

**BERRYVILLE TOWN COUNCIL
MEETING AGENDA
Berryville-Clarke County Government Center
101 Chalmers Court, Second Floor
Main Meeting Room**

**Regular Meeting
February 9, 2016
7:30 p.m.**

<u>Item</u>	<u>Attachment</u>
1. Call To Order	
2. Pledge of Allegiance	
3. Public Hearings-	
a. Spot Blight Abatement Plan	1↓
Proposed adoption of a Spot Blight Abatement Plan concerning the repair or other disposition of a blighted property pursuant to Section 5-5, Spot Blight Abatement, Code of the Town of Berryville for the structure(s) and property located at 203 Moore Drive (Tax Map Parcel 14A2-((10)-B-30).	
b. Proposed Text Amendment to Berryville Zoning Ordinance	2↓
A.C. Echols, Agent, requests approval of a Text Amendment to Article VI, Section 610.2 of the Zoning Ordinance in order to increase the square footage of a convenience store as an accessory use to automobile service and repair establishments (including gas stations) from 2,000 square feet to 5,500 square feet, in the Business Commercial (BC) zoning district.	
c. Proposed Text Amendment to the Berryville Zoning Ordinance	3↓
Proposed Text Amendments to Article V, Section 505, Provisions for Appeal, in order to conform to the Code of Virginia	
4. Approval of Minutes	
January 12, 2015 Regular Meeting	4↓
5. Citizens' Forum	
6. Report of Wilson Kirby, Mayor	5
Presentation of FY 15 Audit	

<u>Item</u>	<u>Attachment</u>
7. Report of Christy Dunkle, Asst. Town Manager for Community Development Planning Department Monthly Report	6↕
8. Report of Keith Dalton, Town Manager	
9. Report of H. Allen Kitselman, III - Berryville Area Development Authority Liaison	
10. Report of Harry Lee Arnold, Jr. – Chair, Budget and Finance Committee Finance and Administration Monthly Report	7
11. Report of H. Allen Kitselman, III – Chair, Community Improvements Committee	
12. Report of Douglas A. Shaffer - Planning Commission Liaison	
13. Report of Police and Security Committee Police Chief’s Monthly Report	8
14. Report of Wilson Kirby – Chair, Streets and Utilities Committee Public Utilities Director’s Report	9
Public Works Director’s Report	10
15. Report of Harry Lee Arnold, Jr – Chair, Personnel Committee	
16. Other	
17. Closed Session No Closed Session Scheduled	
18. Adjourn	

↕ Denotes an item on where a motion for action is included in the packet

Attachment 1

BERRYVILLE TOWN COUNCIL
Spot Blight Abatement
February 9, 2016

A public hearing on a spot blight abatement plan and to make findings and recommendations that shall be reported to Town Council concerning the repair or other disposition of a blighted property pursuant to Section 5-5. Spot blight abatement of the Code of the Town of Berryville for the structure(s) and property located at 203 Moore Drive (Tax Map Parcel #14A2-((10))-B-30).

Public hearing notices were published in the Winchester Star on Tuesday, January 26, 2016 and Tuesday, February 2, 2016. Adjacent property owners were notified via first class mail on January 19, 2016. No comments have been received in the Planning Office.

A representative from FNMA updated Town staff on Monday, February 1, 2016 on the progress of the blight abatement. He indicated that their contractor was on the property on Friday, January 22, 2016 and expressed concern about the second floor of the structure. He added that the snowstorm, which began that evening, impeded further progress and said he would update staff on Tuesday, February 3, 2016. Staff discussed the matter with FNMA on Tuesday and was informed that the contractor who visited the site recommended placing a tarp over the roof instead of affixing plywood. This recommendation was apparently made because of the contractor's assessment of the roof structure. Staff expressed concern about this proposal because: 1) if the structure is in such a condition that it can only support a tarp then we should not be looking at any step except demolition, 2) tarping the structure hardly addresses the aesthetic concerns of the community, and 3) tarps have a relatively short life in this sort of application.

Staff requested a meeting with FNMA and their contractor. It is expected that the meeting will be held either February 8 or 9. The purpose of the meeting is to permit Town staff to hear from the contractor directly and to engage FNMA and the contractor on the best path forward. If the meeting occurs as hoped, then staff will be able to provide the Town Council and update at the February meeting.

January 12, 2016 Staff Report

Due to a clerical error by the Winchester Star, the public hearing notice was not published on the requested dates. The public hearing will need to be moved to the February meeting. Staff will send adjacent property notices out again on the required date for a February 9, 2016 public hearing. Staff has notified Battletown Homeowners Association officers about this matter.

The Planning Commission held a public hearing on the matter at their December 15, 2015 meeting and recommended that Council approve the Town Manager's Blight Abatement Plan in order to move forward with the process as defined in Section 5-5 of the Code of the Town of Berryville.

December 8, 2015 Staff Report

At the November 10, 2015 meeting, Town Council set a public hearing on this matter for the January 12, 2016 meeting. Planning Commission will be holding a public hearing at their December 15, 2015 meeting.

General Information

The process for blight abatement for the structure located at 203 Moore Drive has commenced per Code of the Town of Berryville § 5-5 Spot blight abatement. While the first floor has been secured, a fire left the second floor and roof open to the elements. A blighted property is defined as “any individual commercial, industrial, or residential structure or improvement that endangers the public’s health, safety or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards”.

§ 5-5(c) allows for the Town Manager to make a preliminary determination that the property is indeed blighted in accordance with this section. Notice is sent to the owner or owners of record who have 30 days to respond with a spot blight abatement plan to address the blight within a reasonable time.

§ 5-5(d) identifies the Planning Commission’s initial roll in the process while §5-5 regulates specific actions concluding in the reporting of its findings and recommendations concerning to the property to Town Council.

Staff will report the findings from the Planning Commission’s public hearing in the January agenda packet.

These items follow the staff report:

- Staff report from Mr. Dalton from the October 27, 2015 Planning Commission meeting;*
- Photos taken in October of 203 Moore Drive*
- Section 5-5 from the Code of the Town of Berryville concerning Spot Blight Abatement;*
- Letter dated August 26, 2015 from Zack Salisbury, Virginia Department of Health;*
- Letter dated September 18, 2015 from Town Manager Keith Dalton; and*
- Spot Blight Abatement Plan drafted by Mr. Dalton dated October 23, 2015.*

Recommendation

Staff recommends delaying adoption of the Blight Abatement Plan until the March Council meeting to allow FNMA to secure the structure and complete work previously identified in Mr. Dalton’s correspondence with FNMA staff dated January 13, 2016. Two motions (one to adopt the Plan, one to delay adoption) follow this report.

**TOWN OF BERRYVILLE
TOWN COUNCIL
PUBLIC HEARING NOTICE**

The Berryville Town Council will hold the following public hearings at 7:30 p.m., or as soon after as these matters may be heard, on Tuesday, February 9, 2016, in the Main Meeting Room, Second Floor, of the Berryville/Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia to consider the following:

Spot Blight Abatement Plan

A public hearing on a spot blight abatement plan concerning the repair or other disposition of a blighted property pursuant to Section 5-5. Spot blight abatement of the Code of the Town of Berryville for the structure(s) and property located at 203 Moore Drive (Tax Map Parcel #14A2-((10))-B-30).

Text Amendment

A.C. Echols, Agent, is requesting a text amendment to Article VI, Section 610.2 in order to increase the square footage of a convenience store as an accessory use to automobile service and repair establishments (including gas stations) from 2,000 square feet to 5,500 square feet in the Business Commercial (BC) zoning district. TA 03-15

Text Amendment

The Berryville Planning Commission is initiating text amendments to Article V Section 505 Provisions for Appeal in order to conform to Commonwealth of Virginia General Assembly modifications. TA 04-15

Copies of the applications, amendments, and maps may be examined at the Berryville Planning Office, Berryville/Clarke County Government Center (101 Chalmers Court), Second Floor, Berryville, Virginia during regular business hours. Additional information may be obtained by calling Assistant Town Manager Christy Dunkle at 540/955-4081. Any person desiring to be heard on these matters should appear at the appointed time and place.

The Town of Berryville does not discriminate against disabled persons in admission or access to its programs and activities. Accommodations will be made for disabled persons upon prior request.

By Order of the Berryville
Town Council,
Keith R. Dalton, Town Manager

Sec. 5-5. - Spot blight abatement.

- (a) The Town of Berryville, in accordance with Code of Virginia § 36-49.1:1, may acquire or repair any blighted property, as defined in (b), below, by purchase or the exercise of the power of eminent domain provided in Chapter 2 of Title 25.1 of the Code of Virginia, and, further, shall have the power to hold, clear, repair, manage, or dispose of such property for purposes consistent with this section. In addition, the town may recover the cost of any repair or disposal of such property from the owner or owners of record, determined in accordance with Virginia Code § 36-27(B).
- (b) "Blighted property" means any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards.
- (c) The town manager, or his/her designee, shall make a preliminary determination that a property is blighted in accordance with this section. The town manager or his/her designee shall send notice to the owner or owners of record, determined in accordance with Virginia Code § 36-27(B), specifying the reasons why the property is blighted. The owner or owners of record shall have thirty (30) days from the date the notice is sent in which to respond in writing with a spot blight abatement plan to address the blight within a reasonable time.
- (d) If the owner or owners of record fail to respond within the thirty (30) day period with a written spot blight abatement plan that is acceptable to the town manager or his/her designee, the town (i) may request the planning commission to conduct a public hearing and make findings and recommendations that shall be reported to town council concerning the repair or other disposition of the property in question; and (ii) in the event a public hearing is scheduled, shall prepare a written spot blight abatement plan for the repair or other disposition of the property.
- (e) Not less than three (3) weeks prior to the date of the public hearing before the planning commission, the commission shall provide, by regular and certified mail, notice of such hearing to (i) the owner of the blighted property or the agent designated by him for receipt of service or notices concerning the payment of real estate taxes within the town; (ii) the abutting property owners in each direction, including those property owners immediately across the street or road from the property; and (iii) the representative neighborhood association, if any, for the immediate area. The notice shall include the plan for the intended repair or other disposition of the property. The notice of the public hearing shall be published at least twice, with not less than six (6) days elapsing between the first and second publication in a newspaper published or having general circulation in the town. The notice shall be posted on the property. The notice shall specify the time and place of the public hearing at which persons affected may appear and present their views, not less than six (6) days nor more than twenty-one (21) days after the second publication.
- (f) The planning commission, following the public hearing, shall determine whether:
 - (1) The property is blighted;
 - (2) The owner has failed to cure the blight or present a reasonable plan to do so;
 - (3) The plan for the repair or other disposition of the property is in accordance with the town's comprehensive plan, zoning ordinance, and any other applicable land use regulation;
 - (4)

The property is located within an area listed on the National Register of Historic Places. In such instances, the planning commission shall consult with the architectural review board regarding the proposed repair or other disposition of the property by the town council.

- (g) The planning commission shall report its findings and recommendations concerning the property to the town council. The town council, upon receipt of such findings and recommendations, may, after an advertised public hearing, affirm, modify, or reject the planning commission's findings and recommendations. If the repair or other disposition of the property is approved, the town may carry out the approved plan to repair or acquire and dispose of the property in accordance with the approved plan, the provisions of this section, and applicable law.
- (h) The town shall have a lien on all property so repaired or acquired, under an approved plan to recover the cost of (i) improvements made by the town to bring the blighted property into compliance with applicable building codes and (ii) disposal, if any. The lien authorized by this section shall be filed in the circuit court of Clarke County and shall be subordinate to any prior liens of record. The town council may recover its costs of repair from the owner or owners of record of the property when the repairs were made at such time as the property is sold or disposed of by such owner or owners. If the property is acquired by the town through eminent domain, the cost of repair may be recovered when town council sells or disposes of the property. In either case, the costs of repair shall be recovered from the proceeds of any such sale.
- (i) If the blighted property is occupied for personal residential purposes, town council, in approving the spot blight abatement plan, shall not acquire by eminent domain such property if it would result in a displacement of the person or persons living in the premises. The provisions of this subsection shall not apply to acquisition, under an approved spot blight abatement plan, by the Town of property which has been condemned for human habitation for more than one year. In addition, upon the town exercising the powers of eminent domain in accordance with Title 25.1 of the Code of Virginia, it may provide for temporary relocation of any person living in the blighted property provided the relocation is within the financial means of such persons.
- (j) In lieu of the acquisition of blighted property by the exercise of eminent domain, and in lieu of the exercise of other powers granted in subsections (a) through (i), town council by ordinance, may declare any blighted property to constitute a nuisance, and thereupon abate the nuisance pursuant to Virginia Code § 15.2-900 or 15.2-1115. Such ordinance shall be adopted only after the written notice by certified mail to the owner or owners of the property at the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records.
- (k) The provisions of this section shall be cumulative and shall be in addition to any remedies for spot blight abatement that may be authorized by law.

(Ord. of 12-12-06)



**Lord Fairfax Health District
Clarke County Health Department**

100 North Buckmarsh Street
Berryville, Virginia 22611

Tel. (540) 955-1033 ~ Fax (540) 955-4094

www.vdh.virginia.gov



August 26, 2015

RE: Complaint
Site Address: 203 Moore Drive Berryville, Va 22611
Tax Parcel: 12A210B30

Dear Mr. Dalton,

Upon receipt of complaint on 20 August 2015, the Clarke County Health Department began an investigation of the existing structure on the property located at 203 Moore Drive, Berryville, Va (Tax Map # 12A210B30). Examination of the structure revealed that the following are potentially in violation:

- Code of Clarke County § 124-2 "Nuisances Prohibited"
 - "It shall be unlawful for any person to cause, harbor, commit or maintain or to suffer to be caused, harbored, committed or maintained any nuisance as defined by the statute or common law of this state or as defined by this Code or other ordinance of the Board of Supervisors at any place within the county."
- Code of Clarke County § 123-3 "Nuisances Enumerated"
 - A. "The following acts when committed or conditions when existing within the county are hereby defined and declared to be nuisances:
 - (1) An act done or committed or aided or assisted to be done or committed by any person or any substance, being or thing kept, maintained, placed or found in or upon any public or private place which is injurious or dangerous to the public health or safety.
 - (2) All buildings, bridges or other structures of whatever character kept or maintained or which are permitted by any person owning or having control thereof to be kept or maintained in a condition unsafe, dangerous, unhealthy, injurious or annoying to the public.

The above referenced structure has undergone significant fire damage, which has resulted in multiple large openings in the roof and second story framing. Given its current condition and exposure to the environment, the structure is likely harboring vermin, or has the potential to harbor vermin, thereby designating the structure as a potential public health concern.

Sincerely,

A handwritten signature in black ink, appearing to read "Zack Salisbury", is written over a horizontal line.

Zack Salisbury
Environmental Health Specialist
Clarke County Health Department

Town of Berryville
Berryville-Clarke County
Government Center
101 Chalmers Court Suite A
Berryville, VA 22611



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Town of Berryville
Blight Abatement Plan
203 Moore Drive, Berryville, VA
Tax Map Parcel 14A2-((10))-B-30

Overview

This Blight Abatement Plan, prepared in accordance with § 5-5 of the Berryville Code, provides for the demolition of the principal structure on the subject property, the removal of all trash and refuse, and securing the remaining foundation.

Engineering

Structure will be evaluated by a structural engineer to develop a demolition plan that protects the dwelling separation firewall shared with the adjoining dwelling (205 Moore Drive).

Permitting

Obtain all necessary permits including demolition, erosion and sedimentation control etc:

Utilities

Request disconnection of all non-town utilities and verify the work has been completed.

Disconnect sewer service by cutting and capping lateral.

Provide protection for existing water meter cock.

Erosion and Sedimentation Control

All required erosion and sedimentation controls will be installed.

Site Security

Site will be secured with construction/temporary fencing as needed during demolition, cleaning, and capping of remaining foundation.

Demolition of Structures/Removal of Debris

The principal structure on the subject property will be demolished in accordance with the demolition plan developed by a structural engineer and the Tow's bid request. It is expected that the foundation and first floor joists will remain in place.

Site will be cleared of trash and refuse.

Wilson Kirby
Mayor

Harry Lee Arnold, Jr.
Recorder

Council Members

Douglas A. Shaffer
Ward 1

H. Allen Kitzelman, III
Ward 2

Mary L.C. Daniel
Ward 3

David L. Tollett
Ward 4

Keith R. Dalton

All material from the demolition of the structure, as well as other trash and refuse collected from the site, will be removed from the site and land filled in accordance with all applicable regulations and laws.

Top of remaining foundation will be capped with marine plywood. Joints will be sealed.

Dwelling separation firewall will be sealed to be made suitable for exposure to weather.

Barrier erected at top of front and rear stairs to prevent access to top of capped foundation.

Crawlspace access will be secured.

Stabilization

After demolition and removal of materials all disturbed areas will be leveled and stabilized in accordance with the Virginia Erosion and Sediment Control Handbook.

Unforeseen Hazards

Should other health hazards be discovered during abatement work, action will be taken to address those hazards.

Schedule

Work to be completed within 60 days of contract award

Process Timeline

Notice sent to owner of record: September 18, 2015

Deadline for owner of record to file an abatement plan: October 18, 2015

Blight Abatement Plan forwarded to Planning Commission: October 27, 2015

Planning Commission Action:

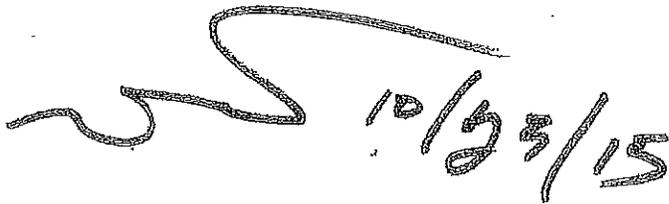
Town Council Public Hearing Date:

Town Council Action:

Plan Prepared by

Keith Dalton, Town Manager on 10/23/15

Revisions:



A handwritten signature in black ink, followed by the date "10/23/15" written vertically.

Town of Berryville
Berryville-Clarke County
Government Center
101 Chalmers Court Suite A
Berryville, VA 22611



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www.berryvilleva.gov

13 January 2016

Mr. Brian Alcorn
Fannie Mae, Govt. and Industry Relations
brian_a_alcorn@fanniema.com

Dear Brian:

This letter is written regarding the condition of the property at 203 Moore Drive, Berryville, VA (also identified as Tax Map Parcel 14A2-((10))-B-30). Specifically, the townhouse on the property in question sustained significant damage from a fire on 27 April 2015 and has not been repaired.

Thank you for meeting with Christy Dunkle and me regarding this matter. As agreed, I presented Fannie Mae's proposal (provides for an interim step to address certain issues temporarily until the insurance claim resulting from the fire at the property is finalized) to the Berryville Town Council at their meeting last evening.

At the meeting, Town staff presented Fannie Mae's proposal and staff's recommendations on the matter to the Council. The Council also received comment from the Battletown Home Owners Association regarding their concerns.

The Battletown Home Owners Association remains very concerned about the fact that the property has remained in this state of disrepair for such an extended period of time. Further, they expressed frustration that their subdivision's covenants are not being followed. Lastly, the Battletown Home Owners Association expressed significant concern about Fannie Mae's proposal because it is feared that once these temporary measures are taken, this matter will again languish for an extended period of time.

Wilson Kirby
Mayor

Harry Lee Arnold, Jr.
Recorder

Council Members

Douglas A. Shaffer
Ward 1

H. Allen Kitzelman, III
Ward 2

J. Bryant Condrey
Ward 3

David L. Tollett
Ward 4

Keith R. Dalton
Town Manager

Alcorn

13 January 2016

Page 2 of 3

After receiving comment and deliberating on the matter, the Town Council agreed to the following:

The Town of Berryville will temporarily forgo implementing the Blight Abatement Plan for 203 Moore Drive, provided that Fannie Mae:

- *Cause a contractor to complete the following on the property in question:*
 - *Place a temporary patch on the roof where as needed to prevent moisture and animals from entering the structure (material used to patch roof would be painted to blend with roof shingles as closely as possible)*
 - *Place plywood along the exterior walls (including soffits) of the structure where needed to prevent moisture and animals from entering the structure*
 - *Evaluate the party wall to ensure that it is undamaged or exposed to weather and address issues*
 - *Evaluate the structure for any issues regarding moisture and abate any that are found*
 - *Wash the brick on the front of the structure to remove soot*
 - *Reattach loose siding*
 - *Paint the plywood along the front of the structure (second floor) black*
 - *Paint the plywood over picture window (first floor – front of building) to match brick*
 - *Paint the plywood on side and rear to match siding as closely as possible*
 - *Replace guttering along front of structure*
 - *Remove debris from interior and exterior*
 - *Secure crawlspace door*

- *Meet with Town officials and representatives of the Battletown Home Owners Association during the first week of February 2016 regarding the following:*
 - *Completion of the interim steps addressed above*
 - *The insurance claim resulting from the fire*
 - *The next steps in this process including renovation/repair or demolition after the insurance claim resulting from the fire is finalized*
 - *HOA concerns about adherence to subdivision covenants*
 - *Addressing other issues as they arise*

Alcorn
13 January 2016
Page 3 of 3

The Town Council understands that your organization believes that the work outlined above can be completed within the next three (3) weeks. They appreciate your efforts in this regard and will re-evaluate the situation at their next meeting on 9 February 2016.

Thank you for your assistance in this matter. Please feel free to contact me at 540.955.1099 if you have any questions or concerns.

Sincerely,



Keith R. Dalton
Town Manager

Cc: Town Council
United States Senator Mark Warner
United States Representative Barbara Comstock
Planning Commission
Donna McDonald, Battletown HOA
Christy Dunkle, Assistant Town Manager
Neal White, Chief of Police
Clarke County Building Official
Clarke County Health Department
Jessica Bowman, Agent ERA Oak Crest Realty

BERRYVILLE TOWN COUNCIL
MOTION TO ADOPT BLIGHT ABATEMENT PLAN

Date: February 9, 2016

Motion By:

Second By:

I move that the Council of the Town of Berryville adopt the attached Blight Abatement Plan as drafted by the Town Manager for the property located at 203 Moore Drive identified as Tax Map Parcel number 145A2-((10))-B-30.

VOTE:

Aye:

Nay:

Absent:

BERRYVILLE TOWN COUNCIL
MOTION TO DELAY ADOPTION OF BLIGHT ABATEMENT PLAN

Date: February 9, 2016

Motion By:

Second By:

I move that the Council of the Town of Berryville delay the adoption of the attached Blight Abatement Plan as drafted by the Town Manager for the property located at 203 Moore Drive, identified as Tax Map Parcel number 145A2-((10))-B-30, until the March 8, 2016 Council meeting in order for FNMA to secure the structure and complete the activities identified in Mr. Dalton's letter dated January 13, 2016 to Brian Alcorn.

VOTE:

Aye:

Nay:

Absent:

Attachment 2

BERRYVILLE TOWN COUNCIL
Public Hearing – Text Amendment to Article VI
February 9, 2016

A.C. Echols, Agent, is requesting a text amendment to Article VI, Section 610.2 in order to increase the square footage of a convenience store as an accessory use to automobile service and repair establishments (including gas stations) from 2,000 square feet to 5,500 square feet in the Business Commercial (BC) zoning district. TA 03-15

Public hearing notices were published in the Winchester Star on Tuesday, January 26, 2016 and Tuesday, February 2, 2016. No comments were received in the Planning Office.

Overview

A.C. Echols requested a text amendment to Section 610.2 of the Berryville Zoning Ordinance in order to increase the square footage of a convenience store as an accessory use in the BC Business Commercial Zoning District. The Planning Commission initiated the request and recommends that Town Council consider increasing the square footage to 3,000 square feet.

The Berryville Planning Commission held a public hearing on this matter at their October 27, 2015 meeting. They chose to continue the discussion to their November meeting.

Topics of discussion include:

- The consensus was that 5,500 square feet was excessive in this context and due to the convenience store being an accessory use to automobile service and repair establishments including gas stations.
- There was a discussion about whether the convenience store could be a principal use (as opposed to an accessory use) in the BC Business Commercial zoning district. Because land use policies in the Berryville Area identify other districts (specifically the C and C-1 zoning districts) as the principal locations for retail uses, 5,500 square feet of retail seemed superfluous.
- The Planning Commission's recommendation is to increase the square footage from 2,000 square feet to 3,000 square feet.

At their January 26, 2016 meeting, the Planning Commission discussed the creation of a definition of convenience stores for Article I of the Berryville Zoning Ordinance. Staff researched other localities and found that only one town had a definition for this use. Planning Commissioners directed staff to make recommendations for a definition after the discussion at the meeting and to also draft updated uses under Section 610.2(b) as it seems unlikely that automobile service and repair establishments would include a convenience store as an accessory use.

The intent of the Business Commercial (BC) zoning district is to provide locations for highway commercial uses (such as retail uses dependent on automobile access,

restaurants, and hotels), office space and employment-related businesses such as medical office. Other uses permitted by right include automobile sales, day care centers, plant nurseries, restaurants and retail uses as an accessory use not to exceed 1,500 square feet.

January 12, 2016 Staff Report

Due to a clerical error by the Winchester Star, the public hearing notice was not published on the requested dates. The public hearing will need to be moved to the February meeting. Staff has discussed the issue with the applicant.

December 8, 2015 Staff Report

A.C. Echols requested a text amendment to Section 610.2 of the Berryville Zoning Ordinance in order to increase the square footage of a convenience store as an accessory use in the BC Business Commercial Zoning District. The Planning Commission initiated the request and recommends that Town Council consider increasing the square footage to 3,000 square feet.

The Berryville Planning Commission held a public hearing on this matter at their October 27, 2015 meeting. They chose to continue the discussion to their November meeting. Topics of discussion include:

- The consensus was that 5,500 square feet was excessive in this context and due to the convenience store being an accessory use to automobile service and repair establishments including gas stations.*
- There was a discussion about whether the convenience store could be a principal use (as opposed to an accessory use) in the BC Business Commercial zoning district. Because land use policies in the Berryville Area identify the C General Commercial zoning district as the center of retail commerce in the Berryville Area, 5,500 square feet of retail seemed superfluous.*
- The Planning Commission's recommendation is to increase the square footage from 2,000 square feet to 3,000 square feet.*

General Information

Mr. Echols is requesting an increase in the square footage of convenience stores as an accessory structure to auto service and repair establishments (including gas stations) in the BC zoning district from 2,000 to 5,500 square feet. He has indicated he would like to develop a gas station and convenience store on his property on McNeil Street and that 2,000 square feet is insufficient for his needs.

The Business Commercial (BC) zoning district was established to provide locations for a variety of commercial uses dependent on vehicular access. The district also calls for "innovative design for office, employment and retail-related development" and is currently located within Annexation Area B in the northwestern quadrant of the Town.

A number of uses regulated under Section 610.2 of the Berryville Zoning Ordinance are permitted by right including banks, automobile related businesses (e.g. car washes, auto sales, and auto service and repair), hotels, restaurants (with or without drive through facilities), medical care facilities, and ancillary retail up to 1,500 square feet. Uses

requiring a Special Use Permit include conference centers, pharmaceutical centers and theaters.

Convenience stores are identified as accessory uses in the BC Business Commercial zoning district (Section 610.2) of the Berryville Zoning Ordinance. An accessory use is defined in Article I of the Zoning Ordinance as follows:

A use of a building, lot, or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or the lot.

In this case, the principal use of the main building or the lot is the automobile service and repair establishment including a gas station.

“Use” is also defined in Article I of the Zoning Ordinance and reads as follows:

The purpose of activity for which land or buildings thereon are designed or arranged, or for which land or buildings are occupied or maintained, and shall include any manner of performance of such activity with respect to the performance standards of this Ordinance.

Comparative Sizes

Staff compiled information concerning the sizes of existing convenience stores in the area as follows:

Circle K (Berryville) – 2,500 square feet

Sheetz (Waterloo) – 5,561 square feet

340 Depot (north of Berryville) – 5,500 square feet

7-11 (7 Bypass at Triple J) – 3,000 square feet

7-11 (7 Bypass at Kimble Road) – 1,034 square feet

7-11 (Double Toll Gate) – 2,940 square feet

Parking Requirements

Section 305 of the Berryville Zoning Ordinance regulates off-street parking. Per 305.20, convenience stores require two (2) standing spaces for each gas pump plus one (1) parking space for each 150 square feet of floor area. As convenience stores in the BC district are an accessory use to automobile service and repair establishments, two (2) parking spaces are required for each repair bay plus one (1) for a service vehicle plus one (1) per employee should these activities be a part of the site development.

Staff Comments

The applicant has identified a specific site on his application however this amendment would affect the entirety of the Business Commercial (BC) zoning district.

Staff recommends allowing a maximum of 3,000 square feet in gross floor area in the BC district. This would reflect the size of the building footprint without exceptions for storage. Convenience stores located in more rural locations may require larger buildings and carry additional items. Staff feels that a location within the Town limits would not require more than 3,000 square feet.

As this language is anticipated to be in both the County and Town zoning ordinances, input was requested on this matter from County staff.

Convenience Store Information

The National Association of Convenience Stores (NACS) is the business association representing convenience store and fuel retailing. The source of the following information is the NACS web site (<http://www.nacsonline.com/Pages/default.aspx>).

In the not too distant past, the square footage of convenience stores was consistently about 2,400 square feet. Today, companies are featuring a wider offering of products and services including food service, pharmacies, and other amenities. The fastest growing segments of the convenience store market are considered by many to be “nontraditional” stores which are either larger or smaller than the previous 2,400 square foot model.

These changes in store formats have a number of implications including competitive impact and marketing and the effectiveness in a wider market area; design of facilities by equipment and system vendors whose equipment and designs need to fit within a larger variety of store formats; and of course local governmental agencies who need to understand the various formats and implications including zoning regulations. There are also a number of state and federal agencies whose regulations affect these facilities including tobacco and fuel sales and their respective regulation and taxes; food service; and lottery sales.

NACS has identified six convenience store formats as follows. The narrative comes directly from the association’s web site.

- **Kiosk**

This format is less than 800 square feet and is intended to provide some additional revenue beyond gasoline sales. Gasoline is always the focus of this operation with the owner usually being an oil company or petroleum marketer. The store sells only the fast-moving items found in traditional convenience stores (tobacco, beverages, snacks, and confectioneries). Grocery items are conspicuously absent, as is any sort of foodservice. Store sales may be only about ten percent of revenues in such locations. Parking is usually only at the pumps. Hours vary widely depending on the location and the inclinations of the owner. Typical customers are transients and locals stopping in to buy gasoline.

- **Mini Convenience Store**

This store format, usually 800 to 1,200 square feet in size is extremely popular with the oil companies and the emphasis is on gasoline sales. However, in such locations, the owners view store sales as an important part of the revenue and margin picture. Grocery selection is usually very thin and foodservice beyond prepared sandwiches. There usually is not any parking other than that at the pumps, although some locations do have modest striped parking. Open hours usually range from 18 to 24 hours. Customers are usually people buying gasoline. However, there are stores of this size in urban areas which may or may not sell gasoline.

- **Limited Selection Convenience Store**
These stores, which range from 1,500 to 2,200 square feet, are becoming more numerous. They are often affiliated with oil companies and are in the size range of a converted two-bay service station. Both gasoline and store sales are generally important parts of profitability. They differ from the "mini convenience store" in a broader product mix and grocery offering (although still somewhat limited by traditional convenience store standards). Also, simple foodservice (hot dogs, nachos, popcorn, etc.) may be offered. Although gasoline buyers are normally still the main part of the customer base, traditional convenience store patrons are important. Striped parking and extended hours are common.

- **Traditional Convenience Store**
Most of the original convenience stores fall into this category. They are about 2,400 to 2,500 square feet in size and offer a product mix which includes dairy, bakery, snack foods, beverages, tobacco, grocery, health and beauty aids, confectionery, and perhaps prepared foods to go, fresh or frozen meats, gasoline, various services, and limited produce items. Most stores of this size have 6 to 12 striped parking spaces or some form of convenient pedestrian access. Hours are extended compared to average retailers with a large percentage open 24 hours per day. Such operations are normally owned by convenience store chains, but oil companies have also built or acquired stores of this size.

- **Expanded Convenience Store**
Growth is occurring in the number of stores in the 2,800 to 3,600 square feet range. Such stores can accommodate more shelving for additional grocery products or room for significant fast food operations and seating. Stores using the space for more grocery items are taking advantage of the niche which has developed as supermarkets increasingly move above the 40,000 square foot range. A few large chains are using this "superette" approach. A greater percentage are using the space to take advantage of the high profit margins in fast foods. As the number of smaller operations proliferates (largely as a result of the oil companies), many convenience store chains apparently view the move towards increased fast foods as essential. In terms of other products and services, such stores usually carry the traditional convenience store items. Parking is important with most having about 10 to 20 marked spaces. Hours are extended. Such operations not only attract the typical convenience store customer but also more families, women, and senior citizens.

- **Hyper Convenience Store**
These very large stores (4,000 to 5,000 square feet) usually offer an array of products and services arranged in departments. For example, such stores may offer variations such as a bakery, a sit-down restaurant area, or a pharmacy. Many of these locations do sell gasoline. The number of employees per shift can be large, particularly if a small restaurant is present. The number of parking spaces is substantial, especially since the amount of time the average customer spends in such an establishment can be significant. Hours are extended. Here

again, as in the case of the Expanded Convenience Store, families and senior citizens as well as traditional convenience store customers are patrons. In some locations, such stores are mini-truck stops which obviously affects product mix and the customer base.

General Information

According to NACS Constitution and Bylaws, the NACS Definition of a Convenience Store is:

“...a retail business with primary emphasis placed on providing the public a convenient location to quickly purchase from a wide array of consumable products (predominantly food or food and gasoline) and services.”

While such operating features are not a required condition of membership, convenience stores have the following characteristics:

- While building size may vary significantly, typically the size will be less than 5,000 square feet;*
- Off-street parking and/or convenient pedestrian access;*
- Extended hours of operation with many open 24 hours, seven days a week;*
- Convenience stores stock at least 500 SKUs; and*
- Product mix includes grocery type items, and also includes items from the following groups: beverages, snacks (including confectionery) and tobacco.*

Convenience Store Fact Sheet

The NACS web site (<http://www.nacsonline.com/Pages/default.aspx>) offers additional information should you wish to conduct further research on convenience stores.

Recommendation

Raise the square footage allowance for convenience stores as an accessory use to 3,000 square feet. A motion and an ordinance follow this report.

LAND DEVELOPMENT APPLICATION TOWN OF BERRYVILLE

(Please print or type)

Current Property Owner LAND CONTRACT PURCHASER DING WANG/HOUSE OF LORDS, INC.

Owner's Address 400 CUSTER CT. BERRYVILLE, VIRGINIA 22611

Phone 703-777-4100

Agent (Contact Person) A. C. ECHOLS, JR

Agent's Address 400 CUSTER CT. BERRYVILLE, VA. 22611

Phone 540-955-2618

Check Appropriate Request:

- Subdivision - creating more than 2 lots
Minor Subdivision - single lot divided into 2 lots
Boundary Line Adjustment
Site Plan
Rezoning
X Text Amendment: X Zoning or Subdivision Ordinance
ARB Certificate of Appropriateness
Other:

Complete As Applicable:

Nature of Request/Proposal: Section 610.2 - Permitted Uses: (b) Automobile with convenience

Tax Map & Parcel Number(s): Tax Map 14A5- 251E (increase 2000 sq. ft. gross floor area to)

Size of Project Site: 7 Acres Total 36,000 ft. site (5500 sq.ft. including 15'00" storage)

Proposed # of Lots: Existing Zoning B-C

Owner or Agent: The information provided is accurate to the best of my knowledge. I understand that the Town may deny, approve, or conditionally approve the request for which I am applying. I certify that all property corners have been clearly staked and flagged.

Signature: House of Lords, Inc. Date: 9/9/15

Owner: I have read this completed application, understand its intent, and freely consent to its filing. Furthermore, I grant permission to the Town Planning Department and other government agents to enter the property and make such investigations and tests, as they deem necessary. I acknowledge that in accordance with Article X of the Subdivision Ordinance I am responsible for costs incurred for review of subdivision and/or development plans by the Town's engineer and that any other required tests or studies will be carried out at owner/agent expense

Signature: A.C. Echols, Jr. Date: 9/9/15

OFFICE USE ONLY

Public Hearing Required? Dates Advertised

Adjoining Property Owners Notified?

Action Taken:

RECEIVED

SEP 9 2015

9-9-15

Section 610 Business Commercial (BC) District

(3/92) SECTION 610 BC BUSINESS COMMERCIAL

610.1 PURPOSE AND INTENT

The Business Commercial (BC) District is established to provide locations for highway commercial uses (such as retail uses dependent on automobile access, restaurants, motels), offices, and employment-related businesses within the precincts of the Berryville Area Plan. The BC District is further established to encourage innovative design of office, employment and retail-related development; and to these ends, development under this district is permitted only in accordance with a site plan.

The application of this district is intended for newly developing locations in the Berryville Area where office, retail, and similar activities are the principal use. High-quality business park and commercial site design principles are to be incorporated into the BC District uses. Highway-oriented commercial uses shall be located where they are pre-planned and creatively grouped in an efficient manner meeting the comprehensive planning objectives.

The specific uses permitted within the BC District must be in harmony with the cultural and environmental character of the Berryville Area. No use should be permitted which might be harmful to the adjoining land uses and the residential ambience of the community at large. Adequate transportation and site planning of all land uses shall have the goal of minimizing traffic conflicts with all other activities within the Berryville Area.

610.2 PERMITTED USES

- (a) Antique sales (indoor only)
- (b) ^{5000'} Automobile service and repair establishments (including gas stations), with a convenience store (not occupying more than 2,000 square feet of gross floor area, excluding storage) as an accessory use, provided that all vehicle repair takes place in a fully enclosed building.
- (c) Automobile sales
- (d) Broadcast stations, studios, and offices for radio and television
- (e) Car washes
- (f) Churches and other places of worship
- (g) Clubs or Lodges (including civic and public benefit organizations)
- (h) Day care centers
- (i) Financial institutions (with or without drive-through windows)
- (j) Funeral homes
- (k) Government and other public buildings (including police, fire, library, museum, and postal facilities; excluding retail and service uses except as provided in Section 610.2(u).
- (l) Grocery store (with at least 25,000 square feet gross floor area)
- (m) Hotels and motels
- (n) Laundromats
- (o) Medical care facilities, licensed
- (p) Offices, business or professional
- (q) Plant nurseries
- (r) Public utilities and related easements
- (s) Recreation facilities (indoor or outdoor), parks, playgrounds, fairgrounds, etc.

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610.2 PERMITTED USES

- (a) Antique sales (indoor only)
- (b) Automobile service and repair establishments (including gas stations), with a convenience store (not occupying more than ~~2,000~~ **3,000** square feet of gross floor area, ~~excluding storage~~) as an accessory use, provided that all vehicle repair takes place in a fully enclosed building.
- (c) Automobile sales
- (d) Broadcast stations, studios, and offices for radio and television
- (e) Car washes
- (f) Churches and other places of worship
- (g) Clubs or Lodges (including civic and public benefit organizations)
- (h) Day care centers
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- (q) Plant nurseries
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- (s) Recreation facilities (indoor or outdoor), parks, playgrounds, fairgrounds, etc.

Section 610 Business Commercial (BC) District

- (t) Restaurants with or without drive-through
- (u) Retail stores and shops as an accessory use to the primary permitted use on the parcel, provided:
 - (1) the retail store or shop is directly related, ancillary, subordinate, and incidental to the primary permitted use;
 - (2) the gross floor area of the retail store or shop (excluding storage) does not exceed ten (10) percent of the gross floor area of the primary permitted use;
 - (3) the gross floor are of the retail store or shop (excluding storage) does not occupy more than 1,500 square feet; and
 - (4) the gross floor area for storage related to the retail store or shop does not exceed 500 square feet. **(8/01)**
- (v) Schools, public and private
- (w) Veterinary hospitals (small animals), exclusive of outdoor boarding kennels

610.3 SPECIAL PERMIT USES

- (a) Conference centers
- (b) Pharmaceutical centers **(5/06)**
- (c) Scientific research and development establishments
- (d) Theatres, indoor

610.4 MAXIMUM DENSITY

The maximum density shall not exceed a floor area ratio (FAR) of .30, based on the net developable area of the lot.

610.5 MINIMUM DISTRICT SIZE

Minimum District size is four (4) acres.

610.6 LOT REQUIREMENTS

- (a) Minimum lot area: 20,000 square feet
- (b) Minimum lot width: 100 feet

610.7 BUILDING HEIGHT AND SETBACK REGULATIONS

- (a) Maximum building height: 40 feet
- (b) Minimum yard requirements:
 - (1) Front yard: 40 feet
 - (2) Side yard: 25 feet (40 feet on street side corner lot)
 - (3) Rear yard: 25 feet
 - (4) Where a lot is contiguous to property located in any residential district, all buildings shall have a minimum setback of 40 feet from common property lines.

610.8 OPEN SPACE

- (a) A landscape and buffer plan shall be submitted with any application for site plan approval.
- (b) Twenty (20) percent of the gross site area shall be landscaped open space.

610.9 ADDITIONAL REGULATIONS

(a) Parking, Streets and Access

- (1) All parking requirements shall be met by off-street, on-site spaces and shall include designated spaces for the handicapped.
- (2) The location, spacing and number of private driveway entrances shall comply with Virginia Department of Transportation standards and shall be subject to final site plan approval.
- (3) Off-street parking spaces shall be accessed via private driveways and shall not be directly accessed from public rights-of-way.

(b) Buffering and Landscaping

- (1) Where a parcel in the BC District is contiguous to a residential zoning district or public right-of-way with limited access, a landscaped buffer strip fifteen (15) feet in width shall be provided.
- (2) Landscape materials and their placement shall be subject to final site plan approval. With the approval of the administrative body, walls, fences or wider buffer strips may be used in lieu of landscaping.

(c) Storage of Materials and Refuse

- (1) All refuse containers shall be screened by a solid wall or fence.
- (2) Any establishment involved with the storage of any fuel for sale, for on-site use, or for any other purposes, shall be permitted only if the fuel is stored underground, except where otherwise permitted under provisions granted and stipulations required by the administrative body.
- (3) All storage shall be conducted within the principal structure, which is to be completely enclosed.
- (4) There shall be not outdoor storage and/or display of goods with the exception of plant materials associated with nurseries.

(d) Uses, Facilities and Improvements

- (1) All business services (and storage) shall be conducted within the principal structure, which is to be completely enclosed.
- (2) Signing, mailboxes, site lighting and architectural materials shall be provided and installed by the property's owner-developer and shall be consistent and compatible with the scale and character of the development.
- (3) Private streets, street lighting, sidewalks, curbing and gutters, and parking bays shall be constructed to standards specified by the administrative authority or its agents.

(e) Site Plan

- (1) A site plan, which shall govern all development, shall be submitted for approval.
- (2) Site plans shall include provisions for the following:
 - (A) adequate public facilities;
 - (B) development phasing;
 - (C) stormwater management facilities to address the ultimate development coverage within the district;
 - (D) lighting and signing;
 - (E) building placement and lot configuration; and

Section 610 Business Commercial (BC) District

- (F) Other special site features and land use considerations deemed necessary to serve the district.
 - (G) Any site plan application which is not in strict conformance with the pre-existing approved site plan for the District shall require an amendment to that site plan and preliminary plat prior to site plan approval of the specific use.
- (3) All uses shall be subject to final site plan approval.

BERRYVILLE TOWN COUNCIL
MOTION TO ADOPT A TEXT AMENDMENT TO
ARTICLE VI OF THE BERRYVILLE ZONING ORDINANCE

Date: February 9, 2016

Motion By:

Second By:

I move that the Council of the Town of Berryville adopt the attached Article VI, Section 610.2(b) of the Berryville Zoning Ordinance in order to allow up to **3,000 [or other as determined by Council]** square feet of gross floor area for a convenience store as an accessory use to auto service and repair (including gas stations).

VOTE:

Aye:

Nay:

Absent:

AN ORDINANCE AMENDING
ARTICLE VI, SECTION 610.2(b)
OF THE TOWN OF BERRYVILLE ZONING ORDINANCE

BE IT ORDAINED, by the Council of the Town of Berryville, that Article VI, Additional Districts, Business Commercial (BC) Zoning District, Section 610.2(b), of the Town of Berryville Zoning Ordinance shall be amended as follows:

ARTICLE VI

610.2 PERMITTED USES

- (b) Automobile service and repair establishments (including gas stations), with a convenience store (not occupying more than ~~2,000~~ **3,000** square feet of gross floor area, ~~excluding storage~~) as an accessory use, provided that all vehicle repair takes place in a fully enclosed building.

SIGNED: _____
Wilson Kirby, Mayor

ATTEST: _____
Harry Lee Arnold, Jr., Recorder

Attachment 3

BERRYVILLE TOWN COUNCIL
Public Hearing – Text Amendment to Article V
February 9, 2016

The Berryville Planning Commission is initiating text amendments to Article V Section 505 Provisions for Appeal in order to conform to Commonwealth of Virginia General Assembly modifications. TA 04-15

Public hearing notices were published in the Winchester Star on Tuesday, January 26, 2016 and Tuesday, February 2, 2016. No comments were received in the Planning Office.

The Planning Commission held a public hearing on modifications to Article V Section 505 of the Berryville Zoning Ordinance concerning variances and appeals by the Board of Zoning Appeals in order to comply with recent changes to the Code of Virginia. Staff worked with Mr. Mitchell on the draft language. A meeting was held with BZA members on Friday, February 5, 2016 to update them on these modifications.

Overview

The following are changes to administrative procedures regarding Board of Zoning hearings:

Changes to administrative procedures for BZA hearings

- “Ex parte” (one sided) communications between non-legal staff and Board of Zoning Appeals members or the applicant and Board of Zoning Appeals members is prohibited.
- Must immediately disclose communications if they occur.
- Must provide all case materials to the applicant within 3 business days or providing them to BZA members.
- Applicants shall have the same amount of time before the Board as staff does.

Clarification of standard of review for appeals

- The administrative officer’s determination is presumed to be correct and the appellants has the burden of proof that the determination is incorrect.

Clarification of standard of review for variances

Previous law was confusing and resultant case law made the granting of variances only in exceptional circumstances with very little opportunity for BZA’s to review requests on a case by case basis.

- Burden of proof is on the applicant that a variance is warranted. A multi-step process will be established as follows:
- First, the applicant must show that strict application of the ordinance would either unreasonably restrict the use of the property OR that granting a variance would alleviate a hardship due to the physical condition of the property or its improvements.
- Second, the applicant must show compliance with all of the five items below:

- Property interest was acquired in good faith and any hardship was not created by the applicant.
- The granting of the variance will not be of substantial detriment to adjacent and nearby properties.
- The condition/situation of the property is not of so general or recurring a nature as to make ordinance amendments.
- Granting of the variances does not result in a use not permitted on the property or change of zoning classification of the property.
- A remedy to the situation is not available through special exception or administrative modification to the zoning ordinance.

The modification under Section 505.7(a)-(e) is recommended by staff. The County's Zoning Ordinance, under Section 7-B, allows for the Zoning Administrator to grant a modification of any provision in the Zoning Ordinance concerning physical requirements on a parcel (e.g., size, height, location or features of buildings) as long as the requirements identified in proposed Section 505.7 are met. The modification may not be more than ten (10%) of the regulation standard. Before granting the modification, the Zoning Administrator is required to contact adjacent property owners with a written notice of the request and to consult with the Chair and Vice Chair of the BZA. This will allow for reasonable determinations by the Zoning Administrator and a more appropriate process for granting relatively modest requests.

January 12, 2016 Staff Report

Due to a clerical error by the Winchester Star, the public hearing notice was not published on the requested dates. The proposed amendment will need to be heard at a public hearing at the February meeting.

December 8, 2015 Staff Report

The Planning Commission has set a public hearing for their December 15, 2015 meeting to hear comment on the draft language to Article V Section 505.

The General Assembly has made modifications to Code of Virginia §15.2-2308 and §15.2309 concerning Board of Zoning Appeals matters. Town Attorney Robert Mitchell is recommending amendments to the Berryville Zoning Ordinance to reflect these legislative changes.

The language from the Code of Virginia and proposed changes to the Berryville Zoning Ordinance Article V follow this report. Staff will review the proposed amendments with Board of Zoning Appeals members prior to the January Town Council meeting.

Recommendation

Repeal and readopt Section 505 as presented. A motion and ordinance follow this report.

ARTICLE V – ADMINISTRATION AND ENFORCEMENT

~~SECTION 505 - PROVISIONS FOR APPEAL~~ **BOARD OF ZONING APPEALS**

There shall be established a Board of Zoning Appeals (Board) that shall consider appeals, variances, and zoning map interpretations.

505.1 BOARD OF ZONING APPEALS ORGANIZATION AND PROCEDURES

~~(a) — The Board of Zoning Appeals was established pursuant to the provisions of Article 8, Chapter 11, Title 15.1 of the Code of Virginia. The Board, consisting of five (5) Town residents, shall be appointed by the Circuit Court of the County and shall serve without pay other than for traveling expenses. Members shall be removable for malfeasance, misfeasance, or non-feasance upon written charges and after public hearing. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.~~

~~(b) — The term of office shall be for five (5) years, except that of the first members appointed, one shall serve for five (5) years, one for four (4) years, one for three (3) years, one for two (2) years, and one (1) for one year. One of the five appointed members may be an active member of the Planning Commission.~~

~~(c) — Members may be removed for cause by the appointing authority upon written charges and after a public hearing.~~

~~(d) — Any member of the Board shall be disqualified to act upon a matter before the Board with respect to property in which the member has an interest.~~

~~(e) — The Board shall choose annually from its own membership, its own chairman, vice chairman (who shall act in the absence of the chairman) and secretary.~~

(a) Membership

The Board shall consist of five residents of the Town of Berryville, appointed by the Circuit Court of Clarke County. Members of the Board shall hold no other public office in the locality except that one may be a member of the Berryville Planning Commission.

(b) Alternate Members

The Town Council may request the Circuit Court of Clarke County to appoint not more than three alternates to the Board of Zoning Appeals, pursuant to the provisions of Virginia Code § 15.2-2308(A).

(c) Terms of Office

The terms of office for members of the Board shall be for five years each except that original appointments shall be made for such terms that the term of one member shall expire each year. The Secretary of the Board shall notify the court at least thirty (30) days in advance of the expiration of any term of office, and shall also notify the Court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. A member whose term expires shall continue to serve until his/her successor is appointed and qualifies.

(d) Officers

With the exception of its Secretary and the alternates, the Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. The Board may elect as its Secretary either one of its

members or a qualified individual who is not a member of the Board, excluding alternate members. A Secretary who is not a member of the Board shall not be entitled to vote on matters before the Board.

- (e) **Quorum**
For the conduct of any hearing, a quorum shall be not less than a majority of all the members of the Board.
- (f) **Procedures**
The Board may make, alter, and rescind rules and forms for its procedures, consistent with County ordinances and general laws of the Commonwealth.
- (g) **Records**
The Board shall keep minutes and a full record of its proceedings and other official actions, which shall be filed in the office of the Board and shall be public records.
- (h) **Report**
The Board shall submit a report of its activities to the governing body at least once each year.
- (i) **Witnesses**
The Chairman of the Board, or the acting Chairman in the Chairman's absence, may compel attendance of witnesses and administer oaths of witnesses.
- (j) **Employees**
Within the limits of funds appropriated by the Town Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.
- (k) **Compensation**
Members of the Board may receive such compensation as may be authorized by the Town Council.
- (l) **Removal**
Any Board member or alternate may be removed for malfeasance, misfeasance, or nonfeasance in office, or for other just cause, by the Court that appointed the member or alternate, after a hearing held after at least fifteen (15) days notice.
- (m) **Meetings**
The Board by resolution may fix a schedule of regular meetings, and may also fix the day or days to which any meeting shall be continued if the Chairman, or Vice Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such findings shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting in accordance with Virginia Code § 15.2-2312 shall be conducted at the continued meeting and no further advertisement shall be required.
- (n) **Hearings – Procedures**
 1. The non-legal staff of the Town Council may have ex parte communications with a member of the Board prior to the hearing but may not discuss the facts or law relative to the case before the Board. The applicant, landowner, or their agent or attorney may have ex parte

communications with a member of the Board prior to the hearing but may not discuss the facts or law relative to the case before the Board. If any ex parte discussion of facts or law in fact occurs, the party engaging in such communication shall inform the other party as soon as practicable and advise the other party of the substance of such communication. For purposes of this section, regardless of whether all parties participate, ex parte communications shall not include (i) discussions as part of a public meeting or (ii) discussion prior to a public meeting to which staff of the governing body, the applicant, landowner, or their agent or attorney are all invited. For purposes of this section, “non-legal staff of the Town Council” shall mean any staff who is not in the office of the attorney for the Town, or for the Town Council, or who is appointed by special law or pursuant to § 15.2-1542. Nothing in this section shall preclude the Board from having ex parte communications with any attorney or staff of any attorney where such communication is protected by the attorney-client privilege or protection of confidentiality.

2. Any materials relating to the case before the Board, including a staff recommendation or report furnished to a member of the Board, shall be made available without cost to an applicant, appellant, or other person aggrieved under § 15.2-2314, as soon as practicable thereafter, but in no event less than three business days providing such materials to a member of the Board. If the applicant, appellant, or other person aggrieved under § 15.2-2314 requests additional documents or materials to be provided by the locality other than those materials provided to the Board, such request shall be made pursuant to § 2.2-3704. Any such materials furnished to a member of the Board shall also be made available for public inspection pursuant to Subsection F of § 2.2-3707.
3. At a hearing the Board shall offer an equal amount of time to the applicant, appellant, or any other person aggrieved under § 15.2-2314, and the Town staff.

(o) **Appeal of Decision of Board**

Any person or persons jointly or severally aggrieved by any decision of the Board, or any aggrieved taxpayer, or any officer, department, board, or bureau of the locality, may file with the Clerk of the Clarke County Circuit Court a petition specifying the grounds on which aggrieved within 30 days after the final decision of the Board.

505.2 POWERS OF THE BOARD OF ZONING APPEALS ~~APPEAL OF DECISION OF BOARD~~

~~To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this Article or any ordinance adopted pursuant thereto.~~

- (a) ~~To authorize upon appeal in specific cases such variance from terms of the Ordinance as will not be contrary to the public interest when owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the Ordinance shall be observed and substantial~~

Section 505 – Provisions for Appeal

justice done, pursuant to the provision of “Sec. 15.1-495b of the Code of Virginia, 1950, as amended,” as follows:

1. — ~~When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size, or shape of a specific piece of property at the time of the effective date of the Ordinance, or where by reason of exceptional topographic condition of such piece of property, or of the use or development of property immediately adjacent thereto, effectively prohibit or unreasonably restrict the use of the property, or where the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the Ordinance.~~
 2. — ~~No such variance shall be authorized by the Board unless it finds: (a) that the strict application of the Ordinance would produce undue hardship; (b) that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (c) that the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.~~
 3. — ~~No such variance shall be authorized except after notice and hearing as required by Section 15.1-431 of the Code of Virginia, as amended.~~
 4. — ~~No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance.~~
 5. — ~~In authorizing a variance the Board may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.~~
- (c) — ~~To hear and decide appeals from the decision of the Zoning Administrator.~~
- (d) — ~~To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. Public hearings after appropriate notice must be held prior to such adjustments. The Board shall not have the power to change substantially the locations of district boundaries as established by this Ordinance. The Board shall not have the power to rezone property.~~

Any person or persons jointly or severally aggrieved by any decision of the Board, or any aggrieved taxpayer, or any officer, department, board, or bureau of the locality, may file with the Clerk of the Clarke County Circuit Court a petition specifying the grounds on which aggrieved within 30 days after the final decision of the Board.

505.3 ~~RULES AND REGULATIONS OF THE BOARD OF ZONING APPEALS~~ APPEALS OF ADMINISTRATIVE DETERMINATIONS

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- ~~(a) The Board of Zoning Appeals shall adopt such rules and regulations as it may consider necessary.~~
- ~~(b) The meeting of the Board shall be held at the call of its chairman or at such time as a quorum of the Board may determine.~~
- ~~(c) The chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.~~
- ~~(d) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.~~
- ~~(e) All meetings of the Board shall be open to the public.~~
- ~~(f) A quorum shall be at least three (3) members.~~
- ~~(g) A favorable vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or to decide in favor of the applicant on any matter upon which the Board is required to pass.~~
- (a) The Board shall hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of the Zoning Ordinance. The decision on such appeal shall be based on the Board's judgment of whether the administrative officer was correct. The determination of the administrative officer shall be presumed to be correct. At a hearing on an appeal, the administrative officer shall explain the basis for their determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The Board shall consider any applicable ordinances, laws, and regulations in making its decision. For purposes of this section, "determination" means any order, requirement, decision, or determination made by an administrative officer. Any appeal of a determination to the Board shall be in compliance with this section, notwithstanding any other provision of law, general or special.**
- (b) An appeal to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the Town affected by any decision of the Zoning Administrator, or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of the Zoning Ordinance, or any modification of zoning requirements pursuant to Virginia Code § 15.2-2286.**
- (c) Any written notice of a zoning violation of any written order or administrative determination of the Zoning Administrator shall include a statement informing the recipient of the of the recipient's right to appeal the notice of zoning violation or the written order or administrative determination within 30 days, and that the decision shall be final and unappealable if not appealed within 30 days. The appeal period shall not commence until the statement is given. The appeal shall be taken within 30 days after the decision appealed from by filing with the Zoning Administrator, and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall**

- forthwith transmit to the Board all the papers constituting the record based upon which the action appealed from was taken.
- (d) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate a stay would in his/her opinion cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order granted by the Board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown.
 - (e) The Board shall fix a reasonable time for hearing an appeal, and shall give public notice and hold a public hearing as provided by Virginia Code § 15.2-2204. However, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail.
 - (f) The Board shall make its decision within 90 days of the filing of the appeal, unless the appellant and the Board mutually agree upon an extended period.
 - (g) In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision, or determination appealed from.
 - (h) The concurring vote of a majority of the membership of the Board shall be necessary to reverse any order, requirement, decision, or determination of an administrative officer.

505.4 APPEAL TO THE BOARD OF ZONING APPEALS VARIANCES

~~An appeal to the Board may be taken by any person aggrieved or by an officer, department, board, or bureau of the county or municipality affected by any decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown.~~

- (a) **The Board shall hear upon appeal or original application in specific cases requests for variances, as defined in Virginia Code § 15.2-2201, from the terms of this ordinance. A variance shall not include a change in use.**
- (b) **Any property owner, tenant (with the written consent of the property owner), government official, department, board or bureau may make application for a variance. Applications shall be made to the Zoning Administrator in accordance with rules adopted by the Board. The application and accompanying maps, plans, or other information shall be transmitted promptly to the Secretary of the Board, who shall place the matter on the docket to be acted upon by the Board.**

- (c) The Zoning Administrator shall also transmit a copy of the application to the Planning Commission, which may send a recommendation to the Board or appear as a party at the hearing.
- (d) No variance shall be considered except after public notice and hearing as required by Virginia Code § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first class mail rather than by registered or certified mail.
- (e) **Action on Variance Application**
 - 1. The burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that the application meets the standards for a variance as defined in Virginia Code § 15.2-2201 and the criteria set out in this section.
 - 2. Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and;
 - (a) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
 - (b) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
 - (c) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;
 - (d) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
 - (e) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process of modification of a zoning ordinance pursuant to subdivision A4 of § 15.2-2286 at the time of the filing of the variance application.
 - (f) The concurring vote of a majority of the membership of the Board shall be necessary to approve a variance.
 - (g) In granting a variance the Board shall tailor the variance to provide the minimum variance necessary to alleviate the hardship, and the Board may impose such conditions regarding the location, character, and other features of the proposed structure or use, as it may deem necessary in the public interest. The Board may require a guarantee or

bond to ensure that the conditions imposed are being and will continue to be complied with.

(h) The Board will not consider substantially the same application within one (1) year of previous Board action.

505.5 APPEAL PROCEDURE ZONING MAP INTERPRETATIONS

~~Appeals shall be mailed to the Board of Zoning Appeals c/o the Zoning Administrator, and a copy of the appeal mailed to the secretary of the Planning Commission. A third copy shall be mailed to the individual, official, department, or agency concerned, if any.~~

The Board shall hear and decide applications for interpretations of the zoning district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by the question, and after public hearing with notice as required by Virginia Code § 15.2-2204, the Board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. However, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail. The Board shall not have the power to change substantially the locations of district boundaries as established by ordinance. The concerning vote of a majority of the membership of the Board shall be necessary to decide in favor of the applicant.

505.6 PUBLIC HEARING LIMITATIONS ON POWERS OF BOARD

~~The Board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within sixty (60) days. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify any order, requirement, decision, or determination of an administrative officer or decide in favor of the applicant on any matter upon which it is required to pass under the Ordinance or to effect any variance from the Ordinance. The Board shall keep minutes of its proceedings and other official actions, which shall be filed in the office of the Board and shall be public records. The chairman of the Board or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.~~

The Board shall not have the power to rezone property or to base Board decisions on the merits of the purpose and intent of Town ordinances duly adopted by the Town Council.

505.7506 APPEAL OF DECISION OF BOARD OF ZONING APPEALS MODIFICATIONS

~~(a) — Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any taxpayer or any officer, department, board, or bureau of the municipality, may present to the Circuit Court of the county a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the Board.~~

~~(b) — Upon the presentation of such petition, the Court shall allow a writ of certiorari to review the decision of the Board of Zoning Appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's~~

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~~attorney, which shall not be less than ten (10) days and may be extended by the Court. The allowance of the writ shall not stay proceedings upon the decision appealed from; but the Court may, on application and on notice to the Board and for due cause shown, grant a restraining order.~~

- ~~(c) The Board of Zoning Appeals shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.~~
- ~~(d) If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the mater, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.~~
- ~~(e) Costs shall not be allowed against the Board, unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from.~~
- (a) The Zoning Administrator may grant a modification from any provision contained in the Zoning Ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or improvements if the Administrator finds in writing that:**
 - 1. the strict application of the ordinance would produce undue hardship;**
 - 2. such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and**
 - 3. the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification.**
- (b) The Zoning Administrator may not grant a modification that is more than 10% of a regulation standards.**
- (c) Before the granting of a modification, the Zoning Administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within 21 days of the date of the notice. Before the granting of a modification, the Zoning Administrator shall consult with the Chair and Vice Chair of the Board of Zoning Appeals.**
- (d) The Zoning Administrator shall make a decision on the application for modification and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this paragraph. The Zoning Administrator shall provide a copy of a written decision to the Board of Zoning Appeals within five working days from making the decision.**
- (e) The decision of the Zoning Administrator may be appealed to the Board of Zoning Appeals as provided in Section 505.3 of this Ordinance.**

SECTION 506 507 - VIOLATION AND PENALTY

- 5067.1** All departments, officials, and public employees of this jurisdiction who are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance. They shall issue permits for uses, buildings, or purposes only when they are in harmony with the provisions of this Ordinance. Any such permit, if issued in conflict with the provisions of this Ordinance, shall be null or void.
- 5067.2** Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating, causing, or permitting the violation of any of the provisions of this Ordinance, shall be guilty of a misdemeanor and, upon conviction thereof, may be fined up to one thousand dollars (\$1,000). Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Ordinance is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.

AN ORDINANCE AMENDING
ARTICLE V, SECTION 505
OF THE TOWN OF BERRYVILLE ZONING ORDINANCE

BE IT ORDAINED, by the Council of the Town of Berryville, that Article V, Administration and Enforcement, Section 505 Administration, Enforcement, Appeals, Variances, and Amendments, of the Town of Berryville Zoning Ordinance shall be repealed and readopted as follows:

ARTICLE V – ADMINISTRATION AND ENFORCEMENT

SECTION 505 – BOARD OF ZONING APPEALS

There shall be established a Board of Zoning Appeals (Board) that shall consider appeals, variances, and zoning map interpretations.

505.1 ORGANIZATION AND PROCEDURES

(a) Membership

The Board shall consist of five residents of the Town of Berryville, appointed by the Circuit Court of Clarke County. Members of the Board shall hold no other public office in the locality except that one may be a member of the Berryville Planning Commission.

(b) Alternate Members

The Town Council may request the Circuit Court of Clarke County to appoint not more than three alternates to the Board of Zoning Appeals, pursuant to the provisions of Virginia Code § 15.2-2308(A).

(c) Terms of Office

The terms of office for members of the Board shall be for five years each except that original appointments shall be made for such terms that the term of one member shall expire each year. The Secretary of the Board shall notify the court at least thirty (30) days in advance of the expiration of any term of office, and shall also notify the Court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. A member whose term expires shall continue to serve until his/her successor is appointed and qualifies.

(d) Officers

With the exception of its Secretary and the alternates, the Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. The Board may elect as its Secretary either one of its members or a qualified individual who is not a member of the Board, excluding alternate members. A Secretary who is not a member of the Board shall not be entitled to vote on matters before the Board.

(e) Quorum

For the conduct of any hearing, a quorum shall be not less than a majority of all the members of the Board.

- (f) Procedures**
The Board may make, alter, and rescind rules and forms for its procedures, consistent with County ordinances and general laws of the Commonwealth.
- (g) Records**
The Board shall keep minutes and a full record of its proceedings and other official actions, which shall be filed in the office of the Board and shall be public records.
- (h) Report**
The Board shall submit a report of its activities to the governing body at least once each year.
- (i) Witnesses**
The Chairman of the Board, or the acting Chairman in the Chairman's absence, may compel attendance of witnesses and administer oaths of witnesses.
- (j) Employees**
Within the limits of funds appropriated by the Town Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.
- (k) Compensation**
Members of the Board may receive such compensation as may be authorized by the Town Council.
- (l) Removal**
Any Board member or alternate may be removed for malfeasance, misfeasance, or nonfeasance in office, or for other just cause, by the Court that appointed the member or alternate, after a hearing held after at least fifteen (15) days notice.
- (m) Meetings**
The Board by resolution may fix a schedule of regular meetings, and may also fix the day or days to which any meeting shall be continued if the Chairman, or Vice Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such findings shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting in accordance with Virginia Code § 15.2-2312 shall be conducted at the continued meeting and no further advertisement shall be required.
- (n) Hearings – Procedures**
1. The non-legal staff of the Town Council may have ex parte communications with a member of the Board prior to the hearing but may not discuss the facts or law relative to the case before the Board. The applicant, landowner, or their agent or attorney may have ex parte communications with a member of the Board prior to the hearing but may not discuss the facts or law relative to the case before the Board. If any ex parte discussion of facts or law in fact occurs, the party engaging in such communication shall inform the other party as soon as practicable and advise the other party of the substance of such communication. For purposes of this section, regardless of whether all parties participate, ex parte communications shall not include (i) discussions as part of a public meeting or (ii) discussion prior to a public meeting to which staff of the governing body, the applicant, landowner, or their agent or attorney are all invited. For purposes of this section, "non-legal staff of the Town Council" shall mean any staff who is not in the office of the attorney for the Town, or for the Town Council, or who is appointed by special law or pursuant to § 15.2-1542.

Nothing in this section shall preclude the Board from having ex parte communications with any attorney or staff of any attorney where such communication is protected by the attorney-client privilege or protection of confidentiality.

2. Any materials relating to the case before the Board, including a staff recommendation or report furnished to a member of the Board, shall be made available without cost to an applicant, appellant, or other person aggrieved under § 15.2-2314, as soon as practicable thereafter, but in no event less than three business days of providing such materials to a member of the Board. If the applicant, appellant, or other person aggrieved under § 15.2-2314 requests additional documents or materials to be provided by the locality other than those materials provided to the Board, such request shall be made pursuant to § 2.2-3704. Any such materials furnished to a member of the Board shall also be made available for public inspection pursuant to Subsection F of § 2.2-3707.
3. At a hearing the Board shall offer an equal amount of time to the applicant, appellant, or any other person aggrieved under § 15.2-2314, and the Town staff.

(o) Appeal of Decision of Board

Any person or persons jointly or severally aggrieved by any decision of the Board, or any aggrieved taxpayer, or any officer, department, board, or bureau of the locality, may file with the Clerk of the Clarke County Circuit Court a petition specifying the grounds on which aggrieved within 30 days after the final decision of the Board.

505.2 APPEAL OF DECISION OF BOARD

Any person or persons jointly or severally aggrieved by any decision of the Board, or any aggrieved taxpayer, or any officer, department, board, or bureau of the locality, may file with the Clerk of the Clarke County Circuit Court a petition specifying the grounds on which aggrieved within 30 days after the final decision of the Board.

505.3 APPEALS OF ADMINISTRATIVE DETERMINATIONS

- (a) The Board shall hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of the Zoning Ordinance. The decision on such appeal shall be based on the Board's judgment of whether the administrative officer was correct. The determination of the administrative officer shall be presumed to be correct. At a hearing on an appeal, the administrative officer shall explain the basis for their determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The Board shall consider any applicable ordinances, laws, and regulations in making its decision. For purposes of this section, "determination" means any order, requirement, decision, or determination made by an administrative officer. Any appeal of a determination to the Board shall be in compliance with this section, notwithstanding any other provision of law, general or special.
- (b) An appeal to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the Town affected by any decision of the Zoning Administrator, or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of the Zoning Ordinance, or any modification of zoning requirements pursuant to Virginia Code § 15.2-2286.

- (c) Any written notice of a zoning violation of any written order or administrative determination of the Zoning Administrator shall include a statement informing the recipient of the of the recipient's right to appeal the notice of zoning violation or the written order or administrative determination within 30 days, and that the decision shall be final and unappealable if not appealed within 30 days. The appeal period shall not commence until the statement is given. The appeal shall be taken within 30 days after the decision appealed from by filing with the Zoning Administrator, and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- (d) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate a stay would in his/her opinion cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order granted by the Board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown.
- (e) The Board shall fix a reasonable time for hearing an appeal, and shall give public notice and hold a public hearing as provided by Virginia Code § 15.2-2204. However, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail.
- (f) The Board shall make its decision within 90 days of the filing of the appeal, unless the appellant and the Board mutually agree upon an extended period.
- (g) In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision, or determination appealed from.
- (h) The concurring vote of a majority of the membership of the Board shall be necessary to reverse any order, requirement, decision, or determination of an administrative officer.

505.4 VARIANCES

- (a) The Board shall hear upon appeal or original application in specific cases requests for variances, as defined in Virginia Code § 15.2-2201, from the terms of this ordinance. A variance shall not include a change in use.
- (b) Any property owner, tenant (with the written consent of the property owner), government official, department, board or bureau may make application for a variance. Applications shall be made to the Zoning Administrator in accordance with rules adopted by the Board. The application and accompanying maps, plans, or other information shall be transmitted promptly to the Secretary of the Board, who shall place the matter on the docket to be acted upon by the Board.
- (c) The Zoning Administrator shall also transmit a copy of the application to the Planning Commission, which may send a recommendation to the Board or appear as a party at the hearing.
- (d) No variance shall be considered except after public notice and hearing as required by Virginia Code § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first class mail rather than by registered of certified mail.

(e) Action on Variance Application

- 1. The burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that the application meets the standards for a variance as defined in Virginia Code § 15.2-2201 and the criteria set out in this section.**
- 2. Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and;**
 - (a) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;**
 - (b) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;**
 - (c) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;**
 - (d) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and**
 - (e) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process of modification of a zoning ordinance pursuant to subdivision A4 of § 15.2-2286 at the time of the filing of the variance application.**
 - (f) The concurring vote of a majority of the membership of the Board shall be necessary to approve a variance.**
 - (g) In granting a variance the Board shall tailor the variance to provide the minimum variance necessary to alleviate the hardship, and the Board may impose such conditions regarding the location, character, and other features of the proposed structure or use, as it may deem necessary in the public interest. The Board may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.**
 - (h) The Board will not consider substantially the same application within one (1) year of previous Board action.**

505.5 ZONING MAP INTERPRETATIONS

The Board shall hear and decide applications for interpretations of the zoning district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by the question, and after public hearing with notice as required by Virginia Code § 15.2-2204, the Board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. However, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give

such notice by first-class mail rather than by registered or certified mail. The Board shall not have the power to change substantially the locations of district boundaries as established by ordinance. The concerning vote of a majority of the membership of the Board shall be necessary to decide in favor of the applicant.

505.6 LIMITATIONS ON POWERS OF BOARD

The Board shall not have the power to rezone property or to base Board decisions on the merits of the purpose and intent of Town ordinances duly adopted by the Town Council.

506 MODIFICATIONS

- (a) The Zoning Administrator may grant a modification from any provision contained in the Zoning Ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or improvements if the Administrator finds in writing that:
 - 1. the strict application of the ordinance would produce undue hardship;
 - 2. such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
 - 3. the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification.
- (b) The Zoning Administrator may not grant a modification that is more than 10% of a regulation standards.
- (c) Before the granting of a modification, the Zoning Administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within 21 days of the date of the notice. Before the granting of a modification, the Zoning Administrator shall consult with the Chair and Vice Chair of the Board of Zoning Appeals.
- (d) The Zoning Administrator shall make a decision on the application for modification and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this paragraph. The Zoning Administrator shall provide a copy of a written decision to the Board of Zoning Appeals within five working days from making the decision.
- (e) The decision of the Zoning Administrator may be appealed to the Board of Zoning Appeals as provided in Section 505.3 of this Ordinance.

SECTION 507 VIOLATION AND PENALTY

507.1 All departments, officials, and public employees of this jurisdiction who are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance. They shall issue permits for uses, buildings, or purposes only when they are in harmony with the provisions of this Ordinance. Any such permit, if issued in conflict with the provisions of this Ordinance, shall be null or void.

507.2 Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating, causing, or permitting the violation of any of the provisions of this Ordinance, shall be guilty of a misdemeanor and, upon conviction thereof, may be fined up to one thousand dollars (\$1,000). Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Ordinance is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.

SIGNED: _____
Wilson Kirby, Mayor

ATTEST: _____
Harry Lee Arnold, Jr., Recorder

BERRYVILLE TOWN COUNCIL
MOTION TO ADOPT A TEXT AMENDMENT TO
ARTICLE V OF THE BERRYVILLE ZONING ORDINANCE

Date: February 9, 2016

Motion By:

Second By:

I move that the Council of the Town of Berryville repeal and readopt Section 505 of the Berryville Zoning Ordinance in order to implement new and amend current requirements regarding administrative procedures and standard of review for variances and appeals by the Board of Zoning Appeals in order to comply with recent amendments to the Code of Virginia and to allow for the Zoning Administrator to grant a modification from physical requirements on a lot or parcel of land as established in Section 505.7.

VOTE:

Aye:

Nay:

Absent:

ATTEST:

Harry Lee Arnold, Jr., Recorder

Attachment 4

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
January 12, 2016
7:30 p.m.

Town Council: Present-Wilson Kirby, Mayor; Harry Lee Arnold, Jr., Recorder; Allen Kitselman; Doug Shaffer; David Tollett

Staff: Keith Dalton, Town Manager; Christy Dunkle, Assistant Town Manager/Planner; Neal White, Chief of Police; Ann Phillips, Town Clerk

Press: Val Van Meter, Winchester Star

1. Call to Order

Mayor Kirby called the meeting to order at 7:30 p.m.

2. Pledge of Allegiance

3. Public Hearings

Mayor Kirby said that because of an advertising error, the scheduled public hearings could not be held. He said that the Town Council would receive public comment on the subjects, but hearings would be rescheduled for next month.

A. Spot Blight Abatement Plan

Mr. Dalton said that the Mayor had been authorized to send letters to legislative representatives seeking assistance in having FNMA respond to the blight following a fire at 203 Moore Drive. He said that Senator Warner's and Representative Comstock's offices have responded, and that a teleconference with FNMA staff had been held. Mr. Dalton said FNMA has made a proposal to make the structure watertight and remove debris within three weeks. He said he responded by recommending the Town temporarily suspend the blight abatement plan process while FNMA does the needed repairs. He added that FNMA is citing insurance issues as the reason for the delay in their response to the blight issue.

The Mayor recognized Donna Marie McDonald of 101 Cameron Street, Berryville, who represents the Battletown Homeowners Association where the blighted property is located. Ms. McDonald said that there are covenants on the properties in the neighborhood. She said the covenants address repairs and responsibility for damage caused by an adjoining property owner. She said her association appreciates the Town's support as they seek help from FNMA to repair the property.

B. Proposed Text Amendment to Berryville Zoning Ordinance

Mayor Kirby recognized Alton Echols of 400 Custer Court, Berryville, who is requesting an increase in the square footage of a convenience store as an accessory use to automobile service and repair establishments from 2000 to 5500 square feet in the Business Commercial zoning district. Mr. Echols said that he now needs only 4550 square feet to build what he is planning, and suggested that it promotes other business development to locate nearby.

4. Approval of Minutes

Upon motion of Council Member Kitselman, seconded by Recorder Arnold, the minutes of the December 8, 2015 meeting were approved as follows:

Aye – Wilson Kirby
Harry Lee Arnold, Jr.
Allen Kitselman
Douglas Shaffer
David Tollett

Nay – None
Absent – None

5. Citizens' Forum

The Mayor recognized Alton Echols of 400 Custer Court, Berryville, who said the 73 bed assisted living facility he is planning is on hold because of Dodd/Frank regulations and highlighted plans for a new senior housing proposal.

Mayor Kirby recognized Sue Ross who represents Berryville Main Street. She said representatives from Berryville Main Street will be attending the Council meetings to provide updates on the activities of the organization.

6. Report of Wilson Kirby, Mayor

Mayor Kirby said that Master Patrol Officer Joey Adams retired at the end of December. He asked the Clerk to read a resolution in recognition of Officer Adams. **Council member Tollett moved that the Council of the Town of Berryville adopt the resolution as read. Council member Kitselman seconded the motion which carried as follows:**

Aye – Wilson Kirby
Harry Lee Arnold, Jr.
Allen Kitselman
Douglas Shaffer
David Tollett

Nay – None
Absent – None

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BERRYVILLE
RECOGNIZING MASTER PATROL OFFICER JOEY ADAMS FOR A DISTINGUISHED CAREER
AS A POLICE OFFICER

WHEREAS, Master Patrol Officer Joey Adams began working for the Berryville Police Department on March 1, 1990, and for twenty-five years loyally served the community of Berryville until his retirement on December 31, 2015; and,

WHEREAS, During those twenty-five years of service Officer Adams served the police department as a Speed Measurement Instructor, Field Training Officer, and Vehicle Fleet Manager, and all of those additional duties helped to maintain a professional, well trained, and safe department; and,

WHEREAS, In addition to serving as a training officer for the department, Officer Adams also spent countless hours as an instructor for basic law enforcement officer candidates at the regional training academy, thereby leaving a lasting impression upon those just beginning their careers in law enforcement; and,

WHEREAS, Because of his caring demeanor and outgoing personality “Joey” was often requested by name when a citizen needed to speak with a police officer; a clear indication that Officer Adams was true to the tenets of community policing; and,

WHEREAS, Officer Adams often took special interest in issues and investigations that were brought to his attention by spending additional time looking for innovative solutions to the core problem above and beyond what was required of him as a police officer; and throughout the process would always make himself available to the parties involved; and,

WHEREAS, Because of the professional and compassionate manner in which he conducted himself while a police officer for the Town of Berryville serving as a true guardian of the community, he favorably affected countless lives and provided a positive role-model of what a true police officer should be; and,

NOW, THEREFORE BE IT RESOLVED that the Council of the Town of Berryville hereby salutes Master Patrol Officer Joey Adams for a distinguished career serving the Town and thanks him for his devoted service to the Town’s residents.

By Order of the Council of the Town of Berryville on this the twelfth day of January, 2016.

Wilson L. Kirby, Mayor

Harry Lee Arnold, Jr.,

+ + + + +

7. Report of Christy Dunkle, Asst. Town Manager for Community Development

Ms. Dunkle said that a release of the bonds has been requested by Mr. Echols of Kectoctin Land Company. She said staff recommends retaining ten percent of the bonds for both McClellan and Chamberlain streets and for Section 4B (Delany and Beauregard courts). **Recorder Arnold moved that the Council of the Town of Berryville approve the bond reductions in the following amounts: Chamberlain and McClellan streets, \$2,390.25; Section 4B (Delany and Beauregard courts): Public Improvements, \$15,269.10 and Erosion and Sediment Control, \$1,680.00. Council member Shaffer seconded the motion which carried as follows:**

Aye – Wilson Kirby
Harry Lee Arnold, Jr.
Allen Kitselman
Douglas Shaffer
David Tollett

Nay – None
Absent – None

Ms. Dunkle said staff has completed paperwork for the addition of a portion of Chamberlain Street to the VDOT Urban Highway System and Maintenance Inventory. **Council member Tollett moved that the Council of the Town of Berryville approve the following resolution requesting VDOT acceptance of a portion of Chamberlain Street for inclusion in the VDOT Urban Highway System and Maintenance Inventory in order for the Town to receive municipal assistance maintenance funding. Council member Kitselman seconded the motion which carried as follows:**

Aye – Wilson Kirby
Harry Lee Arnold, Jr.
Allen Kitselman
Douglas Shaffer
David Tollett

Nay – None
Absent – None

RESOLUTION OF GOVERNING BODY OF
The Town of Berryville

The governing body of the Town of Berryville, Virginia, consisting of 6 members, in a duly called meeting held on the 12th day of January, 2016 at which a quorum was present, RESOLVED as follows:

A RESOLUTION: REQUESTING ACCEPTANCE OF A PORTION OF CHAMBERLAIN STREET INTO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) URBAN HIGHWAY SYSTEM AND MAINTENANCE INVENTORY

WHEREAS, the street referenced above has been completed and is now eligible for VDOT maintenance funding; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Berryville, Virginia hereby requests VDOT to accept the street referenced above as identified on the attached U-1 form and accompanying documentation into the Urban Highway System and Maintenance Inventory for maintenance payments in accordance with § 33.1-41.1 of the Code of Virginia, 1950 as amended.

Passed this 12th day of January, 2016.

THE TOWN OF BERRYVILLE

Attest: _____

By: Wilson L. Kirby, Mayor

CERTIFICATION

I hereby certify that the above resolution was duly adopted by the Council of the Town of Berryville, in a duly assembled meeting on the 12th day of January, 2016.

Harry Lee Arnold, Jr., Recorder

+ + + + + + + + + + +

8. Report of Keith Dalton, Town Manager

Regarding the Spot Blight Abatement issue, Mr. Dalton said Ms. McDonald had made some excellent points, but noted that the Town cannot enforce covenants. He said the Council could direct staff to ask FNMA to have a conversation with the homeowners association and could send the covenants to FNMA.

Recorder Arnold said he is comfortable with the proposal, but is in favor of letting FNMA perform the work within three weeks as they have stated and asking them for resolution on the insurance issue. He added that three weeks will pass before the time for the public hearing, and Council can then make an informed decision.

By consensus, the public hearing was set for February 9, 2016, and the Town Manager was directed to move forward with his response to FNMA.

9. Report of H. Allen Kitselman, III – Berryville Area Development Authority Liaison

Council member Kitselman said the BADA will meet on January 20 to hold a public hearing on the revised Berryville Area Plan.

10. Report of Harry Lee Arnold, Jr., - Chair, Budget and Finance Committee

Recorder Arnold said a budget calendar has been prepared. Mr. Dalton noted that if no conflicts have been reported to Recorder Arnold by Friday, the calendar will be considered finalized.

11. Report of H. Allen Kitselman, III - Chair, Community Improvements Committee

Council member Kitselman said he and Ms. Dunkle will finalize the letter to legislators asking for help with funding the wayfinding sign project.

12. Report of Douglas A. Shaffer – Planning Commission Liaison

Council member Shaffer had nothing to report.

13. Report – Police and Security Committee

Chief White reported that Donald Mason has been hired as a police officer.

14. Report of Wilson Kirby – Chair, Streets and Utilities Committee

Mr. Dalton said the Committee will be setting a meeting to address Jack Enders Blvd. and to review street work priorities.

15. Report of Harry Lee Arnold, Jr. – Chair, Personnel Committee

Upon motion of Wilson Kirby, seconded by Harry Lee Arnold, Jr., the minutes of the Personnel Committee meetings of 1/04/2016 and 1/05/2016 were approved.

Recorder Arnold moved that in accordance with Section 3.5 of the Berryville Charter, the Council of the Town of Berryville appoint J. Bryant Condrey to the Berryville Town Council as Ward 3 representative to fill the unexpired term of Mary Daniel effective immediately for a term to expire June 30, 2016. Council member Shaffer seconded the motion which carried as follows:

Aye – Wilson Kirby
Harry Lee Arnold, Jr.
Allen Kitselman

Douglas Shaffer
David Tollett

Nay – None
Absent -None

Recorder Arnold moved that the Council of the Town of Berryville recommend that the Circuit Court of Clarke County appoint Krishan Mathur to fill an unexpired five-year term on the Berryville Board of Zoning Appeals effective immediately and ending on June 12, 2017. Council member Allen Kitselman seconded the motion which carried as follows:

Aye – Wilson Kirby
Harry Lee Arnold, Jr.
Allen Kitselman
Douglas Shaffer
David Tollett

Nay – None
Absent – None

Recorder Arnold moved that the Council of the Town of Berryville recommend that the Circuit Court of Clarke County appoint Kara Rodriguez to the Berryville Board of Zoning Appeals for a five-year term effective immediately and ending on December 31, 2020. Council member Allen Kitselman seconded the motion which carried as follows:

Aye – Wilson Kirby
Harry Lee Arnold, Jr.
Allen Kitselman
Douglas Shaffer
David Tollett

Nay – None
Absent – None

16. Other

Mayor Kirby recognized Coach Chris Parker and football players Matthew Dang and Hunter Rodgers from the 2015 Clarke County High School football team. He praised them for a good season and told them the community had enjoyed supporting them during the season. Coach Parker thanked the community for the sendoff gathering in town on the day the team left for the state final game.

Adjourn

There being no other business, upon motion of Council member Kitselman, seconded by Council member Shaffer, the meeting was adjourned at 8:26 p.m.

Wilson Kirby, Mayor

Harry Lee Arnold, Jr., Recorder

Attachment 5

TOWN OF BERRYVILLE, VIRGINIA



FINANCIAL REPORT
FOR THE YEAR ENDED JUNE 30, 2015

TOWN OF BERRYVILLE, VIRGINIA

Keith R. Dalton, Town Manager

Desiree Moreland, Assistant Town
Manager/Treasurer

Christina Dunkle, Assistant Town
Manager for Community
Development and Operations

Neal White, Chief of Police

David Tyrrell, Director of Utilities

Rick Boor, Director of Public
Works

Deborah Boggs, Utility Clerk

TOWN OF BERRYVILLE, VIRGINIA

Financial Report
Year Ended June 30, 2015

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TOWN OF BERRYVILLE, VIRGINIA

Financial Report
Year Ended June 30, 2015

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ROBINSON, FARMER, COX ASSOCIATES

CERTIFIED PUBLIC ACCOUNTANTS

A PROFESSIONAL LIMITED LIABILITY COMPANY

Independent Auditors' Report

To the Honorable Members of the Town Council
Town of Berryville, Virginia

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, and each major fund of Town of Berryville, Virginia, as of and for the year ended June 30, 2015, and the related notes to the financial statements, which collectively comprise the Town's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the *Specifications for Audits of Counties, Cities, and Towns*, issued by the Auditor of Public Accounts of the Commonwealth of Virginia. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, and each major fund of Town of Berryville, Virginia, as of June 30, 2015, and the respective changes in financial position, and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Change in Accounting Principle

As described in Note 11 to the financial statements, in 2015, the Town adopted new accounting guidance, GASB Statement Nos. 68, *Accounting and Financial Reporting for Pensions - an amendment of GASB Statement No. 27* and 71, *Pension Transition for Contributions Made Subsequent to the Measurement Date - an amendment of GASB Statement No. 68*. Our opinion is not modified with respect to this matter.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis, budgetary comparison information, and schedules related to pension funding on pages 4-9, 54, and 55-57 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The budgetary comparison information has been subjected to the auditing procedures applied in the audit of the basic financial statements and, in our opinion, is fairly stated in all material respects in relation to the basic financial statements taken as a whole.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise Town of Berryville, Virginia's basic financial statements. The supporting schedules and statistical information are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The supporting schedules are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the supporting schedules are fairly stated in all material respects in relation to the basic financial statements as a whole.

The statistical information has not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on them.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated November 30, 2015, on our consideration of Town of Berryville, Virginia's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Town of Berryville, Virginia's internal control over financial reporting and compliance.

Robinson, Farmer, Cox Associates

Charlottesville, Virginia

November 30, 2015

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TOWN OF BERRYVILLE, VIRGINIA MANAGEMENT'S DISCUSSION AND ANALYSIS

As management of Town of Berryville (the "Town") we offer the readers of the Town's financial statements this narrative overview and analysis of the financial activities of the Town for the fiscal year ended June 30, 2015. Please read it in conjunction with the Town's basic financial statements, which follow this section.

Financial Highlights

The assets and deferred outflows of resources of the Town exceeded its liabilities and deferred inflows of resources at the close of the most recent fiscal year by \$31,803,349 (net position). Of this amount, \$5,467,175 (unrestricted net position) may be used to meet the Town's ongoing obligations to citizens and creditors.

The Town's total net position increased by \$1,545,491, of which the governmental activities accounted for a \$51,869 decrease and business-type activities accounted for a \$1,597,360 increase.

At the end of the current fiscal year, unrestricted net position for governmental activities was \$985,606 or 30.24% of the governmental activities expenditures less any capital outlay projects funded with bond proceeds.

The unassigned ending fund balance for the Town's general fund was \$1,354,630, an increase of \$99,741 over the prior year. This increase is due to cash flow associated with the VDOT street maintenance expenses in the prior year.

The Town's total debt decreased by \$841,954 (10.23%) during the current fiscal year. The key factor in this net decrease was the payment of General Obligation Bonds.

Overview of the Financial Statements

This discussion and analysis is intended to serve as an introduction to the Town's basic financial statements. The Town's basic financial statements comprise three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements. This report also contains required and other supplementary information in addition to the basic financial statements themselves.

Government-wide financial statements

The government-wide financial statements are designed to provide the readers with a broad overview of the Town's finances, in a manner similar to a private sector business. The *statement of net position* presents information on all of the Town's assets and deferred outflows of resources and liabilities and deferred inflows of resources, with the difference reported as *net position*. Over time, increases or decreases in net position may serve as a useful indicator of how the financial position of the Town may be changing. Increases in net position may indicate an improved financial position; however, even decreases in net position may reflect a changing manner in which the Town may have previously accumulated funds.

The *statement of activities* presents information showing how the Town's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the changes occur, regardless of the timing of related cash flows. Thus revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (e.g. uncollected taxes and earned but unused vacation leave).

Both of the government-wide financial statements distinguish functions of the Town that are principally supported by taxes and intergovernmental revenues (*governmental activities*) from other functions intended to recover all or a significant portion of their costs through user fees and charges (*business-type activities*). The governmental activities of the Town include general government administration, public safety, public works, parks, recreation and culture, and community development.

Overview of the Financial Statements: (Continued)

Government-wide financial statements: (Continued)

The two Proprietary (business-type) Fund financial statements provide information on the activities in the Town's Water and Sewer Funds. Activities that are funded through the Water Fund include water system administration and billing, water treatment, and maintenance of treatment, distribution, and storage facilities. Activities that are funded through the Sewer Fund include sewer system administration and billing, wastewater treatment, and maintenance of treatment and collection facilities. User fees (water and sewer bills) and availability fees comprise the income for these funds.

The Town has no separate component units (e.g. school board, industrial development authority, etc.) that would be included in its government-wide financial statements.

The government-wide financial statements can be found on pages 10 through 12 of this report.

Fund financial statements

A *fund* is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Town, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance related legal requirements. All of the funds of the Town can be divided into two categories: governmental funds and proprietary funds.

Governmental funds are used to account for essentially the same functions reported as *governmental activities* in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on *near-term inflows and outflows of spendable resources*, as well as on *balances of spendable resources* available at the end of the fiscal year. Such information may be useful in evaluating a government's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for *governmental funds* with similar information presented for *governmental activities* in the government-wide financial statements. By doing so, readers may better understand the long-term affect of the Town's near-term financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures, and changes in fund balances provide a reconciliation to facilitate this comparison between *governmental funds and governmental activities*.

The basic governmental fund financial statements can be found on pages 13 through 16 of this report.

The Town maintains two *Proprietary Funds*. These *enterprise funds* are used to report the same functions presented as *business-type activities* in the government-wide financial statements, to account for its public utilities.

The basic proprietary fund financial statements can be found on pages 17 through 19 of this report.

The Town adopts an annual appropriated budget for its General Fund and its two Proprietary Funds. A budgetary comparison statement has been provided for these funds to demonstrate compliance with this budget.

Notes to the financial statements

The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements.

The notes to the financial statements can be found on pages 20 through 53 of this report.

Overview of the Financial Statements: (Continued)

Other information

In addition to the basic financial statements and accompanying notes, this report also presents *required supplementary information* concerning budgetary comparisons for the general fund and schedules of funding relating to the Town's participation in its pension plan.

Required supplementary information can be found on pages 54 through 57 of this report.

Government-wide Financial Analysis

As noted earlier, net position may, over time, serve as a useful indicator of a government's financial position. In the case of the Town, assets and deferred outflows of resources exceeded liabilities and deferred inflows of resources by \$31.8 million at the close of the most recent fiscal year. A large portion of the Town's net position (\$25.3 million, 79.62% of total) reflects its investment in capital assets (e.g. land, buildings, machinery, and equipment); less any related debt used to acquire those assets that are still outstanding. The Town uses these capital assets to provide services to its citizens; consequently, these assets are not available for future spending. Although the Town's investment in capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided by other sources, since the capital assets themselves cannot be used to liquidate these liabilities (i.e. the Town's investment in capital assets are of a permanent nature as assets acquired are not generally sold or otherwise disposed of during their useful life).

The following table summarizes the Town's Statement of Net Position:

Town of Berryville, Virginia
Summary of Net Position

| | Governmental
Activities | | Business-type
Activities | | Total | |
|--------------------------------------|----------------------------|--------------|-----------------------------|---------------|---------------|---------------|
| | 2015 | 2014 | 2015 | 2014 | 2015 | 2014 |
| Current and other assets | \$ 2,168,828 | \$ 1,837,187 | \$ 5,845,015 | \$ 4,952,716 | \$ 8,013,843 | \$ 6,789,903 |
| Capital assets | 4,521,136 | 4,719,235 | 33,328,454 | 33,163,802 | 37,849,590 | 37,883,037 |
| Total assets | \$ 6,689,964 | \$ 6,556,422 | \$ 39,173,469 | \$ 38,116,518 | \$ 45,863,433 | \$ 44,672,940 |
| Deferred outflows of resources | \$ 78,610 | \$ - | \$ 41,712 | \$ - | \$ 120,322 | \$ - |
| Long-term liabilities
outstanding | \$ 2,555,990 | \$ 2,350,255 | \$ 10,583,221 | \$ 10,917,076 | \$ 13,139,211 | \$ 13,267,331 |
| Other liabilities | 143,573 | 71,994 | 152,623 | 208,304 | 296,196 | 280,298 |
| Total liabilities | \$ 2,699,563 | \$ 2,422,249 | \$ 10,735,844 | \$ 11,125,380 | \$ 13,435,407 | \$ 13,547,629 |
| Deferred inflows of resources | \$ 640,685 | \$ 289,708 | \$ 104,314 | \$ - | \$ 744,999 | \$ 289,708 |
| Net investment in
capital assets | \$ 2,369,835 | \$ 2,535,919 | \$ 22,953,454 | \$ 22,318,802 | \$ 25,323,289 | \$ 24,854,721 |
| Restricted | 72,885 | 60,738 | 940,000 | 940,000 | 1,012,885 | 1,000,738 |
| Unrestricted | 985,606 | 1,247,808 | 4,481,569 | 3,732,336 | 5,467,175 | 4,980,144 |
| Total net position | \$ 3,428,326 | \$ 3,844,465 | \$ 28,375,023 | \$ 26,991,138 | \$ 31,803,349 | \$ 30,835,603 |

A portion of the Town's net position is restricted for debt service in the enterprise funds (\$940,000, 3.18% of total) may be used to meet the Town's ongoing obligations to Virginia Resources Authority.

The remaining balance of unrestricted net position (\$5.5 million, 17.19% of total) may be used to meet the Town's ongoing obligations to citizens and creditors.

Government-wide Financial Analysis: (Continued)

At the end of the current fiscal year, the Town is able to report positive balances in all categories of net position, both for the Town as a whole, as well as for its separate governmental and business-type activities.

As noted previously, the Town's net position increased by \$1,545,491 during the current fiscal year, generally attributable to construction of the new wastewater treatment plant and an increase in user fees to finance that construction.

Town of Berryville, Virginia Changes in Net Position

| | Governmental
Activities | | Business-type
Activities | | Total | |
|---|----------------------------|---------------------|-----------------------------|----------------------|----------------------|----------------------|
| | 2015 | 2014 | 2015 | 2014 | 2015 | 2014 |
| Revenues: | | | | | | |
| Charges for services | \$ 101,235 | \$ 74,815 | \$ 2,893,279 | \$ 2,446,087 | \$ 2,994,514 | \$ 2,520,902 |
| Opr grants & contributions | 595,790 | 602,213 | - | - | 595,790 | 602,213 |
| Cap grants & contributions | - | - | 386,662 | - | 386,662 | - |
| General real property taxes | 1,136,275 | 685,207 | - | - | 1,136,275 | 685,207 |
| Other taxes | 934,720 | 770,294 | - | - | 934,720 | 770,294 |
| Unrestricted revenues from
the use of money & property | 98,699 | 46,912 | 12,682 | 13,223 | 111,381 | 60,135 |
| Grants & contributions not
restricted to specific programs | 305,603 | 305,259 | - | - | 305,603 | 305,259 |
| Miscellaneous | 34,702 | 52,424 | - | - | 34,702 | 52,424 |
| Total Revenues | \$ 3,207,024 | \$ 2,537,124 | \$ 3,292,623 | \$ 2,459,310 | \$ 6,499,647 | \$ 4,996,434 |
| Expenses: | | | | | | |
| General government administration | \$ 917,033 | \$ 947,491 | \$ - | \$ - | \$ 917,033 | \$ 947,491 |
| Public safety | 689,556 | 698,249 | - | - | 689,556 | 698,249 |
| Public works | 1,280,350 | 978,698 | - | - | 1,280,350 | 978,698 |
| Parks, recreation & cultural | 47,372 | 44,419 | - | - | 47,372 | 44,419 |
| Community development | 148,023 | 127,088 | - | - | 148,023 | 127,088 |
| Contingency | 87,153 | 27,074 | - | - | 87,153 | 27,074 |
| Interest on long-term debt | 89,406 | 90,700 | - | - | 89,406 | 90,700 |
| Water fund | - | - | 752,263 | 772,475 | 752,263 | 772,475 |
| Sewer fund | - | - | 943,000 | 1,043,087 | 943,000 | 1,043,087 |
| Total Expenses | \$ 3,258,893 | \$ 2,913,719 | \$ 1,695,263 | \$ 1,815,562 | \$ 4,954,156 | \$ 4,729,281 |
| Change in net position | \$ (51,869) | \$ (376,595) | \$ 1,597,360 | \$ 643,748 | \$ 1,545,491 | \$ 267,153 |
| Net position, beginning of year, as restated | 3,480,195 | 4,221,060 | 26,777,663 | 26,347,390 | 30,257,858 | 30,568,450 |
| Net position, end of year | <u>\$ 3,428,326</u> | <u>\$ 3,844,465</u> | <u>\$ 28,375,023</u> | <u>\$ 26,991,138</u> | <u>\$ 31,803,349</u> | <u>\$ 30,835,603</u> |

Generally, net position changes are for the difference between revenues and expenses. A key element of this increase is the receipt of WQIF and VRA funds, as well as an increase in charges for services.

Business-type activities increased the Town's net position by \$1,597,360. Similar to how changes arise in the governmental activities, business-type activities also experience budgetary differences; however, as a public utility function comprises the Town's business-type activities there is more of a direct correlation to the revenues generated relative to the expenses incurred because of service demands. An increase in capital contributions made up of grant and loan proceeds and an increase in expenses, primarily construction in progress, contributed to the increase in net position.

Financial Analysis of the Town's Funds

As noted earlier, the Town uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental Fund: The focus of the Town's governmental fund is to provide information on near-term inflows, outflows, and balances of *spendable* resources. Such information is useful in assessing the Town's financing requirements. In particular *unassigned fund balance* may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year.

As of the end of the current fiscal year, the Town's general fund reported a fund balance of \$1,502,515, an increase of \$111,888 in comparison to the prior year, due to cash flow involved in the VDOT street maintenance project and capital projects carried over from the prior fiscal year. Of this total amount, \$1,346,710 or 89.63% constitutes unassigned fund balance, which is available for spending at the Town's discretion. The Town is required to restrict \$72,885 of fund balance for debt service obligations related to the Joint Government Center. The remaining balance of \$75,000 is restricted for proffers revenue, which was received in prior years and not spent as of June 30, 2015.

Proprietary Funds: The Town's proprietary funds provide the same type of information found in the government-wide financial statements, but in more detail. The total net position of the water and sewer funds was \$28,375,023. Unrestricted net position at the end of the year was \$4,481,569, an increase of \$749,233, from last year's unrestricted net position due to wastewater treatment plant construction in progress.

General Fund Budgetary Highlights

During the fiscal year the Town's general fund revenue exceeded budget by \$406,790. Of this amount \$48,538 can be attributed to VDOT reimbursements for the street maintenance project. Also, revenues were higher than expected in general property taxes. Fiscal year 2015 governmental expenditures were below budget by \$92,038 largely due to the street maintenance project.

Capital Asset and Debt Administration

Capital Assets: The Town's investment in capital assets for its governmental and business-type activities as of June 30, 2015, amounts to \$37,849,590 (net of accumulated depreciation). This investment in capital assets includes land, buildings, improvements, and machinery and equipment as well as construction in progress.

Capital assets, net of accumulated depreciation, are illustrated in the following table:

Town of Berryville, Virginia
Capital Assets (net of accumulated depreciation)
As of June 30, 2015

| | Governmental Activities | | Business-type Activities | | Total | |
|--------------------------|-------------------------|---------------------|--------------------------|----------------------|----------------------|----------------------|
| | 2015 | 2014 | 2015 | 2014 | 2015 | 2014 |
| Land | \$ 93,209 | \$ 93,209 | \$ 76,000 | \$ 5,000 | \$ 169,209 | \$ 98,209 |
| Construction in progress | - | - | 29,124,581 | 28,706,335 | 29,124,581 | 28,706,335 |
| Buildings & improvements | 4,149,060 | 4,280,362 | 828,862 | 904,682 | 4,977,922 | 5,185,044 |
| Infrastructure | 61,642 | 72,119 | 2,611,437 | 2,804,571 | 2,673,079 | 2,876,690 |
| Equipment | 217,225 | 273,545 | 687,574 | 743,214 | 904,799 | 1,016,759 |
| Total | \$ 4,521,136 | \$ 4,719,235 | \$ 33,328,454 | \$ 33,163,802 | \$ 37,849,590 | \$ 37,883,037 |

Additional information on the Town's capital assets can be found in Note 5 on pages 29 and 30 of this report.

Capital Asset and Debt Administration: (Continued)

Long-term Obligations: At the end of the current fiscal year, the Town had total outstanding obligations of \$13,139,210 and details are summarized in the following table:

**Town of Berryville, Virginia
Outstanding Obligations
For the Year Ended June 30, 2015**

| | Governmental
Activities | | Business-type
Activities | | Total | |
|--------------------------|----------------------------|---------------------|-----------------------------|----------------------|----------------------|----------------------|
| | 2015 | 2014 | 2015 | 2014 | 2015 | 2014 |
| Long-term obligations: | | | | | | |
| Lease revenue bond | \$ 2,151,301 | \$ 2,183,316 | \$ - | \$ - | \$ 2,151,301 | \$ 2,183,316 |
| General obligation bonds | - | - | 10,375,000 | 10,845,000 | 10,375,000 | 10,845,000 |
| Net pension liability | 231,231 | - | 129,619 | - | 360,850 | - |
| Compensated absences | 173,457 | 166,939 | 78,602 | 72,076 | 252,059 | 239,015 |
| Total | <u>\$ 2,555,989</u> | <u>\$ 2,350,255</u> | <u>\$ 10,583,221</u> | <u>\$ 10,917,076</u> | <u>\$ 13,139,210</u> | <u>\$ 13,267,331</u> |

Obligations associated with governmental activities increased by \$205,734 in 2015. The general fund debt increase was due to the implementation of GASB Statement No. 68 and resulting net pension liability of \$231,231.

The obligations associated with business-type activities decreased by \$333,855 in 2015 due to VRA loan payments.

The Town is subject to a statutory debt limitation. The legal debt margin is limited to 10% of total assessed value. The margin is computed as all bonded debt and long-term notes except for enterprise indebtedness over total value of taxed real property. The Town was in compliance with debt limitations as of June 30, 2015.

Additional information on the Town's long-term debt and compliance can be found in Note 6.

Economic Factors and Next Year's Budgets and Rates

Berryville serves as the center of commercial, residential, institutional, and industrial activity for Clarke County.

Both the Town and County are committed to preserving and enhancing Berryville's historic downtown and maintaining Clarke County's exquisite countryside. Preservation of our community's charming character and natural beauty has required extraordinary effort and a high level of cooperation between the Town and County.

The Town experienced a slight growth in real property assessments in 2015 with an overall 1.21% increase. Preliminary forecasts for 2016 assessments indicate continued moderate but positive growth.

For tax year 2015, the Town Council adopted a .186/\$100 real estate tax rate, an increase of 36.7%. The personal property rate was raised from \$1.05/\$100 to \$1.25/\$100, an increase of 19.04%. The machinery and tools tax rate remained the same as the prior year at \$1.30/\$100.

The Town's water rate was adjusted for fiscal year 2015. An increase of 13.47% (\$7.05 to \$8.00 TG) was effective June 24, 2014.

Requests for Information

This financial report is designed to provide a general overview of the Town's Finances for all of those with an interest in the government's finances. Questions concerning any of the information provided in this report or requests for additional information should be addressed to the Town Manager, Town of Berryville, 101 Chalmers Court, Suite A, Berryville, Virginia 22611.

Basic Financial Statements

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Government-wide Financial Statements

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Statement of Net Position
As of June 30, 2015

| | Governmental
Activities | Business-type
Activities | Total |
|--|----------------------------|-----------------------------|---------------|
| Assets: | | | |
| Cash and cash equivalents | \$ 1,580,628 | \$ 4,216,710 | \$ 5,797,338 |
| Restricted cash and cash equivalents | 72,885 | 940,000 | 1,012,885 |
| Receivables, net of allowance for uncollectibles | 555,939 | 237,241 | 793,180 |
| Due from other governments | 15,858 | 386,662 | 402,520 |
| Prepaid items | 7,920 | - | 7,920 |
| Internal balances | (64,402) | 64,402 | - |
| Capital assets: | | | |
| Land | 93,209 | 76,000 | 169,209 |
| Construction in progress | - | 29,124,581 | 29,124,581 |
| Other capital assets, net of accumulated depreciation | 4,427,927 | 4,127,873 | 8,555,800 |
| Capital assets, net | \$ 4,521,136 | \$ 33,328,454 | \$ 37,849,590 |
| Total assets | \$ 6,689,964 | \$ 39,173,469 | \$ 45,863,433 |
| Deferred Outflows of Resources: | | | |
| Post measurement date employer pension contributions | \$ 78,610 | \$ 41,712 | \$ 120,322 |
| Liabilities: | | | |
| Accounts payable | \$ 39,506 | \$ 16,780 | \$ 56,286 |
| Accrued liabilities | 12,893 | 11,462 | 24,355 |
| Retainage payable | - | 77,821 | 77,821 |
| Accrued interest | 3,698 | - | 3,698 |
| Customer deposits | 87,476 | 46,560 | 134,036 |
| Long-term liabilities: | | | |
| Due within one year: | | | |
| Bonds payable | 33,361 | 470,000 | 503,361 |
| Due in more than one year: | | | |
| Accrued compensated absences | 173,458 | 78,602 | 252,060 |
| Net pension liability | 231,231 | 129,619 | 360,850 |
| Bonds payable | 2,117,940 | 9,905,000 | 12,022,940 |
| Total liabilities | \$ 2,699,563 | \$ 10,735,844 | \$ 13,435,407 |
| Deferred Inflows of Resources: | | | |
| Net difference of actual and expected pension liability earnings | \$ 173,674 | \$ 104,314 | \$ 277,988 |
| Deferred revenue-property taxes | 467,011 | - | 467,011 |
| Total deferred inflows of resources | \$ 640,685 | \$ 104,314 | \$ 744,999 |
| Net Position: | | | |
| Net investment in capital assets | \$ 2,369,835 | \$ 22,953,454 | \$ 25,323,289 |
| Restricted for debt reserve | 72,885 | 940,000 | 1,012,885 |
| Unrestricted | 985,606 | 4,481,569 | 5,467,175 |
| Total net position | \$ 3,428,326 | \$ 28,375,023 | \$ 31,803,349 |

The accompanying notes to financial statements are an integral part of this statement.

TOWN OF BERRYVILLE, VIRGINIA

Statement of Activities
 Year Ended June 30, 2015

| Functions/Programs | Expenses | Program Revenues | | |
|---------------------------------------|---------------------|----------------------|------------------------------------|----------------------------------|
| | | Charges for Services | Operating Grants and Contributions | Capital Grants and Contributions |
| Primary Government: | | | | |
| Governmental activities: | | | | |
| General government administration | \$ 917,033 | \$ - | \$ - | \$ - |
| Public safety | 689,556 | 35,352 | 89,866 | - |
| Public works | 1,280,350 | 65,883 | 487,624 | - |
| Parks, recreation and culture | 47,372 | - | - | - |
| Community development | 148,023 | - | 18,300 | - |
| Contingency | 87,153 | - | - | - |
| Interest on long-term debt | 89,406 | - | - | - |
| Total governmental activities | \$ 3,258,893 | \$ 101,235 | \$ 595,790 | \$ - |
| Business-type activities: | | | | |
| Water | \$ 752,263 | \$ 907,132 | \$ - | \$ - |
| Sewer | 943,000 | 1,986,147 | - | 386,662 |
| Total business-type activities | \$ 1,695,263 | \$ 2,893,279 | \$ - | \$ 386,662 |
| Total | \$ 4,954,156 | \$ 2,994,514 | \$ 595,790 | \$ 386,662 |

General Revenues:

- General real property taxes
- Local sales and use taxes
- Business license tax
- Cigarette tax
- Bank franchise taxes
- Consumer utility tax
- Meals tax
- Motor vehicle licenses
- Unrestricted revenues from the use of money and property
- Grants and contributions not restricted to specific programs
- Miscellaneous
- Total general revenues

Change in net position

Net position, beginning of year, as restated

Net position, end of year

The accompanying notes to financial statements are an integral part of this statement.

Exhibit 2

| Net (Expense) Revenue and Changes in Net Position | | |
|---|-----------------------------|-----------------------|
| Primary Government | | |
| Governmental
Activities | Business-Type
Activities | Total |
| \$ (917,033) | \$ - | \$ (917,033) |
| (564,338) | - | (564,338) |
| (726,843) | - | (726,843) |
| (47,372) | - | (47,372) |
| (129,723) | - | (129,723) |
| (87,153) | - | (87,153) |
| (89,406) | - | (89,406) |
| <u>\$ (2,561,868)</u> | <u>\$ -</u> | <u>\$ (2,561,868)</u> |
| \$ - | \$ 154,869 | \$ 154,869 |
| - | 1,429,809 | 1,429,809 |
| <u>\$ -</u> | <u>\$ 1,584,678</u> | <u>\$ 1,584,678</u> |
| <u>\$ (2,561,868)</u> | <u>\$ 1,584,678</u> | <u>\$ (977,190)</u> |
| \$ 1,136,275 | \$ - | \$ 1,136,275 |
| 177,160 | - | 177,160 |
| 184,412 | - | 184,412 |
| 28,373 | - | 28,373 |
| 147,856 | - | 147,856 |
| 97,168 | - | 97,168 |
| 198,288 | - | 198,288 |
| 101,463 | - | 101,463 |
| 98,699 | 12,682 | 111,381 |
| 305,603 | - | 305,603 |
| 34,702 | - | 34,702 |
| <u>\$ 2,509,999</u> | <u>\$ 12,682</u> | <u>\$ 2,522,681</u> |
| \$ (51,869) | \$ 1,597,360 | \$ 1,545,491 |
| <u>3,480,195</u> | <u>26,777,663</u> | <u>30,257,858</u> |
| <u>\$ 3,428,326</u> | <u>\$ 28,375,023</u> | <u>\$ 31,803,349</u> |

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Fund Financial Statements

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Balance Sheet
 Governmental Funds
 As of June 30, 2015

| | <u>General
Fund</u> |
|---|-------------------------|
| Assets: | |
| Cash and cash equivalents | \$ 1,580,628 |
| Receivables (net of allowance for uncollectibles): | |
| Taxes including penalties | 530,783 |
| Accounts | 25,156 |
| Due from other governments | 15,858 |
| Prepaid items | 7,920 |
| Restricted assets: | |
| Cash and cash equivalents | 72,885 |
| Total assets | \$ <u>2,233,230</u> |
| Liabilities: | |
| Accounts payable | \$ 39,506 |
| Accrued liabilities | 12,893 |
| Deposits held | 87,476 |
| Due to other funds | 64,402 |
| Total liabilities | \$ <u>204,277</u> |
| Deferred Inflows of Resources: | |
| Unavailable revenue-property taxes | \$ <u>526,438</u> |
| Fund Balance: | |
| Nonspendable for prepaid items | \$ 7,920 |
| Restricted for proffers | 75,000 |
| Restricted for debt service | 72,885 |
| Unassigned | 1,346,710 |
| Total fund balance | \$ <u>1,502,515</u> |
| Total liabilities, deferred inflows of resources and fund balance | \$ <u>2,233,230</u> |

The accompanying notes to financial statements are an integral part of this statement.

Reconciliation of the Governmental Funds Balance Sheet to the Statement of Net Position
As of June 30, 2015

| | | |
|---|----|-------------------------|
| Total fund balances for governmental funds (Exhibit 3) | \$ | 1,502,515 |
| Total net position reported for governmental activities in the statement of net position is different because: | | |
| Capital assets used in governmental activities are not financial resources and therefore are not reported in the funds. Those assets consist of: | | |
| Land | \$ | 93,209 |
| Depreciable capital assets, net of accumulated depreciation | | <u>4,427,927</u> |
| | | 4,521,136 |
| Interest on long-term debt is not accrued in governmental funds, but rather is recognized as an expenditure when due. | | (3,698) |
| Because the focus of governmental funds is on short-term financing, some assets will not be available to pay for current-period expenditures. Those assets are offset by unavailable revenues in the governmental funds and thus are not included in the fund balance. Those assets consist of: | | |
| Unavailable revenue-property taxes | \$ | 59,427 |
| Net difference of actual and expected pension liability earnings | | <u>(173,674)</u> |
| | | (114,247) |
| Pension contributions subsequent to the measurement date will be a reduction to the net pension liability in the next fiscal year and, therefore, are not reported in the funds. | | 78,610 |
| Long-term liabilities are not due and payable in the current period and, therefore, are not reported in the funds. | | |
| Compensated absences | \$ | (173,458) |
| Net pension liability | | (231,231) |
| Bonds payable | | <u>(2,151,301)</u> |
| | | <u>(2,555,990)</u> |
| Total net position of governmental activities | \$ | <u><u>3,428,326</u></u> |

The accompanying notes to financial statements are an integral part of this statement.

Statement of Revenues, Expenditures, and Changes in Fund Balances
 Governmental Funds
 Year Ended June 30, 2015

| | <u>General
Fund</u> |
|---|-------------------------|
| Revenues: | |
| General property taxes | \$ 1,165,459 |
| Other local taxes | 934,720 |
| Permits, privilege fees and regulatory licenses | 30,965 |
| Fines and forfeitures | 35,352 |
| Revenue from use of money and property | 98,699 |
| Charges for services | 34,918 |
| Miscellaneous | 34,702 |
| Intergovernmental revenues: | |
| Commonwealth | 884,506 |
| Federal | 16,887 |
| | <u>3,236,208</u> |
| Total revenues | \$ <u>3,236,208</u> |
| Expenditures: | |
| Current: | |
| General government administration | \$ 819,437 |
| Public safety | 675,521 |
| Public works | 1,245,952 |
| Parks, recreation, and cultural | 10,222 |
| Community development | 149,509 |
| Capital outlay | 15,050 |
| Contingency | 87,153 |
| Debt service | 121,476 |
| | <u>3,124,320</u> |
| Total expenditures | \$ <u>3,124,320</u> |
| Excess (deficiency) of revenues over expenditures | \$ <u>111,888</u> |
| Net change in fund balances | \$ 111,888 |
| Fund balances at beginning of year | <u>1,390,627</u> |
| Fund balances at end of year | <u>\$ 1,502,515</u> |

The accompanying notes to financial statements are an integral part of this statement.

Reconciliation of the Statement of Revenues, Expenditures, and Changes in Fund Balances
of Governmental Funds to the Statement of Activities
Year Ended June 30, 2015

Net change in fund balances - total governmental funds (Exhibit 5) \$ 111,888

Governmental activities report capital outlays as expenditures. However, in the statement of activities, the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which the capital outlays exceeded depreciation in the current year.

| | | |
|----------------------|------------------|-----------|
| Capital outlay | \$ 51,337 | |
| Depreciation expense | <u>(249,436)</u> | (198,099) |

Revenues in the Statement of Activities that do not provide current financial resources are not reported as revenues in the funds. The change in unavailable property taxes is reported as revenues in the governmental funds.

| | | |
|--|------------------|-----------|
| Property taxes | \$ (29,184) | |
| Change in deferred inflows related to the measurement of the net pension liability | <u>(173,674)</u> | (202,858) |

The issuance of long-term debt (e.g. bonds, leases, notes payable) provides current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources of governmental funds. Neither transaction, however, has any effect on net position. Details of this item consist of principal retired on long-term debt.

32,015

Some expenses reported in the Statement of Activities do not require the use of current financial resources and, therefore, are not reported as expenditures in the governmental funds. The following is a summary of items supporting this adjustment:

| | | |
|---|------------|----------------|
| Change in compensated absences | \$ (6,519) | |
| Change in deferred outflow - pension contributions subsequent to measurement date | (8,594) | |
| Change in net pension liability | 220,243 | |
| Change in interest payable | <u>55</u> | <u>205,185</u> |

| | | |
|---|--|---------------------------|
| Change in net position of governmental activities | | \$ <u><u>(51,869)</u></u> |
|---|--|---------------------------|

The accompanying notes to financial statements are an integral part of this statement.

Statement of Net Position
 Proprietary Fund
 As of June 30, 2015

| | Enterprise Funds | | |
|--|------------------|---------------|---------------|
| | Water Fund | Sewer Fund | Totals |
| Assets: | | | |
| Current assets: | | | |
| Cash and cash equivalents | \$ 1,521,600 | \$ 2,695,110 | \$ 4,216,710 |
| Restricted cash and cash equivalents | - | 940,000 | 940,000 |
| Due from other governments | - | 386,662 | 386,662 |
| Receivables (net of allowance for uncollectibles) | 63,522 | 173,719 | 237,241 |
| Due from other funds | - | 79,907 | 79,907 |
| Total current assets | \$ 1,585,122 | \$ 4,275,398 | \$ 5,860,520 |
| Noncurrent assets: | | | |
| Land | \$ 5,000 | \$ 71,000 | \$ 76,000 |
| Capital assets, net of accumulated depreciation | 2,360,474 | 1,767,399 | 4,127,873 |
| Construction in progress | - | 29,124,581 | 29,124,581 |
| Total noncurrent assets | \$ 2,365,474 | \$ 30,962,980 | \$ 33,328,454 |
| Total assets | \$ 3,950,596 | \$ 35,238,378 | \$ 39,188,974 |
| Deferred Outflows of Resources: | | | |
| Post measurement date employer pension contributions | \$ 16,686 | \$ 25,026 | \$ 41,712 |
| Liabilities: | | | |
| Current liabilities: | | | |
| Accounts payable | \$ 9,856 | \$ 6,924 | \$ 16,780 |
| Accrued payroll and related liabilities | 4,502 | 6,960 | 11,462 |
| Due to other funds | 15,505 | - | 15,505 |
| Customer deposits | 15,765 | 30,795 | 46,560 |
| Retainage payable | - | 77,821 | 77,821 |
| Current portion of long-term debt | - | 470,000 | 470,000 |
| Total current liabilities | \$ 45,628 | \$ 592,500 | \$ 638,128 |
| Noncurrent liabilities: | | | |
| Accrued compensated absences payable | \$ 39,301 | \$ 39,301 | \$ 78,602 |
| Net pension liability | 51,098 | 78,521 | 129,619 |
| Long-term debt, net of current portion | - | 9,905,000 | 9,905,000 |
| Total noncurrent liabilities | \$ 90,399 | \$ 10,022,822 | \$ 10,113,221 |
| Total liabilities | \$ 136,027 | \$ 10,615,322 | \$ 10,751,349 |
| Deferred Inflows of Resources: | | | |
| Net difference of actual and expected pension liability earnings | \$ 64,004 | \$ 40,310 | \$ 104,314 |
| Net Position: | | | |
| Net investment in capital assets | \$ 2,365,474 | \$ 20,587,980 | \$ 22,953,454 |
| Restricted for debt reserve | - | 940,000 | 940,000 |
| Unrestricted | 1,401,777 | 3,079,792 | 4,481,569 |
| Total net position | \$ 3,767,251 | \$ 24,607,772 | \$ 28,375,023 |

The accompanying notes to financial statements are an integral part of this statement.

Statement of Revenues, Expenses, and Changes in Net Position
 Proprietary Fund
 Year Ended June 30, 2015

| | Enterprise Funds | | |
|---|------------------|---------------|---------------|
| | Water
Fund | Sewer
Fund | Totals |
| Operating revenues: | | | |
| Charges for services | \$ 907,132 | \$ 1,986,147 | \$ 2,893,279 |
| Operating expenses: | | | |
| General administration | \$ 38,684 | \$ 42,663 | \$ 81,347 |
| Supply purification | 283,880 | - | 283,880 |
| Transmission and distribution | 175,149 | - | 175,149 |
| Wastewater treatment | - | 534,998 | 534,998 |
| Maintenance of sewer lines | - | 101,627 | 101,627 |
| Fringe benefits | 58,121 | 104,508 | 162,629 |
| Depreciation | 196,429 | 144,403 | 340,832 |
| Contingency | - | 14,801 | 14,801 |
| Total operating expenses | \$ 752,263 | \$ 943,000 | \$ 1,695,263 |
| Operating income (loss) | \$ 154,869 | \$ 1,043,147 | \$ 1,198,016 |
| Nonoperating revenues (expenses): | | | |
| Interest revenue | \$ 4,368 | \$ 8,314 | \$ 12,682 |
| Total nonoperating revenues (expenses) | \$ 4,368 | \$ 8,314 | \$ 12,682 |
| Income (loss) before contributions | \$ 159,237 | \$ 1,051,461 | \$ 1,210,698 |
| Capital contributions and construction grants | - | 386,662 | 386,662 |
| Change in net position | \$ 159,237 | \$ 1,438,123 | \$ 1,597,360 |
| Net position, beginning of year, as restated | 3,608,014 | 23,169,649 | 26,777,663 |
| Net position, end of year | \$ 3,767,251 | \$ 24,607,772 | \$ 28,375,023 |

The accompanying notes to financial statements are an integral part of this statement.

Statement of Cash Flows
Proprietary Fund
Year Ended June 30, 2015

| | Enterprise Funds | | |
|---|------------------|--------------|--------------|
| | Water Fund | Sewer Fund | Totals |
| Cash flows from operating activities: | | | |
| Receipts from customers | \$ 908,748 | \$ 1,998,875 | \$ 2,907,623 |
| Payments to and for employees | (297,058) | (441,484) | (738,542) |
| Payments to suppliers | (285,221) | (401,077) | (686,298) |
| Net cash provided by (used for) operating activities | \$ 326,469 | \$ 1,156,314 | \$ 1,482,783 |
| Cash flows from investing activities: | | | |
| Investment income | \$ 4,368 | \$ 8,314 | \$ 12,682 |
| Cash flows from capital and related financing activities: | | | |
| Purchase of capital assets | \$ - | \$ (505,485) | \$ (505,485) |
| Principal payments on long-term debt | - | (470,000) | (470,000) |
| Net cash provided by (used for) capital and related financing activities | \$ - | \$ (975,485) | \$ (975,485) |
| Cash flows from noncapital financing activities: | | | |
| Net transfers from (to) other funds | \$ 8 | \$ (950) | \$ (942) |
| Net increase (decrease) in cash and cash equivalents | \$ 330,845 | \$ 188,193 | \$ 519,038 |
| Cash and cash equivalents at beginning of year - including restricted | 1,190,755 | 3,446,917 | 4,637,672 |
| Cash and cash equivalents at end of year - including restricted | \$ 1,521,600 | \$ 3,635,110 | \$ 5,156,710 |
| Reconciliation of operating income (loss) to net cash provided by (used for) operating activities: | | | |
| Operating income (loss) | \$ 154,869 | \$ 1,043,147 | \$ 1,198,016 |
| Adjustments to reconcile operating income (loss) to net cash provided by (used for) operating activities: | | | |
| Depreciation | 196,429 | 144,403 | 340,832 |
| Changes in operating accounts: | | | |
| Accounts receivable | 1,616 | 12,728 | 14,344 |
| Deferred outflow - post measurement date contributions | 2,585 | 4,587 | 7,172 |
| Accounts payable and accrued liabilities | (16,200) | (49,826) | (66,026) |
| Compensated absences | 3,263 | 3,263 | 6,526 |
| Net pension liability | (82,837) | (49,903) | (132,740) |
| Deferred inflow - net difference in pension earnings | 64,004 | 40,310 | 104,314 |
| Customer deposits | 2,740 | 7,605 | 10,345 |
| Net cash provided by (used for) operating activities | \$ 326,469 | \$ 1,156,314 | \$ 1,482,783 |

The accompanying notes to financial statements are an integral part of this statement.

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TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements
As of June 30, 2015

NOTE 1—SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES:

Narrative Profile:

Town of Berryville, located in central Clarke County, Virginia, approximately 60 miles west of Washington, D.C., was chartered in 1798. The Town has a population of 4,185 and a land area of approximately 1.8 square miles.

The Town is governed under the Council-Manager form of government. The Town engages in wide ranges of municipal services including general government administration, public safety, public works, parks, recreation and cultural and community development. Judicial administration, education, fire, library, health and welfare services are provided by Clarke County.

The financial statements of Town of Berryville, Virginia have been prepared in conformity with specifications promulgated by the Auditor of Public Accounts (APA) of the Commonwealth of Virginia, and the accounting principles generally accepted in the United States as specified by the Governmental Accounting Standards Board. The more significant of the Town's accounting policies are described below.

A. Financial Reporting Entity

Management's Discussion and Analysis: Accounting principles require that financial statements be accompanied by a narrative introduction and analytical overview of the government's financial activities in the form of "Management's Discussion and Analysis" (MD&A). This analysis is similar to the analysis the private sector provides in their annual reports.

Government-wide Financial Statements: The reporting model includes financial statements prepared using full accrual accounting for all of the government's activities. This approach includes not just current assets and liabilities (such as cash and accounts payable) but also capital assets and long-term liabilities (such as buildings and infrastructure, including bridges and roads, and general obligation debt). Accrual accounting also reports all of the revenues and costs of providing services each year, not just those received or paid in the current year or soon thereafter.

Statement of Net Position: The Statement of Net Position is designed to display the financial position of the primary government (government and business-type activities) and its discretely presented component units. Governments report all capital assets, including infrastructure, in the government-wide Statement of Net Position and report depreciation expense - the cost of "using up" capital assets - in the Statement of Activities. The net position of a government will be broken down into three categories: 1) net investment in capital assets; 2) restricted; and 3) unrestricted.

Statement of Activities: The government-wide Statement of Activities reports expenses and revenues in a format that focuses on the cost of each of the government's functions. The expense of individual functions is compared to the revenues generated directly by the function (for instance, through user charges or intergovernmental grants).

Fund Financial Statements: Separate financial statements are provided for governmental funds and proprietary funds. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements.

NOTE 1—SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (Continued)

A. Financial Reporting Entity (Continued)

Budgetary Comparison Schedules: Demonstrating compliance with the adopted budget is an important component of a government's accountability to the public. Many citizens participate in the process of establishing the annual operating budgets of state and local governments, and have a keen interest in following the actual financial progress of their governments over the course of the year. The Town and many other governments revise their original budgets over the course of the year for a variety of reasons. The budgetary comparison schedules present the Town's original budget to the current comparison of final budget and actual results for its major funds.

Accounting principles generally accepted in the United States require financial statements to present the primary government and its component units, entities for which the government is considered to be financially accountable. Blended component units, although legally separate entities, are, in substance, part of the government's operations and so data from these units are combined with data of the primary government. The Town has no component units that meet the requirements for blending. Discretely presented component units, on the other hand, are reported in a separate column in the government-wide statements to emphasize they are legally separate from the primary government. The Town does not have any discretely presented component units.

B. Government-wide and Fund Financial Statements

The basic financial statements include both government-wide and fund financial statements. The focus is on both the Town as a whole and the fund financial statements, including the major individual funds of the governmental and business-type categories, as well as the fiduciary funds (by category) and the component units, if applicable. Both the government-wide and fund financial statements (within the basic financial statements) categorize primary activities as either governmental or business type. In the government-wide Statement of Net Position, both the governmental and business-type activities columns (a) are presented on a consolidated basis by column, and (b) are reflected, on a full accrual, economic resource basis, which incorporates long-term assets and receivables as well as long-term debt and obligations. Each presentation provides valuable information that can be analyzed and compared (between years and between governments) to enhance the usefulness of the information. The Town generally first uses restricted assets for expenses incurred for which both restricted and unrestricted assets are available. The Town may defer the use of restricted assets based on a review of the specific transaction.

The government-wide Statement of Activities reflects both the gross and net cost per functional category (public safety, public works, community development, etc.) that are otherwise being supported by general government revenues (property, sales and use taxes, certain intergovernmental revenues, fines, permits and charges, etc.). The Statement of Activities reduces gross expenses (including depreciation) by related program revenues, operating and capital grants, and contributions. The program revenues must be directly associated with the function (public safety, public works, community development, etc.) or a business-type activity. Program revenues include: 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function, and 2) grants and contributions that are restricted to meeting the operation or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported as general revenues. The Town does not allocate indirect expenses. The operating grants include operating-specific and discretionary (either operating or capital) grants while the capital grants column reflects capital-specific grants.

NOTE 1—SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (Continued)

B. Government-wide and Fund Financial Statements (Continued)

Internal service charges, if applicable, are eliminated and the net income or loss from internal service activities is allocated to the various functional expense categories based on the internal charges to each function.

In the fund financial statements, financial transactions and accounts of the Town are organized on the basis of funds. The operation of each fund is considered to be an independent fiscal and separate accounting entity, with a self-balancing set of accounts recording cash and/or other financial resources together with all related liabilities and residual equities or balances, and changes therein, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations. The fund statements are presented on a current financial resource and modified accrual basis of accounting. This is the manner in which these funds are normally budgeted. Since the governmental fund statements are presented on a different measurement focus and basis of accounting than the government-wide statements' governmental column, a reconciliation is presented which briefly explains the adjustment necessary to reconcile the fund financial statements to the governmental column of the government-wide financial statements.

Proprietary fund operating revenues consist of charges for services and related revenues. Nonoperating revenues consist of contributions, grants, investment earnings and other revenues not directly derived from the providing of services.

The accompanying financial statements are prepared in accordance with pronouncements issued by the Governmental Accounting Standards Board. The principles prescribed by GASB represent generally accepted accounting principles applicable to governmental units.

The following is a brief description of the specific funds used by the Town in 2015.

- A. *Governmental Funds* - Governmental Funds account for the expendable financial resources, other than those accounted for in Proprietary and Fiduciary Funds. The Governmental Funds utilize the modified accrual basis of accounting where the measurement focus is upon determination of financial position and changes in financial position, rather than upon net income determination as would apply to a commercial enterprise. The individual Governmental Fund is:

General Fund - The General Fund is the primary operating fund of the Town. This fund is used to account for and report all financial resources except those required to be accounted for and reported in another fund. Revenues are derived primarily from property and other local taxes, state and federal distributions, licenses, permits, and interest income. The General Fund is considered a major fund for reporting purposes.

- B. *Proprietary Funds* - Proprietary Funds account for operations that are financed in a manner similar to private business enterprises. The Proprietary Funds utilize the accrual basis of accounting where the measurement focus is upon determination of net income, financial position, and cash flows. Proprietary Funds consist of the water and sewer enterprise funds.

NOTE 1—SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (Continued)

C. Basis of Accounting

The accounting and financial reporting treatment applied to a fund is determined by its measurement focus. All Governmental Funds are accounted for using a current financial resources measurement focus. With this measurement focus, only current assets and current liabilities generally are included on the balance sheet. Operating statements of these funds present increases (i.e., revenues and other financing sources) and decreases (i.e., expenditures and other financing uses) in net current assets.

All proprietary funds are accounted for on a flow of economic resources measurement focus. With this measurement focus, all assets and all liabilities associated with the operation of these funds are included on the balance sheet. Proprietary fund-type operating statements present increases (e.g., revenues) and decreases (e.g., expenses) in net total assets.

1. *Governmental Funds* - Governmental funds utilize the modified accrual basis of accounting under which revenues and related assets are recorded when measurable and available to finance operations during the year. Accordingly, real and personal property taxes are recorded as revenues and receivables when billed, net of allowances for uncollectible amounts, except that property taxes not collected within 45 days after year-end are reflected as deferred inflows of resources. Sales and utility taxes, which are collected by the State or utilities and subsequently remitted to the Town, are recognized as revenues and receivables upon collection by the State or utility, which is generally in the month preceding receipt by the Town. Licenses, permits, fines and rents are recorded as revenues when received. Intergovernmental revenues, consisting primarily of State and other grants for the purpose of funding specific expenditures, are recognized when measurable and available or at the time of the specific expenditure.

Expenditures, other than interest on long-term debt, are recorded as the related fund liabilities are incurred. Principal and interest on long-term debt is recognized when due except for amounts due on July 1, which are accrued.

2. *Proprietary Funds* - The accrual basis of accounting is used for the Enterprise Fund. Under the accrual method, revenues are recognized in the accounting period in which they are earned, while expenses are recognized in the accounting period in which the related liability is incurred.

D. Budgets and Budgetary Accounting

The following procedures are used by the Town in establishing the budgetary data reflected in the financial statements:

1. Prior to May 1, the Town Manager submits to the Town Council a proposed operating and capital budget for the fiscal year commencing the following July 1. The operating and capital budget includes proposed expenditures and the means of financing them.
2. Public hearings are conducted to obtain citizen comments.
3. Prior to June 30, the budget is legally enacted through passage of an Appropriations Resolution.

NOTE 1—SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (Continued)

D. Budgets and Budgetary Accounting (Continued)

4. The Appropriations Resolution places legal restrictions on expenditures at the department or category level. The appropriation for each department or category can be revised only by the Town Council. The Town Administrator is authorized to transfer budgeted amounts within departments.
5. Formal budgetary integration is employed as a management control device during the year for all funds.
6. All budgets are adopted on a basis consistent with generally accepted accounting principles (GAAP).
7. Appropriations lapse on June 30 for all Town funds unless they are carried forward by a resolution of Town Council.
8. All budgetary data presented in the accompanying financial statements reflect budget reviews as of June 30.

E. Cash and Cash Equivalents

For purposes of the Statement of Cash Flows, cash and cash equivalents include all cash on hand and in banks, certificates of deposit, and highly liquid investments with original maturities of three months or less.

F. Receivables and Payables

Activities between funds that are representative of lending/borrowing arrangements outstanding at the end of the fiscal year are referred to as either "due to/from other funds" (i.e., the current portion of interfund loans) or "advance to/from other funds" (i.e., the non-current portion of interfund loans). All other outstanding balances between funds are reported as "due to/from other funds." Any residual balances outstanding between the governmental activities and business-type activities are reported in the government-wide financial statements as "internal balances."

G. Allowance for Uncollectible Accounts

The Town calculates its allowance for uncollectible accounts using historical collection data and, in certain cases, specific account analysis. The allowance amounted to approximately \$28,921 at June 30, 2015 and is comprised of property taxes and water and sewer receivables.

H. Prepaid Items

Certain payments to vendors represent costs applicable to future accounting periods and are recorded as prepaid items in both the government-wide and fund financial statements. The cost of prepaid items is recorded as expenditures/expenses when consumed rather than when purchased.

NOTE 1—SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (Continued)

I. Capital Assets

Capital outlays are recorded as expenditures of the governmental funds of the Town, and as assets in the government-wide financial statements.

The cost of normal maintenance and repairs that do not add value to the value of the asset or materially extend the asset's life are not capitalized. It is the town's policy to record capital assets with a cost greater than \$5,000 and an estimated useful life in excess of one year.

Major outlays for capital assets and improvements are capitalized as projects are constructed. Interest incurred during the construction phase of capital assets of business-type activities is included as part of the capitalized value of assets constructed. The Town did not have any capitalized interest as of June 30, 2015.

Property, plant and equipment, and infrastructure purchases are stated at historical cost or estimated cost. Donated property is recorded at the prevailing market value at date of donation. Depreciation is recorded on capital assets on a government-wide basis or in the Proprietary Fund using the straight-line method and the following estimated useful lives:

| | |
|----------------------------|-------------|
| Buildings and improvements | 15-50 years |
| Infrastructure | 20-39 years |
| Equipment | 5-10 years |

J. Use of Estimates

The preparation of financial statements in conformity with U.S. generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

K. Net Position

Net position is the difference between a) assets and deferred outflows of resources and b) liabilities and deferred inflows of resources. Net investment in capital assets represents capital assets, less accumulated depreciation, less any outstanding debt related to the acquisition, construction or improvement of those assets. Deferred outflows of resources and deferred inflows of resources that are attributable to the acquisition, construction, or improvement of those assets or related debt are also included in this component of net position.

L. Net Position Flow Assumption

Sometimes the Town will fund outlays for a particular purpose from both restricted (e.g., restricted bond or grant proceeds) and unrestricted resources. In order to calculate the amounts to report as restricted - net position and unrestricted - net position in the government-wide and proprietary fund financial statements, a flow assumption must be made about the order in which the resources are considered to be applied. It is the Town's policy to consider restricted - net position to have been depleted before unrestricted - net position is applied.

NOTE 1—SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (Continued)

M. Compensated Absences

The Town accrues compensated absences (annual and sick leave benefits) when vested. The amounts include all balances earned by employees which would be paid upon employee terminations, resignations or retirements.

N. Long-term Obligations

In the government-wide financial statements, long-term debt and other long-term obligations are reported as liabilities in the governmental activities, business-type activities, or proprietary fund type Statement of Net Position. Bonds payable are reported net of the applicable bond premium or discount.

In the fund financial statements, governmental fund types recognize bond premiums and discounts during the current period. The face amount of debt issued is reported as other financing sources while discounts on debt issuances are reported as other financing uses.

O. Fund Equity

The Town reports fund balance in accordance with GASB Statement 54, *Fund Balance Reporting and Governmental Fund Type Definitions*. The following classifications describe the relative strength of the spending constraints placed on the purposes for which resources can be used:

- *Nonspendable fund balance* - amounts that are not in spendable form (such as inventory and prepaids) or are required to be maintained intact (corpus of a permanent fund);
- *Restricted fund balance* - amounts constrained to specific purposes by their providers (such as grantors, bondholders, and higher levels of government), through constitutional provisions, or by enabling legislation;
- *Committed fund balance* - amounts constrained to specific purposes by a government itself, using its highest level of decision-making authority; to be reported as committed, amounts cannot be used for any other purpose unless the government takes the same highest level action to remove or change the constraint;
- *Assigned fund balance* - amounts a government intends to use for a specific purpose; intent can be expressed by the governing body or by an official or body to which the governing body delegates the authority;
- *Unassigned fund balance* - amounts that are available for any purpose; positive amounts are only reported in the general fund.

When fund balance resources are available for a specific purpose in more than one classification, it is the Town's policy to use the most restrictive funds first in the following order: restricted, committed, assigned, and unassigned as they are needed.

NOTE 1—SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (Continued)

O. Fund Equity (Continued)

Town Council establishes (and modifies or rescinds) fund balance commitments by passage of a resolution. This is typically done through adoption and amendment of the budget. A fund balance commitment is further indicated in the budget document as a designation or commitment of the fund (such as for special incentives). Assigned fund balance is established by Town Council through adoption or amendment of the budget as intended for specific purpose (such as the purchase of capital assets, construction, debt service, or for other purposes).

P. Deferred Outflows/Inflows of Resources

In addition to assets, the statement of financial position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then. The Town only has only one item that qualifies for reporting in this category. It is comprised of contributions to the pension plan made during the current year and subsequent to the net pension liability measurement date, which will be recognized as a reduction of the net pension liability next fiscal year. For more detailed information on these items, reference the pension note.

In addition to liabilities, the statement of financial position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time. The Town has two types of items that qualify for reporting in this category. Under a modified accrual basis of accounting, unavailable revenue representing property taxes receivable is reported in the governmental funds balance sheet. This amount is comprised of uncollected property taxes due prior to June 30, 2nd half installments levied during the fiscal year but due after June 30th, and amounts prepaid on the 2nd half installments and is deferred and recognized as an inflow of resources in the period that the amount becomes available. Under the accrual basis, 2nd half installments levied during the fiscal year but due after June 30th and amounts prepaid on the 2nd half installments are reported as deferred inflows of resources. In addition, certain items related to the measurement of the net pension liability are reported as deferred inflows of resources. These include differences between expected and actual experience, change in assumptions, and the net difference between projected and actual earnings on pension plan investments. For more detailed information on these items, reference the pension note.

NOTE 2—PROPERTY TAXES RECEIVABLE:

Property is assessed at its value on January 1. The Town bills and collects its own property taxes based on the assessed values provided by Clarke County. Real estate taxes are levied semiannually and are due June 5th and December 5th. Personal property taxes are levied annually and are due December 5th.

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements
As of June 30, 2015 (Continued)

NOTE 3—DEPOSITS AND INVESTMENTS:

Deposits:

Deposits with banks are covered by the Federal Deposit Insurance Corporation (FDIC) and collateralized in accordance with the Virginia Security for Public Deposits Act (the "Act") Section 2.2-4400 et. seq. of the Code of Virginia. Under the Act, banks and savings institutions holding public deposits in excess of the amount insured by the FDIC must pledge collateral to the Commonwealth of Virginia Treasury Board. Financial Institutions may choose between two collateralization methodologies and depending upon that choice, will pledge collateral that ranges in amounts from 50% to 130% of excess deposits. Accordingly, all deposits are considered fully collateralized.

Investments:

Statutes authorize the Town to invest in obligations of the United States or agencies thereof, obligations of the Commonwealth of Virginia or political subdivisions thereof, obligations of the International Bank for Reconstruction and Development (World Bank), the Asian Development Bank, the African Development Bank, "prime quality" commercial paper and certain corporate notes, banker's acceptances, repurchase agreements and the State Treasurer's Local Government Investment Pool (LGIP). The Town had no investments at June 30, 2015.

NOTE 4—DUE FROM OTHER GOVERNMENTAL UNITS:

At June 30, 2015, the amount due from other governmental units was as follows:

| | <u>Primary
Government</u> |
|---|-------------------------------|
| Commonwealth of Virginia: | |
| Sales tax | \$ 15,858 |
| Virginia Water Quality Improvement Fund | <u>386,662</u> |
| Total | <u>\$ 402,520</u> |

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements
As of June 30, 2015 (Continued)

NOTE 5—CAPITAL ASSETS:

The following is a summary of changes in capital assets during the fiscal year:

Governmental Activities:

| | <u>Balance</u>
<u>July 1, 2014</u> | <u>Additions</u> | <u>Deletions</u> | <u>Balance</u>
<u>June 30, 2015</u> |
|--|---------------------------------------|---------------------|------------------|--|
| Capital assets not being depreciated: | | | | |
| Land | \$ 93,209 | \$ - | \$ - | \$ 93,209 |
| Total capital assets not being depreciated | <u>\$ 93,209</u> | <u>\$ -</u> | <u>\$ -</u> | <u>\$ 93,209</u> |
| Other capital assets: | | | | |
| Buildings and improvements | \$ 5,216,877 | \$ - | \$ - | \$ 5,216,877 |
| Infrastructure | 259,940 | - | - | 259,940 |
| Equipment | 1,112,324 | 51,337 | - | 1,163,661 |
| Total other capital assets | <u>\$ 6,589,141</u> | <u>\$ 51,337</u> | <u>\$ -</u> | <u>\$ 6,640,478</u> |
| Less: Accumulated depreciation for: | | | | |
| Buildings and improvements | \$ 936,515 | \$ 131,302 | \$ - | \$ 1,067,817 |
| Infrastructure | 187,821 | 10,477 | - | 198,298 |
| Equipment | 838,779 | 107,657 | - | 946,436 |
| Total accumulated depreciation | <u>\$ 1,963,115</u> | <u>\$ 249,436</u> | <u>\$ -</u> | <u>\$ 2,212,551</u> |
| Other capital assets, net | <u>\$ 4,626,026</u> | <u>\$ (198,099)</u> | <u>\$ -</u> | <u>\$ 4,427,927</u> |
| Net capital assets | <u>\$ 4,719,235</u> | <u>\$ (198,099)</u> | <u>\$ -</u> | <u>\$ 4,521,136</u> |

Depreciation expense has been allocated as follows:

| | |
|-----------------------------------|-------------------|
| General government administration | \$ 108,848 |
| Public safety | 19,854 |
| Public works | 83,450 |
| Parks, recreation, and cultural | <u>37,284</u> |
| Total depreciation expense | <u>\$ 249,436</u> |

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements
As of June 30, 2015 (Continued)

NOTE 5—CAPITAL ASSETS: (Continued)

Business-type Activities:

| | Balance
July 1, 2014 | Additions | Deletions | Balance
June 30, 2015 |
|--|-----------------------------|----------------------------|--------------------|-----------------------------|
| Water Fund | | | | |
| Capital assets not being depreciated: | | | | |
| Land | \$ 5,000 | \$ - | \$ - | \$ 5,000 |
| Total capital assets not being depreciated | <u>\$ 5,000</u> | <u>\$ -</u> | <u>\$ -</u> | <u>\$ 5,000</u> |
| Other capital assets: | | | | |
| Buildings and improvements | \$ 3,391,605 | \$ - | \$ - | \$ 3,391,605 |
| Infrastructure | 1,522,555 | - | - | 1,522,555 |
| Equipment | 1,430,984 | - | - | 1,430,984 |
| Total other capital assets | <u>\$ 6,345,144</u> | <u>\$ -</u> | <u>\$ -</u> | <u>\$ 6,345,144</u> |
| Less: Accumulated depreciation for: | | | | |
| Buildings and improvements | \$ 2,486,923 | \$ 75,820 | \$ - | \$ 2,562,743 |
| Infrastructure | 556,919 | 72,267 | - | 629,186 |
| Equipment | 744,399 | 48,342 | - | 792,741 |
| Total accumulated depreciation | <u>\$ 3,788,241</u> | <u>\$ 196,429</u> | <u>\$ -</u> | <u>\$ 3,984,670</u> |
| Other capital assets, net | <u>\$ 2,556,903</u> | <u>\$ (196,429)</u> | <u>\$ -</u> | <u>\$ 2,360,474</u> |
| Net capital assets | <u><u>\$ 2,561,903</u></u> | <u><u>\$ (196,429)</u></u> | <u><u>\$ -</u></u> | <u><u>\$ 2,365,474</u></u> |
| Sewer Fund | | | | |
| Capital assets not being depreciated: | | | | |
| Construction in progress | \$ 28,706,335 | \$ 418,246 | \$ - | \$ 29,124,581 |
| Land | - | 71,000 | - | 71,000 |
| Total capital assets not being depreciated | <u>\$ 28,706,335</u> | <u>\$ 489,246</u> | <u>\$ -</u> | <u>\$ 29,195,581</u> |
| Other capital assets: | | | | |
| Buildings and improvements | \$ 526,973 | \$ - | \$ - | \$ 526,973 |
| Infrastructure | 4,323,494 | - | - | 4,323,494 |
| Equipment | 329,453 | 16,237 | - | 345,690 |
| Total other capital assets | <u>\$ 5,179,920</u> | <u>\$ 16,237</u> | <u>\$ -</u> | <u>\$ 5,196,157</u> |
| Less: Accumulated depreciation for: | | | | |
| Buildings and improvements | \$ 526,973 | \$ - | \$ - | \$ 526,973 |
| Infrastructure | 2,484,559 | 120,867 | - | 2,605,426 |
| Equipment | 272,824 | 23,535 | - | 296,359 |
| Total accumulated depreciation | <u>\$ 3,284,356</u> | <u>\$ 144,402</u> | <u>\$ -</u> | <u>\$ 3,428,758</u> |
| Other capital assets, net | <u>\$ 1,895,564</u> | <u>\$ (128,165)</u> | <u>\$ -</u> | <u>\$ 1,767,399</u> |
| Net capital assets | <u><u>\$ 30,601,899</u></u> | <u><u>\$ 361,081</u></u> | <u><u>\$ -</u></u> | <u><u>\$ 30,962,980</u></u> |

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements
As of June 30, 2015 (Continued)

NOTE 6—LONG-TERM OBLIGATIONS:

The following is a summary of long-term obligations for the fiscal year ended June 30, 2015:

| | Amounts Payable | | | Amounts Payable | Amounts Due Within |
|---------------------------------------|----------------------|-------------------|---------------------|----------------------|--------------------|
| | July 1, 2014 | Increases | Decreases | June 30, 2015 | One Year |
| Governmental Obligations: | | | | | |
| Lease revenue bond | \$ 2,183,316 | \$ - | \$ 32,015 | \$ 2,151,301 | \$ 33,361 |
| Net pension liability | 451,474 | 312,377 | 532,620 | 231,231 | - |
| Accrued compensated absences | 166,939 | 6,518 | - | 173,457 | - |
| Total Governmental Obligations | \$ 2,801,729 | \$ 318,895 | \$ 564,635 | \$ 2,555,989 | \$ 33,361 |
| Enterprise Obligations: | | | | | |
| General obligation bonds | \$ 10,845,000 | \$ - | \$ 470,000 | \$ 10,375,000 | \$ 470,000 |
| Net pension liability | 262,359 | 165,825 | 298,565 | 129,619 | - |
| Accrued compensated absences | 72,076 | 6,526 | - | 78,602 | - |
| Total Enterprise Obligations | \$ 11,179,435 | \$ 172,351 | \$ 768,565 | \$ 10,583,221 | \$ 470,000 |
| Total Long-term Obligations | \$ 13,981,164 | \$ 491,246 | \$ 1,333,200 | \$ 13,139,210 | \$ 503,361 |

Annual requirements to amortize the Town's long-term obligations are as follows:

| Year Ending June 30, | Governmental Obligations | | Enterprise Obligations | |
|----------------------|--------------------------|---------------------|--------------------------|-------------|
| | Lease Revenue Bond | | General Obligation Bonds | |
| | Principal | Interest | Principal | Interest |
| 2016 | \$ 33,361 | \$ 88,115 | \$ 470,000 | \$ - |
| 2017 | 34,763 | 86,713 | 470,000 | - |
| 2018 | 36,225 | 85,251 | 470,000 | - |
| 2019 | 37,748 | 83,728 | 470,000 | - |
| 2020 | 39,335 | 82,141 | 470,000 | - |
| 2021-2025 | 222,912 | 384,468 | 2,350,000 | - |
| 2026-2030 | 273,875 | 333,505 | 2,350,000 | - |
| 2031-2035 | 336,490 | 270,890 | 2,350,000 | - |
| 2036-2040 | 413,420 | 193,960 | 975,000 | - |
| 2041-2045 | 507,939 | 99,441 | - | - |
| 2046-2047 | 215,233 | 8,656 | - | - |
| Total | \$ 2,151,301 | \$ 1,716,868 | \$ 10,375,000 | \$ - |

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements
As of June 30, 2015 (Continued)

NOTE 6—LONG-TERM OBLIGATIONS: (Continued)

Details of the Town's long-term obligations are as follows:

Governmental Obligations:

Lease Revenue Bond:

\$2,327,000 Lease Revenue Bond issued May 2008, due in monthly installments of \$10,123 beginning June 2009 through May 2047, including interest at 4.125%. This lease revenue bond was issued through the Industrial Development Authority of Clarke County, Virginia, for purposes of funding construction of the Town's municipal building.

\$ 2,151,301

Net pension liability

231,231

Accrued compensated absences

173,457

Total governmental obligations

\$ 2,555,989

Enterprise Obligations:

General Obligation Bonds:

\$11,750,000 General Obligation Revenue Bond Series 2010, issued March 2010 for purposes of funding new wastewater treatment plant, due in semi-annual installments of \$235,000 beginning February 2013 through August 2037 with no interest. The balance shown is total drawdowns to date.

\$ 10,375,000

Net pension liability

129,619

Accrued compensated absences

78,602

Total enterprise obligations

\$ 10,583,221

NOTE 7—COMPENSATED ABSENCES:

In accordance with GASB Statement 16, *Accounting for Compensated Absences*, the Town has accrued the liability arising from outstanding claims and judgments and compensated absences. Town employees earn vacation and sick leave based upon length of service. The Town has outstanding accrued vacation pay totaling \$173,457 in the General Fund and \$78,602 in Enterprise Fund.

NOTE 8—PENSION PLAN:

Plan Description

All full-time, salaried permanent employees of the Town are automatically covered by VRS Retirement Plan upon employment. This is an agent multiple-employer plan administered by the Virginia Retirement System (the System) along with plans for other employer groups in the Commonwealth of Virginia. Members earn one month of service credit for each month they are employed and for which they and their employer pay contributions to VRS. Members are eligible to purchase prior service, based on specific criteria as defined in the Code of Virginia, as amended. Eligible prior service that may be purchased includes prior public service, active military service, certain periods of leave, and previously refunded service.

The System administers three different benefit structures for covered employees - Plan 1, Plan 2, and, Hybrid. Each of these benefit structures has a different eligibility criteria. The specific information for each plan and the eligibility for covered groups within each plan are set out in the table below:

| RETIREMENT PLAN PROVISIONS | | |
|---|---|--|
| PLAN 1 | PLAN 2 | HYBRID RETIREMENT PLAN |
| <p>About Plan 1
Plan 1 is a defined benefit plan. The retirement benefit is based on a member’s age, creditable service and average final compensation at retirement using a formula. Employees are eligible for Plan 1 if their membership date is before July 1, 2010, and they were vested as of January 1, 2013.</p> | <p>About Plan 2
Plan 2 is a defined benefit plan. The retirement benefit is based on a member’s age, creditable service and average final compensation at retirement using a formula. Employees are eligible for Plan 2 if their membership date is on or after July 1, 2010, or their membership date is before July 1, 2010, and they were not vested as of January 1, 2013.</p> | <p>About the Hybrid Retirement Plan
The Hybrid Retirement Plan combines the features of a defined benefit plan and a defined contribution plan. Most members hired on or after January 1, 2014 are in this plan, as well as Plan 1 and Plan 2 members who were eligible and opted into the plan during a special election window. (see “Eligible Members”)</p> <ul style="list-style-type: none"> • The defined benefit is based on a member’s age, creditable service and average final compensation at retirement using a formula. • The benefit from the defined contribution component of the plan depends on the member and employer contributions made to the plan and the investment performance of those contributions. |

NOTE 8—PENSION PLAN: (Continued)

Plan Description (Continued)

| RETIREMENT PLAN PROVISIONS (CONTINUED) | | |
|---|---|---|
| PLAN 1 | PLAN 2 | HYBRID RETIREMENT PLAN |
| <p>About Plan 1 (Cont.)</p> | <p>About Plan 2 (Cont.)</p> | <p>About the Hybrid Retirement Plan (Cont.)</p> <ul style="list-style-type: none"> In addition to the monthly benefit payment payable from the defined benefit plan at retirement, a member may start receiving distributions from the balance in the defined contribution account, reflecting the contributions, investment gains or losses, and any required fees. |
| <p>Eligible Members
Employees are in Plan 1 if their membership date is before July 1, 2010, and they were vested as of January 1, 2013.</p> <p>Hybrid Opt-In Election
VRS non-hazardous duty covered Plan 1 members were allowed to make an irrevocable decision to opt into the Hybrid Retirement Plan during a special election window held January 1 through April 30, 2014.</p> <p>The Hybrid Retirement Plan's effective date for eligible Plan 1 members who opted in was July 1, 2014.</p> <p>If eligible deferred members returned to work during the election window, they were also eligible to opt into the Hybrid Retirement Plan.</p> | <p>Eligible Members
Employees are in Plan 2 if their membership date is on or after July 1, 2010, or their membership date is before July 1, 2010, and they were not vested as of January 1, 2013.</p> <p>Hybrid Opt-In Election
Eligible Plan 2 members were allowed to make an irrevocable decision to opt into the Hybrid Retirement Plan during a special election window held January 1 through April 30, 2014.</p> <p>The Hybrid Retirement Plan's effective date for eligible Plan 2 members who opted in was July 1, 2014.</p> <p>If eligible deferred members returned to work during the election window, they were also eligible to opt into the Hybrid Retirement Plan.</p> | <p>Eligible Members
Employees are in the Hybrid Retirement Plan if their membership date is on or after January 1, 2014. This includes:</p> <ul style="list-style-type: none"> Political subdivision employees* Members in Plan 1 or Plan 2 who elected to opt into the plan during the election window held January 1-April 30, 2014; the plan's effective date for opt-in members was July 1, 2014. <p>*Non-Eligible Members
Some employees are not eligible to participate in the Hybrid Retirement Plan. They include:</p> <ul style="list-style-type: none"> Political subdivision employees who are covered by enhanced benefits for hazardous duty employees. |

NOTE 8—PENSION PLAN: (Continued)

Plan Description (Continued)

| RETIREMENT PLAN PROVISIONS (CONTINUED) | | |
|---|--|---|
| PLAN 1 | PLAN 2 | HYBRID RETIREMENT PLAN |
| <p>Hybrid Opt-In Election (Cont.)
Members who were eligible for an optional retirement plan (ORP) and had prior service under Plan 1 were not eligible to elect the Hybrid Retirement Plan and remain as Plan 1 or ORP.</p> | <p>Hybrid Opt-In Election (Cont.)
Members who were eligible for an optional retirement plan (ORP) and have prior service under Plan 2 were not eligible to elect the Hybrid Retirement Plan and remain as Plan 2 or ORP.</p> | <p>*Non-Eligible Members (Cont.)
Those employees eligible for an optional retirement plan (ORP) must elect the ORP plan or the Hybrid Retirement Plan. If these members have prior service under Plan 1 or Plan 2, they are not eligible to elect the Hybrid Retirement Plan and must select Plan 1 or Plan 2 (as applicable) or ORP.</p> |
| <p>Retirement Contributions
Employees contribute 5% of their compensation each month to their member contribution account through a pre-tax salary reduction. Some political subdivisions elected to phase in the required 5% member contribution but all employees will be paying the full 5% by July 1, 2016. Member contributions are tax-deferred until they are withdrawn as part of a retirement benefit or as a refund. The employer makes a separate actuarially determined contribution to VRS for all covered employees. VRS invests both member and employer contributions to provide funding for the future benefit payment.</p> | <p>Retirement Contributions
Employees contribute 5% of their compensation each month to their member contribution account through a pre-tax salary reduction. Some political subdivisions elected to phase in the required 5% member contribution but all employees will be paying the full 5% by July 1, 2016.</p> | <p>Retirement Contributions
A member's retirement benefit is funded through mandatory and voluntary contributions made by the member and the employer to both the defined benefit and the defined contribution components of the plan. Mandatory contributions are based on a percentage of the employee's creditable compensation and are required from both the member and the employer. Additionally, members may choose to make voluntary contributions to the defined contribution component of the plan, and the employer is required to match those voluntary contributions according to specified percentages.</p> |

NOTE 8—PENSION PLAN: (Continued)

Plan Description (Continued)

| RETIREMENT PLAN PROVISIONS (CONTINUED) | | |
|---|--|--|
| PLAN 1 | PLAN 2 | HYBRID RETIREMENT PLAN |
| <p>Creditable Service
Creditable service includes active service. Members earn creditable service for each month they are employed in a covered position. It also may include credit for prior service the member has purchased or additional creditable service the member was granted. A member's total creditable service is one of the factors used to determine their eligibility for retirement and to calculate their retirement benefit. It also may count toward eligibility for the health insurance credit in retirement, if the employer offers the health insurance credit.</p> | <p>Creditable Service
Same as Plan 1.</p> | <p>Creditable Service
<u>Defined Benefit Component:</u>
Under the defined benefit component of the plan, creditable service includes active service. Members earn creditable service for each month they are employed in a covered position. It also may include credit for prior service the member has purchased or additional creditable service the member was granted. A member's total creditable service is one of the factors used to determine their eligibility for retirement and to calculate their retirement benefit. It also may count toward eligibility for the health insurance credit in retirement, if the employer offers the health insurance credit.</p> <p><u>Defined Contributions Component:</u>
Under the defined contribution component, creditable service is used to determine vesting for the employer contribution portion of the plan.</p> |

NOTE 8—PENSION PLAN: (Continued)

Plan Description (Continued)

| RETIREMENT PLAN PROVISIONS (CONTINUED) | | |
|--|---|---|
| PLAN 1 | PLAN 2 | HYBRID RETIREMENT PLAN |
| <p>Vesting
Vesting is the minimum length of service a member needs to qualify for a future retirement benefit. Members become vested when they have at least five years (60 months) of creditable service. Vesting means members are eligible to qualify for retirement if they meet the age and service requirements for their plan. Members also must be vested to receive a full refund of their member contribution account balance if they leave employment and request a refund.</p> <p>Members are always 100% vested in the contributions that they make.</p> | <p>Vesting
Same as Plan 1.</p> | <p>Vesting
<u>Defined Benefit Component:</u>
Defined benefit vesting is the minimum length of service a member needs to qualify for a future retirement benefit. Members are vested under the defined benefit component of the Hybrid Retirement Plan when they reach five years (60 months) of creditable service. Plan 1 or Plan 2 members with at least five years (60 months) of creditable service who opted into the Hybrid Retirement Plan remain vested in the defined benefit component.</p> <p><u>Defined Contributions Component:</u>
Defined contribution vesting refers to the minimum length of service a member needs to be eligible to withdraw the employer contributions from the defined contribution component of the plan.</p> <p>Members are always 100% vested in the contributions that they make.</p> |

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements
As of June 30, 2015 (Continued)

NOTE 8—PENSION PLAN: (Continued)

Plan Description (Continued)

| RETIREMENT PLAN PROVISIONS (CONTINUED) | | |
|--|--|---|
| PLAN 1 | PLAN 2 | HYBRID RETIREMENT PLAN |
| Vesting (Cont.) | Vesting (Cont.) | <p>Vesting (Cont.)
<u>Defined Contributions Component:</u> (Cont.)
Upon retirement or leaving covered employment, a member is eligible to withdraw a percentage of employer contributions to the defined contribution component of the plan, based on service.</p> <ul style="list-style-type: none"> • After two years, a member is 50% vested and may withdraw 50% of employer contributions. • After three years, a member is 75% vested and may withdraw 75% of employer contributions. • After four or more years, a member is 100% vested and may withdraw 100% of employer contributions. <p>Distribution is not required by law until age 70½.</p> |
| <p>Calculating the Benefit
The Basic Benefit is calculated based on a formula using the member's average final compensation, a retirement multiplier and total service credit at retirement. It is one of the benefit payout options available to a member at retirement.</p> | <p>Calculating the Benefit
See definition under Plan 1.</p> | <p>Calculating the Benefit
<u>Defined Benefit Component:</u>
See definition under Plan 1</p> |

NOTE 8—PENSION PLAN: (Continued)

Plan Description (Continued)

| RETIREMENT PLAN PROVISIONS (CONTINUED) | | |
|---|--|---|
| PLAN 1 | PLAN 2 | HYBRID RETIREMENT PLAN |
| <p>Calculating the Benefit (Cont.)
An early retirement reduction factor is applied to the Basic Benefit if the member retires with a reduced retirement benefit or selects a benefit payout option other than the Basic Benefit.</p> | <p>Calculating the Benefit (Cont.)</p> | <p>Calculating the Benefit (Cont.)
<u>Defined Contribution Component:</u>
The benefit is based on contributions made by the member and any matching contributions made by the employer, plus net investment earnings on those contributions.</p> |
| <p>Average Final Compensation
A member’s average final compensation is the average of the 36 consecutive months of highest compensation as a covered employee.</p> | <p>Average Final Compensation
A member’s average final compensation is the average of their 60 consecutive months of highest compensation as a covered employee.</p> | <p>Average Final Compensation
Same as Plan 2. It is used in the retirement formula for the defined benefit component of the plan.</p> |
| <p>Service Retirement Multiplier
VRS: The retirement multiplier is a factor used in the formula to determine a final retirement benefit. The retirement multiplier for non-hazardous duty members is 1.70%.</p> <p>Sheriffs and regional jail superintendents: The retirement multiplier for sheriffs and regional jail superintendents is 1.85%.</p> <p>Political subdivision hazardous duty employees: The retirement multiplier of eligible political subdivision hazardous duty employees other than sheriffs and regional jail superintendents is 1.70% or 1.85% as elected by the employer.</p> | <p>Service Retirement Multiplier
VRS: Same as Plan 1 for service earned, purchased or granted prior to January 1, 2013. For non-hazardous duty members the retirement multiplier is 1.65% for creditable service earned, purchased or granted on or after January 1, 2013.</p> <p>Sheriffs and regional jail superintendents: Same as Plan 1.</p> <p>Political subdivision hazardous duty employees: Same as Plan 1.</p> | <p>Service Retirement Multiplier
<u>Defined Benefit Component:</u>
VRS: The retirement multiplier for the defined benefit component is 1.00%.</p> <p>For members who opted into the Hybrid Retirement Plan from Plan 1 or Plan 2, the applicable multipliers for those plans will be used to calculate the retirement benefit for service credited in those plans.</p> <p>Sheriffs and regional jail superintendents: Not applicable.</p> <p>Political subdivision hazardous duty employees: Not applicable.</p> <p>Defined Contribution Component:
Not applicable.</p> |

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements
As of June 30, 2015 (Continued)

NOTE 8—PENSION PLAN: (Continued)

Plan Description (Continued)

| RETIREMENT PLAN PROVISIONS (CONTINUED) | | |
|--|--|--|
| PLAN 1 | PLAN 2 | HYBRID RETIREMENT PLAN |
| <p>Normal Retirement Age
VRS: Age 65.</p> <p>Political subdivisions hazardous duty employees: Age 60.</p> | <p>Normal Retirement Age
VRS: Normal Social Security retirement age.</p> <p>Political subdivisions hazardous duty employees: Same as Plan 1.</p> | <p>Normal Retirement Age
<u>Defined Benefit Component:</u>
VRS: Same as Plan 2.</p> <p>Political subdivisions hazardous duty employees: Not applicable.</p> <p><u>Defined Contribution Component:</u>
Members are eligible to receive distributions upon leaving employment, subject to restrictions.</p> |
| <p>Earliest Unreduced Retirement Eligibility
VRS: Age 65 with at least five years (60 months) of creditable service or at age 50 with at least 30 years of creditable service.</p> <p>Political subdivisions hazardous duty employees: Age 60 with at least five years of creditable service or age 50 with at least 25 years of creditable service.</p> | <p>Earliest Unreduced Retirement Eligibility
VRS: Normal Social Security retirement age with at least five years (60 months) of creditable service or when their age and service equal 90.</p> <p>Political subdivisions hazardous duty employees: Same as Plan 1.</p> | <p>Earliest Unreduced Retirement Eligibility
<u>Defined Benefit Component:</u>
VRS: Normal Social Security retirement age and have at least five years (60 months) of creditable service or when their age and service equal 90.</p> <p>Political subdivisions hazardous duty employees: Not applicable.</p> <p><u>Defined Contribution Component:</u>
Members are eligible to receive distributions upon leaving employment, subject to restrictions.</p> |
| <p>Earliest Reduced Retirement Eligibility
VRS: Age 55 with at least five years (60 months) of creditable service or age 50 with at least 10 years of creditable service.</p> | <p>Earliest Reduced Retirement Eligibility
VRS: Age 60 with at least five years (60 months) of creditable service.</p> | <p>Earliest Reduced Retirement Eligibility
<u>Defined Benefit Component:</u>
VRS: Members may retire with a reduced benefit as early as age 60 with at least five years (60 months) of creditable service.</p> |

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements
As of June 30, 2015 (Continued)

NOTE 8—PENSION PLAN: (Continued)

Plan Description (Continued)

| RETIREMENT PLAN PROVISIONS (CONTINUED) | | |
|--|--|---|
| PLAN 1 | PLAN 2 | HYBRID RETIREMENT PLAN |
| <p>Earliest Reduced Retirement Eligibility (Cont.)</p> <p>Political subdivisions hazardous duty employees: 50 with at least five years of creditable service.</p> | <p>Earliest Reduced Retirement Eligibility (Cont.)</p> <p>Political subdivisions hazardous duty employees: Same as Plan 1.</p> | <p>Earliest Reduced Retirement Eligibility (Cont.)</p> <p>Political subdivisions hazardous duty employees: Not applicable.</p> <p><u>Defined Contribution Component:</u>
Members are eligible to receive distributions upon leaving employment, subject to restrictions.</p> |
| <p>Cost-of-Living Adjustment (COLA) in Retirement
The Cost-of-Living Adjustment (COLA) matches the first 3% increase in the Consumer Price Index for all Urban Consumers (CPI-U) and half of any additional increase (up to 4%) up to a maximum COLA of 5%.</p> <p><u>Eligibility:</u>
For members who retire with an unreduced benefit or with a reduced benefit with at least 20 years of creditable service, the COLA will go into effect on July 1 after one full calendar year from the retirement date.</p> <p>For members who retire with a reduced benefit and who have less than 20 years of creditable service, the COLA will go into effect on July 1 after one calendar year following the unreduced retirement eligibility date.</p> | <p>Cost-of-Living Adjustment (COLA) in Retirement
The Cost-of-Living Adjustment (COLA) matches the first 2% increase in the CPI-U and half of any additional increase (up to 2%), for a maximum COLA of 3%.</p> <p><u>Eligibility:</u>
Same as Plan 1</p> | <p>Cost-of-Living Adjustment (COLA) in Retirement
<u>Defined Benefit Component:</u>
Same as Plan 2.</p> <p><u>Defined Contribution Component:</u>
Not applicable.</p> <p><u>Eligibility:</u>
Same as Plan 1 and Plan 2.</p> |

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements
As of June 30, 2015 (Continued)

NOTE 8—PENSION PLAN: (Continued)

Plan Description (Continued)

| RETIREMENT PLAN PROVISIONS (CONTINUED) | | |
|--|--|--|
| PLAN 1 | PLAN 2 | HYBRID RETIREMENT PLAN |
| <p>Cost-of-Living Adjustment (COLA) in Retirement (Cont.)</p> <p><u>Exceptions to COLA Effective Dates:</u>
The COLA is effective July 1 following one full calendar year (January 1 to December 31) under any of the following circumstances:</p> <ul style="list-style-type: none"> • The member is within five years of qualifying for an unreduced retirement benefit as of January 1, 2013. • The member retires on disability. • The member retires directly from short-term or long-term disability under the Virginia Sickness and Disability Program (VSDP). • The member is involuntarily separated from employment for causes other than job performance or misconduct and is eligible to retire under the Workforce Transition Act or the Transitional Benefits Program. • The member dies in service and the member’s survivor or beneficiary is eligible for a monthly death-in-service benefit. The COLA will go into effect on July 1 following one full calendar year (January 1 to December 31) from the date the monthly benefit begins. | <p>Cost-of-Living Adjustment (COLA) in Retirement (Cont.)</p> <p><u>Exceptions to COLA Effective Dates:</u>
Same as Plan 1</p> | <p>Cost-of-Living Adjustment (COLA) in Retirement (Cont.)</p> <p><u>Exceptions to COLA Effective Dates:</u>
Same as Plan 1 and Plan 2.</p> |

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements
As of June 30, 2015 (Continued)

NOTE 8—PENSION PLAN: (Continued)

Plan Description (Continued)

| RETIREMENT PLAN PROVISIONS (CONTINUED) | | |
|--|--|---|
| PLAN 1 | PLAN 2 | HYBRID RETIREMENT PLAN |
| <p>Disability Coverage
Members who are eligible to be considered for disability retirement and retire on disability, the retirement multiplier is 1.7% on all service, regardless of when it was earned, purchased or granted.</p> <p>VSDP members are subject to a one-year waiting period before becoming eligible for non-work-related disability benefits.</p> | <p>Disability Coverage
Members who are eligible to be considered for disability retirement and retire on disability, the retirement multiplier is 1.65% on all service, regardless of when it was earned, purchased or granted.</p> <p>VSDP members are subject to a one-year waiting period before becoming eligible for non-work related disability benefits.</p> | <p>Disability Coverage
Employees of political subdivisions (including Plan 1 and Plan2 opt-ins) participate in the Virginia Local Disability Program (VLDP) unless their local governing body provides an employer-paid comparable program for its members.</p> <p>Hybrid members (including Plan 1 and Plan 2 opt-ins) covered under VLDP are subject to a one-year waiting period before becoming eligible for non-work-related disability benefits.</p> |
| <p>Purchase of Prior Service
Members may be eligible to purchase service from previous public employment, active duty military service, an eligible period of leave or VRS refunded service as creditable service in their plan. Prior creditable service counts toward vesting, eligibility for retirement and the health insurance credit. Only active members are eligible to purchase prior service. When buying service, members must purchase their most recent period of service first. Members also may be eligible to purchase periods of leave without pay.</p> | <p>Purchase of Prior Service
Same as Plan 1.</p> | <p>Purchase of Prior Service
<u>Defined Benefit Component:</u>
Same as Plan 1, with the following exceptions:</p> <ul style="list-style-type: none"> • Hybrid Retirement Plan members are ineligible for ported service. • The cost for purchasing refunded service is the higher of 4% of creditable compensation or average final compensation. • Plan members have one year from their date of hire or return from leave to purchase all but refunded prior service at approximate normal cost. After that one-year period, the rate for most categories of service will change to actuarial cost. <p><u>Defined Contribution Component:</u> Not applicable.</p> |

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements
As of June 30, 2015 (Continued)

NOTE 8—PENSION PLAN: (Continued)

Plan Description (Continued)

The System issues a publicly available comprehensive annual financial report that includes financial statements and required supplementary information for VRS. A copy of the most recent report may be obtained from the VRS website at <http://www.varetire.org/Pdf/Publications/2014-annual-report.pdf> or by writing to the System's Chief Financial Officer at P.O. Box 2500, Richmond, VA, 23218-2500.

Employees Covered by Benefit Terms

As of the June 30, 2013 actuarial valuation, the following employees were covered by the benefit terms of the pension plan:

| | <u>Number</u> |
|--|------------------|
| Inactive members or their beneficiaries currently receiving benefits | 16 |
| Inactive members: | |
| Vested inactive members | 6 |
| Non-vested inactive members | 6 |
| Inactive members active elsewhere in VRS | 16 |
| Total inactive members | <u>28</u> |
| Active members | <u>30</u> |
| Total covered employees | <u><u>74</u></u> |

Contributions

The contribution requirement for active employees is governed by §51.1-145 of the Code of Virginia, as amended, but may be impacted as a result of funding options provided to political subdivisions by the Virginia General Assembly. Employees are required to contribute 5.00% of their compensation toward their retirement. Prior to July 1, 2012, all or part of the 5.00% member contribution may have been assumed by the employer. Beginning July 1, 2012 new employees were required to pay the 5% member contribution. In addition, for existing employees, employers were required to begin making the employee pay the 5.00% member contribution. This could be phased in over a period of up to 5 years and the employer is required to provide a salary increase equal to the amount of the increase in the employee-paid member contribution.

The Town's contractually required contribution rate for the year ended June 30, 2015 was 8.56% of covered employee compensation. This rate was based on an actuarially determined rate from an actuarial valuation as of June 30, 2013.

This rate, when combined with employee contributions, was expected to finance the costs of benefits earned by employees during the year, with an additional amount to finance any unfunded accrued liability. Contributions to the pension plan from the Town were \$120,322 and \$137,043 for the years ended June 30, 2015 and June 30, 2014, respectively.

Net Pension Liability

The Town's net pension liability was measured as of June 30, 2014. The total pension liability used to calculate the net pension liability was determined by an actuarial valuation performed as of June 30, 2013, using updated actuarial assumptions, applied to all periods included in the measurement and rolled forward to the measurement date of June 30, 2014.

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements
As of June 30, 2015 (Continued)

NOTE 8—PENSION PLAN: (Continued)

Actuarial Assumptions - General Employees

The total pension liability for General Employees in the Town's Retirement Plan was based on an actuarial valuation as of June 30, 2013, using the Entry Age Normal actuarial cost method and the following assumptions, applied to all periods included in the measurement and rolled forward to the measurement date of June 30, 2014.

| | |
|---------------------------------------|--|
| Inflation | 2.5% |
| Salary increases, including inflation | 3.5% - 5.35% |
| Investment rate of return | 7.0%, net of pension plan investment expense, including inflation* |

* Administrative expenses as a percent of the market value of assets for the last experience study were found to be approximately 0.06% of the market assets for all of the VRS plans. This would provide an assumed investment return rate for GASB purposes of slightly more than the assumed 7.0%. However, since the difference was minimal, and a more conservative 7.0% investment return assumption provided a projected plan net position that exceeded the projected benefit payments, the long-term expected rate of return on investments was assumed to be 7.0% to simplify preparation of pension liabilities.

Mortality rates: 14% of deaths are assumed to be service related

Largest 10 - Non-LEOS:

Pre-Retirement:

RP-2000 Employee Mortality Table Projected with Scale AA to 2020 with males set forward 4 years and females set back 2 years

Post-Retirement:

RP-2000 Combined Mortality Table Projected with Scale AA to 2020 with males set forward 1 year

Post-Disablement:

RP-2000 Disability Life Mortality Table Projected to 2020 with males set back 3 years and no provision for future mortality improvement

All Others (Non 10 Largest) - Non-LEOS:

Pre-Retirement:

RP-2000 Employee Mortality Table Projected with Scale AA to 2020 with males set forward 4 years and females set back 2 years

Post-Retirement:

RP-2000 Combined Mortality Table Projected with Scale AA to 2020 with males set forward 1 year

Post-Disablement:

RP-2000 Disability Life Mortality Table Projected to 2020 with males set back 3 years and no provision for future mortality improvement

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements
As of June 30, 2015 (Continued)

NOTE 8—PENSION PLAN: (Continued)

Actuarial Assumptions - General Employees (Continued)

The actuarial assumptions used in the June 30, 2013 valuation were based on the results of an actuarial experience study for the period from July 1, 2008 through June 30, 2012. Changes to the actuarial assumptions as a result of the experience study are as follows:

Largest 10 - Non-LEOS:

- Update mortality table
- Decrease in rates of service retirement
- Decrease in rates of disability retirement
- Reduce rates of salary increase by 0.25% per year

All Others (Non 10 Largest) - Non-LEOS:

- Update mortality table
- Decrease in rates of service retirement
- Decrease in rates of disability retirement
- Reduce rates of salary increase by 0.25% per year

Actuarial Assumptions - Public Safety Employees

The total pension liability for Public Safety employees in the Town's Retirement Plan was based on an actuarial valuation as of June 30, 2013, using the Entry Age Normal actuarial cost method and the following assumptions, applied to all periods included in the measurement and rolled forward to the measurement date of June 30, 2014.

| | |
|---------------------------------------|--|
| Inflation | 2.5% |
| Salary increases, including inflation | 3.5% - 4.75% |
| Investment rate of return | 7.0%, net of pension plan investment expense, including inflation* |

* Administrative expenses as a percent of the market value of assets for the last experience study were found to be approximately 0.06% of the market assets for all of the VRS plans. This would provide an assumed investment return rate for GASB purposes of slightly more than the assumed 7.0%. However, since the difference was minimal, and a more conservative 7.0% investment return assumption provided a projected plan net position that exceeded the projected benefit payments, the long-term expected rate of return on investments was assumed to be 7.0% to simplify preparation of pension liabilities.

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements
As of June 30, 2015 (Continued)

NOTE 8—PENSION PLAN: (Continued)

Actuarial Assumptions - Public Safety Employees (Continued)

Mortality rates: 60% of deaths are assumed to be service related

Largest 10 - Non-LEOS:

Pre-Retirement:

RP-2000 Employee Mortality Table Projected with Scale AA to 2020 with males set back 2 years and females set back 2 years

Post-Retirement:

RP-2000 Combined Mortality Table Projected with Scale AA to 2020 with males set forward 1 year

Post-Disablement:

RP-2000 Disability Life Mortality Table Projected to 2020 with males set back 3 years and no provision for future mortality improvement

All Others (Non 10 Largest) - Non-LEOS:

Pre-Retirement:

RP-2000 Employee Mortality Table Projected with Scale AA to 2020 with males set back 2 years and females set back 2 years

Post-Retirement:

RP-2000 Combined Mortality Table Projected with Scale AA to 2020 with males set forward 1 year

Post-Disablement:

RP-2000 Disability Life Mortality Table Projected to 2020 with males set back 3 years and no provision for future mortality improvement

The actuarial assumptions used in the June 30, 2013 valuation were based on the results of an actuarial experience study for the period from July 1, 2008 through June 30, 2012. Changes to the actuarial assumptions as a result of the experience study are as follows:

Largest 10 - LEOS:

- Update mortality table
- Decrease in male rates of disability

All Others (Non 10 Largest) - LEOS:

- Update mortality table
- Adjustments to rates of service retirement for females
- Increase in rates of withdrawal
- Decrease in male and female rates of disability

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements
As of June 30, 2015 (Continued)

NOTE 8—PENSION PLAN: (Continued)

Long-term Expected Rate of Return

The long-term expected rate of return on pension System investments was determined using a log-normal distribution analysis in which best-estimate ranges of expected future real rates of return (expected returns, net of pension System investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. The target asset allocation and best estimate of arithmetic real rates of return for each major asset class are summarized in the following table:

| Asset Class (Strategy) | Target Allocation | Arithmetic Long-term Expected Rate of Return | Weighted Average Long-term Expected Rate of Return |
|---------------------------|-------------------|--|--|
| U.S. Equity | 19.50% | 6.46% | 1.26% |
| Developed Non U.S. Equity | 16.50% | 6.28% | 1.04% |
| Emerging Market Equity | 6.00% | 10.00% | 0.60% |
| Fixed Income | 15.00% | 0.09% | 0.01% |
| Emerging Debt | 3.00% | 3.51% | 0.11% |
| Rate Sensitive Credit | 4.50% | 3.51% | 0.16% |
| Non Rate Sensitive Credit | 4.50% | 5.00% | 0.23% |
| Convertibles | 3.00% | 4.81% | 0.14% |
| Public Real Estate | 2.25% | 6.12% | 0.14% |
| Private Real Estate | 12.75% | 7.10% | 0.91% |
| Private Equity | 12.00% | 10.41% | 1.25% |
| Cash | 1.00% | -1.50% | -0.02% |
| Total | 100.00% | | 5.83% |
| | | Inflation | 2.50% |
| | | *Expected arithmetic nominal return | 8.33% |

* Using stochastic projection results provides an expected range of real rates of return over various time horizons. Looking at one year results produces an expected real return of 8.33% but also has a high standard deviation, which means there is high volatility. Over larger time horizons the volatility declines significantly and provides a median return of 7.44%, including expected inflation of 2.50%.

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements
As of June 30, 2015 (Continued)

NOTE 8—PENSION PLAN: (Continued)

Discount Rate

The discount rate used to measure the total pension liability was 7.00%. The projection of cash flows used to determine the discount rate assumed that System member contributions will be made per the VRS Statutes and the employer contributions will be made in accordance with the VRS funding policy at rates equal to the difference between actuarially determined contribution rates adopted by the VRS Board of Trustees and the member rate. Through the fiscal year ending June 30, 2018, the rate contributed by the employer for the Town Retirement Plan will be subject to the portion of the VRS Board-certified rates that are funded by the Virginia General Assembly. From July 1, 2018 on, participating employers are assumed to contribute 100% of the actuarially determined contribution rates. Based on those assumptions, the pension plan's fiduciary net position was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore the long-term expected rate of return was applied to all periods of projected benefit payments to determine the total pension liability.

Changes in Net Pension Liability

| | Increase (Decrease) | | |
|--|--------------------------------------|--|--|
| | Total
Pension
Liability
(a) | Plan
Fiduciary
Net Position
(b) | Net
Pension
Liability
(a) - (b) |
| Balances at June 30, 2013 | \$ 4,646,092 | \$ 3,932,259 | \$ 713,833 |
| Changes for the year: | | | |
| Service cost | \$ 157,906 | \$ - | \$ 157,906 |
| Interest | 320,296 | - | 320,296 |
| Differences between expected
and actual experience | - | - | - |
| Contributions - employer | - | 136,088 | (136,088) |
| Contributions - employee | - | 73,323 | (73,323) |
| Net investment income | - | 625,028 | (625,028) |
| Benefit payments, including refunds
of employee contributions | (140,878) | (140,878) | - |
| Administrative expenses | - | (3,286) | 3,286 |
| Other changes | - | 32 | (32) |
| Net changes | <u>\$ 337,324</u> | <u>\$ 690,307</u> | <u>\$ (352,983)</u> |
| Balances at June 30, 2014 | <u>\$ 4,983,416</u> | <u>\$ 4,622,566</u> | <u>\$ 360,850</u> |

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements
As of June 30, 2015 (Continued)

NOTE 8—PENSION PLAN: (Continued)

Sensitivity of the Net Pension Liability to Changes in the Discount Rate

The following presents the net pension liability of the Town using the discount rate of 7.00%, as well as what the Town's net pension liability would be if it were calculated using a discount rate that is one percentage point lower (6.00%) or one percentage point higher (8.00%) than the current rate:

| | Rate | | |
|-------------------------------|--------------|------------|--------------|
| | (6.00%) | (7.00%) | (8.00%) |
| Town | | | |
| Net Pension Liability (Asset) | \$ 1,074,525 | \$ 360,850 | \$ (230,550) |

Pension Expense and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions

For the year ended June 30, 2015, the Town recognized pension expense of \$61,093. At June 30, 2015, the Town reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

| | Deferred Outflows
of Resources | Deferred Inflows
of Resources |
|--|-----------------------------------|----------------------------------|
| Net difference between projected and actual earnings on pension plan investments | \$ - | \$ 277,988 |
| Employer contributions subsequent to the measurement date | 120,322 | - |
| Total | \$ 120,322 | \$ 277,988 |

\$120,322 reported as deferred outflows of resources related to pensions resulting from the Town's contributions subsequent to the measurement date will be recognized as a reduction of the Net Pension Liability in the year ended June 30, 2016. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

| <u>Year ended June 30</u> | |
|---------------------------|-------------|
| 2016 | \$ (69,497) |
| 2017 | (69,497) |
| 2018 | (69,497) |
| 2019 | (69,497) |
| Thereafter | - |

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements
As of June 30, 2015 (Continued)

NOTE 9—LITIGATION:

At June 30, 2015, the Town was involved in one matter of litigation involving the construction of the Wastewater Treatment Plant. It is reasonably possible that this matter may materially affect the Town's financial position in future years, but the amount and timing of the pending decision are not yet known as of the date of the audit report, November 30, 2015.

NOTE 10—DEFERRED/UNAVAILABLE REVENUE:

Deferred/unavailable revenue represent amounts for which asset recognition criteria have been met, but for which revenue recognition criteria have not been met. Under the modified accrual basis of accounting, such amounts are measurable, but not available. Unavailable revenue totaling \$526,438 is comprised of the following:

Unavailable Property Tax Revenue - Unavailable revenue representing uncollected tax billings not available for funding of current expenditures totaled \$519,393 at June 30, 2015.

Prepaid Property Taxes - Property taxes due subsequent to June 30, 2014 but paid in advance by the taxpayers totaled \$7,045 at June 30, 2015.

NOTE 11—ADOPTION OF ACCOUNTING PRINCIPLES:

Governmental Accounting Standards Board Statement No. 68, Accounting and Financial Reporting for Pensions - an amendment of GASB Statement No. 27 and Statement No. 71, Pension Transition for Contributions Made Subsequent to the Measurement Date - an amendment of GASB Statement No. 68:

The Town implemented the financial reporting provisions of the above Statements for the fiscal year ended June 30, 2015. These Statements establish standards for measuring and recognizing liabilities, deferred outflows of resources, and deferred inflows of resources, and expense/expenditures related to pensions. Note disclosure and required supplementary information requirements about pensions are also addressed. The requirements of these Statements will improve financial reporting by improving accounting and financial reporting by state and local governments for pensions. The implementation of these Statements resulted in the following restatement of net position:

| | Governmental
Activities
Net Position | Business-Type Activities Net Position | | |
|---|--|---------------------------------------|----------------------|----------------------|
| | | Water Fund | Sewer Fund | Total |
| June 30, 2014, as reported | \$ 3,844,465 | \$ 3,722,678 | \$ 23,268,460 | \$ 26,991,138 |
| Implementation of GASB Statement No. 68 | <u>(364,270)</u> | <u>(114,664)</u> | <u>(98,811)</u> | <u>(213,475)</u> |
| July 1, 2014, as restated | <u>\$ 3,480,195</u> | <u>\$ 3,608,014</u> | <u>\$ 23,169,649</u> | <u>\$ 26,777,663</u> |

NOTE 12—UPCOMING PRONOUNCEMENTS:

Statement No. 72, *Fair Value Measurement and Application*, amends the definitions of fair value used throughout GASB literature to be consistent with the definition and principles provided in FASB Accounting Standards Codification Topic 820, *Fair Value Measurement*. This Statement provides guidance for determining a fair value measurement for financial reporting purposes and for applying fair value to certain investments and disclosures related to all fair value measurements. The requirements of this Statement are effective for financial statements for periods beginning after June 15, 2015. No formal study or estimate of the impact of this standard has been performed.

Statement No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That are Not Within the Scope of GASB Statement 68, and Amendments to Certain Provisions of GASB Statements 67 and 68*, establishes requirements for defined benefit pensions that are not within the scope of Statement No. 68, *Accounting and Financial Reporting for Pensions*, as well as for the assets accumulated for purposes of providing those pensions. In addition, it establishes requirements for defined contribution pensions that are not within the scope of Statement 68 and amends certain provisions of Statement No. 67, *Financial Reporting for Pension Plans*, and Statement 68 for pension plans and pensions that are within their respective scopes. The requirements of this Statement that address accounting and financial reporting by employers and governmental nonemployer contributing entities for pensions that are not within the scope of Statement 68 are effective for financial statements for fiscal years beginning after June 15, 2016, and the requirements of this Statement that address financial reporting for assets accumulated for purposes of providing those pensions are effective for fiscal years beginning after June 15, 2015. The requirements of this Statement for pension plans that are within the scope of Statement 67 or for pensions that are within the scope of Statement 68 are effective for fiscal years beginning after June 15, 2015. No formal study or estimate of the impact of this standard has been performed.

Statement No. 74, *Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans*, improves the usefulness of information about postemployment benefits other than pensions (other postemployment benefits or OPEB) included in the general purpose external financial reports of state and local governmental OPEB plans for making decisions and assessing accountability. This Statement replaces Statements No. 43, *Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans*, as amended, and No. 57, *OPEB Measurements by Agent Employers and Agent Multiple Employer Plans*. It also includes requirements for defined contribution OPEB plans that replace the requirements for those OPEB plans in Statement No. 25, *Financial Reporting for Defined Benefit Pension Plans and Note Disclosures for Defined Contribution Plans*, as amended, Statement 43, and Statement No. 50, *Pension Disclosures*. This Statement is effective for financial statements for fiscal years beginning after June 15, 2016. No formal study or estimate of the impact of this standard has been performed.

Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pension*, improves accounting and financial reporting by state and local governments for postemployment benefits other than pensions (other postemployment benefits or OPEB). This Statement replaces the requirements of Statements No. 45, *Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions*, as amended, and No. 57, *OPEB Measurements by Agent Employers and Agent Multiple Employer Plans*, for OPEB. Statement No. 74, *Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans*, establishes new accounting and financial reporting requirements for OPEB plans. This Statement is effective for fiscal years beginning after June 15, 2017. No formal study or estimate of the impact of this standard has been performed.

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements
As of June 30, 2015 (Continued)

NOTE 12—UPCOMING PRONOUNCEMENTS: (Continued)

Statement No. 76, *The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments*, objective is to identify—in the context of the current governmental financial reporting environment—the hierarchy of generally accepted accounting principles (GAAP). This Statement supersedes Statement No. 55, *The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments*. The requirements of this Statement are effective for financial statements for periods beginning after June 15, 2015, and should be applied retroactively. No formal study or estimate of the impact of this standard has been performed.

Statement No. 77, *Tax Abatement Disclosures*, will increase the disclosure of tax abatement agreements to disclose information about the agreements. The requirements of this Statement improve financial reporting by giving users of financial statements essential information that is not consistently or comprehensively reported to the public at present. The requirements of this Statement are effective for financial statements for periods beginning after December 15, 2015. No formal study or estimate of the impact of this standard has been performed.

Required Supplementary Information

Note to Required Supplementary Information:

Presented Budgets were prepared in accordance with Accounting Principles Generally Accepted in the United States of America.

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Schedule of Revenues, Expenditures, and Changes in Fund Balances - Budget and Actual
 General Fund
 Year Ended June 30, 2015

| | Original
Budget | Final
Budget | Actual | Variance With
Final Budget
Positive
(Negative) |
|---|---------------------|---------------------|---------------------|---|
| Revenues: | | | | |
| General property taxes | \$ 1,010,000 | \$ 1,010,000 | \$ 1,165,459 | \$ 155,459 |
| Other local taxes | 827,000 | 827,000 | 934,720 | 107,720 |
| Permits, privilege fees and regulatory licenses | 26,000 | 26,000 | 30,965 | 4,965 |
| Fines and forfeitures | 22,750 | 22,750 | 35,352 | 12,602 |
| Revenue from use of money and property | 82,600 | 82,600 | 98,699 | 16,099 |
| Charges for services | 18,000 | 18,000 | 34,918 | 16,918 |
| Miscellaneous | 7,100 | 7,100 | 34,702 | 27,602 |
| Intergovernmental revenues: | | | | |
| Commonwealth | 835,968 | 835,968 | 884,506 | 48,538 |
| Federal | - | - | 16,887 | 16,887 |
| Total revenues | <u>\$ 2,829,418</u> | <u>\$ 2,829,418</u> | <u>\$ 3,236,208</u> | <u>\$ 406,790</u> |
| Expenditures: | | | | |
| Current: | | | | |
| General government administration | \$ 838,525 | \$ 838,525 | \$ 819,437 | \$ 19,088 |
| Public safety | 681,928 | 681,928 | 675,521 | 6,407 |
| Public works | 1,096,457 | 1,096,457 | 1,245,952 | (149,495) |
| Parks, recreation, and cultural | 11,400 | 11,400 | 10,222 | 1,178 |
| Community development | 164,400 | 164,400 | 149,509 | 14,891 |
| Capital outlay | 76,045 | 76,045 | 15,050 | 60,995 |
| Contingency | 226,123 | 226,123 | 87,153 | 138,970 |
| Debt service | 121,480 | 121,480 | 121,476 | 4 |
| Total expenditures | <u>\$ 3,216,358</u> | <u>\$ 3,216,358</u> | <u>\$ 3,124,320</u> | <u>\$ 92,038</u> |
| Excess (deficiency) of revenues over expenditures | <u>\$ (386,940)</u> | <u>\$ (386,940)</u> | <u>\$ 111,888</u> | <u>\$ 498,828</u> |
| Net change in fund balances | \$ (386,940) | \$ (386,940) | \$ 111,888 | \$ 498,828 |
| Fund balances at beginning of year | <u>386,940</u> | <u>386,940</u> | <u>1,390,627</u> | <u>1,003,687</u> |
| Fund balances at end of year | <u>\$ -</u> | <u>\$ -</u> | <u>\$ 1,502,515</u> | <u>\$ 1,502,515</u> |

Schedule of Components of and Changes in Net Pension Liability and Related Ratios
Year Ended June 30, 2015

| | <u>2014</u> |
|---|----------------------------|
| Total pension liability | |
| Service cost | \$ 157,906 |
| Interest | 320,296 |
| Benefit payments, including refunds of employee contributions | (140,878) |
| Net change in total pension liability | <u>\$ 337,324</u> |
| Total pension liability - beginning | <u>4,646,092</u> |
| Total pension liability - ending (a) | <u><u>\$ 4,983,416</u></u> |
|
Plan fiduciary net position | |
| Contributions - employer | \$ 136,088 |
| Contributions - employee | 73,323 |
| Net investment income | 625,028 |
| Benefit payments, including refunds of employee contributions | (140,878) |
| Administrative expense | (3,286) |
| Other | 32 |
| Net change in plan fiduciary net position | <u>\$ 690,307</u> |
| Plan fiduciary net position - beginning | <u>3,932,259</u> |
| Plan fiduciary net position - ending (b) | <u><u>\$ 4,622,566</u></u> |
|
Town's net pension liability - ending (a) - (b) |
\$ 360,850 |
|
Plan fiduciary net position as a percentage of the total pension liability |
92.76% |
|
Covered-employee payroll |
\$ 1,476,761 |
|
Town's net pension liability as a percentage of covered-employee payroll |
24.44% |

Schedule is intended to show information for 10 years. Since 2015 is the first year for this presentation, no other data is available. However, additional years will be included as they become available.

Schedule of Employer Contributions
 Year Ended June 30, 2015

| Date | Contractually
Required
Contribution
(1) | Contributions in
Relation to
Contractually
Required
Contribution
(2) | Contribution
Deficiency
(Excess)
(3) | Employer's
Covered
Employee
Payroll
(4) | Contributions
as a % of
Covered
Employee
Payroll
(5) |
|------|--|---|---|---|---|
| 2015 | \$ 120,322 | \$ 120,322 | - | \$ 1,407,165 | 8.55% |

Schedule is intended to show information for 10 years. Since 2015 is the first year for this presentation, no other data is available. However, additional years will be included as they become available.

Notes to Required Supplementary Information
Year Ended June 30, 2015

Changes of benefit terms - There have been no significant changes to the System benefit provisions since the prior actuarial valuation. A hybrid plan with changes to the defined benefit plan structure and a new defined contribution component were adopted in 2012. The hybrid plan applies to most new employees hired on or after January 1, 2014 and not covered by enhanced hazardous duty benefits. The liabilities presented do not reflect the hybrid plan since it covers new members joining the System after the valuation date of June 30, 2013 and the impact on the liabilities as of the measurement date of June 30, 2014 are minimal.

Changes of assumptions - The following changes in actuarial assumptions were made effective June 30, 2013 based on the most recent experience study of the System for the four-year period ending June 30, 2012:

Largest 10 - Non-LEOS:

- Update mortality table
- Decrease in rates of service retirement
- Decrease in rates of disability retirement
- Reduce rates of salary increase by 0.25% per year

Largest 10 - LEOS:

- Update mortality table
- Decrease in male rates of disability

All Others (Non 10 Largest) - Non-LEOS:

- Update mortality table
- Decrease in rates of service retirement
- Decrease in rates of disability retirement
- Reduce rates of salary increase by 0.25% per year

All Others (Non 10 Largest) - LEOS:

- Update mortality table
- Adjustments to rates of service retirement for females
- Increase in rates of withdrawal
- Decrease in male and female rates of disability

Supporting Schedules

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Schedule of Revenues - Budget and Actual
General Fund
Year Ended June 30, 2015

| Fund, Major and Minor Revenue Source | Original
Budget | Final
Budget | Actual | Variance with
Final Budget-
Positive
(Negative) |
|--|---------------------|---------------------|---------------------|--|
| General Fund: | | | | |
| Revenue from local sources: | | | | |
| General property taxes: | | | | |
| Real property taxes | \$ 669,500 | \$ 669,500 | \$ 807,400 | \$ 137,900 |
| Personal property taxes | 173,000 | 173,000 | 183,391 | 10,391 |
| Machinery and tools taxes | 163,000 | 163,000 | 159,317 | (3,683) |
| Penalties | 3,000 | 3,000 | 7,055 | 4,055 |
| Interest | 1,500 | 1,500 | 8,296 | 6,796 |
| Total general property taxes | <u>\$ 1,010,000</u> | <u>\$ 1,010,000</u> | <u>\$ 1,165,459</u> | <u>\$ 155,459</u> |
| Other local taxes: | | | | |
| Local sales and use taxes | \$ 160,000 | \$ 160,000 | \$ 177,160 | \$ 17,160 |
| Business license tax | 185,000 | 185,000 | 184,412 | (588) |
| Cigarette tax | - | - | 28,373 | 28,373 |
| Bank franchise taxes | 110,000 | 110,000 | 147,856 | 37,856 |
| Consumer utility tax | 90,000 | 90,000 | 97,168 | 7,168 |
| Meals tax | 192,000 | 192,000 | 198,288 | 6,288 |
| Motor vehicle licenses | 90,000 | 90,000 | 101,463 | 11,463 |
| Total other local taxes | <u>\$ 827,000</u> | <u>\$ 827,000</u> | <u>\$ 934,720</u> | <u>\$ 107,720</u> |
| Permits, privilege fees and regulatory licenses: | | | | |
| Licenses, zoning and subdivision permits | \$ 26,000 | \$ 26,000 | \$ 30,965 | \$ 4,965 |
| Fines and forfeitures: | | | | |
| Court fines and forfeitures | \$ 20,000 | \$ 20,000 | \$ 33,343 | \$ 13,343 |
| Parking fines | 2,750 | 2,750 | 2,009 | (741) |
| Total fines and forfeitures | <u>\$ 22,750</u> | <u>\$ 22,750</u> | <u>\$ 35,352</u> | <u>\$ 12,602</u> |
| Revenue from use of money and property: | | | | |
| Revenue from use of money | \$ 7,000 | \$ 7,000 | \$ 7,203 | \$ 203 |
| Revenue from use of property | 75,600 | 75,600 | 91,496 | 15,896 |
| Total revenue from use of money and property | <u>\$ 82,600</u> | <u>\$ 82,600</u> | <u>\$ 98,699</u> | <u>\$ 16,099</u> |
| Charges for services: | | | | |
| Charges for services - meters | \$ 8,000 | \$ 8,000 | \$ 9,043 | \$ 1,043 |
| Zoning and subdivision fees | 10,000 | 10,000 | 25,875 | 15,875 |
| Total charges for services | <u>\$ 18,000</u> | <u>\$ 18,000</u> | <u>\$ 34,918</u> | <u>\$ 16,918</u> |

Schedule of Revenues - Budget and Actual
General Fund
Year Ended June 30, 2015 (Continued)

| Fund, Major and Minor Revenue Source | Original
Budget | Final
Budget | Actual | Variance with
Final Budget-
Positive
(Negative) |
|---|----------------------------|----------------------------|----------------------------|--|
| General Fund: (continued) | | | | |
| Revenue from local sources: (continued) | | | | |
| Miscellaneous revenue: | | | | |
| Miscellaneous income | \$ 7,100 | \$ 7,100 | \$ 34,702 | \$ 27,602 |
| Total revenue from local sources | <u>\$ 1,993,450</u> | <u>\$ 1,993,450</u> | <u>\$ 2,334,815</u> | <u>\$ 341,365</u> |
| Revenue from the Commonwealth: | | | | |
| Noncategorical aid: | | | | |
| Communication taxes | \$ 90,000 | \$ 90,000 | \$ 93,665 | \$ 3,665 |
| Personal property tax relief act funds | 209,917 | 209,917 | 209,917 | - |
| Rolling stock tax | <u>2,000</u> | <u>2,000</u> | <u>2,021</u> | <u>21</u> |
| Total noncategorical aid | <u>\$ 301,917</u> | <u>\$ 301,917</u> | <u>\$ 305,603</u> | <u>\$ 3,686</u> |
| Categorical aid: | | | | |
| Aid to localities with police departments | \$ 74,052 | \$ 74,052 | \$ 75,007 | \$ 955 |
| Litter control grant | 2,000 | 2,000 | 1,889 | (111) |
| Street and highway maintenance | 441,812 | 441,812 | 485,735 | 43,923 |
| Commission of the arts | 5,000 | 5,000 | 5,000 | - |
| Fire funds | <u>11,187</u> | <u>11,187</u> | <u>11,272</u> | <u>85</u> |
| Total categorical aid | <u>\$ 534,051</u> | <u>\$ 534,051</u> | <u>\$ 578,903</u> | <u>\$ 44,852</u> |
| Total revenue from the Commonwealth | <u>\$ 835,968</u> | <u>\$ 835,968</u> | <u>\$ 884,506</u> | <u>\$ 48,538</u> |
| Revenue from the Federal government: | | | | |
| Categorical aid: | | | | |
| Fire funds | \$ - | \$ - | \$ 3,587 | \$ 3,587 |
| Transportation funds | <u>-</u> | <u>-</u> | <u>13,300</u> | <u>13,300</u> |
| Total revenue from the Federal government | <u>\$ -</u> | <u>\$ -</u> | <u>\$ 16,887</u> | <u>\$ 16,887</u> |
| Total General Fund | <u><u>\$ 2,829,418</u></u> | <u><u>\$ 2,829,418</u></u> | <u><u>\$ 3,236,208</u></u> | <u><u>\$ 406,790</u></u> |

Schedule of Expenditures - Budget and Actual

General Fund

Year Ended June 30, 2015

| Fund, Function, Activity and Elements | Original
Budget | Final
Budget | Actual | Variance with
Final Budget-
Positive
(Negative) |
|---------------------------------------|--------------------|-------------------|-------------------|--|
| General Fund: | | | | |
| General government administration: | | | | |
| Town Council: | | | | |
| Compensation | \$ 18,900 | \$ 18,900 | \$ 18,900 | \$ - |
| Training | 1,000 | 1,000 | - | 1,000 |
| Miscellaneous | 1,500 | 1,500 | 3,643 | (2,143) |
| Dues | 2,300 | 2,300 | 2,922 | (622) |
| Town code supplements | 2,250 | 2,250 | 3,148 | (898) |
| Total town council | <u>\$ 25,950</u> | <u>\$ 25,950</u> | <u>\$ 28,613</u> | <u>\$ (2,663)</u> |
| Town Clerk: | | | | |
| Compensation | \$ 44,290 | \$ 44,290 | \$ 30,624 | \$ 13,666 |
| Education/Training | 500 | 500 | 1,120 | (620) |
| Dues | 200 | 200 | - | 200 |
| Total town clerk | <u>\$ 44,990</u> | <u>\$ 44,990</u> | <u>\$ 31,744</u> | <u>\$ 13,246</u> |
| Town Manager: | | | | |
| Compensation | \$ 124,800 | \$ 124,800 | \$ 129,139 | \$ (4,339) |
| Mileage | 150 | 150 | 20 | 130 |
| Training | 1,000 | 1,000 | - | 1,000 |
| Dues | 300 | 300 | 298 | 2 |
| Total town manager | <u>\$ 126,250</u> | <u>\$ 126,250</u> | <u>\$ 129,457</u> | <u>\$ (3,207)</u> |
| Legal and Professional: | | | | |
| Professional services | \$ 30,000 | \$ 30,000 | \$ 27,784 | \$ 2,216 |
| Contractual services | 15,100 | 15,100 | 15,100 | - |
| Engineering services | 5,000 | 5,000 | - | 5,000 |
| Total legal and professional | <u>\$ 50,100</u> | <u>\$ 50,100</u> | <u>\$ 42,884</u> | <u>\$ 7,216</u> |
| Personnel: | | | | |
| Social security | \$ 71,300 | \$ 71,300 | \$ 79,741 | \$ (8,441) |
| Retirement | 80,210 | 80,210 | 78,610 | 1,600 |
| Health insurance | 138,680 | 138,680 | 131,366 | 7,314 |
| Life insurance | 12,300 | 12,300 | 10,930 | 1,370 |
| Unemployment insurance | 800 | 800 | 702 | 98 |
| Workers' compensation insurance | 30,000 | 30,000 | 21,761 | 8,239 |
| Line of Duty act | 3,000 | 3,000 | 3,217 | (217) |
| Employment screening | 450 | 450 | 45 | 405 |
| Total personnel | <u>\$ 336,740</u> | <u>\$ 336,740</u> | <u>\$ 326,372</u> | <u>\$ 10,368</u> |

Schedule of Expenditures - Budget and Actual
 General Fund
 Year Ended June 30, 2015 (Continued)

| Fund, Major and Minor Revenue Source | Original
Budget | Final
Budget | Actual | Variance with
Final Budget-
Positive
(Negative) |
|--|--------------------|-------------------|-------------------|--|
| General Fund: (continued) | | | | |
| General government administration: (continued) | | | | |
| Town Treasurer: | | | | |
| Compensation | \$ 89,600 | \$ 89,600 | \$ 88,022 | \$ 1,578 |
| Surety bonds | 300 | 300 | 260 | 40 |
| Training | 1,000 | 1,000 | 825 | 175 |
| Dues | 150 | 150 | 300 | (150) |
| Miscellaneous | 950 | 950 | - | 950 |
| Total town treasurer | <u>\$ 92,000</u> | <u>\$ 92,000</u> | <u>\$ 89,407</u> | <u>\$ 2,593</u> |
| Finance/Accounting: | | | | |
| Compensation | \$ 56,220 | \$ 56,220 | \$ 60,055 | \$ (3,835) |
| Training | 400 | 400 | - | 400 |
| Total finance/accounting | <u>\$ 56,620</u> | <u>\$ 56,620</u> | <u>\$ 60,055</u> | <u>\$ (3,435)</u> |
| Central Administration/Purchasing: | | | | |
| Maintenance contracts | \$ 34,525 | \$ 34,525 | \$ 34,400 | \$ 125 |
| Advertising | 7,000 | 7,000 | 9,229 | (2,229) |
| Postage | 8,000 | 8,000 | 6,878 | 1,122 |
| Telecommunications | 4,100 | 4,100 | 7,252 | (3,152) |
| Office supplies and equipment | 11,000 | 11,000 | 7,953 | 3,047 |
| Newsletter | 1,500 | 1,500 | - | 1,500 |
| Training | 750 | 750 | 386 | 364 |
| Dues | 500 | 500 | 335 | 165 |
| Total central administration/purchasing | <u>\$ 67,375</u> | <u>\$ 67,375</u> | <u>\$ 66,433</u> | <u>\$ 942</u> |
| Risk Management: | | | | |
| Blanket excess liability | \$ 13,500 | \$ 13,500 | \$ 11,992 | \$ 1,508 |
| Automobile insurance | 9,000 | 9,000 | 8,469 | 531 |
| Semi-multi peril insurance | 11,500 | 11,500 | 24,011 | (12,511) |
| Insurance deductibles | 3,000 | 3,000 | - | 3,000 |
| Total risk management | <u>\$ 37,000</u> | <u>\$ 37,000</u> | <u>\$ 44,472</u> | <u>\$ (7,472)</u> |
| Elections: | | | | |
| Election officials | \$ 500 | \$ 500 | \$ - | \$ 500 |
| Office supplies | 1,000 | 1,000 | - | 1,000 |
| Total elections | <u>\$ 1,500</u> | <u>\$ 1,500</u> | <u>\$ -</u> | <u>\$ 1,500</u> |
| Total general government administration | <u>\$ 838,525</u> | <u>\$ 838,525</u> | <u>\$ 819,437</u> | <u>\$ 19,088</u> |

Schedule of Expenditures - Budget and Actual
 General Fund
 Year Ended June 30, 2015 (Continued)

| Fund, Major and Minor Revenue Source | Original
Budget | Final
Budget | Actual | Variance with
Final Budget-
Positive
(Negative) |
|---|--------------------|-------------------|-------------------|--|
| General Fund: (continued) | | | | |
| Public safety: | | | | |
| Police department: | | | | |
| Compensation | \$ 500,000 | \$ 500,000 | \$ 484,654 | \$ 15,346 |
| Maintenance contracts | 8,088 | 8,088 | 8,716 | (628) |
| Communication equipment and services | 1,550 | 1,550 | 3,065 | (1,515) |
| Community relations | 700 | 700 | 2,354 | (1,654) |
| Office supplies | 2,125 | 2,125 | 629 | 1,496 |
| Gasoline oil | 24,288 | 24,288 | 13,700 | 10,588 |
| Repair and maintenance | 9,875 | 9,875 | 17,141 | (7,266) |
| Police supplies | 9,000 | 9,000 | 20,441 | (11,441) |
| Uniforms | 3,000 | 3,000 | 3,849 | (849) |
| Medical examinations | 500 | 500 | 69 | 431 |
| Training | 8,000 | 8,000 | 6,241 | 1,759 |
| Professional services | 400 | 400 | - | 400 |
| Employment screening | 500 | 500 | 856 | (356) |
| Dues | 3,045 | 3,045 | 425 | 2,620 |
| Total police department | <u>\$ 571,071</u> | <u>\$ 571,071</u> | <u>\$ 562,140</u> | <u>\$ 8,931</u> |
| Traffic control: | | | | |
| Contribution - crossing guard | <u>\$ 2,500</u> | <u>\$ 2,500</u> | <u>\$ 2,500</u> | <u>\$ -</u> |
| Emergency services: | | | | |
| Contribution - alarm | <u>\$ 2,000</u> | <u>\$ 2,000</u> | <u>\$ 2,000</u> | <u>\$ -</u> |
| Fire and rescue: | | | | |
| Professional services - emergency medical tech. | \$ 67,920 | \$ 67,920 | \$ 67,920 | \$ - |
| Contribution - JHEVFD | 25,000 | 25,000 | 25,000 | - |
| Fire fund program | <u>11,187</u> | <u>11,187</u> | <u>15,246</u> | <u>(4,059)</u> |
| Total fire and rescue | <u>\$ 104,107</u> | <u>\$ 104,107</u> | <u>\$ 108,166</u> | <u>\$ (4,059)</u> |
| Correction and detention: | | | | |
| Confinement and prisoners | \$ 250 | \$ 250 | \$ - | \$ 250 |
| Public defenders fees | <u>2,000</u> | <u>2,000</u> | <u>715</u> | <u>1,285</u> |
| Total correction and detention | <u>\$ 2,250</u> | <u>\$ 2,250</u> | <u>\$ 715</u> | <u>\$ 1,535</u> |
| Total public safety | <u>\$ 681,928</u> | <u>\$ 681,928</u> | <u>\$ 675,521</u> | <u>\$ 6,407</u> |
| Public works: | | | | |
| Maintenance of streets, bridges and sidewalks: | | | | |
| General administration: | | | | |
| Compensation | \$ 42,425 | \$ 42,425 | \$ 39,855 | \$ 2,570 |
| Fuel oil/heat | 3,325 | 3,325 | 1,309 | 2,016 |
| Telecommunications | 3,800 | 3,800 | 4,803 | (1,003) |
| Office supplies | 500 | 500 | 2,752 | (2,252) |
| Vehicle repairs and maintenance | 6,000 | 6,000 | 9,459 | (3,459) |
| Medical exams | 525 | 525 | 887 | (362) |
| Training | <u>500</u> | <u>500</u> | <u>767</u> | <u>(267)</u> |
| Total general administration | <u>\$ 57,075</u> | <u>\$ 57,075</u> | <u>\$ 59,832</u> | <u>\$ (2,757)</u> |

Schedule of Expenditures - Budget and Actual
 General Fund
 Year Ended June 30, 2015 (Continued)

| Fund, Major and Minor Revenue Source | Original
Budget | Final
Budget | Actual | Variance with
Final Budget-
Positive
(Negative) |
|--|--------------------|-------------------|-------------------|--|
| General Fund: (continued) | | | | |
| Public works: (continued) | | | | |
| Maintenance of streets, bridges and sidewalks: (continued) | | | | |
| Highways, streets, bridges and sidewalks: | | | | |
| Compensation | \$ 117,600 | \$ 117,600 | \$ 153,433 | \$ (35,833) |
| Gasoline and oil | 37,040 | 37,040 | 33,019 | 4,021 |
| Uniforms | 3,000 | 3,000 | 2,788 | 212 |
| Materials and supplies | 4,000 | 4,000 | 10,953 | (6,953) |
| Equipment maintenance | 10,000 | 10,000 | 14,592 | (4,592) |
| Sidewalk maintenance | 6,000 | 6,000 | 5,550 | 450 |
| Street maintenance | 431,812 | 431,812 | 544,337 | (112,525) |
| Street sign maintenance | 500 | 500 | - | 500 |
| Norfolk/Southern ROW | 950 | 950 | 1,015 | (65) |
| Total highways, streets, bridges, and sidewalks | <u>\$ 610,902</u> | <u>\$ 610,902</u> | <u>\$ 765,687</u> | <u>\$ (154,785)</u> |
| Street lights: | | | | |
| Electricity - street lights | <u>\$ 79,000</u> | <u>\$ 79,000</u> | <u>\$ 69,818</u> | <u>\$ 9,182</u> |
| Snow and ice removal: | | | | |
| Material and supplies | <u>\$ 2,000</u> | <u>\$ 2,000</u> | <u>\$ (4,155)</u> | <u>\$ 6,155</u> |
| Parking meters: | | | | |
| Material and supplies | <u>\$ 1,500</u> | <u>\$ 1,500</u> | <u>\$ -</u> | <u>\$ 1,500</u> |
| Street and road cleaning: | | | | |
| Street cleaning | <u>\$ 4,000</u> | <u>\$ 4,000</u> | <u>\$ 380</u> | <u>\$ 3,620</u> |
| Total maintenance of streets, bridges and sidewalks | <u>\$ 754,477</u> | <u>\$ 754,477</u> | <u>\$ 891,562</u> | <u>\$ (137,085)</u> |
| Sanitation and waste removal: | | | | |
| Contractual services | \$ 170,200 | \$ 170,200 | \$ 183,866 | \$ (13,666) |
| Recycling services | 51,000 | 51,000 | 48,105 | 2,895 |
| Landfill charges | 20,000 | 20,000 | 17,090 | 2,910 |
| Total sanitation and waste removal | <u>\$ 241,200</u> | <u>\$ 241,200</u> | <u>\$ 249,061</u> | <u>\$ (7,861)</u> |
| Maintenance of buildings and grounds: | | | | |
| General properties: | | | | |
| Electricity | \$ - | \$ - | \$ 141 | \$ (141) |
| Repair and maintenance | 13,180 | 13,180 | 10,288 | 2,892 |
| Materials and supplies | 1,000 | 1,000 | 101 | 899 |
| Christmas lights | 1,100 | 1,100 | 1,520 | (420) |
| Total general properties | <u>\$ 15,280</u> | <u>\$ 15,280</u> | <u>\$ 12,050</u> | <u>\$ 3,230</u> |

Schedule of Expenditures - Budget and Actual

General Fund

Year Ended June 30, 2015 (Continued)

| Fund, Major and Minor Revenue Source | Original
Budget | Final
Budget | Actual | Variance with
Final Budget-
Positive
(Negative) |
|---|---------------------|---------------------|---------------------|--|
| General Fund: (continued) | | | | |
| Public works: (continued) | | | | |
| Maintenance of buildings and grounds: (continued) | | | | |
| Building services: | | | | |
| Compensation | \$ - | \$ - | \$ 11,788 | \$ (11,788) |
| Contractual services | 16,960 | 16,960 | 16,622 | 338 |
| Electricity | 13,540 | 13,540 | 16,978 | (3,438) |
| Natural gas/heat | 2,010 | 2,010 | 1,928 | 82 |
| Materials and supplies | 6,520 | 6,520 | 11,781 | (5,261) |
| Water/sewer | 2,810 | 2,810 | 2,533 | 277 |
| Shared expenses - Clarke County | 33,850 | 33,850 | 20,240 | 13,610 |
| Telecommunications | 9,810 | 9,810 | 11,409 | (1,599) |
| Total building services | <u>\$ 85,500</u> | <u>\$ 85,500</u> | <u>\$ 93,279</u> | <u>\$ (7,779)</u> |
| Total maintenance of buildings and grounds | <u>\$ 100,780</u> | <u>\$ 100,780</u> | <u>\$ 105,329</u> | <u>\$ (4,549)</u> |
| Total public works | <u>\$ 1,096,457</u> | <u>\$ 1,096,457</u> | <u>\$ 1,245,952</u> | <u>\$ (149,495)</u> |
| Parks, recreation and cultural: | | | | |
| Christmas lights | \$ 400 | \$ 400 | \$ 410 | \$ (10) |
| Rose Hill improvements | 5,000 | 5,000 | 3,828 | 1,172 |
| Contributions | 6,000 | 6,000 | 5,984 | 16 |
| Total parks, recreation and cultural | <u>\$ 11,400</u> | <u>\$ 11,400</u> | <u>\$ 10,222</u> | <u>\$ 1,178</u> |
| Community development: | | | | |
| Planning: | | | | |
| Compensation | \$ 75,375 | \$ 75,375 | \$ 75,752 | \$ (377) |
| Professional services | 4,500 | 4,500 | 8,880 | (4,380) |
| Office supplies | 100 | 100 | 81 | 19 |
| Printing | 200 | 200 | - | 200 |
| Mileage | 750 | 750 | 618 | 132 |
| Training | 500 | 500 | - | 500 |
| Dues | 600 | 600 | 415 | 185 |
| Total planning | <u>\$ 82,025</u> | <u>\$ 82,025</u> | <u>\$ 85,746</u> | <u>\$ (3,721)</u> |
| Board of zoning appeals: | | | | |
| Compensation | \$ 500 | \$ 500 | \$ 160 | \$ 340 |
| Training | 500 | 500 | - | 500 |
| Total board of zoning appeals | <u>\$ 1,000</u> | <u>\$ 1,000</u> | <u>\$ 160</u> | <u>\$ 840</u> |
| Economic development: | | | | |
| DBI/economic development professional services | <u>\$ 72,000</u> | <u>\$ 72,000</u> | <u>\$ 60,000</u> | <u>\$ 12,000</u> |

Schedule of Expenditures - Budget and Actual
 General Fund
 Year Ended June 30, 2015 (Continued)

| Fund, Major and Minor Revenue Source | Original
Budget | Final
Budget | Actual | Variance with
Final Budget-
Positive
(Negative) |
|--|----------------------------|----------------------------|----------------------------|--|
| General Fund: (continued) | | | | |
| Community development: (continued) | | | | |
| Planning commission: | | | | |
| Compensation | \$ 5,000 | \$ 5,000 | \$ 2,220 | \$ 2,780 |
| Training | 1,000 | 1,000 | - | 1,000 |
| Dues | 250 | 250 | - | 250 |
| Total planning commission | <u>\$ 6,250</u> | <u>\$ 6,250</u> | <u>\$ 2,220</u> | <u>\$ 4,030</u> |
| Berryville Area Development Authority: | | | | |
| Compensation | \$ 2,500 | \$ 2,500 | \$ 1,300 | \$ 1,200 |
| Training | 250 | 250 | - | 250 |
| Dues | 125 | 125 | - | 125 |
| Total Berryville Area Development Authority | <u>\$ 2,875</u> | <u>\$ 2,875</u> | <u>\$ 1,300</u> | <u>\$ 1,575</u> |
| Architectural Review Board: | | | | |
| Training | \$ 250 | \$ 250 | \$ 83 | \$ 167 |
| Total community development | <u>\$ 164,400</u> | <u>\$ 164,400</u> | <u>\$ 149,509</u> | <u>\$ 14,891</u> |
| Capital outlay: | | | | |
| Snow removal | \$ 49,600 | \$ 49,600 | \$ 15,050 | \$ 34,550 |
| Other capital outlay | 26,445 | 26,445 | - | 26,445 |
| Total capital outlay | <u>\$ 76,045</u> | <u>\$ 76,045</u> | <u>\$ 15,050</u> | <u>\$ 60,995</u> |
| Contingency: | | | | |
| Shared cost for operation of joint government center | \$ 213,976 | \$ 213,976 | \$ 87,153 | \$ 126,823 |
| Debt service reserve | 12,147 | 12,147 | - | 12,147 |
| Total contingency | <u>\$ 226,123</u> | <u>\$ 226,123</u> | <u>\$ 87,153</u> | <u>\$ 138,970</u> |
| Debt service: | | | | |
| Principal | \$ 31,800 | \$ 31,800 | \$ 32,015 | \$ (215) |
| Interest | 89,680 | 89,680 | 89,461 | 219 |
| Total debt service | <u>\$ 121,480</u> | <u>\$ 121,480</u> | <u>\$ 121,476</u> | <u>\$ 4</u> |
| Total General Fund | <u><u>\$ 3,216,358</u></u> | <u><u>\$ 3,216,358</u></u> | <u><u>\$ 3,124,320</u></u> | <u><u>\$ 92,038</u></u> |

Schedule of Operating Expenses (With Comparative Amounts for 2014)

Enterprise Funds

Year Ended June 30, 2015

| Fund, Function, Activity and Elements | 2015 | 2014 |
|---------------------------------------|--------------------------|--------------------------|
| <u>Water Fund:</u> | | |
| General administration: | | |
| Salaries and wages | \$ 34,029 | \$ 33,597 |
| Miss Utility | 562 | 1,546 |
| Repairs and maintenance | 1,685 | 1,915 |
| Postage | 2,183 | 2,222 |
| Office supplies | 225 | 55 |
| Total general administration | <u>\$ 38,684</u> | <u>\$ 39,335</u> |
| Supply purification: | | |
| Salaries and wages | \$ 114,991 | \$ 124,409 |
| Repairs and maintenance | 42,889 | 40,367 |
| Electricity | 54,623 | 58,574 |
| Heating service | 2,846 | 4,083 |
| Equipment and supplies | 8,487 | 6,696 |
| Materials and supplies - chemicals | 24,808 | 42,980 |
| Sludge removal | 13,350 | 22,024 |
| Permits, fees and testing | 12,963 | 13,110 |
| Other operating expenses | 8,923 | 9,453 |
| Total supply purification | <u>\$ 283,880</u> | <u>\$ 321,696</u> |
| Transmission and distribution: | | |
| Salaries and wages | \$ 77,960 | \$ 76,603 |
| Repairs and maintenance - water lines | 74,235 | 41,975 |
| Materials and supplies | 22,954 | 8,911 |
| Total transmission and distribution | <u>\$ 175,149</u> | <u>\$ 127,489</u> |
| Fringe benefits: | | |
| Social security | \$ 17,081 | \$ 18,536 |
| Retirement | 438 | 19,401 |
| Health insurance | 32,280 | 33,113 |
| Group life insurance | 2,315 | 2,489 |
| Workers' compensation | 5,800 | 7,474 |
| Unemployment insurance | 207 | 265 |
| Total fringe benefits | <u>\$ 58,121</u> | <u>\$ 81,278</u> |
| Depreciation | <u>\$ 196,429</u> | <u>\$ 197,761</u> |
| Contingency | <u>\$ -</u> | <u>\$ 4,916</u> |
| Total Water Fund | <u><u>\$ 752,263</u></u> | <u><u>\$ 772,475</u></u> |

Schedule of Operating Expenses (With Comparative Amounts for 2014)

Enterprise Funds

Year Ended June 30, 2015 (Continued)

| Fund, Function, Activity and Elements | 2015 | 2014 |
|---------------------------------------|------------|--------------|
| <u>Sewer Fund:</u> | | |
| General administration: | | |
| Salaries and wages | \$ 33,867 | \$ 34,538 |
| Repairs and maintenance | 1,685 | - |
| Postage | 6,269 | 6,055 |
| Office supplies | 842 | 50 |
| Total general administration | \$ 42,663 | \$ 40,643 |
| Wastewater treatment: | | |
| Salaries and wages | \$ 224,641 | \$ 263,787 |
| Professional services | 26,684 | 23,398 |
| Repairs and maintenance | 56,400 | 47,654 |
| Electricity | 124,965 | 156,954 |
| Materials and supplies - chemicals | 67,223 | 76,606.00 |
| Equipment and supplies | 12,331 | 12,167 |
| Permits, fees and testing | 16,683 | 15,570 |
| Other operating expenses | 6,071 | 6,279 |
| Total wastewater treatment | \$ 534,998 | \$ 602,415 |
| Maintenance of sewer lines: | | |
| Salaries and wages | \$ 77,609 | \$ 77,187 |
| Repairs and maintenance - sewer lines | 22,977 | 28,261 |
| Materials and supplies | 1,041 | 14,699 |
| Total maintenance of sewer lines | \$ 101,627 | \$ 120,147 |
| Fringe benefits: | | |
| Social security | \$ 25,456 | \$ 28,748 |
| Retirement | 20,020 | 29,813 |
| Health insurance | 47,707 | 48,758 |
| Group life insurance | 3,468 | 3,826 |
| Workers' compensation | 299 | 336 |
| Unemployment insurance | 7,558 | 9,496 |
| Total fringe benefits | \$ 104,508 | \$ 120,977 |
| Depreciation | \$ 144,403 | \$ 155,334 |
| Contingency | \$ 14,801 | \$ 3,571 |
| Total Sewer Fund | \$ 943,000 | \$ 1,043,087 |

Statistical Information

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Governmental Revenues by Source
Last Ten Fiscal Years

| Fiscal Year | General Property Taxes | Other Local Taxes | Permits, Fees and Licenses | Fines and Forfeitures | Use of Money and Property | Charges for Services | Miscellaneous | Recovered Costs | Inter-governmental | Total |
|-------------|------------------------|-------------------|----------------------------|-----------------------|---------------------------|----------------------|---------------|-----------------|--------------------|--------------|
| 2015 | \$ 1,165,459 | \$ 934,720 | \$ 30,965 | \$ 35,352 | \$ 98,699 | \$ 34,918 | \$ 34,702 | \$ - | \$ 901,393 | \$ 3,236,208 |
| 2014 | 941,675 | 770,294 | 28,716 | 31,710 | 46,912 | 14,389 | 52,424 | - | 907,472 | 2,793,592 |
| 2013 | 882,457 | 726,993 | 29,433 | 44,245 | 54,830 | 29,326 | 40,884 | - | 845,141 | 2,653,309 |
| 2012 | 873,690 | 828,078 | 51,419 | 45,997 | 57,716 | 20,116 | 188,443 | - | 602,820 | 2,668,279 |
| 2011 | 874,629 | 726,493 | 90,822 | 40,330 | 66,570 | 17,811 | 195 | 916,399 | 442,654 | 3,175,903 |
| 2010 | 1,146,789 | 762,621 | 50,284 | 32,112 | 76,549 | 8,995 | 3,562 | - | 189,747 | 2,270,659 |
| 2009 | 1,206,692 | 751,709 | 84,766 | 54,918 | 98,463 | 8,193 | 16,339 | - | 112,888 | 2,333,968 |
| 2008 | 1,192,311 | 772,820 | 13,345 | 58,553 | 142,604 | 9,385 | 73,495 | - | 128,716 | 2,391,229 |
| 2007 | 1,137,000 | 774,422 | 35,016 | 73,228 | 183,142 | 10,359 | 56,500 | - | 138,565 | 2,408,232 |
| 2006 | 1,067,540 | 781,037 | 48,018 | 54,810 | 156,005 | 11,525 | 40,121 | - | 117,251 | 2,276,307 |

Governmental Expenditures by Function
Last Ten Fiscal Years

| Fiscal Year | General Government | Public Safety | Public Works | Parks, Recreation, and Culture | Community Development | Capital Outlay and Contingency | Debt Service | Total |
|-------------|--------------------|---------------|--------------|--------------------------------|-----------------------|--------------------------------|--------------|--------------|
| 2015 | \$ 819,437 | \$ 675,521 | \$ 1,245,952 | \$ 10,222 | \$ 149,509 | \$ 102,203 | \$ 121,476 | \$ 3,124,320 |
| 2014 | 811,097 | 676,255 | 885,330 | 7,135 | 126,914 | 101,579 | 121,476 | 2,729,786 |
| 2013 | 815,620 | 626,573 | 1,111,714 | 7,375 | 111,478 | 157,314 | 121,476 | 2,951,550 |
| 2012 | 900,572 | 676,428 | 660,363 | 248,227 | 116,815 | 374,951 | 121,476 | 3,098,832 |
| 2011 | 796,362 | 552,020 | 664,892 | 1,100,238 | 128,752 | 183,620 | 121,476 | 3,547,360 |
| 2010 | 794,863 | 658,010 | 641,026 | 13,620 | 133,471 | 377,099 | 121,476 | 2,739,565 |
| 2009 | 764,750 | 620,564 | 548,722 | 8,688 | 140,128 | 2,913,217 | 94,869 | 5,090,938 |
| 2008 | 726,951 | 637,027 | 540,502 | 10,674 | 142,974 | 155,212 | 16,068 | 2,229,408 |
| 2007 | 722,777 | 548,059 | 539,679 | 26,081 | 139,008 | 111,814 | - | 2,087,418 |
| 2006 | 635,159 | 547,833 | 473,545 | 10,916 | 101,425 | 66,704 | - | 1,835,582 |

Compliance

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ROBINSON, FARMER, COX ASSOCIATES

A PROFESSIONAL LIMITED LIABILITY COMPANY

CERTIFIED PUBLIC ACCOUNTANTS

Independent Auditors' Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*

To the Honorable Members of the Town Council
Town of Berryville, Virginia

We have audited, in accordance with the auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the *Specifications for Audits of Counties, Cities, and Towns*, issued by the Auditor of Public Accounts of the Commonwealth of Virginia, the financial statements of the governmental activities, the business-type activities, and each major fund of Town of Berryville, Virginia, as of and for the year ended June 30, 2015, and the related notes to the financial statements, which collectively comprise Town of Berryville, Virginia's basic financial statements, and have issued our report thereon dated November 30, 2015.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered Town of Berryville, Virginia's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Town of Berryville, Virginia's internal control. Accordingly, we do not express an opinion on the effectiveness of Town of Berryville, Virginia's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether Town of Berryville, Virginia's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Robinson, Farmer, Cox Associates

Charlottesville, Virginia

November 30, 2015

Attachment 6

Planning and Community Development

Action Items

Public Hearing – Spot Blight Abatement

Public Hearing – Text Amendment to Article VI Section

Public Hearing – Text Amendment to Article V Section

Set Public Hearing – Special Use Permit for Marlyn Development

Virginia Commission for the Arts Local Government Challenge Grant

February 9, 2016

Planning Commission

The Planning Commission held a meeting on Tuesday, January 26, 2016. Doug Shaffer and Kim Kemp were re-elected as Chair and Vice Chair, respectively. They discussed convenience store definitions and the proposed Tourism Zone information before Council at this meeting. The Comprehensive Plan Committee, who meets monthly on the first Monday of the month at 10:30am, discussed Chapter 5, Economy, with County Economic Development Director Len Capelli. The next Planning Commission meeting is scheduled for Tuesday, February 23, 2016 at 7:30pm.

Berryville Area Development Authority

The BADA held a public hearing on the Berryville Area Plan Update on Wednesday, January 20, 2016 at 7:00pm and recommended approval by the Town Council and Board of Supervisors. Their next regular meeting is scheduled for Wednesday, February 24, 2016 at 7:00pm.

Architectural Review Board

The Architectural Review Board did not hold a February meeting. Their next meeting is scheduled for Wednesday, March 2, 2016 at 12:30pm in the Government Center.

Board of Zoning Appeals

The Board of Zoning Appeals held a meeting with Town Attorney Bob Mitchell on Friday, February 5 to discuss Article V of the Berryville Zoning Ordinance that is before Council at this meeting. Two new members, Kara Rodriguez and Krish Mathur, were introduced.

BERRYVILLE TOWN COUNCIL

**Set Public Hearing – Special Use Permit for Marlyn Development proposal
February 9, 2016**

Jon Erickson (MRA Incorporated, Agent) is requesting a Special Use Permit under Section 614.3(c) of the Berryville Zoning Ordinance in order to construct a 120-unit multifamily apartment complex in the Older Person Residential (OPR) Zoning District on Tax Map Parcel number 14-5-251B zoned OPR in the Town of Berryville.

Mr. Erickson has requested that Town Council set a public hearing on the Special Use application for a 120-unit income- and age-restricted facility in the Older Person Residential zoning district.

The Berryville Town Council, at their December 8, 2015 meeting, reviewed and voted on the following matters:

Plan Amendment

Marlyn Development Corporation (Francis Nance, Vice President – Development, Agent) is requesting an amendment to the Berryville Area Plan, Chapter 5, Page 14, increasing the number of Older Person Residential multifamily units from 120 to 180 units and reducing the number of Older Person Residential single-family units from 180 to 120 units as identified in Sub-Area 6A of Annexation Area B.

Text Amendment

Marlyn Development Corporation (Francis Nance, Vice President – Development, Agent) is requesting a text amendment to Section 614.5 of the Berryville Zoning Ordinance in order to increase the number of permitted multifamily units in the Older Person Residential (OPR) Zoning District from 120 to 180 multifamily units, thereby decreasing the number of single family detached, two-family detached, and single-family attached units to 120. TA-01-15

Town Council denied motions to approve for both of the above requests by a vote of 3-3. As no modifications were made to the Zoning Ordinance increasing the number of multifamily units from 120 to 180, the Special Use Permit recommendation is to deny the request as it does not conform to current zoning regulations under Section 614.5 of the Berryville Zoning Ordinance. The following items follow this report:

- Application for Special Use Permit;
- Section 614 Older Person Residential (OPR) of the Berryville Zoning Ordinance;
- and
- Concept Plan

Recommendation

Set a public hearing for the March 8, 2016 meeting.

LAND DEVELOPMENT APPLICATION TOWN OF BERRYVILLE

(Please print or type)

Current Property Owner A.C. Echols Jr.
Owner's Address 400 CUSTER COURT BERRYVILLE VA
Phone 540-955-2618
Agent (Contact Person) JON ERICKSON
Agent's Address 43760 TRADE CENTER PLACE SUITE 200 STALLING VA
Phone 540-974-5334 20166

Check Appropriate Request:

- Subdivision - creating more than 2 lots
- Minor Subdivision - single lot divided into 2 lots
- Boundary Line Adjustment
- Site Plan
- Rezoning
- Text Amendment: _____ Zoning or _____ Subdivision Ordinance
- ARB Certificate of Appropriateness
- Town of Berryville Utilities
- Other: SPECIAL USE PERMIT

Complete As Applicable:

Nature of Request/Proposal: SUP FOR 120 UNIT MULTIFAMILY APARTMENT
Tax Map & Parcel Number(s): 14-5-251B
Size of Project Site: 10.98 AC
Proposed # of Lots: 2 Existing Zoning OPR

Owner or Agent: The information provided is accurate to the best of my knowledge. I understand that the Town may deny, approve, or conditionally approve the request for which I am applying. I certify that all property corners have been clearly staked and flagged.
Signature: _____ Date: 7/31/15

Owner: I have read this completed application, understand its intent, and freely consent to its filing. Furthermore, I grant permission to the Town Planning Department and other government agents to enter the property and make such investigations and tests, as they deem necessary. I acknowledge that in accordance with Article X of the Subdivision Ordinance I am responsible for costs incurred for review of subdivision and/or development plans by the Town's engineer and that any other required tests or studies will be carried out at owner/agent expense

Signature: Adam C. Echols Jr. - Trustee Date: 7/31/15

OFFICE USE ONLY

Public Hearing Required? _____ Dates Advertised _____

Adjoining Property Owners Notified? _____

Action Taken: _____

Section 614 Older Person Residential (OPR) District

SECTION 614 - OLDER PERSON RESIDENTIAL (OPR)

614.1 PURPOSE AND INTENT

The Older Person Residential (OPR) District is created to provide for residential, office, and service uses for people over 55 years old at locations compatible with the Comprehensive Plan's goals for residential development in the Town of Berryville and within the precincts of the Berryville Area Plan. Maximum densities are established in this district to allow the various types of uses at a scale compatible with the general character of the Town and the nature of the uses. This district may be applied to development with the intent of preserving natural features and vegetation, promoting excellence in site planning and landscape design, and encouraging development with compatible scale, materials and architectural character. Development in the OPR District shall be sensitive to land physiography, provision of adequate public infrastructure, and development of high-quality transportation improvements while achieving optimal siting of dwellings, services, recreation areas, community facilities, and open space.

614.2 PERMITTED USES

- (a) Accessory structures less than one hundred fifty (150) square feet in size
- (b) Community buildings and association facilities, public and private, including recreation areas and other common area improvements associated with residential developments
- (c) Housing for Older Persons, Low Density: Single-Family Detached, Two-Family Detached (Duplex), Single-Family Attached (Triples and Quadplex - 3 to 4 attached residential units)
- (d) Public utilities
- (e) Recreation facilities (indoor or outdoor), including parks, playgrounds, golf courses, swimming pools, tennis courts, etc.

614.3 SPECIAL PERMIT USES

- (a) Day care centers
- (b) Government and other public buildings (including police, fire, library, museum, and postal facilities)
- (c) Housing for Older Persons, Medium Density: Single-Family Attached (Townhouses - 5 to 8 attached residential uses), Multi-family (including personal service uses of less than 500 square feet)
- (d) (Deleted 2010)
- (e) Medical care facilities, licensed
- (f) Places of worship
- (g) Schools, public and private, including nurseries, playgrounds, and related uses

Section 614 Older Person Residential (OPR) District

614.4 AGE REQUIREMENT

An age restriction enforcement plan shall be submitted with each subdivision or site plan application so as to ensure that all occupants of dwelling units conform to the age restrictions established for Housing for Older Persons. Such enforcement plans shall include:

- (a) the covenants, management regulations, or other similar legal instruments with enforcement by the property owner, homeowners association, or other private entity;
- (b) the identity of the private entity which shall be held responsible for any violation of the age restrictions for Housing for Older Persons;
- (c) a provision for an annual report to the Town of Berryville as to age status of the occupants of each unit; and
- (d) a provision which states that no person under nineteen (19) years of age shall reside in any unit for more than ninety (90) days in any calendar year.

614.5 MAXIMUM DENSITY

A Master Plan shall be submitted with a request for OPR zoning showing a general arrangement of uses and density for the subject property and all adjacent areas intended for OPR uses. The Master Plan shall show that the public service needs are no greater for the OPR uses than the public service needs for the uses planned for that sub-area. The number of average daily vehicle trips generated, the amount of sewage generated, the amount of water used, and demand on emergency services will be no greater with the proposed number of older person residential units and service uses than that generated by the maximum density of uses allowed by a property's land use designation. However, not more than three hundred (300) Older Person Residential units (including not more than one hundred twenty (120) multifamily units) shall be allowed in Annexation Area B as shown on approved subdivision plats or site plans.

614.6 MINIMUM DISTRICT SIZE

Minimum district size: three (3) acres

614.7 MAXIMUM BUILDING HEIGHT

Maximum building height: forty (40) feet

614.8 REGULATIONS FOR SINGLE FAMILY DETACHED DWELLINGS

- (a) Minimum lot size: 7,500 square feet
- (b) Minimum lot width: 60 feet
- (c) Minimum yard requirements
 - (1) Front Yard: 20 feet
 - (2) Side yard: 10 feet, except for corner lots, the side yard facing the side street shall be 20 feet or more for both main and accessory buildings
 - (3) Rear yard: 40 feet

Section 614 Older Person Residential (OPR) District

- (d) Accessory structures of less than
150 square feet: 5 feet from side and rear lot lines
- (e) Parking Requirements
The number of required off-street parking spaces shall be a total of 2 per unit.

614.9 REGULATIONS FOR TWO FAMILY DETACHED (DUPLEX) DWELLINGS

- (a) Minimum lot size: 10,000 square feet for total duplex structure
4,500 square feet each separate unit within a duplex
- (b) Minimum lot width: 75 feet per duplex structure
35 feet for each unit of a duplex.
- (c) Minimum yard requirements
 - Front yard: 20 feet
 - Side yard: 10 feet, except for corner lots, the side yard facing
the side street shall be 20 feet or more for both main
and accessory buildings.
 - Rear yard: 40 feet
- (d) Accessory structures of
less than 150 square feet: 5 feet from side and rear lot lines
- (e) Where a lot is to be subdivided into individual lots for the sale of single-family
attached units, lot lines shall conform with party wall centerlines.
- (f) Maximum lot coverage: 35 percent
- (g) Open Space Requirements
 - 1. An open space plan shall be submitted with a subdivision application.
 - 2. At least 10% of the net site area shall be open space dedicated to common
usage and ownership.
 - 3. Refer to Section 615.2 regarding critical environmental area and open space
requirements
- (h) Parking Requirements
The number of required off-street parking spaces shall be a total of 2 per unit.

614.10 REQUIREMENTS FOR SINGLE FAMILY ATTACHED DWELLINGS (TRIPLEX & QUADPLEX AND TOWNHOUSES, 5 TO 8 UNITS PER STRUCTURE)

- (a) Minimum lot area per dwelling
 - Interior lot: 2,000 square feet
 - Corner lot: 2,400 square feet
 - Condominium: Not regulated
- (b) Minimum lot width
 - Interior lot: 20 feet
 - Corner lot: 35 feet
 - Condominiums: subject to site plan review and
applicable performance zoning criteria
- (c) Minimum yard requirements
 - Front yard: 15 feet
 - Side yard: 15 feet
 - Rear yard: 30 feet

Section 614 Older Person Residential (OPR) District

- (d) No side yard requirement shall be applied where dwellings share a party wall.
- (e) Accessory structures of less than 150 square feet: 5 feet from side and rear lot lines.
- (f) Where a lot is to be divided into individual lots for the sale of single family attached dwelling units:
 - 1. Lot lines shall conform with party wall centerlines.
 - 2. Privacy yard, having a minimum of two hundred (200) square feet, shall be provided on each lot.
 - 3. Privacy yards shall include screening, fencing, patio paving and/or special landscaping treatment.
- (g) Open Space Requirements
 - 1. An open space plan shall be submitted with a site plan application.
 - 2. 25% of the net site area shall be open space dedicated to common usage and ownership.
 - 3. At least 20% of the required open space (5% of the net site area) shall be designed and developed as recreational and active community open space.
 - 4. Refer to Section 615.2 regarding critical environmental area and open space requirements.
- (h) Site Plan Requirements
 - 1. A site plan, which shall govern all development, shall be submitted for approval per Section 6.
 - 2. Site plans shall include provisions for:
 - A. Adequate public facilities, development phasing.
 - B. Storm water management facilities to address the ultimate development coverage within the district, lighting and signing.
 - C. Building placement and lot configuration, screening, buffering, and landscaping, and other special site features and land use considerations deemed necessary to serve the district.
 - D. Any site plan application which is not in strict conformance with a pre-existing approved master plan for the district shall require an amendment to that master plan and preliminary plat, if necessary, prior to site plan approval of the specific use.
 - E. All uses shall be subject to final site plan approval.
- (i) Parking and parking access
 - 1. The number of required off-street parking spaces shall be a total of 1.5 per unit and shall be located not more than one hundred (100) feet from the individual dwelling served.
 - 2. Parking bays shall be no closer than twelve (12) feet to any adjoining property line.
 - 3. Off-street parking spaces shall be accessed via private driveways and shall not be directly accessed from public rights of way.
- (j) Driveways
 - 1. Attached dwelling units shall have access to a private driveway with a minimum width of twenty-three (23) feet. The paved street shall be constructed according to Virginia Department of Transportation standards.

Section 614 Older Person Residential (OPR) District

2. No attached dwelling unit may be accessed directly from a public street unless approved by a special use permit.
 3. No private driveway shall be located within twelve (12) feet of any property line.
- (k) Setback, yards, buffering, separation and grouping of units
1. Where adjacent properties are zoned to a district other than the OPR District, all single family attached dwellings shall be set back at least forty (40) feet from the common property line(s).
 2. Where single family attached dwellings are adjacent to a private drive, parking area, and/or walkway intended for the common use of the development's occupants, there shall be a minimum building setback of 15 feet from that drive, area, and/or walk.
 3. Adjacent groupings of single family attached dwellings with their accompanying lots shall be separated from one another by a minimum of fifteen (15) feet. This separation shall allow an unobstructed fire lane on all sides of the structure.
 4. No more than four attached dwellings shall be included in any one physically contiguous grouping.
- (l) Maintenance of improvements, covenants and required improvements
1. All common improvements (including open space, recreational facilities, private streets, walkways, parking areas, and other community facilities) shall be maintained by and be the sole responsibility of the property owner until such time as the owner conveys such common area to a nonprofit (homeowner's) entity consisting of at least all of the individual owners of the dwelling units in the development.
 2. Deed restrictions and covenants shall be included with the conveyance to include, among other things, that assessments, charges and costs of maintenance of such common areas shall constitute a pro-rate share lien upon the individual dwelling lots, such lien inferior only to taxes and recorded trusts. Covenants shall specify the means by which the nonprofit entity shall govern and manage itself and maintain building exteriors, landscaping, lighting, recreation areas, walkways, parking areas, snow removal, and travel ways.
 3. All deed restrictions, covenants, nonprofit (homeowner's) entity incorporation documents, and information related to conveyance programs shall be submitted with the plat and plans, and reviewed by the Berryville Town Attorney.
- (m) General Regulations
1. All refuse shall be contained in completely enclosed and screened facilities.
 2. On-site lighting, signing, and mailboxes shall be of compatible scale, materials, and colors to the primary structures.
- (n) Condominiums
1. Any condominium development under the Condominium Laws of Virginia shall be subject to the following provisions:
 - A. Minimum lot size and yard and open space requirements of the district shall be met as if lot lines existed.

Section 614 Older Person Residential (OPR) District

- B. A site plan shall be required and subject to review by the Berryville Area Development Authority. The site plan shall govern the location of all structures and improvements.
- C. Setbacks, density and other district provisions shall be met.

614.11 REGULATIONS FOR MULTI-FAMILY AND NON-RESIDENTIAL USES:

- (a) Maximum Floor Area Ratio (FAR): .60 of net developable area
- (b) Minimum lot area: 20,000 square feet
- (c) Minimum lot width: 100 feet
- (d) Minimum yard requirements
 - Front yard: 25 feet
 - Side yard: 25 feet
 - Rear yard: 25 feet
- (e) Where a lot is contiguous to a property located in any residential district, a public right of way with limited access or a railroad right of way, all buildings shall have minimum setback of forty (40) feet from common property lines.
- (f) Open Space
 - 1. A landscape and buffer plan shall be submitted with any application for site plan approval.
 - 2. At least twenty-five percent (25%) of the gross site area shall be landscaped open space.
 - 3. Refer to Section 615.2 regarding critical environmental area and open space requirements.
- (g) Site Plan Requirements
 - 1. A site plan, which shall govern all development, shall be submitted for approval per Section 6.
 - 2. Site plans shall include provisions for:
 - A. adequate public facilities, development phasing, stormwater management facilities to address the ultimate development coverage within the district, lighting and signing, building placement and lot configuration, screening, buffering, and landscaping, and other special site features and land use considerations deemed necessary to serve the district.
 - 3. Any site plan application which is not in strict conformance with a pre-existing approved master plan for the district shall require an amendment to that master plan and preliminary plat, if necessary, prior to site plan approval of the specific use.
 - 4. All uses shall be subject to final site plan approval.
- (h) Parking Access and Private Drives
 - 1. A minimum of one parking space per unit shall be provided and shall be located not more than one hundred (100) feet from the individual dwelling served.
 - 2. Off-street parking spaces shall be accessed via private driveways and shall not be directly accessed from public rights of way.
 - 3. Parking bays and private drives shall be no closer than twelve (12) feet to any adjoining property line.

Section 614 Older Person Residential (OPR) District

- (i) Buffering and Landscaping
 1. Where a parcel is contiguous to a residential zoning district or public right of way with limited access, a landscaped buffer strip fifteen (15) feet in width shall be provided.
 2. Landscape materials and their placement shall be subject to final site plan approval. With the approval of the administrative body, walls, fences, or wider buffer strips may be used in lieu of landscaping.
- (j) Storage of Materials and Refuse
 1. All refuse containers shall be screened by a solid wall or fence.
 2. Any establishment involved with the storage of any fuel for sale, for on-site use, or for any other purposes, shall be permitted only if the fuel is stored underground, except where otherwise permitted under provisions granted and stipulations required by the administrative body.
 3. All storage shall be conducted within the principal structure, which is to be completely enclosed.
 4. There shall be no outdoor storage and/or display of goods, with the exception of retail display such as plant materials associated with nurseries.
- (k) Uses, Facilities, and Improvements
 1. All business services (and storage) shall be conducted within the principal structure which is to be completely enclosed.
 2. Signing, mailboxes, site lighting and architectural materials shall be provided and installed by the property's owner-developer and shall be consistent and compatible with the scale and character of the development.
 3. Private driveways, street lighting, sidewalks, curbing and gutters, and parking bays shall be constructed to standards specified by the administrative authority or its agent.



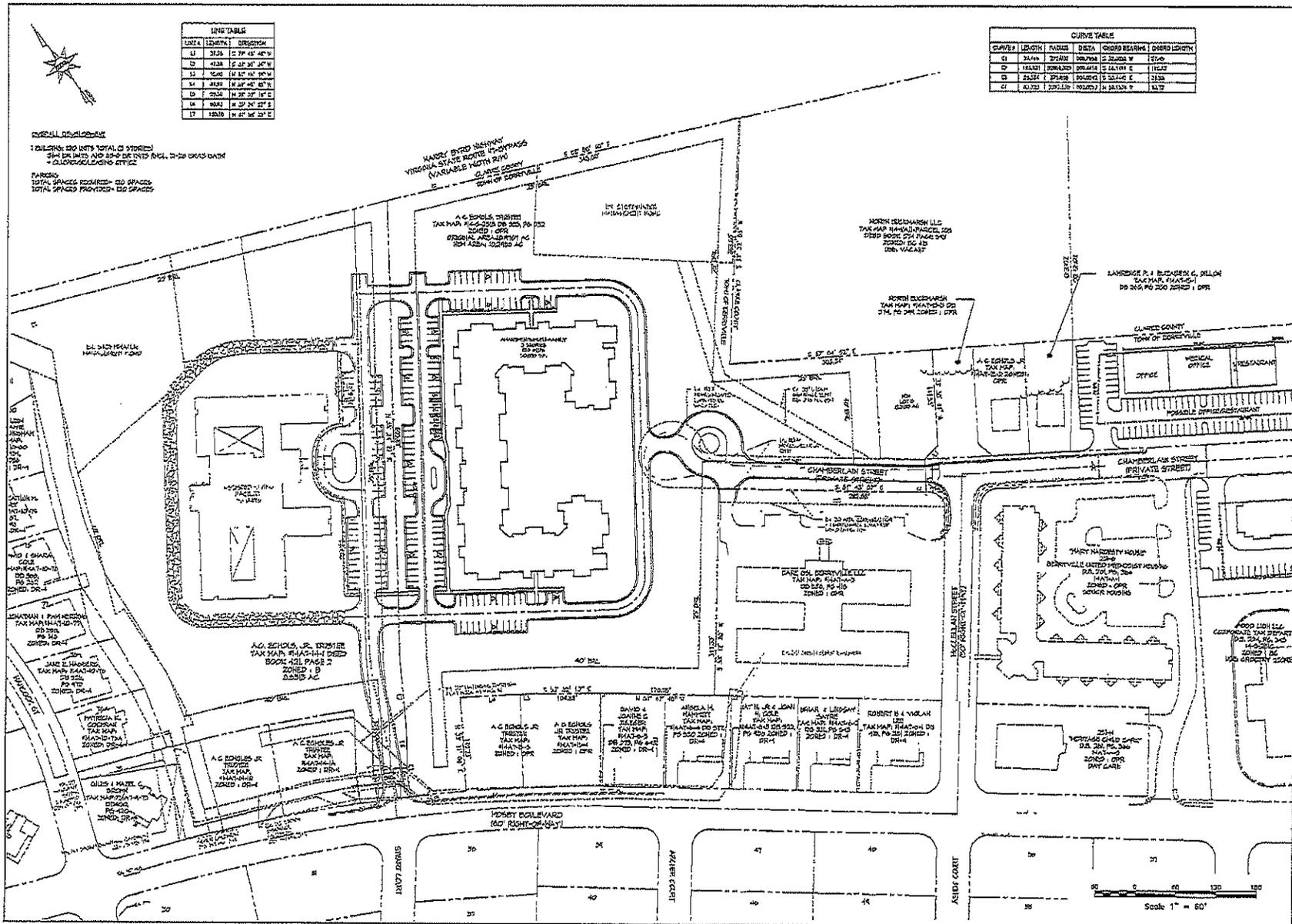
| LINE | LENGTH | BEARING |
|------|--------|-----------------|
| 1 | 31.24 | S 27° 45' 40" W |
| 2 | 41.24 | S 27° 45' 40" W |
| 3 | 12.40 | N 81° 14' 10" W |
| 4 | 31.24 | N 27° 45' 40" E |
| 5 | 23.00 | N 27° 45' 40" E |
| 6 | 14.17 | S 27° 45' 40" E |
| 7 | 12.40 | N 27° 45' 40" E |

| CURVE # | LENGTH | PIVOT | DELTA | CHORD BEARING | CHORD LENGTH |
|---------|--------|-------|-------|-----------------|--------------|
| 1 | 31.24 | PIVOT | DELTA | S 27° 45' 40" W | 31.24 |
| 2 | 41.24 | PIVOT | DELTA | S 27° 45' 40" W | 41.24 |
| 3 | 12.40 | PIVOT | DELTA | N 81° 14' 10" W | 12.40 |
| 4 | 31.24 | PIVOT | DELTA | N 27° 45' 40" E | 31.24 |
| 5 | 23.00 | PIVOT | DELTA | N 27° 45' 40" E | 23.00 |
| 6 | 14.17 | PIVOT | DELTA | S 27° 45' 40" E | 14.17 |

RESULTS DEVELOPMENT

1. BUILDING: 120,000 TOTAL GROSS SQUARE FEET AND 120,000 TOTAL GROSS SQUARE FEET

PARKING
TOTAL SPACES REQUIRED: 120 SPACES
TOTAL SPACES PROVIDED: 120 SPACES



MORRIS & RITCHIE ASSOCIATES, INC.
 ARCHITECTS
 1000 W. BROAD ST., SUITE 200
 RICHMOND, VA 23220
 PHONE: (804) 771-1111
 FAX: (804) 771-1112
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CONCEPT PLAN
 MARLYN DEVELOPMENT
 TOWN OF BERRYVILLE, VIRGINIA

DATE: _____
 REVISIONS: _____

JOB NO. 1000003
 SCALE: 1/8" = 1'-0"
 DATE: 05/17/04
 DRAWN BY: JRM
 CHECKED BY: JRM
 PLOTTED BY: JRM
 PLOT DATE: 05/17/04
 PLOT TIME: 10:00 AM
 PLOT SCALE: 1/8" = 1'-0"
 PLOT SHEET: 2 OF 6

BERRYVILLE TOWN COUNCIL
Berryville Area Plan Adoption
February 9, 2016

The Berryville Area Development Authority held a public hearing on the final draft of the Berryville Area Plan on Wednesday, January 20, 2016. Comments received at the meeting included adding economic development information and maps identifying street names, sidewalk and pedestrian facilities, and critical environmental features including streams, slopes, and floodplain areas. The Development Authority voted to forward the draft, including the maps referenced above, to Town Council and the Board of Supervisors for approval.

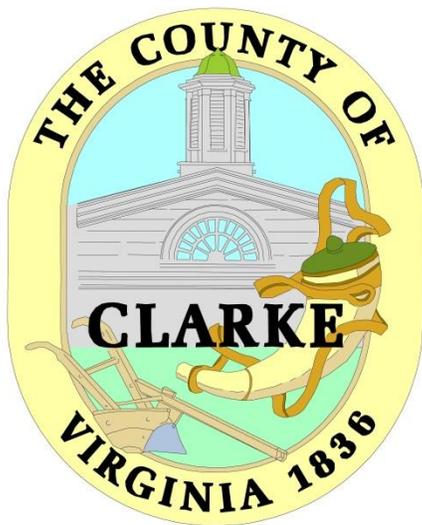
The latest version of the Plan follows this report and is available on the Town's web site (www.berryvilleva.gov).

Staff is recommending a work session be scheduled to discuss the Plan update. Staff will describe the process and updates in a Power Point presentation. Staff is also requesting direction on whether the work session could be a joint meeting with Board of Supervisors members.

Recommendation

Schedule a work session prior to the March 8, 2016 Town Council meeting.

2015 Berryville Area Plan



Version 4

Final Draft

**Recommended for Adoption by the
Berryville Area Development Authority**

January 20, 2016

ACKNOWLEDGEMENTS

BERRYVILLE AREA DEVELOPMENT AUTHORITY

Town of Berryville Representatives

H. Allen Kitselman, III, Chair
Frank Lee
Warren Dilandro
Douglas A. Shaffer
Ann Phillips

Clarke County Representatives

Wingate Mackay-Smith, Vice-Chair
George L. Ohrstrom, II
Kathy Smart
Jerry Boyles

BERRYVILLE TOWN COUNCIL

Wilson Kirby, Mayor
Harry Lee Arnold, Jr., Recorder
Douglas A. Shaffer (Ward One)
H. Allen Kitselman, III (Ward Two)
J. Bryant Condrey (Ward Three)
David L. Tollett (Ward Four)

CLARKE COUNTY BOARD OF SUPERVISORS

Mary L. C. Daniel (Berryville Election District)
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**DATE OF BERRYVILLE AREA DEVELOPMENT AUTHORITY
PUBLIC HEARING AND ADOPTION:**

January 20, 2016

DATE OF TOWN COUNCIL PUBLIC HEARING AND ADOPTION:

Insert Date

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Chapter I

Introduction

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A. Overview

The Berryville Area Plan (the “Plan”) was adopted in 1992 by Clarke County and the Town of Berryville to serve as a joint land use plan for the Berryville Annexation Area – undeveloped County lands adjacent to the Town limits that were designated for addition to the Town in accordance with the 1988 Town-County Annexation Agreement. The 1988 Annexation Agreement created two separate annexation areas – A and B. The Berryville Area Plan applies only to properties located in Annexation Area B. For the purposes of this document, the “Annexation Area” references only Annexation Area B.

The Plan is jointly administered by the Town and County via the Berryville Area Development Authority (BADA) with technical support provided by the Town and County planning staffs. The BADA was formed in 1990 and serves as a joint planning commission with review authority over development proposals within the Annexation Area. A more detailed description of the annexation area agreement, the formation of the BADA, and development of the Plan is included in Subsection F below.

This Plan should be used as the primary guidance document for land use decision-making within the Berryville Annexation Area as it was developed in coordination with the Town and County comprehensive plans. The Plan identifies five Goals that summarize the Plan’s intent, and also includes land use Objectives and Policies for implementing the Goals across eight subject areas -- Environment, Transportation, Housing, Land Use, Public Facilities, Economic Development, Urban Design, and Implementation (Chapter III). These Objectives and Policies should be used to evaluate new development proposals, make decisions on public infrastructure siting and improvements, and assist in long-range planning and growth management projects.

The Plan also divides the Annexation Area into a series of Sub-Areas, or groups of parcels or portions of parcels that have similar development characteristics. These Sub-Areas are described in detail in Chapter II and were created following an extensive evaluation of historical, environmental, and geological characteristics of each Sub-Area. Based upon these characteristics, recommended use types were assigned to the Sub-Areas with residential or commercial densities based upon the net developable portion of the parcels in the Sub-Areas. These densities are captured in a Future Land Use Table (page A-9) depicting the maximum number of dwelling units recommended for each Sub-Area recommended for residential use, and the maximum floor area per gross leasable area for each Sub-Area recommended for business use. Maps depicting the Sub-Area locations are provided on pages A-3 and A-4.

Similar to comprehensive plans, the Berryville Area Plan serves as a guidance document for land use decision-making – the actual rules and regulations for development are found in the zoning and subdivision ordinances for the Town and County. The Plan has been amended several times since its adoption in 1992 and this current update represents the first “cover-to-cover” evaluation and re-write of the Plan. Chapter IV discusses implementation of the Plan’s recommendations and also includes a detailed section on reviewing and updating the Plan. Generally speaking, the Plan should be evaluated for potential amendment on a regular basis following the review and update of the Town and County comprehensive plans. Any update of this Plan should be through a careful and deliberate process and any “piecemeal” Plan

amendments offered in response to a specific development request or land use decision are discouraged.

B. Land Use Philosophy of Clarke County and the Town of Berryville

Clarke County and the Town of Berryville share a symbiotic relationship regarding land use and growth management. For decades, the County has strived to implement its vision of protecting its natural and historic resources, agricultural properties, and scenic beauty by limiting urban and suburban-style development to designated growth areas including the Town of Berryville. The Town has also sought to maintain vibrancy as the primary growth area for residential, commercial, and industrial uses through thoughtful planning and timely development of public infrastructure. This relationship is captured in the goals and policies of the Town and County comprehensive plans and in the Berryville Area Plan.

The County implemented its “sliding-scale zoning” land use system in 1980 in an effort to focus development in designated growth areas while preserving agricultural and open space lands in large tracts to mitigate “parcelization” in rural areas that can lead to suburban sprawl. Sliding-scale zoning limits the total number of parcels that may be created, limits the size of new parcels, and keeps residual parcels as large as possible. Under this system, a fixed number of dwelling unit rights (DURs) was allocated in 1980 for parcels of land in the County zoned Agricultural-Open Space-Conservation (AOC) and Forestal-Open Space-Conservation (FOC). The number of DURs were allocated on a “sliding-scale” that provided for fewer DURs per acre for larger parcels. The number of DURs cannot be increased unless parcels are rezoned (which is strongly discouraged), but the total number of available DURs decrease as landowners build houses or place their property under permanent open-space easement and retire DURs.

Hand in hand with this tool is designating growth areas – including the Town of Berryville – as the only areas of the County appropriate for more suburban scale residential development due to the proximity of water and sewer infrastructure. These are the only areas where rezoning to a higher residential density may be considered. To ensure successful implementation of the Town and County’s shared land use philosophy, the Berryville Town Council and Clarke County Board of Supervisors adopted the Berryville Area Plan (BAP) in April 1992 to guide land use decision-making in the areas designated to be annexed.

C. Demographic Summary

For the past several decades, the County and Town have faced growth and development pressures primarily from Northern Virginia but also from the City of Winchester and Frederick County. Loudoun County to the east increased in population from 37,150 in 1970 to 312,311 in 2010 with a growth rate well in excess of 50% each decade during the period. Similarly, Frederick County and the City of Winchester to the west have grown from 48,322 in 1970 to 104,508 in 2010 with growth rates in excess of 20% for all except one decade during the period. Growth in these jurisdictions, along with Warren County to the south and Jefferson County, WV to the north, is mostly attributable to the explosive growth experienced in Northern Virginia. Potential residents continue to look for more affordable homes away from the density and traffic of the urban core and to seek a high quality rural lifestyle. Clarke

County lies directly in the path of this growth due to its proximity to major commuter routes (US 50/17 and VA Route 7) that convey traffic to and from the major employment centers to the east.

Selected demographic information on population, business, and employment is provided in the subsections below. More detailed demographic information may be found in the 2013 Clarke County Comprehensive Plan.

1. Current and Projected Population

By adhering to its land use and growth management philosophy during this period, the County has been able to avoid unplanned impacts from these growth pressures. According to the 2010 Census, Clarke County's population increased from 12,652 in the 2000 Census to 14,034 – an increase of 10.9%. This increase is greater than the 4.5% increase from 1990-2000 and can be attributed to the housing “boom” experienced from 2001-2005. Despite this increased growth rate, Clarke still grew at a slower rate than any surrounding jurisdictions (ranging from Warren County’s 19% rate to Loudoun County’s 84.1% rate), and below the Commonwealth of Virginia’s growth rate of 13%. The County also grew at a slower rate than the 14,205 projection made in 2005 by the Weldon-Cooper Center.

TABLE 1 – Population and Growth Rates, 1970-2010

| Jurisdiction | 1970 | 1980 | 1990 | 2000 | 2010 |
|--------------------------------------|--------------------|--------------------|--------------------|--------------------|----------------------|
| Clarke Co. | 8,102
(2.0%) | 9,965
(23.0%) | 12,101
(21.4%) | 12,652
(4.5%) | 14,034
(10.9%) |
| Loudoun Co. | 37,150
(51.3%) | 57,427
(54.6%) | 86,129
(50.0%) | 169,599
(96.9%) | 312,311
(84.1%) |
| Frederick Co./
Winchester | 48,322
(30.4%) | 54,367
(12.5%) | 67,686
(24.5%) | 82,794
(22.3%) | 104,508
(26.2%) |
| Warren Co. | 15,301
(4.4%) | 21,200
(38.6%) | 26,142
(23.3%) | 31,584
(20.8%) | 37,575
(19.0%) |
| Fauquier Co. | 26,375
(10.0%) | 35,889
(36.1%) | 48,860
(36.1%) | 55,139
(12.9%) | 65,203
(18.3%) |
| Fairfax Co. | 454,275
(65.2%) | 598,901
(31.8%) | 818,584
(36.7%) | 969,749
(18.4%) | 1,081,726
(11.5%) |
| Berkeley Co.,
WV | 36,356
(7.6%) | 46,775
(28.7%) | 59,253
(26.7%) | 75,905
(28.1%) | 104,169
(37.2%) |
| Jefferson Co.,
WV | 21,280
(14.0%) | 30,302
(42.4%) | 35,926
(18.6%) | 42,190
(17.4%) | 53,498
(26.8%) |

Source – US Census 2010.

Note: The U.S. Census does not make projections. The University of Virginia’s Weldon-Cooper Center, through a contractual arrangement with the Virginia Employment Commission (VEC), establishes the official population projections for the state. The VEC projected population for Clarke in 2020 is 15,025, a 7.1 percent increase from

2010. It should be noted that population projections are based on local and regional growth trends. A locality’s growth control measures and approach to land use is not included as a factor in making the projections.

Clarke County's neighboring counties continued to experience significant growth. As a point of reference, the Code of Virginia establishes a decadal growth rate of 10% or more as “high growth.” Loudoun’s growth of almost 100% in the 1990s was nearly repeated with an 84.1% rate from 2000-2010, but is projected to slow to 27.2% through 2020. Fauquier’s growth rate increased from 13% in the 1990s to 18% in the 2000s and is expected to increase by 13.7% in the current decade. The combined population of Frederick and Winchester grew by 22% in the 1990s, and increased by 26.2% in the past decade. The 21% Warren County growth rate in the 1990s slowed slightly to 19%. The 17% rate of growth in Jefferson County in the 1990s increased to 26.8%. Similarly, the 28% Berkeley County growth rate also increased to 37.2%. Jefferson and Berkeley Counties are projected to continue growing at rates of 17.2% and 23.4% respectively over the current decade.

TABLE 2 – Population Projections

| Jurisdiction | 2010* | 2020** | 2030** | 2040** | Growth %
2030-2040 |
|-------------------------------|--------------|---------------|---------------|---------------|-------------------------------|
| Clarke | 14,034 | 15,025 | 15,871 | 16,631 | 15.6% |
| Loudoun | 312,311 | 397,272 | 482,234 | 567,195 | 44.9% |
| Frederick | 78,305 | 97,192 | 119,419 | 145,938 | 46.3% |
| City of
Winchester | 26,203 | 27,967 | 29,449 | 30,781 | 14.9% |
| Warren | 37,575 | 41,856 | 45,818 | 49,709 | 24.4% |
| Fauquier | 65,203 | 74,118 | 83,312 | 93,028 | 29.9% |
| Fairfax | 1,081,726 | 1,182,609 | 1,271,995 | 1,350,245 | 19.9% |
| Berkeley Co.,
WV | 104,169 | 128,550*** | 155,566*** | n/a | n/a |
| Jefferson Co.,
WV | 53,498 | 62,691*** | 71,208*** | n/a | n/a |

Sources:

* US Census (2010 population)

** University of Virginia’s Weldon-Cooper Center (VA projections)

*** West Virginia University’s Bureau of Business and Economic Research (WV projections)

Below is a table listing the decennial population numbers for the Town of Berryville since 1970. The Town experienced a growth rate of 26% from 1990-2010 with a significant portion of this growth occurring during the housing “boom” from 2001-2005. Population projections for the Town are not provided by the Weldon-Cooper Center or other demographic resources.

TABLE 3 – Berryville Population and Growth Rates

| | 1970 | 1980 | 1990 | 2000 | 2010 |
|--------------------|-------------|-------------|-------------|-------------|-------------|
| Population | 1,569 | 1,752 | 3,097 | 2,963 | 4,185 |
| Growth Rate | -4.6% | 11.7% | 76.8% | -4.33% | 29.2% |

Source:

* US Census (2010 population)

2. Business and Employment Information

In addition to serving as the primary location for urban-scale residential development, the Town of Berryville also serves as the primary location for business, retail, and industry. The Town is home to half of the top 20 employers and nine of the top 10 private sector employers in the County:

- Berryville Graphics
- GGNSC Berryville, LLC
- Bank of Clarke County
- Food Lion
- Dutch Haven Adult Home
- Greenfield Assisted Living
- American Woodmark Corporation
- Caldwell & Santmyer
- Cochrans Lumber & Millwork

Source: Virginia Employment Commission Community Profile, June 2014

Properties in the Annexation Area designated for future business development are designed to complement rather than compete with the Town’s Main Street retail uses. To date, the majority of business growth in the Annexation Area has occurred in the Clarke County Business Park located on Jack Enders Boulevard on the southern end of Town. The approximately 70-acre Business Park was annexed by the Town and is served by public water and sewer. The Park contains several light industrial/manufacturing businesses and as of 2014 was approaching maximum build-out. Adjacent properties to the east and west of the Park in private ownership are also designated for light industrial uses and could develop in similar fashion in the future. As provided on the Berryville Area Plan Proposed Road Network, Jack Enders Boulevard constitutes the Southeast Collector. Accordingly, Jack Enders Boulevard will extend from its current terminus to South Buckmarsh Street thereby completing the connection between Main and Buckmarsh Streets (U.S. Route 340). Jack Enders Boulevard will cross the Norfolk and Southern rail line by means of an at-grade crossing. It is expected that the intersection of Buckmarsh Street (U.S. Route 340) and Jack Enders Boulevard will be located in close proximity to the existing intersection of Buckmarsh Street (U.S. Route 340) and South Church Street, thereby requiring the construction of a cul-de-sac at the terminus of South Church Street.

Business growth has also occurred on the southwestern quadrant of the U.S. 340/Virginia Route 7 intersection on the northern end of Town. This area, bordered by Mosby Boulevard to the south, includes a Food Lion grocery store and Bank of Clarke County office. There is available land at this location for future development of retail and office uses and is currently under consideration as a potential location for a new hotel.

Additional employment data for the Town and County may be found in the 2013 Clarke County Comprehensive Plan and in the Virginia Employment Commission (VEC) Community Profile for Clarke County.

D. Current Inventory of Public Facilities

The Town of Berryville is ideally suited to provide urban levels of service as the County's primary designated growth area for residential and business uses. Public water and sewer is currently provided by the Town to parcels within its limits, and the Annexation Area agreement ensures provision of water and sewer for new developments brought into the Town limits. The Town is home to all but one of the public schools and is adjacent to the County Parks & Recreation facility. Berryville is also centrally located from a transportation perspective, bisected by Virginia Route 7 and U.S. 340 and within 15 minutes of I-81 in Frederick County. Rail access is available via the Norfolk Southern rail line that passes through the center of Town.

1. Water and Sewer

The Town of Berryville provides public water and sewer services for Town residents and businesses. Water is obtained via the Shenandoah River and is treated at the Town's facility in the County outside of Town limits. The Town also maintains three storage facilities. Sewage is treated by the Town at a treatment facility that is also located in the County outside of Town limits.

Future extension of public water and sewer service is governed by a Water and Sewer Extension Agreement that was adopted by the Town and County on March 29, 2000. The Agreement states that the Town has the right to extend water and sewer lines into the Annexation Area but not beyond the Town limits without the County's consent. This Agreement helps to ensure that future growth and available water and sewer capacity is contained within the Annexation Area and that unplanned growth and development does not occur in the County.

As of July 2014, the Town produces an approximate average of 400,000 gallons per day of water to serve all current customers. The Town's water system is capable of producing a maximum of 730,000 gallons per day, and could produce up to 864,000 gallons per day with the addition of a booster pump.

The Town's projected sewer flow capacity is depicted in Table 3 below. Projected flow for the Annexation Area is based on the Berryville Area Plan's future land use projections assuming

maximum build-out of the most intensive uses. Projected flow for the in-town areas (areas of Town not located within the Annexation Area) is based upon current zoning. Projections also presume an annual 2.12% school growth rate.

TABLE 4 – Sewer flow capacity projections in gallons per day (gpd)

| Area | Subtotal Projected Flow | 20% Flow Contingency | Total Projected Flow | |
|-----------------|-------------------------|----------------------|-------------------------------------|---------------|
| Annexation Area | 606,607 gpd | 121,321 gpd | 727,928 gpd | |
| In-Town | 201,988 gpd | 40,398 gpd | 242,385 gpd | |
| | | | | |
| | | | Total: | 970,314 gpd |
| | | | Current Avg Flow: | 300,000 gpd |
| | | | Total Future & Existing: | 1,270,314 gpd |

Source: Town of Berryville Study, March 2011

2. Transportation Network (see Map 1)

a. Public Road System

The Town of Berryville is served by two primary highways. Harry Byrd Highway (Route 7), a state primary highway, is the main east-west corridor conveying traffic between the Winchester area and Loudoun County. Lord Fairfax Highway/Buckmarsh Street (U.S. 340), a Federal primary highway, is the main north-south corridor conveying traffic between Warren County and the West Virginia state line. A third primary highway – West Main Street/East Main Street (Business Route 7) – serves as an alternate business route to Route 7.

In 2012, the Town of Berryville assumed the responsibility of maintaining the secondary street network within the Town limits. There are a total of 10.32 miles of secondary roads and an additional 0.8 miles of public streets that maintained by the Town.

(1) Proposed Street Network

The Town of Berryville Comprehensive Plan and the original Berryville Area Plan proposed a series of collector streets to more efficiently convey traffic through the Town and annexation areas.

In the northwestern portion of Town, Mosby Boulevard was planned to convey traffic as an alternative route from the north end of Buckmarsh Street (U.S. 340) to West Main Street (Business Route 7) on the west end of Town. The development of Battlefield Estates and related uses along with the construction of the new Clarke County High School helped to

facilitate completion of this collector road, which now connects Mosby Boulevard and West Main Street via the County's first traffic circle constructed in 2012.

A southwest collector road was also identified in the original Berryville Area Plan that would connect West Main Street with the south end of Buckmarsh Street. This collector road was ultimately constructed as Hermitage Boulevard with the development of The Hermitage residential subdivision.

The following collector and connector streets remain undeveloped and are reliant upon future development in the pertinent annexation areas to ensure their completion. Project numbers listed for the following projects, as well as the Priority Transportation Improvement Projects in Subsection 2 below, are referenced in Map #8 located in the Appendix on Page A-8.

- **Southeast collector (Project #4).** A collector road is proposed to connect the east end of East Main Street (Business Route 7) with the south end of Buckmarsh Street at the Town limits. A substantial portion of this collector road has been constructed with the extension of Jack Enders Boulevard into the County Business Park.
- **Fairfax Street extension (Project #5).** An extension of West Fairfax Street to connect with East Fairfax Street is proposed that would establish direct access from Buckmarsh Street to First Street. While this extension is located outside of the Annexation Area, the improved connectivity would benefit the nearby Sub-Areas.

(2) Priority Transportation Improvement Projects

The following future improvement projects are identified within or directly impacting Sub-Areas in the Annexation Area. These projects are also included in the County's 2013 Transportation Component Plan and are included in the County's list of priority improvement projects as of 2014. The County provides this list of priority projects to the Commonwealth Transportation Board (CTB) on an annual basis in order to obtain funding.

- **Project #1 -- Route 7 Business (West Main Street) from Route 7 (Harry Byrd Highway) to Hermitage Boulevard in the Town of Berryville (approximately 1.2 miles of primary highway).**

Planning Cost Estimate: \$3,800,000

Assessed Need/Description:

This section of Route 7 Business serves five public school buildings, the County's Parks and Recreation Facility, and the Ruritan Fairgrounds in addition to serving as the main western route into the Town of Berryville. The original project concept was to upgrade the current two-lane section to three lanes with turn lanes, drainage, and safety improvements at major intersections, and sidewalks and bike lanes/trails should be added to facilitate pedestrian and bicycle traffic. With the recent construction of the new Clarke County High School and extension of Mosby Boulevard to West Main Street, a roundabout has been added at this new intersection and new sidewalks added

along the north side of West Main Street in addition to other improvements. Additionally, the Mosby Boulevard extension now provides a new route for traffic between the west end of town and the north end of town at U.S. 340.

Recommendation:

Project – Safety/capacity improvements, drainage improvements, and addition of bicycle/pedestrian facilities including school crosswalks to state primary route. Reconstruct the segment of West Main Street from Route 7 to the roundabout at Mosby Boulevard to a three-lane section with sidewalk on the north side, along with safety and drainage improvements on the remaining section from the roundabout to Hermitage Boulevard.

- **Project #2 -- Route 7 Business (East Main Street) from Route 7 (Harry Byrd Highway) to Norfolk Southern Railroad crossing (approximately 0.94 miles of primary highway).**

Cost Estimate: \$7,700,000

Assessed Need/Description:

The roadway serves as a major route for truck traffic to several industrial businesses on the east side of Town including the County’s industrial park and a major (800 employees) publishing company. The current two-lane section should be upgraded to three lanes with turn lanes, sidewalks, drainage, and safety improvements at major intersections. The project area is located predominantly within the Town of Berryville.

Recommendation:

Project – Safety/capacity improvements, drainage improvements, and addition of bicycle/pedestrian facilities to state primary route. Reconstruct East Main Street with a three-lane section where feasible along with utility relocations, drainage improvements, and new sidewalk construction.

- **Project #3 -- Park and Ride Lot, Route 7 (Harry Byrd Highway) near intersection of Route 7 Business one mile west of Berryville.**

Cost Estimate: \$2,500,000 for 250 space facility.

Assessed Need/Description:

Route 7 is a major east-west commuter route between the Winchester area and employment centers in the Washington metropolitan area. Commuter traffic has increased more than 50% along this route since 2001 and will continue to increase with new residential growth in Winchester, Frederick County, and surrounding jurisdictions. Alternatives to single-occupancy vehicle commuters must be developed to avoid increasing the capacity of Route 7 and a park and ride lot at this location would help with this effort.

Recommendation:

Project – Addition of a new commuter facility. The facility should be designed similar to the park and ride facility at Waterloo on U.S. 50 with a higher capacity to support the greater traffic demand along with accommodations for commuter buses and vans. The location on the west side of Berryville would help maximize convenience for Town and County residents who choose to commute.

b. Bicycle and Pedestrian System

Provision of alternatives to vehicular transportation is important to the growth and vitality of urbanized areas. Communities that are walkable and that provide bicycling facilities provide benefits to their citizens by having a healthier and more active population, reduced transportation costs to citizens, improved air quality, and increased traffic to local businesses. Recent housing trends also point towards increased demand for urban-style communities where residents can live, work, and shop without reliance on motor vehicles – in particular among emerging young professionals who add energy and vibrancy to communities.

One of the stated Goals of the 2013 County Comprehensive Plan supports the provision of bicycle and pedestrian facilities in growth areas such as the Town of Berryville:

“2. Enhance town, village, and commercial areas through context-sensitive design and walkability elements to improve the quality of life for all residents.”

Objective 9 (Designated Growth Areas for Development) of the County Comprehensive Plan also contains a policy that supports this goal:

“2(a). Provide a mixture of complementary land uses and consider innovative techniques such as form-based codes that create walkable, pedestrian-friendly street networks and greater flexibility of uses.”

“2(c). Create walkable neighborhoods.”

The 2005 Town of Berryville Comprehensive Plan provides significant support for pedestrian and bicycle accommodations. The Plan notes the following:

“The walkability of a community directly effects the health of its residents. Although many streets do not have sidewalks, efforts have been made through zoning and subdivision regulations to construct sidewalks with all new residential development. Commercial development and redevelopment are also required to either build sidewalks or, if future plans dictate, bond the improvements for later discussion.” (p. 7-10)

The Town further supports development of pedestrian and bike facilities through Walk/Bike to School programs and attempts to obtain State and Federal funding for improvements via Virginia Department of Transportation (VDOT) revenue sharing and transportation enhancement grants.

The Berryville Area Plan also echoes the Town and County Comprehensive Plans by recommending provision of a “uniform integrated approach for pedestrian movement, addressing walkways and bikeways.” The Plan also includes a policy recommending provision of bike lanes and sidewalks.

The Town of Berryville has an extensive sidewalk network both in the Town core and in the annexation Sub-Areas. The Town has also codified these planning recommendations by including a requirement in the Subdivision Ordinance for new developments to provide sidewalks as part of their overall development plan. The County and Town also worked in cooperation with the Northern Shenandoah Valley Regional Commission to develop the first Town-County Bicycle and Pedestrian Plan. This document will assist with future planning of bike and pedestrian strategies and resources.

c. Commuter Facilities

There are no formal commuter facilities in the Town of Berryville, however both the Town and County have identified a need to establish a park-and-ride commuter lot along the Route 7 corridor (see project detail above). Modeled after the Waterloo commuter lot, this facility would provide a centralized location for ridesharing and commuter van usage and would help to reduce the number of single-occupant vehicles contributing to traffic on Route 7.

3. Schools

Clarke County Public Schools operates all but one of its schools within the Town of Berryville or in close proximity to the town limits. These include D.G. Cooley Elementary School Upper and Lower Campus, Johnson-Williams Middle School, and Clarke County High School. The former Primary School building will be retained for future use, yet to be determined.

4. Recreation

The Clarke County Parks and Recreation Department manages the 102 acre Chet Hobert Park, which houses an outdoor swimming pool, lighted outdoor tennis courts, ball fields, soccer fields, a Recreation Center, picnic shelters, playgrounds and a fitness trail. Clarke County Public Schools also have a number of active recreation facilities including a football/soccer stadium, baseball/softball fields, track, playgrounds, and indoor/outdoor basketball (limited access).

The Town of Berryville owns and maintains the three-acre Rose Hill Park in the heart of downtown Berryville. Rose Hill Park provides a great place for families to relax and enjoy a peaceful outing. Park facilities include a playground designed for our younger citizens, basketball courts, and a gazebo. There are also several small private neighborhood playgrounds in Town.

E. Challenges and Limitations

1. Karst

The most significant geological feature in the County is karst. Karst, consisting primarily of limestone, is characterized by large underground drainage systems, sinking streams, sinkholes, and caves due to the solubility of the limestone. The resultant hollow underground geology makes groundwater supplies very susceptible to pollution from surface and subsurface point and nonpoint sources. Groundwater pollutants are able to travel significant distances and can impact multiple aquifers due to the drainage networks that typically exist in karst. Surface pollutants are able to penetrate through to these same aquifers via sinking streams and sinkholes, making stormwater runoff a critical feature to manage. Approximately 90% of the County's land area west of the Shenandoah River contains karst.

Groundwater aquifers in the eastern United States are continuously replenished or recharged by precipitation. Recharge rate affects groundwater quality and quantity. Only a fraction of all precipitation, however, reaches the deep aquifers used for drinking water, because most of it runs off and flows into streams, is absorbed by plants, or evaporates.

Aquifer recharge is much more rapid in areas with karst topography. The limestone and dolomite rock is highly fractured, allowing water to move quickly through to the aquifer. Moreover, carbonate rocks are usually water soluble, and fractures are eroded to form larger channels. Sinkholes and sinking streams indicate the rapid recharge ability of this area. In areas characterized by karst, pollution of groundwater is more likely because the open channels allow ground-level pollutants quick and easy access to the aquifer.

The County experienced a major example of groundwater contamination first-hand in 1981 when the Town of Berryville was forced to abandon its public well system due to contamination that could not be traced to a single source. The Town's water supply is now provided by a direct intake from the Shenandoah River and a water treatment facility. Instances of groundwater contamination have occurred in other parts of the County ranging from petrochemical contamination in the Pine Grove, White Post, and Shepherd's Mill Road areas to fecal coliform, nitrate, and pesticide contamination in various locations across the County.

Groundwater contamination poses a greater risk to properties outside of the Town limits and annexation areas due to the Town's provision of public water and prohibition on use of private wells for drinking water. However, it is important to ensure that new development within the annexation area does not adversely impact the County's groundwater resources. This Plan designates areas with particular environmental sensitivity as Environmental Conservation, and does not support any development in these areas. Both the Town and County land use ordinances also contain specific provisions to further protect groundwater including buffers, setbacks, and stormwater quality requirements. The Town and County will also pursue voluntary provision of site-specific mitigation measures by developers proposing new uses that could adversely impact the County's groundwater sources.

A greater challenge posed to developers by the County's geology is the presence of rock outcroppings, rock seams, and shallow bedrock areas in various locations throughout the

Annexation Area. Developers are encouraged to limit development or designate building envelopes away from such features.

2. Utility Capacity Limitations

As previously noted, the Town of Berryville provides public water and public sewer to properties within Town limits and to a handful of properties and public uses on adjacent parcels in the County. As of 2014, the Town has sufficient water and sewer capacity to serve all current customers as well as a significant amount of excess capacity to accommodate future uses (see Item D1 above).

Water and sewer capacity is currently provided on a first-come, first-serve basis and the Town does not reserve capacity on an administrative basis for specific use types (e.g., business, industrial) that may require services in the future. This is a common practice of localities in Virginia that operate smaller utility systems with limited access to expansion alternatives and limited funding to pursue such alternatives on their own. As new development occurs and water and sewer capacity is consumed, localities such as the Town of Berryville will look to partner with the development community to cover the cost of adding capacity to the water and sewer plants, building new plants, or acquiring new capacity.

An alternative approach that could be evaluated is to set aside a fixed amount of capacity specifically for business uses that may be high users of public water and/or sewer but that would provide significant positive economic impact to the Town and County. Such set asides would give the Town and County the flexibility to market a streamlined siting process to potential businesses without the concern of available capacity. Any evaluation of this approach should also include a re-examination of the build-out analysis of the current future land use designations and how capacity set-asides could impact development of other future uses.

F. Annexation Area Agreement

The foundation of the Berryville Area Plan and the joint approach to land use decision-making is the 1988 Town-County Annexation Area Agreement. This section provides background information on this Agreement including an overview of annexation law in the Commonwealth and a history of the Annexation Area Agreement and subsequent agreements that established this system.

1. Annexation Law in Virginia

Counties and towns are separate municipal entities under Virginia law and each has distinct powers and responsibilities. The Code of Virginia authorizes towns to annex adjacent county lands into the town's borders upon petition to the Circuit Court. To minimize the potential negative aspects of annexation, the Code of Virginia allows for a town and county to enter into an annexation agreement which defines the town's future annexation rights in exchange for the town renouncing its right to become a city. Annexation agreements are required to "provide for the regular and orderly growth of the town in conjunction with the county and for an equitable sharing of resources and liabilities."¹

¹ Code of Virginia §15.2-3232.

2. History of the Agreement and Establishment of Annexation Areas

Given the Town of Berryville's and Clarke County's mutual interest in managing future growth and protecting the unique environmental, geological, and historic resources, both governing bodies signed an Agreement Defining Annexation Rights on December 29, 1988. This Agreement included the following points:

- Established County lands to be annexed as Annexation Areas A and B.
- Defined the circumstances by which land in Area B would be annexed.
- Agreed to develop a jointly-managed Town-County future land use plan by March 31, 1989.
- Agreed that the Town Subdivision Ordinance would govern land use changes and new development in Area B.
- Agreed that the County Zoning Ordinance would govern land use changes and new development in Area B until the land in question is annexed by the Town.
- The Town agreed to jointly authorize any land uses that were approved by the County.
- Agreed to joint review of land use applications between the Town and County Planning Commissions.
- The County agreed to Town review of all stormwater plans prior to County approval and provision of funding for stormwater drainage improvements in the Town.

3. Creation of the Berryville Area Plan; Plan adoption, historical updates, and review process

The Berryville Area Plan was originally adopted on April 12, 1992 by the Berryville Town Council and Clarke County Board of Supervisors. The Plan has been amended seven (7) times since its 1992 adoption, and the changes that were adopted with those amendments are summarized below:

- December 4, 1995 – Amend Sub-Areas 6 and 7 to allow “housing for older persons” in the areas designated for Business/Office and Highway & Visitor Commercial Uses. Amend County zoning district map to reflect re-zoning of Battlefield Estates Subdivision.
- February 18, 1997 – Amend the transportation policies for the southwest and southeast collector roads, and amend the land use policies for Sub-Areas 22, 23A, and 23B. Amend County zoning district map to reflect re-zoning of Tax Map Parcel #14-A-38.

- April 15, 1997 – Amend County zoning district map to reflect re-zoning of Tax Map Parcels #14-A-44, 43, 42 (part), and 42B.
- May 13, 1997 – Amend County zoning district map to reflect re-zoning of Tax Map Parcel #14-5-251B.
- May 15, 2001 – Amend Sub-Area 18 to change access policies, amend Sub-Area 19C to change land use designation from Low Density Residential to Light Industrial/Research, and amend Sub-Area 23 to change land use designation from Business/Office to Light Industrial/Research. Amend County zoning district map to reflect re-zoning of Tax Map Parcel #14-A-56 and Tax Map Parcels #14-A-38, 38A, and 38B.
- September 15, 2009 (BOS)/November 10, 2009 (TC) – Amend Chapter V to delete paragraphs in each Sub-Area section with the following first sentence: “Housing for the elderly is a land-use designation to be applied to the Sub-Areas 6 and 7.”
- April 20, 2010 (BOS)/June 8, 2010 (TC) – Amend Chapter V to add 15 acres to Sub-Area 6A by taking 14 acres from Sub-Area 6 and 1 acre from Sub-Area 5, in order to expand the area in the Plan that is devoted to Older Person Residential uses.

The 2014 project to update the Berryville Area Plan is the first comprehensive revision of the Plan since its 1992 adoption. It is recommended that future reviews of the Town and County Comprehensive Plans include parallel reviews of the Berryville Area Plan in order to ensure consistency among the Plans. Any amendments to the Town or County Comprehensive Plans should be evaluated for impacts to the Berryville Area Plan. It is also recommended that, at a minimum, the Berryville Area Development Authority (BADA) should conduct an assessment of the Plan once every five years and provide a recommendation to the governing bodies regarding the Plan’s status and any need to revise/update the Plan.

Review and amendment of the Berryville Area Plan is the responsibility of the BADA with technical support provided by Town and County planning staffs. Requests for review or Plan amendment may also be made by the Town and County planning commissions and governing bodies. Requests for review or Plan amendment may also be made by citizens or other private stakeholders however the BADA reserves the right to decline to advance such requests to the governing bodies for consideration.

As previously noted, any review of the Plan should be careful and deliberate. Impacts such as new developments approved since the previous Plan update, changes in public water/sewer capacity, or changes in capital needs of the Town and County should be included in any Plan evaluation. “Piecemeal” changes in response to specific land use applications are strongly discouraged.

4. Creation of Berryville Area Development Authority (BADA); responsibilities and review process

On March 27, 1990, a Resolution and Agreement was signed that created the Berryville Area Development Authority (BADA). The BADA was charged with administering the Town’s Subdivision Ordinance and the County’s site plan development standards for all land use proposals that occurred in Area B. The Agreement also established the membership composition of the BADA including initial terms of office. This Resolution and Agreement was amended in December 1992 to add new items to the BADA’s administration responsibilities – management of the Town’s site plan development standards, the Town’s Historic District regulations, and the County’s Historic Access Corridor Overlay District regulations for land use applications within Area B.

The reference charts below summarize the BADA review processes for specific types of land use applications and the location of the subject properties in the Town or County:

TABLE 5 -- Land Use Applications – County Land

| Application | Review/Action By | Applicable Ordinance | Reference |
|--------------------|---|--|---|
| Subdivision | BADA | Town Subdivision Ord. | Annex. Agreement ¶6(a); BADA Agreement ¶5 |
| Site Plan | BADA ¹ | County Zoning Ord. | BADA Agreement ¶5 and ¶6 |
| Rezoning | BADA and Town PC recommend;
BOS acts | County Zoning Ord. | Annex. Agreement ¶6(b) and County Zoning Ord §8-D-3 |
| Special Use Permit | BADA and Town PC recommend;
BOS acts | County Zoning Ord. | Annex. Agreement ¶6(b) and County Zoning Ord §5-B-2-d |
| Historic District | BADA (appeals to County BOS) | County Zoning Ord. (Historic Access Corridor Overlay District) | BADA Agreement ¶6 and County Zoning Ord §3-E-4-b |

¹ The Town and County Zoning Ordinances each require site plans to be submitted with a special use permit (SUP) application, and each requires a site plan to be submitted with a SUP application to be acted upon by the governing body, as a separate approval. Therefore, under the existing BADA Agreement provisions, as to a site plan submitted with a SUP application, the BADA makes a recommendation on the site plan, the applicable Planning Commission makes a recommendation on the SUP, and the governing body acting on the SUP takes action on the site plan as a separate approval.

TABLE 6 -- Land Use Applications – Town Land

| Application | Review/Action By | Applicable Ordinance | Reference |
|--------------------|---|--------------------------------------|--|
| Subdivision | BADA | Town Subdivision Ord. | BADA Agreement ¶5 |
| Site Plan | BADA ¹ | Town Zoning Ord. | BADA Agreement ¶5 |
| Rezoning | Town PC recommends; Town Council acts | Town Zoning Ord. | n/a |
| Special Use Permit | Town PC recommends; Town Council acts | Town Zoning Ord. | n/a |
| Historic District | BADA ² (appeals to Town Council) | Town Zoning Ord. (Historic District) | BADA Agreement ¶5 and Town Zoning Ord §704.1 |

¹ The Town and County Zoning Ordinances each require site plans to be submitted with a special use permit (SUP) application, and each requires a site plan to be submitted with a SUP application to be acted upon by the governing body, as a separate approval. Therefore, under the existing BADA Agreement provisions, as to a site plan submitted with a SUP application, the BADA makes a recommendation on the site plan, the applicable Planning Commission makes a recommendation on the SUP, and the governing body acting on the SUP takes action on the site plan as a separate approval.

² Action by the BADA is limited to those properties for which no final certificate of occupancy has been granted. Otherwise, the matter goes to the Town Architectural Review Board.

The process for reviewing and amending the Berryville Area Plan involves review and recommendation of an amended plan by the BADA to both the Town Council and Board of Supervisors. Both governing bodies must take formal action on the amended plan for final approval. This process is referenced in ¶6(a) of the Annexation Agreement.

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Chapter II

Berryville Area Plan Sub-Areas

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A. CURRENT LAND USE CHARACTERISTICS AND DEVELOPING LAND USE PATTERNS

The Berryville Area's existing land use reflects a small town scale land development pattern, linear in fashion, coinciding with the crossroads of two major historic throughways, one connecting Winchester and Alexandria - Route 7, and the other providing a connection between Baltimore and Waynesboro - Route 340. The existing railroad, completed in 1880, has also had a significant influence in shaping the existing land use pattern of the Berryville Area. Minor commercial strips exist today along Route 7 Business in addition to the small downtown business district. Industrial uses are located along the railroad, which runs north/south through the Berryville Area.

The major attractiveness of the Berryville Area lies within the Town's central core. Its small town character, emphasized by its tightly knit urban village pattern, is enhanced by numerous historic buildings and sites, a picturesque ensemble of county court buildings, and a rich and varied turn-of-the-century Main Street. Scattered throughout the area are numerous commercial and residential uses.

Since the Berryville Area Plan's inception, the Town has served as the primary hub for the County's residential development. Most of the pre-1990s neighborhoods are located in close proximity to the Downtown Business District and consist of moderate-density single family residential homes along with a limited number of townhomes and apartments. Development patterns following the 1990s consisted of new traditional subdivisions along the Town's boundaries and in the Annexation Area. The Town's land use regulations helped to ensure that these new subdivisions provided efficient connectivity to the Town's existing public road and sidewalk networks. Demand for residential units in the Town can be attributed to the availability of public water and sewer, the County's philosophy of strongly discouraging residential development outside of the towns, and the high quality and convenience of small town living offered by the Town.

Berryville also has historically served as the County's commerce hub, situated at the intersection of two major highways (U.S. 340 and VA Route 7) and bisected by the Norfolk Southern rail line. With public water and sewer service and centrally-located Town and County government facilities, the Town is ideally suited to accommodate new, existing, and expanding commercial and light industrial uses. The Downtown Business District is the center of commerce with a variety of retail, dining, and service establishments that help make the Downtown a desired destination for County residents and visitors. The Town also supports light industrial and business uses along its East Main Street and First Street corridors. The Berryville Area Plan's Sub-Areas designated for business and light industrial uses are designed to complement rather than compete with the Downtown Business District and existing industrial areas.

Both enlightened self-interest and a growing body of law support the importance of encouraging a mix of housing opportunities and prices to serve all levels of household incomes. For this to become a reality in the future, the Town must continue a policy of providing reasonably priced urban services to the local housing industry.

Land Use Inventory

For purposes of analysis when the BAP was first developed, the Berryville area was separated into four smaller study areas:

- The Town of Berryville
- Annexation Area "A" (annexed by the Town of Berryville on 1 January 1989)
- Annexation Area "B" (located within the County of Clarke and the subject of this Plan)
- A residue area situated contiguous to, but outside these areas. Since this residue area was not incorporated into the original Berryville Area Plan, it is excluded from the 2015 Plan update.

Table 7 lists the gross acreages composing the original defined study areas. Table 8 presents a summary of the existing land uses in each Sub-Area by land use category. Table 9 represents an inventory of vacant land in the study area by zoning classification, employing the current County and Town zoning categories.

TABLE 7 -- EXISTING LAND USE STUDY AREAS

| Study Area | Gross Acres |
|-------------------------------|--------------------|
| Town of Berryville (pre 1989) | 493.2 |
| Annexation Area "A" | 350.0 |
| Annexation Area "B" | <u>836.7</u> |
| Total | 1679.9 |

TABLE 8 -- EXISTING LAND USE PLANNING AREA INVENTORY

| Land Use Classification | Sub-Area(s) | Total Area (acres) |
|--|--|---------------------------|
| Business/Office | 6 | 13.1 |
| Environmental Conservation | 12A & 13 | 51.1 |
| Historical/Cultural Preservation | 11, 16, & 19B | 34 |
| Highway-Visitor Commercial | 7 | 23.1 |
| Institutional/Public | 1, 2, & 20 | 85.8 |
| Low-Density Residential | 3, 4, 9, 10, 15, 17, 18,
27A, & 27B | 383.4 |
| Light Industrial/Research | 12B, 19A, 21, & 23 | 126.6 |
| Medium Density Older Persons Residential | 6A | 19.2 |
| Medium-Low Density Residential | 5, 14, 22, 25, & 26 | 100.4 |

TABLE 9 – VACANT LAND BY ZONING CLASSIFICATION¹

Areas Annexed by the Town

| Zoning District | Sub-Area(s) | Total Area (acres) |
|---------------------------------|--------------------|---------------------------|
| Business (B) | 6 | 8.35 |
| Business Commercial (BC) | 7 | 7.84 |
| Business Park (BP) | 14, 19A, & 23 | 44.48 |
| Detached Residential-1 (DR-1) | 22 & 27A | 48.5 |
| Detached Residential-2 (DR-2) | 9 | 41.26 |
| Institutional (ITL) | 20 | 1.0 |
| Older Persons Residential (OPR) | 6A | 10.97 |
| | TOTAL: | 162.40 |

Areas Remaining in the County

| Zoning District | Sub-Area(s) | Total Area (acres) |
|----------------------------------|--------------------|---------------------------|
| Ag-Open-Space-Conservation (AOC) | 15 & 17 | 64.0 |
| Business (B) | 6 | 4.6 |
| Business Commercial (BC) | 7 | 6.74 |
| Business Park (BP) | 12B & 14 | 14.05 |
| Detached Residential-1 (DR-1) | 15 & 27B | 20.21 |
| Open Space Residential (OSR) | 13 & 15 | 33.99 |
| | TOTAL: | 143.59 |

¹ Source -- Clarke County Geographic Information System (acreages are approximate).

B. METHODOLOGY USED IN DEVELOPING THE FUTURE LAND USE DESIGNATIONS AND SUB-AREAS

For the purposes of the Area Plan and subsequent revisions to the implementing land use ordinances, a range of land use districts has been identified. Within each district, a base density has been established for the particular principal use. Densities for residential areas are expressed in terms of "dwelling units per net acre" while intensities for commercial and industrial uses are conveyed in terms of "floor area ratios" applied to net developable acres within the Sub-Areas.

Net Developable Acre Concept

In simplest terms, "net developable acre" refers to the balance of a parcel of land that is actually developable once roads, utility infrastructure (water, sewer, stormwater management), and critical environmental areas are removed. Critical environmental areas include features such as steep slopes, sinkholes, and floodplains (see Map 2). Utilizing the "net developable acre" provides a quantifiable approach to estimating the land carrying capacity of the Sub-Areas for the allocated uses.

The zoning districts for the Berryville Area employ the net developable area technique in establishing the minimum criteria for development, and thereby the land use yield for any given property use subject to a development proposal. The net developable area concept enables the planner and landowner to establish a truer estimate of a given property's development capacity. Specifically, the Berryville zoning districts do not allow the inclusion of the land area covered by 100 year floodplains, sinkholes, slopes greater than 25%, and half of the area of slopes between 15% and 25% into the land area calculations of individual lots or required open space/landscaping areas.

For example, in a zoning district with a minimum lot size of 20,000 square feet, if a portion of that lot falls within the 100 year flood plain that portion is not included in determining whether the lot meets the minimum lot size requirement. An area, such as a flood plain, with inherent usability limitations should not be included in determining whether a lot is large enough to provide what is determined to be the minimally sufficient amount of usable space. Similarly, areas with slopes greater than 25% that fall within required open space or landscape areas are not counted when determining whether that required area is large enough to meet zoning requirements.

Required open or landscaped areas shall be usable; including areas with inherent use limits does not provide truly usable areas. These critical environmental areas (floodplains, sinkholes, and steep slopes) may be included in any lot or required open space/landscaped area, but their land area cannot be counted toward the minimum area requirements for such lots or open space/landscaped areas. The exclusion of such critical environmental areas from the developable area of a property shall be determined prior to its development.

Land Use Designations

The Berryville Area Plan provides for eight separate land use designations within three major land use categories. The land use plan accommodates each of these within the context of the Berryville Area Plan's adopted goals and objectives, marketplace observations, demographic trends and growth management strategies.

Residential Districts

The Berryville Area accommodates a wide range of residential housing types and densities. Recognizing that future demands will likely continue for a similar range of diverse housing opportunities, the Area Plan's housing goals and objectives seek to encourage sensitively phased and appropriately scaled neighborhood locations for mixed housing types.

Three separate residential land use designations have been selected for the land use plan: **Low Density Residential, Medium-Low Density Residential, and Medium Density Residential for Older Persons**. Each residential land use designation is selected and defined based on its appropriateness for the future housing needs and desires of the Berryville Area. Densities for each of these land use designations were originally created to match the size and scale of development that is desired in the Town of Berryville. These densities are generally expressed in this Plan as dwelling units per net developable acre.

The residential densities recommended herein are presented in a range to provide maximum flexibility for the Board of Supervisors and Town Council to determine the most appropriate

density for any given development proposal. The higher density zoning districts are to be applied where land use proposals will be optimally accommodated by existing public infrastructure, or where developers may propose site design features to mitigate any possible level of service degradation to infrastructure (e.g., roads, stormwater management, or public water/sewer) that may be caused by the development at build-out. It should be incumbent upon developers to present zoning proposals, master planning, phasing concepts and public facilities programs which fully complement the adopted Area Plan and mitigate impacts on Town and County infrastructure.

The following table summarizes the three residential land use designations:

TABLE 10 – RESIDENTIAL LAND USE DESIGNATIONS AND DENSITIES

| <u>Residential</u> | <u>Net Density</u> |
|---|---|
| Low Density Residential
(single family detached) | 1-2 Units per Net Developable Acre |
| Medium-low Density Residential
(single family detached) | 2-4 Units per Net Developable Acre |
| Medium Density Residential
for Older Persons(single family
detached, single family attached,
and multi-family units) | (Exact density determined by site specific characteristics,
with the total number of units in Annexation Area B not
to exceed 300, not more than 120 shall be multi-family units) |

The **Low Density Residential** designation is intended to provide a transition between the existing small town oriented development patterns within the Berryville Area and the surrounding area. Housing in this land use designation will be developed at a maximum density of two units per net developable acre. The Low Density Residential planning designation is implemented by zoning districts which incorporate a range of environmental design and land use performance standards, including opportunities for clustered development. Cluster development provisions allow for neighborhoods with smaller lot layouts when coupled with additional developed recreation features, special setback conditions, and expanded open spaces.

The Detached Residential-1 (DR-1) zoning district (1 dwelling unit per net acre) is to be applied to those locations within the Berryville Area that are planned for Low Density Residential uses. The Detached Residential-2 (DR-2) zoning district (2 dwelling units per net acre) is also an appropriate density applied to Low Density Sub-Areas, subject to the ability of the applicant to address the goals and objectives of the Berryville Area Plan.

The **Medium-Low Density Residential** designation was established to provide for single-family detached homes at higher densities in selected locations within the Berryville Area. The application of this residential designation is targeted for (1) planning Sub-Areas with excellent accessibility and proximity to public and private community facilities, and (2) undeveloped planning Sub-Areas which are contiguous to similarly sized, existing residential areas. The maximum residential density for the Medium-low Density Residential land use designation is four units per net developable acre.

The Detached Residential-2 (DR-2) zoning district is to be applied to those locations within the Berryville Area which are planned for Medium-low Density Residential uses. This residential zoning district permits conventional and clustered development. The clustering of residential lots is strongly encouraged in the Berryville Area Plan residential Sub-Areas. The Detached Residential-4 (DR-4) zoning designation (4 dwelling units per net acre) would be applied to subject sites based on development proposals that address the specific issues and needs raised in the Berryville Area Plan, that best mitigate negative impacts on surrounding properties and public infrastructure, and that provide open space with appropriate landscape design and viewshed protection.

The **Medium Density Residential** land use designation is designed for housing for Older Persons as single family detached, single family attached, and multi-family dwelling units. It is especially appropriate to provide for housing for older persons. With the aging of the Baby-boom generation, greater numbers of people will be seeking housing compatible with a retirement lifestyle and that meets the needs of seniors. Providing for such uses not only meets a need for the most rapidly growing segment of the population but also provides for households with the greatest amount of discretionary income. This high level of spendable income provides a greater opportunity for business and service activity. Older Person housing carries the additional benefit of not resulting in an increase in public school services, the single most costly local government service.

This planning designation is to be applied to select planning Sub-Areas with locational attributes conducive to older person residential development uses. This planning designation may replace the adopted land use designation of other Sub-Areas that also have the locational attributes conducive to Older Person Residential uses and if public service needs are not increased by establishment of such older person uses. Specifically, the burden is on the applicant to show that the number of Peak Hour Trips, the amount of sewage, the demand on water resources, and the demand on emergency services generated by the proposed older person residential uses will be no greater than that generated by the uses allowed by a property's adopted land use designation. To insure for a balance of housing types, a maximum of 300 dwellings for Older Persons are allowed in Annexation Area B, with not more than 120 of these dwellings being multi-family units.

An older person residential zoning district that incorporates design principles and performance standards, oriented to retirement age residents, will provide the implementation mechanism for this housing designation. The Older Person Residential (OPR) zoning district is to be applied to those locations within the Berryville Area planned, or subsequently designated, for Medium Density Residential for Older Person uses. Properties should be zoned OPR only if the applicant presents zoning proposals, master planning, phasing concepts, and public facilities programs which fully complement the adopted Area Plan.

The specific density for each site shall be determined by a plan showing the location of, and the relationship between, uses based on land use planning standards and urban design criteria. These standards and criteria shall provide for quality neighborhoods that are complementary to the existing community and that do not generate undue public service needs.

New Approaches to Facilitate Flexible Housing Options

In conjunction with the 2015 update of the Berryville Area Plan, policies were established to encourage and facilitate the development of a mix of housing types to serve the Town's future housing demands (see Chapter III, Housing). In particular, the future development of flexible housing types that would appeal to broad demographic of residents is desired that include elements such as:

- Single-story structures with accessible design elements desirable to residents of all ages and that enable residents to “age in place.”
- Compact lots, shared walls, and zero-lot line designs to create low-maintenance property footprints.
- Amenities such as shared common areas, courtyards, sidewalks, trails, and open space to help create a sense of place for residents.
- Innovative street, parking, and stormwater management designs to cluster units together and maximize use of space.

Also undertaken as part of the 2015 Plan update was a study to determine the number of projected dwelling units throughout Annexation Area B that have gone unused as a result of residential development at lower densities or other projects. Town and County Planning Staffs identified a total of 195 unused dwelling unit rights in six residential Sub-Areas:

- Sub-Area 3 (Clarke County High School/Battlefield Estates South) – Total of 71 dwelling units not used as a result of constructing the new High School, recreation/open space, and stormwater management facilities.
- Sub-Area 4 (Battlefield Estates North) – Total of 18 dwelling units not used, partially due to the need for stormwater management areas.
- Sub-Area 18 (Berryville Glen) – Total of 45 dwelling units not used as a result of lower density development.
- Sub-Areas 24 and 25 (Southgate/Northern Portion and Southgate Residential Area) – Total of 6 dwelling units not used as a result of lower density development.
- Sub-Area 27A (Hermitage Residential Growth Area) – Total of 55 dwelling units not used as a result of lower density development and areas needed for stormwater management.

Reallocation of these unused dwelling units to other residential Sub-Areas may be used as an approach to encourage development of flexible housing types with the aforementioned attributes without exceeding the total residential capacity identified in the original Berryville Area Plan. As noted later in this Chapter, undeveloped residential Sub-Areas 9 (Northern Residential Growth Area) and 15 (Northeastern Residential Growth Area) are identified as potential candidates to receive reallocated dwelling units from other Sub-Areas.

The Town and County should also consider adoption of new or modification of existing land use regulations for Annexation Area B that will further help to facilitate innovative design of flexible housing types and communities, especially regulations that maximize the use of land while protecting areas of environmental, scenic, or historic significance.

Commercial/Economic Development

The Plan has been designed to accommodate three distinct commercial/economic development use classifications - Highway and Visitor Commercial, Business/Office, and Light Industrial/Research.

The Berryville Area's center of commerce is the downtown Berryville business district. The Area Plan's retail and business goals emphasize the community's desire and commitment for the existing downtown to serve as the principal location for new retail shopping and service opportunities. In keeping with this, it is an objective of this Plan to discourage any shopping center and/or strip-styled retail land uses outside of downtown Berryville.

For commercial and light industrial uses, the Plan utilizes "floor area ratio" (FAR) to articulate the desired density and scale in each planning area. Similar to residential uses, FAR utilizes the net developable acre concept but uses total floor area of commercial/light industrial structures in the ratio instead of number of dwelling units. This Plan recommends an FAR of 0.30 per net acre for each land use designation.

The **Highway and Visitor Commercial** designation addresses peripheral business-related land uses lying adjacent to the intersection of arterial highways. The limitations included in this designation were set for the specific purpose of discouraging any future conversion of this land for intensive highway strip commercial or less desirable industrial/ warehousing uses. The Highway and Visitor Commercial designation provides an opportunity for retail/service development in carefully chosen locations within the Berryville Area to complement the retail uses in the Downtown Business Commercial area. This commercial land use designation does not encourage or provide for conventional shopping centers or large-scale, freestanding retailing establishments. To the extent achievable, via zoning district controls, development is to be compatible in physical scale and architectural themes with existing retail in the downtown area. The specific retail and service uses permitted in this district must be sensitive to the goal of maintaining the marketplace balance and critical mass essential to the continued health of the downtown retail sector.

Peripheral commercial activities oriented to uses requiring a high degree of auto accessibility and serving the visitor commercial needs are accommodated in the Highway and Visitor Commercial designation. Lodging and eating establishments related to tourism are accommodated in this designation. Such establishments are to be creatively grouped in an efficient manner meeting the comprehensive planning objectives. Adequate transportation and site planning of tourism related land uses shall minimize traffic conflicts with other commercial activities within the Berryville area. The Business-Commercial (BC) zoning district is to be applied to the Sub-Areas with the Highway and Visitor Commercial designation.

The **Business/Office** designation is established to encourage innovative design of office and employment related development that will provide opportunities for small scale business activities, as well as serve as a transitional land use between commercial and residential land uses. The application of the land use designation is intended for newly developing locations with good accessibility in the Berryville Area where offices and businesses of a scale compatible with surrounding residential areas are the principal use. Development intensities can span a wide range in floor area ratios (up to .30 FAR) depending on the particular project's intended land uses,

physical characteristics, access, parking requirements and other infrastructure demands. Quality site design principles, with significant buffers when adjacent to any residential land uses, are to be incorporated into Business/Office development projects. The Business (B) zoning district is to be applied to those locations with the Business/Office designation.

The **Light Industrial/Research** designation is organized to guide industrial-related land use activities within the Berryville Area. Given the economic development goals of the community, this district does not encourage heavy industry, but, rather, promotes the development of research, development, training centers, light warehousing, light manufacturing, and incidental offices to such uses. The intent of the Light Industrial/ Research planning designation is to accommodate such relatively low intensity industrial uses with site planning emphasizing landscaping and stringent performance standards for air and noise quality. New economic development uses should be highly buffered from residential areas by significant landscaped setbacks and transitional uses, business office or public uses, where possible.

This land use designation will apply to areas in the Berryville Area. Development densities should not exceed 0.30 FAR, with implementation tied to detailed, site plan proposals. Given the close proximity of those Sub-Areas planned for Light Industrial/Research uses to existing, low density residential and non-residential land uses, industrial applications shall be subject to stringent review for mitigation features. This review shall use rigorous standards for external site uses (such as storage), sensitive lighting, signage, buffering (fencing and landscape materials), and other matters that could adversely impact the environment. The Light Industrial (L-1) zoning district will be applied to those locations within the Berryville Area that are planned for Light Industrial/Research uses.

Conservation/Preservation/Institutional Districts

The fourth general planning category includes conservation, preservation, and institutional land uses. These land uses are each uniquely susceptible to potential negative impacts from urban development activities, and require special regulatory oversight to ensure their continued protection. Any and all land uses occurring within the Conservation/Preservation/Institutional areas shall be implemented by zoning districts and/or special use permit standards.

The three planning designations include: (1) Environmental Conservation Areas, (2) Historic/Cultural Preservation Areas, and (3) Institutional/Public Areas. In the areas which are directly related to conservation and sensitive physiographic areas (including Karst areas, flood plains, and stream valleys), planning policies and implementation guidelines shall protect the environment and surrounding land uses against ecological destruction and harmful encroachment.

The **Environmental Conservation** designation for specific Sub-Areas within the Berryville Area is consistent with the goals and objectives of the Plan to maintain the natural and scenic qualities of the Berryville Area. Within the Berryville Area, Environmental Conservation is applied to those Sub-Areas having unique geological and physiographic features which warrant their continued maintenance in limited residential use or passive open space and/or park uses. Such features include those areas that may be situated within either 100-year floodplains or established environmentally sensitive areas critical to the management of storm drainage. The intent of this land use orientation is to protect significant natural features which are subject to periodic

inundation from flood waters including water courses, stream valleys, marshes, forest cover in watershed lowlands, manmade drainage channels, and overland drainage areas which are impacted by the 100-year floodplain. Land use controls for these areas are to ensure that future development provide for adequate drainage facilities as well as appropriate stormwater management improvements.

The **Historical/Cultural Preservation** designation includes planning policies and implementation guidelines to encourage uses that will lead to their continuance, preservation and improvement in a manner appropriate to the Berryville Area's special heritage and scale. Cultural, social, political, architectural and archeological influences must be carefully weighed to ensure that development within such districts will be in keeping with the character to be preserved and enhanced. Both this and the previous land use designation would be compatible for certain properties for which the owners desire conservation easement status.

The Open Space Residential (OSR) zoning district is designed to accommodate residences with the environmentally sensitive areas outlined above as well as properties with historic/cultural resource value located within the Berryville area. Specifically, it is to be applied to Sub-Areas where (1) existing environmental conditions present geophysical constraints which may limit any development, and (2) an existing historic residence may be subject to future encroachment by more intense land uses. The maximum allowable development density in this zoning district is one single-family detached residential unit per ten net developable acres. The OSR district may be applied to those locations within the Berryville Area that are planned for Environmental Conservation and Historic/Cultural Preservation uses.

Uses in the **Institutional and Public Uses** designation shall be focused on activities that directly or indirectly benefit the general public, including public facilities and uses that meet public goals including housing for the handicapped or senior citizens, or low to moderate income households. The concept of the Institutional and Public Use designation is incorporated to identify locations for municipal government properties and land uses (Town, County, and joint facilities) within the Berryville Area. While lands incorporated into this designation are primarily intended for governmental agency use or quasi-public use, some mixed-use (private/public) orientations may be appropriate under special permit regulations. The Institution (ITL) zoning district is to be established to implement the objectives of this land use designation.

Summarized in the following table, are the three land use categories with a general overview of intended land uses and density guidelines:

TABLE 11 – CONSERVATION/PRESERVATION/INSTITUTIONAL LAND USES AND DENSITIES

| <u>Conservation/Preservation/Public</u> | <u>Density</u> |
|---|---|
| 1. Environmental Conservation | No urban uses permitted, other uses as per overlay zoning district requirements |
| 2. Historic/Cultural Preservation | Performance-based densities |
| 3. Institutional/Public | Use and densities as per zoning district requirements |

In addition, to these conventional land use controls, a Historic Access Corridor Overlay Zoning District has been established by the County to ensure high quality site design and architectural compatibility as permitted by State law. The purpose of the district is to achieve architectural control of the buildings, structures, places, and areas of new development along the arterial streets or highways which are significant routes of tourist access to the County and surrounding areas. In the Berryville area, the Historic Access Corridor Overlay Zoning District has been applied to the following County properties along the Route 7 corridor:

- Within 300 feet of the rights of way of:
 - U.S 340 south of the Town corporate limits
 - Route 7 Business
 - Route 7 Bypass starting from a point 3,000 feet east of the western intersection of Route 7 Bypass and Route 7 Business to the intersection of Route 7 Bypass and U.S. 340

- Within 1,000 feet of the rights of way of:
 - U.S. 340 north of the Town corporate limits
 - Route 7 Bypass from its western intersection with Route 7 Business to a point 3,000 feet east of this intersection
 - Route 7 Bypass from its intersection with U.S. 340 to its eastern intersection with Route 7 Business.

The Historic Access Corridor Overlay District provisions can be found in §3-E-4 of the Clarke County Zoning Ordinance.

PLANNING AREA ANALYSIS

The 880 acre growth ring around the Town of Berryville known as Annexation Area B, which is the focus of the Berryville Area Plan, was divided into twenty-seven separate and distinct geographical planning units when the Plan was developed and adopted in 1992. Each planning unit, referred to as a planning Sub-Area, included an area of land that circumscribed a unique set of interrelated physiographic, topographic, and cultural characteristics that gave the Sub-Area its special identity. In establishing the boundaries and location of the various planning Sub-Areas, the Plan's research, inventories and analysis carefully weighed the physical, social, economic and political resources and constraints of the entire Berryville Area. Thus, in essence, the planning Sub-Area represents both a unit of analysis and a result of analysis.

In the process of designing a preferred land use plan for the Berryville Area, each Sub-Area became a unit around which (a) concepts were evaluated, (b) alternative land uses were modeled and (c) compatibility with community planning goals was tested. The following updated narratives recognize the original evaluations while including current Sub-Area data and analysis. These narratives identify the key Sub-Area characteristics, including (a) Sub-Area boundary delineations and land area, (b) existing land use and zoning, (c) hydrology and geology, (d) topography and natural features, and (e) cultural and political aspects. As related to the planning process, these factors and their interrelationships combine to have a direct bearing upon the process of structuring the optimal future land use(s) for any given Sub-Area. For example, key topographic features, such as major ridges or drainage swales, will suggest some land-use patterns

and discourage others. Similarly, existing highways and railroads constitute established man-made systems that must be incorporated into this planning process.

The original descriptions and designations of each Sub-Area section reflect town boundaries subsequent to the annexation effective January 1, 1989. The updated information reflects conditions in 2015.

The original document has been helpful in addressing planning-related issues in the Berryville Area. These include the development of the transportation network, the number of projected housing units, the requisite upgrades to utility systems, and the direction in which economic development efforts should occur. For example, in 2011 engineers and staff determined maximum daily flows for a new wastewater treatment plant, completed in 2013, that used development yield figures from the original Berryville Area Plan and the zoning applied to each parcel. Best practices identified the daily flows for single-family residential at 350 gallons per day.

C. SUB-AREA DESCRIPTIONS

This section contains detailed descriptions of each Sub-Area in Annexation Area B including future land use designations and development considerations. Future Land Use Plan Maps (Maps 3 and 4) and a table depicting Projected Development Yields (Table 12) are located in the Appendix.

SUB-AREA 1

| | |
|------------------------------|------------------------|
| Name: | WESTERN GATEWAY |
| Acreage: | 16.6 acres |
| Land Use Designation: | Institutional |
| Annexed: | No |

Planning Sub-Area 1, containing approximately 17 acres, is located west of the Town limits and immediately east of the Route 7 Bypass/Route 7 Business intersection. The Sub-Area is bounded by Route 7 Bypass on the north and Route 7 Business to the south. The eastern boundary is the property line with the County Fairgrounds. The land is currently zoned Institutional and Historic Access Corridor Overlay, and is regulated under the County's zoning regulations.

Enders and Shirley Funeral Home and St. Bridget's Catholic Church are located in this Sub-Area. Town utilities have not been extended to this Sub-Area and it has not been annexed by the Town. The area is served by a private water line that is maintained by the property owners or by private agreement with the Town, and the two users use septic drainfields. It was determined that while these businesses may expand, significant additional development of this Sub-Area is unlikely. A parish hall was added to the church parcel in 2013. The extension of Town-maintained utilities is recommended if any additional development occurs.

Businesses in this Sub-Area are accessed via Route 7 Business as their Route 7 frontages are designated as limited access. Given the Sub-Area's location to the Route 7/Route 7 Business intersection, it is a potential location for a future park-and-ride commuter lot.

Given that this Sub-Area has excellent highway visibility and limited vegetative cover, planning

for any development must address issues of buffering, open space and landscaping. The overall appearance of this property, as seen from both highways, must be a significant factor in selecting its most appropriate uses. In this context, any development proposals for the land must be carefully weighed against the planning goals and objectives related to the entry corridors of the Berryville Area. Due to the Sub-Area's location, historic access corridor ordinance and design guidelines should be adhered to and addressed in any development applications.

SUB-AREA 2

Name: FAIRGROUNDS
Acreage: 58.9 acres
Land Use Designation: Institutional
Annexed: No

Sub-Area 2, containing approximately 58.9 acres, is comprised of the Ruritan fairgrounds, two single-family homes, a commercial recreation business, two of the Town's municipal water storage facilities and Town public works shop and storage area. The zoning applied to this Sub-Area is Institutional and Historic Access Corridor Overlay. Its northerly and southerly boundaries are Route 7/Bypass and Route 7 Business, respectively. The westerly boundary is delineated by the common property line with Sub-Area 1, while the easterly limits of the Sub-Area generally correspond to the north/south ridge whereon the existing water tanks are sited. The Town's Public Works Department has access to sanitary sewer since the development of the Clarke County High School in Sub-Area 3. Utilities have not been extended past this point and the Sub-Area has not been annexed by the Town.

While the majority of this Sub-Area consists of the fairgrounds, there is the potential for future re-development. The Institutional zoning district allows for low- to moderate-income housing to be constructed allowing 12 units per net developable acre with an approved Special Use Permit. The maximum potential density is 540 units. The installation of Town utilities would be required of any developer who chose to build in this Sub-Area.

The Institutional/Public Use planning designation supports and characterizes the dominant existing site uses. The historic access corridor district regulations impact this Sub-Area and provide for design review treatment of any subsequent development proposals. The Sub-Area has generally stable land uses given its major use as the County fairgrounds and Town water facilities. As such, no additional urban uses should be prescribed for the Sub-Area.

Transportation improvements to the Sub-Area shall include provision for pedestrian movements, via sidewalks and paths, along Route 7 Business given the public nature uses in the Sub-Area. Due to its location to the Route 7 Bypass, a park and ride facility would be appropriate for this Sub-Area and should be considered in the future.

SUB-AREA 3

Name: HIGH SCHOOL/BATTLEFIELD ESTATES SOUTH
Acreage: 84.4 acres
Land Use Designation: Low Density Residential
Annexed: Yes

Sub-Area 3-contains approximately 84 acres and is located entirely within Town limits. It is bordered on the south by Route 7 Business and the Berryville Corporate Limits. The north and west boundaries of the Sub-Area is Mosby Boulevard. Sub-Area 3 is the location of the Clarke County High School which was completed in the fall of 2012. 71 single-family homes were removed from the original yield of 290 homes in order to build the high school. A total of 143 single-family homes are constructed within this Sub-Area in the Battlefield Estates Subdivision with two undeveloped lots remaining. The zoning in Sub-Area 3 is DR-4 Detached Residential.

The residential density should not exceed two dwelling units per net developable acre. Density calculations should be based on the developable or net acreage of a parcel so as to better reflect its actual development potential.

Significant transportation improvements have occurred in Sub-Area 3 since the Area Plan's development. The Mosby Boulevard extension which was part of the Berryville Area Plan Proposed Road Network was completed in 2012. A roundabout was added to the intersection of West Main Street (Business 7), Mosby Boulevard and Westwood Road and has been an effective tool for traffic management. A multi-use trail was constructed by the Town in the mid-2000s that runs along the Clarke County High School site. The path was paved as a part of the high school development and is now extended to Chet Hobert Park. The path also follows the new portion of Mosby Boulevard from the intersection to existing sidewalks.

As of 2015, this Sub-Area is close to maximum build-out assuming the Clarke County High School property cannot be further developed. This Sub-Area may be a candidate for removal from the Plan in the near future.

SUB-AREA 4

Name: BATTLEFIELD ESTATES NORTH
Acreage: 50.1 acres
Land Use Designation: Low Density Residential
Annexed: Yes

Sub-Area 4, containing approximately 50.1 acres, is located between Mosby Boulevard to the south, Route 7 Bypass to the north, Hancock Court to the east, and the Ruritan Fairgrounds to the west. The parcels within this Sub-Area are zoned Detached Residential-4 (DR-4) and have been annexed by the Town. There are 54 single-family units within this Sub-Area with 8 single-family lots remaining.

The Clarke County School Board purchased a 13.6-acre parcel on the northwest portion of this Sub-Area concurrently with the parcel on which the Clarke County High School is built. Much of the northern parcel is encumbered by a storm water management facility that was constructed as a

part of the extension of Mosby Boulevard to capture storm water from the road surface. A total of 18 dwelling units were removed from the Battlefield Estates development plan due to the purchase of this property by the School Board.

As of 2015, this Sub-Area is close to maximum build-out assuming the Clarke County School Board property cannot be further developed. It is recommended that the Sub-Area be retained as future development is dependent on the stormwater detention facility. Future stormwater requirements may also be modified which could allow additional development.

SUB-AREA 5

Name: BATTLEFIELD ESTATES EAST
Acreage: 30.8 acres
Land Use Designation: Medium Density Residential
Annexed: Yes

Sub-Area 5 contains approximately 30.8 acres and is generally situated south of Mosby Boulevard from Jackson Drive to US 340. The entire Sub-Area is located within Town limits.

There are 58 single-family homes built in this Sub-Area with four lots remaining which is the total number originally proposed yield for this Sub-Area. Residential streets included in this Sub-Area are Stuart, Ashby, Archer, Breckinridge and Pickett Courts. Several houses front on Mosby Boulevard. All of the parcels in this Sub-Area are zoned Detached Residential-4 (DR-4).

As of 2015, this Sub-Area is close to maximum build-out with only two undeveloped DR-4 zoned parcels on the north side of Mosby Boulevard. This Sub-Area may be a candidate for removal from the Plan in the near future.

SUB-AREA 6

Name: MOSBY BUSINESS AREA
Acreage: 15.95 acres
Land Use Designation: Business/Office
Annexed: Western portion has been annexed

Sub-Area 6 contains approximately 16 acres in two non-contiguous areas and is situated between Sub-Area 4 on the west, Sub-Area 7 to the east, Mosby Boulevard to the south and the 7 Bypass to the north.

Sub-Area 6 was modified in 2009 when a rezoning occurred in order to expand the Older Person Residential zoning district to allow for the development of the Robert Regan House in Sub-Area 6A. The project was not completed at that time. A similar application for a Special Use Permit was resubmitted and approved in 2013. This portion of Sub-Area 6 is located within Town limits. The eastern portion of Sub-Area 6, located adjacent to Sub-Area 7, remains in the County.

Sub-Area 6 also includes a portion of the parcel owned by the North Buckmarsh LLC located at the southwestern corner of the intersection of 7 Bypass and 340. This portion of Sub-Area 6 has not been annexed by the Town. The zoning applied to all portions of Sub-Area 6 is B Business.

This district allows for a broad range of business activities and encourages employment related development. The portion of Sub-Area 6 that has not been annexed by the Town also includes the Historic Access Corridor Overlay District which extends 300 feet south of the right of way for Route 7.

The Business/Office land use designation is applied to Sub-Area 6 to establish the framework for a low intensity business park that will be planned in conjunction with Sub-Area 7.

The proposed Business-B zoning district for this Sub-Area states that Development intensity should not exceed a 0.3 floor area ratio (FAR), based on the net developable area within the Sub-Area. Sub-Area 6 has an approximate development capacity of approximately 95,000 square feet of leasable area.

SUB-AREA 6A

Name: MOSBY FLEXIBLE RESIDENTIAL AREA
Acreage: 19.2 acres
Land Use Designation: Medium Density Residential for Older Persons; Medium-Low Density Residential (alternative)
Annexed: Yes

Sub-Area 6A contains approximately 18 acres and is situated between Sub-Area 6 on the west and north, Sub-Area 7 to the east, and Sub-Area 5 to the south. The entire Sub-Area is located within the Town.

This Sub-Area was originally established to facilitate development of medium-density senior housing developments, and the Older Person Residential (OPR) zoning district was applied to all properties within the Sub-Area. The OPR District allows for the broadest range of housing types available in the Berryville Area including single-family detached homes, duplexes, triplexes/quadplexes, townhouses, and multi-family structures. Mary Hardesty House, a multifamily senior housing complex, and the Greenfield Assisted Living Facility were developed in this Sub-Area over the past twenty years along with several single-family detached residences. An additional multi-family residential complex was approved in 2013 for a maximum of 60 units.

The OPR District was originally adopted by the Town of Berryville and Clarke County in accordance with the Berryville Area Plan's original recommended densities – a maximum of 300 residential units for all properties zoned OPR including a maximum of 120 multi-family residential units. With the approval of the two multi-family residential complexes, the total number of multi-family units set forth in the Town Ordinance and Berryville Area Plan was exhausted.

Alternative Design Option

In conjunction with the 2015 update of the Berryville Area Plan, policies were established to encourage and facilitate the development of a mix of housing types to serve the Town's future housing demands. In particular, the future development of flexible housing types that would appeal to broad demographic of residents is desired that include elements such as:

- Single-story structures with accessible design elements desirable to residents of all ages and enabling residents to “age in place.”
- Compact lots, shared walls, and zero-lot line designs to create low-maintenance property footprints.
- Amenities such as shared common areas, courtyards, sidewalks, trails, and open space to help create a sense of place for residents.
- Innovative street, parking, and stormwater management designs to cluster units together and maximize use of space.

In an effort to encourage development of a mix of housing types with these characteristics in this Sub-Area, an alternative development option is recommended. Developers may be able to re-zone to the Attached Residential (AR) District provided that their proposal includes the aforementioned design elements, mitigates impacts on public infrastructure and surrounding properties, and meets all requirements of the Town’s AR District. A maximum of fifty (50) AR District units are set aside for this alternative development option. These units would not be subject to age-restriction requirements of the OPR District but they would be deducted from the total number of units programmed for this Sub-Area.

Other Sub-Area Considerations

Transportation is a critical component of this Sub-Area. Its development pattern has dictated a road network which accesses Greenfield and future development to the north of Mosby Boulevard. Vehicular and pedestrian connectivity of this area shall be considered with future development. The public street system in this Sub-Area (Chamberlain and McClellan) must be completed and brought into the Town’s road system prior to additional development. Emergency access and appropriate lighting is important to the health, safety and welfare of those who live and work in this Sub-Area as well as to emergency responders.

Other relevant planning issues for Sub-Area 6A, include provision of quality landscaping, screening and buffering to alleviate potential concerns from residential uses to the south and west. The design and scale of the proposed uses should have a residential character that extends the small town design features and respects the architectural themes in the Berryville Area. A consistent design program should be established for all proposed buildings within the development. Site design requirements shall include the siting and massing of buildings to enhance the views of the site from Mosby Boulevard and adjacent residential areas. Site planning shall also include extensive landscaping to screen the views of the buildings from these same vantages.

Site Plan and other future land use decisions in Sub-Area 6A should only approve development proposals that present a workable transportation solution, with public streets, which is in compliance with provisions for safe and adequate ingress/egress measures into the Sub-Area, as well as, adequate public street linkages within the overall planning precinct. The private sector should design and construct public roads in the planning precinct necessary to carry the ultimate traffic loadings for the projected development. In addition, transportation plans shall provide for bikeways as well as internal pedestrian movements via sidewalks and paths.

SUB-AREA 7

Name: NORTHERN GATEWAY/MOSBY HIGHWAY COMMERCIAL
Acreage: 23.1 acres
Land Use Designation: Low Density Residential
Annexed: Yes

Sub-Area 7, containing approximately 23 acres, is situated in the southwest quadrant of the Route 7 Bypass/Route 340 highway interchange, being bordered on the north and east by these roads. The southern boundary abuts Mosby Boulevard. The Sub-Area is zoned Business Commercial BC which provides locations for highway commercial uses including restaurants and motels. The Highway Access Corridor Overlay District also covers a portion of this Sub-Area – 300 feet south of the Route 7 right of way. Approximately 13 acres of Sub-Area 7, including the Food Lion and Bank of Clarke County, have been annexed by the Town.

The land use designation for Sub-Area 7 is Highway and Visitor Commercial. The Highway and Visitor Commercial land uses are established to provide locations within the Berryville Area for highway oriented business and commercial activities such as retail uses dependent on automobile access, restaurants, lodging, and offices. The locational characteristics of the Highway and Visitor Commercial uses solidify the goals of both the Town and County to expand the tax base while preventing the spread of urban-scale commercial development into rural portions of the County and providing for such development in the area of the County where urban services are available.

The transportation network in Sub-Area 7 must allow for access to the northern-most parcel. The roads within this Sub-Area must also be brought into the Town's secondary street system to allow for public access to both developed and undeveloped parcels. As this location is the northern entrance to the Town, aesthetics reflected in architectural design and landscaping shall be considered as a part of the development in this area. Direct access to North Buckmarsh Street should be limited, prohibiting full entrances with the possibility of right in/right out ingress/egress. Consideration shall also be given to completing connectivity between McNeill Drive and Chamberlain Street to facilitate traffic to use McClellan Street in order to exit the Sub-Area via Mosby Boulevard. This will help to minimize stacking and other access management concerns with traffic attempting to exit the Sub-Area via McNeill Drive to use the signalized intersection at Mosby Boulevard and North Buckmarsh Street.

The Highway and Visitor Commercial Land use policy is designed to encourage business and commercial employment uses in a master planned setting, with an emphasis on low density, well landscaped development. This strategy is in keeping with the Town and County's firm commitment to the preservation of its existing residential neighborhoods and the semirural lifestyle of the outlying community, while ensuring the economic vitality and stability of the County and the Town.

Private developers shall coordinate their work to establish a master site plan for the surrounding Sub-Areas (Sub-Area 4, 5, 6 and 7) as a condition of any specific land use approval. A consistent design theme shall be established for all proposed buildings within the Sub-Area. Given the locational and topographic characteristics of this Sub-Area, development shall emphasize low intensity building coverage, quality landscaping and buffering as well as the preservation of the

extensive natural drainageways which impact the site. Site planning and design shall address stormwater management and preserve the existing natural swales and ridges.

Development intensity in the Business Commercial Zoning District proposed for this Sub-Area should not exceed a 0.3 floor area ratio (FAR), based on the net developable area within the Sub-Area. The Sub-Area has an estimated development capacity of 210,000 square feet of leasable area.

The type and scale of commercial uses should relate to the architectural styling, massing, and materials described in the guidelines for the Historic Access Corridor while serving the prevailing marketplace needs. The planning of public streets, and water and sanitary sewer service shall address both on-site and off-site improvements as a condition of approval.

SUB-AREA 8

Name: CEMETERY
Acreage: N/A
Land Use Designation: N/A
Annexed: Yes

Sub-Area 8, containing approximately 22.2 acres, is located immediately north of the Town of Berryville, on the east side of Route 340. The Sub-Area is developed entirely as Green Hill Cemetery, with the entire Sub-Area under the ownership of the cemetery corporation. The parcels within this Sub-Area are zoned Institutional ITL. Since this original Sub-Area does not have development potential, it is removed from the revised Plan.

SUB-AREA 9

Name: NORTHERN RESIDENTIAL GROWTH AREA
Acreage: 41.7 acres
Land Use Designation: Low Density Residential
Annexed: Yes

Sub-Area 9, a portion of the farm referred to as Soldier's Rest, contains approximately 41.7 acres and is located in the southeast quadrant of the Route 7 Bypass/Route 340 interchange. A major ridge formation constitutes the largest part of the Sub-Area's eastern boundary, with the balance following the Sub-Area 11 boundary, a minor swaled drainage way that runs in a northerly direction towards Route 7 Bypass. The southerly boundary corresponds to an east-west ridge that approximately delineates the line between Annexation Area B and the previous Town corporate limits. Route 7 Bypass provides the northerly limits of the Sub-Area, with Green Hill Cemetery serving as the western limits of this undeveloped property. Sub-Area 9 is currently zoned Detached Residential – 2 (DR-2). The entire Sub-Area is located within town limits.

The Sub-Area is highly visible from the Route 7 Bypass because of the road's elevation. But, it is well buffered from any views from Route 340 by the cemetery and adjacent ridge formation. The well contained basin orientation has its most direct visibility from Sub-Area 11 (the historic Soldier's Rest residence).

The Low Density Residential land use designation, in combination with the Historic Access Corridor design requirements, provides for an appropriately scaled residential neighborhood compatible with the ecological and locational characteristics of the property as well as the character of the adjoining Green Hill Cemetery and the historic house, Soldier's Rest. Due to its position in the watershed, stormwater management and drainage should be addressed relative to potential downstream runoff problems.

In 2005, an application was submitted for the Shenandoah Crossing subdivision which includes this Sub-Area and a small portion of Sub-Area 10 and created 79 lots permitted under cluster subdivision design regulations. At the same time, a development plan was submitted for the Fellowship Square property immediately to the south of Sub-Area 9 which is not located in Annexation Area B. An integrated road plan was submitted that addressed the extension of Fairfax Street; access to Sub-Areas 9, 10 and 11; and off-site improvements on the western portion of Fairfax Street to 340. Due to the economic downturn, the developers of both parcels discontinued their efforts to develop the respective parcels, however these approved plans control future development of the property.

A portion of this Sub-Area was developed in conjunction with Darbybrook Subdivision (described in Sub-Area 10). The boundaries of this Sub-Area have been adjusted with the 2015 Plan update to reflect the parcel boundaries of the Darbybrook and Shenandoah Crossing developments.

A cluster design for all residential units is encouraged and would provide opportunities to reserve significant slopes, sensitive environmental areas, and natural drainage ways. Unit siting, setbacks, and related landscape buffering should protect the Soldier's Rest house and adhere to the Historic Access Corridor design principles. Cluster development incentives shall be considered in the future, allowing for increased density within this subdivision and the Fellowship Square parcel to the south. Continued discussions with both property owners should be encouraged in order to maximize development potential and allow for higher density residential development closer to downtown which allows for a more walkable/bicycle friendly community.

As of 2015, the entire projected yield of 54 dwelling units is obligated to the Shenandoah Crossing project but none of the units have been developed. The original Berryville Area Plan identified Future Land Uses in Table V-1 and included planned yields for respective commercial and residential development. Of the residential development that has occurred in Annexation Area B through 2015, 195 dwelling units of the planned yield have not been constructed. Given that the Shenandoah Crossing lots have not yet been developed, this Sub-Area could be considered for additional dwelling units from those units not used in other Sub-Areas. Projects that utilize cluster design with provision of open space, incorporate age-in-place design elements in the proposed homes, and propose a mix of housing types and sizes should be considered for additional density.

SUB-AREA 10

Name: FIRST STREET RESIDENTIAL AREA
Acreage: 9.5 acres
Land Use Designation: Low Density Residential
Annexed: No

Sub-Area 10, originally containing approximately 9.5 acres, is bounded on the south by the previous Town corporate limits with the Battletown townhouses beyond. The previously described ridge formation establishing its western boundary is common with Sub-Areas 9 and 11. The northerly boundary follows the centerline of the stream, Buckmarsh Run that drains the majority of this Sub-Area. To the east, a number of residences line the First Street frontage across from the industrial property on the east side of First Street.

The property within this Sub-Area, known as Apple Glen, was previously subdivided into 67 quarter-acre lots using property in both Sub-Areas 9 and 10. The parcels within the development are zoned Detached Residential-4 (DR-4). The subdivision was fully built out as the Darbybrook Subdivision in 2005 and 2006 using the general layout from the original subdivision. This portion of the Sub-Area has been annexed into the Town and has been removed from the Plan with the 2015 update. Also in conjunction with the 2015 update, the stormwater detention facility that serves Darbybrook Subdivision and is located at the end of Page Street is removed from the plan. This change results in a maximum development yield for Sub-Area 10 of six (6) units.

This Sub-Area also includes two parcels that front on First Street and are not part of Darbybrook Subdivision. These parcels are zoned Detached Residential-2 (DR-2) and have not been annexed by the Town.

SUB-AREA 11

Name: SOLDIER’S REST PRESERVATION AREA
Acreage: 13.8 acres
Land Use Designation: Historical/Cultural Preservation
Annexed: No

The configuration of Sub-Area 11, comprising 13.8 acres, establishes a desirable boundary around the historic house, Soldier’s Rest. The Sub-Area encompasses the main grounds and physical improvements of Soldier’s Rest, with its west, south and east boundaries common with those of Sub-Areas 9, 10, and 12, respectively. The northerly Sub-Area boundary is Route 7 Bypass. The Sub-Area is zoned Open Space Residential (OSR). A small portion of the original Sub-Area the storm water detention facility for the Darbybrook Subdivision at the terminus of Page Street zoned Detached Residential-4 (DR-4), was removed in conjunction with the 2015 Plan update.

The OSR zoning designation allows for one (1) residential structure for every ten (10) acres. The district was created to preserve and protect properties with significant cultural and/or historical value; those areas with sensitive environmental features; and promote open space within Annexation Area B. The County’s historic resources survey (survey #21-73) states that what is now rear wing of the Soldier’s Rest house dates from circa 1769 with a major addition in the 1820’s of what is now the front of the house. The several farm related outbuildings date from the

late 19th or early 20th century. There are several 20th century modifications to the structure. It is believed that Daniel Morgan constructed the house or at least owned it briefly. It is one of the first houses in the County constructed of milled wood which may have come from the Burwell-Morgan Mill in Millwood. A small log building, which stood about 200 yards east of the house adjacent to the nearby spring, was used by George Washington as an office when he surveyed in the area. It is also thought that the house was used as a hospital during the Civil War, hence its name. Given the historic character of the residence, Sub-Area 11 should be designated for preservation and conservation uses. The programming and design of land uses in adjacent planning units shall respect historic preservation goals.

The Sub-Area has a northeasterly sloping orientation with moderate relief. Buckmarsh Run serves as the eastern boundary of this Sub-Area. This environmentally sensitive floodplain is shared with Sub-Areas 10, 12, and 13.

The historic residence is currently accessed via a farm road along the boundary between Sub-Areas 9 and 10. The Shenandoah Crossing subdivision development plans showed much of this access easement being vacated and access to Soldier's Rest (known as Price's Lane) will be from Petal Drive, a stub street that was developed as part of the Darbybrook Subdivision.

SUB-AREA 12

Name: FIRST STREET CONSERVATION AREA (12A)
FIRST STREET LIGHT INDUSTRIAL AREA (12B)
Acreage: 26.3 acres (12A – 18.7 acres; 12B – 7.6 acres)
Land Use Designation: Environmental Conservation (12A)/Light Industrial/Research (12B)
Annexed: No

Sub-Area 12, containing approximately 26 acres, is bounded by the railroad right-of-way on the east and Route 7 Bypass on the north. The balance of the Sub-Area boundary follows Buckmarsh Run, the stream channel which serves as the northern boundaries of Sub-Areas 10 and 11. The Sub-Area is bisected by First Street and has a mix of Open Space Residential (OSR) and Industrial (L-1) zoning.

The land in Sub-Area 12 is characterized as environmentally sensitive and is predominantly low, marshy, flood-prone property with poor internal drainage attributes. The property has good visibility from the Route 7 Bypass and from the Soldier's Rest residence to the west.

Four existing single-family residences are sited on the only properties in this Sub-Area not subject to regular flooding. The balance of the land is a critical environmental area with any future development subject to the most restrictive development and floodplain regulations.

Access into this area is from First Street. The Transportation Plan addresses the need to reserve additional right-of-way along First Street to accommodate any future widening. Also, the existing culverts under First Street and the railroad embankment for Buckmarsh Run should be expanded as their limited hydraulic capacity increase the flooding potential of First Street and the entire Sub-Area. Both 12A and 12B are subject to the Historic Access Corridor design guidelines.

The critical environmental areas in the Sub-Area are extensive and should be preserved in conjunction with the maintenance of the existing residences located on First Street. No significant alteration of the existing stream or wetlands is recommended. Provision of stormwater management facilities in this Sub-Area, serving other Sub-Areas is discouraged. Preservation of the critical environmental areas would also provide a visual and physical buffer between the two incompatible uses of industrial (Sub-Area 12B) and residential (Sub-Areas 10 and 11). Under the given planning designations, the Sub-Area should be considered as having the lowest planning priority for any form of urban development.

Sub-Area 12A

Sub-Area 12A has not been annexed by the Town and constitutes all the Sub-Area west of First Street and the northern half of the area between First Street and the Norfolk Southern Railroad.

This Sub-Area was originally assigned a yield of two dwelling units. However, it was noted during the 2015 update of this Plan that each of the parcels of record in Sub-Area 12A contain an existing dwelling. Given the Sub-Area's significant environmental constraints, no development above and beyond the original dwelling unit rights assigned by the County should be allowed.

Sub-Area 12B

Sub-Area 12B is located outside of the Town corporate limits. 12B is the remaining portion of the Sub-Area between First Street and the Railroad, which is currently zoned for industrial uses and has been partially filled. The Light Industrial/Research land use designation for Sub-Area 12B recognizes the existing underlying zoning district designation for the subject area as well as the filling activities that occurred in the past. Given the Sub-Area's environmental constraints, development should be subject to regulations that govern in critical environmental areas.

Without the substantial mitigation of the existing floodplain and critical environmental areas, this site is not conducive to any intensive land uses. This assessment of the existing environmental conditions is based on an in-depth analysis of the geophysical constraints that may preclude any development.

The Business Park (BP) zoning district is applied to Sub-Area 12B. This recognizes the existing, fully developed character of the parcel immediately south of this Sub-Area. Development within Sub-Area 12B should be subject to the more restrictive and rigorous regulations imposed under the proposed Business Industrial, BI, zoning district regulations and performance criteria.

Site development in Sub-Area 12B should be coordinated with the industrial development along First Street. Future land use decisions in Sub-Area 12B should be subject to the stipulation that development proposals present a workable transportation solution which is in compliance with provisions for safe and adequate ingress/egress measures into the Sub-Area. Attention should be paid to the amount of traffic that would be generated from development in this Sub-Area that would travel through the intersection of East Main Street and First Street. Developer-funded improvements shall be pursued in accordance with any accepted traffic impact studies for new development in this Sub-Area.

Sub-Area 12B has a development capacity of approximately 75,000 square feet of leasable area.

SUB-AREA 13

Name: BUCKMARSH RUN CONSERVATION AREA
Acreage: 32.4 acres
Land Use Designation: Environmental Conservation
Annexed: No

Sub-Area 13, containing approximately 32 acres, is bounded on the northwest by the railroad and on the northeast by Route 7 Bypass. Most of the southern boundary follows the floodplain of Buckmarsh Run, common with Sub-Areas 10, 11, and 12. The entire Sub-Area is located outside of Town limits and is currently undeveloped.

Given the marshy, flood-prone characteristics of the area, it is classified as an environmentally sensitive area and is currently zoned Open Space Residential (OSR). The Open Space Residential

District allows for by-right development of single-family dwellings on lots no smaller than ten (10) acres in size.

Similar to Sub-Area 12A and Sub-Area 12B, this Sub-Area is seasonally wet and has poorly drained bottom land character. The environmental make-up of the sub-area renders it unsuitable for urban land uses, and as such, the land should be viewed as having the lowest comparative development potentials in the Berryville Area. No urban land uses should be permitted for this land unit. Coordination of stormwater management plans with those of other Sub-Areas is critical to preserving the natural integrity of this Sub-Area; every step should be taken so that each Sub-Area detains its run-off on site. Alteration of the Buckmarsh Run stream channel is discouraged.

The southern boundary of this Sub-Area was developed using topographic maps and may include limited areas that are not considered critical environmental areas (e.g., floodplain or flood-prone). In the event that developable land is located along the southern boundary of this Sub-Area through site engineering and analysis, these areas may be considered developable as part of the adjacent Sub-Area.

SUB-AREA 14

Name: NORTHEAST RESIDENTIAL TRANSITION AREA
Acreage: 7.2 acres
Land Use Designation: Medium-Low Density Residential
Annexed: No

Sub-Area 14, containing approximately 7.2 acres, is located just to the southeast of the railroad right-of-way that also corresponds to the current boundary of the Town of Berryville. The Sub-Area is bordered on the south and east by existing development that includes an established neighborhood of single-family detached homes. The Sub-Area is bounded on the east by a well-defined natural swale, which drains into the lowlands of Sub-Area 13. The entire Sub-Area is currently located outside of Town limits.

The Sub-Area is undeveloped and the physiography of the site with limited transportation access is not conducive to intensive land uses, particularly industrial uses. Mixed hardwood vegetation is

scattered throughout the planning unit, affording opportunities for visual buffers for the residential area to the south. Future land uses should be clustered so as to preserve the site's natural drainage way.

Transportation planning for Sub-Area 14 shall provide for connections through the existing Battletown Subdivision as well as potential linkages into Sub-Area 15. Transportation planning should also consider the potential for any developer-funded local collector road options that could be identified to provide direct connectivity from this Sub-Area to East Main Street.

The Sub-Area is currently zoned Business Park (BP) and is adjacent to the Norfolk Southern Railroad. Modifying this land use and its zoning should be considered due to its lack of vehicular access. Access is currently from Cattleman's Lane which is owned by Norfolk Southern Railroad. This road is substandard in width and is not publicly maintained making it unsuitable for business access absent substantial investment in a new industrial collector road.

This Sub-Area, previously designated as Sub-Area 14A, was originally recommended for light industrial uses due to its proximity to the Norfolk-Southern Railroad. In conjunction with the 2015 Plan update, this Sub-Area is now recommended for development of medium-low density residential as a transition area between the railroad and the adjoining low-density residential uses recommended for Sub-Area 15. Given the challenges of developing safe and effective ingress/egress for industrial traffic, this Sub-Area would be better served by lower-capacity residential streets constructed as part of a phased development plan that could occur in the future in Sub-Area 15.

Zoning requirements should encourage that residential development be planned in clusters. Cluster design for the residential neighborhood would provide the opportunity to reserve sensitive environmental areas and natural drainage ways, which would in turn, provide for more efficient use of the land. Clustering would also be an important tool by which land disturbance and grading activities could be confined.

It should be noted that the majority of the land contained in the Sub-Areas 13, 14, and 15 are in common ownership as of the 2015 Berryville Area Plan update. This presents the potential opportunity of facilitating a master plan development for these Sub-Areas including, but not limited to, the following elements:

- Transportation connectivity and improvements (see discussion under Sub-Areas 15 and 17).
- Cluster design to reduce infrastructure costs and adverse environmental impacts.
- Walkability elements including sidewalks and walking trails.
- View shed protection.
- Master planning for public water, public sewer, and stormwater infrastructure.
- Cash proffers or other developer-funded improvements to mitigate the impact of new development on Town and County capital needs.

If supported by a master plan of development that effectively addresses these and other elements, Sub-Area 14 support medium-low density residential development at a density of 4 units per acre.

The maximum potential yield for this Sub-Area is 28 units. The original Berryville Area Plan identified Future Land Uses in Table V-1 and included planned yields for respective commercial and residential development. Of the residential development that has occurred in Annexation Area B through 2015, 195 dwelling units of the planned yield had not been constructed. Additional density that would allow for a portion of these units to be included in this Sub-Area would come from these unused dwelling units.

SUB-AREA 15

Name: NORTHEASTERN RESIDENTIAL GROWTH AREA
Acreage: 63.1 acres
Land Use Designation: Low Density Residential
Annexed: No

Sub-Area 15, containing approximately 63 acres, surrounds the large historic house, Bel Voi, and is bounded on its outer limits by the Route 7 Bypass and the lowlands of Sub-Area 13 to the north, a well-defined drainage way to the west and the Battletown Subdivision to the south. The land is currently zoned Detached Residential-1 (DR-1). The entire Sub-Area is located outside of Town limits. The boundaries of this Sub-Area were revised with the 2015 Plan update to incorporate previous Sub-Area 14B, which was recommended for medium-low density residential uses. The revised Sub-Area 15 is now recommended for low-density residential uses consistent with the DR-1 zoning.

Approximately one-third of the area has slopes greater than fifteen percent, with a portion of the slopes exceeding twenty-five percent. The Sub-Area has minor, scattered tree cover and several defined drainage swales which must be addressed from both a site planning and stormwater management standpoint.

The land is highly visible from the Route 7 Bypass. In this regard, future development must be carefully sited. Further, land use proposals should respect the location and scale of the existing historic residence on adjoining Sub-Area 16.

Transportation planning for the Sub-Area should emphasize sensitively located linkages to and through Battletown Subdivision and the other Sub-Areas that make up this quadrant. However, given the low capacity nature of Battletown’s residential streets, additional access options to Sub-Area 15 should be explored. A primary access to serve the entire Sub-Area shall be developed through Sub-Area 17 providing an uninterrupted, direct connection to Route 7 Business. Access to Route 7 Bypass is restricted. The internal street system within Sub-Area 15 should be aligned to provide secondary connections to Sub-Areas 14 and 17 and Battletown Subdivision in the town to the south but only after the aforementioned primary access is accepted for public use.

This Sub-Area, with substantial contiguous frontage to Route 7 Bypass, is designated for Low Density Residential uses. Based on preliminary planning analysis, the Sub-Area has an estimated land holding capacity for approximately 81 dwelling units. The clustering of housing should be a design objective for this Sub-Area.

As previously noted, the majority of Sub-Areas 13, 14, and 15 are in common ownership as of the 2015 Berryville Area Plan update. This presents the potential opportunity of facilitating a master plan development for these Sub-Areas including, but not limited to, the following elements:

- Transportation connectivity and improvements (see discussion under Sub-Area 15 and 17).
- Cluster design to reduce infrastructure costs and adverse environmental impacts.
- Walkability elements including sidewalks and walking trails.
- Viewshed protection.
- Master planning for public water, public sewer, and stormwater infrastructure.
- Cash proffers or other developer-funded improvements to mitigate the impact of new development on Town and County capital needs.

If supported by a master plan of development that effectively addresses these and other elements, Sub-Area 15 could support medium-low density residential development at a density of 4 units per acre. The original Berryville Area Plan identified Future Land Uses in Table V-1 and included planned yields for respective commercial and residential development. Of the residential development that has occurred in Annexation Area B through 2015, 195 dwelling units of the planned yield have not been constructed. Additional density that would allow for a portion of these units to be included in this Sub-Area should be considered.

Transportation access to Sub-Area 15 is a challenging element due to the fact that the historic Bel Voi house is located on an 11.47 acre parcel that overlaps Sub-Areas 15 and 16 and extends northward to Buckmarsh Run and the planning boundary with Sub-Area 13. Connectivity between the west and east sides of Sub-Area 15 can only be achieved with future cooperation with the owner of the Bel Voi parcel. Absent this participation, the challenge will be to develop separate access plans that do not adversely impact existing transportation networks.

SUB-AREA 16

Name: BEL VOI PRESERVATION AREA
Acreage: 8.9 acres
Land Use Designation: Historical/Cultural Preservation
Annexed: No

Sub-Area 16, containing approximately 9 acres, partially encompasses the property immediately surrounding the existing historic residence, Bel Voi, contiguous to Battletown Subdivision. The land is zoned Open Space Residential (OSR). The planning unit is surrounded on the west, north and east by Sub-Area 15 and on the south by the existing residential subdivision. The Sub-Area has not been annexed by the Town.

The Sub-Area is designated for planning purposes as historical and cultural preservation, recognizing the existing home and grounds, known as Bel Voi, for both its cultural and historical significance within the Berryville community (survey #21-142). The County's historic resources survey states that the north wing of the house was built circa 1825, with additions made in 1953 and 1971. In addition to the brick vernacular residence, a brick smoke house, and a 4-bay brick slave's quarters (renovated as a guest house) are also on the property. The geographical limits of the Sub-Area are so defined as to create sufficient setbacks and buffer opportunities from any

future development on the contiguous undeveloped property. Given its high visibility and unique architectural features, Bel Voi should be preserved and considered as a focal point around which any future land uses should be carefully sited.

It should be noted that the historic Bel Voi home lies on an 11.47 acre parcel that is mostly within Sub-Area 16 but also partially extends into Sub-Area 15 to Buckmarsh Run adjacent to the environmentally-sensitive Sub-Area 13. The boundaries of Sub-Area 15 were originally drawn not to capture the physical boundaries of this parcel, but to account for existing topography and viewsheds surrounding the historic home. As noted in the description for Sub-Area 15, the boundaries of the Bel Voi parcel present some challenges to the future master planning of development on adjacent Sub-Areas. Regardless of the participation of the owner of Bel Voi in a future development project, it is recommended that the boundaries and recommended development density of Sub Area 16 be retained and any adjoining development project shall provide appropriate mitigation measures (e.g., buffers, architectural features) to further protect the historic home.

SUB-AREA 17

Name: EASTERN GATEWAY
Acreage: 15.1 acres
Land Use Designation: Low Density Residential
Annexed: No

A residual portion of Audley Farm when the Route 7 Bypass was constructed, Sub-Area 17, containing approximately 16.0 acres, is located immediately west of the Route 7 Bypass/Route 7 Business intersection, at the easterly entrance into the Berryville Area. This land has its northern border defined by the Route 7 Bypass, southern and eastern borders defined by Route 7 Business, and Sub-Area 15 and Battletown Subdivision in the Town establishing its western limits. This Sub-Area is zoned Detached Residential-1 (DR-1) and has not been annexed by the Town.

The land is highly visible from the Route 7 Bypass/Business intersection and is considered the eastern entrance to the Town of Berryville. Future development should be designed with frontage roads, significant landscape buffers, or other devices to present the most attractive face of a development toward this important entry corridor.

Transportation planning for Sub-Area 17 should be analyzed for appropriate access. The priority in planning for the transportation element in this area (including Sub-Areas 13, 14, 15, 16, and 17) should be to explore an access point to Route 7 Business for a future local collector road system, in addition to the public rights-of-way through Battletown subdivision. This local collector road would serve as the primary means of ingress/egress for future development in the aforementioned Sub-Areas. The priority should be to develop a new access to Route 7 Business before accessing existing stub streets in the Battletown subdivision.

As previously noted, the majority of Sub-Areas 13, 14, and 15, are in common ownership as of the 2015 Berryville Area Plan update. This presents the potential opportunity of facilitating a master plan development for these Sub-Areas with the owner of Sub-Area 17 including, but not limited to, the following elements:

- Transportation connectivity and improvements (see discussion under Sub-Areas 15 and 17).
- Cluster design to reduce infrastructure costs and adverse environmental impacts.
- Walkability elements including sidewalks and walking trails.
- Viewshed protection.
- Master planning for public water, public sewer, and stormwater infrastructure.
- Cash proffers or other developer-funded improvements to mitigate the impact of new development on Town and County capital needs.

If supported by a master plan of development that effectively addresses these and other elements, Sub-Area 17 could support medium-low density residential development at a density of 4 units per acre.

SUB-AREA 18

Name: BERRYVILLE GLEN
Acreage: 75.1 acres
Land Use Designation: Low Density Residential
Annexed: Yes

Sub-Area 18, containing approximately 75 acres, is situated on the southern side of Town and comprises the southeast limits of Annexation Area B. This Sub-Area is bounded on the northeast and southeast by Springsbury Road and on the southwest by the boundary of Annexation Area B. The remaining border generally follows the ridge of a drainage divide that embraces the entire northwest edge of the Sub-Area. The Sub-Area is adjacent to a historic property zoned Open Space Residential and a 12.57-acre parcel zoned Business Park BP. The zoning is Detached Residential-1 (DR-1). At the time of this Plan update, the Sub-Area, known as Berryville Glen, had been subdivided into 71 single-family lots and new homes are currently under construction. This Sub-Area has been annexed by the Town.

The land is generally well drained overland and does not pose significant runoff problems. This Sub-Area is designated for Low Density Residential uses. This is most easily supported by the property’s proximity to agricultural zoning and land uses on three sides. Development of this Sub-Area for comparatively denser residential uses is justified by its proximity to existing development in the town and to public services, especially water. Land use proposals should incorporate the development of appropriate neighborhood open spaces and a landscaped, passive park internal to the development. Landscaping, setbacks, and home siting should be sensitive to the historical/cultural preservation uses programmed for Sub-Area 19B.

This Sub-Area was originally programmed for 116 single-family dwelling units. The overall development plan for Berryville Glen utilizes the entire Sub-Area for the development of the approved 71 lots, leaving 45 unused dwelling units from the original planned yield. Absent a future redevelopment plan of Berryville Glen, it would be appropriate to consider moving these unused dwelling units to another Sub-Area in order to maximize development potential.

SUB-AREA 19

| | |
|------------------------------|---|
| Name: | JACK ENDERS BOULEVARD EAST LIGHT INDUSTRIAL AREA (19A)
DANDRIDGE ACRES PRESERVATION AREA (19B) |
| Acreage: | 22.57 acres (19A – 12.57 acres; 19B – 10 acres) |
| Land Use Designation: | Light Industrial/Research (19A)
Historical/Cultural Preservation (19B) |
| Annexed: | Yes |

The original boundaries of Sub-Area 19 contained approximately 24 acres and was divided into four components:

- 19A (18 acres) – Light industrial area encompassing the County Business Park lots on the north side of Jack Enders Boulevard and adjoining the Johnson-Williams Apartments property (Sub-Area 20) to the south.
- 19B (12 acres) – Limited residential property including the historic residence, Dandridge Acres.
- 19C (12 acres) – Light industrial property located east of Jack Enders Boulevard and the Town of Berryville water tower. This property is not part of the County Business Park.
- 19D (2 acres) – Light industrial property located within the County Business Park adjacent to the Town water tower.

With the completion of the County Business Park, former Sub-Areas 19A and 19D are combined with former Sub-Areas 21A and 21B to form new Sub-Area 21 that encompasses all properties within the County Business Park. Former Sub-Areas 19B and 19C remain and are now listed as Sub-Areas 19A and 19B. These two Sub-Areas are described in greater detail below.

The construction of a collector road connecting US Route 340 and Jack Enders Boulevard provides access for industrial activities, and establishes an alternative route for through East-South traffic to avoid downtown. Location of this collector is proposed in the Transportation Plan, to be located generally between the County owned land on the west side of the Norfolk Southern Railroad in Sub-Area 23 and the end of Jack Enders Boulevard in the County Business Park. Use of the County owned land must be carefully considered in terms of this land's character as well as the character of adjoining Sub-Areas. The eastern 2/3 of the collector road was constructed by August 2000 using Virginia industrial access funds. The intersection with Route 613 reconfigured and the street name changed. This collector road starting at East Main Street is now called Jack Enders Boulevard and runs directly to a temporary cul-de-sac at the end of the County Business Park. Springsbury Road now begins with a “T” intersection with Jack Enders Boulevard about ¾ mile south of East Main Street.

Given its location, access to rail, and excellent visibility to surrounding properties, Sub-Area 19A should continue to be considered an appropriate location for light industrial development which has occurred in this area.

Transportation planning for the entire Sub-Area must place priority on safety and sound access management principles. Primary access into this area has not been provided via Josephine Street but through the development and future continuation of Jack Enders Boulevard to 340.

Early discussions have taken place since the development of the Clarke County Business Park about the feasibility of extending a public road south adjacent to Sub-Areas 19A and 19B in the event that a new annexation area is established (see Chapter IV, Potential Future Growth Areas). This approach could be developed as an alternative approach to conveying East-South traffic around the downtown area as opposed to constructing a connection between Church Street and Jack Enders Boulevard. Any further consideration of this alternative route would have to be carefully evaluated from a planning and engineering perspective as any potential future growth area is also studied.

Sub-Area 19A – Jack Enders Boulevard East Light Industrial Area

Sub-Area 19A is zoned Business Park (BP) and designated for Light Industrial/Research uses. The Sub-Area is bounded by Jack Enders Boulevard, the Allen Property (Sub-Area 19B) and the Berryville Glen subdivision. While Sub-Area 19A is under private ownership and was not developed as part of the Clarke County Business Park, this Sub-Area should be integrally designed as part of the park and compatible with the planned light industrial land uses.

Industrial plant siting should respect the non-industrial uses on adjacent property. Ample setbacks and landscaping should be provided on the north, east, and south to visually and physically buffer industrial development from the historic, residential, and agricultural uses planned for Sub-Areas 18, 19B, and to the south. Site planning and design should also address storm water management and the preservation of the existing natural ridgeline.

As identified with other Sub-Areas of the Clarke County Business Park, transportation planning should address adequate connections to Jack Enders Boulevard linking Routes 340 and 613. This collector has been identified to insure provision of sufficient right of way for this important road link. Provision of pedestrian paths and sidewalks are encouraged.

Sub-Area 19B – Dandridge Acres Preservation Area

Sub-Area 19B is the historic residence known as Dandridge Acres. The County's historic resource survey states that this brick vernacular house (survey #21-92) was built circa 1850, has significant Greek revival detailing, other architectural features uncommon for this area, and several original frame outbuildings. The rear 1970s addition to the house has not significantly diminished its historic value.

The Historic/Cultural Preservation land use designation is applied to Sub-Area 19B that encompasses the historic house, Dandridge Acres and its immediate grounds. Given the adopted goals for preserving the character of the community, this 12 acre tract should be preserved and maintained as a cultural/historic centerpiece to any future residential development within the area, with the Sub-Area's borders serving as the limits of any encroachment from residential and/or any development related land uses.

The zoning district to be applied to Sub-Area 19B is Open Space Residential, OSR, allowing one dwelling per 10 acres. In addition, if an easement protecting the historic character of the house is not placed on the property, the Historic Overlay district shall also be applied.

SUB-AREA 20

Name: JOHNSON-WILLIAMS INSTITUTIONAL AREA
Acreage: 10.3 acres
Land Use Designation: Institutional/Public
Annexed: Yes

Sub-Area 20, comprising approximately 10 acres, includes three parcels: Milton Valley Cemetery (approximately 2 acres) which is adjacent to Jack Enders Boulevard; Johnson-Williams Apartments (owned by Clarke County and consisting of +/-6 acres), and a parcel owned by Clarke County (+/-1 acre). The Sub-Area is bounded on the north by residential lots on Josephine Street, on the west by AM Liner’s property in the Clarke County Business Park, and on the south and east by Sub-Area 19 as previously described. The zoning is Institutional (ITL). Per the Town and County zoning ordinances, this zoning district was established to “identify locations for municipal government properties and land uses (Town, County, State, and/or Federal), semi-public uses, residential uses serving general public purpose, and natural open space resources deemed necessary in providing areas for ‘passive’ and ‘active’ recreational uses within the precincts of the Berryville Area Plan.” Other areas zoned ITL include the Ruritan Fairgrounds, St. Bridget’s Church, Enders and Shirley Funeral Home, and Green Hill Cemetery.

The school buildings, were renovated into 40 age- and income-restricted Johnson-Williams Apartments. There have been previous discussions about adding approximately 28 additional units to this site and the County’s parcel to the west.

The County historic survey included the two older school buildings (survey #21-176 & 177), located west of Milton Valley Cemetery and east of the main Johnson-Williams school structure. These one and two room schools were built circa 1920 of wood frame, as the school for African-Americans in Clarke County from their construction until the integration of the County schools in the 1960s. The Josephine School Museum has been created in one of the structures. The second structure was used by Help With Housing until late 2013. These structures continue to be a source of community pride for residents living along Josephine Street as well as the rest of the County.

Any future land use within Sub-Area 20 shall respect the visibility and proximity of the Sub-Area to residents of Josephine Street and the visibility of the Sub-Area to the surrounding planning units.

The Light Industrial uses proposed for Sub-Area 21 on the south of this Sub-Area should be buffered with landscaping and setbacks within Sub-Area 19A. Appropriately designed uses focused on meeting community needs such as open space, public services, and/or housing shall serve as a transition between Sub-Area 21 and the existing residences along Josephine Street. Such a transition in uses would respect the integrity of the existing neighborhood and long-established residences on Josephine Street and meet community needs. Any new structures should be sited and buffered to minimize impacts on the Josephine Street neighborhood. The maximum floor area

ratio (FAR) for nonresidential structures in this Sub-Area should not exceed 0.3; the maximum residential density should not exceed 6 dwelling units per net acre.

Transportation planning should address the limited capacity of Josephine Street. No connecting linkage between Josephine Street and Sub-Area 21 should be permitted through the Sub-Area. Sub-area 20's two access points onto Josephine Street, at the old Johnson-Williams school and adjacent to the Norfolk Southern railroad, should both be used for any development on this site to insure maximum integration into the community and safety for emergency access. Any use of this site must address pedestrian access as well as storm water detention.

SUB-AREA 21

Name: CLARKE COUNTY BUSINESS PARK
Acreage: 73.6 acres
Land Use Designation: Light Industrial/Research
Annexed: Yes

Sub-Area 21, containing approximately 73 acres, is the Clarke County Business Park. The southern boundary of the Town is the Sub-Area's southern limits. The existing Norfolk Southern railroad establishes the northwest side of the Sub-Area, while a ridge, common with Sub-Area 19, delineates its easterly boundary. The existing zoning is Business Park (BP). The Sub-Area's revised boundaries include original Sub-Areas 19A, 19D, 21A, and 21B and incorporate all of the parcels in the Business Park.

The development of the Clarke County Business Park has respected the land's visibility to the north from the old Johnson-Williams Apartments property and from the Josephine Street neighborhood including landscape buffers and design requirements required through the covenants of the development. Consisting of 10 lots, the Clarke County Business Park includes approximately 20 structures and houses approximately 21 businesses.

The construction of Jack Enders Boulevard has allowed for a nearly completed build-out of the Clarke County Business Park. The completion and acceptance of the second phase is underway in 2014 with the street being of such a condition so as to complete an at-grade railroad track crossing across the Norfolk Southern tracks with a final completion to U. S. Route 340. Due to the location of the final intersection, it was determined that Church Street would become a cul-de-sac so as not to conflict with the new intersection. While currently not in place, pedestrian facilities should be provided along Jack Enders Boulevard to increase the attractiveness and compatibility of proposed development and in order to promote walkability.

SUB-AREA 22

Name: SOUTH CHURCH STREET RESIDENTIAL AREA
Acreage: 19.0 acres
Land Use Designation: Medium-Low Density Residential
Annexed: Yes

Sub-Area 22 contains approximately 20 acres, and is located between the Norfolk Southern Railroad and South Church Street, immediately south of the residential lots fronting on Josephine

Street. A property line between the vacant land to the south and the houses within this Sub-Area establishes its southwestern boundary. The current zoning is DR-4 Detached Residential, accommodating quarter acre lots. There are currently seven existing dwellings in the Sub-Area.

The land is partially undeveloped with several scattered single-family residences. The northeast portion of the Sub-Area contains substantial tree cover with marginal tree cover on the balance. A minor drainage divide traverses the site in a north-south direction. The closest water and sewer is available in the South Church Street right-of-way.

The County historic resource survey indicates two wood frame, vernacular structures built circa 1900 at the north end of the Sub-Area on Church Street. One structure is a commercial building now used as a residence (survey #21-152). It is noteworthy as the only commercial structure on the street retaining in its original condition, including lamppost and signs. The other building is a residential structure (survey #21-153) with many additions and alterations.

Future development in Sub-Area 22 must be sensitive to the following existing conditions and environmental issues: 1) compatibility of use with adjoining residential areas, 2) adequate setbacks and buffering from the existing railroad, and 3) careful land use siting to avoid conflicts with steep slopes and other environmentally sensitive land.

Sub-Area 22 is designated for the Medium-low Density Residential land use which allows single family detached housing at a development density of two to four units per net developable acre. Based on environmental analysis and synthesis of site characteristics, approximately 35 single family detached dwelling units could be accommodated on the property. Site planning should incorporate cluster housing features in order to avoid steep slopes and respond to troublesome physiographic and geologic features. A storm water management facility should be developed in the southerly lowlands in the Sub-Area. Pedestrian linkages should be designed to tie residences to on-site active and passive recreational improvements and open spaces. Housing should have a minimum 100 foot setback from the existing railroad. The use of landscaped and fenced screening is also strongly recommended to create a visual and sound barrier.

Incremental, compact, and phased development is encouraged with higher residential densities on selected tracts within the Berryville Area where superior site design and phased developments are incorporated into site development schemes.

SUB-AREA 23

Name: CRAIG'S RUN LIGHT INDUSTRIAL AREA
Acreage: 32.2 acres
Land Use Designation: Light Industrial/Research
Annexed: Yes

Sub-Area 23, containing approximately 32 acres is located at the southeasterly end of Annexation Area B. It is bounded on the east by the Norfolk Southern Railroad right-of-way. The planning unit is bounded on the west by the rear property lines of existing residences that front on Route 340 South. The south and west border is delineated by the Annexation Area B boundary which follows the Sub-Area's BP Business Park zoning.

The area is virtually devoid of tree cover and is relatively flat. The central portion of the site is taken up in seasonally wet lowlands that embrace the drainage channel through the property. The lowlands area should be graded to better accommodate drainage from the north.

Public water and sewer are available from South Church Street and should loop under the railroad tracks in order to prevent water quality issues and to assure efficient transport to the wastewater treatment plant, respectively.

The County historic resource survey indicates a wood frame, vernacular farm house (survey #21-178) at the south end of the Sub-Area. A portion of this structure built in the first half of the 19th century and the remainder around 1900. Significant remnants of several outbuildings remain. No outstanding historical significance has been identified with this property.

Future development in Sub-Area 23 must be sensitive to the following existing conditions and environmental issues: (1) compatibility of use with adjoining residential areas, (2) use of the flood-prone property for storm water management facilities, and (3) careful land use siting to avoid conflicts with steep slopes and other environmentally sensitive land.

Access to the planning area can be achieved via its South Church Street frontage. However its primary access should be via the proposed collector connecting Route 340 South with Jack Enders Boulevard (Route 700).

Provision of the collector road between Route 340 and Route 613 is important to providing access to Sub-Areas east of the railroad tracts as well as providing an opportunity for traffic to avoid downtown. Development of this Sub-Area should be predicated on provision of this facility. The collector road should be the primary means of access to this Sub-Area. The south end of Church Street should be terminated with a cul-de-sac. Provision of access to the collector road and Church Street should be allowed in accord with VDOT standards. An Official Map showing the location of this collector should be adopted to insure provision of this important right-of-way. The Light Industrial/Research land use designation is applied to Sub-Area 23. The property is uniquely suited for Light Industrial/Research uses as the only Sub-Area in the Berryville Area Plan having frontage on a railroad, a primary highway, and a planned collector road. Immediately east is Sub-Area 21 (Clarke County Business Park) that is designated for Light Industrial/Research uses. The Light Industrial/Research designation for Sub-Area 23 would allow complementary uses and serve as the entry to Sub-Area 21 from the west. It also falls within the Historic Access Corridor that establishes design requirements for non-single family development.

The Light Industrial/Research land use designation is applied to Sub-area 23 to establish the framework for a low intensity business park that should be planned in conjunction with Sub-area 21. It is intended that such uses provide employment opportunities as well as serve the needs of County residents. Such activities shall be developed in a low intensity manner with ample setbacks and quality landscaping and screening, so that residential uses to the north and west have an effective buffer. Provision for these buffers affirm the Town and County's firm commitment to the preservation of its existing residential neighborhoods and the semi-rural lifestyle of the outlying community, while ensuring the economic vitality and stability of the County and the Town.

The design and scale of the structures for proposed uses should be consistent with the architectural themes in the Berryville Area. A comprehensive design program should be established for all proposed buildings within the development. Site design requirements should include the siting and massing of buildings to enhance the views of the site from the Route 340 and the planned collector road.

The proposed Business Park-BP zoning district for this Sub-Area states that Development intensity should not exceed a 0.35 floor area ratio (FAR), based on the net developable area within the Sub-Area. Finally, the Historic Access Corridor Overlay District is applied to portions of this Sub-Area within 300 feet of US Route 340 and the collector road between Routes 340 and the Norfolk Southern Railroad. This District establishes design guidelines for development within this corridor.

Site Plan approvals and other future land use decisions in Sub-Area 23 should take into consideration whether or not development proposals present a workable transportation solution which is in compliance with provisions for safe and adequate ingress/egress measures into the Sub-Area, as well as adequate public street linkages within the overall planning precinct. The private sector should design and construct roads in the planning precinct necessary to carry the ultimate traffic loadings for the projected labor-intensive complex. In addition, transportation plans should provide for internal pedestrian movements via sidewalks and paths.

Phasing of the site development in Sub-Area 23 shall be coordinated with the development of the balance of the planning precinct. Higher intensity development on selected tracts is encouraged where context-sensitive site design and public improvements are incorporated into site development schemes for incremental and compact growth. Therefore, site plans for development in the applicable Business Park-BP zoning district, should only be approved upon the submittal of superior development proposals which address phasing, transportation issues, storm water management, quality site design, and other applicable site design issues addressed above.

SUB-AREA 24

Name: SOUTHGATE NORTH
Acreage: N/A
Land Use Designation: N/A
Annexed: Yes

Sub-Area 24 approximately 8 acres and is located between Route 340 and South Church Street, which constitute its westerly and easterly boundaries, respectively. This Sub-Area contains the northern portion of the Southgate Subdivision and has reached build-out. Since this original Sub-Area does not have additional development potential, it is removed from the revised Plan.

SUB-AREA 25

Name: SOUTHGATE RESIDENTIAL AREA
Acreage: 4.7 acres
Land Use Designation: Medium - Low Density Residential
Annexed: Yes

Sub-Area 25 contains approximately 4.7 acres and is located between Route 340 and South Church Street, which constitute its westerly and easterly boundaries, respectively. Sub-Area 24, the northern portion of the Southgate subdivision, is built out and has been removed from the revised Plan.

4 houses are built with three remaining lots on the southern end of the Sub-Area. The zoning applied to Sub-Area 25 is DR-4 Detached Residential.

Public water and sewer was installed with the development of the Southgate Subdivision and is located within the right-of-way of South Church Street. A pump station was also constructed with this development and is meant to act as a temporary station until the gravity sewer can be extended to Sub-Area 23 for development.

SUB-AREA 26

Name: HERMITAGE BOULEVARD RESIDENTIAL AREA
Acreage: 38.6 acres
Land Use Designation: Low Density Residential
Annexed: Yes

This Sub-Area is approximately 39 acres in size. It is currently built out and includes a storm water management facility and houses built in the Hermitage Subdivision. This Sub-Area was increased in size with the 2015 Plan update in order to include all of the developed lots in the relevant portion of Hermitage Subdivision. It includes a portion of original Sub-Area 27. Sub-Area 26 contains 38 parcels, all of which are built out.

It is recommended that the Sub-Area be retained as future development is dependent on the storm water detention facility. Future storm water requirements may also be modified which could allow additional future development.

SUB-AREA 27

Name: HERMITAGE RESIDENTIAL GROWTH AREA (27A)
SOUTHERN GATEWAY RESIDENTIAL GROWTH AREA (27B)
Acreage: 44.4 acres (27A -- 37.4 acres, 27B – 7.0 acres)
Land Use Designation: Low Density Residential
Annexed: Yes (27A) No (27B)

This Sub-Area 27 encompasses a 44 acre area in two non-contiguous areas in the southwest corner of the Berryville Area. Sub-Area 27A consists of a portion of Phase V of the Hermitage subdivision. The northern and eastern boundaries of the property is the Hermitage development. The preliminary plat for the Hermitage Subdivision identifies 36 parcels within Sub-Area 27A. The southern and western boundary borders County parcels not located in Annexation Area B.

Sub-Area 27B, approximately 7 acres in size, is located adjacent to US Route 340. The yield for 27B is 14 parcels. Both 27A and 27B are currently zoned DR-1 Detached Residential.

The clustering of moderate-to-low density residential housing would best accommodate the environmental attributes of the property. Transportation planning should include not more than one or two access points to Route 340 and minor street connections to Sub-Area 27 and development areas to the north in the Town. Internal street systems should be residential in character and should be aligned so as not to encourage non-local, non-residential traffic. Pedestrian movement should be accommodated with provision of the sidewalks and pedestrian paths.

The Low Density Residential land use designation, in combination with the historic access corridor design regulations and the parameters of the critical environmental areas, provides for a reasonably-scaled residential neighborhood which would be compatible with the ecological and locational characteristics of the property. Including a portion of Phase V of the Hermitage Subdivision, the preliminary plat identifies 36 parcels within Sub-Area 27A. The Sub-Area's proximity to US Route 340 also places a portion of the Sub-Area within the historic access corridor.

Due to the Sub-Area's position in the watershed, storm water management and drainage should carefully address the potential downstream runoff problems. Stormwater management facilities should be coordinated with Sub-Area 26. Given good design proposals, the clustering of residential units (which is strongly encouraged) should enhance environmental sensitivity and best management practices. Southern exposures should be exploited, where possible, for optimal solar orientation for road and house siting. Transportation planning should address well organized interior neighborhood streets along with minor collector streets to properly serve Sub-Area 26 and the undeveloped areas in the southwest quadrant of the Town.

Long-range access opportunities to the commonly owned properties to the west of the Sub-Area should be investigated. Site development in Sub-Area 27 should be coordinated with the development of the adjacent Sub-Areas. Incremental and compact growth is encouraged with higher density residential development on selected tracts where superior site design and phased developments are incorporated into site development schemes. Therefore, the Detached Residential-2, DR-2, zoning district (with 2 dwelling units per net acre) should only be considered for the Sub-Area at which time as superior development proposals are submitted which address phasing, transportation issues, storm water management, quality site design, services, and other applicable site design issues. If such site development guidelines are not adhered to, the zoning district to be applied to Sub-Area 27 should be Detached Residential-1, DR-1, allowing one dwelling unit per acre. The portion of the sub-area within 300 feet of the US Route 340 is in the Historic Access Corridor Overlay District that establishes design guidelines for non-single family residential.

Chapter III

Goals, Objectives, and Policies

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A. OVERVIEW

The Berryville Area Plan is designed to be a guide for the physical growth of the Town of Berryville during the next several decades and beyond. The focus of the Plan is Annexation Area B, the 880 acres surrounding the 843 acres located in the Town after January 1, 1989. The overriding purpose of the Plan is to encourage development of a safe, healthy, and distinctive living environment while maintaining the unique historical ambience of the community. Preservation and conservation issues dominate the underlying themes to be presented in the comprehensive planning program. The timing of development is integral to the growth management process. Many factors will affect the Berryville Area, and this plan specifically focuses on those areas in which the County and Town can have a positive impact.

This Chapter provides the Plan's recommended Goals, Objectives, and Policies. Goals provide a broad statement of the Plan's intent. Objectives are more specific expressions of the Goals. They describe the Town and County's intended planning actions with respect to the Berryville Area. Policies, where provided below, are specific strategies or actions for implementing the planning objective.

The Objectives are grouped into eight general categories: **Environment, Transportation, Housing, Land Use, Public Facilities, Economic Development, Urban Design, and Implementation**. Within each of these topics, the following statements of adopted goals and objectives have been carefully designed in order to best orchestrate the quality, scale, theme, and timing of future development within the Berryville Area.

B. GOALS

1. Provide a platform for the cooperative planning and development of lands annexed or designated for future annexation into the Town of Berryville.
2. Ensure that the Town and County's land use and environmental objectives for the annexation areas, as reflected in the respective comprehensive plans, are compatible and coordinated.
3. Verify that planned public infrastructure (water, sewer, transportation, high-speed internet) is sufficient to support the future development needs as reflected in the Plan.
4. Maintain the streamlined and readily understandable process for development of lands covered by the Plan from annexation status designation through the land use approval process.
5. Strongly encourage context-sensitive development plans that are designed to complement Downtown Berryville, that accommodate growth in a logical and efficient manner, and that provide for the maximum protection and preservation of natural resources, historic resources, and open space.

C. OBJECTIVES

1. ENVIRONMENT

- A. Protect sensitive areas from urban development impacts within the Berryville Area, including:
- 1) Stream valleys and established drainage ways.
 - 2) Sensitive slopes and soils.
 - 3) Areas of Karst features such as major rock outcroppings and sinkholes as well as areas with poor drainage patterns.
- B. Define and implement growth management procedures which incorporate both design sensitivity and environmental protection criteria on a site-specific scale that meet or exceed State and Federal requirements for stormwater management and water quality.

Policies

- 1) Identify significant Karst features and environmentally sensitive areas for both existing and undeveloped properties within the Berryville Area.
 - 2) Implement contemporary urban design and environmental design criteria into the zoning and subdivision standards of the County and Town.
- C. Coordinate environmental conservation and preservation objectives among the County, Town, state agencies, and organizations such as the Northern Shenandoah Valley Regional Commission (NSVRC).

Policies

- 1) Identify environmental concerns which require a regional, joint-jurisdictional approach.
 - 2) Establish stormwater management area plans for the major Study Area watersheds affecting both the Town and County.
 - 3) Implement complementary zoning and subdivision ordinances in the Berryville Area which recognize the joint effort to manage development in the annexation areas.
- D. Develop environmental design standards for new urban land uses and development, incorporating contemporary techniques such as low impact development and current State and Federal policies and practices.

Policies

- 1) Meet or exceed State-mandated performance standards to improve stormwater management and water quality.
- 2) Set standards for and facilitate provision of open space reservations on private lands with new development projects.
- 3) Facilitate and promote the development of recreational greenways and trail systems with new development projects.
- 4) Set standards for corridor protection areas along existing and proposed streets and highways.
- 5) Encourage use of stormwater Best Management Practices that provide the most effective controls for water quality and quantity but also utilize design elements that produce the most cost-effective long-term maintenance.

2. TRANSPORTATION

- A. A transportation plan for the location, character and capacity of transportation facilities shall be compatible with the planned arrangement of Berryville Area land uses. This plan shall be coordinated with the transportation plans and policies of the Town and County comprehensive plans and the Virginia Department of Transportation's (VDOT) planning efforts. The plan shall also consider the Town's responsibilities for maintaining its secondary street network that commenced in 2012.
- B. The transportation plan shall ensure that road and street designs accommodate planned community development while promoting Berryville Area traffic patterns to be serviced in a safe and efficient manner. Road design standards shall be used which are of appropriate scale and capacity to serve long-range traffic demands, while respecting the environment and scale of the historic downtown area and surrounding neighborhoods. The location, timing and scheduling of these public improvements shall be coordinated with the land use plan for the Berryville Area.
- C. Any new proposed roads or expanded capacity on existing roads shall be represented consistently across both the Town and County transportation plans and policies. Adopted through truck restrictions on existing roads shall be considered in developing transportation plan elements and establishing growth sub-areas.
- D. The Berryville Area transportation plan shall establish and reserve the proper locations, alignments and rights-of-way for future roads, sidewalks and bike lanes to ensure that these improvements can be implemented with the least public cost.

Policies

- 1) Future road alignments and improvements to existing alignments shall be in accord with the transportation plan for the Berryville Area.

- 2) All public and private land development proposals shall incorporate the recommendations of the transportation plan, including the reservation of future rights-of-way and the construction of road improvements related thereto.
 - 3) Street design standards shall be context-sensitive and tailored to the unique land use environment and character of the Berryville Area. These standards shall be implemented via the respective subdivision and zoning ordinances for the Berryville Area, the Town of Berryville & Clarke County Bicycle and Pedestrian Plan, and shall be in accord with Virginia Department of Transportation (VDOT) and Town of Berryville criteria.
 - 4) All private development proposals shall include traffic impact statements which identify the nature of future traffic conditions and analyze the degree of traffic generated by any given proposal. Traffic impact analyses shall ensure compatibility with the transportation plan for the Berryville Area. Developers will be expected to construct all improvements recommended by their accepted traffic impact analyses.
 - 5) In addition to direct impacts to the traffic network outlined in traffic impact analyses, developers are expected to mitigate the impact of their development projects on the Berryville Area road network in the form of construction improvements consistent with the plan's transportation policies.
- E. Establish and reserve properly planned access points to undeveloped properties, in particular those situated within the proposed annexation areas and other undeveloped sections of the County and Town Study Areas. Implement access management elements to minimize conflict points and ensure street connectivity.
- F. Improve the ability of tourists and visitors to find and identify local business, historic and cultural sites without adding to visual clutter in the Berryville Area street system.

Policies

- 1) Design an attractive and comprehensive street sign system to guide tourists and visitors.
 - 2) Coordinate with Virginia Department of Transportation in creating desirable design standards and controls for tourism corridors, in particular tourist oriented directional signage on US 340 and Route 7.
- G. Provide a uniform and integrated approach for pedestrian movement, addressing walkways and bikeways. Encourage the implementation of these improvements in conjunction with new development in the Berryville Urban Area and provide coordination with trails and greenways where feasible.

- H. Develop and implement road and street design standards which are of appropriate scale and capacity to serve long-range traffic demands, while respecting the environment and scale of the historic downtown area and surrounding neighborhoods.
- I. Discourage the development of private road systems in single-family detached residential developments.
- J. Plan for park and ride options along the Route 7 corridor to help reduce the number of single-occupant vehicle commuters. Also help to establish regular local bus/transit routes and options for residents of senior housing facilities located within the Town, and to facilitate consumer access to the Town's businesses, employment centers, government facilities, and recreational resources.

3. HOUSING

- A. Housing and related land uses shall be developed and phased in a fashion compatible with and precedent to the Berryville Area's small town scale, ambience, and historic growth patterns.

Policies

- 1) Future housing shall be planned with a neighborhood orientation compatible with the scale and character of existing neighborhoods in the Berryville Area.
 - 2) Provide a variety of housing opportunities for all citizens. Emphasize quality site planning and well-conceived architectural design in future development areas for all levels and types of housing products.
 - 3) Provide sufficient housing opportunities for all ages and income groups within the context of compatibility with other land use planning goals and objectives.
- B. Ensure historically compatible design treatment through the implementation of historic district design standards in the Berryville Area.

4. LAND USE

- A. The land use plan shall reflect the logical and compatible land uses for the Berryville Area at its long-range, full development scenario. Decisions regarding future land use shall conform to the land use plan. The land use plan shall represent the graphic expression of the adopted goals, objectives and growth management policies of the Berryville Area.
- B. The land use plan shall provide opportunities to optimally coordinate, schedule and time future development, giving due respect to individual property rights, demographic and marketplace demands, and ability of the localities to program and provide for public infrastructure and facilities in a fashion compatible with the adopted Berryville Area Plan.

- C. The land use plan shall include an integrated mix of residential, commercial, and employment uses in the Berryville Area which will provide a variety of housing options to accommodate a range of incomes, ages, and family needs and employment opportunities for present and future residents. Flexible, affordable housing types that allow for families to “age in place” shall be encouraged. A vision for mixed-use developments containing a range of housing options supported by small-scale business uses that complement Downtown Berryville shall also be established in appropriate zoning districts.
- D. Transition/Infill.

Policies

- 1) Identify and target small sites where infill opportunities exist. Program infill uses which are compatible in scale and intensity.
- 2) Identify redevelopment opportunities and provide public/private initiatives for the proper development of these properties.
- 3) Place a higher priority on the development of infill properties for both residential and business related uses.
- 4) Provide active interjurisdictional cooperation, coordination and funding in programming future Berryville Area urban land uses and support infrastructure and municipal services.
- 5) Ensure that new development projects incorporate transition areas, including items such as buffers or use/density limitations, to mitigate adverse impact on existing uses and structures.
- 6) Promote adaptive reuse projects that are more compatible with surrounding properties, that reduce blight, or that provide public safety improvements. Consider adopting zoning regulations to facilitate creative adaptive reuse projects.

- E. Land Development.

Policies

- 1) Evaluate the development potential for all Berryville Area properties on a periodic basis focusing on large undeveloped tracts in and contiguous to the Berryville Area. Market demand for particular use types, public water and sewer availability, transportation network sufficiency, and the state of the economy shall be considered among the elements to consider in performing this evaluation. The boundaries, recommended uses, and residential densities of planning sub-areas shall also be periodically reviewed and adjusted to meet the joint needs of the Town and County.

- 2) Encourage development activities compatible with projected land use demands within the urban marketplace. Priority should be placed on infill development activities. Development activities which artificially stimulate growth should be discouraged. Discourage the development of strip shopping centers and peripheral retail uses.
- 3) Identify and target environmentally sensitive land areas including areas with karst features which should be conserved and/or protected from future development.
 - a) Implement procedures which will result in conservation of the critical areas during private development activities.
 - b) Channel all active urban development away from critical environmental areas by requiring land use on particular tracts to be clustered on those areas with the highest development potentials. Sensitive areas which lie within tracts proposed for development should be maintained in their natural state for passive and/or open space activities.
- 4) All new development proposals shall be evaluated on elements including degree of conformance with the land use plan, County Comprehensive Plan, and Town Comprehensive Plan; compatibility with existing uses and structures; impact on public utilities and infrastructure; and protections provided to the existing environmental and historic resources. Private development applications shall include reports and other detailed information demonstrating degree of conformance with the aforementioned elements.

5. **PUBLIC FACILITIES AND SERVICES**

- A. The planning and programming of all urban services, utilities and facilities shall be compatible with the future land use plan for the Berryville Area. The Town's and the County's capacities to provide public utilities (water and sewer) and public services (fire, rescue, law enforcement, roads, schools) should be coordinated with the Area Plan's development strategies. Capital improvement programs addressing these public utilities and services should be consulted in performing this evaluation.
- B. Plan and provide for an adequate level of public services, utilities and facilities for all current and future residents within the Berryville Area. Consider developing levels of service criteria to determine adequacy levels for facilities and services.
- C. The nature, scale, timing and implementation of all private development proposals shall be subject to the provision of adequate and coordinated public facilities. Private development proposals shall provide all on-site public facilities, utilities and infrastructure necessary to accommodate both (1) the requirements of the given development, and (2) the Berryville Area planning recommendations for adequate public facilities within the general planning area. Proposals will also be expected to include measures that mitigate impacts to off-site facilities that are a result of any new proposed development. An example would be proffered improvements to a

nearby road or intersection that, absent necessary improvements, would experience a drop in level of service as a result of a new development's projected traffic increase.

D. Water Supply.

Continue a leadership role in advancing regional planning and implementation programs for efficient water delivery to serve the long- range municipal water supply and fire protection requirements for the Berryville area, placing an emphasis on adequate fire protection standards for new development within the Berryville Area.

E. Utilities.

Policies

1. Coordinate future water and sewer demands and system requirements with a long-term capital improvements program to respond to the land use plan.
2. Prepare regional and/or Town/County supported plans, engineering studies, and implementation strategies for stormwater management to serve the needs of the Berryville Area.
3. Plan the most effective timing and routing of public utility systems compatible with the land use plan.
4. Continue to facilitate a range of high-speed internet and telecommunications options for residents and businesses.

F. Schools.

Encourage educational opportunities for current and future residents with the additions to the existing school system and facilities within or in close proximity to the Town of Berryville.

G. Parks and Recreation

Provide for adequately sized recreational amenities as new residential development occurs consistent with the Town's and County's recreational plans.

6. ECONOMIC DEVELOPMENT

- A. Support the existing economic base in the Berryville Area while exploring other compatible economic opportunities for expanded employment and tax-revenues, consistent with the Town's and County's economic development efforts.

Policies

- 1) Identify additional sites suitable for light industrial employment uses and reserve them for well-controlled and staged economic expansion in the Berryville Area, including potential areas for expansion adjacent to the County Business Park.
- 2) Planning should continue for a moderately paced, planned economic development program which should include areas for future office and light

industrial/technology related land uses which are compatible with the surrounding residential and agricultural areas.

- 3) Continue to require quality site design standards for all economic development related land uses, including site buffers, landscaping, and open space requirements. Ensure consistency of these features with the Town's urban design philosophy.
- 4) Seek to attract new business types and retain existing businesses that complement the Downtown Berryville businesses.

7. URBAN DESIGN

- A. Protect and enhance the visual quality, design excellence and the distinctive image of the County and Town to ensure that land development and accommodation of growth are in keeping with the character of the Berryville Area.

Policies

- 1) Protect the integrity of the architectural and historic character of the Berryville Area.
- 2) Continue to promote formal intergovernmental cooperation and action to protect and improve the County and Town's major entrance corridors into the Berryville Area, in particular with the Virginia Department of Transportation, since the visual quality of these entrances transcends both jurisdictional and Berryville Area boundaries.
- 3) Expand design review processes and standards to encourage compatible design in the areas of new construction, rehabilitation, signs, streetscapes and landscaping.
- 4) Provide context-sensitive design guidelines and architectural review guidelines for new development in order to ensure compatibility with the prevailing architectural scale and themes in the Berryville Area.

8. IMPLEMENTATION

- A. The Berryville Area Plan shall be implemented via the growth management tools including the land use plan, zoning ordinance, site plan controls, subdivision ordinance and other environmental and urban design standards.

Policies

- 1) The foundation for the type, character and timing of future land use and development within the Berryville Area and its planning sub-areas is the adopted land use plan. This planning exhibit comprises the graphic representation of the Berryville Area Plan and physical expression of its adopted goals and objectives.

- 2) Decisions regarding the location, nature, type and intensity of future land development shall be based on the adopted land use plan.
 - 3) The zoning regulations applied to property within the Berryville Area shall be consistent with the adopted land use plan. Significant deviations from the Berryville Area Plan shall require a revision to and update of the Area Plan prior to the consideration of any such significant zoning amendment by the Town or County. Piecemeal amendments to the Area Plan to accommodate a specific project should be strongly discouraged.
 - 4) Where feasible, maintain consistent language in the Town and County Zoning and Subdivision Ordinances to ensure continuity and an efficient land use review process as development projects in the Berryville Area are annexed from the County into the Town.
- B. Implement the objectives, plans, and strategies of the Berryville Area Plan process through creative growth management techniques.

Policies

- 1) Continue to update and strengthen the existing zoning, subdivision, and site plan controls applicable to the Berryville Area. Implicit in this is the joint cooperation between the Town and County in establishing compatible and uniform land use regulations for the Berryville Area. The Berryville Area regulations shall govern and take precedence over existing local zoning and subdivision controls.
- 2) Utilize conditional zoning and consider establishing form-based zoning regulations to provide new developments with flexibility without adversely impacting compatibility with adjoining properties or the governing bodies' ability to provide public utilities and services.
- 3) Continue to jointly develop design review and controls for the County's major tourism access corridors adjacent to Berryville.
- 4) Coordinate all Berryville Area planning and land use decision making within the broader context of the Clarke County Comprehensive Plan's goals and objectives and the adopted comprehensive plan for the Town of Berryville.

Chapter IV

Plan Implementation and Conclusion

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A. Plan Amendments Generally; Process for Adding or Changing Sub-Areas

As the joint Town-County land use plan for the future development of the annexation areas, the Berryville Area Plan (BAP) shall be evaluated at least once every five years by the Berryville Area Development Authority (BADA) to determine whether and to what degree it may need to be updated. Such an evaluation must be thorough and deliberate, and shall include a general review of the Plan, current demographics, and any recent changes that may have occurred in the community not contemplated or adequately addressed by the current Plan. Guidance can be drawn from the Code of Virginia provisions on the development of comprehensive plans:

Code of Virginia, §15.2-2223

In the preparation of a comprehensive plan, the commission shall make careful and comprehensive surveys and studies of the existing conditions and trends of growth, and of the probable future requirements of its territory and inhabitants. The comprehensive plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants, including the elderly and persons with disabilities.

For similar reasons, it is strongly recommended that updates to the Plan should not be undertaken on a “piecemeal” basis to address a specific issue or to accommodate a new land use request or regulatory change. Unlike zoning ordinances or municipal codes that are often amended to address specific regulatory situations that arise, the amending of a land use plan should be conducted as a comprehensive review and evaluation with all relevant impacts and information available for consideration.

1. Amending the Berryville Area Plan

a. Regular review schedule

On a five-year schedule from the adoption date of the current Plan, the BADA shall adopt a resolution addressing the status of the Plan, whether it should be updated, and to what degree it should be updated. This resolution may come in one of the following forms:

- A finding that the current demographics, goals, objectives, and policy recommendations are sufficient and that no Plan amendment is necessary.
- A finding that changes in the community warrants a comprehensive review and update of the Plan. An example would be the release of decennial Census data and growth projections.
- A finding that the Plan does not address, or inadequately addresses, a specific topic area or areas warranting a focused update of the Plan. An example would include a desire by the Town and County to create a new annexation area and Sub-Areas. While the update

may have a specific purpose, the review should remain comprehensive to ensure that all impacts are carefully evaluated.

It is recommended that at the beginning of year four in the five-year schedule, the BADA should begin work evaluating the Plan status. This can be accomplished as a committee of the whole or by designating a workgroup. Plan status should be evaluated by considering factors including, but not limited to:

- Recent release of updated demographics.
- Recent updates to the County or Town Comprehensive Plans.
- Impact of new development projects since the previous Plan update.
- Impact of recently completed capital projects or transportation improvements.
- New cooperative projects between the Town and County, e.g., economic development initiatives.
- Any other subject not addressed or inadequately addressed by the current Plan.

In the event that the BADA decides to update the Plan, the process should begin immediately and copies of the resolution should be forwarded to Town Council, Board of Supervisors, and the Town and County Planning Commissions to inform them of the pending update. The resolution shall specify the scope of the update and the anticipated completion date of a draft Plan for public review, which should not exceed one year from the date of the resolution. The BADA, supported by the Town and County Planning Staffs, is solely responsible for developing plan updates and may include other elected or appointed officials and staff as they deem necessary.

Upon completion of the revised draft Plan, the BADA shall hold a public hearing on the Plan in accordance with Code of Virginia requirements. The BADA may hold other informal outreach sessions with the public and/or key stakeholders prior to finalizing the draft and conducting the required Public Hearing. BADA action shall consist of a recommendation for adoption of the draft Plan to the Town Council and the Board of Supervisors, who shall then conduct their own public hearings in accordance with State law and adopt the draft Plan individually. In the event that the BADA does not pass a recommendation to adopt the Plan, the draft Plan shall not be forwarded to the governing bodies for consideration.

b. Interim amendments

While not recommended, a proposal may be considered to amend the BAP outside of the scope of the Plan's five-year review cycle. Frequent, piecemeal changes to the Plan can result in the document becoming fragmented and inconsistent. It can also devalue the importance of the document as a long-range planning guideline. For these reasons, interim amendments are strongly discouraged.

A structured process is recommended for the consideration of interim amendments to the Plan:

- Plan amendments initiated by the governing bodies. Plan amendments initiated by Town Council or the Board of Supervisors shall be made by resolution to the BADA that includes the specific reason and detailed scope of the requested review. The resolution shall be adopted by both governing bodies before the BADA may begin work on the requested amendment. The resolution shall also contain justification as to why the amendment must take place in the interim rather than as part of the five-year Plan review. When applicable, the BADA shall solicit recommendations on the proposed plan amendments from the Berryville and County Planning Commissions.
- Plan amendments requested by citizens/stakeholders. For plan amendments requested by citizens or other stakeholders, an annual window of opportunity shall be designated for consideration of amendment petitions. Such petitions shall be evaluated as follows:
 - An annual review of amendment petitions shall be conducted in June by the Town Council and Board of Supervisors.
 - Petitioners shall submit their plan amendment requests in writing no later than April 1. Requests shall include, at a minimum, the specific reason for the amendment, a detailed scope of the requested review, and a justification as to why the amendment must be considered in the interim rather than as part of the five-year Plan review.
 - Petitioners shall provide written acknowledgement that they will reimburse the Town and County for all public hearing costs and pay any required fees.
 - Both Town Council and the Board of Supervisors must agree to direct the BADA to review and develop the Plan amendment, conduct the required Public Hearing, and forward a formal recommendation within a specified time period not to exceed one year. Failure of one or both of the governing bodies to support the Plan amendment shall result in the failure of the request to advance to the BADA. In such instances, the petitioner's application fees shall be refunded to them.
 - When applicable, the BADA shall solicit recommendations on the proposed plan amendments from the Berryville and County Planning Commissions.

Interim amendments to the Plan shall also meet one of the following criteria:

1. The goals, objectives, or policies of the BAP would be more effectively met or implemented, particularly by a concept of land development that was not foreseen by the Plan, if the Plan Amendment were approved.

2. The area surrounding the property in question has changed substantially since the review of the Plan.
3. The General Assembly has adopted legislation that necessitates an interim amendment to the Plan.

The importance of the three criteria noted above are critical to ensure that an interim amendment addresses a genuine change in conditions of the property, the County and Town, or outside influences affecting the County and Town; or to address a gap in the guidance or State regulatory compliance provided by the Plan. Interim amendments that solely address or facilitate a land use change or other request that is in conflict with the Plan's recommendations, without significantly addressing the aforementioned criteria, shall not be considered.

2. Amending the Annexation Area Agreement

Periodic revisions to the Berryville Area Plan, whether conducted during the five-year review cycle or as an interim amendment to the Plan, shall also include a detailed evaluation of whether the revision or amendment is consistent with the Town-County Annexation Area Agreement. This is particularly relevant if the revision or amendment would result in the creation of new or expansion of existing Sub-Area boundaries beyond the limits of Annexation Area B. Legal counsel for the Town and County should be consulted to evaluate any new or amended Plan language that may impact the Annexation Area Agreement.

If the Annexation Area Agreement must be amended in order to implement a new Plan recommendation, the Town and County shall form a joint committee consisting of elected officials, planning staffs, and legal counsel to ensure that the terms of the amended agreement are fair and equitable and that the review process meets all Code of Virginia requirements. The proposed amendment shall also be reviewed for conformance with both the Town and County comprehensive plans. No new Sub-Areas or expansion of existing Sub-Areas beyond the current annexation area boundaries shall be approved and incorporated into the Plan until the applicable amendment of the Annexation Area Agreement is approved by both Town Council and the Board of Supervisors.

3. Review Process for Adoption of New or Expanded Sub-Areas

The establishment of the Berryville Area Plan's original Sub-Areas involved a detailed examination of the subject properties to determine their capacity to carry new development at an urban scale. A similar process should be undertaken in the event that the Town and County wish to create new Sub-Areas or expansion of existing Sub-Areas, in order to accurately determine the subject property's capacity for development and limitations. This process should include a detailed analysis, performed by qualified engineering/land use professionals, to address the following impacts:

- Geology, hydrology, and soil type, including key Karst features that may impact capacity for development.
- Physical features such as existing intermittent/perennial streams, wetlands, sensitive slopes, and forestation that should be protected and preserved.
- Existing and surrounding land uses and their scale of construction/density to determine compatibility with proposed future land uses.
- Features of historic, cultural, or preservation significance (e.g., conservation easements, registered historic properties/structures, contributing properties/structures).
- Adjoining scenic impacts, visibility from major highways and gateways, and potential mitigation measures.
- Proximity to existing public water and sewer infrastructure and costs of connection to these systems.
- Public road network's current level of service and capacity for expansion/improvement.
- Value of the property as an economic development resource

It is strongly recommended that the Town and County complete this analysis jointly and reach a consensus on the parameters of any new or expanded Sub-Area as a precursor to finalizing any Annexation Area Agreement.

B. Impact of Plan Implementation

The original Berryville Area Plan Chapter VI addressed the impacts from projected development in Annexation Area B on public services and facilities including schools, libraries, public water and sewer, stormwater management, parks and recreation, fire and rescue, human support services, and police facilities. This chapter included recommendations on new infrastructure and facilities that would be needed to support the projected growth at maximum build-out and also included cost estimates for each facility. These recommendations were based upon industry standards in place in the early 1990s and were developed in conjunction with the planning consultant that assisted with the creation of the Plan. They were among the first capital improvements identified and planned for in a forward-thinking document for both the Town and the County.

The level of planning and staffing capacity in the Town and County has changed since the early 1990s. Capital needs are now identified and developed into projects by agencies and departments that did not exist when the Berryville Area Plan was first adopted. Capital projects are reviewed and prioritized in conjunction with both jurisdictions' annual budget processes and according to current demographics and growth patterns. Despite these changes, the need to coordinate future land use planning with long-range plans for infrastructure, service expansion, and maintenance is critical.

The following section begins with an overview of the need for developer-funded contributions to mitigate the impact of new development projects on public infrastructure. It concludes with a description of the different types of infrastructure that can be impacted by new development and the different agencies and departments that are responsible for managing public infrastructure and services in the Town and County. The purpose of this section is to ensure that the impacts of new residential, commercial, and light industrial development are identified and properly evaluated with each new land use application and with future expansions of the Berryville Annexation Area. Specific infrastructure projects that are planned or under development may be found in the capital projects section of the Town’s and County’s budget documents. It is expected that land use applicants, particularly those seeking to re-zone to a more intensive zoning classification, will use this section as a guide to develop a package of necessary capital improvements and contributions that mitigate their project’s impact on the Town and County.

1. Developer-Funded Improvements and Capital Project Contributions

The Town and County work cooperatively to ensure that new development, redevelopment, and infill development projects in the Berryville Area occur in accordance with the jurisdictions’ joint philosophy of growth management and land use decision-making. A major component of this effort is ensuring that the impact of development on public infrastructure is properly mitigated. This is accomplished with the following tools that are made available to localities in accordance the Code of Virginia:

a. Required Improvements

Public water, public sewer, and public streets are types of infrastructure that require developers to construct improvements in order to access capacity to support their new projects. Regarding public water and public sewer, the Town evaluates each project at the time of site plan or subdivision plat review to determine necessary improvements to properly serve the project at maximum build-out. The developer is required to construct and gain acceptance of the new utility infrastructure by the Town prior to issuance of certificates of occupancy and release of required sureties.

For improvements to the public street network, the results of a traffic impact analysis (if required) will dictate the type and scale of improvements to be constructed by the developer in order to gain final approval of the project. Town design requirements also dictate the provision of bicycle and pedestrian accommodations where necessary.

b. Cash Proffers

§15.2-2303 of the Code of Virginia authorizes localities to use “conditional zoning,” a method of authorizing the voluntary acceptance of proffers by a developer to provide cash contributions or land for public infrastructure improvements (“cash proffers”), promises to complete specific infrastructure improvements, or conditions on the scale or manner of development in exchange for the locality rezoning the property to allow the project. For new residential rezoning projects in the Berryville Area, the County encourages conditional zoning applicants to voluntarily provide a cash proffer – a payment made on a per-unit basis for each new dwelling to be constructed that would be paid prior to issuance of a certificate of occupancy. The amount of the cash proffer is based upon the identified capital projects that would be impacted by new residential

growth. The cash proffer amount is calculated on an as-needed basis from the most current list of capital projects.

c. Other Voluntary Proffers

Conditional zoning also enables localities to accept other types of proffers voluntarily provided by an applicant to help mitigate infrastructure impacts. These proffers are negotiated on a case-by-case basis and can come in different forms. For example, a project that may increase the need for fire and EMS response may include a voluntary cash contribution by the developer to help fund purchase of a new fire engine that is identified as a future capital need. Or a project that may generate significant new traffic that would reduce the level of service at an off-site intersection may include a proffer for the developer to construct necessary improvements at that intersection. Developers can use this flexible tool to offer improvements above and beyond ordinance requirements, such as voluntary provision of larger setbacks and additional screening to avoid adversely impacting a neighboring development or a condition not to develop certain by-right uses that would be permitted in the new requested zoning district.

2. County and Town Public Utilities and Facilities

a. Public Water and Sewer (Town of Berryville -- Utilities Department)

Public water and public sewer are provided by the Town of Berryville within Town limits. As noted in Chapter I, it is the intent of the Town-County Annexation Agreement to ensure that properties jointly developed under the Berryville Area Plan are to be served by public water and public sewer upon annexation by the Town. Information on available capacity, fees, and connection requirements can be obtained from the Town's business office.

Required improvements for new development projects are determined through the land-use application process (e.g., rezoning, special use permit, site plan, subdivision plat). Applicants are required to provide detailed engineering plans and technical information to determine sufficient water and sewer capacity for new development projects. Where necessary, applicants will be expected to provide infrastructure improvements to mitigate any potential adverse impact on the water or sewer system's level of service. Such improvements would be committed either through an applicant's rezoning proffer or through development agreement with the Town in other land use applications.

For areas being considered by the Town and County for designation as new annexation areas or for existing Sub-Areas under consideration for more intensive land uses, an impact study shall be undertaken to ensure that the proposed land use type or types and potential densities can be effectively served by Town water and sewer. If future deficiencies are noted, specific improvements to maintain effective levels of service shall be identified including planning-level cost estimates and timing for implementing the improvements. Development of new annexation areas shall not be undertaken without first conducting this evaluation and committing to undertake these future improvements.

b. Public School System (Clarke County Public Schools)

New residential development projects impact the County’s public school system through a potential increase in the number of school-age children to be served. Additional students mean a greater need for teachers to maintain recommended classroom sizes and program offerings, and a significant increase in enrollment can trigger the need for facility improvements and expansions.

In conjunction with the annual budget process, Clarke County Public Schools identifies a list of capital projects to ensure compliance with state guidelines and to maintain or improve the quality of service provided to its students. These capital projects form the basis of the cash proffer calculation for new residential development projects (see discussion below). Applicants for new residential development projects that require rezoning to a higher density will be expected to mitigate potential impact on the school system through provision of cash proffer payments per new dwelling unit, proffer to directly address specific school system capital needs, voluntary use of age-restriction covenants for residents, or other comparable measures.

As with private residential development projects, any future expansion of annexation areas or increase in the residential density of existing Sub-Areas by the Town and County shall include consideration of impacts to the school system and consultation with Schools’ staff. Development of new residential areas or increase in existing residential densities shall not be undertaken absent this evaluation and commitment to undertake any future capital improvements needed to support the future development.

c. Fire & Emergency Services (Clarke County – Department of Fire, Emergency Medical Services, and Emergency Management)

Clarke County’s fire and emergency services functions are managed by a combination of volunteer organizations and County staffing. In 2014, the Board of Supervisors adopted an ordinance that organized the combination system under the County Department of Fire, Emergency Medical Services, and Emergency Management. The County’s fire response service is entirely volunteer-based and operated from three stations located in Berryville (John H. Enders Fire Company and Rescue Squad), Boyce (Boyce Volunteer Fire Company), and Shenandoah Retreat (Blue Ridge Volunteer Fire & Rescue Company) with support from Mt. Weather and adjacent localities. Emergency medical services (EMS) are provided by a combination of volunteer staffing from the three stations and County EMS staffing. The Board also implemented a fee-for-service program to recoup the cost of transporting patients to medical facilities.

New development projects can have an impact on the provision of fire and emergency medical services – as such they are frequently a component of a locality’s cash proffer calculation. Residential projects increase the number of potential patients to be served and commercial, industrial, and institutional projects often have design elements that must be evaluated to ensure that fire and EMS service delivery is not impeded. Development plans for new projects shall be evaluated for their impacts on fire and emergency service provision, and mitigation measures shall be included to ensure that the

same or better levels of service can be efficiently provided. Direct contributions to capital needs (e.g., vehicles, apparatus, equipment, facilities) shall also be encouraged.

d. Parks (Town of Berryville, Clarke County Parks & Recreation Department)

The Clarke County Parks & Recreation Department is responsible for management of County's recreational facilities located at Chet Hobert Park off of West Main Street. The Town is responsible for management of Rose Hill Park located in Downtown Berryville.

The County Parks & Recreation Department, in conjunction with the Parks & Recreation Advisory Board, maintains a Master Plan for Chet Hobert Park and recommends projects on an annual basis to enhance existing facilities and complete planned expansions of new facilities at the Park. In 2015, the County also adopted its first Recreation Plan as a component of the County Comprehensive Plan to support the update and implementation of the Park Master Plan. Together, these two documents help the County to identify demand for future recreational needs, establish levels of service, and plan for future improvements to programs and facilities.

New residential development poses the greatest impact on parks and recreation facilities, so inclusion of these capital improvements as a component of the cash proffer calculation is a common approach. Depending upon the scale of development (number of units), the targeted demographic (e.g., workforce housing, senior housing), and the development form (e.g., single-family, larger urban parcels, smaller clustered parcels), developer-provided facilities such as walking trails, playgrounds, and passive parks maintained exclusively by a homeowners' association may be appropriate. Alternatively, proffer of a facility that meets an identified capital need for the Town or County may also be appropriate provided that the timing of development and locality's ability to pay for and maintain the facility is appropriate.

e. Library (Handley Regional Library)

County library facilities located in the Berryville-Clarke County Government Center are managed by the Handley Regional Library system with annual financial contributions by the County. The Regional Library is responsible for capital project planning and programming. Demand for library services is driven by population growth and capital projects are often included in the cash proffer calculation.

f. Law Enforcement (Town of Berryville Police Department, Clarke County Sheriff's Office)

The Clarke County Sheriff's Office and the Town of Berryville Police Department provide law enforcement services for their respective jurisdictions. Both the Town and the County participate in a regional jail system through the Northwestern Regional Adult Detention Center and do not maintain jail facilities locally. The County Sheriff's Office manages the County's Public Safety Communications center for the dispatch of fire, EMS, and law enforcement calls.

Law enforcement agencies, much like fire and EMS companies, have regularly occurring capital needs such as vehicle replacement and equipment needs. The County's Sheriff's

Office, as manager of the dispatch system, also incurs costs of maintaining the dispatch center and its equipment as well as radio systems, antennas, and off-site repeater equipment on communications towers. Facility expansions/enhancements occur less frequently but are identifiable needs that appear in capital improvement budgets. Law enforcement capital needs are a common component in a cash proffer calculation. Direct provision of developer-funded improvements are far less common due to the nature of law enforcement capital needs although opportunities to obtain such improvements should be evaluated in applicable land use requests.

g. Stormwater Management (Town of Berryville Public Works)

Stormwater management facilities in the Town of Berryville consist of Town-owned facilities, privately-owned and managed facilities, and facilities owned and managed by other governmental entities such as the Clarke County School Board. Regulation of stormwater management falls under the purview of the Virginia Department of Environmental Quality (DEQ). Over the past several years, the Commonwealth has continued to strengthen stormwater management regulations as a part of a larger effort to improve water quality statewide. It is expected that in the future, stormwater regulations will remain at their current levels or continue to be strengthened. This makes ongoing maintenance and enhancement of municipal stormwater systems more critical. Capital projects to improve municipal portions of a stormwater system are often included in a cash proffer calculation.

All development proposals regardless of use type are required to include approval of a stormwater management plan by both DEQ and the locality. Such plans shall also include a development agreement to ensure that any facilities and best management practices are maintained throughout the life of the facility. Stormwater management is mandated by law and not subject to negotiation. However, an opportunity may arise with specific development projects to accept proffered improvements that may enhance an underperforming part of an existing stormwater system. In these cases, a cost benefit analysis shall be conducted to determine whether the community would benefit from accepting such improvements.

As noted in the original Berryville Area Plan, conveyance of stormwater is a critical element in ensuring that new developments do not have adverse impacts in the form of erosion or flooding on surrounding properties. The presence and sensitivity of Karst features adds an additional dimension to the challenge of managing stormwater on a municipal level. Stormwater management and Karst impacts shall be included in any detailed analysis of potential properties to be included in future annexation areas or in expansion of existing Sub-Areas to support more intensive development.

3. Transportation Network

a. Impacts of new development

As previously noted, the Town of Berryville assumed the responsibility of maintaining the secondary street network within Town limits in 2012. Harry Byrd Highway (Route 7), Main Street (Business Route 7), and Buckmarsh Street (US 340) are primary

highways maintained by the Virginia Department of Transportation (VDOT). Design requirements for the secondary street network may be found in the Town's Subdivision Ordinance. Annexation area projects that are undertaken prior to annexation by the Town and that propose new public streets or that impact existing secondary streets will be required to observe the Town's design requirements.

Traffic impact on the public road network is one of the most commonly evaluated elements of any new development proposal. All new developments shall be designed to ensure that the resultant impacts on traffic volume and patterns do not result in a reduced level of service on the adjoining public roads and intersections. For most projects, this is determined through a traffic impact analysis (TIA) conducted by the developer's traffic engineer and reviewed for conformance with state regulations by VDOT for impacts to primary highways and by the Town's consulting engineer for impacts to secondary roads. The TIA will identify needed improvements to roads and intersections based upon the proposed development's most intensive potential usage. It is expected that developers will provide the TIA's recommended onsite improvements as part of the site development. It is also expected that developers will consider providing any needed off-site improvements that bear a direct relationship to the new development's traffic as determined in the approved TIA.

As presented in Chapter I and depicted in the original Berryville Area Plan, the Town has also identified future enhancements to the public road network that have yet to be constructed. These include the construction of a southeastern collector road that would connect Jack Enders Boulevard to U.S. 340 and an extension of West Fairfax Street to connect with East Fairfax Street that would enable access to the public street network between Buckmarsh Street and First Street. New development projects shall provide improvements to facilitate construction of these enhancements if the projects are located in the areas designated for future road improvements. Such developer-provided improvements shall include right-of-way dedication for roads and drainage, construction of actual improvements, cash contributions, or a combination of these elements.

The Town has also identified provision of bicycle and pedestrian facilities as a critical element of public infrastructure. Applicants will be expected to provide such facilities according to the Town's planning and design criteria.

b. Planning for future growth

Transportation infrastructure needs are among the most important to evaluate when determining whether to create a new annexation area or to increase the recommended density of development in an existing Sub-Area. Any of these types of changes considered by the Town and County shall include a traffic impact analysis performed by a traffic engineer with recommendations on future improvements necessary to accommodate the proposed growth.

Identifying key projects to improve the current public road network is equally important. Chapter I lists the three Berryville Area projects that have been identified by the Town and County as priorities to enhance the network's current level of service. These

projects, as well as any new potential improvement projects, should be reviewed and discussed jointly by the Town and County on a regular basis and concerted efforts should be undertaken to pursue State and Federal funding for the projects. Where applicable, partnerships may be formed with the development community to share the cost of completing these projects including but not limited to proffered improvements with new development proposals.

C. Potential Future Growth Areas

While portions of Annexation Area B remain available for new development or infill/re-development projects, it is advisable to identify new areas adjacent to the Town of Berryville that could be considered for designation as future annexation areas. Subsection A above outlines the processes for evaluating and formally establishing new annexation areas, however the first step in this long-range planning exercise is to determine the most logical locations for future development. Three areas located outside of the boundaries of Annexation Area B are proposed for designation as “potential future growth areas” to be evaluated jointly by the Town and County to accommodate future growth as Annexation Area B reaches build-out for residential and commercial/industrial capacity.

As depicted in the attached maps, the potential future growth areas are shown as general planning areas without specified boundaries. This is to enable the areas to be expanded or contracted in size depending on the influencing factors that would be evaluated through the annexation area review process. For the purposes of this section, potential future growth areas should be viewed as a point of departure for the discussion of allowing urban-scale growth and expansion of the Town boundaries in key locations.

Determining when to begin a detailed review of a future growth area for consideration as a possible new annexation area shall be based on the following factors:

- Degree of build-out in existing Sub-Areas.
- Available capacity of public water and public sewer to serve the new development area or alternatively, the ability to obtain additional required capacity through developer-funded improvements.
- Impact on the current levels of service of public roads and emergency services and whether adverse impacts can be mitigated by developer-funded improvements.
- Impact on the capacity of the public school system including but not limited to enrollment capacity and classroom size.

The majority of these factors address impact of new development on public infrastructure. It is critically important that these future impacts are effectively planned for in both the Town’s and County’s capital improvement programs to ensure that the desired scale of development can be accommodated.

1. Southern Potential Future Growth Area (Map 5):

Location:

This Future Growth Area includes properties located immediately to the south of the Clarke County Business Park (Sub-Area 21) and the properties recommended for Light Industrial/Research uses located on the west side of the Norfolk Southern Railroad in the Craig's Run Light Industrial Area (Sub-Area 23). The Area also extends westward to U.S. 340 and southward to the vicinity of Smallwood Lane (Rt. 680).

Approximate Area: +/- 150 acres

Development Constraints:

- Smallwood Lane (Rt. 680) – Smallwood Lane is the only public road providing access to U.S. 340 and is classified as a local road with limited pavement width and no turn lane/acceleration lane at the U.S. 340 entrance. Smallwood Lane is hard surfaced only to an area immediately east of the rail crossing with the balance of the road being gravel surfaced.
- Norfolk Southern Railroad – Existing at-grade rail crossing on Smallwood Lane would require significant improvements to accommodate additional vehicular traffic.
- Virginia Department of Transportation (VDOT) office – VDOT maintains a local maintenance office on six acres located on Smallwood Lane immediately west of the rail crossing.
- Existing uses on U.S. 340 – The western edge of the Future Growth Area includes several homes and an existing auto repair business on small lots that front the east side of U.S. 340.
- Milton Valley Farm – The Future Growth Area is bordered to the south by Milton Valley Farm which is in permanent conservation easement. Any future development shall include measures such as buffer areas and screening to mitigate potential impact on the conservation easement.

Potential Land Use(s):

- Business/Office and Light Industrial/Research. The logical development pattern for this Future Sub-Area would be the continuation of business and light industrial uses similar in scale to the adjacent Business Park. The Business/Office designation should be used to provide transition uses between more intensive Light Industrial uses and adjoining residential and agricultural properties.

Other Considerations:

- Potential alternative route for future Southeast Collector road. As noted previously in this Plan, Jack Enders Boulevard is planned to be extended from its current terminus to South Buckmarsh Street to complete a connection between Main and Buckmarsh Streets (U.S. 340). Jack Enders Boulevard would cross the Norfolk and Southern rail line by means of a new at-grade crossing. If this Future Growth Area is ultimately developed

into a new annexation area, an alternative route for the Southeast Collector road could be considered that would extend in a southwesterly direction from existing Jack Enders Boulevard near the Town of Berryville water tower, and would improve the existing at-grade rail crossing on Smallwood Lane to reach U.S. 340. A detailed traffic impact analysis and engineering study must be conducted in order to fully evaluate this option.

Recommendations:

Evaluation of this Future Growth Area should be a short-term priority given the near build-out of the existing Business Park and the continuing need to move forward with the planning of the Southeast Collector. Upon adoption of the revised Berryville Area Plan, Clarke County and Town of Berryville officials should cooperatively undertake a detailed land use planning and engineering study of this area for consideration as a potential new annexation area. The goal should be to complete this study and determine whether to move forward on creating a new annexation area no later than the next five-year review period for the Berryville Area Plan. Consideration of an interim amendment to the Plan would also be warranted for this purpose.

2. Hermitage South Potential Future Growth Area (Map 6):

Location:

This Future Growth Area adjoins Hermitage subdivision immediately to the south including the Hermitage Boulevard Residential Area (Sub-Area 26), and also adjoins the Hermitage Residential Growth Area (Sub-Area 27A) and the Southern Gateway Residential Growth Area (Sub-Area 27B) to the west and the Clarke County VFW property to the west and south. There is also an existing historic home, Aurora (453 South Buckmarsh Street), located immediately to the east on a three-acre parcel and an existing electric power station.

Approximate Area: +/-75 acres

Development Constraints:

- Consideration should be given to mitigating any potential adverse impact to the existing historic home at 453 South Buckmarsh Street including potential use of the Historic/Cultural Preservation land use designation.
- The balance of the Future Growth Area is currently open farmland with minimal tree coverage. Siting of new structures and landscaping shall be considered as this Area lies at the Town's south gateway.

Potential Land Use(s):

- Low-Density Residential (2 units/acre)
- Medium-Density Residential (4 units/acre) with cluster development.
- Commercial uses consistent with the scale and density allowed by Town ordinance.
- Historic/Cultural Preservation for the parcel containing the existing historic home and immediate vicinity.

Recommendations:

Evaluation of this Future Growth Area should be considered a long-term priority once the existing residential Sub-Areas approach maximum build-out.

3. Western Potential Future Growth Area (Map 7):

Location:

This Future Growth Area is located at the southeastern corner of the intersection of Westwood Road (Rt. 636) and West Main Street (Business Va. 7). It is bordered by the historic Rosemont property to the east, Clarke County High School to the north, and D.G. Cooley Elementary School to the west. The property is currently an active apple orchard.

Approximate Area: +/-60 acres

Development Constraints:

- Agricultural use. As the property is in current long-term use as an orchard, the opportunity for development of this property may not occur until the useful life of the orchard is exhausted.
- Potential impact to Rosemont. Consideration should be given to mitigating any potential adverse impact of development to the historic Rosemont home and grounds including potential use of the Historic/Cultural Preservation land use designation.
- The balance of the Future Growth Area would be open and visible from public roadways. Siting of new structures and landscaping shall be considered for this Area.

Potential Land Use(s):

- Low-Density Residential (2 units/acre)
- Medium-Density Residential (4 units/acre) with cluster development
- Historic/Cultural Preservation as development buffer from historic Rosemont.

Recommendations:

Evaluation of this Future Growth Area should be considered a long-term priority once the existing residential Sub-Areas approach maximum build-out.

D. Conclusion

Referenced throughout this Plan document in various forms, the future success of the Town of Berryville's and Clarke County's symbiotic planning relationship hinges on maintaining and growing the current culture of cooperation and open communication. The Town's and County's shared efforts began several decades ago with the creation of an innovative growth management philosophy and has expanded into other areas including shared facilities (Berryville-Clarke County Government Center) and shared economic development and tourism efforts. These efforts have not gone unnoticed as jurisdictions across the Commonwealth have looked to our successes as models to be replicated in their own communities.

By continuing to work jointly to identify and develop lands around the Town to accommodate future growth, by combining efforts to ensure that public infrastructure and services are planned and provided for future residents and businesses, and by striving to find creative approaches to solve future challenges, Berryville and Clarke County will continue to be a vibrant and prosperous community offering a high quality lifestyle.

Appendix

Maps

Future Land Use Table and Projected Development Yields

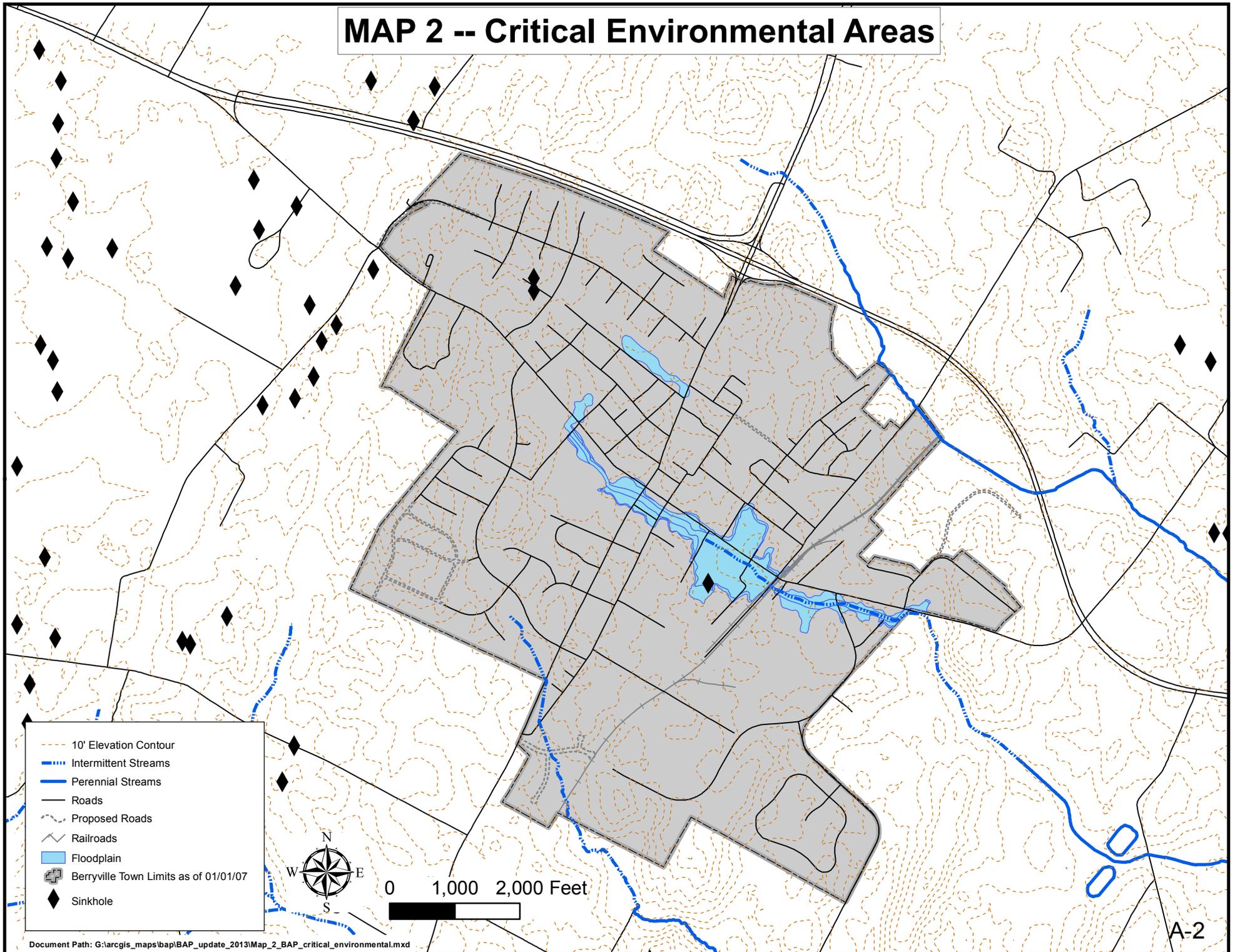
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MAP 1 -- Berryville Streets And Sidewalk/Trail Network



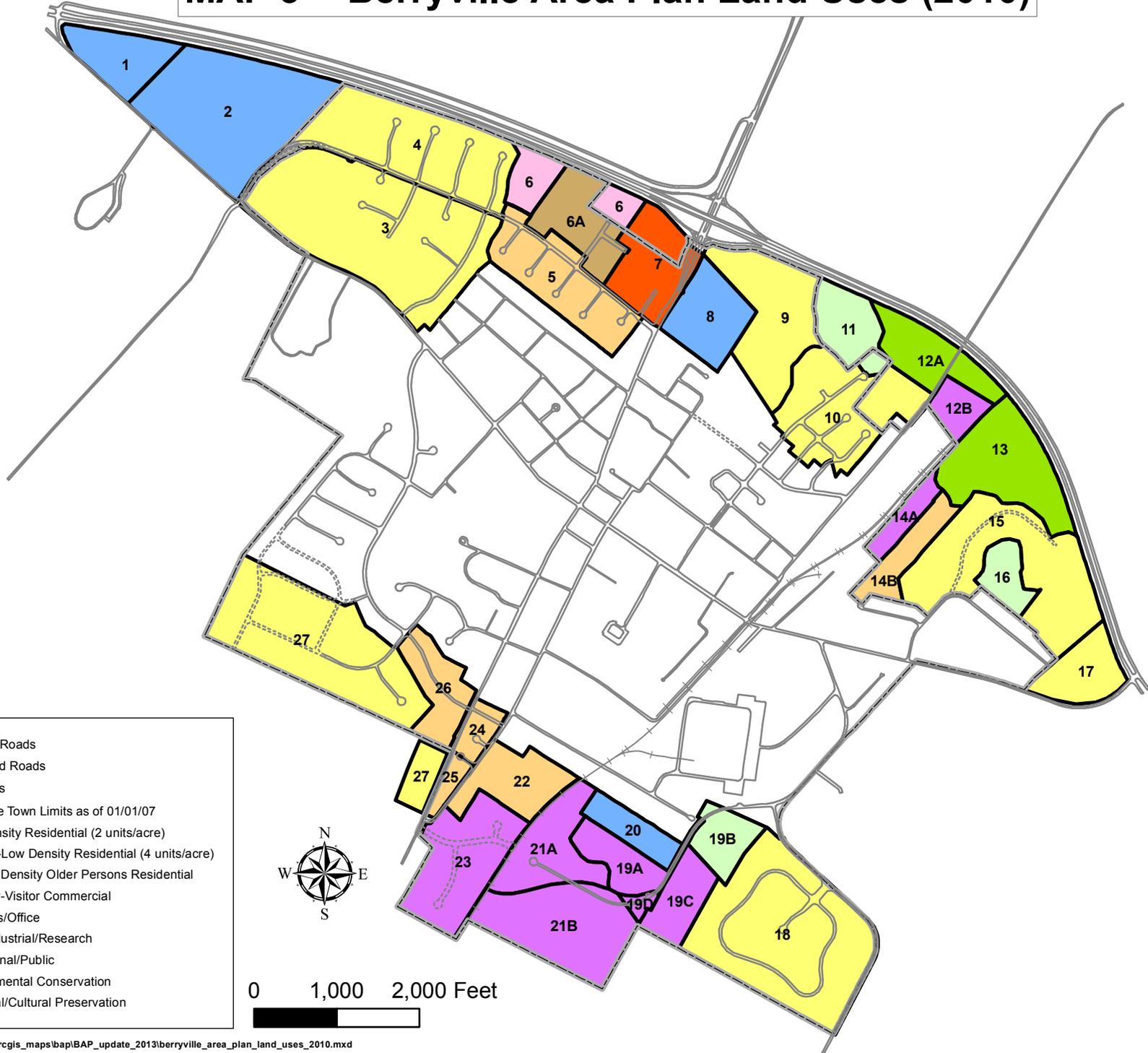
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MAP 2 -- Critical Environmental Areas



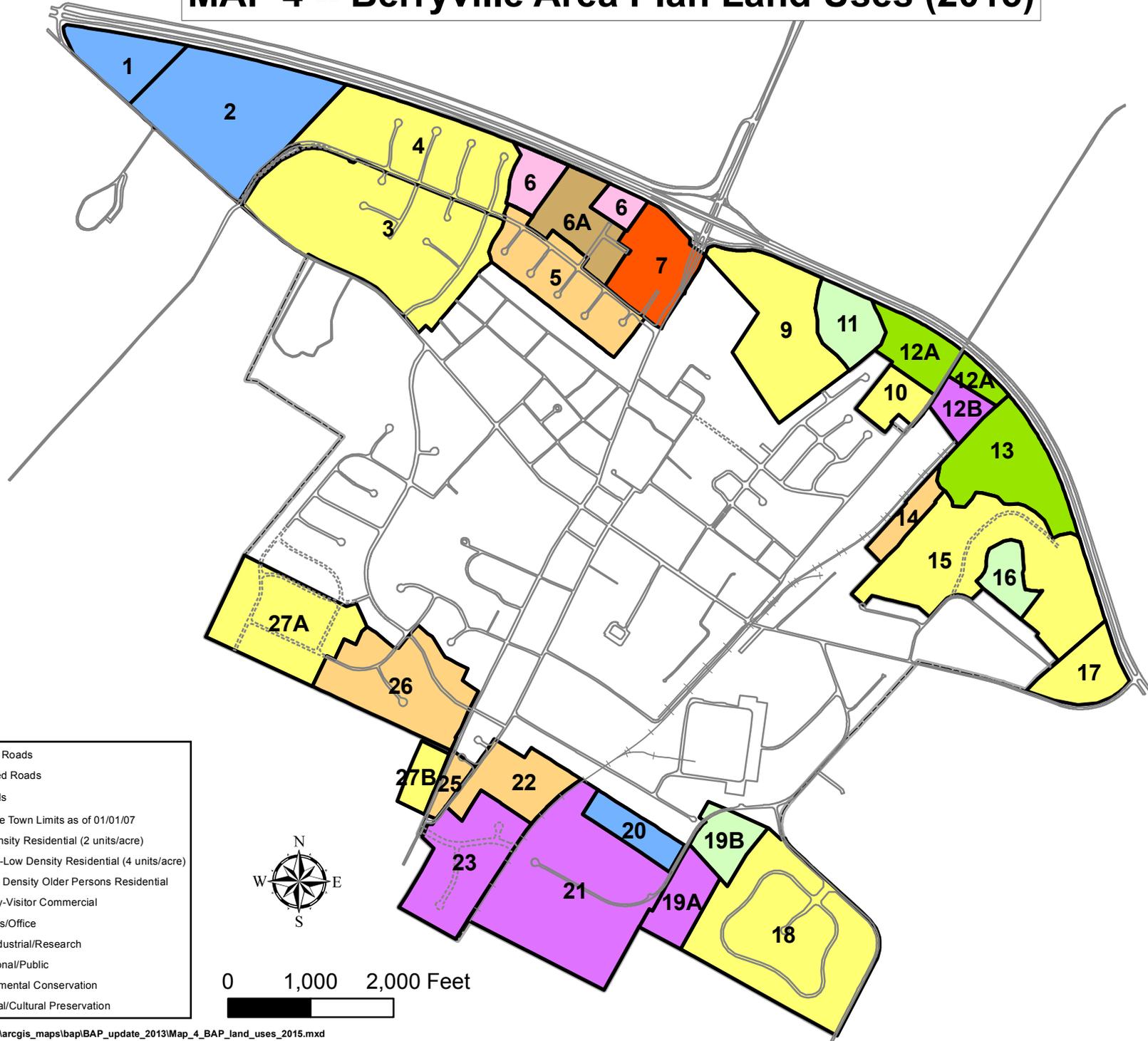
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MAP 3 -- Berryville Area Plan Land Uses (2010)



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MAP 4 -- Berryville Area Plan Land Uses (2015)



- Existing Roads
- Proposed Roads
- Railroads
- Berryville Town Limits as of 01/01/07
- Low Density Residential (2 units/acre)
- Medium-Low Density Residential (4 units/acre)
- Medium Density Older Persons Residential
- Highway-Visitor Commercial
- Business/Office
- Light Industrial/Research
- Institutional/Public
- Environmental Conservation
- Historical/Cultural Preservation



0 1,000 2,000 Feet

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-  Railroad
-  Intermittent Stream
-  Perennial Stream
-  Roads
-  Existing Roads
-  Proposed Roads
-  Railroads
-  Conservation Easement
-  Parcel Boundary
-  Berryville Town Limits as of 01/01/07
-  Low Density Residential (2 units/acre)
-  Medium-Low Density Residential (4 units/acre)
-  Medium Density Older Persons Residential
-  Highway-Visitor Commercial
-  Business/Office
-  Light Industrial/Research
-  Institutional/Public
-  Environmental Conservation
-  Historical/Cultural preservation

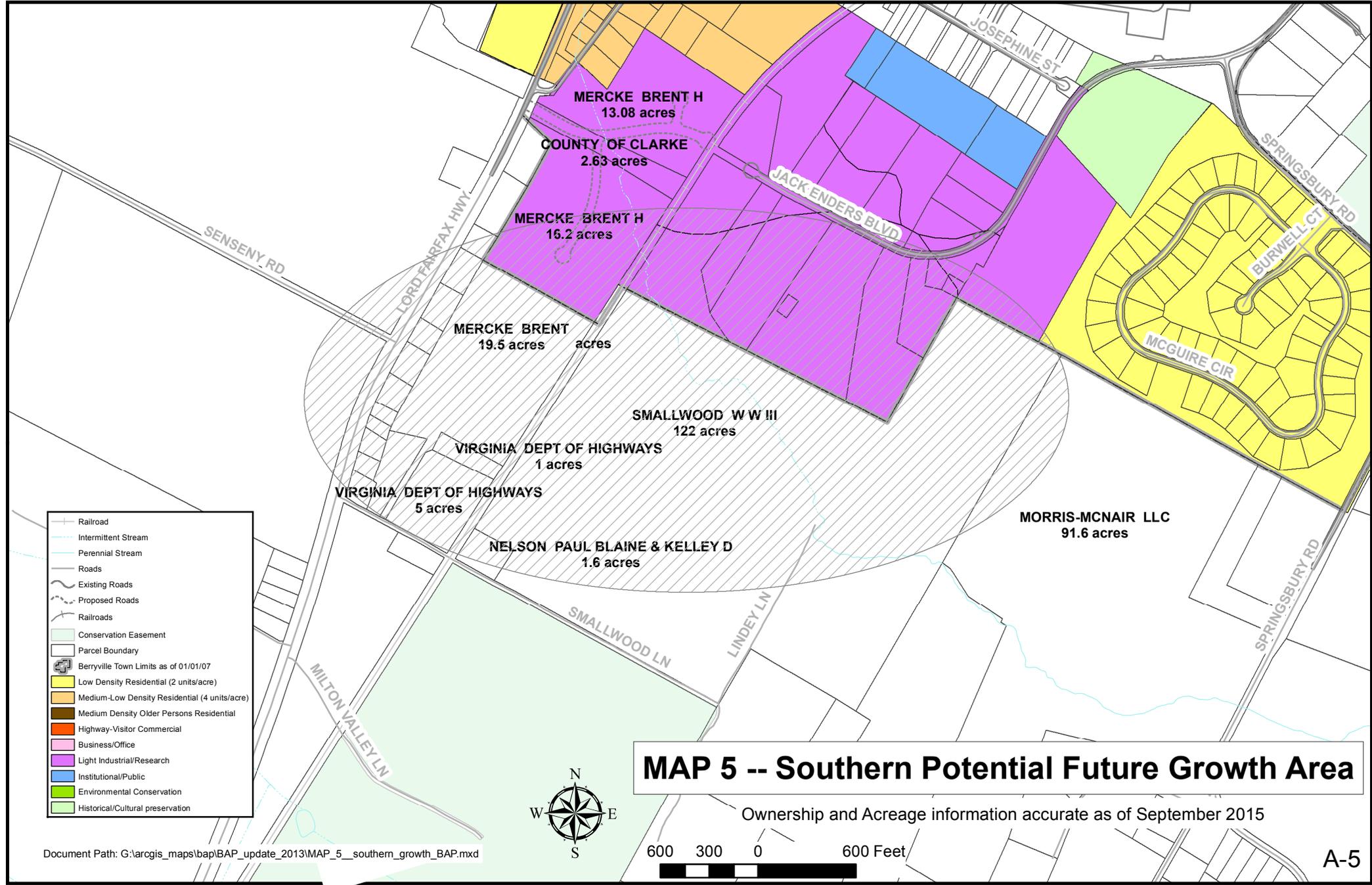
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MAP 5 -- Southern Potential Future Growth Area

Ownership and Acreage information accurate as of September 2015

600 300 0 600 Feet



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MAP 6 -- Hermitage South Potential Future Growth Area

Ownership and Acreage information accurate as of September 2015

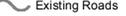
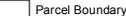
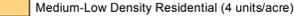
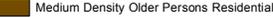
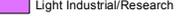
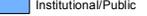
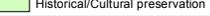
WESTWOOD FARM INC
303 acres

CLARKE COUNTY MEMORIAL POST
5.5 acres

DORICK LUCY B &
210.88 acres

DORICK LUCY B &
7.01 acres

JOHNSTON JOSEPH S & SUSAN W
3.03 acres

-  Railroad
-  Intermittent Stream
-  Perennial Stream
-  Roads
-  Existing Roads
-  Proposed Roads
-  Railroads
-  Parcel Boundary
-  Berryville Town Limits as of 01/01/07
-  Low Density Residential (2 units/acre)
-  Medium-Low Density Residential (4 units/acre)
-  Medium Density Older Persons Residential
-  Highway-Visitor Commercial
-  Business/Office
-  Light Industrial/Research
-  Institutional/Public
-  Environmental Conservation
-  Historical/Cultural preservation



A-6

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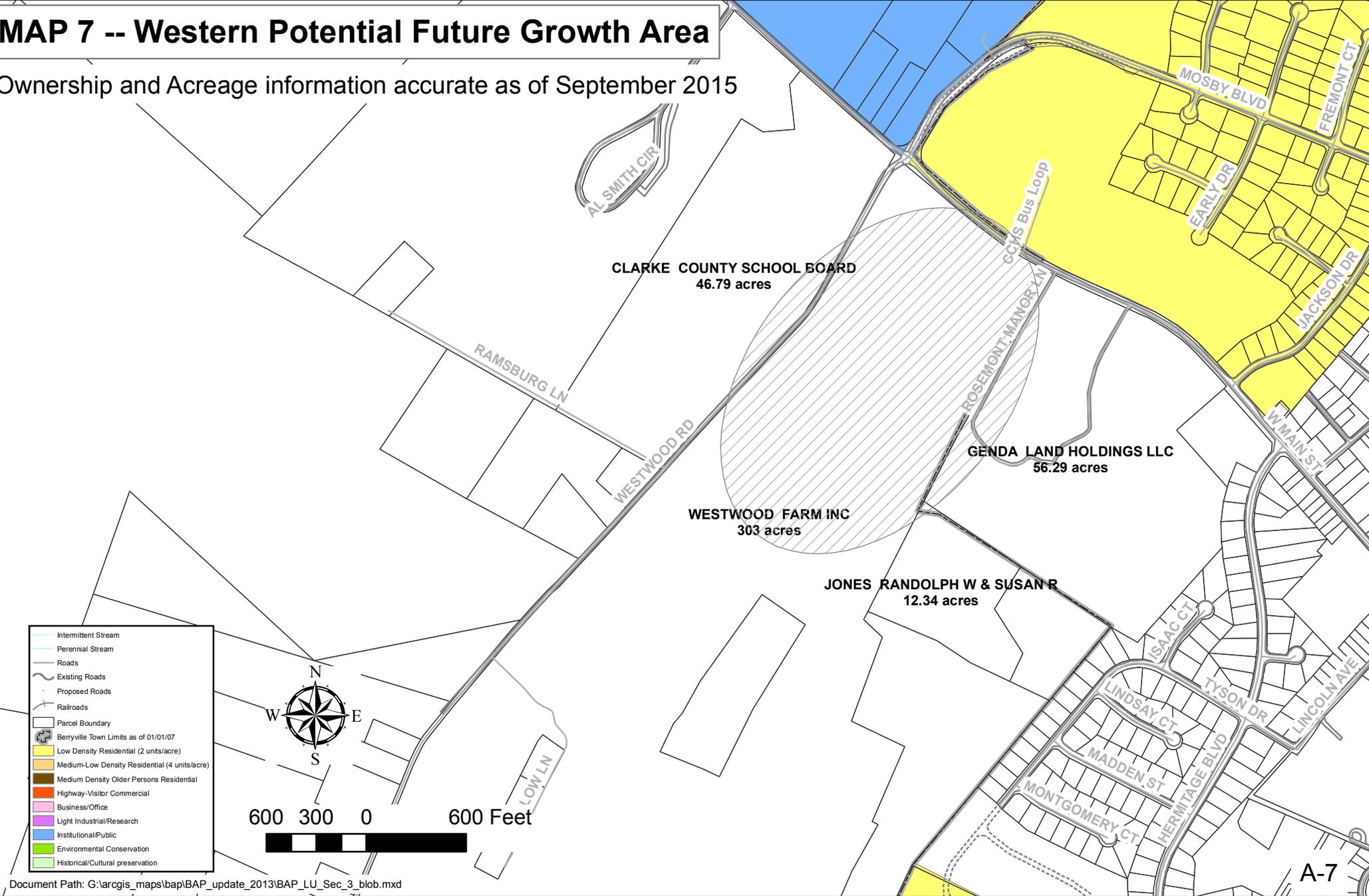
MAP 7 -- Western Potential Future Growth Area

Ownership and Acreage information accurate as of September 2015

-  Intermittent Stream
-  Perennial Stream
-  Roads
-  Existing Roads
-  Proposed Roads
-  Railroads
-  Parcel Boundary
-  Berryville Town Limits as of 01/01/07
-  Low Density Residential (2 units/acre)
-  Medium-Low Density Residential (4 units/acre)
-  Medium Density Older Persons Residential
-  Highway-Visitor Commercial
-  Business/Office
-  Light Industrial/Research
-  Institutional/Public
-  Environmental Conservation
-  Historical/Cultural preservation

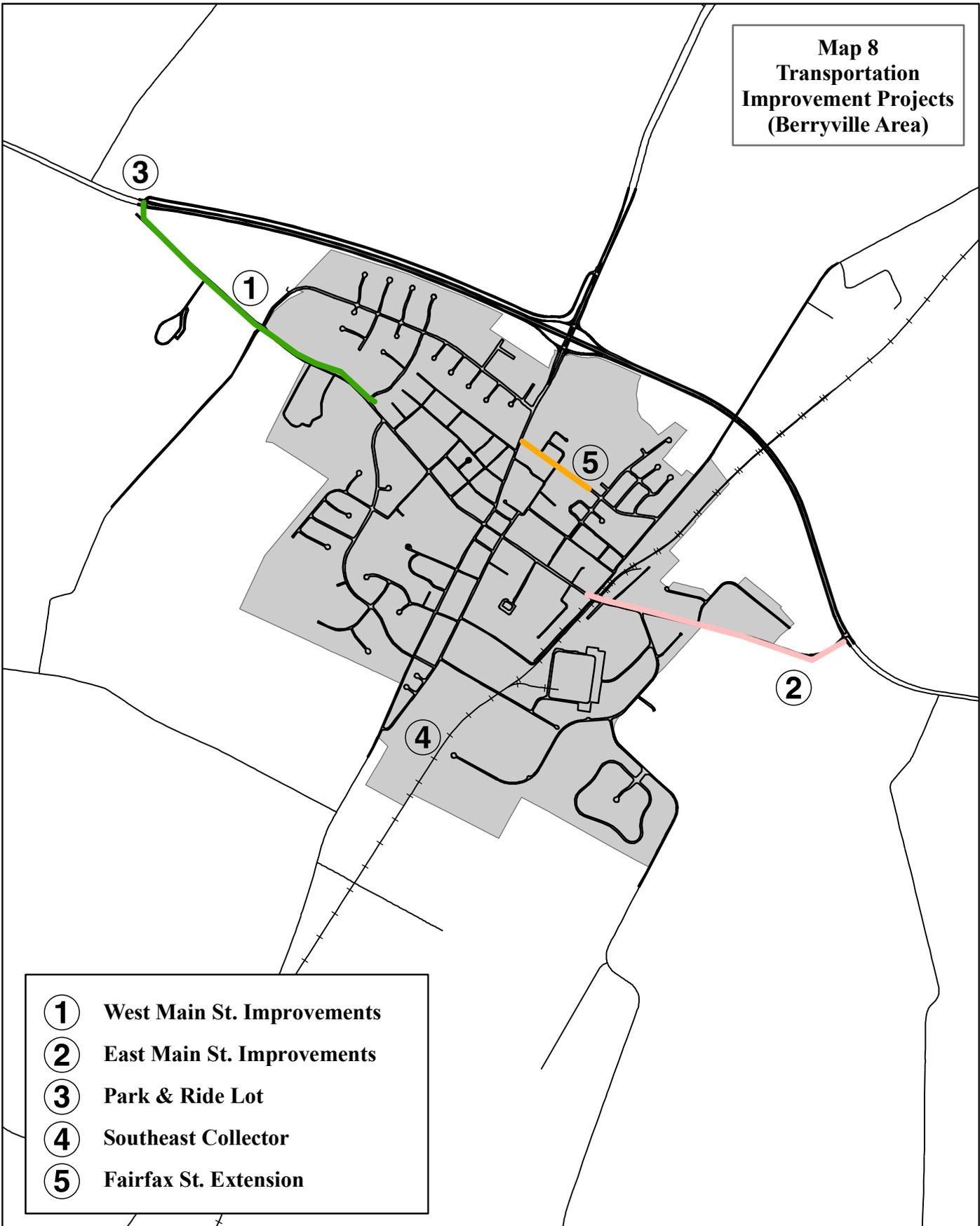


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**Map 8
Transportation
Improvement Projects
(Berryville Area)**



- 1** West Main St. Improvements
- 2** East Main St. Improvements
- 3** Park & Ride Lot
- 4** Southeast Collector
- 5** Fairfax St. Extension



2,000 1,000 0 2,000 Feet



Legend

- Incorporated Town
- Railroads
- State Roads

1 Planned Improvement Project
(See Chapter 1 text for project descriptions)

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TABLE 12 -- FUTURE LAND USE TABLE AND PROJECTED DEVELOPMENT YIELDS

| Sub Area | Title | Planned Land Use | Residential Types | Planned Density | Original Area (acres) | Approx. Area (acres) | Original Yield | Revised Yield (2015) | Dwelling Units Used (2015) ⁶ | Remaining Dwelling Units ⁶ | Unbuilt Dwelling Units ⁶ |
|----------|--|----------------------------|-------------------|------------------|-----------------------|----------------------|----------------------------|-----------------------|---|---------------------------------------|-------------------------------------|
| 1 | Western Gateway | Institutional ¹ | SFD, SFA, MF/OPR | n/a ¹ | 23 | 16.6 | n/a ¹ | n/a ¹ | 0 | n/a ¹ | n/a ¹ |
| 2 | Fairgrounds | Institutional ¹ | SFD, SFA, MF/OPR | n/a ¹ | 55 | 58.9 | n/a ¹ | n/a ¹ | 0 | n/a ¹ | n/a ¹ |
| 3 | CCHS/Battlefield Estates South | Low-Density Res. | SFD | 2 DU/AC | 87 | 84.4 | 143 | same | 72 | 71 | 2 |
| 4 | Battlefield Estates North | Low-Density Res. | SFD | 2 DU/AC | 61 | 50.1 | 80 | same | 62 | 18 | 8 |
| 5 | Battlefield Estates East | Med-Low Density Res. | SFD | 4 DU/AC | 22 | 30.8 | 62 | same | 58 | 0 | 4 |
| 6 | Battlefield Estates Business | Business/Office | n/a | 0.3 FAR | 10 | 15.95 | 95,000 SF/GLA | same | n/a | n/a | n/a |
| 6A | Mosby Flexible Residential Area | Med-Density OPR | SFD, SFA, MF/OPR | n/a ² | 18 | 19.2 | 300 (max 120 multi-family) | see note ⁸ | 3 | n/a ² | n/a ² |
| 7 | Northern Gateway/Mosby Highway Commercial | Highway-Visitor Comm. | n/a | 0.3 FAR | 22 | 23.1 | 200,000 SF/GLA | same | n/a | n/a | n/a |
| 8 | Green Hill Cemetery (REMOVED) | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| 9 | Northern Residential Growth Area | Low-Density Res. | SFD | 2 DU/AC | 33 | 41.7 | 54 | 54 | 54 | 0 | 54 |
| 10 | First Street Residential Area | Low-Density Res. | SFD | 2 DU/AC | 36 | 9.5 | 51 | 6 | 0 | 6 | 6 |
| 11 | Soldier's Rest Preservation Area | Limited Residential | SFD | 1 DU/10 AC | 14 | 13.8 | 1 | same | 1 | 0 | 0 |
| 12A | First Street Conservation Area | Limited Residential | SFD | 1 DU/10 AC | 22 | 26.3 | 2 | 0 | 0 | 0 | 0 |
| 12B | First Street Light Industrial Area | Light Industrial | n/a | 0.3 FAR | 8 | 6.5 | 75,000 SF/GLA | same | n/a | n/a | n/a |
| 13 | Buckmarsh Run Conservation Area | Limited Residential | SFD | 1 DU/10 AC | 29 | 32 | 2 | 3 | 0 | 3 | 3 |
| 14 | Northeast Residential Transition Area | Med-Low Density Res. | SFD | 4 DU/AC | 8 | 7.2 | n/a ⁴ | 28 | 0 | 28 | 0 |
| 15 | Northeastern Residential Growth Area | Low-Density Res. | SFD | 2 DU/AC | 52 | 63.1 | 81 | same ⁷ | 0 | 81 | 0 |
| 16 | Bel Voi Preservation Area | Limited Residential | SFD | 1 DU/10 AC | 13 | 8.9 | 1 | same | 1 | 0 | 0 |
| 17 | Eastern Gateway | Low-Density Res. | SFD | 2 DU/AC | 16 | 15.1 | 25 | same | 0 | 25 | 0 |
| 18 | Berryville Glen | Low-Density Res. | SFD | 2 DU/AC | 73 | 75.1 | 116 | same | 29 | 45 | 26 |
| 19A | Jack Enders Blvd. East Light Industrial Area | Light Industrial | n/a | 0.3 FAR | 12 | 12.57 | 110,000 SF/GLA | same | n/a | n/a | n/a |
| 19B | Dandridge Acres Preservation Area | Limited Residential | SFD | 1 DU/10 AC | 12 | 10 | 1 | same | 1 | 0 | 0 |
| 20 | Johnson-Williams Institutional Area | Institutional ¹ | SFD, SFA, MF/OPR | n/a ¹ | 10 | 10.3 | n/a ¹ | same | 40 ³ | n/a ¹ | n/a ¹ |
| 21 | Clarke County Business Park ⁵ | Light Ind./Research | n/a | 0.3 FAR | 73 | 73.6 | 668,000 SF/GLA | same | n/a | n/a | n/a |

TABLE 12 -- FUTURE LAND USE TABLE AND PROJECTED DEVELOPMENT YIELDS

| Sub Area | Title | Planned Land Use | Residential Types | Planned Density | Original Area (acres) | Approx. Area (acres) | Original Yield | Revised Yield (2015) | Dwelling Units Used (2015) ⁶ | Remaining Dwelling Units ⁶ | Unbuilt Dwelling Units ⁶ |
|----------|--|----------------------|-------------------|-----------------|-----------------------|----------------------|----------------|----------------------|---|---------------------------------------|-------------------------------------|
| 22 | South Church St. Residential Area | Med-Low Density Res. | SFD | 4 DU/AC | 20 | 19 | 35 | same | 4 | 31 | 0 |
| 23 | Craig's Run Light Industrial Area | Light Industrial | n/a | 0.3 FAR | 32 | 32.2 | 290,000 SF/GLA | same | n/a | n/a | n/a |
| 24 | Southgate/Northern Portion (REMOVED) | | | | | | | | | 3 | |
| 25 | Southgate Residential Area | Med-Low Density Res. | SFD | 4 DU/AC | 3 | 4.7 | 8 | 7 | 4 | 3 | 3 |
| 26 | Hermitage Blvd. Residential Area | Med-Low Density Res. | SFD | 4 DU/AC | 11 | 38.6 | 25 | 38 | 38 | 0 | 0 |
| 27A | Hermitage Residential Growth Area | Low-Density Res. | SFD | 2 DU/AC | 57 | 34.4 | 91 | same | 0 | 55 | 36 |
| 27B | Southern Gateway Residential Growth Area | Low-Density Res. | SFD | 2 DU/AC | 7 | 7 | 14 | same | 0 | 14 | 0 |

¹ The Institutional Planning Designation recommends housing for low to moderate income, elderly, and handicapped individuals. Density is driven by the zoning district classification assigned to the parcel.

² Density of Older Persons Residential is to be determined by site plan for specific projects.

³ Existing Johnson-Williams Apartments contains 40 dwelling units

⁴ Sub-Area 14 was originally listed as Sub-Area 14A and recommended for Light Industrial Uses

⁵ Sub-Area 21 (Clarke County Business Park) is composed of original Sub-Areas 19A, 19D, 21A, and 21B.

⁶ Dwelling units used refers to the number of dwellings constructed and to be subtracted from the total yield.

Remaining dwelling units refers to dwelling units remaining from the total yield that have not been assigned to a future development via plat or plan approval.

Unbuilt dwelling units refers to dwelling units that have been approved by the governing body via subdivision plat or site plan but have not been developed.

⁷ Sub-Area 15 may be a candidate for additional density at 4 units/acre with additional units taken from the total number of unused units in the Annexation Area.

⁸ Sub-Area 6A includes an alternate design option allowing a maximum of 50 units to be developed under the Attached Residential (AR) zoning district.

SFD: Single-family detached residential

SFA: Single-family attached residential (duplex, triplex, quadplex, townhouse)

MF/OPR: Multi-family older persons residential (apartments, condominiums)

DU: Dwelling unit

AC: Acre

 Potential Sub-Areas with unused dwelling units that could be re-allocated to other Sub-Areas.

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BERRYVILLE TOWN COUNCIL

Virginia Commission for the Arts Local Government Challenge Grant

February 9, 2016

The Town of Berryville was awarded a \$5,000 Local Government Challenge matching grant from the Virginia Commission for the Arts for the past four years. 100% of these funds were given to Berryville Main Street in support of the Fire House Gallery. The organization wishes to partner with the Town again in 2016. The grant, up to \$5,000, is a match to local government's funding of arts organizations. In previous years the match for this grant was made from the annual grant from the Town of Berryville.

Staff also contacted the Barns of Rose Hill and the Clarke County Community Band to allow them to apply for this grant. Both organizations and County staff indicated that Clarke County will be funding these entities with the same grant.

Staff has requested that all Fire House Gallery programming using Local Government Challenge funds include the Virginia Commission for the Arts and National Endowment for the Arts logos as required by this grant. Staff has included this requirement as part of the motion.

Following is general information about the Local Government Challenge Grant:

Purpose

To encourage local governments to support the arts.

Description

The Commission will match, up to \$5,000, subject to funds available, tax monies given by independent town, city, and county governments to arts organizations. The money, which does not include school arts budgets or arts programming by parks and recreation departments, may be granted either by a local arts commission/council or directly by the governing board.

Eligible Applicants

Independent city, town, or county governments in Virginia.

Eligible Activities

Grants to independent arts organizations for arts activities in the locality. The Commission does not match payments paid to performers for specific performances. Local governments seeking such funding should apply in the Performing Arts Touring Assistance Program.

Deadline

April 1, 2015

NOTE: A local government that has not approved its budget by the grant deadline may apply conditionally and confirm the application as soon as possible.

Amount of Assistance

Up to \$5,000, subject to funds available. Local government match must be from local government funds; federal funds may not be included.

Criteria for Evaluating Applications

- Artistic quality of the organizations supported by the city/county/town
- Clearly defined policies and procedures for awarding local funds to arts organizations
- Degree of involvement of artists and arts organizations in the local process of awarding grants
- Responsiveness to community needs
- Evidence of local government support of the arts

A draft of the Town's application and a motion follow this report.

Recommendation

Approve as presented.

Purpose

To encourage local governments to support the arts.

Description

The Commission will match, up to \$5,000, subject to funds available, the tax monies given by independent town, city, and county governments to arts organizations. The money, which does not include school arts budgets or arts programming by parks and recreation departments, may be granted either by a local arts commission/council or directly by the governing board.

Eligible Applicants

Independent city, town, or county governments in Virginia.

Eligible Activities

Grants to independent arts organizations for arts activities in the locality. The Commission does not match payments paid to performers for specific performances. Local governments seeking such funding should apply in the Performing Arts Touring Assistance Program.

Deadline

April 1, 2016 by 5:00 PM, for local government grants awarded in FY17 (July 1, 2016 – June 30, 2017)

NOTE: A local government that has not approved its budget by the grant deadline may apply conditionally and confirm the application as soon as possible.

Amount of Assistance

Up to \$5,000, subject to funds available. The local government match must be from local government funds; federal funds may not be included.

Criteria for Evaluating Applications

- Artistic quality of the organizations supported by the city/county/town
- Clearly defined policies and procedures for awarding local funds to arts organizations
- Degree of involvement of artists and arts organizations in the local process of awarding grants
- Responsiveness to community needs
- Evidence of local government support of the arts

Application/Review/Payment Procedures

1. Local governments submit complete application forms by the deadline (not a postmark deadline). The Commission does not accept application materials via fax or other electronic means (e.g. e-mail).
2. The Commission staff reviews each application for completeness and eligibility.
3. The Commission staff makes recommendations on levels of funding for each application.
4. The Commission board reviews the staff recommendations and takes final action on the applications in June.
5. After confirmation of the grant award, each local government will confirm in writing to the Commission that its governing board has appropriated the matching funds and the funds from the Commission. This confirmation must take the form of the appropriate page of the local government's approved 2015-2016 budget or a copy of the check (s) to the sub grantee (s). The Commission will pay the grant in full after receiving this confirmation no later than February 1, 2016.

Applicants should read the [2016-2017 Online Guidelines for Funding](#) and Grant Conditions to ensure compliance with all conditions. **The grant application deadline is April 1, 2016.** *This is not a postmark date.*

Mail Completed Application to:
Virginia Commission for the Arts
1001 East Broad Street, Suite 330
Richmond, VA 23219
804.225.3132 (Voice/TDD)
www.arts.virginia.gov

INSTRUCTIONS

The Local Government Challenge Grant Application is an interactive, fillable form that has fields in which you must enter text. The boxes for the fields are highlighted. You must fill in every field in order for this application to be considered complete and ready for review. Once you complete the application, print and submit one hard copy with an original signature to the Commission office by 5:00 pm, April 1, 2016. **(This is not a postmark date)**. Save a copy for your files. There is no option to submit an electronic version of this form. For all questions, please contact the Commission staff at (804) 225-3132.

GRANTEE INFORMATION

| | | | |
|--|--------------------|--|-------|
| 1. Applicant Local Government Name: Town of Berryville | | | |
| 2. Mailing Address: 101 Chalmers Court, Suite A | | | |
| 3. Physical Address if different: N/A | | | |
| 3. City: Berryville | Clarke | VA | 22611 |
| 7. Application Contact: Christy Dunkle | | 8. Contact Title: Assistant Town Manager | |
| 9. Contact Email: planner@berryvilleva.gov | | 10. Telephone/Extension: 540 955-4081 | |
| 11. Federal Employer ID #: 54-600114 | | *12. DUNS Number: 54081377 | |
| **13. VA House #: 33 | 14. VA Senate #:27 | 15. VA Congressional District #: 10 | |

* **All applicants must include their 9-digit DUNS number when applying for a grant.** This requirement is for the local government applicant only. Sub-grantee DUNS numbers are not required. For more information click here: <http://www.dnb.com/get-a-duns-number.html>

** **Give the number of the Virginia House, Senate and the U.S. Congressional district in which the organization is located.** The specific street address of your organization determines these numbers. If you do not know the numbers of the State or U.S. Congressional district in which your organization is located, contact your County Election Commission office or visit: <http://whosmy.virginiageneralassembly.gov>

*Do not list more than one (1) House, Senate or Congressional district in each space.

GRANT AMOUNT REQUEST

Applicant governments must match the amount requested from the Commission on at least a dollar-for-dollar basis with local government funds up to \$5,000; federal funds may not be included. A local government that has not approved its budget by the grant deadline may apply conditionally. After the grant has been approved, any change in the allocation of funds sub-granted to local arts organizations must be approved by the Commission.

16. Amount of Virginia Commission for the Arts assistance requested for FY2017: \$5000

17. Proposed local government arts appropriation for FY2017: \$5000

GRANT INFORMATION

18. What is the process for awarding the above grants?

Town staff identifies and contacts qualified organizations that may be interested in applying for the funds and whose needs fit the VCA's requirements. Council and staff review requests that have been submitted and Council awards the grant to the selected organization.

19. Who is involved in making these decisions?

Elected officials from the Berryville Town Council determine who receives grant proceeds. Council and staff work with the recipient to assure compliance with grant requirements for arts-related activities.

20. What criteria are sought in evaluating applicants?

Town Council evaluates applications by identifying the organization's contributions to the arts in the community; by the organization's benefits to artists and residents (e.g., events and shows featuring local artists and performers) as well as creating tourist destinations; and criteria as determined by the VCA. Council members support the arts and acknowledge the importance in economic development, retail opportunities, and job creation.

21. List of current board/council members, if a board/council is involved in making funding decisions:

Wilson L. Kirby, Mayor

Harry Lee Arnold, Jr., Recorder

Douglas A. Shaffer, Ward 1

H. Allen Kitselman, Ward 2

J. Bryant Condrey, Ward 3

David Tollett, Ward 4

22. Give a brief description of the arts organization(s) proposed to receive Commission assistance through the Local Government Challenge Grant in 2016-2017.

Berryville Main Street has been identified as the recipient for the 2016-2017 Local Government Challenge Grant. The Fire House Gallery is a public-private economic development initiative sponsored by Berryville Main Street. As a downtown arts destination, the Fire House Gallery is in its seventh year of operation and offers a venue for local artists and musicians. Representing over 60 artists, the Fire House features a number of

exhibitions, trunk shows, book signings, workshops, educational programs, demonstrations and will again feature the Community Supported Arts initiative for the 2016 holiday season.

SUBGRANTEE (S) INFORMATION

23. Please list which local independent arts organizations will receive the Commission grant money sub-grant. After the Commission grant has been approved, any changes in the allocation of sub-grants to local arts organizations must be approved by the Commission. **Note:** Sub-grants (grants made by the local government) of any Commission funds, not to exceed \$5,000, from the Local Government Challenge grant program may only go to independent Virginia arts organizations for arts activities in the locality. Virginia arts organizations are defined as those organizations whose primary purpose is the arts (production, presentation or support of dance, literary arts, media arts, music, theater, or visual or related arts), that are incorporated in Virginia, and have their headquarters and home seasons, or activities equivalent to a home season, in the state. Units of government and educational institutions cannot be considered arts organizations.

| Name of Organization
Physical Mailing Address | Sub Grantee
Contact
Name & Title | Sub Grantee
Email Address | Proposed
VCA \$
Grant
Share |
|--|--|----------------------------------|--------------------------------------|
| 1. Berryville Main Street/Fire House
Gallery | Sue Ross, Director | manager@berryvillemainstreet.org | \$5,000 |
| 23 E. Main Street, Berryville, VA
22611 | | | |
| 2. | | | |
| | | | |
| 3. | | | |
| | | | |
| 4. | | | |
| | | | |
| 5. | | | |
| | | | |
| 6. | | | |
| | | | |

Note: Attach additional local independent arts organizations on a separate piece of paper if necessary.

POPULATIONS BENEFITED

24. Select any categories that, by your best estimate, will make up 25% or more of the population that will directly benefit from the award during the period of support. These responses should refer to populations reached directly, rather than through broadcasts or online programming.

Populations Benefited By Race

- N: American Indian/Alaska Native
- A: Asian
- B: Black/African American
- H: Hispanic/Latino
- P: Native Hawaiian/Other Pacific Islander
- W: White
- G: No single race/ethnic group listed above made up more than 25% of the population directly benefited.

Populations Benefited By Distinct Groups

- D: Individuals with Disabilities
- I: Individuals in Institutions (include people living in hospitals, hospices, nursing homes, assisted care facilities, correctional facilities, and homeless shelters)
- P: Individuals below the Poverty Line
- E: Individuals with Limited English Proficiency
- M: Military Veterans/Active Duty Personnel
- Y: Youth at Risk
- G: No single distinct group made up more than 25% of the population directly benefit

Populations Benefited By Age

- 1. Children/Youth (0-18 years)
- 2. Young Adults ((19-24 years)
- 3. Adults (25-64 years)
- 4. Older Adults (65+ years)
- 5. No single age group made up more than 25% of the population directly benefited

Arts Education

Choose the one item which best describes the funded activities.

- 50% or more of the funded activities are arts education directed to K through 12 students, higher education students, pre-kindergarten children, and/or adult learners (including teachers and artists).
- Less than 50% of the funded activities are arts education directed to K through 12 students, higher education students, pre-kindergarten children, and/or adult learners (including teachers and artists).
- None of the funded activities involve arts education

Certification of Assurances & Grant Conditions for Local Government Grantees

Virginia Commission for the Arts grantees are required to be non-profit Virginia organizations and exempt from federal income tax under Section 501(a), which includes the 501(c)3 designation of the Internal Revenue code, or are units of government, educational institutions, or local chapters of tax exempt national organizations.

No part of any Commission grant shall be used for any activity intended or designed to influence a member of Congress or the General Assembly to favor or oppose any legislation.

Each Commission grantee will:

- provide accurate, current and complete financial records of each grant;
- maintain accounting records which are supported by source documentation;
- maintain effective control over and accountability for all funds, property, and other assets ensuring that assets are used solely for authorized purposes;
- maintain procedures ensuring timely disbursement of funds;
- provide the Commission, or its authorized representatives, access to the grant-related financial records.

The grantee will expend any and all grant funds only for purposes described in the application form and attachments. The grantee must request permission in writing to make changes to the proposed sub grantees, budget, schedule, program and or personnel. The requested changes must be approved in advance by the Commission.

Each Commission grantee will comply with these federal statutes and regulations:

- Title VI, Section 601, of the Civil Rights Act of 1964, which provides that no person, on the ground of race, color or national origin, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.
- Title IX, Section 1681, of the Education Amendments of 1972, which provides that, with certain exceptions, no person, on the basis of sex or age, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.
- Americans With Disabilities Act and Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against persons with physical or mental disabilities in federally assisted programs. Compliance with this Act includes the following: notifying employees and beneficiaries of the organization that it does not discriminate on the basis of handicap and operation of programs and activities which, when viewed in their entirety, are accessible to persons with disabilities. Compliance also includes maintenance of an evaluation plan developed with the assistance of persons with disabilities or organizations representing disabled persons which contains: policies and practices for making programs and activities accessible; plans for making any structural modifications to facilities necessary for accessibility; a list of the persons with disabilities and/or organizations consulted; and the name and signature of the person responsible for the organization's compliance efforts. ("ADA Coordinator")

No final report is required for the Local Government Challenge Grant. Each local government will confirm in writing to the Commission that its governing board has appropriated the matching funds. Confirmation of the match must include either a copy of the appropriate page from the city's/jurisdiction's approved FY2017 budget showing the amount of the award and match or a copy of the check (s) to the sub-grantee (s).

The Commission will pay the grant in full after receiving this confirmation. **The deadline for this confirmation is February 1, 2017.**

In all published material (printed programs, news releases, web news, email alerts, advertisements, flyers, etc.) and announcements regarding the particular activity or activities supported, acknowledgment of the Commission must be made. A suggested phrase is "(organization or activity) is partially supported by funding from the Virginia Commission for the Arts and the National Endowment for the Arts."

This application must be signed by an individual duly authorized by the governing body of the locality to act on its behalf and submitted with every grant application made to the Commission. The signature of the individual indicates the locality's compliance with all of the grant conditions listed above.

The undersigned certifies to the best of his/her knowledge that:

- the information in this application and its attachments is true and correct;
- the filing of this application has been duly authorized by the governing body of the applicant organization;
- the applicant organization agrees to comply with all grant conditions cited above.

The undersigned further certifies that he or she has the legal authority to obligate the applicant locality.

Name of Local Government: Town of Berryville

Name of Authorizing Official: Keith R. Dalton

Title: Town Manager

Signature of Authorizing Official: _____ Date:

Email of Authorizing Official: townmanager@berryvilleva.gov

NOTE: Only documents with original signatures will be accepted. Do not send copies or email/fax this application.

BERRYVILLE TOWN COUNCIL

MOTION TO APPLY FOR VIRGINIA COMMISSION FOR THE ARTS
LOCAL GOVERNMENT CHALLENGE GRANT APPLICATION

Date: February 9, 2016

Motion By:

Second By:

I move that the Council of the Town of Berryville authorize the Town Manager to sign and submit the application for the Virginia Commission for the Arts' Local Government Challenge Grant identifying Berryville Main Street as the recipient of the grant, requiring that all marketing material include both Virginia Commission for the Arts (VCA) and National Endowment for the Arts (NEA) logos for projects funded with this grant, per the terms of the VCA. Matching grant funds shall be appropriated from the Town's annual contribution to Berryville Main Street.

VOTE:

Aye:

Nay:

Absent:

ATTEST:

Harry Lee Arnold, Jr., Recorder

BERRYVILLE TOWN COUNCIL
Tourism Zone Discussion
February 9, 2016

The Planning Commission reviewed proposed draft amendments and other items concerning the creation of tourism zones for economic development incentives in the Town of Berryville. Enabled by the General Assembly (Virginia Code § 58.1-3851), these incentives are applied to specific areas within a locality as identified on an official overlay map. The model ordinance used is from Front Royal. Staff has discussed the code language with Front Royal Town Manager Steve Burke on several occasions. He indicated that several applications have been submitted but nothing has been completed at this time.

Investment criteria is located on the bottom of the second page of the draft amendment.

Attached are the following items for your review and comment:

- Draft Amendment for Town Code Section 16-9
- Draft Tourism Zone Application
- Draft map identifying possible tourism zones
- Virginia Code § 58.1-3851
- Front Royal's Draft Amendment
- Town Zoning Map

Staff is requesting that the Community Improvements Committee review the proposed ordinance and the overlay map which identifies parcels to be included. Should Council wish to move forward after Committee input, staff will prepare motions for the March meeting.

Recommendation

Forward the draft amendment and map to the Community Improvements Committee for review and comment and bring recommendations back to Council at their March meeting.

DRAFT AMENDMENT

Incentives

NOTE: This draft amendment to the Town Code proposes the establishment of tourism zones with incentives. This draft amendment proposes to maintain the existing historic district partial tax incentives under Sec. 16-7 creating a broader incentive for business development.

Sec. 16-9 Tourism Zone Incentives

- (a) Purpose: The purpose for creating tourism zones is to encourage certain types of business growth in the Town that will attract visitors to the Town, increase tax revenue, and enhance the general welfare of Town residents. Virginia Code § 58.1-3851 grants towns the legal authority to establish one or more tourism zones and grant tax incentives and regulatory flexibility therein.
- (b) Establishment of Tourism Zones
- (1) Downtown Business Tourism (DBT) Zone Created. There is hereby established the "Downtown Business Tourism Zone," consisting of the areas zoned C General Commercial and designated on the map entitled "Town of Berryville Tourism Zone," dated _____, attached hereto and incorporated herein. The intent of the Downtown Business Tourism Zone is to achieve the overall purpose of Sec. 16-9(a) by encouraging business growth that enhances the unique character and assets of the downtown area.
- (2) Entrance Corridor Tourism (ECT) Zone Created. There is hereby established the "Entrance Corridor Tourism Zone," consisting of the areas designated as such on the map entitled "Town of Front Royal Tourism Zone," dated _____, attached hereto and incorporated herein. The intent of the Entrance Corridor Tourism Zone is to achieve the overall purpose of Sec. 16-9(a) by encouraging business growth that enhances the unique character and assets of the entrance corridor area.
- (3) Community Business Tourism (CBT) Zone Created. There is hereby established the "Community Business Tourism Zone," consisting of the areas designated as such on the map entitled "Town of Berryville Tourism Zone," dated _____, attached hereto and incorporated herein. The intent of the Community Business Tourism Zone is to achieve the overall purpose of Sec. 16-9(a) by encouraging general business growth in the Town of Berryville that supports tourism.
- (c) Eligibility Requirements
- (1) ELIGIBLE USES BY TOURISM ZONE. The following land uses, as categorized within each tourism zone, are eligible to receive the

tourism zone incentives of Sec. 16-9(d), subject to compliance with all other code requirements of the Town of Berryville Code and Town of Berryville Zoning Ordinance.

TABLE 16-9(c)(1)

| SPECIFIC TOURISM ZONE | ELIGIBLE TYPES OF LAND USES |
|----------------------------------|---|
| Downtown Business Tourism (DBT) | Retail
Dining
Lodging
Entertainment*
Culture & Arts
Personal Services & Offices
Second story
apartments/condominiums |
| Entrance Corridor Tourism (ECT) | Retail
Dining
Lodging
Entertainment*
Culture & Art |
| Community Business Tourism (CBT) | Retail
Dining
Lodging
Entertainment*
Personal Services & Offices |

*Including both outdoor and indoor uses, but excluding adult entertainment uses.

(2) INVESTMENT CRITERIA. Eligible land uses, as specific under Sec. 16-9(c)(1), shown above, are eligible to receive the tourism zone incentives of Sec. 16-99(d) shown below, only if all of the following criteria is met:

- (a) A minimum new capital investment of \$25,000.
- (b) A minimum creation of one (1) new job.
- (c) Conformance with the Town's Comprehensive Plan.
- (d) Conformance with the Town's Zoning Ordinance.
- (e) Conformance with the Town Code.

(d) Incentives.

(1) BPOL Tax Incentive. BPOL Tax may be reduced for eligible land uses that meet the investment criteria as specified under 16-9(c)(2).

(a) Eligible land uses shall be categorized into one of the following three (3) tier groups, depending on the amount of capital investment and quantity of jobs created.

Table 16-9(d)(1)(a)

| Tier Group | Capital Investment | Jobs Created |
|------------|-----------------------|--------------|
| Tier 1 | \$25,000 - \$99,999 | 1 - 3 |
| Tier 2 | \$100,000 - \$499,999 | 4 - 10 |
| Tier 3 | \$500,000 + | 11 + |

(b) The following table illustrates the duration that eligible land uses may receive BPOL tax reduction based on the qualifying tier group.

Table 16-9(d)(1)(b)

| Year | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11+ |
|--------|---|---|---|---|---|---|---|---|---|----|-----|
| Tier 1 | ✓ | ✓ | ✓ | ✓ | X | X | X | X | X | X | X |
| Tier 2 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | X | X | X | X |
| Tier 3 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | X |

(c) Eligible land uses may receive up to 100% BPOL tax reduction for the number of specified years they qualify for under Table 16-9(d)(1)(b).

(d) BPOL tax reduction is based on the estimated increase in BPOL tax as calculated from estimated increased revenue after the proposed investment. BPOL tax reduction shall not apply to existing BPOL tax prior to the specific investment.

(2) Permit Fee Incentive. All eligible land uses may receive up to 100% reduction in permit fees with the Town of Berryville as identified in the Planning and Zoning Fee Schedule, as amended.

(3) Availability Fee Incentive. Eligible commercial land uses may be allowed to make payment of required availability fees over a period of time that does not exceed ten (10) years, without interest or fees, subject to a lien on the property, or other guarantee, for the specified time period.

(e) Administration & Interpretation.

- (1) The Town Manager, or designee, is authorized to administer tourism zones.
- (2) Interpretations of this section shall be determined by the Town Manager after consultation with the Town Attorney.
- (3) All eligible businesses must submit an application for tourism incentives to the Town Business Office.
- (4) The Town Manager, or designee, shall draft a performance agreement for applicants that qualify for incentives. The performance agreement shall be reviewed by the Town Attorney, Assistant Town Manager/Treasurer, Assistant Town Manager/Planner, and other departments, authorities, committees, commissions or agencies as determined appropriate by the Town Manager.
- (5) Performance agreements shall specify all incentives that are to be authorized and may include conditions of approval including but not limited to requirements that the applicant maintain certain hours of operation, site improvement requirements, or reduction of incentives from their maximum levels authorized by this section.
- (6) Incentives are not authorized until a performance agreement is approved by Town Council and nothing herein shall be interpreted to require or obligate the Town to approving any incentives until a performance agreement is approved by Town Council.
- (7) Town Council may revoke, reduce, or suspend incentives after approval of the performance agreement if the conditions, or other terms, of the performance agreement are not in compliance.



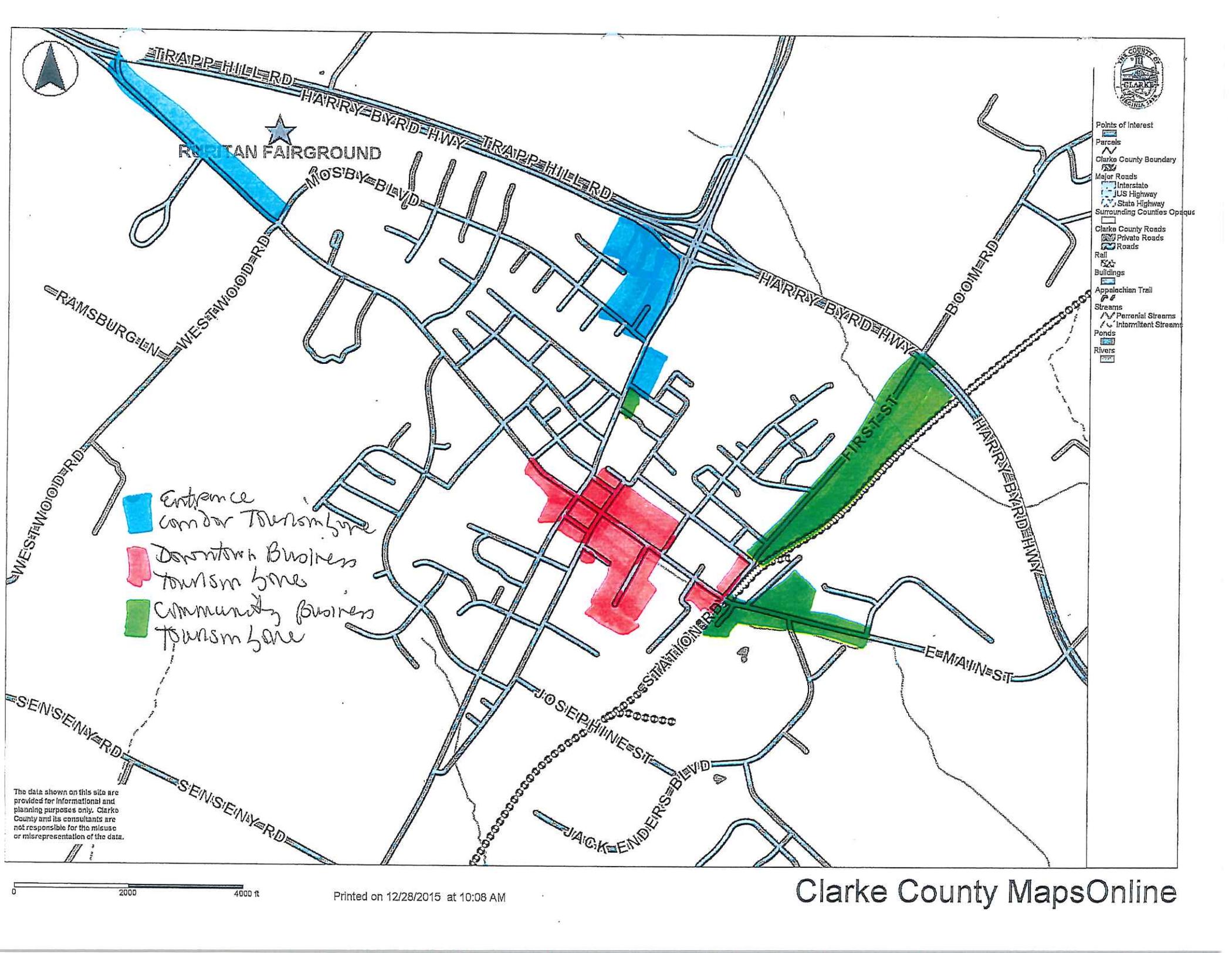
- Points of Interest
- Parcels
- Clarke County Boundary
- Major Roads
 - Interstate
 - IUS Highway
 - State Highway
 - Surrounding Counties Opague
- Clarke County Roads
 - Private Roads
 - Roads
- Rail
- Buildings
- Appalachian Trail
- Streams
 - Perennial Streams
 - Intormittent Streams
- Ponds
- Rivers

- Entrance Corridor Tourism Zone
- Downtown Business Tourism Zone
- Community Business Tourism Zone

The data shown on this site are provided for informational and planning purposes only. Clarke County and its consultants are not responsible for the misuse or misrepresentation of the data.

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DRAFT AMENDMENT – VERSION 3
INCENTIVES

This draft amendment to the Town Code proposes the establishment of tourism zones with incentives. This draft amendments proposes to maintain the existing historic district partial tax exemption incentive, but would relocate the authorizing ordinance for that under Chapter 75 so it can be more easily found in the Town Code. Together, the incentives of the tourism zone, historic district and technology zone will create an incentive package for the Town.

START -----

TOWN OF FRONT ROYAL MUNICIPAL CODE, CH. 75, FINANCE AND TAXATION

75-74 TOURISM ZONE INCENTIVES

A. PURPOSE. *The purpose for creating tourism zones is to encourage certain types of business growth in the Town that will attract visitors to the Town, increase tax revenue, and enhance the general welfare of Town citizens. Virginia Code §58.1-3851 grants the Town with the legal authority to establish tourism zones and grant tax incentives and regulatory flexibility therein.*

B. ESTABLISHMENT OF TOURISM ZONES.

1. Downtown Business Tourism (DBT) Zone Created. *There is hereby established the "Downtown Business Tourism Zone," consisting of all the area designated as such on the map entitled "Town of Front Royal Tourism Zone," dated _____, attached hereto and incorporated herein. The intent of the Downtown Business Tourism Zone is to achieve the overall purpose of Section 75-74.A. by encouraging business growth and housing that enhances the unique character and assets of the downtown area.*

2. Entrance Corridor Tourism (ECT) Zone Created. *There is hereby established the "Entrance Corridor Tourism Zone," consisting of all the area designated as such on the map entitled "Town of Front Royal Tourism Zone," dated _____, attached hereto and incorporated herein. The intent of the Entrance Corridor Tourism Zone is to achieve the overall purpose of Section 75-74.A. by encouraging business growth that enhances the unique character and assets of the entrance corridor area.*

3. Community Business Tourism (CBT) Zone Created. *There is hereby established the "Community Business Tourism Zone," consisting of all the area designated as such on the map entitled "Town of Front Royal Tourism Zone," dated _____, attached hereto and incorporated herein. The intent of the Community Business Tourism Zone is to achieve the overall purpose of Section 75-74.A. by encouraging general business growth in the Town of Front Royal that supports tourism.*

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C. ELIGIBILITY REQUIREMENTS.

1. **ELIGIBLE USES BY TOURISM ZONE.** The following land uses, as categorized within by each tourism zone, are eligible to receive the tourism zone incentives of Section 75-74.D., subject to compliance with all other code requirements of the Town Code.

TABLE 75-74.C.1.

| SPECIFIC TOURISM ZONE | ELIGIBLE TYPE OF LAND USES |
|--|--|
| <u>Downtown Business Tourism (DBT)</u> | Retail
Dining
Lodging
Entertainment*
Culture & Arts
Personal Services & Offices
Condominiums** |
| <u>Entrance Corridor Tourism (ECT)</u> | Retail
Dining
Lodging
Entertainment*
Culture & Arts |
| <u>Community Business Tourism (CBT)</u> | Retail
Dining
Lodging
Entertainment*
Personal Services & Offices |

*Including both outdoor and indoor uses, but excluding adult entertainment uses.

** Excluding such uses that are located on the ground level.

2. **INVESTMENT CRITERIA.** Eligible land uses, as specified under Section 75-74.C.1, shown above, are eligible to receive the tourism zone incentives of Section 75-74.D., shown below, only if all of the following criteria is met.

- a. A minimum new capital investment of \$25,000.
- b. A minimum creation of one new (1) job.
- c. Conformance with the Town's Comprehensive Plan.
- d. Compliance with the Town Code.

D. INCENTIVES.

1. **BPOL Tax Incentive.** BPOL Tax may be reduced for eligible land uses that meet the investment criteria, as specified under 75-74.C.2.

a. Eligible land uses shall be categorized into one of the following three (3) tier groups, depending on the amount of capital investment and quantity of jobs created.

TABLE 75-74.D.1.a.

| Tier Group | Capital Investment | Jobs Created |
|------------|-----------------------|--------------|
| Tier 1 | \$10,000 - \$99,999 | 1-3 |
| Tier 2 | \$100,000 - \$499,999 | 4-10 |
| Tier 3 | \$500,000 or more | 11 or more |

b. The following table illustrates the duration that eligible land uses may receive BPOL tax reduction, based on the tier group they qualify for.

TABLE 75-74.D.1.b.

| YEAR | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11+ |
|--------|---|---|---|---|---|---|---|---|---|----|-----|
| Tier 1 | ✓ | ✓ | ✓ | ✓ | X | X | X | X | X | X | X |
| Tier 2 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | X | X | X | X |
| Tier 3 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | X |

Note: X = not eligible; ✓ = Eligible.

c. Eligible land uses may receive up to 100% BPOL tax reduction for the number of specified years they qualify for under Table 75-74.D.1.b.

d. BPOL tax reduction is based on the estimated increase in BPOL tax, as calculated from estimated increased revenue after the proposed investment. BPOL tax reduction shall not apply to existing BPOL tax prior to the specific investment.

2. **Permit Fee Incentive.** All eligible land uses may receive up to 100% reduction in permit fees with the Town of Front Royal.

3. **Tap Fee Incentive.** Eligible commercial land uses may be allowed to make payment of required tap fees over a period of time that does not exceed ten (10) years, without interest or fees, subject to a lien on the property, or other guarantee, for the specified time period. Eligible residential land uses may be allowed to delay payment of required tap fees at a point of time agreeable to the Town of Front Royal, but before all dwelling units are occupied, subject to a lien on the property, or other guarantee, for the specific time period.

141 **E. ADMINISTRATION & INTERPRETATION**

- 142
- 143 1. *The Town Manager, or designee, is authorized to administer tourism zones.*
- 144 2. *Interpretations of this section shall be determined by the Town Manager, after*
- 145 *consultation with the Town Attorney.*
- 146 3. *All eligible businesses must submit an application for tourism zone incentives to the*
- 147 *Town Manager's Office.*
- 148 4. *The Town Manager, or designee, shall draft a performance agreement for applicants*
- 149 *that qualify for incentives. The performance agreement shall be reviewed by the Town*
- 150 *Attorney, Director of Finance, Director of Planning & Zoning, or other departments,*
- 151 *authorities, committees, commissions or agencies, as determined appropriate by the*
- 152 *Town Manager.*
- 153 5. *Performance agreements shall specify all incentives that are to be authorized and may*
- 154 *include conditions of approval, such as, but not limited to, requirements that the*
- 155 *applicant maintain certain hours of operation, site improvement requirements, or*
- 156 *reduction of incentives from their maximum levels authorized by this section.*
- 157 6. *Incentives are not authorized until a performance agreement is approved by Town*
- 158 *Council, and nothing herein shall be interpreted to require or obligate the Town to*
- 159 *approving any incentives until a performance agreement is approved by Town*
- 160 *Council.*
- 161 7. *Town Council may revoke, reduce, or suspend incentives after approval of the*
- 162 *performance agreement if the conditions, or other terms, of the performance*
- 163 *agreement are not complied with.*
- 164
- 165

166 **75-75 HISTORIC DISTRICT INCENTIVES FOR REHABILITATION.**

167 [Transfer the contents of Section 175-97 to 75-75 and reference under 175-97]

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169

170 **175-97 REAL ESTATE TAX EXEMPTION FOR REHABILITATION (Historic District)**

171 *Refer to Chapter 75, Section 75.*

- 172 A. ~~A partial exemption of real estate taxes for a period of ten (10) years shall be provided for the substantial~~
- 173 ~~rehabilitation of any structure [fifty (50) years or older] within a designated historic resource overlay area or~~
- 174 ~~to a structure which is listed on the National Register of Historic Places. For the purposes herein, substantial~~
- 175 ~~rehabilitation shall involve an investment of at least forty percent (40%) of the pre-rehabilitated assessed~~
- 176 ~~value of the structure.~~
- 177 B. ~~The partial exemption shall be equal to the increase in assessed value resulting from the rehabilitation.~~
- 178 ~~Rehabilitations cannot replace the original structure. Increases in total square footage may be permitted up to~~
- 179 ~~a maximum of fifty (50%) percent of the original structure.~~
- 180 C. ~~The exemption shall commence on January 1 of the year following completion of the rehabilitation and shall~~
- 181 ~~run with the real estate for a period of ten (10) years. An increase in an assessment occurring after the first~~
- 182 ~~year of the exemption shall not result in an increase in the exemption.~~
- 183 D. ~~No property shall be eligible for such exemption unless the appropriate certificate of appropriateness and~~
- 184 ~~building permits have been acquired and the Zoning Administrator and Commissioner of the Revenue have~~
- 185 ~~verified that the rehabilitation indicated on the application has been completed. Such rehabilitation shall be~~
- 186 ~~completed within two (2) years of issuance of the building permit for the work, except that the deadline for~~
- 187 ~~completion may be extended for up to two (2) additional years if the Zoning Administrator determines that~~
- 188 ~~reasonable progress has been made towards completion of the project.~~
- 189

-----END

191 **Editorial Notes:** Proposed new text is shown in **highlight** and *italics*. Proposed deleted text is shown in

192 ~~strikethrough~~ font. Text shown in BLUE font is for information purposes only. Drafted 08/19/14 (JFC);

193 Revised 9/5/14 (JFC); Revised 10/28/14 (JFC).

Code of Virginia
Title 58.1. Taxation
Chapter 38. Miscellaneous Taxes

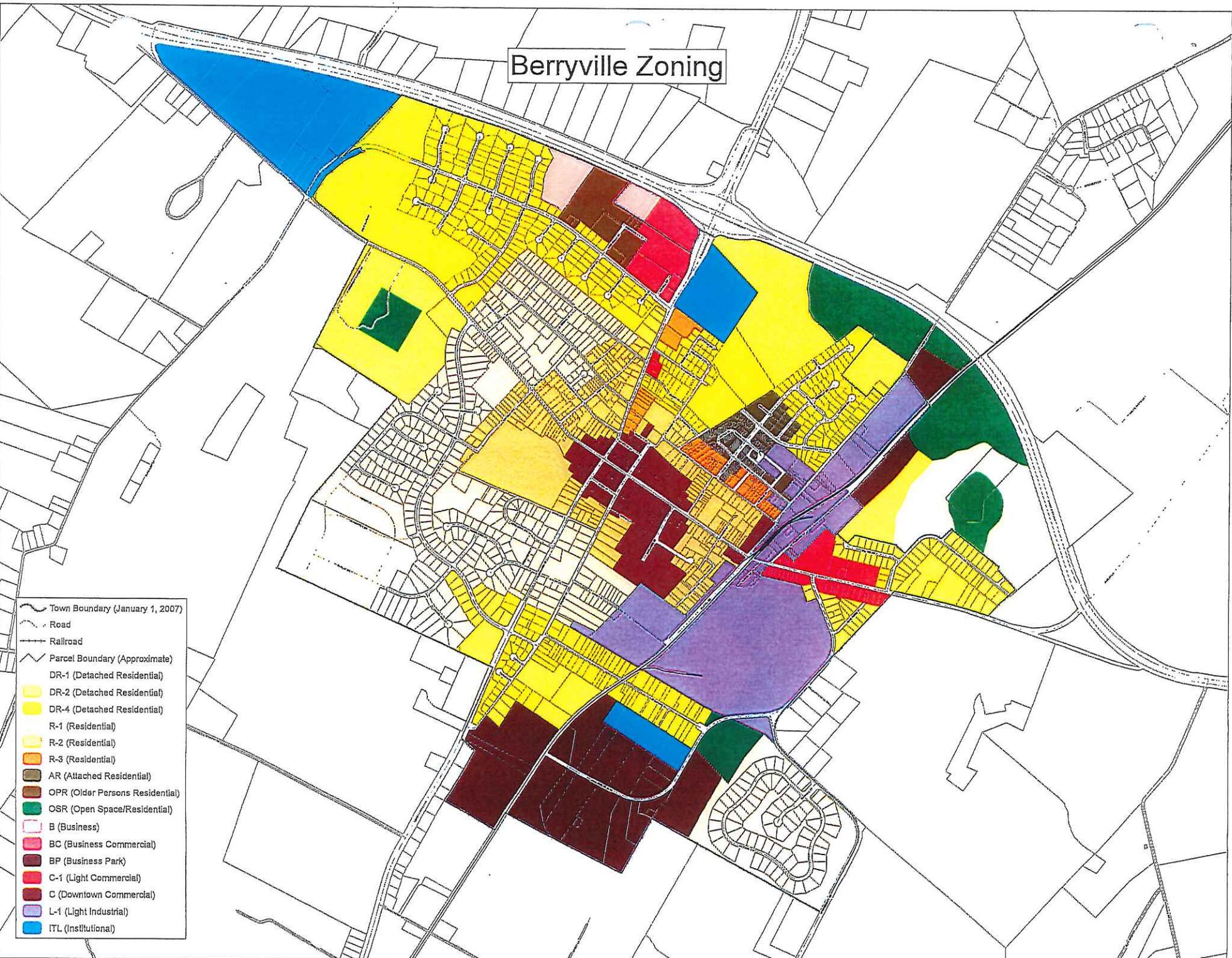
§ 58.1-3851. Creation of local tourism zones.

- A. Any city, county, or town may establish, by ordinance, one or more tourism zones. Each locality may grant tax incentives and provide certain regulatory flexibility in a tourism zone.
- B. The tax incentives may be provided for up to 20 years and may include, but not be limited to (i) reduction of permit fees, (ii) reduction of user fees, and (iii) reduction of any type of gross receipts tax. The extent and duration of such incentive proposals shall conform to the requirements of the Constitutions of Virginia and of the United States.
- C. The governing body may also provide for regulatory flexibility in such zone that may include, but not be limited to (i) special zoning for the district, (ii) permit process reform, (iii) exemption from ordinances, excluding ordinances or provisions of ordinances adopted pursuant to the requirements of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.), the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.), or the Virginia Stormwater Management Act (§ 62.1-44.15:24 et seq.), and (iv) any other incentive adopted by ordinance, which shall be binding upon the locality for a period of up to 10 years.
- D. The establishment of a tourism zone shall not preclude the area from also being designated as an enterprise zone.

2006, c. 642; 2008, c. 462; 2013, cc. 756, 793.

Berryville Zoning

- Town Boundary (January 1, 2007)
- Road
- Railroad
- Parcel Boundary (Approximate)
- DR-1 (Detached Residential)
- DR-2 (Detached Residential)
- DR-4 (Detached Residential)
- R-1 (Residential)
- R-2 (Residential)
- R-3 (Residential)
- AR (Attached Residential)
- OPR (Older Persons Residential)
- OSR (Open Space/Residential)
- B (Business)
- BC (Business Commercial)
- BP (Business Park)
- C-1 (Light Commercial)
- C (Downtown Commercial)
- L-1 (Light Industrial)
- ITL (Institutional)



BERRYVILLE TOWN COUNCIL
Wayfinding and Tourist Oriented Directional Signage Update
January 12, 2016

Staff has received updated information on the TOD signage which follows this report. The cost increased due to the addition of two signs at the intersection of Chalmers Court and East Main Street.

Staff has requested that a meeting be set with the team working on the TOD signage representing the County, Barns and Town to discuss the matter and make a recommendation to respective elected officials and board members. Staff will updated Council on this process.

Staff is recommending that wayfinding signs be included in the Capital Improvements Program for the next FY. Figures will be determined by costs submitted to the Town by Frazier and Associates in October. Staff contacted Frazier representatives to confirm the costs have not increased.

Staff is requesting that the Community Improvements Committee review the specific information at a meeting prior to the March 8, 2016 Council meeting.

January 12, 2016 Staff Report

Staff contacted Virginia Logos representatives on January 5, 2016 for a status report on the Tourist Oriented Directional signage proposed for bypass 7 and 340 identifying the visitors' center and the local historic district. Mr. Newcomb indicated that he is having difficulty identifying a site for two of the proposed signs. He indicated that he will be coming to Berryville on Thursday, January 7 to stake new locations for the signs in order for VDOT to approve. He suggested adding \$2,000 to \$3,000 to the original estimate of \$15,000 but would have real numbers by mid-month.

November 10, 2015 Staff Report

The sign committee representing the Town, County and Barns of Rose Hill met on October 21, 2015 to discuss types of TOD signage and approximate costs for fabrication and installation. Below are comments and questions that were forwarded to Virginia Logos after the October meeting:

Our committee has taken the following options:

*For SR 7 Westbound and Eastbound at BS 7 we want option 4 with directional arrows. A correction is necessary on these signs please change Barnes to **Barns**.*

For US 340 Northbound and Southbound at Main St. we wish the Tourist Info Center sign with directional arrows.

*For BS 7 Main St. Eastbound and Westbound at Chalmers Ct. we will make **no** changes at this time. Something may be initiated at a later date.*

Questions:

Should I complete the official application at this time?

Can you breakout costs by materials and installation? If so we would like that detail.

Our County employees are frequently involved in repairing and erecting street and road signs. Do we have the option of installing the signs?

*A total cost has been estimated of approximately \$15,000 for the TOD signage along the VA 7 Bypass and on US 340. County representatives have agreed to \$10,000 and the Town has \$2,000 identified on a budget line item for TOD signage. **The committee is requesting consideration for adding an additional \$3,000 from the Town in order to get the signs fabricated and installed.** Images of the proposed signage follow this report.*

Recommendation

Forward the information to the Community Improvements Committee for review and recommendation prior to the March Council meeting.



10001 Patterson Ave., Suite 201
Richmond, VA 23238

(804) 754-0970 (800) 229-2809 Fax: (804) 754-0976

2/1/2016

Clarke County
Attn: Mr. David Ash
95 Chalmers Court
Berryville, VA 22611

RE: Supplemental Guide Sign Request

Dear Mr. Ash:

Enclosed is your Business Supplemental Order Agreement.

Please sign the Business Supplemental Order Agreement, the sign drawing, as well as the enclosed contract. Please return the original signed Business Supplemental Order Agreement, sign drawing, signed contract, and check for all requested signs, in the provided self-addressed envelope. Unfortunately, materials can not be ordered until we receive your check with the signed paperwork mentioned above. Purchase Orders are accepted for Government entities. Your signs should be installed six to eight weeks from the date construction materials are received.

We appreciate your business with Virginia Logos. Please feel free to call me if you have any further questions at (804) 754-0970/ (800) 229-2809.

Sincerely,

Tracey Ward
SGS Administrative Assistant

Enclosures

COST ESTIMATE

DATE: 1/28/16

COST ESTIMATE # 814951

Virginia Logos
 Attn: Tracey Ward
 10001 Patterson Ave Ste 201
 Richmond VA 23238
 Toll Free: (800) 229-2809
 Fax: (804) 754-0976

TO:
 Clarke County
 Attn: David Ash
 95 Chalmers Court
 Berryville, VA 22611

FOR:
 Cost estimate for the fabrication and installation of Supplemental Guide Signs (SGS) for Tourist Info Center at Barns of Rose Hill and Berryville Historic District
 Contract # 814951, 814952, 814953, 814954, 814955, 814956, 814957, 814958

| DESCRIPTION | Route/Intersection/Direction | AMOUNT |
|---|------------------------------|--------------------|
| Fabrication and Installation of new Supplemental Guide Signs for Tourist Info Center at Barns of Rose Hill and Berryville Historic District. | | |
| <u>Cost Estimate Breakdown</u> | | |
| 814951 Tourist Info Center at Barns of Rose Hill | | |
| 814952 Berryville Historic District | SR 007 / BS 007 / EB | \$5,284.16 |
| 814953 Tourist Info Center at Barns of Rose Hill | | |
| 814954 Berryville Historic District | SR 007 / BS 007 / WB | \$4,601.73 |
| 814955 Tourist Info Center | US 340 / Main Street / SB | \$2,335.88 |
| 814956 Tourist Info Center | US 340 / Main Street / NB | \$1,754.88 |
| 814957 Tourist Info Center | BS 007 / Chalmers Court / EB | \$2,986.88 |
| *This will include remaking the Government Center, Police Department and Library signs | | |
| 814958 Tourist Info Center | BS 007 / Chalmers Court / WB | \$2,986.88 |
| *This will include remaking the Government Center, Police Department and Library signs | | |
| PAYMENT DUE UPON RECEIPT | BALANCE DUE: | \$19,950.41 |

Please make all checks payable to *Virginia Logos LLC* and mail to:

Attn: Sara Beck
 10001 Patterson Ave Ste 201
 Richmond VA 23238

X _____
 SIGNATURE



Guidelines for Utilizing a Third Party Vendor for the Supplemental Guide Sign Program

Virginia Logos is prepared to assist you through the fabrication and construction of your requested Supplemental Guide Signs (SGS); however, any customer wishing to participate in the SGS Program may choose to use a third party contractor to produce and/or install the requested signs. Below are the general guidelines if you choose to have a third party vendor fabricate and/or construct your signs:

- Sign designs must be submitted to Virginia Logos to be approved by VDOT.
- Fabrication of signs must be in accordance to VDOT specifications and utilize only materials approved by VDOT.
- A VDOT construction permit is required to work on any right of way owned by VDOT.
- Any modification of the site plans that have been approved by VDOT must be submitted to Virginia Logos and reapproved by VDOT.
- The construction of the structures and signs must be completed with a VDOT Inspector on site (The requesting party may be responsible for the cost associated with having an inspector on site).
- The entities constructing the structures and signs must follow all VDOT safety policies for setting up work area protection, including the completion of any safety certification courses.
- Signs must be installed on the appropriate type of structures meeting all VDOT specifications.
- The entities installing the structures and signs must be bonded in the amount of \$20,000.

Note: This policy is not applicable to Federal Procurement actions.

Please contact Virginia Logos locally in Richmond at (804) 754-0970 or toll free at (800) 229-2809 prior to initiating the use of third party vendors.

SR 7 Eastbound at BS 7

814951

**Tourist Info Center
at Barns of Rose Hill** 

**Berryville
Historic District** 

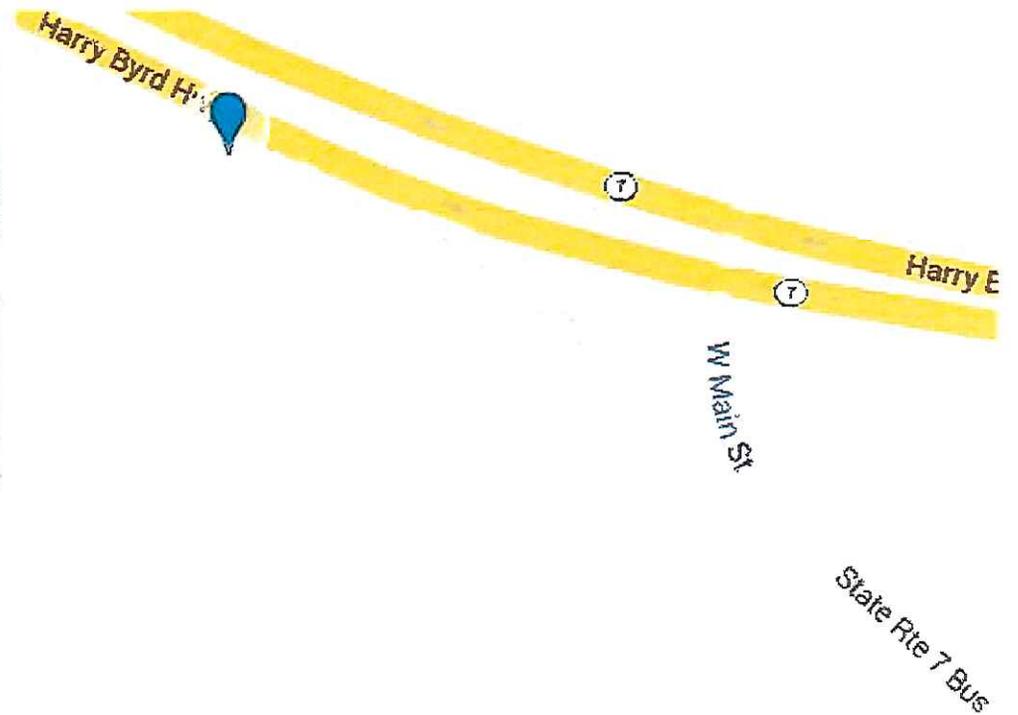
814952

9.5'x2.5' - TIC

9.5'x2.5' - HD \$5,284.16

New square tube post installed 100' after the
route marker and 150' before the Berryville sign.

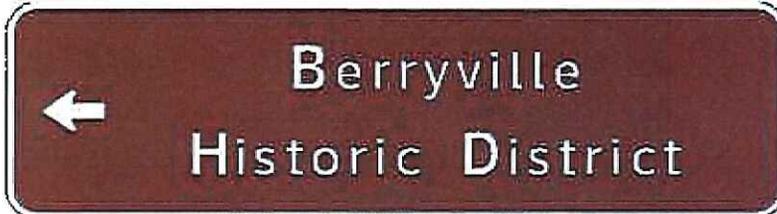
39.16859
-78.00740



SR 7 Westbound at BS 7

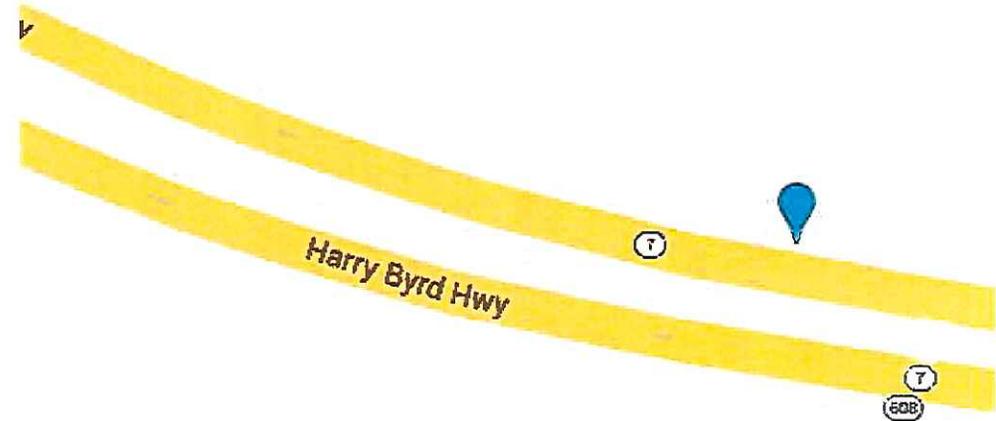
39.14320
-77.95309

814953



814954

9'x3' - TIC
9'x2.5' - HD



New square tube post structure
installed 50' past the CR 608 crossover,
behind the guardrail.

\$4,601.73

US 340 Southbound at Main St

814955



2.5'x2.5'

39.15218
-77.982276



Add this sign to the Park and Shop location, upgrading the structure to a new square tube post structure.

\$2,335.88



US 340 Northbound at Main St

814956



2.5'x2.5'

39.150852
-77.982801



Build a new 1 post STP structure 10' in front of the existing VDOT structure for Frederick, Washington, and Winchester. Sign will be offset so to not block the VDOT sign.

\$1,754.88



814957

BS 7 Main Street Eastbound at Chalmers Ct



4.5'x1.5'



4.5'x2.5'

39.14974
-77.97878



2'x2'

\$2,986.88



State Rte 7 Bus
Chalmers Ct

Chalmers Ct

Remove the white, double sided sign and install these three signs on a new square tube post structure at the new location staked prior to the turn.



214958

BS 7 Main Street Westbound at Chalmers Ct



4.5'x1.5'



4.5'x2.5'

39.14999
-77.97959



2'x2'

\$2,986.88

Remove the white, double sided sign and install these three signs on a new square tube post structure at the new location staked prior to the turn.

39.14999 -77.979596



Attachment 7

FINANCE AND ADMINISTRATION STAFF REPORT

TO: TOWN COUNCIL
FROM: DESIREE MORELAND, TREASURER
SUBJECT: ANNUAL FINANCIAL REPORT (CAFR) FOR THE FISCAL YEAR ENDED JUNE 30, 2015
DATE: 2/3/2016
CC: KEITH DALTON, TOWN MANAGER

Mr. Josh Roller of Robinson, Farmer, Cox Associates will be here to present the Town of Berryville's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2015. These statements are presented in conformity with generally accepted accounting principles (GAAP) and audited in accordance with generally accepted auditing standards by a firm of licensed certified public accountants.

A copy of the Comprehensive Annual Financial Report was e-mailed to you on January 14, 2016 for your review.

Attachment 8



Berryville Police Department

101 Chalmers Ct., Suite A, Berryville, Virginia 22611

policeadmin@berryvilleva.gov

(540) 955-3863 (540) 955-0207 (Fax)

W. Neal White – Chief of Police

MEMO

DATE: 02/02/2016

TO: Keith Dalton, Town Manager

FROM: Chief W. Neal White

CC:

RE: Council Report – February 9, 2016

Monthly Activity Report

Department activity for the month of January 2016 follows this memo.

RMS Software Update

The switch to Southern Software as our records management vendor has been completed and the department went live with the software on January 20, 2016. All members of the department received a full day of training from the vendor. The software and database are also accessible through secure portal access on the mobile data terminals (MDT) in the fleet vehicles. We are all still learning the capabilities of the system and it already seems to be a huge improvement over our previous vendor.

Winter Storm Jonas

The police department made it through the recent winter storm with little impact to report. Investigator Frenzel and Officer Graham both spent the majority of the weekend at the office and away from their families during the event. Since we had very advanced and good detailed notice about the storm, we were able to prepare well in advance and have supplies at the ready.

Regional Training Academy

As you were made aware during the last week of January, the Northern agencies of the Rappahannock Regional Criminal Justice Academy are exploring the possibility of separating from the Rappahannock Academy and starting a new training academy. This process requires approval from DCJS as well as legislative action. An exploratory



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W. Neal White – Chief of Police

committee has already garnered the DCJS approval and would not anticipate any increase in dues to facilitate this transition. The process continues to move forward and I will keep the Police and Security Committee updated as things progress.



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W. Neal White – Chief of Police

POLICE AND SECURITY REPORT

| Month: January | Year To Date | January | December |
|-----------------------------------|---------------------|----------------|-----------------|
| Year: 2016 | 2016 | 2016 | 2015 |
| Total Miles Traveled: | 2,869 | 2,869 | 2,071 |
| Total Man Hours: | 1,213 | 1,213 | 1,353 |
| <u>Complaints Answered</u> | | | |
| 911 Hang Up: | 2 | 2 | 1 |
| Alarms: | 4 | 4 | 7 |
| Animal Complaint: | 6 | 6 | 3 |
| Assault And Battery: | 1 | 1 | 1 |
| Assist County: | 1 | 1 | 6 |
| Auto Larceny: | 1 | 1 | 0 |
| Burglary: | 1 | 1 | 1 |
| Civil Complaints: | 9 | 9 | 12 |
| Disturbance (Non Violent): | 7 | 7 | 5 |
| Domestic Disturbance: | 0 | 0 | 2 |
| Drunk In Public: | 1 | 1 | 0 |
| Forgery & Uttering: | 0 | 0 | 0 |
| Fraud: | 1 | 1 | 0 |
| Grand Larceny: | 0 | 0 | 1 |
| Harassment/Intimidation: | 4 | 4 | 0 |
| Homicide: | 0 | 0 | 0 |
| Juvenile Related: | 4 | 4 | 1 |
| Noise: | 4 | 4 | 1 |
| Petty Larceny: | 0 | 0 | 3 |
| Public Service: | 3 | 3 | 5 |
| Rape: | 0 | 0 | 0 |
| Robbery: | 0 | 0 | 0 |
| Runaway: | 0 | 0 | 0 |
| Shoplifting: | 0 | 0 | 0 |
| Suspicious Activity: | 12 | 12 | 13 |
| Trespassing: | 1 | 1 | 1 |
| Vandalism: | 3 | 3 | 4 |
| Welfare Check: | 8 | 8 | 8 |
| Miscellaneous Complaints: | 25 | 25 | 24 |
| Total Complaints Answered: | 98 | 98 | 99 |



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W. Neal White – Chief of Police

Traffic

| | | | |
|----------------------------|----|----|----|
| Accidents Investigated: | 2 | 2 | 5 |
| Assist Motorist: | 3 | 3 | 4 |
| Child Safety Seat Install: | 0 | 0 | 0 |
| Funeral Escort: | 2 | 2 | 3 |
| Hit & Run: | 1 | 1 | 0 |
| Parking Tickets: | 6 | 6 | 18 |
| Traffic Warnings: | 13 | 13 | 43 |

Traffic Summons Issued

| | | | |
|--------------------------------------|-----------|-----------|-----------|
| Defective Equipment: | 0 | 0 | 3 |
| Driving Suspended: | 1 | 1 | 2 |
| Expired Inspection: | 0 | 0 | 0 |
| Expired Registration: | 0 | 0 | 3 |
| Fail To Obey Highway Sign: | 6 | 6 | 4 |
| Fail To Obey Traffic Signals: | 0 | 0 | 0 |
| Fail To Stop/Lights & Siren: | 0 | 0 | 0 |
| Fail To Yield Right Of Way: | 0 | 0 | 1 |
| Hit And Run: | 0 | 0 | 0 |
| No Liability Insurance: | 0 | 0 | 0 |
| No Operator's License: | 0 | 0 | 0 |
| No Seat Belt: | 0 | 0 | 0 |
| Reckless Driving: | 2 | 2 | 0 |
| Speeding: | 5 | 5 | 6 |
| Miscellaneous Summons: | 0 | 0 | 0 |
| Total Traffic Summons Issued: | 14 | 14 | 19 |



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W. Neal White – Chief of Police

Criminal Arrests Made

| | | | |
|---------------------------------|---|---|----|
| Abduction: | 0 | 0 | 0 |
| Arson: | 0 | 0 | 0 |
| Assault And Battery: | 1 | 1 | 2 |
| A & B On Police Officer: | 0 | 0 | 0 |
| Auto Larceny: | 0 | 0 | 0 |
| Breaking And Entering: | 1 | 1 | 0 |
| Capias: | 0 | 0 | 0 |
| Disorderly Conduct: | 0 | 0 | 1 |
| Driving While Intoxicated: | 0 | 0 | 1 |
| Drunk In Public: | 1 | 1 | 0 |
| Fail To Obey Police Officer: | 0 | 0 | 0 |
| Fail To Pay Parking Ticket: | 0 | 0 | 1 |
| Forgery: | 0 | 0 | 0 |
| Fraud: | 0 | 0 | 0 |
| Grand Larceny: | 0 | 0 | 2 |
| Homicide: | 0 | 0 | 0 |
| Illegal Drugs/Paraphernalia | 0 | 0 | 4 |
| Petty Larceny: | 0 | 0 | 0 |
| Possess Alcohol Underage: | 0 | 0 | 0 |
| Protective Order: | 2 | 2 | 4 |
| Rape: | 0 | 0 | 0 |
| Resisting Arrest: | 0 | 0 | 1 |
| Robbery: | 0 | 0 | 0 |
| Shoplifting: | 0 | 0 | 0 |
| Trespassing: | 0 | 0 | 0 |
| Vandalism: | 0 | 0 | 0 |
| Weapons Violation | 0 | 0 | 1 |
| | 1 | 1 | 2 |
| Miscellaneous Criminal Arrests: | | | |
| Juvenile Arrest Total: | 0 | 0 | 0 |
| Total Criminal Arrests: | 6 | 6 | 19 |

Found Open At Business In Town

| | | | |
|--------------------------|---|---|---|
| Doors: | 4 | 0 | 0 |
| Windows: | 0 | 0 | 0 |
| Garage Doors Found Open: | 0 | 0 | 0 |

Attachment 9

Memo

To: Town Council
From: David Tyrrell
Date: February 3, 2016
Re: January 2016 Operations Report

The water treatment plant is in compliance for January 2016 with its monthly parameters. We sent a total of 8.994 MG water to the system with a daily average production of 0.346 MGD and a daily max of 0.588 MG.

Plant operations for January were routine with no unusual issues. One noteworthy item is during a safety meeting in January an issue with lighting in the building was discussed. An idea was formulated to change out old lighting to the new style we have been installing, reducing the number of lights by changing their locations yet increasing the actual light levels where needed. The change would reduce electrical cost to light the facility and make conditions better for monitoring the process as well as provide better visibility to the staff. It will also make servicing the light fixtures much safer by moving them from directly over the treatment trains to over walkways where they can be easily reached. We will keep you informed as to how progress goes as we look into making the change.

Drought Conditions: Water levels in the Shenandoah River have run above historical averages for the month of January. There is no concern for drought in our area at this time.

The wastewater plant is in compliance with its discharge permit for January per data received to date with our nutrient removal continuing to do very well. We treated a total of 9.35 MG with a daily average of 0.30 MGD and a daily max of 0.41 MG. Influent flow rates have seen some effect from the snow melt. Operations for January were routine. We were unable to access the river for a few days to run our effluent dissolved oxygen test at the discharge point. We do run a comparison test daily at the plant itself as part of looking to relocate this sampling point to the facility.. DEQ will be provided the comparisons for the month of January as part of our monthly reporting.

One note I wish to add, my staff did an excellent job in preparing for the January snow storm which was evident from the lack of operational issues we had during the

storm. We did keep both facilities manned during the storm and both facilities stayed fully operational. The only issue other than snow removal was that the SCADA antennae located on the ground storage tank was redirected by snow falling from the storage tank roof which disabled communications with the booster building. Once we were able to reset the antennae all functions were restored.

Attached for review is the data report for the wastewater plant, latest InSight report for the membrane performance from GE, and the water plant page 1 operations report for VDH.

FLOWS AND CHEMICAL DOSAGES

January 2016

No. Connections Served: 1610
Population Served: 4185

| DATE | Raw Water Treated MGD | Finished Water Produced MGD | Finished Water Delivered MGD | Hours in Service | Raw Water Chemicals | | | | | | | | | | Finished Water Chemicals | | | | | | | |
|---------|-----------------------|-----------------------------|------------------------------|------------------|---------------------|-------|-------------|------|-------------|-------|-------------|------|-------------|-------|--------------------------|------|-------------|---------|-------------|-------|----------------|-------|
| | | | | | Alum | | Carbon | | Chlorine | | Fluoride | | Polymer | | KMnO4 | | Soda Ash | | Chlorine | | Corr Inhibitor | |
| | | | | | Lbs per Day | mg/L | Lbs per Day | mg/L | Lbs per Day | mg/L | Lbs per Day | mg/L | Lbs per Day | mg/L | Lbs per Day | mg/L | Lbs per Day | mg/L | Lbs per Day | mg/L | Lbs per Day | mg/L |
| 1 | Did | not | run | | | | | | | | | | | | | | | | | | | |
| 2 | 0.272 | | 0.241 | 8.0 | 20 | 8.9 | 2 | 0.7 | | | | 3.4 | 1.50 | 0.053 | 0.023 | 0.0 | 0.0 | | | 6.0 | 2.6 | |
| 3 | Did | not | run | | | | | | | | | | | | | | | | | | | |
| 4 | 0.487 | | 0.443 | 14.3 | 35 | 8.7 | 3 | 0.8 | | | | 3.3 | 0.82 | 0.088 | 0.022 | 4.0 | 1.0 | | | 10.7 | 2.6 | |
| 5 | 0.477 | | 0.438 | 14.5 | 35 | 8.9 | 3 | 0.8 | | | | 10.1 | 2.53 | 0.089 | 0.022 | 0.0 | 0.0 | | | 10.9 | 2.7 | |
| 6 | 0.449 | | 0.407 | 13.0 | 35 | 9.5 | 3 | 0.9 | | | | 6.7 | 1.79 | 0.079 | 0.021 | 4.0 | 1.1 | | | 9.7 | 2.6 | |
| 7 | 0.472 | | 0.438 | 14.0 | 30 | 7.7 | 3 | 0.8 | | | | 3.6 | 0.92 | 0.079 | 0.020 | 0.0 | 0.0 | | | 10.5 | 2.7 | |
| 8 | 0.464 | | 0.418 | 13.5 | 35 | 9.2 | 4 | 0.9 | | | | 7.0 | 1.81 | 0.084 | 0.022 | 4.0 | 1.0 | | | 10.0 | 2.6 | |
| 9 | 0.245 | | 0.219 | 7.3 | 15 | 7.4 | 2 | 0.8 | | | | 3.3 | 1.63 | 0.060 | 0.029 | 0.0 | 0.0 | | | 5.4 | 2.7 | |
| 10 | Did | not | run | | | | | | | | | | | | | | | | | | | |
| 11 | 0.411 | | 0.366 | 12.5 | 30 | 8.9 | 2 | 0.7 | | | | 3.5 | 1.03 | 0.080 | 0.023 | 0.0 | 0.0 | | | 9.4 | 2.7 | |
| 12 | 0.45 | | 0.414 | 13.5 | 25 | 6.8 | 4 | 1.1 | | | | 19.6 | 5.22 | 0.090 | 0.024 | 4.0 | 1.1 | | | 10.1 | 2.7 | |
| 13 | 0.458 | | 0.412 | 13.5 | 35 | 9.3 | 4 | 1.0 | | | | 10.3 | 2.70 | 0.100 | 0.026 | 0.0 | 0.0 | | | 10.1 | 2.7 | |
| 14 | 0.428 | | 0.377 | 12.8 | 20 | 5.7 | 2 | 0.7 | | | | 6.6 | 1.85 | 0.053 | 0.015 | 4.0 | 1.1 | | | 9.6 | 2.7 | |
| 15 | Did | not | run | | | | | | | | | | | | | | | | | | | |
| 16 | 0.222 | | 0.200 | 6.5 | 15 | 8.2 | 2 | 0.9 | | | | 3.6 | 1.95 | 0.031 | 0.017 | 0.0 | 0.0 | | | 4.9 | 2.6 | |
| 17 | 0.217 | | 0.197 | 6.3 | 15 | 8.4 | 2 | 1.3 | | | | 0.0 | 0.00 | 0.044 | 0.024 | 0.0 | 0.0 | | | 4.7 | 2.6 | |
| 18 | 0.205 | | 0.188 | 6.0 | 10 | 5.9 | 2 | 0.9 | | | | 3.3 | 1.93 | 0.040 | 0.023 | 4.0 | 2.3 | | | 4.5 | 2.6 | |
| 19 | 0.431 | | 0.393 | 12.8 | 35 | 9.9 | 3 | 0.8 | | | | 7.0 | 1.94 | 0.100 | 0.028 | 0.0 | 0.0 | | | 9.6 | 2.7 | |
| 20 | 0.539 | | 0.493 | 15.5 | 35 | 7.9 | 4 | 0.9 | | | | 3.3 | 0.73 | 0.115 | 0.026 | 4.0 | 0.9 | | | 11.6 | 2.6 | |
| 21 | 0.602 | | 0.535 | 17.5 | 46 | 9.1 | 4 | 0.9 | | | | 3.8 | 0.76 | 0.110 | 0.022 | 0.0 | 0.0 | | | 13.1 | 2.6 | |
| 22 | 0.65 | | 0.588 | 18.5 | 46 | 8.4 | 5 | 1.0 | | | | 10.2 | 1.89 | 0.112 | 0.021 | 4.0 | 0.7 | | | 13.9 | 2.6 | |
| 23 | 0.539 | | 0.481 | 16.0 | 41 | 9.0 | 4 | 1.0 | | | | 3.3 | 0.73 | 0.090 | 0.020 | 4.0 | 0.9 | | | 12.0 | 2.7 | |
| 24 | 0.091 | | 0.080 | 2.5 | 5 | 6.7 | 1 | 1.1 | | | | 3.5 | 4.61 | 0.026 | 0.034 | 0.0 | 0.0 | | | 1.9 | 2.5 | |
| 25 | 0.259 | | 0.227 | 7.5 | 20 | 9.4 | 3 | 1.5 | | | | 0.0 | 0.00 | 0.057 | 0.026 | 0.0 | 0.0 | | | 5.6 | 2.6 | |
| 26 | 0.438 | | 0.396 | 13.0 | 30 | 8.3 | 4 | 1.2 | | | | 6.6 | 1.80 | 0.079 | 0.022 | 0.0 | 0.0 | | | 9.8 | 2.7 | |
| 27 | 0.344 | | 0.319 | 10.0 | 25 | 8.8 | 4 | 1.3 | | | | 3.4 | 1.20 | 0.066 | 0.023 | 4.0 | 4.0 | | | 7.5 | 2.6 | |
| 28 | 0.265 | | 0.241 | 7.5 | 20 | 9.2 | 3 | 1.4 | | | | 3.4 | 1.52 | 0.040 | 0.018 | 0.0 | 0.0 | | | 5.6 | 2.5 | |
| 29 | 0.315 | | 0.288 | 9.0 | 20 | 7.7 | 3 | 1.1 | | | | 3.4 | 1.31 | 0.044 | 0.017 | 0.0 | 0.0 | | | 6.8 | 2.6 | |
| 30 | 0.215 | | 0.195 | 6.0 | 20 | 11.3 | 1 | 0.7 | | | | 3.6 | 2.03 | 0.030 | 0.017 | 4.0 | 2.2 | | | 4.5 | 2.5 | |
| 31 | Did | not | run | | | | | | | | | | | | | | | | | | | |
| Total | 9.945 | 0.000 | 8.994 | 291.3 | 705 | 219.3 | 78 | 25.0 | 0.0 | 0.00 | 136.0 | 44.2 | 1.84 | 0.585 | 44 | 16.4 | 0.0 | 0.00 | 218.2 | 68.19 | 0.0 | 0.00 |
| Maximum | 0.650 | 0.000 | 0.588 | 18.5 | 46 | 11.3 | 5 | 1.5 | 0.0 | 0.00 | 19.6 | 5.2 | 0.11 | 0.034 | 4 | 4.0 | 0.0 | 0.00 | 13.9 | 2.73 | 0.0 | 0.00 |
| Minimum | 0.091 | 0.000 | 0.080 | 2.5 | 5 | 5.7 | 1 | 0.7 | 0.0 | 0.00 | 0.0 | 0.0 | 0.03 | 0.015 | 0 | 0.0 | 0.0 | 0.00 | 1.9 | 2.46 | 0.0 | 0.00 |
| Average | 0.383 | 0.000 | 0.346 | 11.2 | 27 | 8.4 | 3 | 1.0 | ##### | ##### | 5.2 | 1.7 | 0.07 | 0.023 | 2 | 0.6 | ##### | #DIV/0! | 8.4 | 2.62 | ##### | ##### |

SIGNED: (OPERATOR IN RESPONSIBLE CHARGE) _____

PRINTED NAME David A Tyrrell

TITLE: OPERATOR CLASSIFICATION Class 1
DPOR CERTIFICATION NO. 1955002813

RAW WATER SOURCE(S) USED DURING MONTH: (SOURCE/DATES)

Shenandoah River - Entire Month

Berryville STP Monthly DMR Data

January 2016

| Date | Effluent Flow
MGD | Eff pH
SU | Eff Temp
Deg C | Eff CBOD
mg/l | Eff CBOD
KG/D | Eff TSS
mg/l | Eff TSS
KG/D | Effluent DO
River
mg/l | Effluent DO
WWTP
mg/l | Eff NO2 /
NO3
mg/l | Eff TKN
mg/l | Eff TKN
KG/D | Eff Total N
mg/l |
|-----------|----------------------|--------------|-------------------|------------------|------------------|-----------------|-----------------|------------------------------|-----------------------------|--------------------------|-----------------|-----------------|---------------------|
| 1/1/2016 | 0.34 | 7.5 | 16.1 | | | | | 10.1 | 10.0 | | | | |
| 1/2/2016 | 0.30 | 7.5 | 16.3 | | | | | 10.4 | 10.0 | | | | |
| 1/3/2016 | 0.27 | 7.4 | 16.0 | | | | | 11.7 | 10.8 | | | | |
| 1/4/2016 | 0.27 | 7.3 | 14.2 | | | | | 11.1 | 10.8 | | | | |
| 1/5/2016 | 0.26 | 7.5 | 16.0 | 0.00 | 0.00 | 0.00 | 0.00 | 10.9 | 10.2 | 2.32 | 0.27 | 0.27 | 2.59 |
| 1/6/2016 | 0.28 | 7.4 | 16.1 | 0.00 | 0.00 | | | 11.9 | 10.5 | | | | |
| 1/7/2016 | 0.30 | 7.4 | 12.8 | 0.00 | 0.00 | | | 12.0 | 10.8 | | | | |
| 1/8/2016 | 0.31 | 7.2 | 13.0 | | | | | 10.9 | 10.0 | | | | |
| 1/9/2016 | 0.32 | 7.5 | 14.3 | | | | | 10.9 | 11.0 | | | | |
| 1/10/2016 | 0.31 | 7.5 | 13.9 | | | | | 10.9 | 10.7 | | | | |
| 1/11/2016 | 0.40 | 7.3 | 14.9 | | | | | 10.8 | 11.1 | | | | |
| 1/12/2016 | 0.41 | 7.3 | 13.6 | 0.00 | 0.00 | | | 10.8 | 10.5 | | | | |
| 1/13/2016 | 0.36 | 7.5 | 12.9 | 0.00 | 0.00 | | | 11.1 | 10.9 | | | | |
| 1/14/2016 | 0.34 | 7.4 | 13.4 | 1.00 | 1.30 | | | 10.2 | 10.2 | | | | |
| 1/15/2016 | 0.33 | 7.2 | 12.8 | | | | | 10.2 | 10.0 | | | | |
| 1/16/2016 | 0.31 | 7.2 | 14.8 | | | | | 10.2 | 10.0 | | | | |
| 1/17/2016 | 0.31 | 7.2 | 15.4 | | | | | 11.8 | 11.4 | | | | |
| 1/18/2016 | 0.32 | 7.5 | 11.5 | | | | | 11.1 | 11.0 | | | | |
| 1/19/2016 | 0.39 | 7.2 | 12.6 | 0.00 | 0.00 | | | 11.3 | 11.1 | 3.10 | 0.00 | 0.00 | 3.10 |
| 1/20/2016 | 0.29 | 7.3 | 12.1 | 0.00 | 0.00 | | | 12.2 | 12.0 | | | | |
| 1/21/2016 | 0.25 | 7.5 | 11.8 | 0.00 | 0.00 | | | 13.6 | 12.7 | | | | |
| 1/22/2016 | 0.23 | 7.4 | 13.0 | | | | | 12.6 | 12.1 | | | | |
| 1/23/2016 | 0.22 | 7.5 | 12.0 | | | | | 13.2 | 11.7 | | | | |
| 1/24/2016 | 0.26 | 7.5 | 11.5 | | | | | | 11.4 | | | | |
| 1/25/2016 | 0.26 | 7.3 | 11.3 | | | | | | 12.5 | | | | |
| 1/26/2016 | 0.28 | 7.5 | 11.2 | | | | | | 11.6 | | | | |
| 1/27/2016 | 0.29 | 7.6 | 12.9 | | | | | | 12.1 | | | | |
| 1/28/2016 | 0.28 | 7.8 | 12.8 | | | | | | 13.1 | | | | |
| 1/29/2016 | 0.30 | 7.7 | 13.2 | | | | | | 12.4 | | | | |
| 1/30/2016 | 0.31 | 7.6 | 11.8 | | | | | | 11.9 | | | | |
| 1/31/2016 | 0.31 | 7.6 | 12.6 | | | | | | 11.4 | | | | |
| Minimum | 0.22 | 7.2 | 11.2 | 0.00 | 0.00 | 0.00 | 0.00 | 10.1 | 10.0 | 2.32 | 0.00 | 0.00 | 2.59 |
| Maximum | 0.41 | 7.8 | 16.3 | 1.00 | 1.30 | 0.00 | 0.00 | 13.6 | 13.1 | 3.10 | 0.27 | 0.27 | 3.10 |
| Total | 9.35 | 230.3 | 416.8 | 1.00 | 1.30 | 0.00 | 0.00 | 259.9 | 345.9 | 5.42 | 0.27 | 0.27 | 5.69 |
| Average | 0.30 | 7.4 | 13.4 | 0.11 | 0.14 | 0.00 | 0.00 | 11.3 | 11.2 | 2.71 | 0.14 | 0.13 | 2.85 |
| Geo Mean | 0.30 | 7.4 | 13.4 | 1.00 | 1.03 | 1.00 | 1.00 | 11.3 | 11.1 | 2.68 | 0.5 | 0.52 | 2.83 |

Berryville STP Monthly DMR Data

January 2016

| Date | Eff Total N
KG/D | Eff Total P
mg/l | Eff Total P
KG/D | E-Coli
No/100ml |
|-----------|---------------------|---------------------|---------------------|--------------------|
| 1/1/2016 | | | | |
| 1/2/2016 | | | | |
| 1/3/2016 | | | | |
| 1/4/2016 | | | | |
| 1/5/2016 | 2.56 | 0.10 | 0.10 | 1 |
| 1/6/2016 | | | | |
| 1/7/2016 | | | | |
| 1/8/2016 | | | | |
| 1/9/2016 | | | | |
| 1/10/2016 | | | | |
| 1/11/2016 | | | | |
| 1/12/2016 | | | | 1 |
| 1/13/2016 | | | | |
| 1/14/2016 | | | | |
| 1/15/2016 | | | | |
| 1/16/2016 | | | | |
| 1/17/2016 | | | | |
| 1/18/2016 | | - | | |
| 1/19/2016 | 4.61 | 0.05 | 0.07 | 1 |
| 1/20/2016 | | | | |
| 1/21/2016 | | | | |
| 1/22/2016 | | | | |
| 1/23/2016 | | | | |
| 1/24/2016 | | | | |
| 1/25/2016 | | | | |
| 1/26/2016 | | | | |
| 1/27/2016 | | | | |
| 1/28/2016 | | | | |
| 1/29/2016 | | | | |
| 1/30/2016 | | | | |
| 1/31/2016 | | | | |
| Minimum | 2.56 | 0.05 | 0.07 | 1 |
| Maximum | 4.61 | 0.10 | 0.10 | 1 |
| Total | 7.17 | 0.15 | 0.17 | 3 |
| Average | 3.58 | 0.08 | 0.09 | 1 |
| Geo Mean | 3.44 | 0.07 | 0.09 | 1 |



Berryville Biweekly InSight Report

Date: 1/28/2016

From: Jeny Chacko - GE Water & Process Technologies
To: David Tyrrell, Jeff Cappel - Town of Berryville
cc: Phil Lander, Al Farrell, Matthew Stapleford - GE Water & Process Technologies

System Equipment

4 × ZW trains, each 3 cassettes, 2x48/1x42 500D (surface area 46920 sq. ft. per train)

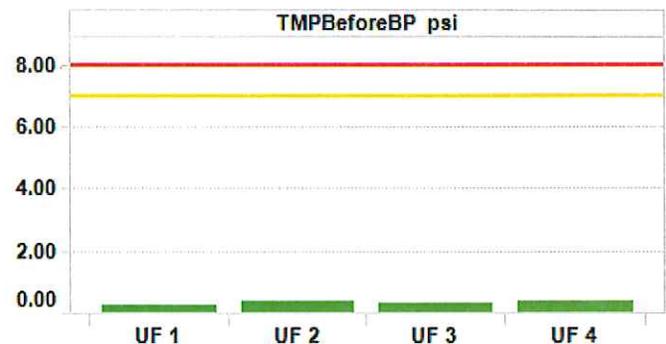
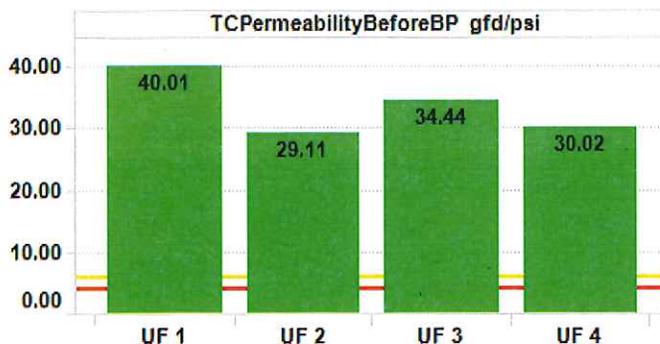
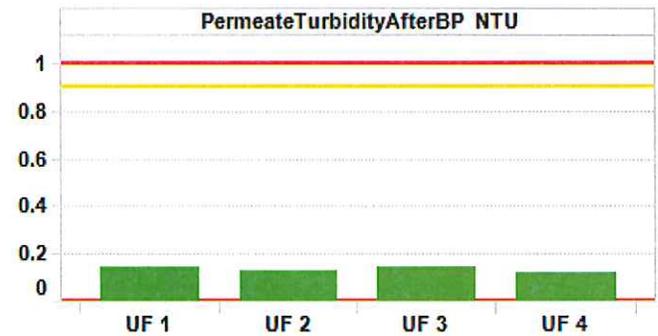
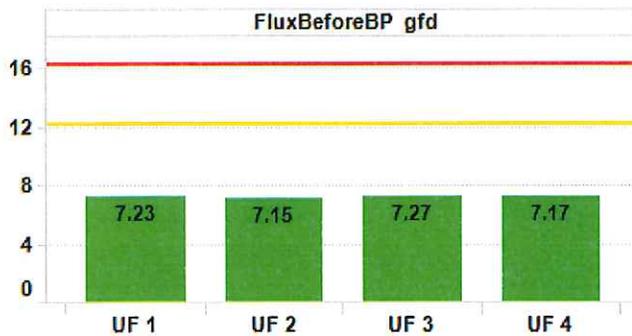
Cleaning Strategy

Maintenance clean dose concentrations - 2 NaOCl/ Hypo @ 200 ppm per week, 1 Citric acid @ 2000 ppm per week

Recovery clean soak concentrations - 2 NaOCl/ Hypo @ 1000 ppm per year, 2 Citric acid @ 2000 ppm per year

KPI Dashboard – Avg values through reporting period

■ Action Required
■ Caution
■ No Limits
■ Normal





Plant Summary

The average daily plant permeate flow in the last two weeks was 294,300 Gallons.

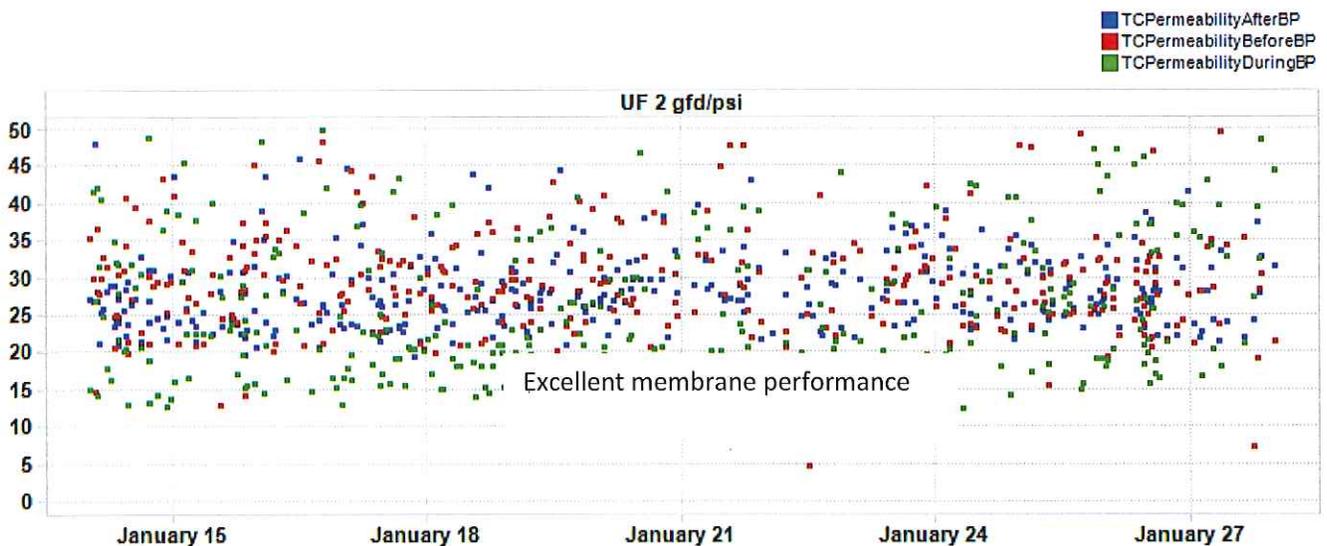
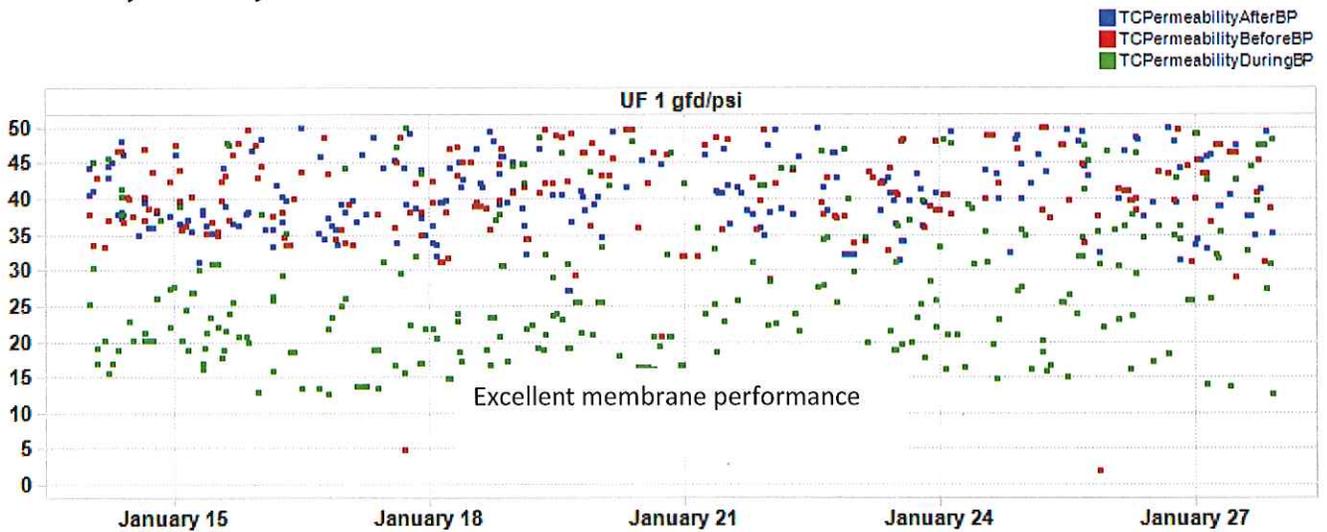
Membrane performance was excellent across all the trains. Trains operated at an average of 7 gfd and in relax mode. Temperature corrected production permeability was >20 gfd/psi across all the trains.

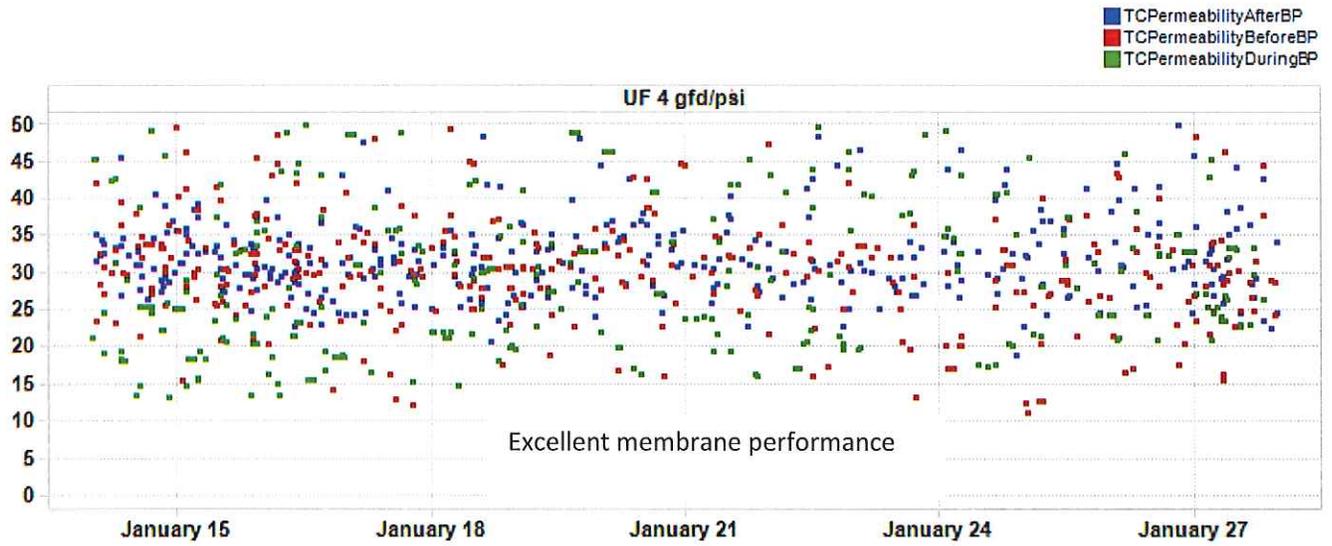
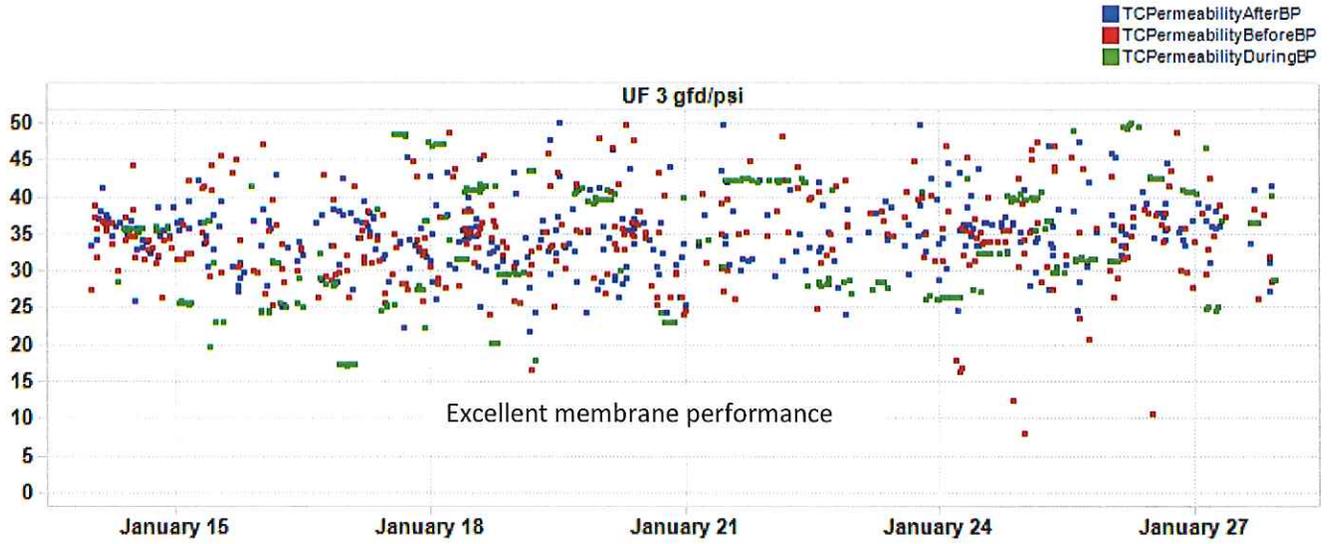
Production TMPs were <1 psi 100% of the time.

Regular maintenance cleans were performed across all the trains. Jeff – In future if maintenance cleans are aborted for no known reason, please contact 24/7 tech support at 1-866-271-5425. As recommended by DJ, please also call them if you receive a callout in the future with no associated alarms.

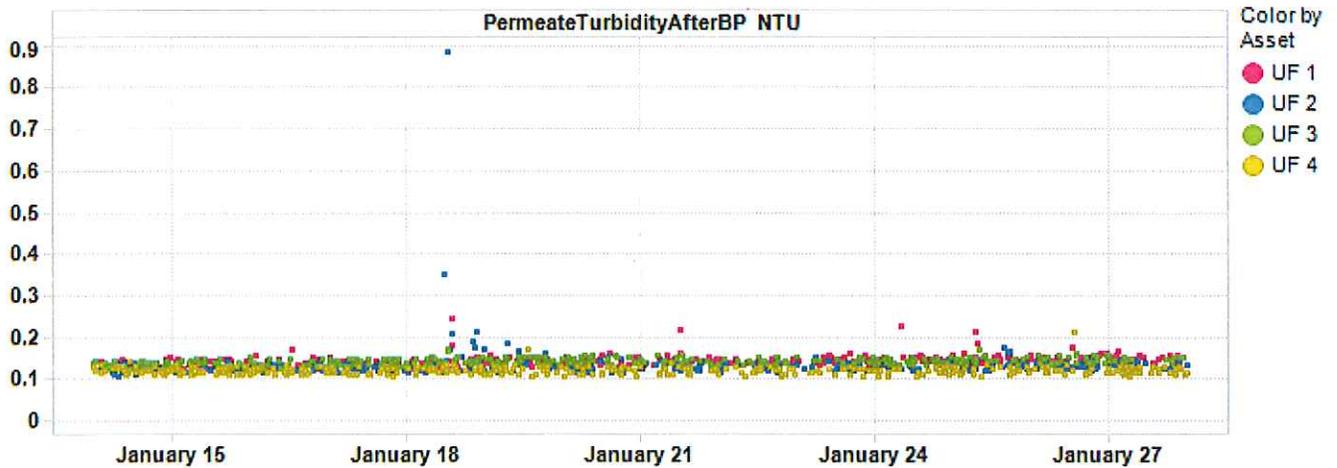
Permeate turbidity was <0.2 NTU 99% of the time, however showed an upward trend, likely due to dirt or build up within the turbidimeter. Cleaning and calibrating the turbidity meter on a regular basis, preferably once a month, should help eliminate inaccurate readings.

TC Permeability Trends By Train



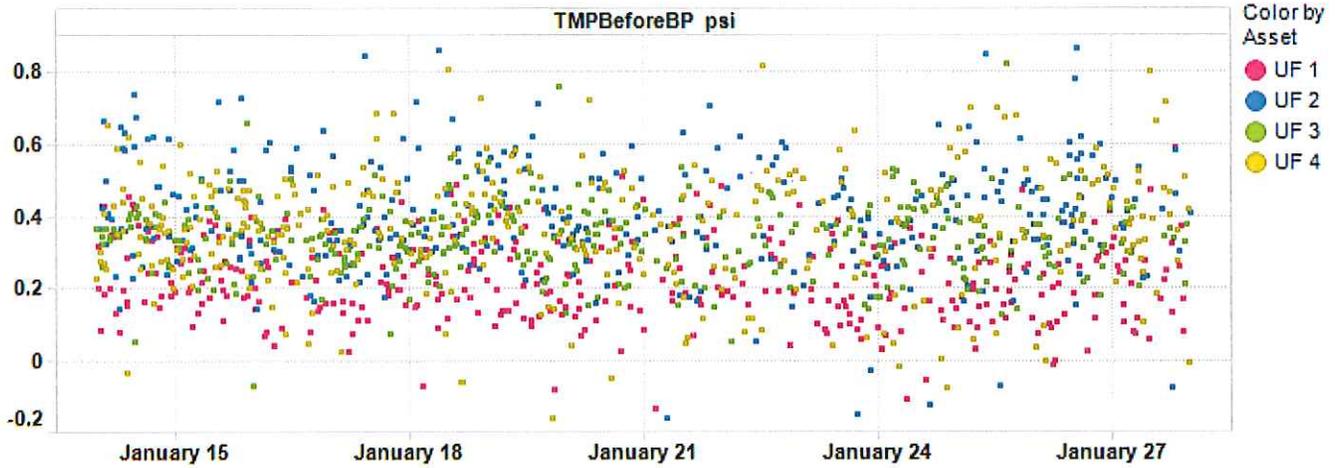


Permeate Turbidity Trend

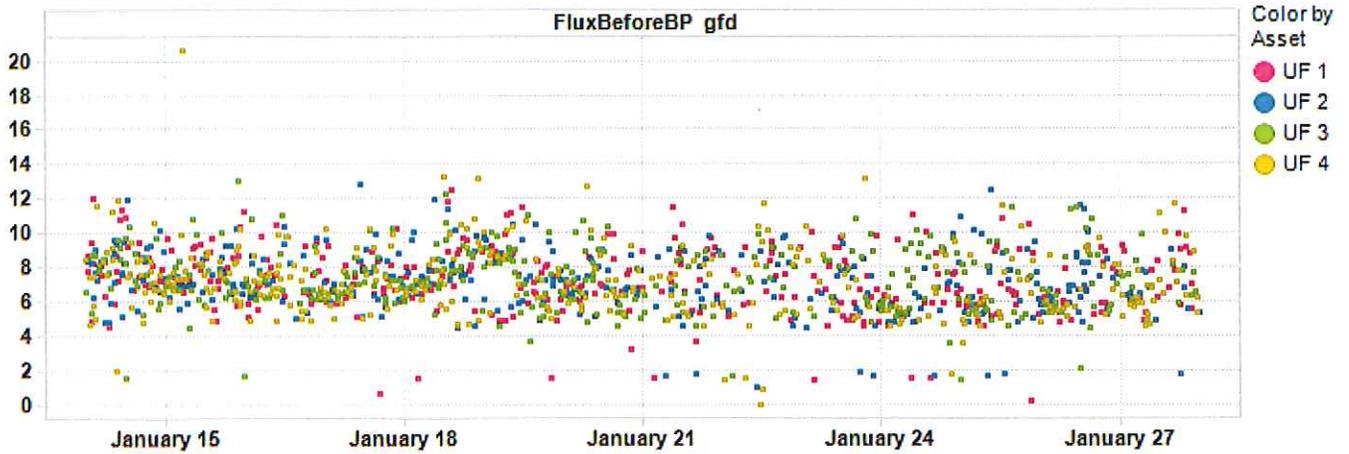




Before BPTMP Trend

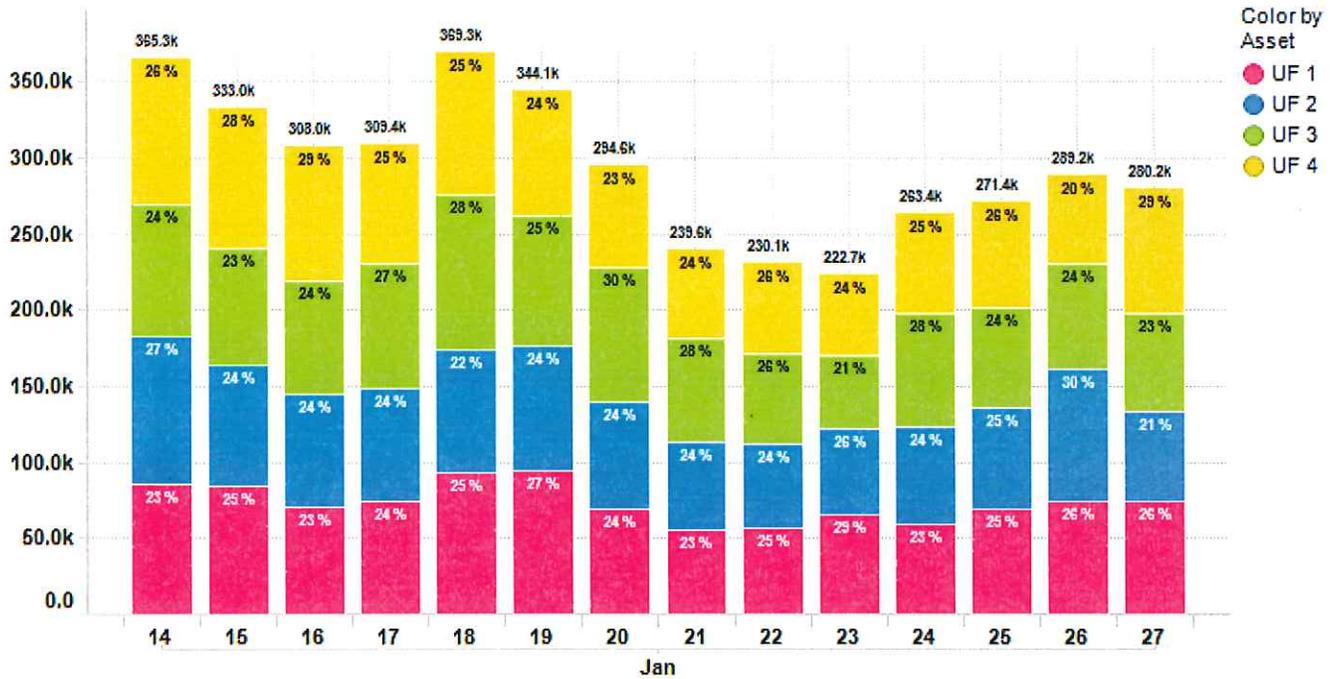


Before BP Flux Trend





Daily Permeate Flow



Average Daily permeate flow from 1/14/2016 to 1/27/2016 is 294.3k gal with a maximum daily flow of 369.3k gal.

Asset Summary

| KPI Parameters | Value/Change | UF 1 | UF 2 | UF 3 | UF 4 |
|--------------------------------|--------------|----------|----------|----------|---------|
| FluxBeforeBP gfd | Value | 7.23 | 7.15 | 7.27 | 7.17 |
| | Change | 0.50 % | -2.20 % | 3.66 % | 0.77 % |
| PermeateTurbidityAfterBP NTU | Value | 0.14 | 0.13 | 0.14 | 0.12 |
| | Change | 6.91 % | 15.04 % | 5.40 % | 1.98 % |
| TCPermeabilityBeforeBP gfd/psi | Value | 40.01 | 29.11 | 34.44 | 30.02 |
| | Change | -3.04 % | -3.76 % | 5.51 % | -3.91 % |
| TMPBeforeBP psi | Value | 0.22 | 0.40 | 0.34 | 0.36 |
| | Change | 14.42 % | 11.04 % | 7.87 % | 10.28 % |
| TotalPermeateFlowDaily gal | Value | 73.16k | 72.10k | 74.34k | 74.71k |
| | Change | -14.92 % | -10.80 % | -15.20 % | -9.17 % |



Plant Summary

| KPI Parameters | Value/Change | UF Plant |
|----------------------------|--------------|----------|
| PermeateTemperature °F | Value | 38.35 |
| | Change | -15.63 % |
| TotalPermeateFlowDaily gal | Value | 294.31k |
| | Change | -12.52 % |

Contract Expiry Date : 10/26/2015

For InSight technical assistance please email insightsupport@ge.com or please call technical support at 1 866 271 5425 or 905 469 7723 and follow the prompts, if you require after hours assistance please contact the 24/7 Emergency number provided in your plant documentation. This email is a summary of issues identified during a manual review of InSight data from the time period above. This review is an analysis of data that is logged by InSight and identifies key plant performance issues determined from this data. This data review was not focused on minor data issues but on identifying possible existing and/or upcoming critical operational issues.

This review was prepared by GE Water & Process Technologies solely to assist water treatment plant owners and/or operators in analyzing and optimizing plant performance and is not intended to be used or relied upon for regulatory compliance or any other purpose. The content of this review is based in whole or in part on operation data obtained from the plant using InSight software. GE Water & Process Technologies makes no representations or warranties as to the accuracy of the plant data utilized in the preparation of this review. GE Water & Process Technologies accepts no liability for consequences or actions taken in whole or in part by any person on the basis of this review or its contents

Attachment 10

Report of the Department of Public Works February 1, 2016

During the month of January we had two water line related emergencies. The first occurred on the 4th of January. I received a call from Central Alarm about a water break at the intersection of South Church Street and Taylor Street. The six inch main that supplies water for that area developed a leak. We excavated, found a leaking joint, and repaired it by placing a bell joint clamp around the area. The second call was an auto accident in which a car struck a fire hydrant in front of 319 South Church Street. The Public Works crew responded and took the hydrant out of service. Once the weather improves we will replace the fire hydrant and submit all the cost to the driver's insurance company for payment.

The first snow fall of the year occurred the weekend of January 22. This storm was a difficult one to deal with for several reasons. At times the snow was falling at a rate of 3 plus inches an hour. During this heavy snow fall we stayed busy keeping Rts. 7 and 340 and the designated emergency routes open and passable. Once the snow eased up we were able to make a lane in and out of the secondary roads and subdivisions. On Sunday {1-24-16} afternoon we started the process of plowing and widening all streets to improve accessibility. On Tuesday {1-26-16} we started the task of removing snow from the Business District and clearing of Crow and Municipal parking lots. We normally do this snow removal at night, but since our sub-contractor was unable to assist we made the decision to work 12 hour days to complete the task. We were able to hire three dump trucks from Broy and Son and two from Atlantic Construction to assist with the hauling. We completed the snow removal from the business district and parking lots on Thursday {1-28-16}. We then spent Friday hauling snow from intersections and school bus routes.