easements/ROW impairing use	1.6	1.6
4b) Zoning/land use	4.0	4
4c) Mineral rights leased	1.0	1
5a) Scenic easement	3.0	1.8
5b) Ag. District	2.7	1.5
5c) Ag. Zoning	2.1	2.1
5d) Historic or scenic resources	1.5	0
6) Distance to town	2.0	2
7) Water resources	1.0	0.4
	45.3	37.2

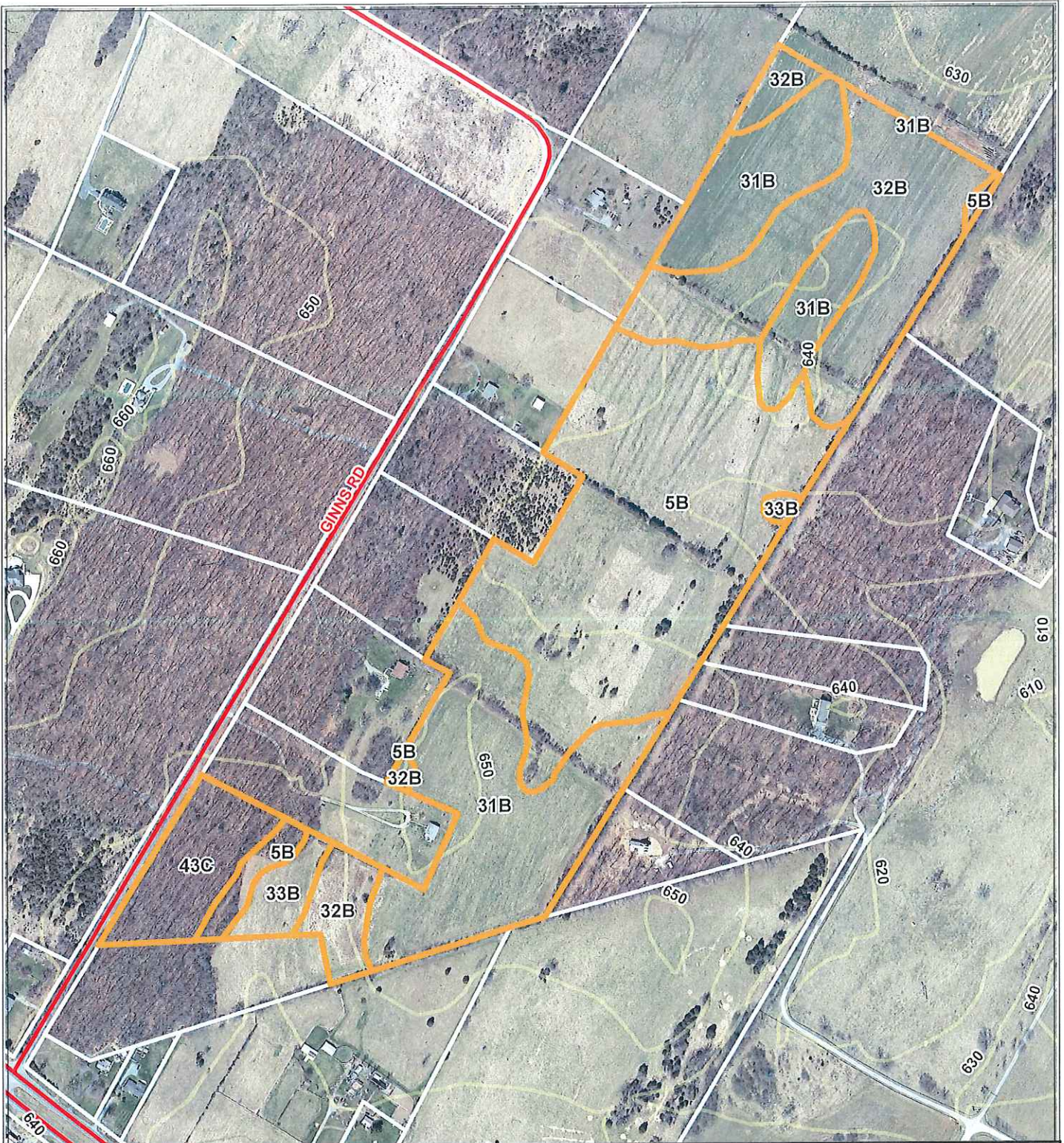
$$SA = \text{TOT.CALC.VAL.} / \text{TOT.MAX. VALUE} \times 100 = 82.20751$$

$$LESA = (WF)(LE) + (1-WF)(SA) = 80.17$$

IF AREA  $\geq$  40 ACRE, THEN WF = .33

IF AREA < 40 ACRE, THEN WF = .25

(For easement property evaluation score only) 1/2 LESA Score



Hoff, 20-A-18F







June 7, 2022  
Clarke County GIS

260 130 0 260 Feet

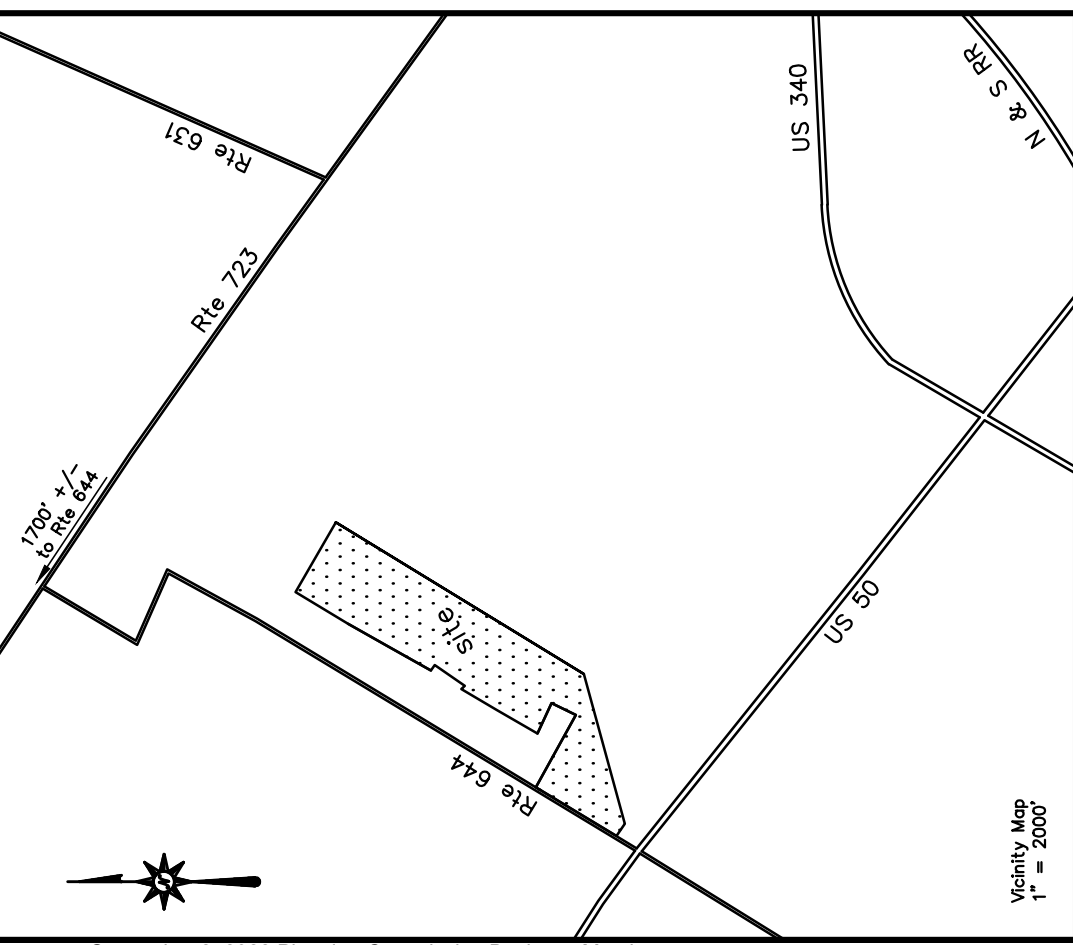
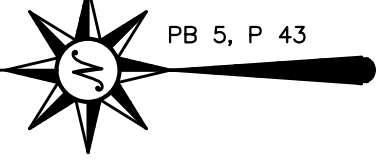
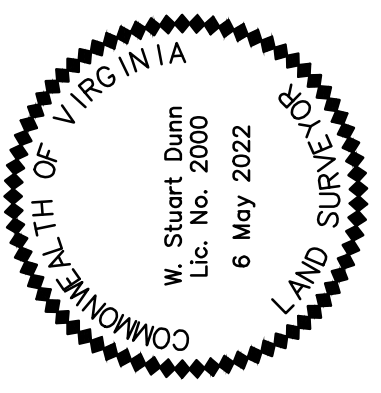
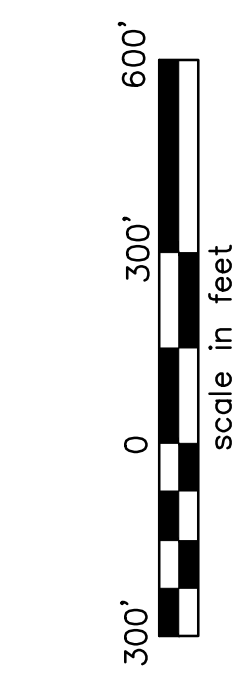
September 2, 2022 Planning Commission Business Meeting



-  Hoff20\_A\_18FRemainder\_Soil\_Clip
-  Public Roads
-  Parcel Boundary
-  10ft countours



Note: Lot 1, a parcel that exceeds the maximum area allowed in the AOC Zone, is approved pursuant to Clarke County Zoning Ordinance Section 6.2.6.C.2 and 3.



LINE	BEARING	DISTANCE
L1	S 79°38'01" W	330.03'
L2	N 51°14'47" W	186.78'
L3	N 32°26'23" E	287.72'
L4	N 58°02'22" W	266.45'
L5	S 51°52'49" W	100.00'
L6	S 51°05'41" E	162.33'
L7	N 49°38'15" W	162.51'
L8	S 81°22'55" W	126.12'
L9	S 09°20'45" E	180.35'

Approval:

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

Chairman of Planning Commission \_\_\_\_\_ date:

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

**Surveyor's Certificate:** I, W. Stuart Dunn, a duly authorized Land Surveyor, do hereby certify that the land herein subdivided is in the name of George M. Hoff, and was acquired by him as stated in the Owner's Certificate. I further certify that this tract is property and accurately described and is within the boundary of the original tract and is referenced to the meridian established in Plat Book 5, Page 43. I further certify that the monuments designated hereon have been set in accordance with the Subdivision Ordinance of Clarke County, Virginia.

W. Stuart Dunn, C.L.S. #2000  
Berryville, Virginia

**Owner's Certificate:** The undersigned fee simple owner hereby certifies that the foregoing Minor Subdivision of 6.1689 acres, being a portion of Tax Map 20-A-18F, standing in the name of George M. Hoff, also known as George Matthew Hoff, in deed recorded as Deed Book 520, Page 758, of record in the Circuit Court of Clarke County, Virginia, is made with the free consent and in accordance with the desires of the undersigned owner of said land and the same is hereby confirmed and submitted for record in the aforesaid Clerk's Office.

George M. Hoff  
278 Ginns Road, Boyce VA 22620

State of Virginia, City/County of \_\_\_\_\_, to wit: I, \_\_\_\_\_, do hereby certify that George M. Hoff, whose name is signed in the Owner's Certificate has acknowledged the same before me.

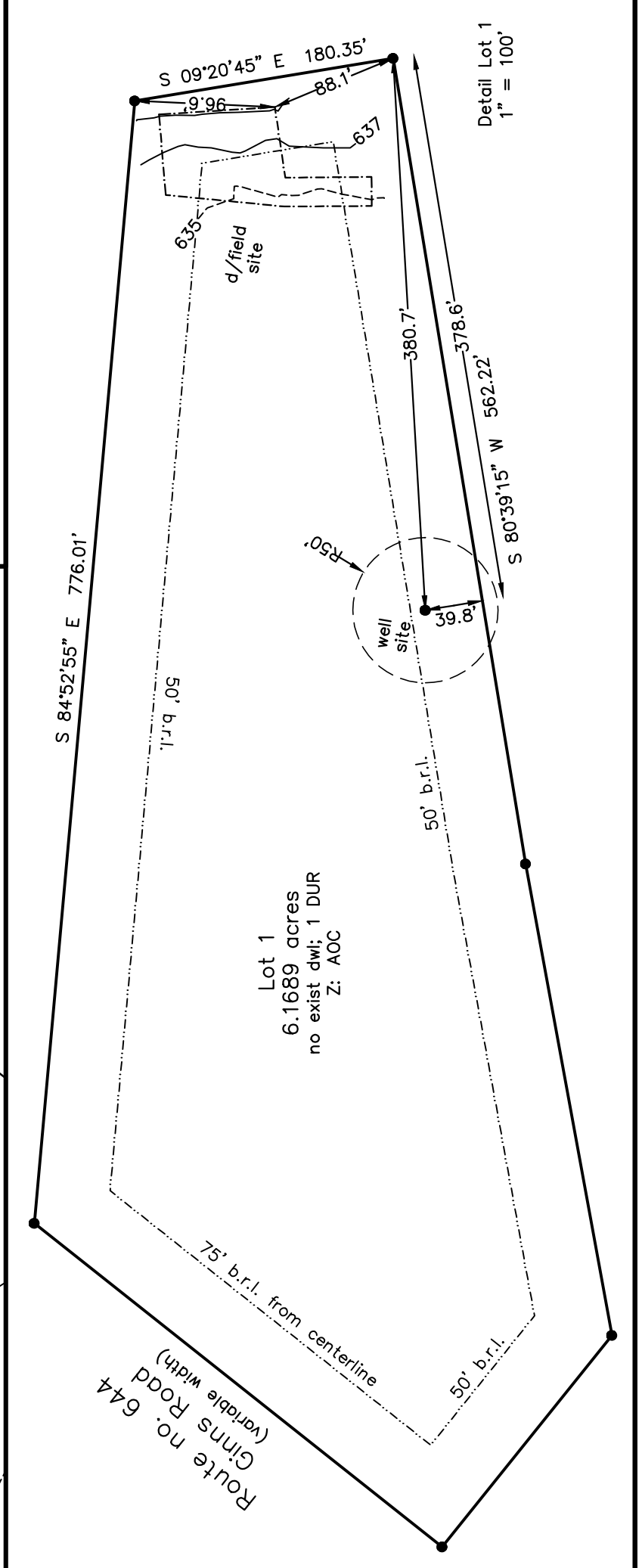
My commission expires: \_\_\_\_\_

Notary Public: \_\_\_\_\_ day of \_\_\_\_\_ 2022

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ 2022

**Notes:**

- Lot 1, 6.1689 acres, has no existing dwelling and 1 DUR. The Residue Lot, 66.6661 acres, has no existing dwelling and 1 DUR.
- Setbacks as follows:  
Lot 1: 75 feet from the centerline of Route no. 644, 50 feet from all property lines, 50 feet from any intermittent stream, 100 feet from any perennial stream, spring and/or sinkhole.  
Residue Lot: 100 feet from the centerline of Route no. 644, 75 feet from the edge of the 30 foot private access easement, 75 feet all property lines, 50 feet from any intermittent stream, 100 feet from any perennial stream, spring and/or sinkhole.
- Tracts are in AOC zoning district (agricultural - open space - conservation); use is agricultural.
- i.r.s. = iron rod set; i.r.f. = iron rod found; i.p.f. = iron pipe found; b.r.l. = building restriction line; DUR = dwelling unit right; esmt = easement; d/f = drain field
- 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.
- This land is in Flood Zone X as designated by HUD, established from FIRM Community Panel no. 51043C0130D, effective September 28, 2007.
- Vegetated property buffer except for those land uses listed as exempt, existing woody vegetation within 25 feet of all property lines shall be retained on parcels of less than 20 acres, as per Section 3-A-1-f of the Clarke County Zoning Ordinance.
- 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.
- The entrance to Lot 1 will need to meet VDOT's Private Entrance Standard PE-1.
- A Land Use Permit shall be obtained prior to any work being performed in the State right-of-way. The permit is issued by the VDOT Edinburg office. It will require application fees and surety coverage.



Composite Plat of Minor Subdivision  
of the Land of  
**George M. Hoff**  
(also known as George Matthew Hoff)  
Deed Book 520, Page 758 Tax Map 20-A-18F  
Greenway Magisterial District, Clarke County, Virginia

Dunn Land Surveys, Inc.  
106 North Church Street  
Berryville, Virginia 22611  
Tel: 540-955-3388  
May 6, 2022

Survey no. 890C

**Area Table:**

72.8350 acres	area of record of TM 20-A-18F	(no exist dwl, 2 DUR)
6.1689 acres	area of Lot 1	(no exist dwl, 1 DUR)
66.6661 acres	area of Residue Lot	(no exist dwl, 1 DUR)
0.0000 acres	area dedicated to public use	