

**CLARKE COUNTY PLANNING COMMISSION  
POLICY & TRANSPORTATION COMMITTEE  
TABLE OF CONTENTS  
June 14, 2023 Meeting Packet**

<b><u>Item #</u></b>	<b><u>Description</u></b>	<b><u>Pages</u></b>
<b>1</b>	<b>Meeting Agenda</b>	<b>1</b>
<b>2</b>	<b>Approval of Minutes – March 22, 2023 meeting</b>	<b>2-5</b>
<b>3</b>	<b>Continued Discussion – Transportation Plan Update</b>	<b>6-22</b>
	-- Staff memo	6-7
	-- Committee Work Plan	8
	-- Current vs. Proposed Plan Structure	9
	-- Proposed Objectives/Strategies draft	10-13
	-- Current and Proposed Projects chart	14
	-- 7/17/2022 memo, PrimeAE Southeastern Collector Road Study	15-21
	-- PrimeAE concept alternatives	22



# Clarke County Planning Commission

**AGENDA – Policy & Transportation Committee Meeting**

**Wednesday, June 14, 2023 – 2:00PM**

**Berryville/Clarke County Government Center – A/B Meeting Room**

- 1. Approval of Agenda**
- 2. Approval of Minutes – March 22, 2023 Meeting**
- 3. Continued Discussion, Transportation Plan Update**
  - A. Draft Work Plan
  - B. Review Plan Strategies
  - C. Review Project List
- 4. Other Business**
  - A. Schedule Next Meeting
- 5. Adjourn**



# Clarke County Planning Commission

**DRAFT MINUTES** – Policy & Transportation Committee Meeting

Wednesday, March 22, 2023 – 2:00PM

Berryville/Clarke County Government Center – A/B Meeting Room

ATTENDANCE:			
Buster Dunning (White Post)	X	Gwendolyn Malone (Berryville)	✓
Bob Glover (Millwood)	✓	George L. Ohrstrom, II (Ex Officio)	✓*E
Scott Kreider (Buckmarsh)	✓		

\*E Chair Ohrstrom served as alternate for this meeting and participated electronically for medical reasons.

**STAFF PRESENT:** Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner/Zoning Administrator)

**CALL TO ORDER:** By Mr. Stidham at 2:00PM.

## 1. Approval of Agenda

Committee members approved the meeting agenda by consensus.

## 2. Approval of Minutes – February 15, 2023 Meeting

A motion to approve the February 15, 2023 meeting minutes as presented by Staff was approved 3-0-2.

Motion to approve February 15, 2023 meeting minutes as presented by Staff:			
Dunning	ABSENT	Malone	AYE (seconded)
Glover	AYE	Ohrstrom	AYE (moved)
Kreider	ABSTAINED		

## 3. Continued Discussion, Campground Regulations

Mr. Stidham reviewed the Staff memo describing the revised and simplified camping text amendment.

Regarding river lot camping, Chair Ohrstrom asked Commissioner Glover if the proposed text amendment would be an overreach on our part and would change how river lot camping has traditionally operated. Commissioner Glover replied not really. Commissioner Glover asked whether a 90-day period should be used instead of a 60-day period to cover an entire summer seasons, and also what defines a 60-day period. Chair Ohrstrom said that he does not want to write regulations that would interrupt a significant source of income for people who have been doing this for a number of years. Commissioner Glover said they will get the same amount because the lots are rented out for the year. Chair Ohrstrom said that Mr. Stidham said there has always been a time limit on campgrounds and he was not aware of this. Commissioner Glover said we are trying to create rules to keep camping from getting out of hand. He also said that 30

days in a 60 day period is fine but would prefer 90 days to cover the summer season. Mr. Stidham said that he could have used the Virginia Department of Health's (VDH) threshold for a temporary campground permit, which is 15 days in a 60 days period and 3 campsites, but thought it would be too restrictive. He added that VDH may interpret some river lot camping situations as requiring a permanent campground permit and that the draft regulations should make it clear that there should be no new permanent campgrounds established. He also said that these timeframes will prevent people from having their campers on the lot all summer long whether they are there or not, and from building permanent improvements such as decks and porches around the campers. Commissioner Glover said that there will still be some people camping past the time limits and the new rules will help address complaints about obnoxious situations. He added that the problem of constructing improvements is another issue of concern. Mr. Stidham noted that property owners could be allowed to construct ramps or docks if they follow the rules but would not be allowed to build decks around their RVs or a lean-to in the flood plain. Commissioner Kreider said that most people use river lots on the weekends and may stay for a full week, and he knew a few people that would stay all summer.

Commissioner Glover asked again about whether the camping duration should be a 90-day interval instead of 60 days. Mr. Stidham explained that if a complaint is received pertaining to camping duration, Staff would need evidence from the complainant on the days that camping took place and would also ask to see the terms of the camping lease. He added that this ordinance could be used by property owners to prove that the camping activity conforms to the rules. Mr. Camp noted that if a violation is found, the property owner would be issued a 30-day notice to come into compliance which could theoretically allow camping to continue for an additional 30 days. Commissioner Glover said that he thinks the rule may be perceived as too restrictive because it is based on 60 days rather than 90 days that would cover the summer season. Mr. Stidham replied that camping would still be allowed 15 days per month but if you want to provide more flexibility, you would change the number of days per month instead of the period in which the time is measured. He added that the 60-day limit is not a per calendar year metric, it is the interval of time used for measurement in any 60 day period. Commissioner Glover said that he thought it was a 60 days in a calendar year based on the way it is written. Mr. Stidham said we are not attempting to limit the total number of camping days in a year, we are limiting the number of camping days within a 60-day time period. Commissioner Glover said the wording should be "60-day consecutive period." Mr. Stidham suggested adding language to the Guidance Manual chapter to clarify that the rules would ultimately allow camping up to 180 days in a calendar year. He added that he thinks the ordinance language is clear and Commissioner Glover said he respectfully disagreed. Commissioner Kreider noted that at first reading he thought the language meant 60 days in a calendar year. Mr. Stidham suggested changing the wording in use regulation 1 to read "any 60-day period" rather than "a 60-day period." Commissioner Glover said that would resolve the issue.

Mr. Stidham explained the changes to address public/non-profit camping, noting how large events where fees are likely to be charged would be prohibited but not small groups invited by the property owner free of charge. Chair Ohrstrom said that he agrees with the changes and noted that we will probably need to test the new rules over time and can make future changes if they do not work.

Mr. Stidham explained the new rules that would prohibit RVs from using onsite utilities. Mr. Camp noted that this could be a problem where river lot owners have already installed electrical hookups for this purpose. Mr. Stidham asked if there are any setups like that along the river. Commissioner Glover replied that he did not know of any on the east side of the river.

Regarding temporary event camping, Chair Ohrstrom asked Mr. Camp if he would require an emergency egress plan to be included in the camping plan for a temporary event. Mr. Camp replied that he would if he thought it was an issue, particularly if the event was being held in the floodplain. He added that this would make sense to do on a larger event. Mr. Stidham added that emergency egress would be vetted in the event permit process – either for agritourism activity events or special events.

Mr. Camp noted that in use regulation 5 it does not specifically state that short-term lease of a lot for camping is prohibited and that it may be a good idea to include this. Mr. Stidham said that he could add language to the end of subsection A to say short-term lease of less than 30 days is prohibited. He also noted that the definition of “camping” specifically prohibits camping for a fee unless the provisions of use regulation 5 are met.

Mr. Stidham said that it occurred to him that camping regulations may be more appropriately located in Section 5.4, Temporary Uses in order to emphasize that camping is not a permanent use of land. Members said they thought this would be a good idea.

Mr. Stidham asked if members were comfortable with forwarding this to the full Commission for review in April. The Committee agreed and voted 3-0-1.

<b>Motion to forward the text amendment to the full Commission in April:</b>			
Dunning	<b>ABSENT</b>	Malone	<b>AYE (seconded)</b>
Glover	<b>AYE</b>	Ohrstrom	<b>AYE</b>
Kreider	<b>AYE (moved)</b>		

Mr. Stidham said he will place the matter on the Commission’s April work session agenda.

#### **4. Transportation Plan Update**

Mr. Stidham said he included a copy of the Town-County Bicycle and Pedestrian Plan for the Committee’s consideration as they begin work on the Transportation Plan update. He added that he plans to bring some initial text to the Committee to review in late April or early May.

#### **5. Other Business**

Mr. Stidham provided a brief update on the status of the Carter Hall special use permit and site development plan application. Chair Ohrstrom noted that Commissioner Staelin had submitted a series of questions about the application to Staff and asked whether the county attorney should review them as well. Mr. Stidham replied that he did not think the county attorney needs to review and comment on them at this point. He then briefly explained how it appears that there are four limited liability companies that are registered to operate on this property and said that

Staff plans to discuss the matter with the applicant in more detail. Commissioner Kreider asked if the applicant would be allowed to come back in the future to request commercial events and Mr. Camp replied that they could not be prohibited from filing an application. Commissioner Kreider asked if the ordinance could be amended to remove commercial events as an accessory use to a country inn. Mr. Stidham said yes and that would require an applicant to apply for a separate special use permit.

**ADJOURN:** Meeting was adjourned by consensus at 2:38PM.

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Brandon Stidham, Clerk



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**TO:** Policy & Transportation Committee members

**FROM:** Brandon Stidham, Planning Director

**RE:** Transportation Plan Update

**DATE:** June 7, 2023

For the June 14 meeting, we will begin the process of reviewing and updating the current Transportation Plan by evaluating Staff's initial edits to the current Plan's strategies and discussing the current list of improvement projects. The following documents are included in the packet for your review:

- **Committee work plan.** Staff has developed a basic work plan and timeline for the Committee which ideally will produce an initial draft plan over a series of 4-5 meetings (see timeline at bottom of the work plan). One item to note is that State law requires localities to have Virginia Department of Transportation (VDOT) staff review the transportation plans of all comprehensive plans prior to their adoption. When the Committee reaches a consensus on a revised draft, Staff will forward that draft to VDOT for review which will take approximately 30-45 days. The work plan has an ambitious goal of completing a draft by August. Depending on when comments are received from VDOT, it is expected that the Committee's work would finish in September with action to forward the draft plan to the full Commission.
- **Current and proposed plan outlines.** A one-page comparison of the current plan structure and a new structure proposed by Staff is enclosed for your reference. Staff's proposed structure would more closely mirror the more recently-updated component plans. The revised plan would kick off with a more robust executive summary containing the purpose for the plan, a statement of the County's land use and transportation philosophies, and the scope of the current revision. The introduction section would contain updated statistical information and current description of the transportation network. The most notable change would be a new section containing expanded plan strategies in an objectives/strategies format. Currently, there are only five plan strategies and they are in the Conclusion section of the plan. The final sections would be the list of improvement projects and a conclusion which emphasizes the need for five-year plan reviews and annual reviews of transportation priorities.
- **Objectives and strategies revised draft.** The bulk of work on June 14 will be review and discussion of Staff's initial revisions to the plan strategies. This expanded list is now organized using general objectives each containing strategies to implement the

objectives. This draft was developed using guidance from the 2022 Comprehensive Plan, specifically Objective 12 (Transportation). For your reference, this document includes a copy of Objective 12 and a copy of the current Transportation Plan strategies.

- **Current and proposed projects.** The second major task will be to evaluate the current list of priority improvement projects with goals to determine:
  1. Whether to continue with the current list of projects or modify/delete them.
  2. Whether to add any new projects to the list.
  3. Whether the projects should be ranked or kept in no particular order.

Staff has included a summary chart of current and proposed projects – detailed descriptions of the current projects begin on page 8 of the current plan. As you will note, Staff has included three potential new projects for consideration:

1. Route 7/601 intersection improvements
2. Route 7 Appalachian Trail pedestrian bridge crossing and improvements
3. Town of Berryville southeastern collector road

Staff previously provided the Committee with updates on the Route 7 projects but members may not be as familiar with the southeastern collector road project. For your reference, we have included a 2020 Staff memo to the Board of Supervisors regarding the consultant study that was completed for this project. This memo provides background information on the proposed collector road alternatives, the consultant’s recommendations, and County Staff’s recommendations. An exhibit of the consultant’s alternatives is also enclosed. A full copy of this study is also available if you would like to review it.

Staff is not looking for action items at the conclusion of this meeting however we do recommend scheduling upcoming meetings through the summer. Below is a list of meeting dates for your consideration:

**July Meeting:**

- Wednesday, July 5 (after Work Session) or Friday, July 7 (after Business Meeting)

**August Meeting #1:**

- Thursday, August 3 (2:00PM); Wednesday, August 9 (10:00AM or 2:00PM); or Thursday, August 10 (10:00AM or 2:00PM)

**August Meeting #2 (IF NECESSARY):**

- Monday, August 21 (2:00PM) or Thursday, August 24 (10:00AM)

A September meeting will be scheduled when VDOT’s review of the draft plan is complete.

If you have questions in advance of the meeting, please do not hesitate to contact me.



## TRANSPORTATION PLAN UPDATE – COMMITTEE WORK PLAN

### **Task 1** – Review/update current plan strategies

- Update background, factual, and statistical information in the Introduction, Existing Transportation Network, and Land Use Philosophy/Growth Assumptions sections. (STAFF)
- Evaluate current plan strategies (see Conclusion section) for applicability and conformance to 2022 Comprehensive Plan guidance. Incorporate changes as objectives/strategies format.
- Determine whether to add/modify objectives and/or strategies to address:
  - Support for projects located entirely within the boundaries of the towns
  - Selection of projects for funding applications
  - Bicycle and Pedestrian Plan recommendations
  - Other issues of importance to the Committee

### **Task 2** – Evaluate current list of priority projects

- Determine whether to modify the current list including whether the list should be prioritized or kept in no particular order
- Determine whether to add new projects including:
  - Va. Route 7/Route 601 intersection safety improvements
  - Appalachian Trail pedestrian crossing
  - Town of Berryville southeastern collector road

### **Task 3** – Finalize draft plan document for Commission review

- Agree on draft plan document
- Forward to Virginia Department of Transportation (VDOT) for review (approximately 30-45 day review time)
- Modify draft plan based on VDOT staff comments (if necessary)
- Take formal action to forward draft plan to full Commission

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### **TIMELINE**

- June 14 – First review of proposed objectives/strategies and projects list (Tasks 1&2)
- July meeting – Finalize objectives/strategies and projects list (Tasks 1&2)
- August meeting #1 – Review and comment on staff draft of revised plan; forward to VDOT for review if ready (Task 3)
- August meeting #2 – If necessary (Task 3)
- September meeting – Review VDOT comments, make changes as needed, take action to forward to full Commission for review (Task 3)

## **TRANSPORTATION PLAN STRUCTURE – CURRENT VS. PROPOSED**

### **Current Plan Outline**

- I. Introduction
  - Summary
  - Comprehensive Plan Transportation Objective 12 (2013)
- II. Existing Transportation Network
  - A. Public Road System
  - B. Private Roads
  - C. Bicycle and Pedestrian Facilities
  - D. Railroads
  - E. Airports
  - F. Commuter Facilities
- III. Land Use Philosophy/Growth Assumptions
- IV. Project Priorities and Planning-Level Cost Estimates
  - A. Current project priorities
  - B. Local Six-Year Secondary Road Construction Project Priorities
- V. Conclusion
  - Plan Objectives

### **Proposed Plan Outline**

- I. Executive Summary
  - Plan purpose
  - Scope of current revision
  - Summary statement of transportation philosophy
- II. Introduction
  - Population and growth statistics from 2022 Comprehensive Plan
  - Inventory of existing transportation network
- III. Plan Objectives and Strategies
  - Overview of land use and transportation philosophy
  - Revised objectives and strategies
- IV. Transportation Project Priorities
  - Projects with updated scopes and planning-level cost estimates
- V. Conclusion
  - Five-year reviews
  - Interim evaluation of projects

**Proposed Revision – Objectives/Strategies Format**

**Objective 1**

*Plan for a safe, efficient, and cost-effective County-wide transportation network.*

**Strategy 1**

Conduct a formal evaluation of the Transportation ~~component~~ Plan in conjunction with ~~each the~~ five-year review of the County's Comprehensive Plan.

**Strategy 2**

*Between five-year reviews of the Comprehensive Plan, evaluate the Transportation Plan's list of proposed improvement projects on an annual basis to gauge whether new impacts or funding opportunities may impact the need or priority of the projects. Consult with the Virginia Department of Transportation (VDOT) and Clarke County Sheriff's Office for input on these evaluations.*

**Strategy 3**

*Consider supporting new projects which may not be on the Plan's list of projects but that arise between five-year review periods due to new or changed impacts or new funding opportunities. Such projects shall be recommended for implementation by VDOT staff and have a strong likelihood of receiving State and/or Federal funding.*

**Strategy 4**

*Request VDOT to conduct new or update current safety studies along primary highway corridors and intersections with safety concerns including but not limited to:*

- *Lord Fairfax Highway (U.S. 340) corridor*
- *Harry Byrd Highway (Va. Route 7) corridor*
- *John Mosby Highway (U.S. 50/17) corridor*
- *Double Tollgate intersection – U.S. 340/Va. 277 and U.S. 522*
- *Waterloo intersection – U.S. 50/17 and U.S. 340*

*Request that VDOT provide recommendations on safety improvements including implementation strategies, cost estimates, and likelihood of funding through VDOT's Smart Scale funding process and other programs.*

**Strategy 5**

*Ensure that developers mitigate impacts of their development projects on the safety and functionality of the transportation network by providing required improvements. Encourage voluntary provision of recommended improvements such as right-of-way dedication, sight distance improvements, turn lane and acceleration lanes, and off-site transportation improvements.*

~~Perform interim evaluations of the Transportation Plan to gauge how any new impacts or funding challenges may impact the Plan's approach.~~

## DRAFT FOR COMMITTEE REVIEW -- 6/14/2023

### Objective 2

Continue to focus the County's limited transportation funds *and resources* on projects that improve traffic safety, ~~improve~~ *and* functionality *within the Towns and business intersections*, add *compatible* bicycle or pedestrian features, provide new or enhance existing commuting opportunities, or replace existing gravel public roads or road segments with new hard surfaces.

#### Strategy 1

*Prioritize projects that would serve designated growth areas and either have a committed funding source or would be a strong candidate for transportation funding through programs such as Smart Scale.*

#### Strategy 2

*Apply the County's limited six-year secondary road construction funding towards projects that improve safety or that hard-surface existing gravel public roads.*

#### Strategy 3

*Projects that add or improve the safety of bicycle and/or pedestrian accommodations in designated growth areas should be supported. Bicycle and pedestrian projects along secondary roads in the rural areas shall not require significant road widening, in particular along the County's scenic byways.*

#### Strategy 4

*Private access easements are the responsibility of the property owners that use them. Public funds shall not be used for hard surfacing or other improvements to private access easements, nor shall public funds be used to bring these private roads into the public road system for State maintenance.*

~~Support projects that improve safety, functionality, and capacity of the public road network that serves the Towns of Berryville and Boyce and the business growth areas of Waterloo and Double Tollgate.~~

### Objective 3

*Improvements to the transportation network shall be consistent with the County's land use philosophy and the recommendations of the Comprehensive Plan.*

#### Strategy 1

Oppose public and private efforts to expand capacity of the County's road network outside of the incorporated towns and business growth areas including the State and Federal primary highways. *Improvement projects which may adversely impact properties in conservation easement or the County's scenic byways shall be avoided.*

#### Strategy 2

*Support those projects contained within the corporate limits of and proposed by the Towns of Berryville and Boyce that are consistent with the comprehensive plans of these towns and compatible with the County's land use and transportation philosophy.*

Strategy 3

*Projects that propose new public roads or significant improvements to existing public roads in designated growth areas shall be consistent with guidance in the following component plans:*

- *Berryville annexation areas – Berryville Area Plan*
- *Double Tollgate – Double Tollgate Area Plan*
- *Waterloo – Waterloo Area Plan*

~~Develop and maintain a clearinghouse of County traffic data, in conjunction with the Virginia Department of Transportation, to aid the governing bodies in making land use decisions and allocating transportation funding to specific projects.~~

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**2022 Comprehensive Plan, Objective 12 -- Transportation**

Ensure that the County’s transportation system provides safe and efficient means for all modes of travel for citizens and visitors through coordinated land use decision-making and judicious use of limited fiscal resources.

1. Maintain a transportation plan that includes an inventory of the County’s existing transportation network, planning assumptions, needs assessment, and recommended future improvements.
2. Develop specific strategies for prioritizing transportation projects, responding to new State and Federal projects in the County, and identifying new projects to improve safety or increase capacity of the public road system. Include policies on bicycle and pedestrian facilities and commuter facilities.
3. Maintain the existing primary road system at its present level and upgrade it only for safety purposes or planned traffic increases to the extent funds are provided by the Virginia Department of Transportation.
4. Establish specific transportation planning policies in the area plans for the County’s designated growth areas including but not limited to policies on walkability, bicycle and pedestrian mobility, interconnected street networks, traffic calming, and other modern techniques that support high quality communities and neighborhoods.
5. Carefully assess the short- and long-range fiscal impacts of transportation improvements when land-use decisions and plans are made.
6. Continue to maintain a County bicycle and pedestrian plan.

**2013 Transportation Plan Strategies**

1. Conduct a formal evaluation of the Transportation component plan in conjunction with the five-year review of the County's Comprehensive Plan. Perform interim evaluations of the Transportation Plan to gauge how any new impacts or funding challenges may impact the Plan's approach.
2. Continue to focus the County's limited transportation funds on projects that improve traffic safety, improve functionality, add bicycle or pedestrian features, provide new or enhance existing commuting opportunities, or replace existing gravel public roads or road segments with new hard surfaces.
3. Oppose public and private efforts to expand capacity of the County's road network outside of the incorporated towns and business growth areas including the State and Federal primary highways.
4. Support projects that improve safety, functionality, and capacity of the public road network within the Towns of Berryville and Boyce and the business growth areas of Waterloo and Double Tollgate.
5. Develop and maintain a clearinghouse of County traffic data, in conjunction with the Virginia Department of Transportation, to aid the governing bodies in making land use decisions and allocating transportation funding to specific projects.

**CURRENT AND PROPOSED PROJECTS**

<b><u>Current Projects</u></b>	<b><u>Type</u></b>	<b><u>Cost Estimate</u></b>	<b><u>Status</u></b>
Intersection US 340 (Lord Fairfax Hwy) and US 50/17 (John Mosby Hwy)	Intersection - safety/capacity	\$2.1 million ('14)	Current plan
Intersection Va. 7 (Harry Byrd Hwy) and Rt. 612 (Shepherds Mill Road)	Intersection - safety	\$1.1 million ('14)	Current plan
Intersection US 340/277 (Lord Fairfax Hwy) and US 522 (Stonewall Jackson Hwy)	Intersection - safety/capacity	\$2.1 million ('14)	Current plan
West Main St. (Bus. Va. 7) from Va. 7 (Harry Byrd Hwy) to Hermitage Blvd	Corridor - safety/capacity	\$3.8 million ('14)	Current plan
US 340 (Greenway Ave) in Town of Boyce	Stormwater/drainage	\$750,000 ('14)	Current plan
East Main St. (Bus. Va. 7) from Va. 7 (Harry Byrd Hwy) to RR crossing	Corridor - safety/capacity	\$7.7 million ('14)	Current plan
Future park-and-ride lot (250 spaces) near intersection of Va. 7 (Harry Byrd Hwy) one mile west of Berryville	Commuter facility	\$2.5 million ('14)	Current plan

<b><u>Proposed Projects</u></b>			
Intersection Va. 7 (Harry Byrd Hwy) and Rt. 601 (Blue Ridge Mountain Rd)	Intersection - safety	\$2.65 million ('23)	Proposed
Appalachian Trail pedestrian bridge and improvements - Va. 7 (Harry Byrd Hwy) and Rt. 679 (Pine Grove Rd)	Pedestrian facility/safety	\$7.2 million ('23)	Proposed
Southeastern collector road, Jack Enders Blvd (Rt. 700) to US 340 (Lord Fairfax Hwy) via Smallwood Lane (Rt. 680)	Capacity	\$9.5 million ('20)	Proposed



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**TO: Board of Supervisors**

**FROM: Brandon Stidham, Planning Director**

**RE: PrimeAE Southeastern Collector Road Study**

**DATE: July 17, 2020**

### Background

The concept of “potential future growth areas” was added to the 2015 Berryville Area Plan as a first step in identifying the most logical areas that could be designated as future annexation areas. At the same time, guidance regarding the establishment of new annexation areas and sub-areas was also added to the Plan.

Any new areas to be considered should undergo a detailed analysis to determine the capacity to carry new development at an urban scale – similar to the process used to establish the original Berryville Area Plan. This analysis is to be performed by qualified engineering/land use professionals who would 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 connections 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.

The Southern Potential Future Growth Area is one of three such areas identified in the 2015 Berryville Area Plan and the only area designated as a short-term priority for evaluation. The Plan recommended that the County and Town should cooperatively undertake a detailed land use planning and engineering study of this area to determine its development capacity. One of the most prominent issues to be evaluated is the impact of the area’s development on the overall transportation network. Of particular importance is the impact on the Town’s proposed southeast collector road which would connect East Main Street (VA Business 7) to US 340 at Town limits via an extension of Jack Enders Boulevard. The Town-County transportation study completed



by Prime AE evaluated both the feasibility of completing the Jack Enders Boulevard extension across the Norfolk-Southern Railroad with a new at-grade crossing, and development of a new collector road extension through the Southern Potential Future Growth Area to US 340 at its intersection with Smallwood Lane.

The PrimeAE study provided valuable information to aid in evaluating the development capacity of the Southern Potential Future Growth Area and the feasibility of constructing a collector road to serve it. County Planning Staff's analysis, conclusions, and recommended next steps are detailed separately below.

#### Completion of Existing Jack Enders Boulevard and Consultant's Concept A

When the County Business Park and Jack Enders Boulevard were originally planned, it was conceptualized that Jack Enders Boulevard would be extended in the future to connect with US 340 near South Church Street with an at-grade crossing over the Norfolk Southern Railroad. This connectivity would establish a new collector road to better facilitate traffic movement through the southeastern quadrant of the Town. To further this concept, the County obtained a 2.63 acre lot west of the railroad tracks with frontage on US 340 just south of the South Church Street intersection. The primary stumbling block to this extension was gaining approval from Norfolk Southern to construct a new at-grade crossing. Several attempts were made over the years to get an official determination from Norfolk Southern but these attempts were ultimately unsuccessful and produced differing informal responses.

Related to this project is the completion of Phase 2 of the Jack Enders Boulevard construction and acceptance into the Town's secondary street system for maintenance. Phase 2 is an approximately 1000-foot long segment extending from a point near the entrance to 509 Jack Enders Boulevard to the road terminus. This segment is paved and contains curbing and drainage features but requires final paving and other improvements in order for the Town to accept the road for maintenance. One improvement that the Town has required in previous punch lists is a major reconstruction of the road to raise its elevation in order to facilitate connection to a future at-grade rail crossing. The County's position is that no modifications should be made to the road until Norfolk Southern has approved an at-grade rail crossing and a funded construction project for the complete extension to US 340 has been approved by the governing bodies.

This proposed extension project was modeled by PrimeAE in the study as "Concept A." PrimeAE Staff had extensive conversations with Norfolk-Southern officials and determined that it is highly unlikely that an at-grade crossing would be approved (see report pp. 13-15). PrimeAE Staff also noted that in order for Norfolk Southern to provide a formal approval or denial, a "Concept Package" would need to be submitted for their review containing detailed engineering plans for the proposed crossing. These engineering plans would have to be developed at the Town and/or County's expense and Norfolk Southern would also require fees to be paid for their review of the Concept Package. Since PrimeAE Staff obtained substantial information in their conversations with Norfolk Southern staff indicating that an at-grade crossing would not be approved, they recommended that the Town and County not proceed with submitting a Concept Package for review. Furthermore, PrimeAE Staff recommends that Concept A not be pursued as a collector road alternative.

Based on PrimeAE’s recommendations and the information received from Norfolk Southern, County Planning Staff recommends that the concept of extending existing Jack Enders Boulevard to US 340 via a new at-grade rail crossing be abandoned. We also recommend that the County request the Town to provide a final punch list of items necessary to complete Jack Enders Boulevard Phase 2 (ending in a permanent cul-de-sac) for acceptance into the Town maintenance system.

It should also be noted that if the extension of Jack Enders Boulevard as described above is no longer pursued, this will have an impact on the properties within Town limits adjacent to the Business Park and west of the railroad. These properties are identified in the Berryville Area Plan as Sub-Area 23, Craig’s Run Light Industrial Area, and are currently zoned BP Business Park. The Plan’s description of Sub-Area 23 notes that the proposed southeastern collector road “should be the primary means of access to this Sub-Area” and that development “should be predicated on the provision of this facility (Berryville Area Plan, p. II-35). The County should discuss with the Town whether the recommended development pattern for Sub-Area 23 should be changed to a use type that is not reliant upon a collector road for primary access. The County should also determine whether it is necessary to retain the 2.63 acre lot that was intended for use in facilitating construction of the collector road as an extension of Jack Enders Boulevard.

#### Southern Potential Future Growth Area and Consultant’s Concepts B and D

In addition to Concept A and Concept C (a variation of Concept A), the PrimeAE study modeled two additional concepts:

- Concept B – Extends a new collector road southwest from a point on Jack Enders Boulevard at the Town water tower to Smallwood Lane (Rt. 680) with a new signalized intersection at Smallwood Lane and US 340 and improvements to the existing at-grade crossover on Smallwood Lane. Concepts B1 and B2 demonstrate alternate road layouts for this proposed collector road.
- Concept D – Extends a new secondary road south from a point on Jack Enders Boulevard at the Town water tower into the Potential Future Growth Area without making a connection to Smallwood Lane or developing a collector road to US 340.

The PrimeAE report ultimately recommends that Concept B1 be considered as it “provides an upgraded crossing of the Norfolk Southern Railroad, improved traffic flow in and around Berryville and best promotes future development in the Southern Potential Future Growth Area (p. 46).” The estimated cost of constructing Concept B1 is approximately \$9.6 million. The report recommends a “multi-pronged and multi-phased approach” consisting of the following:

- The Town and County will need to develop a planning vision for the Southern Potential Future Growth Area. This vision would then be incorporated into the Berryville Area Plan as a new Sub-Area for development and a new annexation area would be created through amendment of the Town-County Annexation Area Agreement. Once these steps are completed, rezoning of the properties in this area will be necessary. This will allow the collector road project “to compete for Smart Scale funding and open the potential for

grants and investment from private developers (p. 46).”

- The Town and County will need to actively pursue funding from State and Federal grants and investment from developers. PrimeAE recommends beginning phased development of the collector road using Concept D1 as a means of encouraging initial development from the private sector. With new development, revenue can be generated that could be used in tandem with Smart Scale or Revenue Sharing funds to finish the collector road.
- Concept B1 could be developed in four phases:
  - Extend Jack Enders Boulevard into the Smallwood property to stimulate initial development.
  - Improve the intersection of Jack Enders Boulevard and East Main Street as development progresses. PrimeAE notes that at 25% buildout of the area (approximately 125,000 square feet of light industrial uses), there may be a need for improvements at the intersection if new development has a greater than typical trip generation or a high number of trucks.
  - Begin design and gain environmental approvals for the collector road extension to US 340 at 50% buildout (250,000 square feet of light industrial uses).
  - Construct the collector road extension to US 340 at 75% buildout (375,000 square feet of light industrial uses).
  - Upgrade the intersection of US 340 and the extended collector road to a signalized intersection when traffic counts are warranted (over 75% buildout).

County Planning Staff is concerned that development of Concept B1 is cost-prohibitive and therefore infeasible for the County and Town to complete. The PrimeAE report provides an accurate representation of the phasing of construction and how it would be funded. The first step of conducting a detailed planning process is critical. The Berryville Area Plan only designates the Southern Potential Future Growth Area as a study area for future development. The Plan will have to be formally amended to designate this Future Growth Area as a new Sub-Area for future development and annexation. While the PrimeAE study answers most of the transportation impact questions about developing this area, additional technical studies may be required to determine whether the properties can support the projected development and whether there is a sufficient amount of water and sewer capacity to serve it. This may also include an economic development analysis to determine the type, size, and number of businesses that could be attracted to this new development area and whether it would help pay for the collector road construction. The County’s Transportation Plan would need to be amended to include the proposed collector road as a priority transportation project. The Town-County Annexation Area Agreement would also need to be formally amended and adopted to account for this new proposed annexation area. The aforementioned planning steps would likely be time-consuming and require a significant amount of staff time and consultant/engineering expenses to complete.

Once the planning tasks are complete, the County and Town can begin designing and planning to construct the first phase of the collector road from existing Jack Enders Boulevard into the subject properties. There will need to be consensus among the impacted landowners to participate in the collector road extension. This would include the owners of the W.W. Smallwood property (Tax Map #14-A-20) and the Mercke property (Tax Map #14-A-56). Cooperation from the Mercke property owners is essential as the collector road extension would need to pass through this property from Jack Enders Boulevard in order to reach the Smallwood property and Smallwood Lane. Without such cooperation or the ability to use eminent domain, the collector road project cannot proceed.

The next step would be to begin phased construction using Concept D1 as a model to facilitate development. Unless private sector development is identified and approved during the planning stages, phased construction would likely begin at the cost of the Town and/or County. PrimeAE provides a detailed explanation of the competitive process for Smart Scale funding, noting accurately that the project would be reliant on economic development scoring to potentially be awarded Smart Scale funds. This requires the property to be zoned for development and ideally have approved plans of development, enabling development projects to be close to shovel-ready. It appears likely that a significant investment of local funds would be necessary up front in order to bring the project to a competitive, shovel-ready status.

County Planning Staff is concerned that the nature of the collector road project may not make it competitive for Smart Scale funding compared to other types of projects in the region. While award criteria can change between funding cycles, shovel-ready projects in areas with regional significance typically earn funding. Below is a list of projects in our region that recently received Smart Scale awards. As you will note, most of the projects involve improvements to interstate highway exits, safety improvements, or improvements to primary highway intersections.

- Warren County – US 340/522/I-66 on-ramp extension
- Warren County – John Marshall Hwy/Rt. 55 safety improvements
- Warren County – US 340/522 lighting project
- Shenandoah County – I-81 Exit 291 ramp widening
- Shenandoah County – Park-and-ride expansion
- Page County – US 211/340 intersection improvements
- Winchester City – Traffic signal improvements on Valley and Gerard Corridors
- Winchester-Frederick MPO – I-81 Exit 317 acceleration/deceleration lane extensions
- Winchester-Frederick MPO – I-81 Exit 313 bridge capacity improvement

Without Smart Scale funding at any point in the development process, the Town and County would be limited to revenue sharing (requiring a 50% local match), developer funds, local taxpayer dollars, or a combination of all three.

The PrimeAE report also extensively discusses the need for improvements at the intersection of Jack Enders Boulevard and East Main Street as development progresses. As noted above, this intersection will likely need to be upgraded to a signalized intersection with turn lane improvements at 25% buildout or shortly thereafter. As a standalone project, these intersection

improvements may not be competitive for Smart Scale funds. This would leave revenue sharing and local taxpayer dollars to fund the improvements.

Another concern is the phasing approach. PrimeAE recommends beginning construction with Concept D1 and cautions that a commitment must be made to complete the collector road within 5-10 years. Since Smart Scale and other funding programs are offered in cycles and have requirements that may change between cycles, there is no way to guarantee that these grant funds would be obtainable within this time frame. Additionally, there is the possibility that new development or redevelopment could occur on properties within the Jack Enders Boulevard/East Main Street corridor. PrimeAE only modeled the undeveloped properties within the Southern Potential Future Growth Area. If new development occurred on the Mercke property at Jack Enders Boulevard (12.57 acres) or the Berryville Graphics property (74.85 acres), this could impact level of service along the corridor over and above the projections in the PrimeAE report. Adverse levels of service or new safety problems could require additional improvements along the corridor that the Town would be responsible for funding.

An additional challenge is the development of the collector road to Smallwood Lane and the construction of a new signalized intersection at US 340. PrimeAE performed a planning-level analysis of the collector road construction using desktop resources and modeling. A more detailed engineering study involving field surveys and in-depth research as would be done in developing construction plans was not within PrimeAE's scope of work. PrimeAE staff indicated that they believed the collector road could be constructed with minimal environmental impacts and that the signalized intersection could be built within the existing road right of way without the need for land acquisition. They also believed that Norfolk Southern would approve modifications to the existing Smallwood Lane at-grade crossover to accommodate the larger collector road.

County Planning Staff is concerned that these items can only be verified by conducting a detailed engineering study and that if such a study produces contrary findings, the collector road construction project could be more complex and more expensive than projected by PrimeAE. Specifically, County Planning Staff is concerned with the following:

- Proximity of conservation easement land to the south – Milton Valley Farm is in permanent conservation easement held by the Virginia Outdoors Foundation. PrimeAE staff does not believe that Concept B1 will encroach on the easement property, however they did indicate that additional buffer areas are often required when constructing new public roads adjacent to eased properties. Milton Valley Farm's easement was not analyzed by PrimeAE to determine what type and size of buffer would be required. If a significantly larger buffer area is needed, it could impact the location and alignment of the collector road which could also impact whether the existing crossover can be used and whether the existing US 340 intersection can be used as depicted in the study. Staff also notes that there is very minimal area at the US 340 intersection between the right of way and edge of the eased property. A detailed study could show that the intersection alignment will encroach on the eased property and will need to be shifted away to the north. This could potentially impact the entire road alignment.

- Existing at-grade crossing – PrimeAE staff did not identify any concerns with modifying the existing at-grade rail crossing on Smallwood Lane and believe that Norfolk Southern would approve modifications for a larger road. However, this can only be confirmed through submission of detailed construction plans to Norfolk Southern for their review and comment. There is also a concern that if the collector road alignment has to be shifted, would Norfolk Southern allow the crossover to be moved instead of modified.
- Need for land acquisition – PrimeAE staff does not believe that land acquisition will be necessary, however there is little margin for error at the proposed intersection. In addition to the eased property, there is a business property located on the northeastern corner of the intersection. Any modifications to the intersection alignment could require land to be acquired. Would this be the responsibility of the County or the Town to negotiate and would eminent domain be necessary? At the rail crossing, there are two small residential properties on opposite sides of Smallwood Lane that could be impacted by a larger right of way in addition to the Virginia Department of Transportation office. Since it appears that Smallwood Lane has a prescriptive easement, right of way acquisition may be required.

#### Next Steps

If the Board of Supervisors is interested in continuing the study of the Southern Potential Future Growth Area, Staff would recommend considering two types of studies:

1. An economic development study to determine whether there is a demand for additional business park development and the likelihood of attracting businesses to this area.
2. A detailed engineering study specifically of the collector road alignment, the proposed US 340 intersection, and the at-grade crossing modifications to verify PrimeAE's planning level conclusions.

It should be noted that commissioning additional studies will require funding for consultants and staff time to conduct procurements. Staff time will also be necessary to oversee the consultants' work and final presentations. Planning Staff's current workload includes completion of the Ordinance Update Project and the five-year reviews of the Comprehensive Plan, Transportation Plan, Economic Development Strategic Plan, and Recreation Component Plan.

Please let me know if you have any questions or concerns.

