

CLARKE COUNTY BOARD OF SUPERVISORS
November 17, 2009 Regular Meeting
Main Meeting Room

1:00 p.m.

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held in the Main Meeting Room, 2nd Floor Berryville Clarke County Joint Government Center, 101 Chalmers Court, 2nd Floor, Berryville, Virginia on Tuesday, November 17, 2009.

Board Members Present

Barbara Byrd; A. R. Dunning, Jr.; J. Michael Hobert; John Staelin; David Weiss

Staff Present

David Ash, Chuck Johnston, Tom Judge

Others Present

Dr. Michael Murphy, Val Van Meter, and other citizens

Call to Order

Chairman Staelin called the meeting to order at 1:06 p.m.

Adoption of Agenda

Supervisor Byrd moved to approve the agenda as modified.

- Date on Agenda is October 20 change to November 17, 2009
- Per request, Item 9 Discussion Special Use / Site Plan SUP-08-02 [PH 08-14] to be set public hearing.
- At the request of VDOT, move them from Item 11 to Item 4 after Clarke County Public Schools Update.
- Carry over Bills and Claims for November to December Regular meeting. Material not distributed with sufficient time for review.

The motion carried by the following vote:

John R. Staelin, Chair - Aye
J. Michael Hobert, Vice Chair - Aye
Barbara J. Byrd - Aye
A.R. Dunning, Jr. - Aye
David S. Weiss - Aye

Clarke County Public Schools Update

Dr. Michael Murphy, with Robina Rich Bouffault, appeared before the Supervisors to provide the monthly update for the Clarke County Public Schools. Highlights include:

- On-Time Graduation Rate:
 - o Class of 2009 started with 191 students – 182 received a state-approved diploma
 - o Nine students received a non-approved diploma [6] or dropped out [3]
 - o Six [6] types of diplomas
 - o Difference between advanced and standard diploma is two [2] credits and the distribution of courses (more math, more science, more English, etc.); an advanced studies diploma is not an “Honors” diploma, just hard work.
 - o Ideally, we would like every student to achieve an advanced studies diploma, with interested students choosing a concentration in Career and Technical Education.

- Kids:
 - o Interact Club up and running – “Service over Self”
 - o Thanksgiving celebrations are everywhere – Boyce “Pilgrims” fed me this morning.
 - o Sports in the news:
 - Cheering Leading Team finished fifth in the state championships.
 - Football team when 10-0 during the regular season – Ranked No. 2 in the State for Division A – First play off game is this Saturday at 1:30 pm in Feltner Stadium.
 - Clarke County claimed its second straight and fifth Boys Cross Country title in six years in Division A.
 - Battle of the Bull Run standings after the completion of all CCHS fall sports shows that Clarke County is running away with the title with 43.5 points; Strasburg is a far behind second at 36 points.

- Staff:
 - o Division-wide staff evaluation process for licensed staff now in place.
 - o Coordination has begun between Lord Fairfax and six area school divisions to offer comprehensive staff development programs on a regional basis beginning in March.

- Budget:
 - o Composite index went down to .53 – revenue will hopefully offset the VRS increase and anticipated state budget shortfalls.
 - o Account managers are working on FY11 budget priorities using a group for group process for decision-making.

- FY11 Budget Assumptions and Priorities have been discussed with Administrative Team and School Board and will be reviewed again.
- School Board discussion has taken place regarding possible “carve-out” for school construction purposes from the FY09 carry-over; funds recommended to be allocated for infrastructure, critical, and possible budget shortfalls.

- Education Program:
 - Work has begun on course offerings and the program of studies for JWMS and CCHS for the next school year.
 - Graduation requirements have changed and there are new math tests and a new SOL test in math [Patterns, Probability, and Functions]. Staff is working on these.
 - Personal Finance and Economics will become a requirement for graduation beginning with next year’s 9th graders – a great idea – also an unfunded mandate.

- New High School
 - Goal for CCHS 60% design from Crabtree Rohrbaugh & Associates and Gannett Fleming is December 14, 2009.
 - Work continues on all fronts toward the construction of the new high school.
 - School Board requests additional funding.

Dr. Murphy invited Tom Judge to distribute and review the various new high school proposals and budget impact. Highlights of the review included:

- Original budget: \$33,000,000.
- Money spent to date: \$5,899,414.35
- Remaining budget: \$27,100,586
- Revised CRA/GF Estimate base: \$36,275,981
- Revised CRA/GF Estimate base with alternates: \$39,437,035
- Revised CRA/GF Estimate with adjustments with alternates: \$39,386,978
- Additional Budget needed base: \$8,105,338
- Additional Budget needed base with alternates: \$11,286,392
- School Board request for additional funding: \$11,286,392
- Suggest securing additional bond funding from Rural Development Authority through the Industrial Development Authority.
- Additional tax required: 3 cents
- The new high school project should take two years before students are moved into the new high school and funding would be requested to begin renovations of the current high school to an elementary school.
- Project estimates for renovations of the current high school to an elementary school have been adjusted from \$8,500,000 to \$4,290,000 based on \$50 per square foot renovation costs.
- After renovation of that building, approximately one year, it is planned that in FY15 students will have moved out of DG Cooley and Berryville Primary; and the School Board would then request to renovate Cooley.

- The School's capital plan shows in FY18 an addition to the new high school of eight class rooms at 8,000 square feet - 4,000 square feet per floor on two levels.
- Present high school plan calls for 143,000 square feet without alternates.
- Reviewing projected debt service for Schools, general government including Boyce sewage loan, Tom Judge stated that the capital projects have been scheduled in such a way as to try even out payments.
- Timing:
 - o Supervisors can delay action until January 2010 to start the bond issuance project.
 - o Jim Allen, RDA, will need an informal okay from the Supervisors now to proceed with the process.
 - o Actual closing on the financing would take place in March.

Tom Judge stated that his recommendation would be that the Board take action and direct the County Administrator to indicate to RDA the amount that it wants earmarked for this project understanding that final decisions on appropriation will occur in January and actual financing amount in March remains at the Board's discretion.

Chairman Staelin asked for explanations from School personnel present on the three different alternatives: the purpose, priority order, cost, etc.

Tom Judge responded providing explanation of incremental costs and purpose.

- Alternate No. 1 is for a weight room / wrestling room -. Its function during the school day is to provide an additional space. \$1,175,940 for 6,433 square feet or \$182 per square foot includes design, engineering, construction and some contingencies. Dr. Murphy added that this would be flexible space for indoor physical education.
- Alternate No. 2 is for an agriculture/technology area, which is a space that would accommodate primarily the "clean tech" operations such as the engineering lab; but discussion continues on exactly which programs would be transferred. \$1,740,899. Dr. Murphy, responding to Supervisor Byrd, said that students would still use the current high school for portions of the curriculum.
- Alternate No. 3 is for team locker rooms. \$931,000. Dr. Murphy explained the need for team locker room space advising that the current program only provides physical education lockers for boys and girls providing only a small cubicle but the team locker rooms for visiting teams would have foot lockers that accommodate pads and helmets, showers, rest room facilities, etc. and would be separate from the physical education locker rooms.

Supervisor Dunning asked School representatives present to prioritize the alternates. Dr. Murphy responded as follows:

- No. 1 - Alternate 1: Weight/Wrestling Room the day-to-day need for flexible space is the most important to him and to high school staff.
- No. 2 - Alternate 2: Agriculture/Technology Area, which is known to be of importance.

- No. 3 – Alternate 3: Team Locker Rooms are the last priority.

Responding to Supervisor Byrd, Dr. Murphy urged caution and said that, once the current high school is renovated for elementary school use, daytime activity by high school students would be restricted to reduce exposure to the elementary students.

Vice Chairman Hobert proposed deferring consideration of the addition of team locker rooms to the renovation of the current high school for elementary use. Dr. Murphy concurred suggesting that visiting teams could stage in the wrestling rooms.

Dr. Murphy stated that he would prefer to limit busing students between the new and the current high school.

There was discussion regarding how to pursue the alternates in the procurement process and the importance of avoiding the allusion of any impropriety.

Robina Rich Bouffault interjected that independently of the three add alternates there is \$1.5MM for furniture, fixtures, and equipment, which may not be sufficient. She stated that her first priority for any money left over would be to ensure that the new high school is properly equipped.

Supervisors Byrd and Dunning urged moving forward without further delay to take advantage of the potential for lower bids due to the current economy.

Supervisor Weiss asked for review the tax impact that is to be three [3] cents annually to cover debt services. Tom Judge put in that, if isolated, the additional funds needed for the debt services on \$11.2MM over 25 years at 4.25% interest the annual payment would be \$754,000 per year. Vice Chairman Hobert interjected that he estimated that it would be an approximate increase of 5 1/2% over the current tax rate for the additional amount for all three alternates. Chairman Staelin recapped planned expenditures and scheduled tax increases.

Chairman Staelin recommended that the Supervisors direct David Ash and Tom Judge to contact RDA. He asked Tom Judge to provide the amount needed less Alternate 3 and half the carry-over funds that are \$993,000.

Supervisor Dunning asked the Schools to provide half a million in carry-over funds and to freeze another million in fund balance contingency funds. Dr. Murphy reminded that that the Schools were facing a very tough time and would have to be very creative moving forward.

Supervisor Weiss queried Dr. Murphy as to the core elements of the proposed high school requesting assurances that the monies being requested for the alternatives could not be better spent improving the core. He asked for assurance that everything else had been addressed before the alternates were considered. Dr. Murphy responded that the core could be tweaked to meet the wants of some School Board members but they could work around any perceived shortfalls. He stated that he believed the core to be absolutely sufficient. He assured that the

facility had all the elements, adequate classrooms, a library, a competition gymnasium, and a lunchroom that would have three shifts if they reached a thousand students. Dr. Murphy added that if there were an extra million around they would like to put in the latest technology. He also said that the Schools must remain flexible and open to change.

Robina Rich Bouffault commented that the School Board had a teleconference with their architect, Tom Crabtree. She said that they had specifically asked how long it would take to get to the 60% cost estimate and he indicated that given all the testing that has been done they felt what had been presented could be used as a 60% estimate.

Tom Judge clarified that the Industrial Development Authority would be borrowing the money based on a revenue stream from the County. Therefore, the County must agree to pay the Industrial Development Authority that in turn pays the Rural Development Authority.

Vice Chairman Hobert moved to direct the County Administrator to provide informal direction to RDA with respect to the amount to be earmarked for a potential borrowing level subject to confirmation by Tom Judge. The amount would be \$9,855,527 representing the amount that is shown for the two alternates but not the third less \$500,000, which is currently in fund balance for the School Board carryover.

Supervisor Dunning amended the motion, with approval from Vice Chairman Hobert, to include the stipulation that a million dollars in School contingency funds in the General Fund be frozen for use as contingency.

The motion carried by the following vote:

John R. Staelin, Chair	-	Aye
J. Michael Hobert, Vice Chair	-	Aye
Barbara J. Byrd	-	Aye
A.R. Dunning, Jr.	-	Aye
David S. Weiss	-	Aye

Robina Rich Bouffault called for clarification that January was the timeframe for the official appropriation. Vice Chairman Hobert responded that in January it would be the determination of how much to borrow. She asked when the School Board would have the borrowing for their use. David Ash responded that what RDA needed now was the information from the architect and the location. He put forth that January would be the earliest explaining that RDA will process this information that must be reviewed by the Department of Historic Resources and have an environmental review. This process will take 30 days from the time the documents are submitted. RDA sends a letter of conditions; and at that time, they have identified the amount of money being held and the interest rate at which they are willing to provided the bond. Closing follows after the receipt of the letter of conditions.

Tom Judge added that bond counsel had advised that the Supervisors could wait until January to do the appropriation noting that the final amount does not need to be settled until March; therefore, the matter could wait until February. He said that the details of the timing of it all still needed to be worked out noting that it is a revenue bond not a general obligation bond so there is no hearing regarding financing but a public hearing is still needed in respect to the appropriation.

Chairman Staelin assured Ms. Bouffault that the Supervisors would act as quickly as they could stating that he hoped to have a calendar at the December meeting and would then be able to tell the Schools when they would hold public hearing.

Robina Rich Bouffault added that the Schools should have the 60% drawings on December 14, which is the second of three phases. If approved by the School Board, the project moves to the final construction drawings; and after this, the County can start establishing the bid documents, which is anticipated to be a phased bid. She said that they could possibly go out to bid in February with a 30-day response time.

Clarification

Mrs. Byrd requested time to address other school-related matters. She said that she is liaison to the School Board and that last night none of the PA systems were working. She asked if someone could show them how to use the microphone so everyone can hear.

Mrs. Byrd further noted that also a staff member to Town Council made an incorrect statement at the public hearing. She provided the changes and requested that they be included in the minutes.

Public Hearing On October 29th

I would like to correct a statement made at the public hearing held on October 29th, 2009.

It was stated that I made the motion to adopt the Resolution No. 08-26R concerning Mosby Road funding. I want to read from the Board of Supervisors Meeting of November 18th, 2008.

Book 19 Pages 682, 683

Mosby Boulevard Extension

Chairman Staelin requested instruction on required steps to change the Secondary Six-Year Plan. Jeff Lineberry stated that a letter of intent describing the scope would be necessary. He further advised that Westwood Road had federal funds assigned therefore federal review and approval would be necessary. He stated that these federal funds would not be available until next

fall however construction could begin on the Mosby extension using state funds. Mr. Lineberry advised that each affected roadway would be listed with each assigned the same priority and grouped as a project under one contract. He further advised that the school entrance could not be built as part of the project.

Supervisor Byrd asked if the traffic impact analysis estimated for completion in February 2009 could be fast tracked. Jeff Lineberry stated that the traffic study timeline is impacted by the time constraints of the consultant; however, VDOT has promised to expedite the data collection and review process.

Vice Chairman Hobert suggested developing a memorandum of understanding with the Town of Berryville regarding their support of the extension of Mosby Boulevard. Supervisor Byrd reminded that the extension of Mosby was a requirement when an additional subdivision with 94 homes with curb, guttering and sidewalk; however, the school was actually a downsizing.

Supervisor Dunning clarified that while the Town had gotten bonds for roadway extension for each segment of Mosby the Town did not have this agreement in place nor had they anticipated the developer selling this property to an institution.

Book 19, Page 696

Vice Chairman Hobert move[d] to adopt Resolution No. 08-26R Virginia Department of Transportation Secondary Highway Construction Fund Priorities Resolution.

The motion was approved by the following roll-call vote:

John R. Staelin, Chair	-	Aye
J. Michael Hobert, Vice Chair	-	Aye
Barbara J. Byrd	-	Aye
A.R. Dunning, Jr.	-	Aye
David S. Weiss	-	Aye

VDOT

Jeff Lineberry, Resident Engineer, with Bob Childress and Charlie Monroe, appeared before the Supervisors to provide the monthly update.

- Currently cleaning up the park and ride on Route 50.
- Will be applying mixture to main roads 24 hours before a snowstorm.
- Dry runs have already been made in preparation for snow.
- Ready for the upcoming winter season.

- May change how the existing Mosby is marked. He said this could be done inexpensively. He said they would be working with the neighborhood in the Mosby area to come up with the best way for traffic calming to work.
- Some data on the passing zones on Rt. 601 has been received.

Approval of Minutes

- October 20, 2009 Regular Meeting

Vice Chairman Hobert moved to approve the minutes of October 20, 2009 as presented.

The motion was approved by the following vote:

John R. Staelin, Chair	-	Aye
J. Michael Hobert, Vice Chair	-	Aye
Barbara J. Byrd	-	Aye
A.R. Dunning, Jr.	-	Aye
David S. Weiss	-	Aye

Consent Agenda

- A. 2009 Abstract of Votes

Vice Chairman Hobert moved to approve the item on the consent agenda.

The motion was approved by the following vote:

John R. Staelin, Chair	-	Aye
J. Michael Hobert, Vice Chair	-	Aye
Barbara J. Byrd	-	Aye
A.R. Dunning, Jr.	-	Aye
David S. Weiss	-	Aye

Citizens Comment Period

No citizens appeared to address the Supervisors.

Zoning Ordinance Text Amendment – Set Public Hearing TA-09-11

The Clarke County Planning Commission recommends the amendments of the County Zoning Ordinance, Section 7, Appeals, Variances, and Zoning Map Interpretations:

Section 7-A-5, Board of Zoning Appeals – Organization and Procedures, deleting the requirement that any action must be taken by a majority of the entire Board, not just of those members present; and Section 7-C-5-b, Variances, deleting the requirement that the Board should not grant a variance unless a hardship that ‘approaches confiscation’ is alleviated.

Mr. Johnston explained this item. He said these changes track changes as presented by the General Assembly.

Vice Chairman Hobert moved to set public hearing for December 15, 2009 at 6:30 pm or as soon thereafter as the matter might be heard on the proposed amendment TA-09-11.

The motion was approved by the following vote:

John R. Staelin, Chair	-	Aye
J. Michael Hobert, Vice Chair	-	Aye
Barbara J. Byrd	-	Aye
A.R. Dunning, Jr.	-	Aye
David S. Weiss	-	Aye

Zoning Ordinance Text Amendment – Set Public Hearing TA-09-13

The Clarke County Planning Commission recommends the amendment of the County Zoning Ordinance, Sections 3-A-1-f and 3-A-2-f, Vegetated Property Buffer in the AOC and FOC Zoning Districts, so as to require Zoning Administrator review of clearing activities within the vegetated property buffer’s no-clear areas.

Mr. Johnston explained this item proposes that the Zoning Administrator be advised when a vegetated buffer is disturbed. He said it was suggested to send letters to new property owners of the regulations in the AOC and FOC Zoning Districts.

Supervisor Weiss moved to set public hearing for December 15, 2009 at 6:30 pm or as soon thereafter as the matter might be heard on the proposed amendment TA-09-11.

The motion was approved by the following vote:

John R. Staelin, Chair	-	Aye
J. Michael Hobert, Vice Chair	-	Aye
Barbara J. Byrd	-	Aye
A.R. Dunning, Jr.	-	Aye
David S. Weiss	-	Aye

Discussion Special Use / Site Plan SUP-08-02 [PH 08-14]

The Town of Berryville requests approval of a Special Use and Site Plan for a Public Utility Facility (outfall line for treated effluent) and located generally along and in the public right of way for Harry Byrd Highway (Virginia Route 7) from the Berryville Waste Water Treatment Plant (362 Parshall Road) to the Shenandoah River (approx. 150 feet north of the Robert W. Smalley Sr. Bridge at Castleman's Ferry, [Route 7 bridge]), through Tax Map Parcels 15-((A))-8, 11, 13, 17C, 18, 20, 21; 15-((3))-8; 16-((A))-22, 33, 36, 36A, 40 all located in Battletown Magisterial District, zoned Agricultural-Open-Space-Conservation (AOC). SUP-08-02 (aka SUP-04-01)

Mr. Johnston explained this request from the Town of Berryville that the Supervisors set public hearing, at their discretion, in order to expedite the process due to time limitations. He said that the Planning Commission felt comfortable about moving forward and that the change would not impact the property owners to any due extent.

Supervisor Weiss moved to set public hearing for December 15, 2009 at 6:30 pm or as soon thereafter as the matter might be heard on the proposed amendment TA-09-11.

The motion was approved by the following vote:

John R. Staelin, Chair	- Aye
J. Michael Hobert, Vice Chair	- Aye
Barbara J. Byrd	- Aye
A.R. Dunning, Jr.	- Aye
David S. Weiss	- Aye

Discussion of 2010 Legislative Issues

Chairman Staelin spoke about alternative systems. The Supervisors will always oppose change when the General Assembly tries to take away locality rights.

Supervisor Dunning moved adopt the 2010 Legislative Priorities.

The motion was approved by the following vote:

John R. Staelin, Chair	- Aye
J. Michael Hobert, Vice Chair	- Aye
Barbara J. Byrd	- Aye
A.R. Dunning, Jr.	- Aye
David S. Weiss	- Aye

Committee Action

Personnel

Appointment to Authorities, Boards and Commissions

<i>Committee/Board</i>	<i>Appointee</i>	<i>Expiration Date</i>
Economic Development Advisory Committee <i>Mr. Barb is reappointed to serve an additional four-year term.</i>	Jim Barb	12/31/2013
Board of Zoning Appeals <i>Mr. Means is recommended to the Clarke County Circuit Court, pending its review, approval and appointment, to fill the un-expired term of Richard Thuss ending February 15, 2011.</i>	Howard Means	12/31/2013

Supervisor Byrd moved to confirm the appointments as presented.

The motion was approved as follows:

John R. Staelin, Chair	-	Aye
J. Michael Hobert, Vice Chair	-	Aye
Barbara J. Byrd	-	Aye
A.R. Dunning, Jr.	-	Aye
David S. Weiss	-	Aye

Mr. Staelin stated that Carey Lokey is leaving the Industrial Development Authority. He encouraged the Supervisors to think of individuals to replace him.

Work Session

Mr. Staelin reviewed items with Mr. Dunning. He went over items that were discussed during his absence at the last meeting.

Finance

Tom Judge said there was a presentation given to account managers regarding ways to save money. He said that during hard times it is difficult to make a cut in the middle of the fiscal year as it was in the Sheriff's Department.

Government Projects Update

Mr. Ash said that the contractor has been working on the generator outside of Joint Government Center. The contractor has completed modifications to the heating and air conditioning system and is installing a vapor barrier in the County wing. They hope this will alleviate the humidity that we experienced this past summer.

Mr. Ash said there have been questions about the preliminary plans for the Court House. He stated that the plans will be available soon and reviewed. He said that hopefully work would begin on the Court House in the near future.

Miscellaneous

Mr. Hobert stated that there would be a turkey dinner at Grace Episcopal Church on Friday.

Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Change date on agenda from October 20 to November 17, 2009	Lora B. Walburn
2.	Add November review of Bills and Claims by J. Michael Hobert to the December agenda and provide advance copy.	Lora B. Walburn
3.	Provide informal direction to RDA with the amount to be borrowed subject to confirmation from Tom Judge. (\$9,855,527.)	David Ash
4.	Process approved minutes for October 20, 2009.	Lora B. Walburn
5.	Advertise for public hearing: TA-09-11; TA-09-13; SUP-08-02	Lora B. Walburn
6.	Provide notice of appointment and update database.	Lora B. Walburn
7.	Send to the Circuit Court Supervisors recommendation of Howard Means for appointment to the Board of Zoning Appeals.	Lora B. Walburn
8.	Solicit replacement for Industrial Development Authority member Carey Lokey.	Supervisors
9.	Subject to availability of legal counsel, add further deliberation of PH -9-26 TA-09-03 to the December Work Session or Regular Meeting Agenda.	David Ash
10.	Update County Code with amendment CC-09-08.	Lora B. Walburn
11.	Amend TA-09-01A to include the condition that the height of the fence be 8 feet.	Chuck Johnston

At 3:50 pm Chairman Staelin recessed the meeting until 6:30 pm.

At 6:30 pm Chairman Staelin reconvened the meeting.

Citizens Comment Period

No citizens appeared to address the Supervisors.

Due to the large group of persons attending to address the issue of farm wineries, Public Hearing PH 09-26 was moved to the beginning of the meeting.

PH 09-26 TA-09-03 Zoning Ordinance Text Amendment –Public Hearing TA-09-03

- The Clarke County Board of Supervisors will consider the amendment of the County Zoning Ordinance:
- Section 3-A-1-a, Permitted Uses in the AOC Zoning District, so as to delete 'Farm Wineries' as a Special Use and add it as a Principal Use;
 - Section 3-A-2-a, Permitted Uses in the FOC Zoning District, so as to delete 'Farm Wineries' as a Special Use and add it as a Principal Use;
 - Section 3-C-2-ii, Supplementary Regulation for Farm Winery so as to establish a description and standards for Farm Winery activities in conformance with Virginia Code Section 15.2-2288.3,
 - Section 9-B-193, Definition of the term 'Farm Winery' so that the definition conforms to Virginia Code
 - Section 4.1-100

Mr. Johnston explained this request. He stated that the Virginia Assembly established certain regulations and this amendment is to be in accordance with those regulations. He spoke about business hours for farm wineries. He said the Planning staff researched various web sites in the area and the hours of those sites. He stated that there are regulations about activities being conducted outside the given hours. He said if these activities occurred more than 6 times a year with over 150 people it would require a special use. He said he has consulted with the county land use attorney, Robert Mitchell and requested that he review these amendments.

Mr. Staelin opened the public comment portion of the public hearing.

Randy Collins – President and CEO for the Top of Virginia; He said he wants to understand the amendment and feels that the hours for the wineries should be the decision of the business. He said we do not want to see the County Code impede individuals from operating their business. He said he is here tonight to show his opposition to this

Robert Hauck – he said he owns a winery in Loudoun County. He said that any one that puts this much money into a winery is invested for life. He said that the more ordinances that are passed it makes it more difficult to operate their business.

Matt Conrad – representing the Virginia Wine Council. He said that the mark has been missed with this ordinance. He quoted regulations about hours for wineries. He thanked the BOS for their hard work. He said that everything that farm wineries are doing is of an agricultural nature. Please count on the Virginia Wine Council as a resource.

Della Bogaty – owner and operator of Veramar Wineries. She stated that they are very involved in the community. She said they let organizations use their facilities. She asked the BOS to stop this ordinance.

Jim Corcoran– winery owner in Loudoun County – he said they are under the regulations of ABC and are an agricultural business. He feels the amendment should not be passed.

Jim Bogaty – owner of Veramar Winery. He produces grapes and produces award-winning wines. He said they have been in business for ten years. He does not like the hours that are proposed. He is against the hours and the number of customers they can have. He said this amendment would have a major impact on his business.

Kurt Harvey – local citizen, he is concerned with the amendment. He is afraid this could close Veramar Vineyards. He urged the Board of Supervisors to let economic freedom ring.

Justin Bogaty – 2nd generation owner of Veramar Vineyard. He said he does not want to see this amendment pass.

Eric Hauck – owns a Loudoun County winery. He said he feels regulations should not be made when there are no problems.

Stephen Maki – Loudoun County winery owner. He feels that farm wineries are an asset to the community. He said being in Loudoun County they are considered the DC Wine Country. He thinks Clarke County should embrace the wineries.

Colonel Duke Stanton – He said that sharing a bottle of wine over the sunset at 9:00 p.m. is a wonderful thing. Please do not take it away from us.

Veda Headley – has been in County for over 50 years and sees more and more regulations. She likes the winery and would like the amendment not to be passed.

Tiffany Bogaty Rankin – loves Clarke County, hates to see the regulations pass and she wants Clarke County to keep the subdivisions out and keep the farming communities.

Chris Parker – promoting Virginia Wine markets in the United Kingdom. He said that the UK now understands that there is superb wine being made here. He said the folks from the UK want to come to an area that is beautiful and an agricultural community.

Kip Rankin – he works part-time at the only local winery. He said curbing the hours at this winery would create an extreme hardship on the business.

Emily Bolden – she has known the Bogaty family for over 10 years. If the hours are regulated it would have a negative impact on their business.

Dan Mortinly – has been visiting the Clarke County area since 1956, to start a small farm winery you are investing approximately one million dollars. He feels this amendment should not go through.

Ashley Bogaty – please do not pass this amendment that will have a negative impact on our business.

Mr. Staelin closed the public comment portion of the public hearing.

Mr. Staelin stated that during the last few days a lot of comments have come up about this amendment. He said that this amendment will be reviewed by Robert Mitchell, the County's land use attorney; and further deliberation and decision would be continued to the December Work Session or Regular meeting dependent upon Mr. Mitchell's availability,

Supervisor Dunning moved to continue the topic to the next meeting.

The motion was approved by the following vote:

John R. Staelin, Chair	-	Aye
J. Michael Hobert, Vice Chair	-	Aye
Barbara J. Byrd	-	Aye
A.R. Dunning, Jr.	-	Aye
David S. Weiss	-	Aye

Citizens Comment Period

Carol Bayliss, from Russell District, strongly opposes regulating outdoor lights. She said many times over the years people have stopped at their property at night. The outdoor light gives us protection and they feel safe with this light. She does not want the light shielded.

PH 09-27 CC-09-08 County Code Amendment - Public Hearing

The Clarke County Board of Supervisors will consider the amendment of Chapter 72 Conservation Easement Purchase Program:

- Section 72-5 Selection Criteria, so as to add reference to the Property Resource Score,
- Section 72-7 Procedures and 72-8 Duties of the Authority, so as to reference and reflect the proposed purchase policy,
- Section 72-12 Five Year Review, so as to provide a summary of the Authority's accomplishments to the Board every five years. CC-09-08

Ms. Teetor explained this request.

Chairman Staelin opened the public comment portion of the public hearing. There being no persons present desiring to speak on the matter the public comment portion of the public hearing was closed.

The Board discussed this item. Mr. Dunning said he wants to make sure that people understand this amendment.

Supervisor Dunning moved to approve County Code amendment CC-09-08.

The motion was approved by the following vote:

John R. Staelin, Chair	-	Aye
J. Michael Hobert, Vice Chair	-	Aye
Barbara J. Byrd	-	Aye
A.R. Dunning, Jr.	-	Aye
David S. Weiss	-	Aye

**CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY**

BE IT ORDAINED by the Board of Supervisors of Clarke County that the Clarke County Code be Amended to add Chapter 72, Sections 72-1 through 72-12.

**CHAPTER 72
Conservation Easement Purchase Program**

§72-1 Purpose

The general purpose of the Clarke County Easement Purchase Program (CEP Program) is to protect and preserve land with significant agricultural, natural, scenic, and historic resources. In furtherance of the general purpose, the specific purposes of the CEP Program include, but are not limited to:

- A. Protection of quality farmland;
- B. Preservation of open space and the rural character of Clarke County;
- C. Protection of environmentally sensitive areas important to water quality, plant life, and wildlife;
- D. Protection of historic resources;
- E. Protection of natural and scenic resources;
- F. Promotion of tourism; and
- G. Protection of water resources.

§72-2 Conservation Easement Purchases - General

Conservation easements shall be acquired pursuant to the provisions of this chapter and shall be in conformity with the Clarke County Comprehensive Plan. Any conservation easement acquired pursuant to this chapter shall be voluntarily offered by the owner.

§72-3 Conservation Easement - Definition

For purposes of this chapter, "conservation easement" shall mean a nonpossessory interest in real property of one or more qualified easement holders under §72-9 of this chapter, acquired pursuant to the Virginia Open-Space Land Act (§10.1-1700, et seq., Code of Va.) and this CEP Program, imposing limitations or affirmative obligations for the purpose of retaining or protecting natural or open-space values of the parcel or parcels; assuring availability for agricultural, forestal, recreational, or open-space use; protecting natural resources; maintaining or enhancing air or water quality; or preserving the historical, architectural, or archaeological aspects of the parcel or parcels.

§72-4 Administration

The CEP Program shall be administered by the Clarke County Conservation Easement Authority (Authority). The County Planning Administrator shall serve as Clerk to the Authority, and the County Planning Department shall serve as staff to the Authority.

§72-5 Selection Criteria/*Property Resource Score*

Easements shall be purchased based upon a Property Resource Score and such other factors deemed applicable by the Authority. The Property Resource Score shall include criteria, established by resolution by the Board of Supervisors, which includes the following factors for each property:

- A. Agricultural value;
- B. Area;
- C. Number of dwelling unit rights;
- D. Location in regard to water resources or unique topographic features;
- E. Location in regard to significant publicly protected open space;
- F. Presence of threatened or endangered plant or animal species;
- G. Location in regard to primary and scenic highways;
- H. Location in regard to areas of scenic vistas; and
- I. Presence of historic or cultural resources.

§72-6 Income Criteria

Criteria for evaluating income of property owners (Income Criteria) shall be adopted by resolution by the Board of Supervisors to implement the purpose of focusing the expenditure of County funds in the CEP Program toward lower- and middle-income property owners.

§72-7 Procedures

- A. Any interested property owner may submit an application to offer a conservation easement for acquisition by the County. The application shall be submitted on a form provided by the Authority and shall include the information and documents called for in the application. In addition, the

property owner shall submit thereafter such additional information or documents deemed necessary by the Authority to consider the application.

- B. The Authority shall rank the application in accordance with the *Property Resource Score*.
- C. Based on the ranking determined by the *Property Resource Score*, the Authority shall select proposed easements to be *purchased*.
 - 1. *If the Authority determines that an appraisal of the easement is necessary, it shall commission an appraisal of the easement. Using the Property Resource Score, the Income Criteria, and such other factors deemed applicable by the Authority, the Authority shall determine the maximum amount of County funds that would be offered to the property owner (Purchase Price) for the purchase of the easement.*
 - 2. *If the Authority determines that an appraisal of the easement is not necessary, using the Income Criteria, the Property Resource Score, such valuation methodology as established by the Authority, and such other factors that may be determined by the Authority, the Authority shall determine the maximum amount of County funds that would be offered to the property owner (Purchase Price) for the purchase of the easement.*
- D. For each easement which the Authority proposes to submit to the Board of Supervisors for consideration of purchase, the Authority shall invite the property owner to submit a written offer, on a form provided by the Authority, to sell the easement to the County for the Purchase Price and to donate to the County the balance, if any, of the fair market value of the easement, subject to the terms and conditions of the proposed deed of easement. The proposed deed of easement shall be prepared by the Authority and provided to the property owner. Nothing herein shall compel the property owner to submit an offer to sell.
- E. After receipt of a written offer to sell, the Authority shall forward the offer to the Board of Supervisors for consideration and approval.
- F. Upon formal approval by the Board of Supervisors of the purchase of an easement, the Authority shall arrange for a closing on the transaction and the recordation of the deed of easement in the Office of the Clerk of the Circuit Court of Clarke County.
- G. The County shall pay all closing costs associated with the purchase of an easement including, without limitation, site assessments, appraisals and surveys commissioned by the Authority, grantee's recording costs, and grantor's tax (if any). The County shall not pay fees incurred by the property owner for independent appraisals or for legal, financial, or other professional advice or services to the property owner or for fees and costs in connection with the release and/or subordination of liens to the easement purchased.
- H. A property owner whose proposed easement is not purchased may reapply in the next fiscal year.

§72-8 Duties of the Authority

In administering the CEP Program, the Authority's duties shall include, but not be limited to:

- A. Developing and proposing *Property Resource Score criteria* for adoption by the Board of Supervisors;
- B. Developing and proposing Income Criteria for adoption by the Board of Supervisors;
- C. Publicizing the CEP Program in Clarke County;
- D. Identifying properties that would have high *Property Resource Scores* and target information to the owners of those properties;
- E. Soliciting and receiving voluntary applications from property owners;
- F. Ranking applications in accordance with the *Property Resource Scores*;
- G. Selecting proposed easements to be appraised and commissioning appraisals;
- H. Determining the Purchase Price for selected parcels using the appraised value of the proposed easement and the Income Criteria;
- I. *Establishing a methodology for valuation of proposed easements not appraised to determine the Purchase Price*;
- J. Soliciting written offers to sell for selected proposed easements;
- K. Submitting written offers to sell to the Board of Supervisors for approval;
- L. Completing closings on purchases and recording deeds of easement;
- M. Applying for and pursuing grants, other funding, and gifts from the Virginia Land Conservation Fund, other state or federal agencies, and private persons or entities;
- N. Monitoring properties to determine compliance with the terms of easements purchased, and taking action to enforce compliance;
- O. Having prepared application forms, written offer-to-sell forms, and other documents used in the administration of the CEP Program;
- P. Having deeds of easement prepared;
- Q. Establishing procedures consistent with the provisions of this chapter for the receiving and processing of applications and for the administration of the CEP Program;
- R. Conducting periodic reviews of the CEP Program to determine if its purposes are being met; and
- S. Providing training programs for Board of Directors members and for staff.

§72-9 Deeds of Easement

- A. Each conservation easement shall conform to the requirements of the Virginia Open-Space Land Act and this chapter.
- B. The Board of Supervisors and the Authority shall be co-holders of all easements acquired under the CEP Program. In addition, where advisable the Authority shall seek an additional public body, as defined in the Virginia Open-Space Land Act, or, as permitted by law, other federal or state agency or private organization, to be an additional co-holder.
- C. The deed of easement shall be perpetual.
- D. The deed of easement shall be in a form approved by the County's attorney, shall include standard restrictions contained in conservation easements pertaining to uses and activities allowed on the parcel, and shall include, without limitation, restrictions pertaining to: (1) the maximum number of dwelling unit rights that may be utilized on the parcel on which the easement is located; (2) a prohibition against, mining, commercial activities, and the accumulation of trash and junk but shall not prohibit agricultural, silviculture, horticulture, or home occupations (as defined in the Clarke County Zoning Ordinance); (3) the right of the Authority to conduct periodic inspections, with permission or reasonable notice; and (4) the right of any one or more of the co-holders of the easement to enforce the easement.
- E. In addition, the Authority may include in the deed of easement restrictions or provisions that deal with the specific public values (e.g. agriculture, water resources, historic resources, scenic resources) being protected by the easement.

§72-10 Funding

The CEP Program may be funded annually by the Board of Supervisors either in the county budget or by special appropriation.

§72-11 Non exclusive

The CEP Program is a non-exclusive means for the County to acquire conservation easements and shall not limit the County or the Authority in acquiring, receiving, or holding conservation easements by other methods or under other programs. This chapter shall not limit the ability of property owners to establish conservation easements or other self-imposed limitations on land use or development, and shall not be construed in any way as a limitation on the County's authority to acquire land for public purposes.

§72-12 Five-Year Review

On or about July 1, 2007, *and every five years thereafter*, the Authority shall submit to the Board of Supervisors a report of the Authority's review of the CEP Program and its effectiveness in fulfilling its purposes.

PH 09-24 TA-09-01A Zoning Ordinance Text Amendment – Public Hearing

The Clarke County Board of Supervisors will consider the amendment of the County Zoning Ordinance: Section 4-G-3, Uses and Structures Permitted in Required Yards, so as to revise and clarify these regulations.

Mr. Johnston explained this request. He said this amendment would clarify the regulations.

Chairman Staelin opened the public comment portion of the public hearing. There being no persons present desiring to speak on the matter the public comment portion of the public hearing was closed.

Supervisor Weiss moved to adopt the Zoning Text Amendment TA-09-01 A conditioned upon the height of the fence being 8 feet.

The motion was approved as follows:

John R. Staelin, Chair	- Aye
J. Michael Hobert, Vice Chair	- Aye
Barbara J. Byrd	- Abstain
A.R. Dunning, Jr.	- Aye
David S. Weiss	- Aye

ZONING ORDINANCE TEXT AMENDMENT

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4 GENERAL REGULATIONS

4-G LOT REGULATIONS

- 4-G-3 Uses and Structures Permitted in Required ~~Setback Areas~~ ~~Yards~~
No portion of any building shall be permitted in any required setback area, however
~~The following uses and structures shall be permitted in required setback areas yards,~~
subject to the limitations established.
- 4-G-3-a ~~Driveways, Fences, Walls and Hedges~~
Driveways or Patios with an elevation that is not more than 24 inches above grade.
- 4-G-3-b ~~Covered Entry Porches: Covered entry porches, enclosed or unenclosed, may project into any required yard, provided that no such porch shall project more than three feet to any lot line, and into required front yards not more than three feet.~~
Fences and Walls up to eight seven feet in height or Hedges.
- 4-G-3-c ~~Balconies: Balconies may project not more than four feet into any required yard other than a front yard, but shall not be closer than three feet to any lot line.~~
Building Elements, defined as: porches/balconies/decks that do not have more than 36 square feet and do not have roofs, steps without roofs, bay or bow windows, projecting roof elements without columns, chimneys, eaves, architectural features, swimming pools (above or in-ground), and mechanical equipment. Such elements

or equipment may project into any required setback area, but shall be set back from property lines at least 50% of the minimum setback requirement.

4-G-3-d ~~Architectural Features, Chimneys, Eaves, or the Like:~~

~~Architectural features, chimneys, eaves, or the like may project into required side or rear yards not more than 24 inches, but not closer than three feet to any lot line, and into required front yards not more than three feet.~~

4-G-3-e ~~Air Conditioners:~~

~~Air conditioners rated at 24,000 BTU or less shall not be so placed hereafter so as to discharge air within five feet of lot lines, and those rated over 12 feet of lot lines, except where said air conditioners are separated from lot lines either by projections of buildings or by streets, alleys, or permanent open space at least 20 feet in minimum dimensions.~~

4-G-3-f ~~Buildings in Required Yards:~~

~~No portion of any building shall be permitted in any required yard.~~

4-G-3-g ~~d Gasoline Pumps Canopies.~~

~~Such canopies shall not be closer than 10 feet to any property line or right-of-way.~~

PH 09-25 TA-09-02 Zoning Ordinance Text Amendment – Public Hearing

The Clarke County Board of Supervisors will consider the amendment of the County Zoning Ordinance:

- Section 4-I-9-b, Definition of the term “Area of Sign”, so as to be more comprehensive to determining the signage area and calculating signage area;
- Section 4-J, Off-street Parking, so as to provide for compact car parking spaces, establish a formula to reduce the number of parking spaces for multiple on-site uses, establish a maximum number of parking spaces (150% of the minimum required number of spaces), and reduce the number of required parking spaces for certain uses based on contemporary smart code standards for rural/ suburban development.

Mr. Johnston explained this request.

Chairman Staelin opened the public comment portion of the public hearing. There being no persons present desiring to speak on the matter the public comment portion of the public hearing was closed.

Supervisor Dunning moved to adopt the Zoning Text Amendment TA-09-02.

The motion was approved as follows:

John R. Staelin, Chair	-	Aye
J. Michael Hobert, Vice Chair	-	Aye
Barbara J. Byrd	-	Aye
A.R. Dunning, Jr.	-	Aye

David S. Weiss - Aye

ZONING ORDINANCE TEXT AMENDMENT

Text to added showed *in bold Italics* Text to be deleted showed ~~struck through~~

1 GENERAL REGULATIONS

4-I SIGN REGULATIONS

4-I-9 Definitions

4-I-9-b SIGN, AREA OF: ~~The area of a sign shall be determined from its outside measurements including any wall work incidental to its decoration, but excluding as a part the height and overall width of supports, unless such supports are used to attract attention. In the case of a sign where lettering appears back to back, that is, on opposite sides of the sign, the aggregate area of both sides shall be considered that of only one face. In the case of an open sign made up of individual letters, figures, words, or designs, the spaces between the same shall be included.~~

The area of a sign shall be determined from its outside measurements including the entire surface and any additional framing, molding, or trim; it does not include the surface of supporting structures.

- 1. For a sign of nonrectangular shape or a sign made up of individual letters, numbers, or designs, the area measured is the smallest rectangle required to enclose the nonrectangular sign or all the individual parts together.*
- 2. For a double-faced sign, the area measured is one face of the display. The interior angle where the two parts connect may not be greater than 30 degrees. If the interior angle is greater than 30 degrees, the area is measured as two separate signs.*

4-J OFF-STREET PARKING

4-J-1 General Specifications

There shall be provided at the time of erection of any building or at the time any building is altered, enlarged, or increased in size, the required minimum off-street parking spaces as provided in the chart in Section 4-J-10. ~~For the purposes of these regulations, an off-street parking space shall consist of a space at least 9 feet wide and at least 18 feet in length, except as provided for below.~~ Said space or spaces shall be properly related to a street for access purposes, to maneuvering space of sufficient dimensions such that users may find safe and convenient parking movements without resorting to maneuvering on any street or sidewalk. Spaces and access ways shall be so located, arranged, and safeguarded as to provide appropriate separation from streets and walkways. Spaces shall be so arranged that any vehicle may be moved without moving another.

4-J-2 Construction *and Design* Standards

All off-street parking spaces and access driveways shall be covered with an all-weather surface, shall be graded and drained to dispose of surface water, and shall

be constructed and maintained in a manner permitting safe and convenient use. No surface water from any parking area or access driveway shall be permitted to drain onto adjoining property so as to change existing drainage patterns or so as to cause damage to adjoining property from any increased runoff.

For parking areas with spaces arranged at 90° to access driveways, standard off-street parking spaces shall be 9 feet wide and 18 feet long. However, up to 33% of provided off-street parking spaces may be for compact cars (defined as vehicles of 14 feet, 6 inches in length or less); such spaces shall be 8 feet wide and 16 feet long. Signage for such compact car spaces shall be provided, to the extent determined appropriate by the Zoning Administrator. Access driveway aisles shall be 24 feet wide. For parking areas with spaces arranged at an angle less than 90° to access driveways, space and driveway dimensions shall follow standard engineering practice as determined appropriate by the Zoning Administrator.

4-J-7 Joint Parking Facilities

4-J-7-a Where there are multiple uses on one lot, or where uses on adjoining lots propose to combine parking areas and/or access ways, such joint parking facilities shall be permitted, subject to the general requirements and limitations applying to all parking areas. Such combinations shall be permitted by the Zoning Administrator subject to the general requirements and standards set forth, ~~without exception action by the Board of Zoning Appeals.~~

4-J-7-b Where it is proposed to establish off-street joint parking facilities not contiguous to the uses served, but serving more than one use, such facilities may be permitted by ~~special exception through the Board of Zoning Appeals, as provided in Section 7.~~ *the Planning Commission in conjunction with Site Plan approval.*

4-J-7-c In joint parking facilities *of multiple uses*, the total number of parking spaces must at least equal the sum of the minimum number of required off-street spaces computed separately for each use ~~and/or lot~~ *with the following factors divided into this sum.*

	<i>Retail</i>	<i>Office</i>	<i>Lodging</i>
<i>Residential</i>	1.2	1.4	1.1
<i>Lodging</i>	1.3	1.7	-
<i>Office</i>	1.2	-	-

When more than two of the above uses share parking, the lowest factor shall be used. For multiple uses involving uses not listed above, the Zoning Administrator shall determine the appropriate reduction factor based on the specific characteristics of such uses.

4-J-10 Off-Street Parking ~~Chart~~ *Standards*

The following chart shows the minimum number of required off-street parking spaces. The maximum number of provided off-street parking spaces shall not exceed 150% of the minimum required.

Required Minimum Number

<u>Use</u>	<u>of Off-street Parking Spaces</u>
<u>RESIDENTIAL USES:</u>	
Single-Family Detached, Two-Family Detached, Manufactured Homes, <i>Townhouses</i>	2 for each dwelling unit
Townhouses, Multiple-Family, Planned Development <i>Dwellings of less than 600 sq ft</i>	1.75 1.5 for each dwelling unit
<u>GROUP QUARTERS:</u>	
Group Housing	1 for each residence unit, plus 2 spaces for employees
Convalescent, Nursing or Rest Homes, Sanitariums	1 for each 4 beds
Dormitory, Fraternity or Sorority	1 for each 2 beds
<u>TRANSIENT LODGINGS:</u>	
Hotel, Motel, <i>Country Inn, and Bed and Breakfast</i>	1.25 1.0 for each guest room
Country Inn	1.25 for each room
<u>EDUCATIONAL USES:</u>	
Kindergarten, Day Care Center Nursery, Private or Public	1 for each 8 students based on maximum design capacity
Elementary, Intermediate, or Junior High, Private or Public	1 for each 8 students based on maximum design capacity
High School or College, Private or Public	1 for each 4 students based on maximum design capacity
<u>BUSINESS USES:</u>	
Retail Space of less than 10,000 square feet per parcel (Unless Otherwise specified)	1 for each 200 square feet of floor area
Retail Space of 10,000 or more square feet of floor area per parcel (Unless otherwise specified)	1 for each 250 square feet of floor area
Furniture, Hardware, Home Furnishings, and Other Similar Establishments	1 for each 400 square feet of floor area

Convenience Stores <i>Retail Space with Fuel Sales</i>	1 for each 150 square feet of floor area <i>1 for each 200 square feet of floor area</i>
Vehicle Repair	2 for each repair bay, plus 1 for service vehicle
Vehicle Fuel Sales	2 standing spaces for each gasoline pump
Restaurant, Night Club, or Similar Establishment	1 for each 100 square feet of floor area or 1 for each 4 people based on Building Code design capacity, whichever is greater
Restaurant, Fast Food	1 for each 60 square feet plus 3 queuing spaces for drive-up window
Wholesale, Inventory, Storage Not Otherwise Classified	1 for each 1,000 2,000 square feet of floor area devoted to enclosed storage
Mini-storage (rental of storage unites of less than 5,000 sq ft each)	1 for each employee
<u>INDUSTRIAL USES:</u>	
Factories, Laboratories, Laundries, etc.	1 for each employee on the maximum working shift, 1 for each 500 square feet of floor area, plus required spaces for office, retail, or other uses, and plus space to accommodate all trucks and other vehicles used in connection therewith
<u>CULTURAL, ENTERTAINMENT, AND RECREATIONAL USES:</u>	
Amphitheaters, Auditoriums, Assembly Halls, Community Centers, Dance Halls, Legitimate and Motion Picture Theaters, Stadium or Gymnasium - Fixed Seats	1 for each 4 seats based on maximum seating capacity
- Without Fixed Seats	1 for each 4 people based on Building Code design capacity
Art Gallery, Library, Museum	1 for each 400 square feet of floor area
<u>SPORTS ACTIVITIES:</u>	
Bowling	4 for each alley
Swimming Pools,	1 for each 4 persons,

Recreation Centers and Similar Establishments	based on Building Code design capacity
Skating Rinks	1 for each 25 persons based on Building Code design capacity
Health Clubs	1 per 250 square feet of floor area
Golf Course	2 per hole
Outdoor Court Games (Tennis, Basketball and Similar Establishments)	1 per 2 players based upon maximum capacity
<u>OFFICE USES:</u>	
Business, General and Govern- mental Buildings, Professional Office Buildings, but not including Medical Offices	1 for each 300 333 square feet of floor area
<u>MEDICAL USES:</u>	
Physician's or Dentist's Office, Clinic, and Outpatient	1 for each 200 250 square feet of floor area
Hospital	2 for each bed
Veterinary Hospital	1 for each 300 square feet of floor area
<u>SERVICES USES:</u>	
Barber, Beauty Salon	2 for each chair
Commercial kennels for boarding or breeding, Animal Shelters	1 for every 4 canine runs (maximum of 2 dogs per run)
Laundry: Self-service	1 for each 2 cleaning or laundry machines
Dry-Cleaning Establishment	1 for each 200 square feet of floor area
Funeral Home, Mortuary	1 for each 4 seats assembly rooms with fixed seats, or 1 for each 4 people based on Building Code design capacity of the assembly rooms without fixed seats
Other	1 for each 200 square feet of floor area
<u>INSTITUTIONAL USES:</u>	
Churches, Synagogues, Temples and Other Places of Worship; and Civic, Fraternal, Political, Private, Religious,	1 for every 4 seats in assembly rooms with fixed seats or, 1 for each 4 people based on Building Code design capacity of the assembly rooms without fixed seats

and Social Nonprofit Organizations

HANDICAPPED
ACCESSIBLE SPACES:

1 for 1 to 25 total spaces provided
2 for 26 to 50 total spaces provided
3 for 51 to 75 total spaces provided
4 for 76 to 100 total spaces provided
5 for 101 to 150 total spaces provided
6 for 151 to 200 total spaces provided
7 for 201 to 300 total spaces provided
8 for 301 to 400 total spaces provided
9 for 401 to 500 total spaces provided
2% of total for 501 to 1,000 total spaces provided
20 plus 1 for each 100 spaces, if more than 1,000 total spaces provided

Adjournment

There being no further business to be brought before the Board at 8:03 pm Chairman Staelin adjourned the meeting.

Next Regular Meeting Date

The regular meeting of the Board of Supervisors is set for Tuesday, December 15, 2009 at 1:00 p.m. in the Main Meeting Room, 101 Chalmers Court, 2nd Floor, Berryville, Virginia.

ATTEST: November 17, 2009

John Staelin, Chair

David L. Ash, County Administrator

Meeting Recorded and Notes taken by:
Deb Bean
Administrative Assistant Planning

Minutes Prepared and Formatted by:
Lora B. Walburn
Deputy Clerk to the Board of Supervisors