



# Clarke County Planning Commission

MINUTES – Comprehensive Plan Committee Meeting

Friday, October 31, 2023 – 9:30AM or immediately following Planning Commission Business Meeting

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)	✓		

**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.

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

### 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.



Brandon Stidham, Clerk