

**CLARKE COUNTY PLANNING COMMISSION
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Clarke County Planning Commission

AGENDA – Regular Meeting

Friday, June 2, 2017 – 9:00AM

BERRYVILLE/CLARKE COUNTY Government Center – Main Meeting Room

1. Approval of Agenda
2. Approval of Minutes – May 5, 2017 Regular Meeting

Set Public Hearing Items

3. SUP-17-01, Hecate Energy Clarke County LLC and Hecate Energy LLC.

Minor Subdivision Applications

4. MS-17-01, Charles & Cynthia Biggs

Other Requests

5. BLA-17-04, Leigh M. Garry

Board/Committee Reports

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

Other Business

Adjourn

UPCOMING MEETINGS

NOTE ALTERNATE DATE: Wednesday, July 5, 2017 (3:00PM) – Briefing Meeting
Friday, July 7, 2017 (9:00AM) – Regular Meeting

Clarke County



**PLANNING COMMISSION
REGULAR MEETING MINUTES -- DRAFT
FRIDAY, MAY 5, 2017**

A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Friday, May 5, 2017.

ATTENDANCE

George L. Ohrstrom, II, Chair; Anne Caldwell, Vice Chair; Robina Bouffault; Randy Buckley; Mary Daniel; Scott Kreider; Gwendolyn Malone; Cliff Nelson and Jon Turkel.

ABSENT: Doug Kruhm and Frank Lee

STAFF

Brandon Stidham, Planning Director; Ryan Fincham, Senior Planner/Zoning Administrator; and Debbie Bean, Recording Secretary.

CALLED TO ORDER

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

APPROVAL OF AGENDA

The Commission voted to approve the Agenda as presented.

Yes: Bouffault, Buckley, Caldwell, Daniel, Kreider, Malone (seconded), Nelson (moved), Ohrstrom and Turkel

No: No one

Absent: Kruhm and Lee

APPROVAL OF MINUTES

The Commission voted to approve the briefing meeting minutes of April 4, 2017 as presented.

Yes: Bouffault (moved), Buckley, Caldwell (seconded), Daniel, Kreider, Malone, Nelson, and Turkel

No: No one

Absent: Kruhm and Lee

Abstained: Ohrstrom

The Commission voted to approve the regular meeting minutes of April 7, 2017 as presented.

Yes: Bouffault, Buckley, Caldwell (moved), Daniel, Kreider, Malone (seconded), Nelson and Ohrstrom

No: No one

Absent: Kruhm and Lee

Abstained: Turkel

Public Hearing Items

TA-17-02, Wireless Communication Facilities (WCFs). Proposed text amendments to amend §3-A-1 (Agricultural-Open Space-Conservation District – AOC), §3-A-2 (Forestal-Open Space-Conservation District – FOC), §3-A-3 (Rural Residential District – RR), §3-A-12 (Neighborhood Commercial District – CN), §3-A-13 (Highway Commercial District – CH), §3-C-2-u (Monopoles for Telecommunication Antennae), §3-E-3 (Historic District), §3-E-4 (Historic Access Overlay District), §6-H-12 (Monopoles for Telecommunication Antennae), and Article 9 (Definitions) of the Zoning Ordinance. The purpose of the text amendments is to revise the requirements for the siting, construction, and modification of monopoles, towers, stealth structures, support structures, and associated equipment. Specific changes include but are not limited to:

- Maximum allowable height of a new WCF would be increased from 100 feet to 199 feet, subject to special use permit and site plan approval and compliance with new siting regulations.
- Use the County’s Telecommunications Infrastructure and Broadband Study as a guide in locating WCFs to maximize telecommunications service to residents and businesses and to minimize adverse impact on the County’s scenic and historic resources.
- New design requirements for stealth WCFs, including silos, flag poles, bell towers, and tree structures.
- New requirement for review of WCF applications by a third-party wireless telecommunications engineering consultant.
- New regulations for construction of amateur radio antennas consistent with State and Federal law.

Mr. Stidham gave a brief presentation of the proposed changes in this text amendment. He stated that this text amendment was developed by the Planning Commission as a follow-up to the July 2015 adoption of a text amendment to bring the County’s monopole regulations into compliance with the new Federal regulations regarding co-location of antennas on existing monopoles. He stated that in the fall of 2014 the County was contacted by attorney Frank Stearns (representing Verizon Wireless) regarding a possible project to add new antennas to an existing monopole (“co-location) and at that time made Staff aware of the new Federal co-location requirements. Mr. Stearns said that the County’s regulations have not been updated in many years and do not take into consideration new technologies for wireless telecommunications and broadband service. Mr. Stidham stated that Mr. Stearns summarized these additional concerns in a June 2015 letter to Planning Staff. He said that the Planning Commission formed a Telecommunications Subcommittee in May 2015 consisting of three Commissioners (Robina Bouffault, Douglas Kruhm and Jon Turkel) to evaluate these issues and recommend potential ordinance amendments. He explained the specific changes include but are not limited to:

- Maximum allowable height of a new wireless communication facility (WCF) would be increased from 100 feet to 199 feet, subject to special use permit and site plan approval and compliance with the new siting regulations.

- Use the County’s Telecommunications Infrastructure and Broadband Study as a guide in locating WCFs to maximize telecommunications service to residents and businesses and to minimize adverse impact on the county’s scenic and historic resources.
- New design requirements for stealth WCTs, including silos, flag poles, bell towers, and tree structures.
- New requirement for review of WCF applications by a third-party wireless telecommunications engineering consultant.
- New regulations for construction of amateur radio antennas consistent with State and Federal law.

He said that Staff has no outstanding concerns with the adoption of the proposed text amendment. After discussion with Staff and the Commission, Chair Ohrstrom opened the Public Hearing.

Frank Stearns (representing Verizon Wireless) was present and thanked Staff and the subcommittee for their work with this revolving issue for new technology. He said that this proposed text amendment will help in the direction for adding wireless telecommunication facilities to the community. He stated that this is a much needed service in the community and Verizon Wireless and others want to come to this area and feel wanted.

There being no further public comments, Chair Ohrstrom called for a motion.

The Commission voted to recommend adoption of the proposed text amendment as presented to the Board of Supervisors.

Yes: Bouffault (moved), Buckley, Caldwell, Daniel, Kreider (seconded), Malone, Nelson, Ohrstrom and Turkel

No: No one

Absent: Kruhm and Lee

Other Requests

Request for Plat Recordation Extension – MS-16-09 (DeHaven)

Mr. Fincham explained that Ron DeHaven, Sr. is requesting to extend the six month requirement for plat recordation of the DeHaven Minor Subdivision (MS-16-09). He said the reason for the request is that the mortgage holder for the farm (Ditech Financial, LLC) has not yet signed the Deed of Subdivision and Dedication. He stated that the approval date of the Minor Subdivision was November 4, 2016. He said that this written request has been made within the six months of the date of original approval. He stated that the owner is hopeful that the Plat and Deed will be recorded soon, but he wants to have an extension so that, in the event the recordation does not occur before May 18th, he will not have to pay the \$4,000 subdivision fee and go back thru the subdivision process. He said that Staff is recommending approval of a one-time six month extension. After discussion with Staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted for approval for a one time six month extension.

Yes: Bouffault, Buckley, Caldwell, Daniel, Kreider, Malone (seconded), Nelson (moved), Ohrstrom and Turkel

No: No one

Absent: Kruhm and Lee

Board/Committee Reports

Board of Supervisors (Mary Daniel)

Commissioner Daniel stated the budget was approved and that real estate taxes were reduced by a penny. She said that the reduction was due to the County paying off debt for the schools within 10 years as planned. She said that the County personnel policy has been rewritten but the Constitutional officers are independent of the policy.

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

Chair Ohrstrom stated that a substantial compliance variance was issued for a well setback.

Board of Zoning Appeals (Anne Caldwell)

No report.

Historic Preservation Commission (Doug Kruhm)

Vice Chair Caldwell said that the next regular meeting for the HPC is scheduled for 11:00 am on May 17th at the Camino Real Restaurant and the awards luncheon will follow.

Conservation Easement Authority (George Ohrstrom, II)

Commissioner Buckley said that two interns will be starting in a few weeks and they will be doing inspections and monitoring for the summer.

On motion by Commissioner Malone and seconded by Commissioner Turkel the meeting was adjourned at 9:28 a.m.

George L. Ohrstrom, II, Chair

Brandon Stidham, Director of Planning

Minutes prepared by Debbie Bean, Recording Secretary

**SPECIAL USE PERMIT/SITE PLAN (SUP-17-01)
Hecate Energy Clarke County LLC and Hecate Energy LLC
June 2, 2017 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 land use request. It may be useful to members of the general public interested in this request.

Case Summary

Applicant:

Hecate Energy Clarke County LLC and Hecate Energy LLC

Property Owner:

Montie W. Gibson, Jr.

Location:

- North side of Lord Fairfax Highway (U.S. 340) with frontage on the west side of Gun Barrel Road (Rt. 644), north side of Double Tollgate Road (Rt. 670), north side of Highland Corners Road (Rt. 669), and east side of Stonewall Jackson Highway (U.S. 522).
- Tax Map #27-A-5, is 234.84 acres in size, and is located in the White Post Election District.
- White Post Election District (Commissioners – Robina Bouffault, Randy Buckley; Board of Supervisors – Beverly McKay)

Parcel Size/Project Area:

- Parcel Size -- 234.84 acres
- Phase 1 Project Area – 105.2043 acres
- Phase 2 Project Area – 222.9809 acres

Request:

Request amendment of Special Use Permit (SUP) SUP-16-01, approved by the Board of Supervisors on June 21, 2016, to construct a 20MW solar power plant, large photovoltaic. The purpose of the request is to divide the SUP into two separate permits to allow for separate ownership and development of “Phase 1” and “Phase 2” of the facility as depicted on the approved site development plan (SP-16-01 as amended).

Staff Recommendation:

Schedule Public Hearing for the Planning Commission’s July 7, 2017 Meeting.

Background:

Hecate Energy LLC recently approached Staff regarding the potential sale of the 10MW portion of the solar power plant that is currently under construction, referenced as “Phase 1” on the approved site development plan (SP-16-01 as amended). Under the proposal, Phase 1 would be sold to a prospective purchaser who would operate the facility in a manner fully consistent with the SUP and approved site development plan. “Hecate Energy Clarke County LLC” – the corporate entity that holds Special Use Permit SUP-16-01 for development and operation of the solar power plant – would also be sold to the prospective purchaser. The purchaser is only interested in accepting ownership and responsibility for Phase 1 of the project.

Hecate Energy LLC would retain ownership of the undeveloped portion of the project, referenced as “Phase 2” on the site development plan. Ownership of the subject property would remain with Montie W. Gibson, Jr.

During the 2016 deliberation of the original SUP application, it was contemplated that the project could be sold to a different owner who would take responsibility for the SUP and site development plan, and the SUP conditions were drafted to address this scenario. The potential sale of the project by development phase to two separate owners was not discussed and therefore not addressed in the SUP or the approved conditions.

In order to accomplish the Applicants’ desired end result, SUP-16-01 would have to be divided into two separate special use permits each with their own set of conditions that apply to the respective development phases. Hecate Energy Clarke County LLC would be the holder of a special use permit for Phase 1 (SUP-17-01) and Hecate Energy LLC would be the holder of a special use permit for Phase 2 (to be identified as SUP-17-02 if approved by the Board of Supervisors). Since no substantive changes are proposed by the Applicants to the approved site development plan, no further action on the plan would be required by the Commission and Board. Staff has identified changes of an administrative nature that would be required on the site development plan to reflect division of the SUP. These changes can be addressed by Staff with the Applicants if the SUP amendment request is ultimately approved.

The Applicants have provided draft revisions to the SUP conditions for consideration. They have also provided a cover letter describing their request and noting that due to time constraints, they are requesting an expedited review in the form of a joint public hearing of the Commission and Board on July 7. This request for an expedited review has been discussed by the Board and they declined to hold a joint public hearing to avoid deviating from their practice of holding public hearings in the evening. They did take formal action to schedule public hearing at their July 18 meeting pending completion of the Commission’s review. This would shorten the typical review period by roughly one month.

Staff Analysis

Staff has worked closely with the County Attorney on the processing of this application and on the development of two sets of conditions that would apply to separate special use permits for the project phases. The goal is to retain as much of the existing language as possible while making changes to clarify that the development and maintenance responsibilities would be divided by phase. Staff also evaluated the proposed conditions that were provided by the Applicants. A

summary of the proposed changes to the current conditions is included below and the draft text of the amended conditions can be found at the end of this report.

Summary of Draft SUP Conditions for Phase 1 (Hecate Energy Clarke County LLC, SUP-17-01)

- **Condition #1.** Language is amended to note that this SUP would apply only to the portion of the facility identified as Phase 1 on the site development plan. Language is added to note that these conditions supersede the previous conditions in SUP-16-01 and that development shall comply with Phase 1 of the approved site development plan (SP-16-01 as amended).
- **Condition #2.** Language is added to require revised site development plans to be provided to Planning Department Staff for final signature within 30 days of the approval date of the SUP amendment by the Board of Supervisors. Staff notes that the site development plan revisions that would be needed as a result of this application are of an administrative nature. These are discussed in greater detail later in this report.
- **Condition #4.** Language is added to indicate that ongoing maintenance of site features will only be required for those shown in Phase 1 on the site development plan.
- **Condition #13.** Language in the description of the “Initial Inspection Period” for Karst monitoring is amended to indicate that the duration is a five-year period beginning from the completion of Phase 1 rather than five years from the completion date of Phase 2. This will allow the permit holder to be responsible for Karst monitoring only on Phase 1 and independent of the Phase 2 development timing. Staff notes that no changes are recommended to the Karst monitoring condition (#12) in Phase 2. The current language will require the Phase 2 permit holder to begin Karst monitoring at the completion of Phase 1 on the same time schedule as the Phase 1 permit holder. This would allow the Karst monitoring report to be prepared collaboratively by both permit holders if desired.
- **Condition #15.** This condition is amended to state that “Hecate Energy Clarke County LLC” is responsible for payments under the executed Payment Agreement for Phase 1.

Summary of Draft SUP Conditions for Phase 2 (Hecate Energy LLC, SUP-17-02)

- **Condition #1.** Language is amended to note that this SUP is issued to “Hecate Energy LLC” and would apply only to the portion of the facility identified as Phase 2 on the site development plan. Language is added to note that these conditions supersede the previous conditions in SUP-16-01 and that development shall comply with Phase 2 of the approved site development plan (SP-16-01 as amended).
- **Condition #2.** Language is added to require revised site development plans to be provided to Planning Department Staff for final signature within 30 days of the approval date of the SUP amendment by the Board of Supervisors.
- **Condition #4.** Language is added to indicate that ongoing maintenance of site features will only be required for those shown in Phase 2 on the site development plan.

Maintenance of the property entrance is deleted from this condition as the entrance is located entirely on Phase 1 and will be the Phase 1 permit holder's responsibility.

- **Condition #7.** This condition regarding abandonment of the existing well is deleted as the well (which has been properly abandoned as of the drafting of the report) is located on Phase 1.
- **Condition #14.** This condition is amended to state that "Hecate Energy LLC" is responsible for payments under the executed Payment Agreement for Phase 2.
- **Condition #15.** This is a new condition that is added regarding potential revocation of this special use permit consistent with Zoning Ordinance §5-C. The condition states that if land disturbance and building permits are not obtained for Phase 2 within two years of the Board's approval date of the SUP, the Board may take action to revoke the SUP. Staff recommends use of the term "may" so that the development status can be evaluated before determining whether the permit should be revoked.

Proposed Changes to Site Development Plan

Staff has determined that the proposed amendment of the special use permit will have minimal impact on the approved site development plan. All required changes would be of an administrative nature and can be acted upon by staff as a site plan amendment without further action by the Commission and Board. These changes include:

- Labeling in various locations to indicate new SUP case numbers and permit holder names for the two phases of development.
- Addition of signature blocks for the permit holders.
- Coordinate points for the phasing line to be shown. The Applicants' engineer indicated that the phasing line coincides with one of the existing easement lines and that these coordinates can be shown on the site development plan.
- Labeling of the phasing line on the landscape plan page.
- Various editorial changes to referenced special use permit condition numbers and insertion of any revised condition language as applicable.

None of these required changes would require additional review by outside agencies or the County's engineering consultant.

Staff Recommendation:

Staff recommends that the Commission schedule Public Hearing on this application for the July 7, 2017 meeting. All documentation has been provided by the Applicant to constitute a complete special use permit and site plan application and there are no outstanding concerns regarding the proposed use to warrant a delay at this time in scheduling the Public Hearing.

History:

- May 5, 2017. Special Use Permit Application filed by the applicants.
- June 2, 2017. Placed on the Commission’s June meeting agenda to schedule Public Hearing.

Revised Special Use Permit Conditions (changes from current version shown in red font with strikethroughs where applicable; new language in bold italicized font)

SUP-17-01, Hecate Energy Clarke County LLC/Hecate Energy LLC

1. **Special Use Permit purpose; nontransferable.** ~~This Special Use Permit is issued for the subject property for operation of a “solar power plant, large photovoltaic” solely by the Applicant, Hecate Energy Clarke County LLC.~~ *This Special Use Permit is issued for the operation of a “solar power plant, large photovoltaic” solely by the Applicant, Hecate Energy Clarke County LLC, on the portion of the subject property identified as “Phase 1” on the approved site development plan (SP-16-01 as amended). The Conditions set forth herein shall supersede the previously adopted conditions of SUP-16-01, Hecate Energy Clarke County LLC.* The Special Use Permit shall not be transferable to any other person or entity without prior approval of the Board of Supervisors as an amendment to the approved Special Use Permit conditions, such approval not to be unreasonably withheld. *Development pursuant to this Special Use Permit shall comply with “Phase 1” of the development shown on the approved site development plan (SP-16-01 as amended).*
2. **Applicant and Property Owner (“Owner”) to sign list of adopted permit conditions; provision of revised site development plan.** The Applicant and the Owner shall sign the list of adopted conditions to indicate receipt of the conditions and the intention to comply fully with the conditions for the life of the special use permit. A signed copy of the conditions shall be provided to Planning Department Staff (“Staff”) within thirty (30) days of the Applicant’s and Owner’s receipt of the adopted conditions. *Copies of the final site development plan, as amended in accordance with this Special Use Permit amendment request (SUP-17-01), shall be provided to Staff for final signature within thirty (30) days of the date of the Board of Supervisors’ approval of this Special Use Permit.*
3. **Access for inspections required.** Staff and other County officials shall have access to the property with 24 hour notice to the Applicant in order to conduct periodic compliance inspections of the facility and the subject property throughout the life of the permit.

4. **Ongoing maintenance of site features.** The following site features *applicable to “Phase 1” as depicted on the approved site development plan (SP-16-01 as amended)* shall be properly maintained throughout the life of the permit:

- Property entrance shall be maintained consistent with VDOT regulations.
- Vegetated property buffer including existing trees and shrubs and supplemental plantings as depicted on the approved landscaping plan per Zoning Ordinance requirements.
- Fences and gates.
- Outdoor lighting fixtures to ensure compliance with Zoning Ordinance requirements.
- Warning signage.
- Knox box for fire, emergency services, and law enforcement access.

5. **Decommissioning of facility.** The following condition shall set forth required provisions for decommissioning the facility either at the end of its lifespan or in the event of inactivity for more than two consecutive years.

- **Notice of inactivity.** The Applicant or Owner shall be responsible for notifying the Zoning Administrator within 30 days of the facility becoming inactive and no longer producing electric power. Notification shall be provided in writing and shall include the date that the facility ceased producing power. Failure to return the facility to an active status and producing electric power for two consecutive years shall constitute grounds for special use permit revocation.
- **Decommissioning process.** Upon completion of the facility’s lifespan or following revocation of the special use permit, the facility shall be decommissioned including removal of all equipment, panels, racking systems, wiring (including underground wiring), fencing, steel skids, concrete pads, and other above-ground features. All wetland protections, natural vegetation, erosion control, and stormwater features shall remain in place. The Applicant or Owner shall provide a decommissioning plan to Staff and applicable State agencies and obtain all required permits prior to conducting decommissioning activities. All decommissioning activities shall be completed within six months of providing notice of inactivity unless a longer time period is approved by the Zoning Administrator.

6. **Removal of debris.** All existing trash and debris shall be removed from the property and disposed of at an approved waste management facility prior to issuance of a certificate of occupancy. No trash, debris, or construction materials shall be buried or burned on site. Prior to issuance of a certificate of occupancy, the County shall be provided with written evidence, such as tipping receipts, of disposal of the debris at an approved waste management facility.

7. **Abandonment of existing well.** The existing well on the subject property as identified in the Applicant's environmental reconnaissance survey shall be abandoned in accordance with State and County ordinances prior to issuance of a certificate of occupancy.
8. **Blasting prohibited.** No blasting shall be allowed on the subject property.
9. **Fire & EMS coordination and training.** The Applicant will work proactively with the Director of Fire & Emergency Services to develop an agreed-upon set of procedures and protocols for managing risk of fire and for responding in the event of a fire or other emergency at the facility. These procedures and protocols shall be in the form of a Fire & Emergency Services Manual for Clarke County that shall be completed by the Applicant and accepted by the Director of Fire & Emergency Services or Staff prior to issuance of a certificate of occupancy to begin producing electric power. The Manual will specify the roles of responsible parties in the event of a fire or other emergency at the site. The plan will include at a minimum:
 - Clear statements on the responsibility for fire response decision making.
 - Related emergency communications direction as well as emergency phone numbers and key points of contact.
 - Special training for fire and emergency services personnel and a tour of the site to ensure upfront awareness of the site and equipment as well as points of ingress/egress.
 - Designated shutoff procedure and location for equipment shutoff.
 - Maps outlining location of key equipment including:
 - Location of lock box (or if desired the Director of Fire & Emergency Services will be provided with a key to the facility in advance)
 - Inverters
 - Transformers
 - System/electrical cut-off switches
 - Points of ingress/egress at the facility
 - Cleared access around the site
10. **Noise.** The following condition shall apply to noise generated during the construction of the facility and the facility's ongoing operation.
 - **Construction noise.** All construction activities shall be limited to 7:00AM to 7:00PM in order to limit noise impacts on adjacent and nearby properties.
 - **Facility equipment.** Prior to issuance of a building permit, the Applicant shall provide technical documentation for all facility equipment that may generate noise to verify that the manufacturer's noise specifications do not exceed Zoning Ordinance requirements.

11. **Entrance requirements.** The following conditions shall apply to the property entrance.
- **VDOT permitting required.** The Applicant shall obtain all required permits from VDOT and complete all required improvements to the property entrance prior to issuance of a building permit.
 - **Potential damage to adjoining properties.** In the event that there is damage to adjoining properties as a result of ingress/egress of construction vehicles, the Applicant shall remedy all damage in full prior to issuance of a certificate of occupancy.
12. **State and Federal permits.** The Applicant shall provide copies of all applicable State and Federal permits to Staff prior to issuance of a building permit.
13. **Karst monitoring.** Ongoing inspections for Karst activity shall be conducted by the Applicant according to the following schedule and requirements:
- Initial Inspection Period. Site inspections shall be performed annually by the Applicant's engineer *for a five-year period* beginning one year from the completion of Phase 1. ~~This Initial Inspection Period shall continue until five years from the date of completion of Phase 2.~~
 - Ten-Year Inspection Period. If no solution activity is identified during the Initial Inspection Period, then inspections shall be conducted once every two years for the next ten years.
 - Ongoing Inspection Period. If no solution activity is identified during the Ten-Year inspection Period, then inspections shall be conducted once every five years for the remaining life of the project.
 - Inspection dates shall coincide with the date of issuance of a certificate of occupancy allowing the facility or Phases of the facility to begin producing electric power.
 - Written reports for each inspection shall be provided to Planning Staff according to this schedule. Staff reserves the right to have the reports reviewed by the County's Karst engineer and the Applicant shall be responsible for reimbursing the County for the reasonable cost of engineering review of the report(s).
 - The County reserves the right to request intermittent inspections as deemed necessary or if suspected solution activity is reported.
 - In the event that an inspection reveals an issue that in the opinion of the County's Karst engineer requires specific remediation activities, the Applicant shall be responsible for completing such activities within a timeframe deemed acceptable by the Zoning Administrator and the County's Karst engineer.
14. **Landscaping Plan.** The following condition shall govern the installation of landscaping in accordance with the approved plan.
- **Full installation required.** All landscaping shown on the approved landscaping plan shall be installed prior to issuance of a certificate of occupancy to begin

producing electric power regardless of the phasing of construction. The landscaping shall be inspected by County Staff one year after issuance of the certificate of occupancy to determine viability of plantings and identify any dead landscaping to be removed. The Applicant shall be responsible for contacting the Department of Planning to schedule this inspection.

- **Minor deviations from approved landscaping plan.** In the event that the Applicant requests a minor deviation from the approved landscaping plan in order to avoid conflicts with the placement of panels that would adversely impact their effectiveness, or to move plantings to more effective locations on the site, such deviation shall be provided on a revised plan sheet for review and approval by Staff. Additionally, Staff may request minor deviations from the approved landscaping plan, including provision of additional plantings, in order to ensure that supplemental landscaping provides effective screening of the facility from adjacent properties. Staff may consult with the Planning Commission's Site Plan Committee to determine whether such minor deviations, requested either by the Applicant or by Staff, is consistent with the special use permit and site plan approvals.

15. **Payment Agreement.** ~~Prior to the issuance of a land disturbance permit, the Applicant shall enter into a written agreement with the County providing for payments to the County in addition to real estate taxes, and compliance with said agreement shall be a condition of this Special Use Permit.~~ *Hecate Energy Clarke County LLC has entered into an Economic Benefits Agreement with the Board of Supervisors of Clarke County dated September 29, 2016, providing for payments to the County in addition to real estate taxes. Hecate Energy Clarke County LLC shall be responsible for the payments under said Agreement for Phase I, and compliance with said Agreement shall be a condition of this Special Use Permit.*

SUP-17-02, Hecate Energy Clarke County LLC/Hecate Energy LLC

1. **Special Use Permit purpose; nontransferable.** ~~This Special Use Permit is issued for the subject property for operation of a "solar power plant, large photovoltaic" solely by the Applicant, Hecate Energy Clarke County LLC.~~ *This Special Use Permit is issued for the operation of a "solar power plant, large photovoltaic" solely by the Applicant, Hecate Energy LLC, on the portion of the subject property identified as "Phase 2" on the approved site development plan (SP-16-01 as amended). The Conditions set forth herein shall supersede the previously adopted conditions of SUP-16-01, Hecate Energy Clarke County LLC.* The Special Use Permit shall not be transferable to any other person or entity without prior approval of the Board of Supervisors as an amendment to the approved Special Use Permit conditions, such approval not to be unreasonably withheld. *Development pursuant to this Special Use Permit shall comply with "Phase 1" of the development shown on the approved site development plan (SP-16-01 as amended).*

2. **Applicant and Property Owner (“Owner”) to sign list of adopted permit conditions; provision of revised site development plan.** The Applicant and the Owner shall sign the list of adopted conditions to indicate receipt of the conditions and the intention to comply fully with the conditions for the life of the special use permit. A signed copy of the conditions shall be provided to Planning Department Staff (“Staff”) within thirty (30) days of the Applicant’s and Owner’s receipt of the adopted conditions. *Copies of the final site development plan, as amended in accordance with this Special Use Permit amendment request (SUP-17-01), shall be provided to Staff for final signature within thirty (30) days of the date of the Board of Supervisors’ approval of this Special Use Permit.*

3. **Access for inspections required.** Staff and other County officials shall have access to the property with 24 hour notice to the Applicant in order to conduct periodic compliance inspections of the facility and the subject property throughout the life of the permit.

4. **Ongoing maintenance of site features.** The following site features *applicable to “Phase 2” as depicted on the approved site development plan (SP-16-01 as amended)* shall be properly maintained throughout the life of the permit:
 - ~~Property entrance shall be maintained consistent with VDOT regulations.~~
 - Vegetated property buffer including existing trees and shrubs and supplemental plantings as depicted on the approved landscaping plan per Zoning Ordinance requirements.
 - Fences and gates.
 - Outdoor lighting fixtures to ensure compliance with Zoning Ordinance requirements.
 - Warning signage.
 - Knox box for fire, emergency services, and law enforcement access.

5. **Decommissioning of facility.** The following condition shall set forth required provisions for decommissioning the facility either at the end of its lifespan or in the event of inactivity for more than two consecutive years.
 - **Notice of inactivity.** The Applicant or Owner shall be responsible for notifying the Zoning Administrator within 30 days of the facility becoming inactive and no longer producing electric power. Notification shall be provided in writing and shall include the date that the facility ceased producing power. Failure to return the facility to an active status and producing electric power for two consecutive years shall constitute grounds for special use permit revocation.

 - **Decommissioning process.** Upon completion of the facility’s lifespan or following revocation of the special use permit, the facility shall be decommissioned including removal of all equipment, panels, racking systems, wiring (including underground wiring), fencing, steel skids, concrete pads, and other above-ground features. All wetland protections, natural vegetation, erosion control, and stormwater features shall remain in place. The Applicant or Owner

shall provide a decommissioning plan to Staff and applicable State agencies and obtain all required permits prior to conducting decommissioning activities. All decommissioning activities shall be completed within six months of providing notice of inactivity unless a longer time period is approved by the Zoning Administrator.

- 6. Removal of debris.** All existing trash and debris shall be removed from the property and disposed of at an approved waste management facility prior to issuance of a certificate of occupancy. No trash, debris, or construction materials shall be buried or burned on site. Prior to issuance of a certificate of occupancy, the County shall be provided with written evidence, such as tipping receipts, of disposal of the debris at an approved waste management facility.

~~**7. Abandonment of existing well.** The existing well on the subject property as identified in the Applicant's environmental reconnaissance survey shall be abandoned in accordance with State and County ordinances prior to issuance of a certificate of occupancy.~~

- 87. Blasting prohibited.** No blasting shall be allowed on the subject property.

- 98. Fire & EMS coordination and training.** The Applicant will work proactively with the Director of Fire & Emergency Services to develop an agreed-upon set of procedures and protocols for managing risk of fire and for responding in the event of a fire or other emergency at the facility. These procedures and protocols shall be in the form of a Fire & Emergency Services Manual for Clarke County that shall be completed by the Applicant and accepted by the Director of Fire & Emergency Services or Staff prior to issuance of a certificate of occupancy to begin producing electric power. The Manual will specify the roles of responsible parties in the event of a fire or other emergency at the site. The plan will include at a minimum:

- Clear statements on the responsibility for fire response decision making.
- Related emergency communications direction as well as emergency phone numbers and key points of contact.
- Special training for fire and emergency services personnel and a tour of the site to ensure upfront awareness of the site and equipment as well as points of ingress/egress.
- Designated shutoff procedure and location for equipment shutoff.
- Maps outlining location of key equipment including:
 - Location of lock box (or if desired the Director of Fire & Emergency Services will be provided with a key to the facility in advance)
 - Inverters
 - Transformers
 - System/electrical cut-off switches
 - Points of ingress/egress at the facility
 - Cleared access around the site

109. Noise. The following condition shall apply to noise generated during the construction of the facility and the facility's ongoing operation.

- **Construction noise.** All construction activities shall be limited to 7:00AM to 7:00PM in order to limit noise impacts on adjacent and nearby properties.
- **Facility equipment.** Prior to issuance of a building permit, the Applicant shall provide technical documentation for all facility equipment that may generate noise to verify that the manufacturer's noise specifications do not exceed Zoning Ordinance requirements.

110. Entrance requirements. The following conditions shall apply to the property entrance.

- **VDOT permitting required.** The Applicant shall obtain all required permits from VDOT and complete all required improvements to the property entrance prior to issuance of a building permit.
- **Potential damage to adjoining properties.** In the event that there is damage to adjoining properties as a result of ingress/egress of construction vehicles, the Applicant shall remedy all damage in full prior to issuance of a certificate of occupancy.

121. State and Federal permits. The Applicant shall provide copies of all applicable State and Federal permits to Staff prior to issuance of a building permit.

1312. Karst monitoring. Ongoing inspections for Karst activity shall be conducted by the Applicant according to the following schedule and requirements:

- **Initial Inspection Period.** Site inspections shall be performed annually by the Applicant's engineer beginning one year from the completion of Phase 1. This Initial Inspection Period shall continue until five years from the date of completion of Phase 2.
- **Ten-Year Inspection Period.** If no solution activity is identified during the Initial Inspection Period, then inspections shall be conducted once every two years for the next ten years.
- **Ongoing Inspection Period.** If no solution activity is identified during the Ten-Year inspection Period, then inspections shall be conducted once every five years for the remaining life of the project.
- Inspection dates shall coincide with the date of issuance of a certificate of occupancy allowing the facility or Phases of the facility to begin producing electric power.
- Written reports for each inspection shall be provided to Planning Staff according to this schedule. Staff reserves the right to have the reports reviewed by the County's Karst engineer and the Applicant shall be responsible for reimbursing the County for the reasonable cost of engineering review of the report(s).

- The County reserves the right to request intermittent inspections as deemed necessary or if suspected solution activity is reported.
- In the event that an inspection reveals an issue that in the opinion of the County's Karst engineer requires specific remediation activities, the Applicant shall be responsible for completing such activities within a timeframe deemed acceptable by the Zoning Administrator and the County's Karst engineer.

1413. Landscaping Plan. The following condition shall govern the installation of landscaping in accordance with the approved plan.

- **Full installation required.** All landscaping shown on the approved landscaping plan shall be installed prior to issuance of a certificate of occupancy to begin producing electric power regardless of the phasing of construction. The landscaping shall be inspected by County Staff one year after issuance of the certificate of occupancy to determine viability of plantings and identify any dead landscaping to be removed. The Applicant shall be responsible for contacting the Department of Planning to schedule this inspection.
- **Minor deviations from approved landscaping plan.** In the event that the Applicant requests a minor deviation from the approved landscaping plan in order to avoid conflicts with the placement of panels that would adversely impact their effectiveness, or to move plantings to more effective locations on the site, such deviation shall be provided on a revised plan sheet for review and approval by Staff. Additionally, Staff may request minor deviations from the approved landscaping plan, including provision of additional plantings, in order to ensure that supplemental landscaping provides effective screening of the facility from adjacent properties. Staff may consult with the Planning Commission's Site Plan Committee to determine whether such minor deviations, requested either by the Applicant or by Staff, is consistent with the special use permit and site plan approvals.

1514. Payment Agreement. ~~Prior to the issuance of a land disturbance permit, the Applicant shall enter into a written agreement with the County providing for payments to the County in addition to real estate taxes, and compliance with said agreement shall be a condition of this Special Use Permit.~~ *Hecate Energy Clarke County LLC has entered into an Economic Benefits Agreement with the Board of Supervisors of Clarke County dated September 29, 2016, providing for payments to the County in addition to real estate taxes. Hecate Energy LLC shall be responsible for the payments under said Agreement for Phase 2, and compliance with said Agreement shall be a condition of this Special Use Permit.*

15. Revocation of Special Use Permit. *In the event that a land disturbance permit and building permit has not been obtained for the development of the facility consistent with Phase 2 of the site development plan within two years of the approval date of this Special Use Permit by the Board of Supervisors, the Board may take action to revoke this Special Use Permit in accordance with §5-C of the Zoning Ordinance.*

THIS PAGE IS FOR OFFICE USE ONLY.

Application Received by: _____ Date _____
Receipt No. _____
Date Application Complete: _____

Recommending/Approving Authority:

	Public Hearing	Recommendation	Approval
_____ Staff	_____	_____	_____
_____ Planning Commission	_____	_____	_____
_____ Board of Supervisors	_____	_____	_____
_____ Septic & Well Appeals	_____	_____	_____
_____ Board of Zoning Appeals	_____	_____	_____
_____ Historic Pres. Commission	_____	_____	_____

Proposed Lot Configuration: (Boundary Line Adjustments, and Subdivisions)

Hecate Energy

621 W. Randolph St.
Chicago, IL 60661
www.HecateEnergy.com



May 5, 2017

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

Re: Special Use Permit Application
Hecate Energy Clarke County LLC and Hecate Energy LLC

Dear Mr. Stidham,

On June 21, 2016, the Clarke County Board of Supervisors approved a request by Hecate Energy Clarke County LLC for a Special Use Permit and Site Plan approval (SUP-16-01/SP-16-01) to construct a solar power plant on a parcel identified as Tax Map #27-A-5, owned by Monte W. Gibson, Jr. The Special Use Permit approval included fifteen (15) Special Use Permit Conditions. The Site Plan identifies two specific development phases for the project: Phase I and Phase II.

The current Special Use Permit applies to both Phase I and Phase II of the project. Given the possibility that the two phases may be owned and operated by separate entities, the Applicant is respectfully requesting a modification to the prior approval, and the issuance of a new Special Use Permit for each of the two phases of the project. Specifically, the Applicant is requesting the issuance of a Special Use Permit to Hecate Energy Clarke County LLC that solely governs Phase I, and a Separate Special Use Permit to Hecate Energy LLC that governs Phase II. The Applicant is not requesting any changes to the prior conditions negotiated with the County, other than for purposes of clarifying that they apply to two separate use permits rather than one.

Due to time constraints associated with the completion of Phase I construction, and the possible conveyance of that phase of the project to another entity, we respectfully request that this matter be placed on the agenda of both the Clarke County Planning Commission and the Board of Supervisors for a public hearing, in accordance with Virginia Code § 15.2-2204, on July 7, 2017, so that the matter may be acted upon that evening by both bodies.

As previously stated, this request does not involve any substantive modifications to the prior conditions that were carefully negotiated with the County, nor does it involve any changes to the previously approved site plan. The Applicant is merely requesting that the Special Use Permit be divided into two Special Use Permits, one to govern each of the respective development phases.

Please do not hesitate to contact me with any questions.

Sincerely,

Patti Shorr
VP Project Development
Hecate Energy LLC

Hecate Energy
621 W. Randolph St.
Chicago, IL 60661
www.HecateEnergy.com



w/ attachments: Completed Application
 SUP for Hecate Energy Clarke County LLC
 SUP for Hecate Energy LLC

SPECIAL USE PERMIT CONDITIONS SUP-17-

Hecate Energy Clarke County LLC

1. **Special Use Permit purpose; nontransferable.** This Special Use Permit is issued for the 105.2043-acre portion of Tax Map #27-A-5 identified as "Phase I" shown on Site Plan SP-16-01, approved by the Clarke County Board of Supervisors on June 21, 2016 (the "Site Plan"). This Special Use Permit shall be for operation of a 10 M_w "solar power plant, large photovoltaic" solely by the Applicant, Hecate Energy Clarke County LLC. The Special Use Permit shall not be transferable to any other person or entity without prior approval of the Board of Supervisors as an amendment to the approved Special Use Permit conditions, such approval not to be unreasonably withheld. Development pursuant to this Special Use Permit shall be substantially in accordance with "Phase I" of the development shown on Site Plan.

2. **Applicant and Property Owner ("Owner") to sign list of adopted permit conditions.** The Applicant and the Owner shall sign the list of adopted conditions to indicate receipt of the conditions and the intention to comply fully with the conditions for the life of the special use permit. A signed copy of the conditions shall be provided to Planning Department Staff ("Staff") within thirty (30) days of the Applicant's and Owner's receipt of the adopted conditions.

3. **Access for inspections required.** Staff and other County officials shall have access to the property with 24 hour notice to the Applicant in order to conduct periodic compliance inspections of the facility and the subject property throughout the life of the permit.

4. **Ongoing maintenance of site features.** The following site features shall be properly maintained throughout the life of the permit:
 - Property entrance shall be maintained consistent with VDOT regulations.
 - Vegetated property buffer including existing trees and shrubs and supplemental plantings as depicted on the approved landscaping plan per Zoning Ordinance requirements.
 - Fences and gates.
 - Outdoor lighting fixtures to ensure compliance with Zoning Ordinance requirements.
 - Warning signage.
 - Knox box for fire, emergency services, and law enforcement access.

5. **Decommissioning of facility.** The following condition shall set forth required provisions for decommissioning the facility either at the end of its lifespan or in the event of inactivity for more than two consecutive years.
 - **Notice of inactivity.** The Applicant or Owner shall be responsible for notifying the Zoning Administrator within 30 days of the facility becoming inactive and no longer producing electric power. Notification shall be provided in writing and

shall include the date that the facility ceased producing power. Failure to return the facility to an active status and producing electric power for two consecutive years shall constitute grounds for special use permit revocation.

- **Decommissioning process.** Upon completion of the facility's lifespan or following revocation of the special use permit, the facility shall be decommissioned including removal of all equipment, panels, racking systems, wiring (including underground wiring), fencing, steel skids, concrete pads, and other above-ground features. All wetland protections, natural vegetation, erosion control, and stormwater features shall remain in place. The Applicant or Owner shall provide a decommissioning plan to Staff and applicable State agencies and obtain all required permits prior to conducting decommissioning activities. All decommissioning activities shall be completed within six months of providing notice of inactivity unless a longer time period is approved by the Zoning Administrator.
6. **Removal of debris.** All existing trash and debris shall be removed from the property and disposed of at an approved waste management facility prior to issuance of a certificate of occupancy. No trash, debris, or construction materials shall be buried or burned on site. Prior to issuance of a certificate of occupancy, the County shall be provided with written evidence, such as tipping receipts, of disposal of the debris at an approved waste management facility.
 7. **Abandonment of existing well.** The existing well on the subject property as identified in the Applicant's environmental reconnaissance survey shall be abandoned in accordance with State and County ordinances prior to issuance of a certificate of occupancy.
 8. **Blasting prohibited.** No blasting shall be allowed on the subject property.
 9. **Fire & EMS coordination and training.** The Applicant will work proactively with the Director of Fire & Emergency Services to develop an agreed-upon set of procedures and protocols for managing risk of fire and for responding in the event of a fire or other emergency at the facility. These procedures and protocols shall be in the form of a Fire & Emergency Services Manual for Clarke County that shall be completed by the Applicant and accepted by the Director of Fire & Emergency Services or Staff prior to issuance of a certificate of occupancy to begin producing electric power. The Manual will specify the roles of responsible parties in the event of a fire or other emergency at the site. The plan will include at a minimum:
 - Clear statements on the responsibility for fire response decision making.
 - Related emergency communications direction as well as emergency phone numbers and key points of contact.
 - Special training for fire and emergency services personnel and a tour of the site to ensure upfront awareness of the site and equipment as well as points of ingress/egress.
 - Designated shutoff procedure and location for equipment shutoff.
 - Maps outlining location of key equipment including:

- Location of lock box (or if desired the Director of Fire & Emergency Services will be provided with a key to the facility in advance)
 - Inverters
 - Transformers
 - System/electrical cut-off switches
 - Points of ingress/egress at the facility
 - Cleared access around the site
10. **Noise.** The following condition shall apply to noise generated during the construction of the facility and the facility's ongoing operation.
- **Construction noise.** All construction activities shall be limited to 7:00AM to 7:00PM in order to limit noise impacts on adjacent and nearby properties.
 - **Facility equipment.** Prior to issuance of a building permit, the Applicant shall provide technical documentation for all facility equipment that may generate noise to verify that the manufacturer's noise specifications do not exceed Zoning Ordinance requirements.
11. **Entrance requirements.** The following conditions shall apply to the property entrance.
- **VDOT permitting required.** The Applicant shall obtain all required permits from VDOT and complete all required improvements to the property entrance prior to issuance of a building permit.
 - **Potential damage to adjoining properties.** In the event that there is damage to adjoining properties as a result of ingress/egress of construction vehicles, the Applicant shall remedy all damage in full prior to issuance of a certificate of occupancy.
12. **State and Federal permits.** The Applicant shall provide copies of all applicable State and Federal permits to Staff prior to issuance of a building permit.
13. **Karst monitoring.** Ongoing inspections for Karst activity shall be conducted by the Applicant according to the following schedule and requirements:
- Initial Inspection Period. Site inspections shall be performed annually by the Applicant's engineer beginning one year from the completion of Phase 1. This Initial Inspection Period shall continue until five years from the date of completion of Phase 2.
 - Ten-Year Inspection Period. If no solution activity is identified during the Initial Inspection Period, then inspections shall be conducted once every two years for the next ten years.
 - Ongoing Inspection Period. If no solution activity is identified during the Ten-Year inspection Period, then inspections shall be conducted once every five years for the remaining life of the project.

- Inspection dates shall coincide with the date of issuance of a certificate of occupancy allowing the facility or Phases of the facility to begin producing electric power.
- Written reports for each inspection shall be provided to Planning Staff according to this schedule. Staff reserves the right to have the reports reviewed by the County's Karst engineer and the Applicant shall be responsible for reimbursing the County for the reasonable cost of engineering review of the report(s).
- The County reserves the right to request intermittent inspections as deemed necessary or if suspected solution activity is reported.
- In the event that an inspection reveals an issue that in the opinion of the County's Karst engineer requires specific remediation activities, the Applicant shall be responsible for completing such activities within a timeframe deemed acceptable by the Zoning Administrator and the County's Karst engineer.

14. **Landscaping Plan.** The following condition shall govern the installation of landscaping in accordance with the approved plan.

- **Full installation required.** All landscaping shown on the approved landscaping plan shall be installed prior to issuance of a certificate of occupancy to begin producing electric power regardless of the phasing of construction. The landscaping shall be inspected by County Staff one year after issuance of the certificate of occupancy to determine viability of plantings and identify any dead landscaping to be removed. The Applicant shall be responsible for contacting the Department of Planning to schedule this inspection.
- **Minor deviations from approved landscaping plan.** In the event that the Applicant requests a minor deviation from the approved landscaping plan in order to avoid conflicts with the placement of panels that would adversely impact their effectiveness, or to move plantings to more effective locations on the site, such deviation shall be provided on a revised plan sheet for review and approval by Staff. Additionally, Staff may request minor deviations from the approved landscaping plan, including provision of additional plantings, in order to ensure that supplemental landscaping provides effective screening of the facility from adjacent properties. Staff may consult with the Planning Commission's Site Plan Committee to determine whether such minor deviations, requested either by the Applicant or by Staff, is consistent with the special use permit and site plan approvals.

15. **Payment Agreement.** Prior to the issuance of a land disturbance permit, the Applicant shall enter into a written agreement with the County providing for payments to the County in addition to real estate taxes, and compliance with said agreement shall be a condition of this Special Use Permit.

SPECIAL USE PERMIT CONDITIONS SUP-17-

Hecate Energy LLC

1. **Special Use Permit purpose; nontransferable.** This Special Use Permit is issued for the 117.7766-acre portion of Tax Map #27-A-5 identified as "Phase II" shown on Site Plan SP-16-01, approved by the Clarke County Board of Supervisors on June 21, 2016 (the "Site Plan"). This Special Use Permit shall be for operation of a 10 M_w "solar power plant, large photovoltaic" solely by the Applicant, Hecate Energy LLC. The Special Use Permit shall not be transferable to any other person or entity without prior approval of the Board of Supervisors as an amendment to the approved Special Use Permit conditions, such approval not to be unreasonably withheld. Development pursuant to this Special Use Permit shall be substantially in accordance with "Phase I" of the development shown on Site Plan.

2. **Applicant and Property Owner ("Owner") to sign list of adopted permit conditions.** The Applicant and the Owner shall sign the list of adopted conditions to indicate receipt of the conditions and the intention to comply fully with the conditions for the life of the special use permit. A signed copy of the conditions shall be provided to Planning Department Staff ("Staff") within thirty (30) days of the Applicant's and Owner's receipt of the adopted conditions.

3. **Access for inspections required.** Staff and other County officials shall have access to the property with 24 hour notice to the Applicant in order to conduct periodic compliance inspections of the facility and the subject property throughout the life of the permit.

4. **Ongoing maintenance of site features.** The following site features shall be properly maintained throughout the life of the permit:
 - Property entrance shall be maintained consistent with VDOT regulations.
 - Vegetated property buffer including existing trees and shrubs and supplemental plantings as depicted on the approved landscaping plan per Zoning Ordinance requirements.
 - Fences and gates.
 - Outdoor lighting fixtures to ensure compliance with Zoning Ordinance requirements.
 - Warning signage.
 - Knox box for fire, emergency services, and law enforcement access.

5. **Decommissioning of facility.** The following condition shall set forth required provisions for decommissioning the facility either at the end of its lifespan or in the event of inactivity for more than two consecutive years.
 - **Notice of inactivity.** The Applicant or Owner shall be responsible for notifying the Zoning Administrator within 30 days of the facility becoming inactive and no longer producing electric power. Notification shall be provided in writing and

shall include the date that the facility ceased producing power. Failure to return the facility to an active status and producing electric power for two consecutive years shall constitute grounds for special use permit revocation.

- **Decommissioning process.** Upon completion of the facility's lifespan or following revocation of the special use permit, the facility shall be decommissioned including removal of all equipment, panels, racking systems, wiring (including underground wiring), fencing, steel skids, concrete pads, and other above-ground features. All wetland protections, natural vegetation, erosion control, and stormwater features shall remain in place. The Applicant or Owner shall provide a decommissioning plan to Staff and applicable State agencies and obtain all required permits prior to conducting decommissioning activities. All decommissioning activities shall be completed within six months of providing notice of inactivity unless a longer time period is approved by the Zoning Administrator.
6. **Removal of debris.** All existing trash and debris shall be removed from the property and disposed of at an approved waste management facility prior to issuance of a certificate of occupancy. No trash, debris, or construction materials shall be buried or burned on site. Prior to issuance of a certificate of occupancy, the County shall be provided with written evidence, such as tipping receipts, of disposal of the debris at an approved waste management facility.
 7. **Blasting prohibited.** No blasting shall be allowed on the subject property.
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 - **Facility equipment.** Prior to issuance of a building permit, the Applicant shall provide technical documentation for all facility equipment that may generate noise to verify that the manufacturer's noise specifications do not exceed Zoning Ordinance requirements.
10. **Entrance requirements.** The following conditions shall apply to the property entrance.
- **VDOT permitting required.** The Applicant shall obtain all required permits from VDOT and complete all required improvements to the property entrance prior to issuance of a building permit.
 - **Potential damage to adjoining properties.** In the event that there is damage to adjoining properties as a result of ingress/egress of construction vehicles, the Applicant shall remedy all damage in full prior to issuance of a certificate of occupancy.
11. **State and Federal permits.** The Applicant shall provide copies of all applicable State and Federal permits to Staff prior to issuance of a building permit.
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14. **Payment Agreement.** Prior to the issuance of a land disturbance permit, the Applicant shall enter into a written agreement with the County providing for payments to the County in addition to real estate taxes, and compliance with said agreement shall be a condition of this Special Use Permit.

MINOR SUBDIVISION (MS-17-01)
Charles and Cynthia Biggs
June 2, 2017 Planning Commission Meeting
STAFF REPORT -- Department of Planning

The purpose of this staff report is to provide information to the Planning Commission to assist them in reviewing this proposed minor subdivision. It may be useful to members of the general public interested in this proposed subdivision.

Case Summary

Applicant(s):

Charles and Cynthia Biggs

Location:

- Subject property is located at 2997 Lord Fairfax Hwy
- Tax Map Parcel #8-A-63
- Buckmarsh Election District (Kreider and Kruhm)

Zoning District and Lot Guidelines:

Agricultural-Open Space-Conservation (AOC)

Proposed Lot Configurations:

Lot 1B = 2.278 acres (No Dwelling / 1 DUR)

Residue Lot 1A = 7.6706 acres (One Existing Dwelling / No DURs Remaining)

Total Area in subdivision = 9.9486 acres

Request:

Approval of a two lot Minor Subdivision for the property identified as Tax Map #8-A-63 located at 2997 Lord Fairfax Highway in the Buckmarsh Election District zoned Agricultural Open-Space Conservation (AOC).

Staff Discussion/Analysis:

The existing house was built in 1979. On October 17, 1980 existing homes on properties which were eligible for land use taxation (6 acres minimum) were considered “exceptions” and the parcels were allocated DURs according to the allocation chart. This resulted in one DUR being allocated to this parcel. The applicant proposes the utilization of this remaining DUR for this minor subdivision in the aforementioned lot configurations.

Access:

The ingress/egress for Lot 1 will be the private entrance shown on the subdivision plat. The ingress/egress for the Residue Lot will be the existing driveway as shown on the subdivision plat. VDOT has asked that a measurement from the property corner to the proposed entrance be added to the plat and notes that a VDOT permit is required prior to entrance construction. Staff will inform the surveyor to add the measurement to the plat prior to final signature.

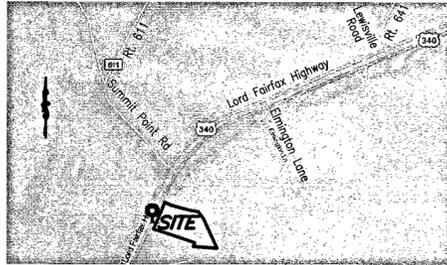
OWNER'S CONSENT

THE ABOVE AND FOREGOING MINOR SUBDIVISION AS APPEARS ON THE THIS PLAT, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES AND WISHES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND/OR TRUSTEES, IF ANY.

BY: CHARLES A. BIGGS _____ DATE _____
 BY: CYNTHIA L. BIGGS _____ DATE _____

NOTARY PUBLIC

STATE OF _____
 CITY/COUNTY OF _____
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2017.
 NOTARY PUBLIC _____
 MY COMMISSION EXPIRES _____



VICINITY MAP
 SCALE: 1"=2000'

LINE TABLE

LINE	BEARING	DISTANCE
L1	N74°41'10"W	27.06'
L2	N80°52'50"W	63.47'
L3	N73°48'48"W	28.08'
L4	N65°09'41"W	35.03'
L5	S85°21'40"E	117.87'
L6	N22°40'39"E	45.53'
L7	S19°22'36"W	62.84'
L8	S65°34'56"E	31.97'

AREA TABULATION LOT 1A

ORIGINAL TM 8-A-63 9.9486 ACRES
 NEW LOT 1B - 2.2780 ACRES
 NEW AREA OF LOT 1A 7.6706 ACRES

AREA TABULATION LOT 1B

ORIGINAL TM 8-A-63 9.9486 ACRES
 NEW LOT 1A - 7.6706 ACRES
 NEW AREA OF LOT 1B 2.2780 ACRES

CURVE TABLE

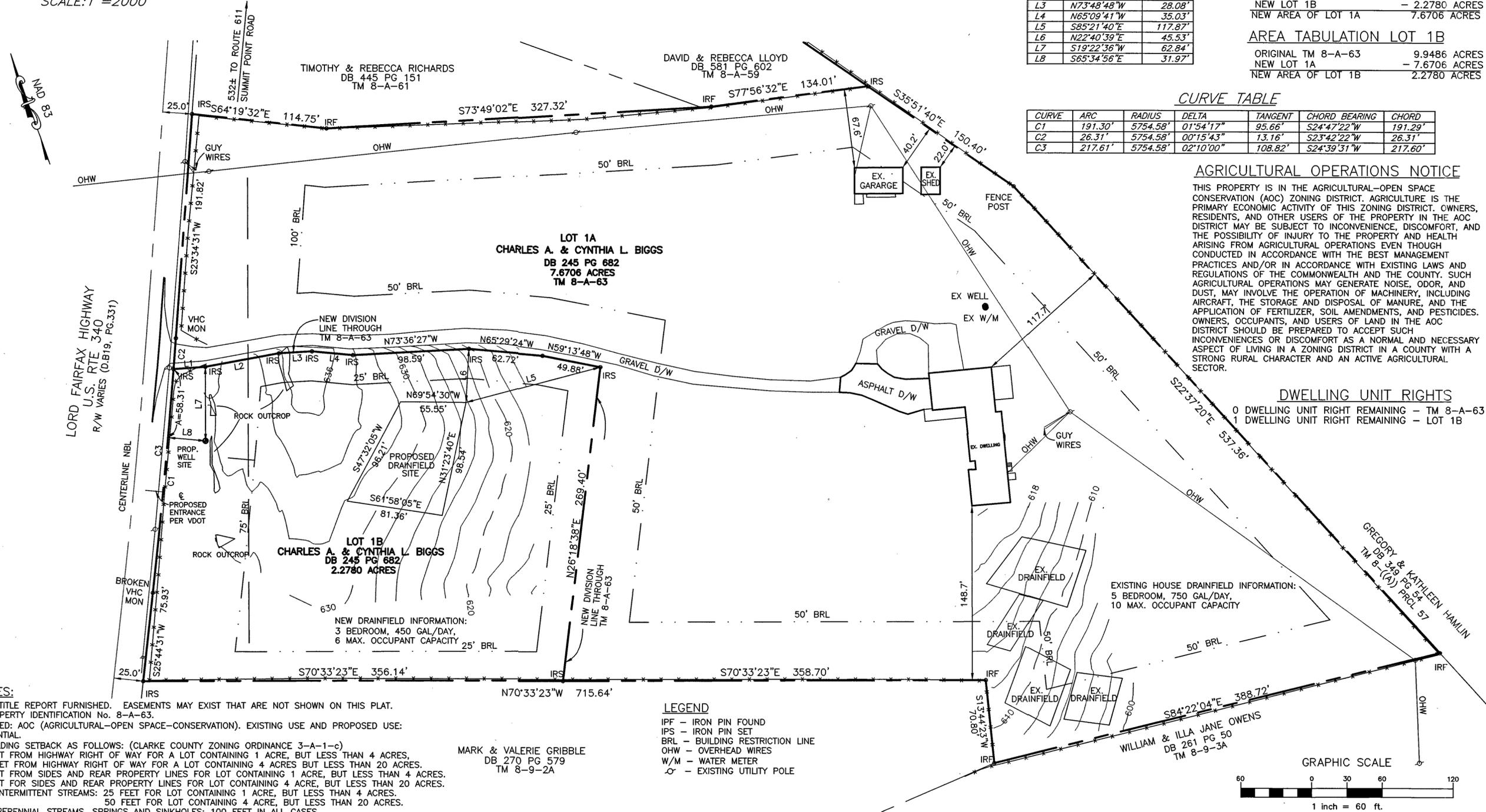
CURVE	ARC	RADIUS	DELTA	TANGENT	CHORD BEARING	CHORD
C1	191.30'	5754.58'	01°54'17"	95.66'	S24°47'22"W	191.29'
C2	26.31'	5754.58'	00°15'43"	13.16'	S23°42'22"W	26.31'
C3	217.61'	5754.58'	02°10'00"	108.82'	S24°39'31"W	217.60'

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 THE PROPERTY IN THE AOC DISTRICT MAY BE SUBJECT TO INCONVENIENCE, DISCOMFORT, AND THE POSSIBILITY OF INJURY TO THE PROPERTY AND HEALTH ARISING FROM AGRICULTURAL OPERATIONS EVEN THOUGH CONDUCTED IN ACCORDANCE WITH THE BEST MANAGEMENT PRACTICES AND/OR IN ACCORDANCE WITH EXISTING LAWS AND REGULATIONS OF THE COMMONWEALTH AND THE COUNTY. SUCH AGRICULTURAL OPERATIONS MAY GENERATE NOISE, ODOR, 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.

DWELLING UNIT RIGHTS

0 DWELLING UNIT RIGHT REMAINING - TM 8-A-63
 1 DWELLING UNIT RIGHT REMAINING - LOT 1B



NOTES:

- NO TITLE REPORT FURNISHED. EASEMENTS MAY EXIST THAT ARE NOT SHOWN ON THIS PLAT.
- PROPERTY IDENTIFICATION No. 8-A-63.
- ZONED: AOC (AGRICULTURAL-OPEN SPACE-CONSERVATION). EXISTING USE AND PROPOSED USE: RESIDENTIAL.
- BUILDING SETBACK AS FOLLOWS: (CLARKE COUNTY ZONING ORDINANCE 3-A-1-c)
 75 FEET FROM HIGHWAY RIGHT OF WAY FOR A LOT CONTAINING 1 ACRE, BUT LESS THAN 4 ACRES,
 100 FEET FROM HIGHWAY RIGHT OF WAY FOR A LOT CONTAINING 4 ACRES BUT LESS THAN 20 ACRES.
 25 FEET FROM SIDES AND REAR PROPERTY LINES FOR LOT CONTAINING 1 ACRE, BUT LESS THAN 4 ACRES.
 50 FEET FOR SIDES AND REAR PROPERTY LINES FOR LOT CONTAINING 4 ACRES, BUT LESS THAN 20 ACRES.
 FROM INTERMITTENT STREAMS: 25 FEET FOR LOT CONTAINING 1 ACRE, BUT LESS THAN 4 ACRES.
 50 FEET FOR LOT CONTAINING 4 ACRES, BUT LESS THAN 20 ACRES.
 FROM PERENNIAL STREAMS, SPRINGS AND SINKHOLES: 100 FEET IN ALL CASES.
- THE PROPERTY SHOWN ON THIS PLAT IS ZONED AOC AND IS SUBJECT TO THE PROVISIONS OF THE VEGETATED PROPERTY BUFFER AS STATED IN THE CLARKE COUNTY ZONING ORDINANCE 3-A-1-f.
- BOUNDARY INFORMATION SHOWN HEREON FOR TM 8-A-63, IS BASED UPON A PLAT OF SURVEY PREPARED BY L. ALLEN EBERT, DATED OCTOBER 26, 1986, AND RECORDED IN DEED BOOK 173, AT PAGE 144. A FIELD SURVEY WAS PERFORMED BY PAINTER-LEWIS, P.L.C. IN MAY, 2014.
- THE PROPERTY SHOWN ON THIS PLAT IS LOCATED IN FLOOD ZONE "X" (MINIMAL FLOOD HAZARD), AS SHOWN ON F.E.M.A. FLOOD INSURANCE RATE MAP 51043C0062D, EFFECTIVE DATE OF SEPTEMBER 28, 2007. (MAP NOT PRINTED)
- 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. CLARKE COUNTY SUBDIVISION ORDINANCE 7-C-3-o

LEGEND

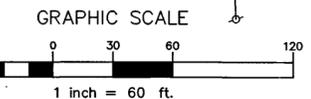
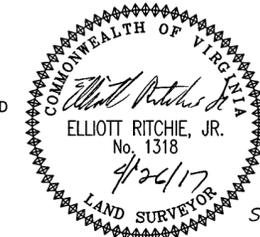
- IPF - IRON PIN FOUND
- IPS - IRON PIN SET
- BRL - BUILDING RESTRICTION LINE
- OHW - OVERHEAD WIRES
- W/M - WATER METER
- - EXISTING UTILITY POLE

APPROVED BY

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

SURVEYOR'S CERTIFICATE

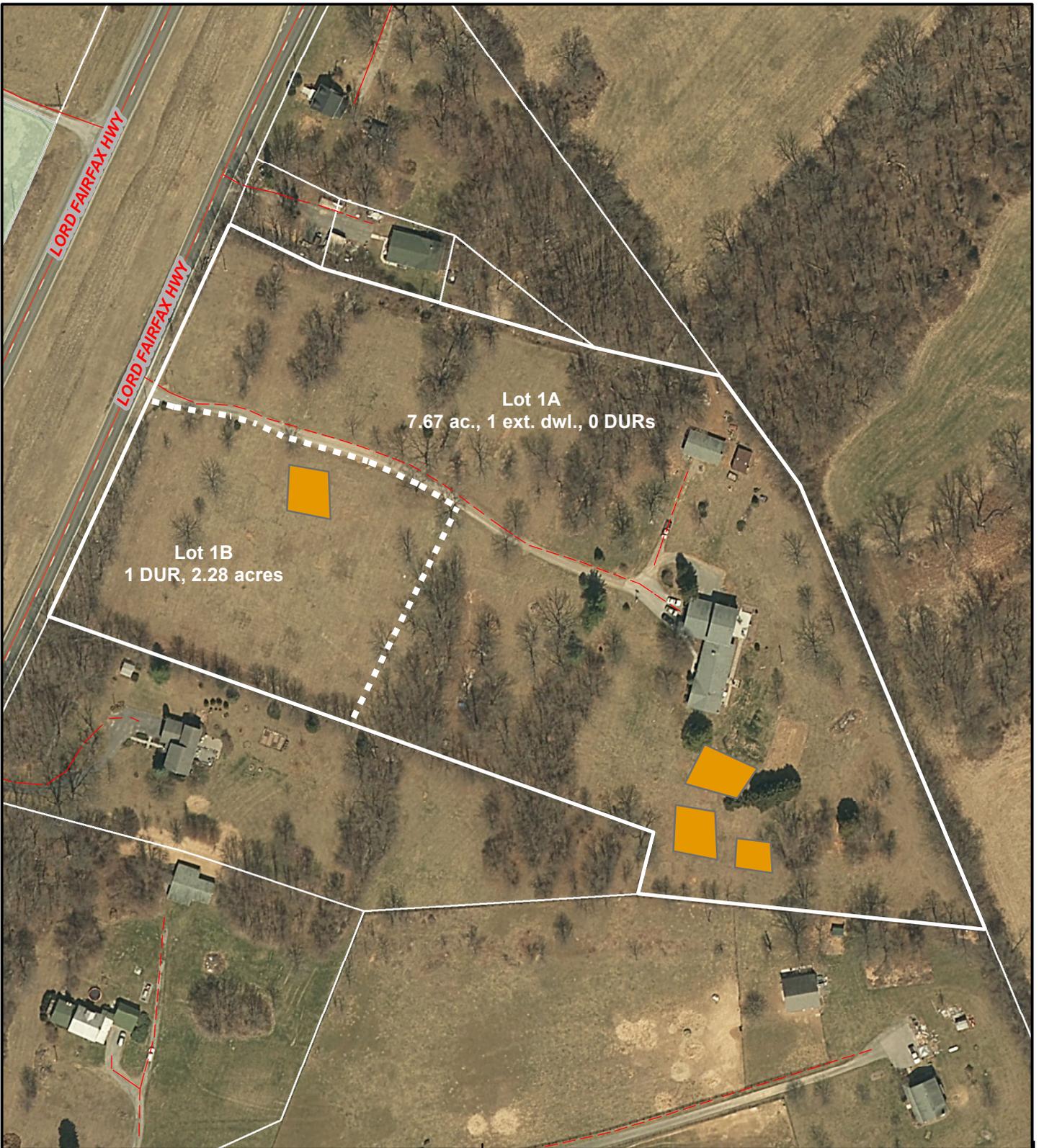
I, HEREBY CERTIFY THAT THE LAND CONTAINED IN THIS SUBDIVISION IS ALL OF THE SAME LAND CONVEYED TO CHARLES A. BIGGS AND CYNTHIA L. BIGGS BY DEEDS DATED AUGUST 5, 1994 AND RECORDED IN DEED BOOK 245, AT PAGE 682, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF CLARKE COUNTY, VIRGINIA.



A MINOR SUBDIVISION OF THE LAND OF
CHARLES A. BIGGS
 AND
CYNTHIA L. BIGGS
 TAX MAP 8-A-63
 DEED BOOK 245, PAGE 682
 BATTLETOWN MAGISTERIAL DISTRICT
 CLARKE COUNTY, VIRGINIA
 SEPTEMBER 22, 2016 SCALE: 1"=60'
 REVISED THROUGH APRIL 26, 2017

PAINTER-LEWIS, P.L.C.

817 Cedar Creek Grade, Suite 120 Winchester, Virginia 22601
 Telephone (540) 662-5792 Facsimile (540) 662-5793
 Email: office@painterlewis.com



Charles & Cynthia Biggs
 TM# 8-A-63
 9.949 ac., 1 ext dwl., 1 DUR



Clarke County GIS
 May 26, 2017



Legend

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

BOUNDARY LINE ADJUSTMENT (BLA-17-04)

Leigh Garry, Michael G. Miller, Jr., Millicent Miller, & Annie Balzer

June 2, 2017 Planning Commission Meeting

STAFF REPORT – Department of Planning

The purpose of this staff report is to provide information to the Planning Commission to assist them in reviewing this proposed boundary line adjustment request. It may be useful to members of the general public interested in this request.

Case Summary

Applicant(s):

Leigh Garry, Michael G. Miller, Jr., Millicent Miller, & Annie Balzer

Location:

- Subject property is located off Allen Road
Tax Map Parcel #8-A-2 & 8-A-2A
Russell Election District (Nelson and Ohrstrom – Planning Commission)

Zoning District:

Agricultural-Open Space-Conservation (AOC)

Proposed Lot Configurations:

Lot 2 (TM 8-A-2) = Before: 102.1344 acres / After: 102.6459 acres (1 Ex. Dwelling / 2 DURs)
Lot 1 (TM 8-A-2A) = Before: 100.1000 acres / After: 99.5885 acres (No Dwelling / 3 DURs)
Total Area in boundary line adjustment = 202.2344 acres (remains the same) / No DUR transfers.

Request:

Approval of a Boundary Line Adjustment for the properties identified as Tax Map #8-A-2 and 8-A-2A, located off Allen Road in the Russell Election District zoned Agricultural Open-Space Conservation (AOC).

Staff Discussion/Analysis:

According to Clarke County Subdivision Ordinance §10-F, “Any plat depicting a merger or boundary line adjustment involving a residual lot that was the subject of an administrative land division within the previous two year period shall require approval by the Planning Commission.”

In this case, the applicant has applied for an administrative land division and a boundary line adjustment simultaneously. The administrative land division divides Parcel 8-A-2 consisting of 302.3767 acres into three parcels of 100.100 acres (Lot 1), 102.1344 acres (Lot 2), and 100.1423 acres (Lot 3). The applicant explained that the purpose of the proposal is for estate planning purposes, and all three lots will be placed into a Clarke County Conservation Easement. The reason for the boundary line adjustment is to locate the property line between Lot 1 and Lot 2 along an existing fence and tree line.

Water and Septic:

The existing structures, sewage disposal systems, and wells are depicted on the plat in accordance with Clarke County Subdivision Ordinance §10-D-5. The plat was sent to the Health Department on December 20, 2016 for review. A formal comment letter has not been received by this office, but the Health Department did not foresee any issues.

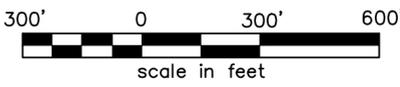
Karst Plan / Resistivity Test:

Not required.

Recommendation:

Approval of a Boundary Line Adjustment for the properties identified as Tax Map #8-A-2 and 8-A-2A, located off Allen Road in the Russell Election District zoned Agricultural Open-Space Conservation (AOC).

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	LINE BEARING	DISTANCE
C1	70.00'	113.15'	101.23'	S 63°33'59" W	92°36'58"	L1 S 17°15'30" W	80.70'
C2	370.00'	197.25'	194.92'	N 83°32'36" W	30°32'39"	L2 N 70°07'32" W	290.31'
C3	177.00'	113.00'	111.09'	S 62°53'42" W	36°34'45"	L3 N 74°45'50" W	124.08'
C4	451.00'	48.14'	48.12'	S 41°32'51" W	6°06'57"	L4 S 78°16'36" E	23.87'
C5	451.00'	100.02'	99.81'	S 32°08'12" W	12°42'22"		
C6	65.00'	90.14'	83.09'	S 65°30'36" W	79°27'10"		
C7	1500.00'	202.17'	202.02'	N 78°37'30" W	7°43'20"		
C8	2000.00'	174.68'	174.63'	N 84°59'17" W	5°00'15"		



Area Table:

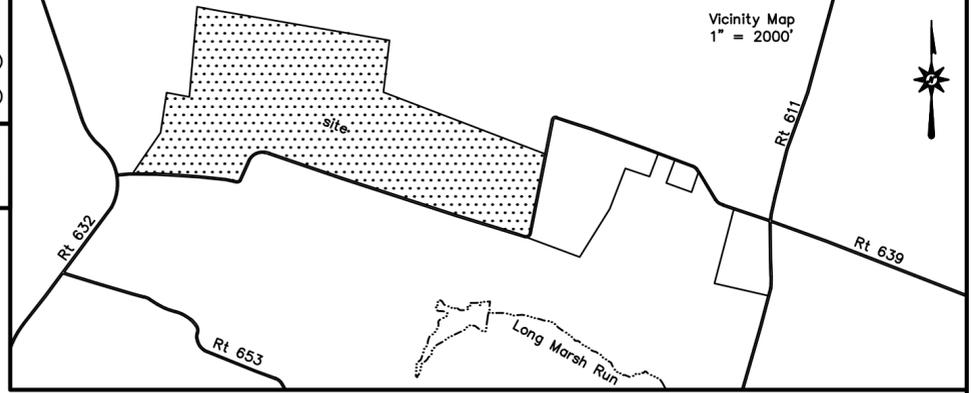
302.3767 acres	area of TM 8-A-2	(1 exist dwl, 8 DUR)
100.1000 acres	area of Lot 1, assigned TM 8-A-2A	(no exist dwl, 3 DUR)
102.1344 acres	area of Lot 2, residue of TM 8-A-2	(1 exist dwl, 2 DUR)
100.1423 acres	area of Lot 3, assigned TM 8-A-2B	(no exist dwl, 3 DUR)
0.0000 acres	area dedicated for public use	

Owners' Table:

A	Charles L. Breeden & Doreen Breeden	D.B. 354, P. 687	TM 4-4-1
B	Warren E. Plotter & Virginia C. Plotter	D.B. 357, P. 526	TM 4-4-2
C	Richard Gorman & Annemarie Gorman	D.B. 352, P. 934	TM 4-4-3

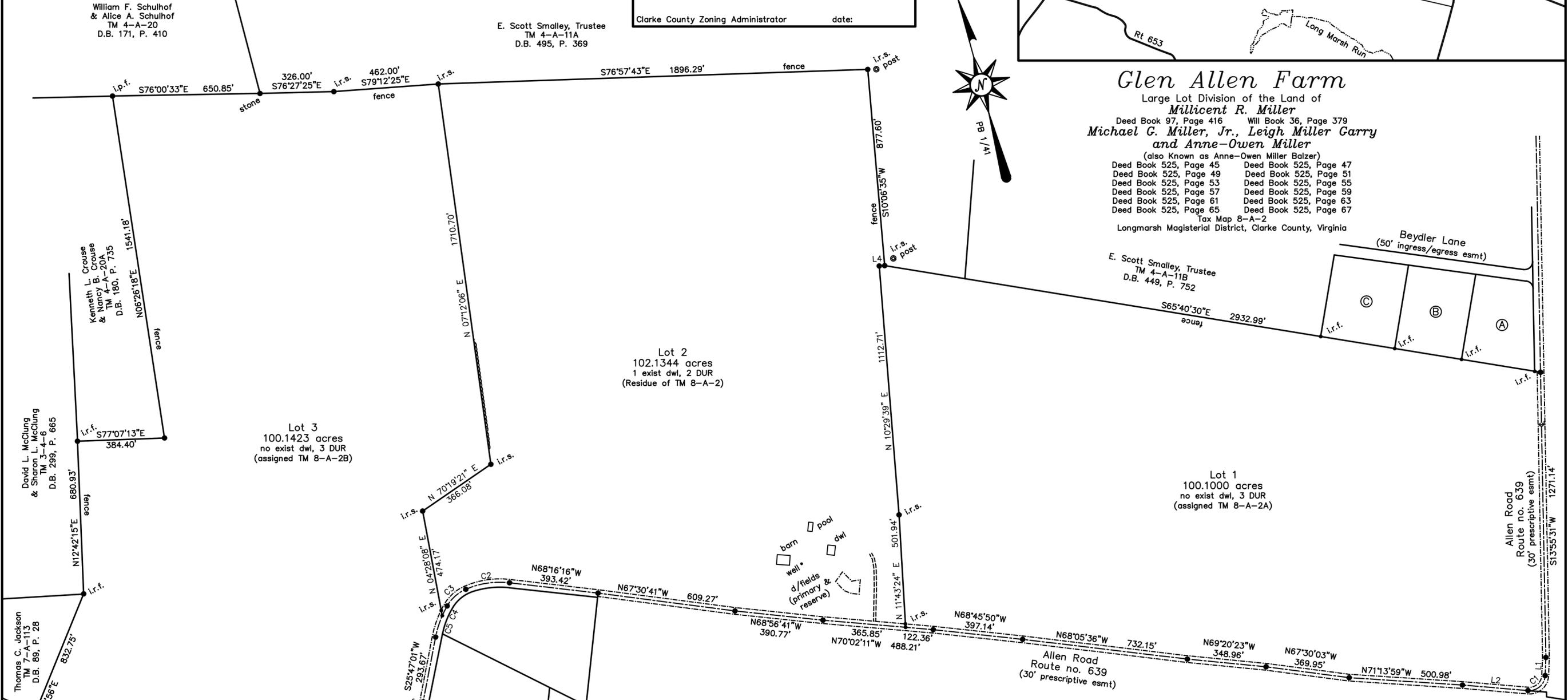
Approval:
Approved under Section 2-B-1 of the Clarke County Subdivision Ordinance.

Clarke County Zoning Administrator date:



Glen Allen Farm

Large Lot Division of the Land of
Millicent R. Miller
Deed Book 97, Page 416 Will Book 36, Page 379
Michael G. Miller, Jr., Leigh Miller Garry
and Anne-Owen Miller
(also known as Anne-Owen Miller Balzer)
Deed Book 525, Page 45 Deed Book 525, Page 47
Deed Book 525, Page 49 Deed Book 525, Page 51
Deed Book 525, Page 53 Deed Book 525, Page 55
Deed Book 525, Page 57 Deed Book 525, Page 59
Deed Book 525, Page 61 Deed Book 525, Page 63
Deed Book 525, Page 65 Deed Book 525, Page 67
Tax Map 8-A-2
Longmarsh Magisterial District, Clarke County, Virginia



- Notes:
- (1) No Title Report furnished. Easements of record not shown may exist.
 - (2) This land is located in Flood Zone X as designated by HUD, established from FIRM Community Panel no. 51043C0055D, effective September 28, 2007.
 - (3) The boundary shown hereon was established from the following:
 - a) plat attached to DB 11, P 435, of TM 8-A-2
 - b) plats by Marsh and Legge Land Surveyors recorded in PB 2, P 9, and PB 5, P 25, of TM 4-A-11A, TM 4-A-11B, TM 4-4-1, TM 4-4-2 and TM 4-4-3
 - c) plat by Elliott Ritchie, Jr attached to DB 171, P 410, of TM 4-A-20
 - d) plat by L. Allen Ebert recorded in DB 180, P 735, of TM 4-A-20A
 - e) plat by Richard U. Goode recorded in DB 125, P 392, of TM 3-4-6
 - f) existing centerline of Route no. 639

Owners' Certificate: This plat prepared by W. Stuart Dunn, Certified Land Surveyor, of Berryville, Virginia, dated May 5, 2017, of the land situate in Longmarsh Magisterial District, Clarke County, Virginia, and being the same land conveyed to Millicent R. Miller, Michael G. Miller, Jr., Leigh Miller Garry and Anne-Owen Miller Balzer, in deeds recorded in: Deed Book 97, Page 416, Will Book 36, Page 379, Deed Book 525, Pages 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65 and 67, of record in the Clerk's Office of the Circuit Court of Clarke County, Virginia, is hereby confirmed and submitted for record in the aforesaid Clerk's Office.

Millicent R. Miller
State of _____, City/County of _____, to wit: Acknowledged day of _____, 2017

Notary Public (name & registration):
My commission expires: _____

Michael G. Miller, Jr.
State of _____, City/County of _____, to wit: Acknowledged day of _____, 2017

Notary Public (name & registration):
My commission expires: _____

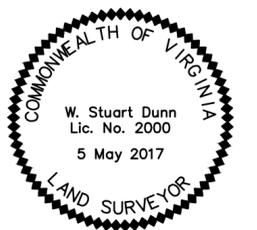
Owners' Certificate: (cont)

Leigh Miller Garry
State of _____, City/County of _____, to wit: Acknowledged day of _____, 2017

Notary Public (name & registration):
My commission expires: _____

Anne-Owen Miller
State of _____, City/County of _____, to wit: Acknowledged day of _____, 2017

Notary Public (name & registration):
My commission expires: _____



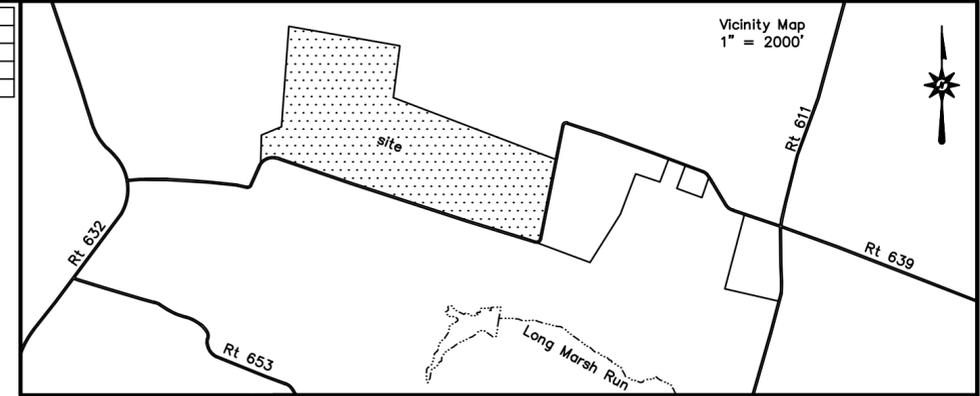
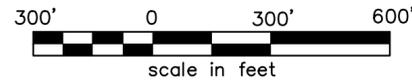
Dunn Land Surveys, Inc.
106 North Church Street
Berryville, Virginia 22611
Tel: 540-955-3388
May 5, 2017

Survey no. 257F

E. Scott Smalley, Trustee
 TM 4-A-11A
 D.B. 495, P. 369
 Z: AOC

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	70.00'	113.15'	101.23'	S 63°33'59" W	92°36'58"
C2	370.00'	197.25'	194.92'	N 83°32'36" W	30°32'39"
C3	177.00'	113.00'	111.09'	S 62°53'42" W	36°34'45"
C4	451.00'	48.14'	48.12'	S 41°32'51" W	6°06'57"

LINE	BEARING	DISTANCE
L1	S 17°15'30" W	80.70'
L2	N 70°07'32" W	290.31'
L3	N 22°04'57" W	51.66'

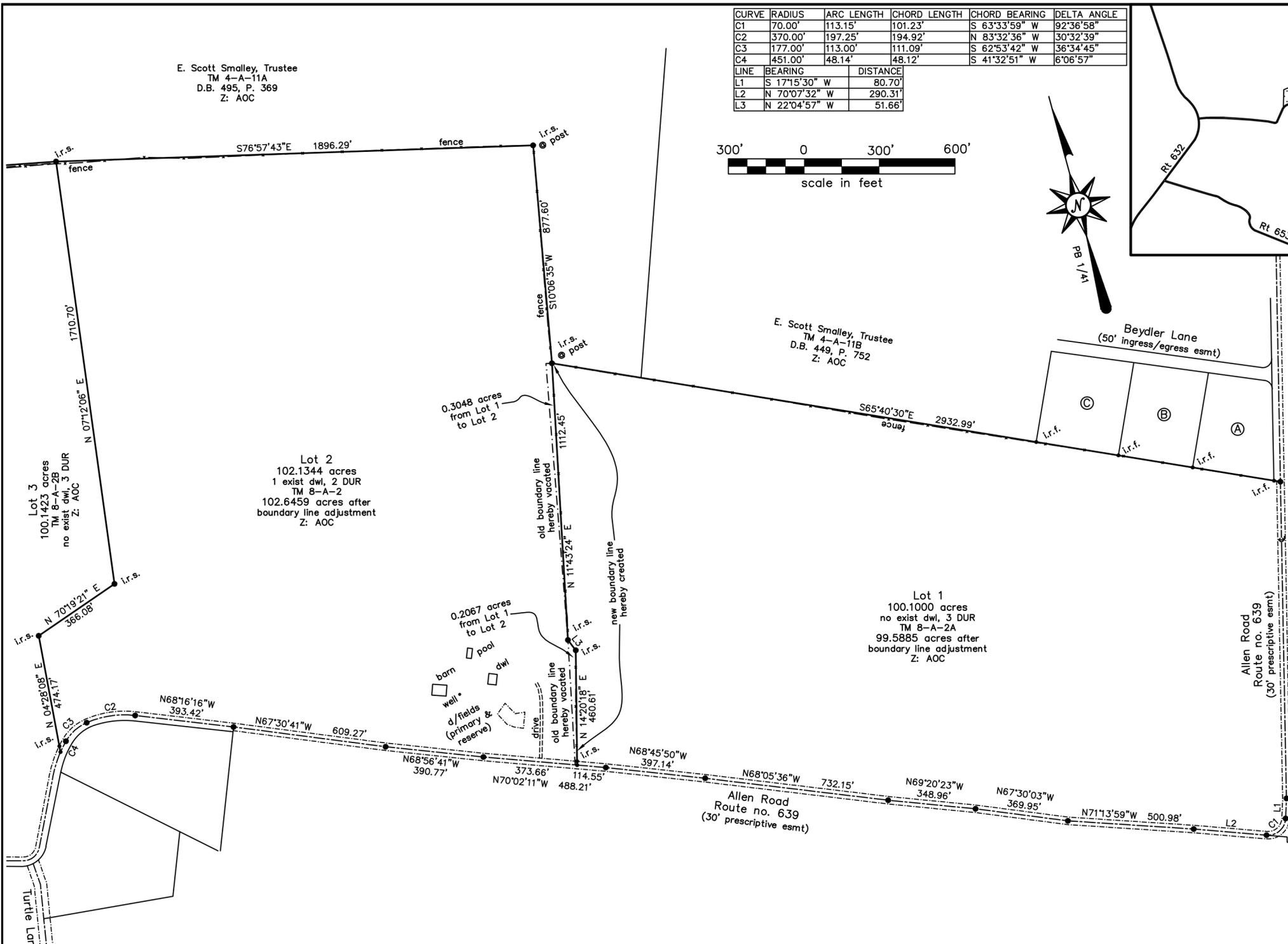


Surveyor's Certificate: I, W. Stuart Dunn, a duly licensed Land Surveyor, do hereby certify that the lands herein adjusted are in the name of Millicent R. Miller et al, and were acquired by them as stated in the Owners' Certificate. I further certify that these parcels are properly and accurately described and are within the boundaries of the original tracts and are referenced to the meridian established in Plot Book 1, Page 41. I further certify that the monuments designated hereon have been set in accordance with the Subdivision Ordinance of Clarke County, Virginia.

W. Stuart Dunn, CLS #2000
 Berryville, Virginia

Notes:

- The resulting 99.5885 acres, Lot 1, TM 8-A-2A, have no existing dwelling and 3 DUR. The resulting 102.6459 acres, Lot 2, TM 8-A-2, have one existing dwelling and 2 DUR.
- Setbacks as follows: 100 feet from the center of Route no. 639, 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; dwl = dwelling; bldg = building; DUR = dwelling unit right; esmt = easement
- 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.
- These parcels are in Flood Zone X, established from FIRM Community Panel no. 51043C0055D, effective September 28, 2007.
- The location of the drainfield area shown is only approximate. This was established from records available at the Clarke County Health Department.
- Vegetated property buffer except for those land uses listed as exempt, existing woody vegetation within 25' of all property lines shall be retained on parcels of less than 20 acres, as per Section 3-A-1-f of the Clarke County Zoning Ordinance.
- 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.



Owners' Certificate: The undersigned fee simple owners hereby certify that the foregoing Boundary Line Adjustments of 0.3048 acres and 0.2067 acres, being portions of an existing 100.1000 acre parcel, Lot 1, Tax Map 8-A-2A, to be adjusted into an existing 102.1344 acre parcel, Lot 2, Tax Map 8-A-2, recorded in the name of Millicent R. Miller et al, in Deed Book 97, Page 416, Will Book 36, Page 379, Deed Book 525, Pages 45, 47, 49, 51, 53, 55 and 57, with 102.6459 acres being the adjusted area of Tax Map 8-A-22 and 99.5885 acres the adjusted area of Tax Map 8-A-2A, is made with the free consent and in accordance with the desires of the undersigned owners of said lands and the same is hereby confirmed and submitted for record in the aforesaid Clerk's Office.

Millicent R. Miller
 State of _____, City/County of _____, to wit: Acknowledged _____ day of _____, 2017
 Notary Public (name & registration):
 My commission expires: _____

Michael G. Miller, Jr
 State of _____, City/County of _____, to wit: Acknowledged _____ day of _____, 2017
 Notary Public (name & registration):
 My commission expires: _____

Owners' Certificate: (cont)
 Leigh Miller Garry
 State of _____, City/County of _____, to wit: Acknowledged _____ day of _____, 2017
 Notary Public (name & registration):
 My commission expires: _____

Anne-Owen Miller
 State of _____, City/County of _____, to wit: Acknowledged _____ day of _____, 2017
 Notary Public (name & registration):
 My commission expires: _____

Approval:
 This re-arrangement of property lines is excepted from the Clarke County Subdivision Ordinance pursuant to Section 10-D-1-c therein.

Clarke County Zoning Administrator _____ date: _____

Approval:
 Clarke County Health Department _____ date: _____

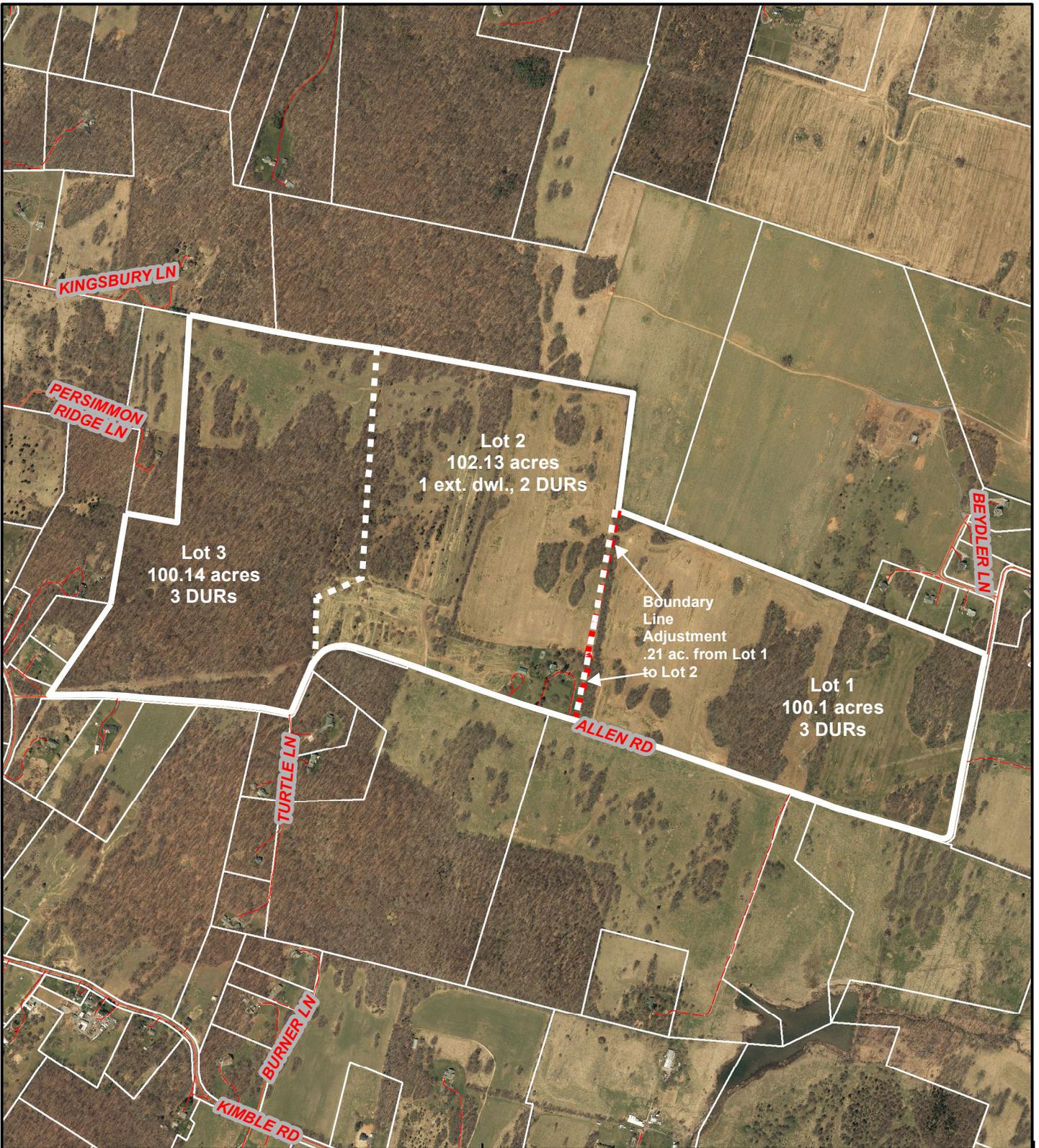
Area Table:

100.1000 acres	area of Lot 1, TM 8-A-2A	(no exist dwl, 3 DUR)
0.3048 acres	adjusted into Lot 2, TM 8-A-2	
0.2067 acres	adjusted into Lot 2, TM 8-A-2	
99.5885 acres	adjusted area of Lot 1, TM 8-A-2A	(no exist dwl, 3 DUR)
102.1344 acres	area of Lot 2, TM 8-A-2	(1 exist dwl, 2 DUR)
0.3048 acres	portion of Lot 1, TM 8-A-2A	
0.2067 acres	portion of Lot 1, TM 8-A-2A	
102.6459 acres	adjusted area of Lot 2, TM 8-A-2	(1 exist dwl, 2 DUR)

Glen Allen Farm
 Boundary Line Adjustment of the Lands of
Millicent R. Miller
 Deed Book 97, Page 416 Will Book 36, Page 379
Michael G. Miller, Jr., Leigh Miller Garry
and Anne-Owen Miller
 (also known as Anne-Owen Miller Balzer)
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 Deed Book 525, Page 61 Deed Book 525, Page 63
 Deed Book 525, Page 65 Deed Book 525, Page 67
 Tax Map 8-A-2 Tax Map 8-A-2A
 Longmarsh Magisterial District, Clarke County, Virginia



Dunn Land Surveys, Inc.
 106 North Church Street
 Berryville, Virginia 22611
 Tel: 540-955-3388
 May 5, 2017
 Survey no. 257F



Glen Allen Farm
 Administrative Subdivision
 Tax Map# 8-A-2, 302.38 acres
 1 ext. dwl., 8 DURs



Clarke County GIS
 May 26, 2017



Legend

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