

**CLARKE COUNTY PLANNING COMMISSION
 COMPREHENSIVE PLAN COMMITTEE
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 August 31, 2023 Meeting Packet**

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Clarke County Planning Commission

AGENDA – Comprehensive Plan Committee Meeting

Thursday, August 31, 2023 – 10:00AM

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

1. **Approval of Agenda**
2. **Approval of Minutes – May 15, 2022 Meeting**
3. **Old Business**
 - A. Discussion, Continuation of the 2016 Waterloo Area Plan
 - B. Discussion, Rural Lands Plan Development
 - (1) Draft Work Plan
 - (2) Plan Purpose
 - (3) Begin Issue Identification
4. **New Business**

~None scheduled
5. **Adjourn**



Clarke County Planning Commission

DRAFT MINUTES – Comprehensive Plan Committee Meeting

Monday, May 15, 2023 – 10:00AM

Berryville/Clarke County Government Center – Main Meeting Room

ATTENDANCE:			
Randy Buckley (White Post)	✓	John Staelin (Millwood)	✓
Bob Glover (Millwood)	✓	Terri Catlett (Board of Supervisors)	✓
George L. Ohrstrom, II (Ex Officio)	X		

STAFF PRESENT: Brandon Stidham (Director of Planning)

CALL TO ORDER: By Mr. Stidham at 10:00AM.

1. Approval of Agenda

Members approved the agenda by consensus as presented by Staff.

2. Approval of Minutes – June 16, 2022 Meeting

Members voted unanimously to approve the June 16, 2022 meeting minutes as presented by Staff.

Motion to approve the May 12, 2022 meeting minutes as presented by Staff:			
Buckley	AYE (moved)	Staelin	AYE
Glover	AYE (seconded)	Catlett	AYE

4A. New Business – Five-Year Review Resolutions

Mr. Stidham provided an overview of this item. He noted that both the Historic Resources Plan and Water Resources Plan are scheduled for a five-year review this year, adding that Staff will be recommending that the Commission continue with both plans for another five years without making changes. He noted that the Historic Preservation Commission was consulted about potential changes to the Historic Resources Plan and they did not have any. He also said that he spoke with Alison Teetor who did not know of any upcoming projects or changes that would need to be incorporated into the Water Resources Plan. He said that draft resolutions for both plans are included in the packet for the Committee to recommend continuing the plans for another five years. He added that if the Committee is comfortable with the resolutions, they can be forwarded to the Commission for action in June that would bring us into compliance with State code requirements on these two plans.

Commissioner Staelin asked if there are specific projects in the plans that we did not complete or are there more global efforts in the plans that would be ongoing. Mr. Stidham replied that there are definitely projects in the Historic Resources Plan that have not been completed. He said that the current Water Resources Plan was focused on state and regional water planning initiatives that have been stepped back in recent years. He also said that the focus will be on implementation and there are plenty of projects in the current plan to be implemented.

Commissioner Glover asked if Ms. Teetor thought any projects in particular need to be implemented and also asked about the water usage issues that came up during the hydroponic lettuce facility a few years ago. Mr. Stidham said that hydroponic facilities would be a good topic to discuss with the Rural Lands Plan development including whether to create new rules for industrial farming. Commissioner Glover noted that those facilities have a high water usage. Mr. Stidham also noted that Ms. Teetor did not note any specific projects requiring urgent implementation.

Members agreed by consensus to forward these resolutions to the Commission in June.

4B. New Business – Update on Waterloo Area Plan and Transportation Plan

Mr. Stidham provided brief updates on the statuses of the Waterloo Area Plan and Transportation Plan review projects. Regarding the Transportation Plan update, Mr. Stidham said that they will have to incorporate the Smart Scale transportation funding program into the Plan as it did not exist when the Plan was last updated. He noted that the current list of projects will be evaluated based on the likelihood that they can be funded under the Smart Scale program. He also said that they will evaluate new potential projects including the Town of Berryville’s southeastern collector road project.

Mr. Stidham said that the Waterloo Area Plan review has been delayed by Staff while waiting for the Clarke County Sanitary Authority’s (CCSA) completion of a water and sewer capacity study. He also noted that Staff will be working on the Berryville Area Plan update with the Berryville Area Development Authority (BADA) and town staff. He said that work on the review needs to be shared equally with town staff and that he is waiting for the town to commit resources to the project. Commissioner Catlett asked if he thought this would delay the review indefinitely. Mr. Stidham replied that he did not know when or how the town would allocate staffing resources. Commissioner Catlett asked if the delays would reach a point at which the county could experience negative consequences. Mr. Stidham replied that if the town has a desire to grow and expand, it would behoove them to modify the Plan to meet their future goals. He also noted that the BADA will be discussing the southeastern collector road issue. Commissioner Staelin asked if the plan is still to carry the collector road through the Smallwood property and Mr. Stidham replied yes per the consultant’s recommendations. Mr. Stidham added that the scope of the consultant’s study did not address impacts on the entire road network from Jack Enders Boulevard to the Route 7 bypass. Commissioner Glover asked for confirmation that Norfolk Southern will not allow a crossing at the end of Jack Enders Boulevard. Mr. Stidham replied yes and that this was addressed in the study. Members then had a brief conversation regarding how drivers often follow GPS to seek the shortest distance to their destinations and how this could apply to the southeastern collector road. Vice-Chair Buckley said that he is generally not in favor of creating new intersections and a new location where traffic must come to a stop. Mr. Stidham noted that crash numbers can go up at new intersections even where the sight distance is good in all directions.

Members had no additional questions or comments.

4C. New Business – Planning Discussion, Rural Lands Plan and Village Plan

Mr. Stidham provided an overview for the discussion on development of a new Rural Lands Plan and Village Plan. He said Staff is looking for direction from the Committee regarding prioritization of this project and whether the Rural Lands Plan – combining the Agricultural and Mountain Land Plans – should also include the Village Plan. He noted a revised Rural Lands Plan Concept outline starting on page 11 in the meeting packet that would include a chapter covering the unincorporated villages. He also noted that combining all three plans could result in a document of significant size and added that subcommittees would need to be formed to distribute the outreach workload for each of the three villages. He concluded by posing three options for discussion – whether to develop a Rural Lands Plan containing the Village Plan, whether to develop the Rural Lands Plan and Village Plan separately with direction on which plan to prioritize first, and whether to delay work on the Waterloo Area Plan until completion of these two plans.

Regarding the Waterloo Area Plan, Commissioner Staelin said that there has not been a demand for development in that area as expected. He said that the Area Plan was conceptualized in the 1990s when the nearby Disney project was being considered, with the thought being that tax revenues could be generated in Waterloo from traffic using U.S. 50 to reach that project. He added that many things have changed since then to reduce the possibility of development and said he did not know what Staff is expecting in terms of future growth. Mr. Stidham replied that Staff does not have a vision for changes at this time, noting that the commercial-zoned lots adjacent to HandyMart remain vacant with no known plans for development at this time. He also noted that there could be some redevelopment on the northeastern corner of the intersection but no specific plans. Vice-Chair Buckley asked if there were originally 7 parcels created at the southeastern quadrant by Bob Claytor with 2 parcels having been developed, and Mr. Stidham replied yes. Vice-Chair Buckley also noted the vacant CH-zoned land on the northwest and southwest quadrants as additional areas that have not received any interest from developers. Commissioner Catlett asked if the land on the southwestern quadrant is in common ownership and Vice-Chair Buckley replied yes.

Mr. Stidham noted that in past years traffic counts have dropped but have leveled off in recent years. He added that this would not be an encouraging sign for developers. Commissioner Catlett asked if traffic is using Route 7 instead of U.S. 50. Mr. Stidham replied that it is likely due to all of the traffic calming efforts Loudoun County implemented along their segment of U.S. 50. He also noted that it will probably be a few years before we can get good traffic data on the impact of Frederick County's development along U.S. 50. Vice-Chair Buckley asked Mr. Stidham if he could foresee adding new land to the Waterloo Plan Area. Mr. Stidham replied no and said he has not received inquiries in recent years from landowners to be added to the Plan Area. He did note that several years ago, the owners of land adjoining the self-storage business to the east were interested in rezoning to CH but he has not heard anything from them recently. He also noted that the area to the south of HandyMart that is physically separated from the rest of the farmland on the parcel could be a future candidate. Vice-Chair Buckley said that stormwater management would be a challenge there. He also asked about a property north of the Plan Area with frontage on the east side of U.S. 340 and south of Old Waterloo Road. Mr. Stidham said that this is a good discussion topic – whether we want to consider areas beyond the intersection

to be part of the Waterloo Plan Area or continue to limit the Plan Area to properties that are close to the intersection.

Vice-Chair Buckley asked if the Waterloo Area Plan has future planning areas like the new Double Tollgate Area Plan. Mr. Stidham replied no and said that it is limited to the areas that were previously rezoned to CH, however similar future sub-areas could be considered for Waterloo. Vice-Chair Buckley asked what the threshold is for AOC properties in the Double Tollgate Area Plan's sub-areas to be rezoned to CH. Mr. Stidham replied that the threshold is whether the properties are ready to be served by public water and public sewer. Vice-Chair Buckley said that he does not see a need to add to the Waterloo Plan Area at this time. Commissioner Staelin agreed and noted that there is already CH-zoned land in the Plan Area available for development. He also said that the only thing he would think could be considered is allowing other types of uses that are not heavy water and sewer users. Mr. Stidham said that the CH District already allows for the widest range of business uses. Members then had a brief conversation about why a grocery store has never been developed in the Boyce-Waterloo area.

Mr. Stidham suggested providing the Committee with an update on the CCSA's water and sewer capacity study at the next meeting and given the lack of justification to modify the Plan Area, the Committee could recommend ending the five-year review process and continuing with the current plan for an additional five years.

Mr. Stidham asked the members for their thoughts on the Rural Lands Plan and Village Plan. Commissioner Staelin said that the villages do need to be better defined but he did not think that you need to have a separate Village Plan. He added that the Village Plan, Agricultural Land Plan, and Mountain Land Plan are all plans that you hope would not need to be changed for the next 30-40 years. He also said that since they have to be reviewed every five years, it would make sense to combine them into a single plan. Mr. Stidham said that the unincorporated areas of the county share the same issues. Commissioner Staelin said that some Millwood community members may think that a Village Plan would solve their transportation concerns. Vice-Chair Buckley responded that this could be an unrealistic view and Commissioner Staelin added that the Village Plan would only identify transportation issues and recommend pursuing state funding for improvements. Commissioner Glover added that he thinks some people want the plan to include limitations.

Mr. Stidham said that he has had concerns with Greenway Vista, a RR-zoned subdivision that was developed in the 1990s adjacent to White Post. He said that until recently, our Comprehensive Plan did not provide guidance on the boundaries of villages and whether RR District rezonings could be approved adjacent to existing RR-zoned properties. He noted that the Village Plan could help determine, for example, if Carter Hall is part of the Millwood village or on its periphery. Commissioner Staelin said that Carter Hall is zoned AOC which answers the question for him of whether it is part of the village. Commissioner Catlett said that in speaking with Millwood residents, they do not want to see things change. She added that they have expectations of addressing what is realistic rather than go down a path that they do not want. Mr. Stidham said it would be good to emphasize that the Millwood water and sewer system was designed to stop the use of outhouses and straight pipes and not to facilitate growth.

Vice-Chair Buckley asked how you would get input from the village residents other than the formal public hearings. Mr. Stidham replied that the Commissioners from the applicable districts to work with Staff in outreach meetings for the villages. He added that the community associations would be a valuable source of feedback but you want to hold planning meetings so that everyone can have an opportunity to participate. Members discussed whether Pine Grove residents identify themselves as a village and Mr. Stidham noted that the Village Plan should memorialize how they view their community. Vice-Chair Buckley said that the biggest issues he hears from Pine Grove are impacts from the Appalachian Trail and Bear Chase Brewery. Commissioner Catlett said that the potential Appalachian Trail pedestrian bridge project would include parking expansion and noted that this could increase traffic in the area. Vice-Chair Buckley said that input from the Mountain Land Plan development showed that, for the most part, residents on the mountain want to be left alone. Commissioner Glover said that folding the Mountain Land Plan into the Rural Lands Plan would also help mountain residents not feel as though they are being targeted in a specific plan. Vice-Chair Buckley said while he is proud that the county has an Agricultural Land Plan and he would hate to see it merged into a larger plan, he agrees that having a plan for all of the unincorporated areas would make residents of certain areas less likely to feel scrutinized.

Mr. Stidham asked the members whether there is consensus on combining the three plans. Commissioner Staelin said that for him it is an organizational choice and we will still be doing a lot of work and the resultant plan will say the same things that separate plans would say. Mr. Stidham noted that there would be efficiencies in terms of soliciting information once for a combined plan as opposed to three times for three separate plans. He said a drawback is that people who are interested in having the Village Plan completed first would have to wait until the full Rural Lands Plan is completed. Commissioner Staelin said that if you conducted the research and explained the process to the public early on, people would be more likely to understand why the process will require more time. Commissioner Catlett noted that the combination of plans was discussed in revising the Comprehensive Plan. Members agreed to move forward with a combined Rural Lands Plan. Mr. Stidham said for the next meeting, he will provide a report on the CCSA capacity study in order to provide a recommendation on the Waterloo Area Plan status. He said we will also start work on the Rural Lands Plan.

ADJOURN: Meeting was adjourned by consensus at 10:56AM.

Brandon Stidham, Clerk



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TO: Planning Commission Comprehensive Plan Committee members

FROM: Brandon Stidham, Planning Director

RE: Discussion, Continuation of the 2016 Waterloo Area Plan

DATE: August 18, 2023

Item #3A is a continued discussion of the status of the 2016 Waterloo Area Plan update process. At the May 15 meeting, Committee members discussed whether it is necessary to make changes to the Area Plan given the lack of development activity and changes in traffic counts in that area in recent years. Staff was also awaiting completion of the Clarke County Sanitary Authority's (CCSA) Water & Sewer Utility Master Plan which was expected to provide information on the system's capacity to serve current and future development within the service areas.

Staff attended the August 4 CCSA meeting at which the draft Utility Master Plan was presented by Imboden Environmental Services, Inc. The purpose of the Utility Master Plan is "to provide the CCSA with the information needed to develop its future utility availability fees by developing the cost of projected Capital Improvement Projects." The primary takeaway from this report, as it pertains to the Waterloo Area Plan, is that the water and sewer systems have sufficient capacity to support current uses as well as projected usage based on the Comprehensive Plan. It also notes that additional repairs and modifications will be necessary in the near future to ensure that the water and sewer systems operate effectively. The Utility Master Plan does not take into consideration the impacts of expanding the water and sewer service area or unforeseen growth that could occur.

Based on these findings and the Committee's previous discussions, Staff has prepared a revised resolution to conclude the review process and continue with the Area Plan for an additional five years. If the Committee is comfortable with this recommendation, Staff recommends the Committee to take action on forwarding the resolution to the full Commission for consideration.

Please let me know if you have questions in advance of the meeting.

**RESOLUTION FOR THE CONTINUATION OF
THE 2016 WATERLOO AREA PLAN FOR FIVE YEARS**

WHEREAS, the 2016 Waterloo Area Plan was adopted by the Board of Supervisors on December 20, 2016, and

WHEREAS, Code of Virginia §15.2-2230 requires that at least once every five years, a locality’s planning commission shall review the comprehensive plan “to determine whether it is advisable to amend the plan,” and

WHEREAS, the Waterloo Area Plan is an implementing component plan of the 2013 Clarke County Comprehensive Plan, and

WHEREAS, the Planning Commission adopted a resolution to initiate review of the Area Plan on November 5, 2021 and subsequently assigned the review to the Comprehensive Plan Committee, and

WHEREAS, the Comprehensive Plan Committee has determined that, for the following reasons, a comprehensive review and update of the Area Plan is not necessary as its guidance and recommendations remain current, applicable, and consistent with the 2022 Comprehensive Plan:

- The Clarke County Sanitary Authority’s recent Water and Sewer Utility Master Plan did not identify any changes in water and sewer capacity that would warrant consideration of modifying Plan Area boundaries.
- Demand for development at this business intersection has been less than originally anticipated in recent years.
- Traffic counts have only increased modestly since the original Area Plan adoption and have leveled off in recent years.

AND WHEREAS, the Comprehensive Plan Committee recommends continuing with the 2016 Area Plan for an additional five years.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission concurs with the Comprehensive Plan Committee that it is not necessary to continue the review and update of the 2016 Waterloo Area Plan as the guidance and recommendations remain current, applicable, and consistent with the 2022 Comprehensive Plan.

BE IT FURTHER RESOLVED that the Planning Commission shall conduct a future review and determine whether it is advisable to amend the 2016 Waterloo Area Plan no later than October 6, 2028.

Adopted this 6th day of October, 2023.

George L. Ohrstrom, II. (Chair)



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TO: Planning Commission Comprehensive Plan Committee members

FROM: Brandon Stidham, Planning Director

RE: Discussion, Rural Lands Plan Development

DATE: August 21, 2023

Item #4A is the kickoff of our work to develop the new Rural Lands Plan.

The first enclosed document is a draft work plan for this project for the Committee's review and discussion. Task 1 will take us through a process to develop the form and function of the Plan. The work product from Task 1 will be used by Staff in Task 2 to develop an initial Plan draft for the Committee's evaluation and ultimate recommendation to the full Commission. Task 3 consists of final Plan development by the Commission and Staff, public meetings and hearings, and final adoption by the Board of Supervisors.

This project is unique in that we are attempting to update and combine two current component plans (Agricultural and Mountain Land Plans) with development of new guidance for the unincorporated villages to produce a brand new component plan for all of the County's rural areas. To begin our work, Staff recommends that the Committee discuss the purpose of this Plan and how it should be used by County officials and residents. This may seem like an unnecessary question but our two current Plans had very different purposes. The Agricultural Land Plan was originally written as a compendium of information on the County's agricultural industry. The 2016 revision adopted a policy guidance format more typical of the Comprehensive Plan and component plans. The Mountain Land Plan was oriented strongly towards implementation items, specifically amendments to the Zoning and Subdivision Ordinances to provide additional protections and preserve FOC-zoned lands. The Rural Lands Plan will cover a wide variety of both general and specific issues and could be used in a number of different ways.

As discussed in previous meetings, the draft work plan proposes to hold targeted workshops for residents in the three villages to solicit input that will be crucial to the Plan's development. These workshops will present the Plan concept to attendees including the Plan's purpose, how it will be used, and what the Plan can and cannot do. Attendees will be asked for their feedback on an initial list of issues to be addressed in the Plan and to expand on them or contribute their own. A visioning component is also proposed in which attendees will be asked to describe what they want their village to look like in the next 10-20 years. This input will be documented and included in the final Plan and will also be used to formulate the Plan's goals, objectives, and strategies. Committee members are encouraged to brainstorm about these workshops and suggest additional or different approaches that we can use.

Staff is looking for direction from the Committee on acceptance of the work plan as presented or with changes.

The remainder of the meeting will involve identification of key issues to be addressed in the Plan's development. Staff has revised the Rural Lands Plan Concept outline to include some suggested issues for consideration and as additional issues are identified, they can be added to this outline. To prepare for this discussion, Staff recommends that Committee members review the current Agricultural Land Plan and Mountain Land Plan. For your reference and convenience, we have included the following documents for review as background information:

- Guidance language from the 2022 Comprehensive Plan Chapter III on the updates of the Agricultural and Mountain Land Plans and the Village Plan development
- 2016 Agricultural Land Plan – Goals, Objectives, and Strategies
- 2005 Mountain Land Plan – Implementing Actions

Staff does not anticipate concluding the issue identification step in Task 1 – the Committee's next meeting will likely be devoted entirely to finalizing the preliminary list of issues.

Please let me know if you have questions in advance of the meeting.

8-31-2023 DRAFT – COMPREHENSIVE PLAN COMMITTEE

RURAL LANDS PLAN DEVELOPMENT WORK PLAN

Work on the Rural Lands Plan to be conducted by the Comprehensive Plan Committee and Staff. Commissioners not on the Committee will be encouraged to attend and participate in the village workshops

Task 1 – Visioning and Issue Identification

A. Define the purpose of the Rural Lands Plan:

- How do we want this Plan to be used by elected/appointed officials, staff, and County residents?
- How do we avoid overlap and redundancy with the Comprehensive Plan and other component plans?

B. Develop a preliminary list of policy issues to be addressed:

- Policy issues affecting the rural areas in general
- Specific policy issues affecting the AOC/valley areas (“Agricultural Land Plan issues”)
- Specific policy issues affecting the FOC/mountain areas and lands along the Shenandoah River (“Mountain Land Plan issues”)
- Specific policy issues affecting each unincorporated village:
 - Millwood
 - Pine Grove
 - White Post

C. Solicit preliminary input from citizens via village workshops:

- Explain the goals and purpose of the Rural Lands Plan as it relates to their village – what the Plan can and cannot do
- Present the preliminary list of issues identified by the Committee
- Engage attendees both on the Committee’s list of issues and the issues that are most important to them
- Possible visioning sessions – how do you envision your village in the next 10-20 years?

D. Use workshop feedback to expand, refine, and finalize the issues list

8-31-2023 DRAFT – COMPREHENSIVE PLAN COMMITTEE

Task 2 – Develop Initial Plan Draft

- A. Committee to agree on layout for new Plan document
- B. Staff to develop initial draft of goals, objectives, and policies/action items for Committee review and preliminary approval
- C. Staff to develop Initial Plan Draft for Committee review
- D. Committee develops Final Plan Draft for Commission review

Task 3 – Final Plan Development, Public Hearings, and Adoption

- A. Full Commission to review Final Plan Draft, make modifications if necessary
- B. Reach consensus on Final Draft for Public Hearing
- C. Determine whether to have additional public input workshops before conducting formal public hearing
- D. Schedule Public Hearing and forward Final Draft to Board of Supervisors with recommendation for adoption

RURAL LANDS PLAN CONCEPT

The “Rural Lands Plan” is a new proposed implementing component plan that would replace both the Agricultural Land Plan and the Mountain Land Plan and serve as an overall plan for the unincorporated areas of the County. While the County’s valley and mountain areas have obvious differences including terrain and soil type, these rural areas share a number of challenges that may call for the same or similar recommendations and solutions.

The Rural Lands Plan would be organized as follows:

Chapter I – Introduction

- A. Summary Statement of Plan Purpose**
- B. Plan Goals – to include vision statements for:**
 - Valley – agricultural areas
 - Mountain and Shenandoah River corridor
 - Villages

Chapter II – Agriculture, Forestry, Agribusiness, and Agritourism

- A. Background information**
 - Define the valley environment
- B. Objectives and policies**
 - Support the practice of agriculture and preservation of agricultural land
 - Protect prime agricultural soils from development; preserve for agricultural usage
 - Avoid farmland conversion (e.g., nutrient credit banks, utility-scale solar)
 - Support the practice of forestry and forest management
 - Protect forestry resources from development
 - Identify compatible non-traditional agricultural businesses
 - Address hydroponic growing facilities
 - Identify compatible agribusiness and agritourism activities
 - Agribusinesses – abattoirs, agricultural processing, agricultural support
 - Agritourism – farm wineries/breweries/distilleries, agricultural event venues, public assembly

Chapter III – Mountain Lands

A. Background information

- Define the mountain environment and river corridor

B. Objectives and policies

- Protection of sensitive slopes and surface water features from development impacts
- Viewshed protection vs. demand for scenic views

Chapter IV – Unincorporated Villages

A. Background information

- Importance of defining village planning area boundaries by subject including:
 - Current and future land use, zoning
 - Transportation
 - Public utilities

B. Millwood

1. Overview of village, current uses, and current zoning
2. Statement of village character
3. Map depicting village plan area
4. Objectives and future development policies

C. Pine Grove

1. Overview of village, current uses, and current zoning
2. Statement of village character
3. Map depicting village plan area
4. Objectives and future development policies

D. White Post

1. Overview of village, current uses, and current zoning
2. Statement of village character
3. Map depicting village plan area
4. Objectives and future development policies

Chapter V – Shared Issues and Challenges

- Balance preservation of cultural/historic/scenic/natural resources with public’s desire to enjoy them and the rights of private property owners to use and enjoy their lands
- Secondary road safety and impacts
- Long-term viability of private wells and onsite sewage disposal systems
- Broadband

**GUIDANCE LANGUAGE FOR DEVELOPMENT OF RURAL LANDS PLAN
(AGRICULTURAL LAND PLAN, MOUNTAIN LAND PLAN, AND VILLAGE PLAN)
(2022 Comprehensive Plan, 5-year review resolutions)**

1. Agricultural Land Plan

<u>Adoption Date of Current Version:</u> February 21, 2017	<u>Status of Five-Year Review Resolution:</u> Resolution adopted on February 4, 2022
<u>Corresponding Comprehensive Plan Objectives:</u>	
<ul style="list-style-type: none"> • Objective 1 – Agriculture • Objective 3 – Natural Resources • Objective 5 – Conservation Easements • Objective 6 – Outdoor Resources • Objective 10 – Economic Development • Objective 13 – Broadband Internet Access 	

Summary:

The Agricultural Land Plan was first developed in 1987 to outline the County’s symbiotic relationship with its agricultural industry including approaches to supporting and promoting agriculture, and guidance for land use planning and development of regulatory tools to preserve farmland.

In 2016, the Agricultural Land Plan underwent an extensive cover-to-cover rewrite of the previous version that was adopted in 1997. The 1997 Plan contained detailed statistical information about the agricultural industry in Clarke County but did not include recommended goals, objectives, and strategies. The 2016 Plan added goals, objectives, and strategies that focus on providing support to agricultural businesses and protecting them with appropriate land use and regulatory policies.

Current Component Plan Goals:

The Goals of the 2016 Agricultural Land Plan are as follows:

1. Actively support the practice of agriculture and the preservation of agricultural land.
2. Promote agricultural industry and business.
3. Establish land use and regulatory policies to support the agricultural sector and preserve agricultural land.

Recommendations for Next Revision:

The five-year review resolution adopted by the Planning Commission recommends that, in addition to the policy guidance in the aforementioned Comprehensive Plan objectives, two specific issues should be considered.

The first issue is the potential merger of the Agricultural Land Plan and Mountain Land Plan to create a combined component plan for the County’s rural, unincorporated areas. The Mountain

Land Plan’s current objectives are also relevant to issues impacting the County’s agricultural areas west of the Shenandoah River. Combining these two plans would allow these issues to be evaluated on both a County-wide basis and on how they impact agricultural areas uniquely. The combined review can also assist in developing new objectives and strategies for land use decision-making in agricultural areas.

This leads into the second issue – determining the form and scale of compatible agribusiness and agritourism uses and activities. Since the 2013 Comprehensive Plan and the 2016 Agricultural Land Plan were adopted, agricultural businesses regionally have expanded and taken on new forms with new impacts. New Code of Virginia regulations have been adopted to limit local regulation of agritourism activities, resulting in proliferation of businesses that attract visitors to a farm or agricultural operation for retail sales or education and entertainment purposes. Similar uses have also been proposed for public assembly activities such as weddings and other special events to take advantage of the scenic beauty in the County’s rural and agricultural areas. Additionally, operators of a large-scale hydroponic farming operation considered locating in the County which could have brought potential adverse impacts to roads, groundwater supplies, the night sky, and the County’s scenic beauty.

Revisions to both the Agricultural Land Plan and the Mountain Land Plan should include an evaluation of and recommendations for determining the compatible size, scope, intensity, and appearance of these and other similar non-traditional agricultural operations which may locate in the County in the future.

5-Year Review Resolution

WHEREAS, the 2017 Agricultural Land Plan was adopted by the Board of Supervisors on February 21, 2017, and

WHEREAS, Code of Virginia §15.2-2230 requires that at least once every five years, a locality’s planning commission shall review the comprehensive plan “to determine whether it is advisable to amend the plan,” and

WHEREAS, the Agricultural Land Plan is an implementing component plan of the 2013 Clarke County Comprehensive Plan,

AND WHEREAS, February 21, 2022 marks the five-year anniversary of the Plan’s adoption.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission has determined that it is necessary to conduct a review of the 2017 Agricultural Land Plan and the scope of the review shall include, but not be limited to, the following issues:

- Potential merger of the Agricultural Land Plan and Mountain Land Plan to create a combined component plan for the County’s rural, unincorporated areas.
- Form and scale of compatible agribusiness and agritourism uses and activities.

BE IT FURTHER RESOLVED that this review shall commence following completion of the review and update of the 2013 Comprehensive Plan and that the revised policies of the following Comprehensive Plan objectives shall be used to inform the Agricultural Land Plan review process:

- Objective 1 – Agriculture
- Objective 3 – Natural Resources
- Objective 5 – Conservation Easements
- Objective 6 – Outdoor Resources
- Objective 10 – Economic Development
- Objective 13 – Broadband Internet Access

Adopted this 4th day of February, 2022.

2. Mountain Land Plan

<u>Adoption Date of Current Version:</u> June 21, 2005	<u>Status of Five-Year Review Resolution:</u> Overdue
Corresponding Comprehensive Plan Objectives: <ul style="list-style-type: none"> • Objective 2 – Mountain Resources • Objective 3 – Natural Resources • Objective 5 – Conservation Easements • Objective 6 – Outdoor Resources • Objective 10 – Economic Development • Objective 13 – Broadband Internet Access 	

Summary:

The Mountain Land Plan was first adopted in 1994 to describe the mountain environment located east of the Shenandoah River, to identify character elements that are important to the County’s residents and stakeholders, and to outline a plan for future development patterns. The Plan was later revised in 2005 as most flat and easily accessible land in this area had been developed and parcels with more difficult access and terrain challenges were now being developed. The 2005 Plan contained numerous recommendations for the adoption of text amendments to various ordinances in an effort to address these development impacts. Recommendations addressed the following subject areas:

- Minimum lot size and required open space provision with subdivisions
- Subdivision design requirements including location of utilities, construction of private access easements, and location of propane tanks
- Allocation of dwelling unit rights in boundary line adjustment transactions
- Vegetative buffer and clearing limit requirements
- Clearing limits for agricultural uses

- Protection for slippage soils and strengthening of erosion and sediment control regulations
- Stronger regulation of forestry management activities

Since 2005, the Plan’s recommended text amendments have all been addressed and most have been incorporated into applicable ordinances. Therefore, the 2005 Plan can be considered fully implemented.

Current Component Plan Objectives:

The objectives listed in the 2005 Mountain Land Plan are as follows:

1. Protect the forest resources of the area
2. Protect surface water quality of the area
3. Protect availability and quality of groundwater in the area
4. Protect wildlife habitats and ecosystems (including natural heritage areas)
5. Protect the scenic values and scenic byways of the area
6. Protect cultural resources (such as the Appalachian National Trail / historic structures/sites)
7. Ensure safe public and private roads
8. Protect private property rights
9. Provide for well-sited development compatible with the first eight objectives

Recommendations for Next Revision:

The Mountain Land Plan is the only component plan that has not been recently reviewed and updated, primarily due to the fact that the Plan is considered to be fully implemented. An update of the Plan would be an extensive project and likely a complete rewrite to address current-day issues that are facing the mountain areas. Previous work on the Plan involved extensive meetings with residents and stakeholders and drew active participation and public comment. The next revision should take a similar community planning approach by soliciting comments on what issues are important to mountain residents and stakeholders, as well as whether the 2005 Plan’s objectives remain relevant and should be documented and/or updated. Any new goals, objectives, and policies/strategies developed for the revised Plan should be vetted collaboratively with the public on an informal basis before developing a final draft for formal public comment. Given the extensive nature of a revision project for this Plan, it is recommended that no other major projects be undertaken simultaneously with this revision project unless they are related to and can be used to inform the Plan’s revision.

Additionally, consideration should be given to revising the Mountain Land Plan together with the Agricultural Land Plan to develop a consolidated component plan for the County’s rural, unincorporated areas. As listed above, the Mountain Land Plan’s current objectives are also applicable to the non-mountainous rural areas west of the Shenandoah River. Combining these two plans can allow these issues to be evaluated on a County-wide scale while simultaneously addressing how the issues have unique impacts on areas of the County such as the mountain lands.

Should these two plans be combined, it is important to ensure that relevant detail in the current Mountain Land Plan is not lost in the development process and that input is obtained from mountain-land stakeholders to identify new issues, concerns, and viewpoints.

Village Plan

Corresponding Comprehensive Plan Objectives:

- Objective 1 – Agriculture (for Millwood and White Post)
- Objective 2 – Mountain Resources (for Pine Grove)
- Objective 8 – Village Plans – Millwood, Pine Grove, White Post
- Objective 9 – Designated Growth Areas for Development
- Objective 10 – Economic Development
- Objective 11 – Public Infrastructure, Capital Improvement Planning, and Fiscal Responsibility
- Objective 12 – Transportation
- Objective 13 – Broadband Internet Access

Summary:

The need to develop a component plan for the County’s unincorporated villages was first identified in the 2013 Comprehensive Plan. These villages include Millwood, Pine Grove, and White Post and are not designated by the County as growth areas despite the fact that they each possess a concentration of residential and commercial uses. Furthermore, White Post is served by public water and Millwood is served by public water and sewer which can be an enticement for potential future growth pressures. A Village Plan would include strategies to help address future land use requests and infrastructure needs while simultaneously ensuring that the character of each village is maintained and unintended, unplanned growth does not occur in the future.

Recommendations for Development:

Similar to the update of the Mountain Land Plan, the creation of a new Village Plan is likely to be a complex and time-consuming project. Development of the Plan should take a community planning approach by soliciting input from the residents and business owners for each village. This input should include defining how these stakeholders view the character of their village and its future growth and development. Planning “charrettes” or workshops could be used as a hands-on approach for stakeholders to work informally with Commissioners and staff and to visualize the process through mapping and prioritization exercises. Efforts should also be taken to be inclusive of the viewpoints of all stakeholders, and draft documents should be vetted with each community deliberately as the plan development process progresses.

Given the extensive nature of a project to develop this new Plan, it is recommended that no other major projects be undertaken simultaneously with this revision project unless they are related to and can be used to inform the Plan’s creation.

2016 AGRICULTURAL LAND PLAN

CHAPTER I -- PLAN GOALS, OBJECTIVES, AND STRATEGIES

This Chapter contains the Agricultural Land Plan's Goals, Objectives, and Strategies. The Goals Statement depicts the purpose and long-term expectations of the Plan in general terms. The Objectives describe the specific topics to be addressed in furtherance of the Goals Statement. Strategies are detailed action items to be followed to implement the Plan's Goals and Objectives.

A. Goals Statement

The Goals of the 2016 Agricultural Land Plan are as follows:

- 1. Actively support the practice of agriculture and the preservation of agricultural land.**
- 2. Promote agricultural industry and business.**
- 3. Establish land use and regulatory policies to support the agricultural sector and preserve agricultural land.**

Section B below lists the Objectives associated with each of the three Goals and the recommended implementation Strategies for each Objective.

B. Plan Objectives and Strategies

GOAL 1: Actively support the practice of agriculture and the preservation of agricultural land.

Objective 1. Support a vigorous agricultural development program as recommended by the County Comprehensive Plan and Economic Development Strategic Plan.

Strategy (a). Appoint a County advisory committee to serve as a forum for cooperative discussion of issues affecting the agricultural community and to provide recommendations to the Board of Supervisors on policy issues affecting agriculture. As an alternative, consider assigning this role to an existing County committee such as the Agricultural and Forestal District (AFD) Advisory Committee.

Strategy (b). Evaluate the creation of a formal agricultural development program that includes assignment of County staffing and financial resources. Consider establishing the program, at its onset, as part of the County's Economic Development Department work program with support from the Department of Planning.

Strategy (c). Partner with the Virginia Cooperative Extension, local Farm Bureau, and other pertinent agencies and organizations to conduct periodic surveys of the

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agricultural community to evaluate current and future needs that the County may help to address.

Strategy (d). Utilize the internet, websites, and social media to promote agriculture and Clarke County products.

Strategy (e). Develop a database of County agricultural operations and support businesses in order to effectively communicate programs and other opportunities to the community and interested stakeholders.

Objective 2. Continue to support and promote Land Use Taxation, Agricultural & Forestal District (AFD), and Conservation Easement programs.

Strategy (a). Develop outreach and social media tools to inform the public of the benefits of these programs and explain their value to the community as a whole.

Strategy (b). Continue to support efforts to place prime farmland and large agricultural parcels into permanent conservation easement including leveraging grants with local funds to purchase dwelling unit rights as a means of permanently preserving lands for agriculture.

Objective 3. Facilitate the availability of broadband internet for the agricultural industry, its business activities, and farm residents.

Strategy (a). Solicit feedback from the agricultural community on ways that they use broadband internet access to streamline and enhance day-to-day operations. Use the feedback in conjunction with efforts to expand broadband availability throughout the County.

Objective 4. Take a proactive role to ensure that the potential environmental impacts of agriculture are mitigated and that the interests of future development do not collide with the interests of the agricultural community.

Strategy (a). Continue to support programs that help mitigate adverse impacts on the County's streams and waterways, e.g., stream fencing and streambank restoration projects. Continue partnering with agencies such as the Lord Fairfax Soil & Water Conservation District and the Natural Resources Conservation Service, and pursue grant opportunities in support of these programs.

Strategy (b). Maintain existing and work to create new land development regulations that ensure the separation of agricultural uses from residential and commercial uses. Examples include perimeter buffering of agricultural parcels, setback distances from property lines, and subdivision plat notes regarding existing agricultural operations on AOC-zoned properties.

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Strategy (c). Allow intensive livestock facilities as required by State law, ensuring that site development regulations mitigate potential adverse environmental impacts on surrounding properties and waterways.

GOAL 2: Promote agricultural industry and business.

Objective 1. Encourage agricultural ventures of all sizes whether very large, mid-range, or small farms. Support non-traditional agricultural enterprises including but not limited to equine, specialty growers, local food/pick-your-own, farm-to-table, and agri-tourism.

Strategy (a). Ensure that marketing/outreach initiatives and County agricultural projects and programs consider the diverse needs and involve all facets of the agricultural industry equally.

Objective 2. Ensure that the County's economic development program includes projects that promote the County's agricultural industry.

Strategy (a). Develop partnerships and resources to link existing farmers and agricultural-related business owners with emerging farmers, agricultural entrepreneurs, landowners, and the general public.

Strategy (b). Participate in regional agricultural economic development programs and activities. Establish partnerships that are consistent with the County's agricultural goals and policies.

Objective 3. Encourage the development of businesses that provide products and services to support the agricultural community.

Strategy (a). Explore the feasibility of establishing or attracting agricultural support facilities for production and sales of agricultural products such as farm markets, co-ops, canneries, and farm equipment sales/service businesses.

GOAL 3: Establish land use and regulatory policies to support the agricultural sector and preserve agricultural land.

Objective 1. Ensure that the County's land use policies and regulations are consistent with the current and future needs of the agricultural community.

Strategy (a). Conduct periodic reviews of zoning regulations to balance the needs of the agricultural community with ensuring that potential impacts such as traffic safety, agricultural waste/runoff, and other environmental concerns are effectively addressed.

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Strategy (b). Consider developing regulations for landowners to create farmland of various sizes for purchase or lease. Establish design criteria to ensure that the regulations are not used to create large residential lots that are not farmed.

Strategy (c). Consider increasing housing opportunities for farm families and farm workers. Evaluate current zoning and subdivision regulations regarding dwelling unit right usage, lot size requirements, tenant houses, and accessory dwellings (less than 600 square feet).

Strategy (d). Support agricultural-related uses as a means of preserving the character and historic value of large homesteads and their associated lands.

Strategy (e). Ensure that future updates of the County Comprehensive Plan and relevant component plans are coordinated with the current goals, objectives and strategies of the Agricultural Land Plan.

Objective 2. Ensure that future residential and commercial development does not conflict with existing agricultural operations or consume prime farmland.

Strategy (a). Continue to support the sliding-scale zoning system and the County's approach to land use decision-making.

Strategy (b). Prevent the expansion of the Rural Residential (RR) zoning district beyond the boundaries of the County's unincorporated villages and existing residential communities. Prevent the expansion of commercial zoning districts beyond the boundaries of designated business intersections unless supported by the applicable business intersection area plan.

Strategy (c) Support efforts to permanently preserve lands that are located adjacent to the corporate boundaries of Berryville and Boyce that contain significant natural, historical or cultural resources; have unique scenic beauty; or possess prime farmland characteristics. Consider providing flexibility for these properties to be used as passive recreational parks, educational resources, scenic greenways, or similar uses as an amenity for nearby residents.

Objective 3. Ensure that non-traditional agricultural activities do not significantly expand beyond the scope of agriculture and the intent of the Right to Farm Act. Maintain dividing lines by designating special uses or prohibiting uses that exceed the scope of agriculture.

Strategy (a). Solicit input from the agricultural community on Zoning Ordinance text amendments that propose commercial or public assembly activities in conjunction with agricultural operations.

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Strategy (b). Continue to use the County's special event permitting process to allow periodic public assembly activities in agricultural areas as an alternative to permanent public event centers.

2005 MOUNTAIN LAND PLAN

II. IMPLEMENTING ACTIONS

Based on the physical character of the Mountain Land Area, the development trends and services, and the County Comprehensive Plan Policies, the following actions are recommended:

Land Use Issues

The current limitations on the number of dwelling unit rights on parcels effectively limits the number of houses that can be built, but additional standards should be established to preserve the character of the community and minimize disturbance to the natural character of the area to preserve property values while allowing compatible development.

The following recommended ordinance amendments would apply only in the Mountain Land Area.

1. Lot Size (Zoning Ordinance Amendment – FOC Zoning District)
Increase minimum lot size from 2 acres to 3 acres. This increase in minimum lot area also helps ensure that house sites, well and drainfield locations, and vegetative buffers could reasonably be accommodated on new parcels.
2. Required Open Space (Zoning Ordinance Amendment – FOC Zoning District)
In order to ensure quality development, preservation of open space, and compliance with the Comprehensive Plan, a defined percentage of the total area of the subdivisions of 40 acres or more should be left in one parcel with only one dwelling unit right or only an existing house. This limits the sprawling of lots in a subdivision, the length of the road accessing the proposed lots, and the impact of development on the environment.

The following suggested ordinance text amendments were developed as a part of the Mountain Land study as being advisable for applicability in the Mountain Land Area, but also are deemed to be advisable for all areas of the County and are recommended for county-wide applicability:

1. Administrative Review of 100 acre lot subdivisions (Subdivision Ordinance Amendment)
Currently subdivisions involving parcels of 100 acres or more are exempt from review. This amendment would provide for review of such subdivisions by the Zoning Administrator to ensure that the parcel size, parcel location, and access easements comply with County ordinances.
2. Boundary Line Adjustments (Zoning and Subdivision Ordinance Amendment)
To not unduly shift the density of rural dwellings, reallocation of dwelling unit rights should be limited in a boundary line adjustment to comply with the allocation of dwelling unit rights in section 3-D-2 of the Zoning Ordinance; dwelling unit right allocations should be limited to one per boundary line adjustment.
3. Environmental Impact Statement (Subdivision Ordinance Amendment)
Current Environmental Impact Statement requirements inadequately identify environmental impacts associated with development. Recently issues relating to Appalachian Trail access, endangered species habitat, and sensitive soils have not been satisfactorily addressed in statements provided by applicants. Revised EIS requirements would require applicants to obtain written comments from state and federal agencies to identify current conditions and what steps would be taken to minimize potential impacts on natural and historic resources.
4. Utilities (Subdivision Ordinance Amendment)
Transmission utility lines should be required to be placed underground and within private access/utility easements.
5. Disclaimer Notices (Subdivision Ordinance Amendment)
Additional notices should be included in Consumer Disclosure Statements requirements and should be shown on Subdivision Plats. The first notice advises land purchasers that adequate response for emergency services will not be immediate and may be difficult to accomplish under the weather conditions that are known to occur in this region. The second notice advises land purchasers that commercial forestry is a

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permitted and common activity in this area of the County and adjacent residential property owners need to be aware that while such activity can be considered unpleasant to some, it is an inherent part of living in a rural mountainous area.

6. Propane Tanks (Zoning Ordinance Amendment – County-wide)

In order to protect the health and safety of County residents through the promotion of fire safety and pursuant to Clarke County policies and ordinances providing for clustering of single-family homes, propane tanks 500 gallons or larger shall be placed underground.

Road Issues

The adequacy and safety of public and private roads are concerns shared by all property owners and residents of the Mountain Land Area. Funding for public improvement of roads comes through the Virginia Department of Transportation. Through an annual planning process, VDOT and the Clarke County Board of Supervisors jointly decide on the allocation of these funds. By this process, VDOT and the Board of Supervisors address safety problems, as identified by area residents. Public road issues must be addressed through this annual planning process. However, the basic thrust of the Mountain Land Plan is preservation of the area's character; therefore, Rural Rustic Road Standards (that minimize impacts on the environment) should be used wherever possible for necessary safety improvements. Current subdivision regulations require the Planning Commission to determine whether existing roads are adequate to accommodate new development.

It is well within the purview of this Plan to call for access easement standards for private roads that minimize the impact of these private roads on the land while providing safe access, particularly for emergency services. It was concluded there were too many variations between parcels to establish a specific standard for a maximum length for private-road access easements. It was also concluded that a maximum private access easement length could result in long individual driveways, which are usually built to a lower standard than access easements. However, changes to easement design standards are recommended to improve emergency access while minimizing environmental impacts. In addition, application of travel way standards to new driveways (longer than 150 feet) is also recommended, again for safety reasons.

The following suggested ordinance text amendments were developed as a part of the Mountain Land study as being advisable for applicability in the Mountain Land Area, but also are deemed to be advisable for all areas of the County and are recommended for county-wide applicability:

Private road access standards (Subdivision Ordinance Amendment – County-wide)

1. Private driveways longer than 150 feet (in parcels created after the adoption of the text amendment) shall comply with all Private Access Easement travel way standards.
2. Current minimum 30-ft easement width is to be retained, but a maximum easement width of 40 ft is added (with 50 ft allowed for short distances to meet site-specific conditions) to reduce the amount of tree clearing
3. Current minimum 14-ft travel way shall be retained, but a maximum 18-ft travel way is recommended to limit road impacts.
4. No obstruction (such as posts, pillars, walls, or fences) should be erected within 10 feet of the centerline of a travel way or within a public right of way.
5. All easements should have pull-off areas every 900 ft (fire hoses range from 1,000 to 1,500 ft in length; a 900 ft requirement will allow for some degree of flexibility or for most appropriate location).
6. A turn around area (either circular or 'T' shaped) is recommended at the end of a travel way.
7. Travel ways, pull-off areas, and cul-de-sacs are to be constructed to VDOT gravel-road standards.
8. Current road standards set 8% as the maximum grade with up to 16% allowed for short distances. The maximum grade for short distances is to be reduced to 12% to better accommodate large fire trucks.
9. Roads should not be constructed on slopes of 25% or greater where there is a slope width of more than 100 ft (to limit adverse effects on steep slopes subject to erosion).

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10. Travel-way side slope is to be reduced from a 4:1 (horizontal: vertical) slope to a 3:1 slope (to provide for drainage while lessening the area needed for clearing and grading). The Planning Commission may approve a slope of 2:1 if there are unique site-specific circumstances.
11. Before a building permit is issued for a residence, the grading and base should be completed for that portion of a private road accessing such a residence. This is recommended to ensure emergency access for a structure under construction. Before a certificate of occupancy is issued for a residence, all construction is to be completed for that portion of a private road accessing such a residence. This is recommended to ensure access to an occupied structure.
12. Private Road length should be minimized (particularly in areas of steep slopes) so as not to make emergency access more difficult and to limit the impact of road construction on the environment.

Environmental Issues

The main priorities of this Plan include protecting the forest and associated natural resources, maintaining the forested character of the mountain, and reducing the impact of forestry activities on residential properties. Therefore, the following limitations should be established on forestry activities, on clearing for residential purposes, and on requirements for vegetative buffers on residential parcels.

The following recommended ordinance amendments would apply only in the Mountain Land Area.

1. Vegetative Buffers and Clearing Limits (Zoning Ord. Amendment - FOC Zoning District) - for purposes other than forestry (timber harvesting)

Maximum area allowed for clearing (for each house [dwelling unit right] constructed after the Plan is adopted, accessory buildings, and drain field, not including driveways):

Slopes less than 7%	No Limit
Slopes of 7 up to 15% under 800 feet elevation	No Limit
Slopes of 7 up to 15% over 800 feet elevation	2 acre limit
Slopes of 15 up to 25%	1 acre limit (may be increased to 1.5 acres with engineered erosion and sediment control plan)
Slopes of 25% and greater, slippage soils	No clearing
Slope to be calculated within proposed cleared area.	

By previous action, parcels of less than 20 acres recorded after 2 February 2003 must retain their existing woody vegetation within 25 feet of all property lines. Any parcels of four acres or more, created after the date of adoption of this Plan and associated ordinance amendments, must retain existing woody vegetation as follows:

- within 25 feet of all property lines,
- within 50 feet of the edge of public rights of way or 25 feet of private access easements,
- on slopes of 25% or more, and
- on slippage soils.

To allow a limited area to be cleared for views and other esthetic purposes, clearing within 200 feet of the cleared areas described above is permitted as follows:

- no clear-cut openings,
- selective thinning of trees of 2 inches or more in diameter (measured 4.5 feet above ground), is randomly spaced, with removal of not more than 50 % of the crown cover, within any 10 year period,
- pruning of branches is limited to the bottom 1/3 of the tree, and
- such additional clearing associated with new houses shall be done before issuance of final certificate of occupancy.

If clearing limitations are exceeded, revegetation would be required as recommended by a forestry consultant.

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2. Clearing for agricultural uses (Zoning Ordinance Amendment – FOC Zoning District)
Inappropriate clearing for pastureland or other agricultural activities has occurred in the Mountain Land Area on steep slopes and erodible soils. Before any such clearing is done, a Conservation Farm Management Plan, approved by either the regional Soil and Water Conservation District or the federal Natural Resources Conservation Service, is to be submitted to the County Zoning Administrator.
3. Slippage Soils (Zoning Ordinance Amendment – FOC Zoning District)
Slippage soils are those soils that could shift dramatically during heavy rains, causing mudslides. Areas of such slippage soils include those soils identified as type 54C in the Clarke County Soil Survey and encompass approximately 2,700 acres on the mountain. Clearing is prohibited on these soils.

The following suggested ordinance text amendments were developed as a part of the Mountain Land study as being advisable for applicability in the Mountain Land Area, but also are deemed to be advisable for all areas of the County and are recommended for county-wide applicability:

1. Erosion and Sediment Control (County Code Amendment – County-wide)
 - Pond construction for ponds larger than 10,000 square feet is allowed only with an Erosion and Sediment Control Plan approved by the Soil and Water Conservation District and the County. Because of the right-to-farm laws, this requirement may be waived if the property has an approved Conservation Farm Management Plan and is receiving use-value taxation for agriculture.
 - The applicant for new homes shall complete an Erosion and Sediment Control Sketch Plan in addition to the land disturbance permit that is currently required. This sketch would detail the proposed land disturbance and proposed erosion control practices without being as formal as a full Erosion and Sediment Control Plan.
2. Forestry (Zoning Ordinance Amendment – County-wide)
 - The cutting or logging of any trees for profit is allowed only with a Pre-Harvest Plan, which includes Virginia Department of Forestry Best Management Practices, that is reviewed by the County Zoning Administrator and a consulting forester for compliance with County ordinances.
 - No subdivision application should be accepted for 3 years before or after a timber harvest operation.
 - No timber harvest operations beyond the allowable clearing, as outlined below, shall be allowed within 3 years of a subdivision.
 - Selective timber harvest shall be allowed within vegetative buffers, as described below.
 - Clearcuts for forest regeneration and wildlife habitat should be laid out with an undulating perimeter instead of squares or rectangles. This is to increase the “edge” effect between adjacent forested areas so vital to wildlife, and to help them blend into the surrounding forest.
 - Best Management Practices for clearing within buffer areas shall be implemented so as to limit the amount of disturbance within the buffer.

Specific ordinance text amendments to the County Zoning Ordinance, County Subdivision Ordinance, and County Code can be found in Appendix 1.