



# Clarke County Planning Commission

AGENDA – Comprehensive Plan Committee Meeting

Tuesday, October 31, 2023 – 1:30PM

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

1. **Approval of Agenda**
2. **Approval of Minutes – October 6, 2023 Meeting**
3. **Old Business**
  - A. Continued Discussion, Rural Lands Plan Development – Millwood Village
4. **New Business**
  - A. Schedule Next Meetings
5. **Adjourn**



# Clarke County Planning Commission

**DRAFT MINUTES – Comprehensive Plan Committee Meeting**

**Friday, October 6, 2023 – 9:30AM or immediately following Planning Commission Business Meeting**

**Berryville/Clarke County Government Center – Main Meeting Room**

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

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

**CALL TO ORDER:** By Mr. Stidham at 10:09AM.

## 1. Approval of Agenda

Members approved the agenda by consensus as presented by Staff.

## 2. Approval of Minutes – August 31, 2023 Meeting

Members voted unanimously to approve the August 31, 2023 meeting minutes as presented by Staff.

<b>Motion to approve the August 31, 2023 meeting minutes as presented by Staff:</b>			
Buckley	<b>AYE</b>	Staelin	<b>AYE (moved)</b>
Glover	<b>ABSENT</b>	Catlett	<b>AYE (seconded)</b>

## 3. Old Business – Continued Discussion, Rural Lands Plan Development

Mr. Stidham reviewed the Staff memo for this discussion item. He noted that he has incorporated all of the comments from the last meeting into the Rural Lands Plan Concept outline and will continue to update the document to include additions and edits as the Committee works through this process.

On the topic of conservation easements near villages, Chair Ohrstrom said that he did not think the Virginia Outdoors Foundation (VOF) would take easements in areas designated for growth in a county’s comprehensive plan. Mr. Stidham noted that VOF has contacted Staff in the past to determine how we had a particular property described in our Comprehensive Plan.

Commissioner Staelin said that the concern is if properties around a town are placed into easement, then that would lock the town into their current boundaries. He added that Berryville is a good example with Clermont Farm being placed into easement by the State. He also noted that with Route 7 as a boundary to the north, placing properties to the south of Berryville in easement would lock in their boundaries and prevent future expansion. Commissioner Catlett asked if there are any unique parcels that you would consider placing into easement such as properties that reflect the County’s agricultural heritage as described in the Comprehensive Plan. Commissioner Staelin replied maybe some historic properties but he can see the dilemma.

Commissioner Catlett said that the fairgrounds could fit this description and might be nice to retain as open space. Chair Ohrstrom said that he did not think it would qualify for a conservation easement because of its current commercial usage. Vice-Chair Buckley added that this is the Clarke County Easement Authority's take on that property as they questioned the conservation value. Commissioner Staelin asked if you can take an easement on a property with a commercial use or would there be tax issues. Chair Ohrstrom said that most easements prohibit commercial uses but he did not know whether this is prohibited by law. He added that commercial uses can sometimes be allowed if contained within a structure like a barn. Commissioner Staelin said that properties with solar power plants cannot go into easement and that allowing them in rural areas could result in landowners choosing to develop solar power plants instead of putting their land in easement.

Commissioner Glover referenced the Carter Hall special use permit case and asked whether the property would have been ineligible to be placed in easement with a commercial use. Chair Ohrstrom replied that it would be difficult and Vice-Chair Buckley noted that a portion of a property with conservation value can be placed in easement. Chair Ohrstrom added that if Carter Hall were allowed to be rezoned and connected to public sewer, it could be developed with greater density than currently permitted. He said if the property could be served with public sewer without rezoning, then that could be a way to allow a restaurant to be developed there. Commissioner Staelin said that the sewer service area could be extended to the property without rezoning it.

Mr. Stidham said that the Rural Lands Plan is the perfect instrument to come up with policies to address these questions. He directed the members to page 13 of 41 in the Concept outline, "Residential uses and subdivisions in the rural areas," and noted he thought of adding a fourth item that would be "Access to public water/public sewer in rural areas outside of service districts." He noted that this could include policies to allow utility extension to areas where wells have become contaminated or where there are mass failures of septic systems serving small lots. He said this item could be expanded to include all uses including commercial uses.

Chair Ohrstrom asked if this would allow any property owner to request to be served by public utilities if located adjacent to a service area. Mr. Stidham said that the precedent that could be set with this approach definitely needs to be considered if these policies are established. Commissioner Staelin said that there are no current rules or criteria to evaluate requests to connect to public water or public sewer. Mr. Stidham replied that currently the Board of Supervisors would have to consider each request on a case-by-case basis. Commissioner Staelin asked if this is the best approach or would it be better to develop criteria. Chair Ohrstrom asked if you allowed Carter Hall to be in the sewer service district, would they be able to remain zoned Agricultural-Open Space-Conservation (AOC)? Commissioner Staelin replied that there are AOC-zoned properties in the sewer service district and Powhatan School is one example. He added that you could change the Zoning Ordinance to allow a commercial use to be approved in the AOC District only if it has public water and public sewer. Commissioner Catlett noted that restaurants can sometimes struggle and it could be a greater struggle to develop a restaurant at Carter Hall in addition to managing the 80 acre property. Chair Ohrstrom said you could generate more money if the restaurant is developed with a country inn like the Inn at Little Washington. Commissioner Staelin said that a concern is that you could have restaurants

developed in other AOC areas where public sewer is accessible. Mr. Stidham noted that the Millwood sewer system was constructed to be self-limiting because it was intended to correct substandard septic systems and straight pipes. Commissioner Catlett added that there are still places to build houses in Millwood. Mr. Stidham noted to Commissioner Staelin's point, if you do not have a policy on service district expansion then you can tell people they cannot connect. He added that if you allow people to connect without clear policies, you may set a precedent that could prevent you from turning down future requests to connect. Mr. Stidham said he will eventually draft language that the Committee can vet and decide whether or not to include in the draft plan.

Mr. Stidham noted that he included materials on sanitary districts included current State law and a helpful brochure from Warren County. He briefly explained how a sanitary district was created and then abolished in Shenandoah Farms along with how State law was changed as a result of this experience. He added that Warren and Frederick Counties have invested heavily in sanitary districts because they have numerous subdivisions similar to Shenandoah Retreat with small lots on well and septic systems served by private roads.

Mr. Stidham asked if members had any comments on the modifications to the Concept outline or any new issues to add to the list. Members did not have any new issues at this time. Mr. Stidham said that we are still looking for new mountain area issues. Chair Ohrstrom said that the Mountain Land Plan effort was well attended by the public, adding that most of the issues identified at that time have been addressed and implemented and he did not know of any new issues. Mr. Stidham said one new issue to address is the competing interests of tree preservation versus allowing for scenic views. He also noted that the current Mountain Land Plan policies will likely be reiterated in the new Rural Lands Plan. Commissioner Staelin asked if there is a section to encourage conservation easements in mountain areas. Mr. Stidham replied that language can be added to emphasize the mountain as a priority area for easements.

Mr. Stidham directed members to the village maps on page 14 of 41. He said the exercise for today is to discuss how to portray the boundaries for each village and noted that we may consider different maps for different issues e.g., land use and zoning, water and sewer, transportation. He reviewed two maps for Millwood – one depicting current zoning and the other map depicting the water line and sewer service area over aerial photos. He said the map for Pine Grove shows current zoning but the second map is only the aerial view as there is no public water or public sewer in Pine Grove. Regarding the Millwood zoning map, Commissioner Staelin noted that there are lots along Millwood Road to the east and along Sycamore Lane to the south that are zoned AOC. He said those residents would consider themselves part of the Millwood village. Mr. Stidham noted that residents along Bishop Meade Road to Route 50 might consider themselves part of Millwood as well. Chair Ohrstrom asked if the village boundary should be based on where residents believe that they live. Commissioner Staelin replied no but that the boundary depends on the topic being discussed.

Mr. Stidham said that any time you create a plan area, this area is where you want to establish specific policies for those areas. He added that this is a reason not to cast a wide net as there may be areas outside of the village that should not be subject to the village policies. Vice-Chair Buckley said it is interesting that the Red Schoolhouse in Millwood is zoned AOC. Mr. Stidham

replied that this is because you cannot have commercial uses in the Rural Residential (RR) District. Commissioner Staelin said that years ago commercial uses around the County that were zoned AOC or FOC were offered the chance to be rezoned to commercial. Mr. Stidham said that the Red Schoolhouse may have declined that offer.

Mr. Stidham suggested one issue for discussion could be whether the RR-zoned properties in Millwood could ever be rezoned to Neighborhood Commercial (CN). Chair Ohrstrom asked if property owners can do that now and Mr. Stidham replied no because there is no policy to allow such a rezoning. Mr. Stidham said another approach could be to contemplate a new zoning district for villages that would allow commercial uses at a village scale. Commissioner Catlett asked if you are talking about Millwood, where would they park. Vice-Chair Buckley said that any parcel considered for commercial uses would have to be able to accommodate off-street parking. Mr. Stidham said that village-scale commercial would be just above the intensity of a home occupation such as a professional office. Vice-Chair Buckley said that in White Post, some light business uses might be a benefit to that village.

Mr. Stidham noted that Betsy Arnett with the Historic Preservation Commission (HPC) has mentioned over the years the concept of “conservation zoning districts” that are used in Leesburg and have specific design standards and historic preservation regulations. He added that these concepts could be incorporated into a future village zoning district. He said this could be captured in the Rural Lands Plan as a policy to consider zoning districts that would allow for unique opportunities in each village. Chair Ohrstrom asked if a future landowner could force the County to create such a zoning district and allow them to rezone to it if this were in the Rural Lands Plan. Mr. Stidham said not if you word it as “exploring the possibility” of creating the zoning district. He added that if the zoning district is created, then the plan would need to have guidance to say when it is appropriate to rezone to that district.

Vice-Chair Buckley said that a problem in White Post is that there is a small number of former commercial buildings that have no use available today. He added that there is a desire to preserve these buildings but if there are no allowable uses, then there is no impetus to preserve them. He noted that the gas station building that was renovated is a good example and also noted that there are parking challenges. Members then briefly discussed the past business uses that were located in White Post. Mr. Stidham stated that the visioning sessions with the public will help with this discussion, such as determining whether small coffee shops or professional offices would be appropriate. Chair Ohrstrom said that you may not want to allow some uses in White Post because of the lack of public sewer. Mr. Stidham said a doctor’s office or dentist office may not be appropriate without public sewer but a real estate or attorney’s office could work.

Mr. Stidham reviewed the current zoning map for White Post and noted that RR and CN zoning extend out to the railroad crossing. He asked the members if they would consider the village also extending out that far as well as out to Carters Line Road or on the west side of US 340. He noted that the CN-zoned properties were previously zoned light industrial and most uses requested for those properties could not be approved under CN zoning.

Chair Ohrstrom asked Staff to explain the text amendment request received from a property owner in White Post to allow minor commercial public assembly as a special use in the CN

District. Mr. Camp provided a brief overview and noted that it would be on the October 31 Commission Work Session agenda for discussion. Mr. Stidham noted that these requests come up very rarely but guidance for the villages in the Rural Lands Plan would help the decision-making process.

Mr. Stidham moved on to the subject of Pine Grove and asked Commissioner Glover about his previous comments that the village area extends the length of Pine Grove Road. Commissioner Glover said that he envisions the entire road including the agricultural properties and the small adjacent streets being in the village. Commissioner Staelin asked what the focus would be for a Pine Grove village plan. Commissioner Glover asked why the area was never zoned RR. Mr. Stidham replied that he did not know and Chair Ohrstrom speculated that it may have never been dealt with. Commissioner Glover said that Millwood and White Post have a lot more visibility. Commissioner Staelin asked if Pine Grove has a village association and Commissioner Glover said not really. Commissioner Glover added that if a village plan was proposed, it could raise some red flags with property owners and residents.

Commissioner Staelin noted that we do not have village plans for other named areas such as Frogtown and asked whether one is needed for Pine Grove. Commissioner Glover said he is not sure that one is needed. Mr. Camp said that he does not know what rezoning the small lots to RR would accomplish. Mr. Stidham noted that most of the small lots appear to be at least an acre in size which may have been the minimum lot size in the Forestal-Open Space-Conservation (FOC) District years ago. Vice-Chair Buckley speculated that if you asked the Pine Grove residents whether they wanted a village plan, they would probably say leave us alone. Chair Ohrstrom agreed and also said there would likely be an outcry if RR zoning was proposed. Mr. Stidham said that we will have a general statement for the rural areas that properties with zoning other than AOC or FOC are nonconforming and we do not want to encourage expansion of these other zoning districts. He added as an example that even though there are two CN-zoned properties in Pine Grove, this does not mean we would allow other properties to be rezoned to CN. He also said that if we want to consider allowing nearby properties to be rezoned, then the Rural Lands Plan needs to have policies to guide whether or not to approve such rezonings. Commissioner Staelin said that the rezoning was done for existing businesses to make them conforming uses.

Mr. Stidham asked members if there is a consensus to drop consideration of Pine Grove as a village for the purposes of the Rural Lands Plan development. Commissioner Glover said that he is fine with this and asked about the village plan development in general. Mr. Stidham said that the village plan concept was first introduced in the 2013 Comprehensive Plan update with guidance recommending that a village plan be developed as a new component plan. Commissioner asked if Pine Grove is only referenced in the context of the village plan development and Mr. Stidham said yes. Mr. Stidham added that you can justify this because Millwood and White Post are more complex and have public utilities. Commissioner Glover noted that Pine Grove also has some of the same potential septic system issues as Shenandoah Retreat. Mr. Camp said there are other areas in the county that you could put in the same classification. Commissioner Catlett asked if there is a common voice for Pine Grove. Commissioner Glover replied that there is no community association however there is the Horseshoe Curve Benevolent Association. Mr. Stidham said that Pine Grove is similar to the Clarke County portion of Shenandoah Farms in that it is a grouping of smaller properties around

stores and community buildings. Commissioner Glover noted that Pine Grove historically developed around the location of Old Route 7.

Mr. Stidham said we can have a section referencing “Other Unincorporated Areas” that would include Pine Grove with a policy that existing zoning is to remain. Commissioner Glover said that he did not think that Pine Grove needs a village plan and if you did one for it, then you should have village plans for other areas like Shenandoah Retreat and River Park.

Commissioner Catlett said that if Pine Grove citizens have future concerns, they have avenues to address those concerns with the Commission and Board. Commissioner Glover also noted the Blue Ridge Mountain Civic Association and Shenandoah Retreat Association are two groups that look after Pine Grove interests. Mr. Stidham said that the resultant plan should have guidance to address most issues that can arise in the rural areas.

Mr. Stidham said that for the next meeting he plans to create parameters for Millwood and White Post based on the Committee’s discussion including more detailed maps with potential study areas. He said the next meeting is scheduled for October 31 at 1:30PM before the Commission Work Session.

Mr. Camp noted that one other designated area in Millwood is the Commercial Historic District. Commissioner Glover said the Water Resources Plan describes the groundwater contamination issues that occurred in Pine Grove.

**4. New Business – none scheduled**

**ADJOURN:** Meeting was adjourned by consensus at 11:14AM.

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Brandon Stidham, Clerk



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**TO:** Planning Commission Comprehensive Plan Committee members

**FROM:** Brandon Stidham, Planning Director

**RE:** Continued Discussion, Rural Lands Plan Development – Millwood Village

**DATE:** October 23, 2023

The October 31 Committee meeting will be focused on Millwood issues. The following documents are enclosed for your review:

- **“The Future of Millwood Study Committee” (12/1/2004).** This document is the final report of a citizens committee that evaluated Millwood in 2004. A copy of this report was brought to Staff’s attention a few years ago when development of a village component plan was first mentioned. Despite the fact that this report is nearly 20 years old, it reflects many current-day concerns of village residents and property owners.
- **Draft Millwood maps.** Two maps are enclosed for the Committee’s review. The first map is one potential approach to identify a “plan area” for Millwood. This map is discussed in greater detail below. The second map is a depiction of the village’s Neighborhood Commercial district (CN) boundaries and how it relates to (1) the County’s Historic Overlay zoning district (H) and (2) the Millwood Commercial Historic District (National Register of Historic Places and Virginia Landmarks Register). Staff developed this map to show in context how different the boundaries are for the depiction of the village’s commercial area. This may spark discussion over potential policies to address expansion of commercial uses in the district as well as accessory uses such as parking.
- **Millwood Village Goals and Strategies.** This rough draft of possible goals and strategies was developed to help frame and focus the Committee’s Millwood discussion. It is discussed in detail later in this memo.

### Identifying the Millwood Village Plan Area

As discussed at the October 6 meeting, identifying plan areas for Millwood and White Post will be challenging as the villages have no formal boundary lines and creating ones for a plan area can vary depending on the topic of impact being discussed. As a rule of thumb, plan area boundaries should be general in nature and not tied to specific lots unless the area plan specifically defines those boundaries. An example of this is the Berryville Area Plan’s use of the defined Annexation Area B as the plan area boundary. Plan areas are often depicted within



circles, ovals, or other generic shapes around a target area. Policies apply generally to the properties within and can also apply to properties partially within or adjacent to the plan area.

Included for your review is one potential approach to defining the plan area. In the enclosed map, Staff plotted the location of the four Millwood welcome signs that are located on Bishop Meade Road north and south of the village and on Millwood Road east and west of the village. These signs were installed several years ago by village residents and are one metric that could be used to quantify how residents view Millwood's boundaries. Staff used these four locations as corner points to create a polygon to represent a possible plan area. Of note:

- All properties zoned Rural Residential (RR) and Neighborhood Commercial (CN) are located entirely or partially within this plan area. This includes all properties zoned RR and CN on the south side of Spout Run.
- The signs to the north (Bishop Meade Road) and west (Millwood Road) are placed at well-defined transition locations. This includes the end of the Powhatan School property at the first RR-zoned lot on Millwood Road and at the first RR-zoned lot on Bishop Meade Road.
- The other two signs are more arbitrary. The southern sign on Bishop Meade Road is located approximately 1500 feet south of the Millwood Road intersection and was likely chosen because it is on a straightaway. The eastern sign on Millwood Road is located at the beginning of the curve east of the Lower Mill.
- AOC-zoned properties of note in the plan area include:
  - Carter Hall (partial)
  - Mt. Airy Farm (partial)
  - Apple Hill (right-of-way only)
  - Lower Mill

You will note that most of the AOC-zoned properties and a few RR-zoned properties are only partially located within this plan area. The Area Plan's guidance can be drafted to apply to these properties to the extent that uses and activities on those properties may impact the village. Using Carter Hall as an example, the plan area bisects the office building and includes a significant portion of the property but not the main house and other outbuildings. Since development anywhere on the property would likely impact the village, the Area Plan's guidance should address that property as a whole and not just the portion within the plan area.

One of the advantages of this area plan map is that it incorporates most if not all of the properties that residents may view as being part of the village without including many properties that would be viewed as outside of the village. Staff attempted to create plan areas using circles or ovals but these approaches captured properties located well outside of the village, resulting in maps that could be perceived as arbitrary. Since this map is based on the welcome sign locations chosen by the residents, it is less arbitrary and more likely to be an accepted and useful tool when presented at the public input meetings.

Staff is looking for feedback on this approach and welcomes critical comments and suggestions on other approaches that we may develop.

### **Millwood Village Goals and Strategies**

As noted above, Staff developed this first draft of Goals and Strategies with the objective to create new and more specific guidance for Millwood that is not already stated in the Comprehensive Plan. Staff attempted to identify as many issues as possible to reflect in the strategies and they are organized under three general Goals:

1. Preserve the form and scale of buildings and encourage compatible uses.
2. Protect the village's natural and historic resources.
3. Ensure the safe movement of vehicles and pedestrians through the village.

Comments and questions for each strategy are included to facilitate the Committee's discussion. The objective is to ensure that all possible issues are identified and addressed in the final document so Staff encourages members to offer additional suggestions and modifications.

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

## The Future of Millwood Study Committee

December 1, 2004

The development of the sewer service in Millwood created a healthier environment for the entire community and helped to give several families a lifestyle that is in keeping with the 21<sup>st</sup> Century. Even though the development of the sewer service produced greater financial burdens on some of the families who live in the sewer service area, most agreed that having this service was a good thing and signed on. There was also the awareness and understanding that this development had the potential to change much about Millwood. Now, Millwood would be an attractive place for a developer to build houses and the concern was and is that this would change the character of Millwood too dramatically and the residents wanted to prevent this from happening. To this end, a committee was formed and included members of the two principle groups in Millwood, the Good Will Association and the Millwood Community Association.

The committee was charged with the task of naming the problems, studying the various options and recommending a course of action to be adopted by the entire community. The major goal of the committee was to find ways to protect and maintain the character of Millwood and at the same time improve its appearance and livability. The committee has been meeting since February 2004.

From the discussions at the first committee meeting a set of concerns was created and was to serve as the focus of the committee. The 10 major concerns were:

- Older houses not being maintained.
- Sewer will bring in developers, more people.
- Gentrification-wealthier people buy up houses, tear down old ones and build big ones.
- Higher taxes will drive out long-term residents many of which are retirees.
- Traffic problems, parking problems and unsightly dumpster, Locke's Store.
- Potential for light pollution-Project Hope.
- Historic designation is not wanted because it will prohibit current residents from doing what they want with their houses.
- Safety for walkers and bikers-traffic calming.
- What will expansion of sewer/water capability do for surrounding area? Growth and traffic.
- Overall-keep what is good about Millwood and avoid the mistakes almost every other small town makes.
- Higher property values are going to occur because of regional economic forces.

The committee agreed that the best way to present the issues was to look at doing nothing and letting things happen as they will, or attempting to take control of the way things happen.

Individual who have attended meetings have included: The Current Core Committee: Jean Lee, Chair, Elizabeth Banks, Snow Fielding, Laurence Sausa, Doris Green, Ed Keenan. Others who have attended: Michael Banks, Erika Shriner, Jim Clark (facilitated 2 meetings), Chuck Johnston, County Planner, Kathy Smart, George Ohrstrom, Patrick Chier, Roger Chavez, Robert Holmes, Rhonda Turman, Steven Priputen.

The first few meeting of the Core Committee focused on the issues of traffic safety and parking in the commercial area, as well as through out Millwood. Jeff Lineberry from Virginia Department of Transportation attended two meetings to advise and inform of possibilities. The committee decided after listening to the possibilities to try the following things in an effort to control speeding and parking issues that also contribute to safety issues for motorists and pedestrians.

- Three crosswalks will be placed at the major crossing areas (with a sign pointing to each crosswalk). The rationale is to alert motorists that they are in a pedestrian area and to slow down.
- Eliminate the last parking area in front of The Peddler, because vehicles parking there obstruct the view of proceeding up the hill.
- Purchase and install, at our expense, 3 “Welcome to Millwood” signs that will also request that people observe the speed limit when traveling through the village of Millwood.
- Restricting large semi-truck traffic through Millwood is also being considered.

The following other questions were considered by the committee.

### **How large should the new lots be in the Sewer Service Area?**

Current facts about the Sewer Service Area (SSA)

1. Current zoning is “Rural Residential” which has a minimum lot size of 1 acre.
2. The current average lot size in the Sewer Service Area is ½ acre.
3. There are 52 existing houses in the Sewer Service Area, plus churches and businesses.
4. There are an additional 20 existing lots that are vacant (or have uninhabited structures) on which new houses could be built.
5. Under the current zoning (1 acre lots) there could be a maximum of 5 new lots created through property owners subdividing their property.
6. All together, under existing zoning, there could be 25 additional houses built in Millwood, (20 on the existing lots that are vacant or uninhabited, plus the potential 5 new lots).
7. In the Sewer Service Area, under existing zoning, there is the potential to have a total of 77 houses (52 existing houses + 20 vacant lots + 5 new lots).
8. Fifty two (52) homes entered into the Sewer Service Area, three replacement homes are being built.
9. Monthly expenses went up for each of these homeowners.

### **Consideration of lot sizes and why this is an important issue**

One of the first issues the committee dealt with was what size should any new lots be in Millwood. The size of the lots can determine the size of the house to be built on the lot, thereby increasing the likelihood of bigger houses being built, which the committee believes to be out of character with the rest of the houses. Additionally, keeping the current zoning means that only 5 additional lots could be created in the Sewer Service Area.

Much discussion centered on the option of reducing the new lot sizes to ½ acre, and the justification for making this recommendation is:

1. New lots would be consistent with already existing lots and therefore would maintain the community character.
2. Would reduce the possibility of big oversized houses being built in the Sewer Service Area.

Changing the zoning to allow for ½ acre lots would increase the number of new lots that could be built on to 12 new lots (7 more than existing zoning). This would mean that a total of 84 potential houses could exist in the SSA (52 existing houses + 20 vacant lots + 12 new lots).

**Conclusion and Recommendation:** To seek a zoning change for the Sewer Service Area to allow for ½ acre new lots because the committee believes it meets the goal of preserving the current character of the Millwood and the specific area of the Sewer Service Area. **See the attached document (Possible Zoning Ordinance Text Amendment-Rural Residential District)**

### **How to keep houses affordable in the Sewer Service Area (SSA)?**

One of the main concerns voiced by all committee members was the issue of maintaining and sustaining affordable housing and at the same time maintaining the general character of the community in the Sewer Service Area. The committee looked at several different ways of achieving this goal and in doing research on this issue found that:

1. Other communities require a percentage of new development to be affordable and usually provide density bonuses. Density bonuses are not consistent with county land use policy.
2. Other communities usually allow a cash contribution to an affordable housing fund in lieu of a percentage of development

The committee has considered the following options:

1. Require an affordable housing fee to be paid at the sale of all new houses in the SSA to be used to maintain or provide housing in the SSA for low-income families. Option one will allow for a fund to be created that could be used to fix up existing houses or the county could use the money to purchase houses in order to keep them affordable by supplementing with grants or gifts. This "trust fund" is to support the creation or preservation of housing that is affordable to people for low-income families. The fund will be focused on activities that create, preserve or acquire housing in the SSA for the benefit of those households.
2. Establish alternative requirements such as price controls. Option 2 was considered in many different formats but the final agreement was that property owners should be able to get the maximum sale price.
3. Do nothing. Option 3 does not protect or provide affordable housing but leaves the community open to the competitive process.

**Conclusion and Recommendation:** Much debate centered on this issue and short of having a county housing authority which could purchase houses to keep them affordable, the committee saw very few options that were acceptable to all citizens. In an effort to assist current home owners maintain their homes, with most being occupied by elderly individuals, the committee believes that an Affordable Housing Fee may be the best we can do to try to maintain the current character of Millwood. Establish an affordable housing fee that would be placed in a trust fund for use by homeowners in the SSA. **See attached the attached document (Possible Zoning Ordinance Text Amendment-Affordable Dwelling Fees)**

### **Should an architectural review board be established?**

One of the most difficult decisions has to do with the possible creation of a preservation or architectural review board. There is known to be great anxiety over the creation of any board or committee that would control what private property owners can or cannot do with their property and the additional concern that some may be forced to move because they cannot meet the requirements of this oversight committee. We know that Millwood is a historic community with an identifiable character. The question is how to preserve that character without doing harm. It should be noted that the value of the renovated houses in an area covered by an ARB can be frozen at the pre-improvement value.

Options that the committee has discussed.

1. Allow new houses to be built without new regulations regarding their design and location.
2. Establish an architectural review board for Millwood, with design guidelines, to ensure that new construction maintains community character. The creation of this board, if approved by all concerned parties, would allow the residents of the SSA greater control over what will happen in the area. If nothing is done, then it is open to the complete discretion of the real estate competitive process and there will be no control by the residents of the community.

3. Not allow new houses within 100 feet of Spout Run.
4. For the purpose of architectural overview expand beyond the SSA to the long held concept of where the village of Millwood begins and ends.

**Conclusion and Recommendation:** The committee recommends that the community seriously consider Option#2 after a complete review of the pros and cons. The committee will not attempt to create any ordinance that does not carry the support of the majority of residents who live within the long held concept of where the village of Millwood begins and ends. **See attached document (Possible Zoning Ordinance-Text Amendment-Heritage Conservation District)**

### **Should commercial zoning be expanded in Millwood?**

The current situation is:

1. There are four active commercial enterprises in the SSA
2. There is no vacant land zoned commercial
3. Historically there were several additional commercial properties
4. If a neighborhood commercial rezoning request were submitted there is no specific policy to guide the action of the county

Options the committee considered:

1. Identify specific parcels that may be suitable for Neighborhood Commercial Zoning.
2. State that no additional commercial zoning should be approved.
3. State that additional commercial zoning may be acceptable without identifying specific parcels.
4. Allow limited commercial uses as "Special Uses" in the Rural Residential Zoning District. A commercial special use would be considered only after public hearings before the Planning Commission and Board of Supervisors.

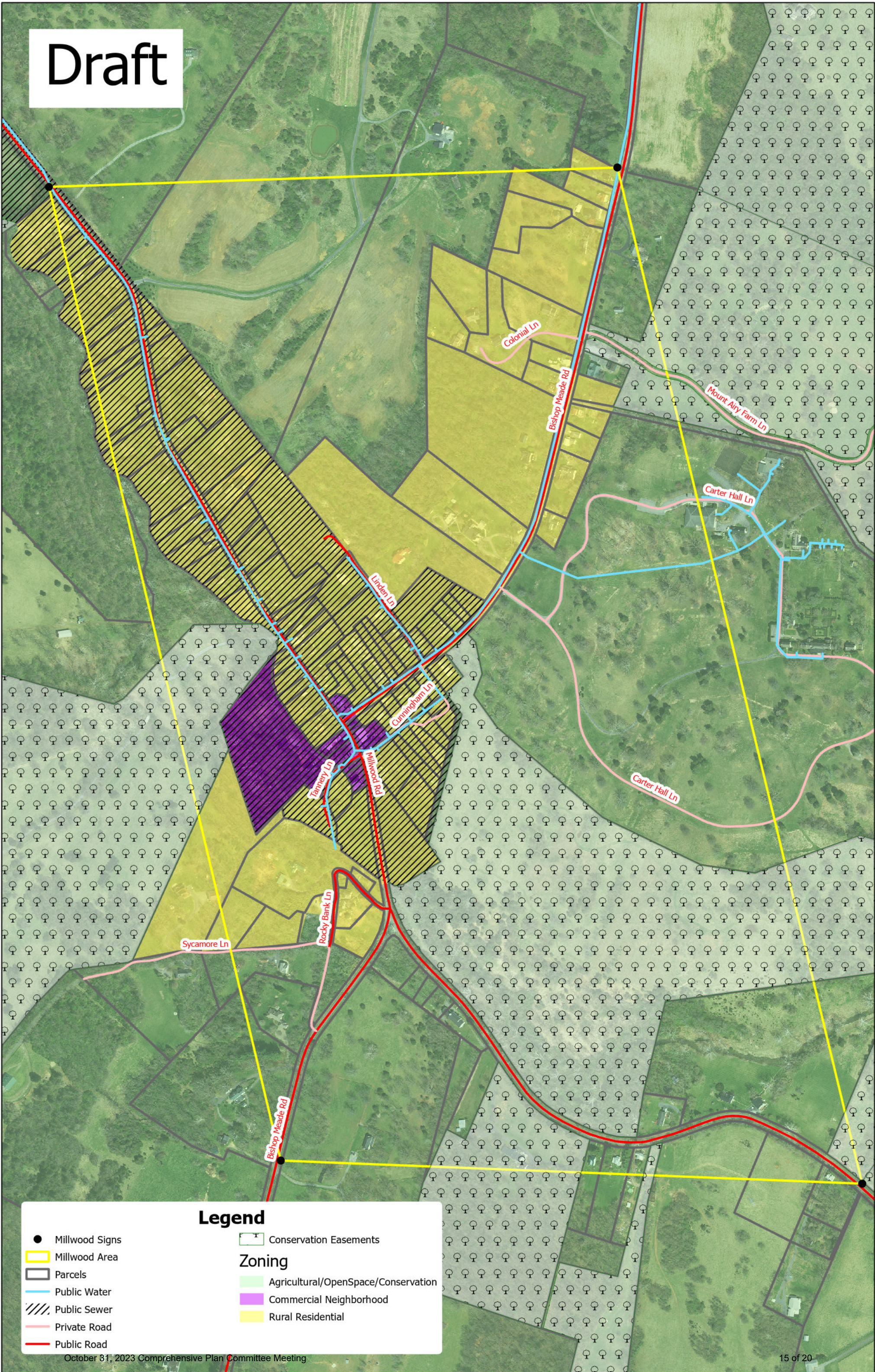
**Conclusion and Recommendation:** The conclusion and recommendation of the committee can be found in the attached document **(Possible Zoning Ordinance-Text Amendment-Special Uses and Structures in a County Sewer Service Area)**

### **Next Steps:**

- The first step will be to distribute the report to the community at the Annual Meeting of the Millwood Community Association on December 8, 2004 at the Millwood Community Center. For those residents not attending this meeting a way will have to be established to give them an opportunity to have input.
- An open meeting will be scheduled for discussion and input on this report sought. Please read it in its entirety and when the meeting is set plan to attend with your neighbors to have your input heard and understood.
- Once consensus has been achieved the next step will be to make a presentation to the Board of Supervisors for approval.
- Once ordinances have been written and the public hearing process has been established the committee will need to work very hard to get everyone out to the public hearings.

**Special Note to Residents of Millwood:** *The members of the committee and all other interested participants are only interested in proceeding with a plan that meets the approval of the majority of the residents.*

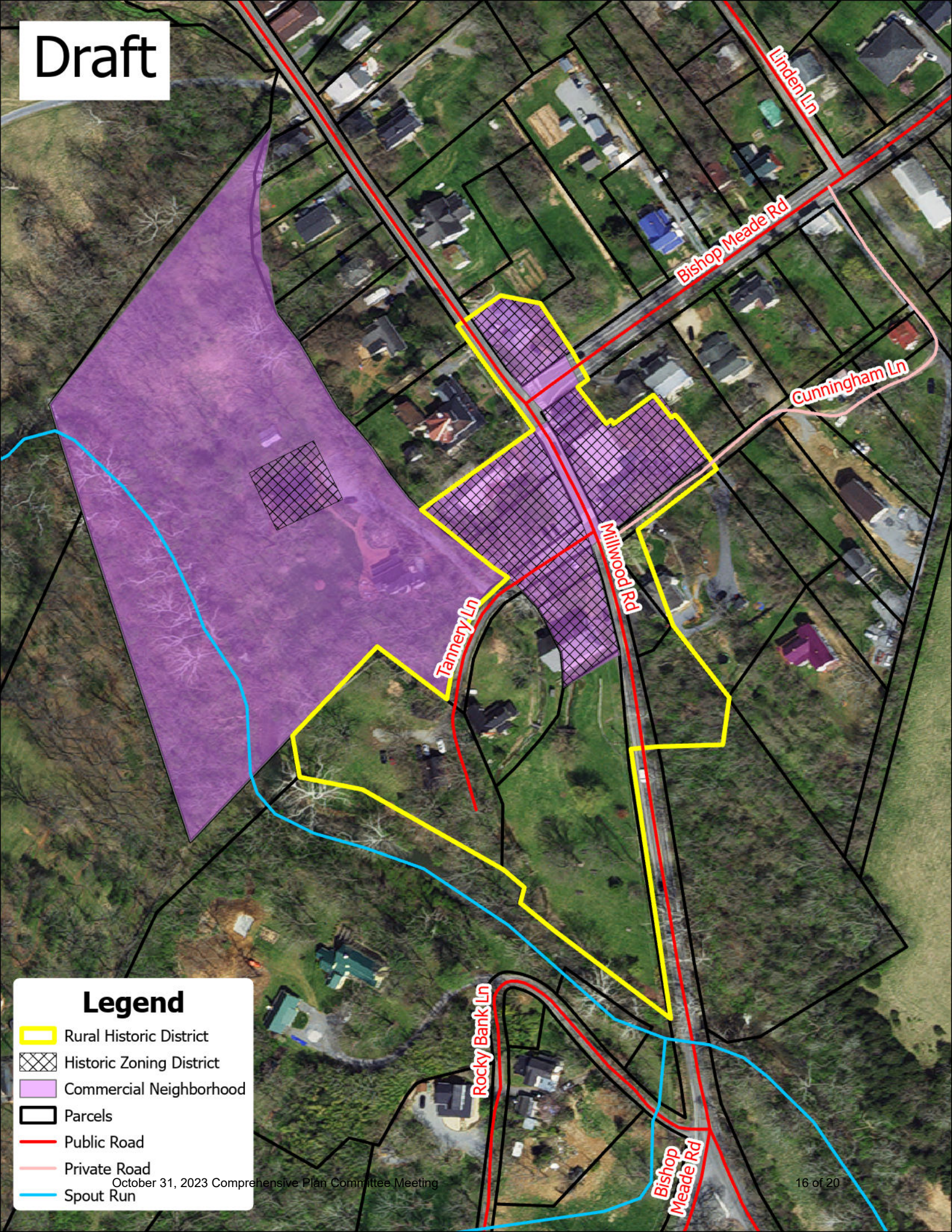
# Draft



**Legend**

● Millwood Signs	□ Conservation Easements
▭ Millwood Area	<b>Zoning</b>
▭ Parcels	▭ Agricultural/OpenSpace/Conservation
— Public Water	▭ Commercial Neighborhood
▨ Public Sewer	▭ Rural Residential
— Private Road	
— Public Road	

# Draft



### Legend

- Rural Historic District
- Historic Zoning District
- Commercial Neighborhood
- Parcels
- Public Road
- Private Road
- Spout Run



# DRAFT – 10/31/2023 COMMITTEE MEETING

## MILLWOOD VILLAGE GOALS AND STRATEGIES

### **GOAL 1. Preserve the form and scale of buildings and encourage compatible uses.**

#### **Strategy 1**

Consider developing zoning regulations specifically for Millwood to ensure compatible current and future uses and structures.

#### **Comments for Committee:**

- Create a new “Millwood Village” base zoning district to allow for transition to and from Rural Residential (RR) and Neighborhood Commercial (CN)?
- Incorporate lot and structure requirements to ensure uniform development and redevelopment? Limit structure sizes?
- Customize the Historic Overlay District to include design requirements specific to Millwood? Note comments from 2004 Committee indicating that people did not want historic preservation requirements extended to residences.

#### **Strategy 2**

Prohibit the rezoning of lots zoned Agricultural-Open Space-Conservation (AOC) located within the Plan Area to RR or CN. Ensure that special uses approved on these AOC-zoned properties – particularly those lots located in whole or in part within the village core – mitigate adverse impacts to existing uses on adjoining and nearby village properties.

#### **Comments for Committee:**

- This strategy ensures that Millwood can only grow and change within current zoning districts and the allowable uses in those districts. This includes the commercial historic district.
- Language regarding special uses ensures that proposals must mitigate impacts to existing uses. This reflects Staff’s recommendation in the Carter Hall case that noise impacts on the adjoining horse boarding facility had to be mitigated.
- Are there any situations in which rezoning all or part of an AOC property to RR or CN could be beneficial to the village?
- Should there be a policy included to address downzoning from RR or CN to AOC?

#### **Strategy 3**

The preferred future use of Carter Hall shall be for residential and/or agricultural purposes. Proposals for other uses should only be considered which demonstrate minimal impact on village traffic and the village’s public water system, and that do not result in significant degradation of natural resources. Public sewer shall not be provided to the property.

# DRAFT – 10/31/2023 COMMITTEE MEETING

## Comments for Committee:

- Should language be included specifically to address the office building?
- Public sewer allows for greater development potential but would provide a better solution for groundwater quality than allowing onsite sewage disposal systems to be used. Is a total prohibition the best guidance?
- Should strategies be created for other specific village properties?

## **Strategy 4**

Discourage expansion of the public water and sewer system specifically to increase capacity for future development in the village.

## Comments for Committee:

- Note that the public utility system has limited capacity to support future development – this would be explained in the background information for Millwood.
- This would not prevent the system from being expanded to provide more efficient service to current customers.

## **Strategy 5**

Development within Millwood’s commercial historic district should be limited to continuation of existing uses and adaptive reuse of existing structures.

## Comments for Committee:

- This strategy would discourage development of new structures in the commercial historic district. This is where the commercial historic district map comes into play (see enclosed) – does this include the CN-zoned properties, the Historic Overlay District (H) zoned properties, the Millwood Commercial Historic District, or some combination to be determined?

## **GOAL 2. Protect the village’s natural and historic resources.**

### **Strategy 1**

Minimize stormwater and pollution impacts to Spout Run.

## Comments for Committee:

- This strategy generally provides continued support of efforts to protect Spout Run but would apply particularly to any development plan that creates additional impervious surface that would increase runoff to the stream. Stormwater management is likely to be a significant issue to address if any new public parking area is created.

### **Strategy 2**

Ensure that transportation infrastructure projects preserve the village’s historic streetscape including trees, stone walls, fences, and similar features.

# DRAFT – 10/31/2023 COMMITTEE MEETING

## Comments for Committee:

- This strategy, in addition to Strategy 2 under Goal 3 below, addresses the potential conflict between constructing sidewalks and other pedestrian accommodations and the desire to preserve the village’s character and visual appeal. It can also be used to guard against any future VDOT plans to widen or otherwise modify roads in a way that would adversely impact adjoining properties.

## **Strategy 3**

Protect the village’s historic mills.

## Comments for Committee:

- Should this strategy be expanded to encourage/facilitate public use of or access to the mills? Note that the “Lower Mill” is zoned AOC and no permits have been issued in recent years for use of the building. The Burwell-Morgan Mill is specifically classified as a “historic mill” per the Zoning Ordinance.

## **Strategy 4**

Avoid light pollution and protect the peace and quiet of the village by discouraging noise-generating activities and uses.

## Comments for Committee:

- Staff included this strategy to reflect feedback received from the residents during the Carter Hall public hearings.

## **Strategy 5**

Encourage renovation of structures located outside the Historic Overlay zoning district (H) in a manner that is consistent with the form and character of the village. Where infeasible to renovate, promote the benefits of “mothballing” structures to limit demolition by neglect.

## Comments for Committee:

- Should language be included to address demolition of derelict structures and replacement with compatible structures?

## **GOAL 3. Ensure the safe movement of vehicles and pedestrians through the village.**

### **Strategy 1**

Recognizing that Va. Route 255 is a State primary highway, encourage implementation of appropriate traffic calming measures to ensure compliance with posted speed limits.

## Comments for Committee:

- The wording (and possibly the need) for this strategy could be confirmed with VDOT’s pilot project to install speed tables.

# DRAFT – 10/31/2023 COMMITTEE MEETING

## **Strategy 2**

Evaluate pedestrian accommodations which do not adversely impact structures and properties in the village.

### **Comments for Committee:**

- See comments under Goal 2 Strategy 2. Construction of traditional sidewalks would likely require properties to be acquired including potential removal of trees, fences, and other features. This creates a conflict that should be addressed through this planning process.

## **Strategy 3**

Explore ways to facilitate off-street parking options to limit congestion in the village's commercial historic district.

### **Comments for Committee:**

- Is the committee comfortable with the word “explore” which does not commit the County to assume responsibility for this project? Should village land and business owners be responsible for this project?
- Should the strategy state that landowners shall be responsible for providing off-street parking?
- Should the parking exemption granted in the Zoning Ordinance be addressed?