



Clarke County Planning Commission

MINUTES – Comprehensive Plan Committee Meeting

Thursday, August 31, 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		

* -- Denotes arrived late

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

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 – May 15, 2023 Meeting

Members voted unanimously to approve the May 15, 2023 meeting minutes as presented by Staff.

Motion to approve the May 15, 2023 meeting minutes as presented by Staff:			
Buckley	AYE (moved)	Staelin	AYE (seconded)
Glover	ABSENT	Catlett	AYE

3A. Old Business – Discussion, Continuation of the 2016 Waterloo Area Plan

Mr. Stidham reviewed the Staff memo for this item. He stated that the Clarke County Sanitary Authority’s Utility Master Plan showed that the water and sewer systems have sufficient capacity to support current uses as well as projected usage based on the Comprehensive Plan. He said that based on the recent lack of interest in expanding the Plan Area beyond its current boundaries and in light of the Master Plan’s conclusions, Staff recommends that the Area Plan be continued for an additional five years without changes. He also noted the draft resolution included to forward to the full Commission for consideration.

Commissioner Staelin asked whether there is current capacity to support the build-out of Boyce, Waterloo, and Millwood. Mr. Stidham replied yes so long as it is consistent with the current Comprehensive Plan. Commissioner Staelin asked if there is excess capacity and Mr. Stidham replied that he is not aware of any.

Commissioner Glover entered the meeting at 10:03AM.

Mr. Camp noted that maximum capacity is typically identified as 80% because it is based on peak usage. Mr. Stidham noted that there are some maintenance items in the future that will need to be added to the capital improvement plan.

Members agreed by consensus to forward the resolution to continue the 2016 Waterloo Area Plan for five years to the full Commission in October.

3B. Old Business – Discussion, Rural Lands Plan Development

Mr. Stidham reviewed the Staff memo for this item. He reviewed the draft work plan noting that a central focus should be avoiding overlap and redundancy with other component plans. He also reviewed how he envisions the village workshops would be conducted and what information would be solicited from participants.

Commissioner Staelin asked whether workshops should be done for the areas outside of the villages. Mr. Stidham said that he is undecided and noted that workshops for the mountain and valley areas may not be well attended. He cautioned that any workshop held for the mountain areas would need to be targeted so that people will understand its purpose. He also suggested soliciting input on agricultural issues at the Millwood and White Post workshops and input on mountain issues at the Pine Grove workshop. He added that this approach could over-complicate the village workshops with people attending who have no interest in village issues. Commissioner Staelin noted that you could say that rural area issues are generally addressed in the Comprehensive Plan.

Commissioner Staelin asked why the river corridor is grouped with the mountain area and asked whether it should be treated separately. Commissioner Glover said that to him the river is a boundary. Commissioner Staelin pointed out that Mr. Stidham has grouped the mountain areas with the Shenandoah River corridor and separately grouped the valley and agricultural areas. Commissioner Glover said that the river could be treated as a boundary instead of a corridor. Commissioner Staelin asked Mr. Stidham why he wanted to treat the river as a corridor. Mr. Stidham replied that we will need to address river-based issues in the Plan so he has identified it as a corridor. Commissioner Glover noted that it is more of a basin than a corridor. Mr. Stidham said an alternative approach could be to address the river in a natural resources chapter since there may be issues common to Opequon Creek. He said the drawback is that you would possibly be overlapping with the Water Resources Plan. He suggested possibly omitting the river since it is addressed in detail in the Water Resources Plan. He also noted that the County's stringent floodplain regulations prohibit most development along the river and, absent other issues besides development, there may not be a reason to address the river. Commissioner Staelin suggested including language to reference the Water Resources Plan for guidance pertaining to the river. Mr. Stidham said that it is a good idea to reference the other component plans. Commissioner Catlett asked for confirmation as to what constitutes the river corridor. Mr. Stidham replied that it is the river and the lands on either side.

Members agreed that they are comfortable with the work plan. Commissioner Glover added that we can always make changes as we go along.

Mr. Stidham provided an overview of the visioning and issue identification exercise. He noted that he identified several preliminary issues although he identified more for the valley areas than the mountain areas. He said that this is because the current Mountain Land Plan has been fully implemented. He also said that we can reiterate the original mountain plan objectives but need to identify new ones as well. He said that one critical new issue to address is viewshed protection versus the demand for scenic views. Commissioner Staelin asked if we have rules on clear-cutting to establish views. Mr. Stidham replied that we cannot prevent a property owner from conducting a forestry operation.

Mr. Camp asked how policies on solar power plants will be addressed. Mr. Stidham replied that this issue is included under avoiding farmland conversion. Commissioner Glover asked if it is clear in the Zoning Ordinance that solar power plants are not allowed on the mountain and Mr. Camp replied that it is a prohibited use in the Forestal-Open Space-Conservation (FOC) District. Commissioner Staelin asked if there is a qualifying substation on the mountain and Mr. Stidham replied no. Mr. Stidham noted that if we adopt regulations to allow community-scale solar, some properties on the "bench" area of the mountain might qualify. Vice-Chair Buckley asked if there is enough land on the bench that would not need to be clear-cut to allow solar. Mr. Stidham replied that you would need as much as 10 acres for a 1 megawatt solar array and there could be significant costs to connect that system to the electric grid from the bench area. Commissioner Catlett noted that some properties in Pine Grove have large fields that could be used for solar. Mr. Stidham said that he has never received inquiries about utility-scale solar and added that topography or adjacent forested land may prevent direct sunlight from reaching a facility at certain times of the day. Commissioner Glover asked whether solar panels could be placed in the floodplain on taller posts. Mr. Stidham replied that he did not think our floodplain regulations would allow solar panels in the floodplain. Mr. Camp added that solar panels theoretically could be allowed in the flood fringe but not the floodway.

Commissioner Glover asked if septic system issues on the mountain need to be addressed or is it covered by current regulations. Mr. Stidham replied that this is noted under "Shared Issues and Challenges" as "long-term viability of private wells and onsite sewage disposal systems." He added that this is not included in any of our current plans and should probably be addressed.

Mr. Camp suggested addressing the agricultural and forestal district (AFD) program, noting that during the most recent district renewal process that members discussed whether there is any real benefit to participating in the program. Mr. Stidham said that in the past the AFD program has been for landowners who are not ready to put their land into permanent conservation easement but want to have some of the benefits. Mr. Camp added that the only benefit is that the AFD process allows you to participate in the land use taxation program more quickly. Mr. Stidham said that the AFD program has its greatest benefit in counties that may be considering discontinuing their land use taxation program. Mr. Camp added that in those counties, AFD participants would be guaranteed land use taxation until their participation in the program ends. Mr. Stidham noted that we do not mention the AFD program in detail anywhere in our plans. Mr. Camp said that landowners have commented that they would be more interested in participating in the program if the paperwork was simplified. Vice-Chair Buckley noted that this is a benefit to participating in the conservation easement program because land use taxation forms do not need to be filed every year. Mr. Stidham said that the question to answer is if I am

a landowner currently in land use taxation, what is the benefit to participating in the AFD program? Commissioner Staelin asked if local AFD programs have to be operated under specific state regulations or is there flexibility to operate the program as the locality wishes. Mr. Camp said that there are basic rules that can be varied, such as the length of time for the district period. Mr. Stidham noted that AFD participants are limited in how they can subdivide. Commissioner Staelin asked if the AFD designation transfers if the property changes hands and Mr. Camp replied yes. Vice-Chair Buckley asked if you can be released from the AFD program before the end of the district term with a penalty. Mr. Stidham said no and there are only certain circumstances such as hardship that would allow a property to be released from the AFD program. Commissioner Staelin said that you can include in the plan an objective to review the program regulations on a regular basis. Commissioner Glover asked if the conservation easement terms are the same in FOC as in AOC and Mr. Stidham replied yes.

Mr. Stidham asked members if they thought there would be any drawbacks to designate in the plan where we would like to get new conservation easement properties. Vice-Chair Buckley said that we would like to get conservation easements everywhere and have gone back and forth about properties adjoining the towns' boundaries. He added that we have a hard time getting easements in the northwestern part of the county and have specifically targeted properties in the groundwater recharge area and on the mountain. Commissioner Staelin noted that if there are any thoughts of expanding any of the villages, you may not want to take easements adjacent to them. He said this may be a point for conversation. Mr. Stidham said he does not think there will be a big push to expand the villages but it would be a good idea to address taking easements adjacent to the towns. Vice-Chair Buckley said that the Easement Authority would not hesitate to take an easement adjacent to a village. He added that the more difficult question is whether to take an easement on a lot in the Berryville annexation area. Commissioner Glover said that it would be beneficial to include a few paragraphs about the easement program but maybe not go into which properties should and should not be placed under easement. Mr. Stidham noted that it would be a good discussion as to whether properties in the Berryville Area Plan's potential future growth areas should be placed under easement. Vice-Chair Buckley said he thought the Virginia Outdoors Foundation (VOF) would take an easement adjacent to a town and Commissioner Staelin replied that VOF would have to follow the county's comprehensive plan.

Mr. Stidham asked if there were any other mountain issues to add to the list. Commissioner Glover said that you could reference the Route 7/Route 601 intersection issues but that is referenced in the Transportation Plan. Commissioner Catlett says she receives a lot of calls about tree clearing on the mountain. Mr. Stidham said that he thought the only way to have authority to control tree cutting would be to create a new zoning district where agriculture and forestry is not allowed by-right.

Mr. Stidham asked the members how they thought we should address Shenandoah Retreat. He added that they have almost the same number of residents as Boyce. Commissioner Catlett asked about a similar subdivision along the river and Mr. Stidham said that is River Park. She then asked if River Park shares any of the same issues as the Retreat. Mr. Stidham replied that they both have a shared water system. Commissioner Glover said the Retreat is so much more densely populated than other subdivisions on the mountain. Mr. Stidham said that we should probably plan for addressing issues such as septic systems and roads in the event that Retreat

property owners come to the County in the future for help. Commissioner Staelin said that we should evaluate sanitary districts. He said that might be their solution because they are self-taxing and self-managed. Mr. Stidham referenced the Shenandoah Farms matter that came up a few years ago. Commissioner Catlett said that the concern with the Shenandoah Farms sanitary district was that the County did not have the equipment to maintain their road system. Mr. Stidham said that Warren and Frederick Counties have made heavy use of utility districts to address private road problems that we have not had in Clarke. He added that eventually someone is going to approach the County about helping with a private road. Mr. Camp noted that sanitary districts were used to repair and maintain private roads for further subdivision development. Commissioner Staelin thought that counties only act as the fiscal agent for funding and that the property owners are responsible for the work. Mr. Stidham said that counties bear the responsibility of ensuring that work is completed in sanitary districts.

Commissioner Glover suggested addressing “rural subdivisions” generally in the plan so you would not have to single out the Retreat. Vice-Chair Buckley said that the Retreat has unique issues because there are so many ¼ acre lots. Mr. Stidham suggested that you could start by stating that issues facing rural subdivisions are the responsibility of the property owners. He also said you can add parameters by which the County would offer assistance. Mr. Camp said the biggest problem is the older failing systems such as cesspools. Commissioner Catlett asked if alternative systems are a solution in the Retreat and Mr. Camp replied that alternative systems are probably the only septic systems being installed there. Mr. Camp also noted that multiple lots often have to be merged to create a viable building lot. Vice-Chair Buckley said he would like to know more about utility districts. Mr. Stidham said that he will pull information on this for the next meeting. He added that utility districts for road maintenance may be a problem because if you grant it for one private road, everyone would want one. Vice-Chair Buckley said he would only see it as a solution for wells and septic system failures. Commissioner Staelin said neighborhood road maintenance agreements can result in property owners not paying enough to complete the work and other neighbors volunteering their time to make repairs themselves. He added that with utility districts, a tax is collected that covers the cost of road maintenance. Vice-Chair Buckley said that most homeowners associations have to deal with road issues.

Regarding the village workshops, Mr. Stidham said that in addition to getting participants to define their vision for the village we will also want them to define its boundary. He said that this will differ from village to village and from issue to issue. Vice-Chair Buckley asked if we define village boundaries and Mr. Stidham said that the only thing we have are zoning district boundaries. Commissioner Staelin said that there are some areas of Millwood that are in the AOC District. He also said that for transportation purposes, Millwood residents may envision a different boundary. Mr. Stidham said that you can have AOC zoning in the village boundary but you need to be very specific as to what can and cannot happen on these properties. He added that as an example in Millwood, you could say that the RR-zoned properties should stay zoned RR and the AOC properties should stay zoned AOC. Mr. Camp suggested using a broadly defined circle instead of hard boundary. Mr. Stidham replied that this would encourage some to tie more significance than intended to being in the circle and others who do not want to be in the circle. Vice-Chair Buckley said he thinks the tighter the village boundaries are, the better. Commissioner Catlett suggested providing zoning maps of each village for the next meeting.

Mr. Camp said regardless of what boundaries are chosen, there will be a push from some to add other land and he gave Carter Hall as an example. Mr. Stidham noted that it is a good question as to whether Carter Hall is or is not part of the village of Millwood. Commissioner Staelin said from a zoning standpoint it is not but from a cultural and historic perspective it would be. Vice-Chair Buckley asked if you want an 80-acre parcel in a village and Mr. Stidham replied that it depends on what that 80-acre parcel contributes to that village. Commissioner Glover noted that there are a number of agricultural lots in Pine Grove with road frontage but long driveways. He added that there is no central point of focus for that village and he sees that village as going from one end of Pine Grove Road to the other. Mr. Stidham said that you are creating a defined policy area and drafting policies applicable to land in that area. He added that one of those policies could be that Carter Hall stays AOC with AOC uses.

Mr. Stidham said that he will have maps for the next meeting and can dive right into the village discussion. Members agreed to schedule the next two meetings for Friday, October 6 after the Commission Business Meeting and Tuesday, October 31 at 1:30 before the Work Session.

4. New Business – none scheduled

ADJOURN: Meeting was adjourned by consensus at 11:17AM.



Brandon Stidham, Clerk