



Clarke County Planning Commission

AGENDA – Comprehensive Plan Committee Meeting

Monday, April 15, 2024 – 2:00PM

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

For more information on this public meeting, please contact the Clarke County Department of Planning at (540) 955-5132 or visit the Clarke County website at www.clarkecounty.gov.

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4	New Business ~ None scheduled	
5	Adjourn	

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| <p>Upcoming Meetings:</p> <ul style="list-style-type: none"> • Friday, May 3 (9:30AM or immediately following Commission Business Meeting) – A/B meeting room • To be scheduled – June • To be scheduled – July |
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Clarke County Planning Commission

DRAFT MINUTES – Comprehensive Plan Committee Meeting

Wednesday, March 27, 2024 – 3:30PM

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

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

E – Participated electronically

Staff Note -- Chair Ohrstrom participated electronically for medical reasons.

STAFF PRESENT: Brandon Stidham (Director of Planning)

CALL TO ORDER: By Mr. Stidham at 3:30PM.

1. Approval of Agenda

Members approved the agenda by consensus as presented by Staff.

2. Approval of Minutes – March 6, 2024 Meeting

Chair Ohrstrom noted that the minutes are very comprehensive. Commissioner Staelin said that he thinks the minutes could be done in outline form as they are basically Mr. Stidham’s notes to himself. Members voted 4-0-1 (Catlett absent) to approve the March 6, 2024 meeting minutes as presented by Staff.

Motion to approve the March 6, 2024 meeting minutes as presented by Staff:			
Buckley	AYE	Staelin	AYE
Glover	AYE (seconded)	Catlett	ABSENT
Ohrstrom	AYE (moved)		

3. Old Business -- Continued Discussion, Rural Lands Plan Development

A. AOC/Valley Issues Workshop (continued)

Mr. Stidham stated that at the last meeting the Committee worked through the goals, policies and strategies in the current Comprehensive Plan and Agricultural Land Plan. He said that they did not get to the agricultural land issues discussion and will work on that today. He noted a few minor modifications to the March 6 version of the discussion questions and encouraged members to add in their own issues and questions.

Mr. Stidham began with a discussion of guidance for utility-scale solar and community-scale solar. Chair Ohrstrom said that he is not trying to bring back the utility-scale solar discussion. He said that community-scale solar is difficult to define but thought about encouraging rooftop solar on municipal buildings or farm structures. He added that a large farm like Audley with numerous farm structures and houses may want to install enough solar to operate off the grid. He noted that this

would require a large amount of solar arrays especially for a large farming operation. He asked whether the Committee should discuss establishing a maximum size limitation for this type of solar usage. Commissioner Staelin said that if the solar energy is not being re-sold, a farm could do this by-right today. Chair Ohrstrom said that the best way to do solar in this fashion is to be able to sell any excess generated energy back to the grid. Commissioner Glover said that this is net metering which comes in the form of a reduced electric bill. He said that this is different from utility-scale generation which is done at a per acre rate. He added that net metering is already in place for users of solar energy.

Mr. Stidham said that if a large farm like Audley proposed a free-standing array of solar panels to provide all of their electricity needs, Staff would require them to show their farm's power consumption in relation to the energy that can be generated by the array. He said this would determine whether the energy generated will be primarily for onsite use or for resale to the grid. He added that if it is primarily for onsite use, then it can be permitted under current rules as behind-the-meter. He also said that if more energy would be sold to the grid instead of being used onsite, then it would not be considered behind-the-meter. Chair Ohrstrom offered a scenario in which a property owner's solar array was designed to charge several electric vehicles but later reduced the number of vehicles resulting in far more energy being generated than used onsite. Mr. Stidham replied in that case, the solar array would still be set up for electric vehicle charging stations. He added that if the owner wanted to redirect usage of that solar energy for a different purpose, it would be reviewed again for zoning compliance as a behind-the-meter system. Commissioner Staelin said that he does not think that people would look for ways to generate more solar for resale because it does not make economic sense. He also noted that another regulatory impediment is that Dominion Energy requires separate meters for each location served by solar energy rather than one meter for an entire property. Vice Chair Buckley noted that utilities strictly regulate the amount of energy they will buy back so it is likely to be self-limiting. Mr. Stidham said that Dominion Energy is the only utility required by the General Assembly to participate in net metering. He added that the increasing demand for utility generation may encourage future changes in the law to expand net metering. Commissioner Glover noted a Washington Post article about the demand for electricity for cloud services and other technology demands. Mr. Stidham noted that electric vehicle charging is another source of electricity demand.

Mr. Stidham noted that the expansion of power transmission lines is another major issue and our plans are silent in regards to it. He said we may want to come up with very strong policies opposing any new overhead transmission lines in the County. Chair Ohrstrom said that we have no power to do that and Mr. Stidham replied that we can note our opposition in the Comprehensive Plan. Commissioner Staelin said that including the language in the Comprehensive Plan gives the Board of Supervisors chair the backing to send letters of opposition on behalf of the County. Chair Ohrstrom said he agrees with this and it is a good idea. Mr. Stidham asked whether the Committee wanted to make a statement about undergrounding power lines although it would likely be cost prohibitive. Chair Ohrstrom noted that State Senator Russet Perry introduced legislation regarding undergrounding that did not pass in this General Assembly session but there is a movement to support this concept. Commissioner Staelin noted that the largest transmission lines cannot be constructed underground. Chair Ohrstrom agreed and said anything 500 kV or greater cannot go underground at the present time. Vice Chair Buckley said we need to do anything we can to avoid new power towers and added that the power lines and substations in Frederick and Jefferson Counties are probably what has made those jurisdictions so attractive to solar companies.

Mr. Stidham said that if power transmission lines are forced on us, there is the possibility that the General Assembly may one day force utility-scale solar on us as well. Commissioner Glover and Chair Ohrstrom noted that there were some bills introduced in this year's General Assembly session about this. Mr. Stidham asked if we want to make a similar statement about utility-scale solar that we are making about power transmission lines. Commissioner Glover replied yes and noted that the Board of Supervisors has already made these statements. Mr. Stidham asked about leaving an opening to allow for community-scale solar. Commissioner Glover said maybe if we can define it. Mr. Stidham said that it is already somewhat defined because 5 megawatts is the maximum size that a solar system can be to connect directly into the grid without needing a substation. Chair Ohrstrom asked Mr. Stidham where he saw this number and Mr. Stidham replied that he has seen it in a couple of articles that he researched. Chair Ohrstrom said that 5 megawatts is pretty big and Mr. Stidham replied that it is about 50 acres. Chair Ohrstrom added that the rule of thumb is 5-10 acres per megawatt. Commissioner Staelin said that is almost too big and we may want to come up with a maximum size based on area of the system instead of wattage. Mr. Stidham said you can also limit it by prohibiting placement in important soils or outside of planting areas if on a farm. He noted that a farm may have 50 acres of rocky land that cannot be farmed but would be the perfect place for solar arrays. Members agreed with this idea.

Commissioner Staelin said that we skipped over nutrient credit banks on the list. Mr. Stidham noted that we have a statement in the Comprehensive Plan regarding limiting nutrient credit banks that convert agricultural land to forest. He asked the members if we want to say anything more than this. Chair Ohrstrom said that the Easement Authority adopted a policy to oppose nutrient credit banks on eased land except in certain situations such as not on prime soils and only a limited percentage of the lot area. Mr. Stidham said he will get a copy of the policy for distribution to the Committee. Vice Chair Buckley added that monocultures are also prohibited. Chair Ohrstrom noted that the policy requires native hardwood forest patterns to be followed. Mr. Stidham said that he will put a pin in this issue for the FOC areas discussion. He asked the members if nutrient credit banks should be encouraged on the mountain as a means of reforestation. Chair Ohrstrom said maybe so long as it is not a monoculture and Commissioner Glover added that he is fine with this. Mr. Stidham asked if there is an issue with planting pines on the mountain and Chair Ohrstrom said that he is opposed to planting only pines. Commissioner Glover noted that where you have pine forests you no longer have the biodiversity that you once had. He also said some planted pine forests look terrible. He also noted that you do not have as much farming on the mountain. Chair Ohrstrom is opposed to cutting down a mature hardwood or mixed forest to sell the wood and then getting paid by Department of Forestry to replant the harvested area with a monoculture for nutrient management. Mr. Stidham noted that logging and replanting solely in pines is not done nearly as often in Clarke as in other parts of the state and he wondered if it is due to the land values. Vice Chair Buckley noted that it has a lot to do with soil type. He added that there is also a trickle-down effect on the County when development in Arlington is allowed to be mitigated with nutrient credit banks in Clarke including increased traffic and demands for electricity.

Chair Ohrstrom asked about developing a policy on agrivoltaics. He noted that agrivoltaics was really a utility-scale solar issue and he did not think we needed a policy for farmers that want to have their own behind-the-meter systems on their farms. Mr. Stidham replied that if we want to leave an opening for community-scale solar in the future, we should have a policy to address agrivoltaics at the same time. Chair Ohrstrom said we should encourage agrivoltaics to be part of any solar plan. He also gave the example of a landowner agreeing to graze cattle as part of a utility-scale solar

facility who later discontinues cattle grazing. He asked whether the County could require the grazing to continue if it was part of the approval. Mr. Stidham said that this is why we would not want to condition an approval on the landowner conducting agrivoltaics for the lifespan of the project, but we would not have a problem if they wanted to do agrivoltaics voluntarily. Chair Ohrstrom said suggested adding language to say that agrivoltaics is a good dual use of the land and helps keep the land in agricultural production. Vice Chair Buckley said that he would be fine including that language but personally he thinks agrivoltaics is a gimmick. He said that there is no market for sheep in the County and they are the only livestock that works with solar. He also said that raising honeybees is also a nonstarter. Mr. Stidham noted that cattle has been tried but requires the panels to be placed on much taller posts. Chair Ohrstrom said he would be fine with the language and people should be allowed to try agrivoltaics to see if it works for them. Vice Chair Buckley added that some agrivoltaics would be better than a solar facility without it.

Mr. Stidham asked if there were any other land conversion threats, noting that threats from development are already well covered. Commissioner Glover noted that industrial-scale agriculture is one that we will be discussing later in the agenda. Members had no other threats for discussion.

Mr. Stidham moved to a discussion of agribusiness, agritourism, and industrial-scale agriculture. He said the first question is whether there should be a vision or definition developed to distinguish between a farm that is primarily an agricultural operation versus a farm that is primarily an agritourism or agritainment business. Chair Ohrstrom said it would be challenging to come up with a definition and Commissioner Staelin added that he did not know how to determine this without access to income information. Mr. Stidham suggested developing a list of businesses that we do and do not want to see in the County under by-right agriculture. Chair Ohrstrom said it is a good place to start. Commissioner Staelin said he did not think you could do so under the Right to Farm Act. Mr. Stidham said it is a fine line between an honest business that comes in as an agricultural operation and later wants to add things to help grow their business versus someone who comes in from the start with a business plan to do agritourism and agritainment with the actual agriculture being window dressing. Commissioner Staelin suggested limiting agritourism events and activities by duration and portion of the farm being used. He also said that he thought a special use permit may be required in some cases. Chair Ohrstrom replied that the General Assembly prohibited localities from requiring special use permits for agritourism activities. He also said that he wants to be able to question people having agritourism events as to whether they have an emergency plan, adequate septic, and other concerns. He added that he is concerned that someone could propose a wedding venue in a 200 year old barn and couch it as being agriculture so the barn does not have to be inspected.

Mr. Stidham suggested saying that only bona fide agricultural operations should be considered by-right agriculture. Vice Chair Buckley said we could use the term “accessory” – whether the event is accessory or is the agricultural operation accessory. Mr. Stidham said this is another way of saying what we mean by bona fide agricultural operation – that there must be an actual working farm as the primary use and everything else is accessory. Vice Chair Buckley said he supports farmers like the Shenks who have a nontraditional way of generating revenue but is not in support of someone who buys a farm for the purpose of developing an agritourism business under the protection of by-right agriculture. Members agreed and Commissioner Staelin added it is all in how you word it. Mr. Stidham said that he will try to develop a statement of what we consider to be by-right agriculture entitled to the protections of agricultural zoning. Chair Ohrstrom said that the language would need

to stand up to strict legal review. Mr. Stidham replied that he considered using the language directly from the Code of Virginia regarding the regulation of agribusinesses and explaining how we interpret the language for the County.

Mr. Stidham explained the second item regarding developing regulations to create farmland of various sizes for purchase or lease including the history behind its inclusion in the Agricultural Land Plan. He noted that nothing was ever done with this strategy and asked the Committee whether it should be retained. Commissioner Glover said that people are already leasing land and Vice Chair Buckley said that the problem is the loss of land to lease. Mr. Stidham said that he had envisioned a 100 acre farm being allowed to use available dwelling unit rights (DURs) in ways not currently allowed by the Zoning Ordinance to create farmland for multiple emerging farmers to live on and farm. Chair Ohrstrom said it is a slippery slope to tie to DURs, adding that the Piedmont Environmental Council has been working on this same issue and has not come up with any answers. Mr. Stidham said the point is not just to create farmland to lease but also to live on. He said the DUR rules sometimes get in the way and the only other option is to subdivide which the farmer may not want to do. Commissioner Staelin says that it goes to the issue of whether we want to actively or passively provide support. Mr. Stidham said that preserving land to be available for lease is something we can create language for in the Plan.

Mr. Stidham asked what the Committee wants to do with industrial-scale agriculture. He said at one point Staff was considering establishing a maximum floor area of agricultural buildings under roof before a special use permit is required. Chair Ohrstrom said that retail buildings are currently capped at 50,000 square feet and maybe we can do something similar. Commissioner Staelin asked if we could limit a building size if it is for agriculture. Mr. Stidham replied that you could require a special use permit process if the entire operation is under roof. Chair Ohrstrom asked about the size of the typical riding arena and said he thought it was 10,000 square feet. Mr. Stidham said he used White Post Dairy as an example and it is about 25,000 square feet. Chair Ohrstrom suggested saying that anything over 25,000 square feet should require a special use permit. Mr. Stidham noted you could say that a special use permit is required when the majority of the agriculture is occurring under roof. He said he did not think we are concerned with buildings for cattle but would be concerned where all of the farming is taking place in a building. Commissioner Glover said there are types of dairy operations where the cows never leave the barn. Mr. Stidham noted that poultry can be kept the same way. Vice Chair Buckley said he sees a lettuce factory being very different from a dairy farm.

Mr. Stidham asked the members if they have any concerns with under-roof agriculture that involves livestock or poultry. Chair Ohrstrom said that intensive livestock facilities have to have nutrient management plans so there is some oversight for those operations. Mr. Stidham noted that the intensive farming regulations in the Code of Virginia do not apply to growing plants and he said that we could treat those operations differently. He suggested maybe focusing on under-roof hydroponics. Commissioner Staelin said that he likes the idea of regulating under-roof output. Vice Chair Buckley said that it could apply to anything that is not an animal shelter and Commissioner Glover said that it can apply to buildings that are heated and cooled. Mr. Stidham said that aquaculture could also be included.

Mr. Stidham moved on to a discussion of onsite sales of goods by farms. He said the current rule is that you can sell your own products and items that you produce from products grown or raised on

your farm. He added that you cannot sell items that come from offsite sources. Vice Chair Buckley said he remembered the previous discussions on this topic and enforcement was a big issue, how do you determine where a product comes from. Commissioner Staelin said that this is a problem with farmers markets selling produce that is not grown locally. Mr. Stidham said that you may have small local farmers that want to sell their products but do not want the public coming to their farm to buy them. Chair Ohrstrom asked how difficult it would be for a farmer to get a special use permit to allow farms within a five mile radius to sell their goods at his farm. Mr. Stidham said that you can apply for a special use permit but the scale of sales is an issue. He added that you could have a farm with their own farm stand wanting to sell eggs from the farm down the street and questioned whether someone should have to get a special use permit and site development plan approval to do this. Commissioner Staelin said you could limit the size of the stand to control scale. Mr. Stidham said that he is concerned with scope creep – that a farm could start small, become wildly popular, and then claim that the County is putting them out of business because we won't allow them to expand. Commissioner Glover said that farms right now are selling other farms' products and he thinks that is fine and should be allowed to continue. He said right now there isn't a problem with these businesses getting oversized and he knows that the goal is to prevent the problem in the future. Vice Chair Buckley said that there are huge farm stores operating in Frederick and Loudoun right now. Mr. Stidham noted a large farm store in Frederick on Route 50 that generates a significant amount of traffic on the weekends and Vice Chair Buckley noted a popular farm store just down the road that sells baked goods. Vice Chair Buckley also noted a small farm stand outside of Charles Town that he thinks is the perfect size. Commissioner Staelin said the only way he can think to regulate it is by size.

Mr. Stidham said that for this exercise we do not have to come up with the parameters of an ordinance but rather a vision for what we want to see. Chair Ohrstrom asked if we need to come up with a cap on how large farm stores can be. Commissioner Glover said that Oak Heart Farm is a good example of the kind of farm store we want. Commissioner Staelin said you could limit the by-right allowance to a maximum floor area and off-street parking. Mr. Stidham said that for the Plan, we could say we want to allow under by-right agriculture retail sales that are small-scale, accessory to and supportive of the primary farming activity on the property, and that anything beyond this scope should require a special use permit and site plan. Commissioner Glover replied that he would allow small to medium but not large. Mr. Stidham asked how far above a small stand could a farm get by just selling their own products. Commissioner Staelin said that you can also note that entertainment and live music is not allowed. Mr. Stidham said you could also require the stand operator to prove that the off-site products being sold are from a Clarke County farm. He added that they could prove this by providing an invoice from the farm showing the amount of goods delivered to the farm stand. Chair Ohrstrom said he has no problem with this approach if we can do it but that size limit is important. Mr. Stidham said that he is worried if all of the small farmers get together to sell at one place, then it will exceed the size cap for by-right agricultural sales. He added that five farm stands selling their own products should also be allowed to sell each other's products. Commissioner Glover said we should not stop at the state line with allowing off-site products and Commissioner Staelin added that you could allow a 25 mile radius. Mr. Stidham said that if one place develops to sell everyone's goods, then that should be the market that has to get a special use permit and site development plan because it is going to be big.

Mr. Stidham noted the next issue is whether to modify the strategy to use agricultural-related uses to preserve historic homesteads. He said he is not sure how we came up with the strategy but thinks we

may want to eliminate it. Commissioner Staelin said he agrees. Chair Ohrstrom said that he doesn't understand the purpose of the strategy and said we would not stand in the way of someone who wanted to farm a historic homestead. Mr. Stidham said when we added the strategy in 2015, we didn't have the proliferation of wineries, breweries, and agritourism uses. Commissioner Staelin said that this strategy can be said to encourage turning a homestead into an agritourism use. He added that some people believe you cannot sell these old houses for residential use but there are others that are building new houses of the same size. Commissioner Glover said from the perspective of the Historic Preservation Commission, anything to preserve a historic structure is a good idea and noted old barns as an example. Vice Chair Buckley noted that some of these old barns have lost their usefulness as agricultural structures and this strategy encourages them to be turned into wedding venues or a distillery and this isn't what we want either. Mr. Stidham added that we may not want someone to take a historic home and turn the first floor into a tasting room. Chair Ohrstrom asked if we would eliminate this strategy and Mr. Stidham replied yes. Commissioner Glover said that we may want to keep it to support historic preservation. Commissioner Staelin replied that we have other historic preservation strategies and we may not want this particular strategy. Mr. Stidham said that we may want to clarify that we do not want this strategy to be used to encourage all kinds of agribusinesses to come in.

Regarding County support for the agricultural industry, Mr. Stidham said it sounds like we want to remove language stating that the County should have a "vigorous agricultural development program." He added that it does not sound like the agricultural industry needs the County's proactive help. Chair Ohrstrom suggested striking the word "vigorous" to avoid the misconception that the County wants to attract all types of agribusiness. Commissioner Staelin said we would have to hire subject matter experts to have a vigorous program.

Mr. Stidham said the next issue is whether the objectives and strategies dealing with agricultural impacts to the environment should be retained or modified. He said the strategy to encourage stream bank restoration and stream fencing should probably be retained. Commissioner Glover noted Goal 3, Objective 1, Strategy (a) which says to conduct periodic reviews of the Zoning Ordinance to balance the needs of the agricultural community with ensuring their potential impacts are effectively addressed. He added that this was included in response to the White Post Dairy manure spill and also in response to heavy truck traffic going through White Post to and from the Dairy. Commissioner Staelin asked if the issue is conducting the reviews or creating the regulations and Mr. Stidham replied the latter. Chair Ohrstrom said that from a water quality perspective, he does not have a problem with the wording. Mr. Stidham noted that the strategy promotes creation of more regulations which is not supportive of the agricultural industry. He suggested moving the language to another part of the Plan. Commissioner Staelin noted that the strategy suggests that we formally review the zoning regulations. Mr. Stidham suggested replacing "conduct periodic reviews" with "evaluate" and members agreed. He said we can have a section on how we want to regulate agribusiness and move this language to that section.

Mr. Stidham said he believes we have already decided to take out the strategy to allow farmland of various sizes for purchase/lease and to create housing opportunities for farm workers and families, adding that this has not emerged as an issue to address. Members agreed with this. Mr. Stidham asked about relaxing the regulations on the number of minor dwellings that you can have on your property. Vice Chair Buckley noted that allowing large properties to have additional minor dwellings of less than 600 square feet could provide affordable housing without impacting the school

system. Mr. Stidham noted that it is an interesting concept given the interest in tiny houses and he also said that there was legislation in the General Assembly session to require localities to allow accessory dwellings. Vice Chair Buckley said that minor dwellings could be allowed on a sliding scale. He added that he thinks 600 square feet might be too small but that they cannot be so large that they become a burden on the County.

Mr. Stidham noted that the next meeting is scheduled for Monday, April 15 at 2:00PM. Chair Ohrstrom left the meeting.

Commissioner Staelin noted on page 12 of 22, Goal 2 in the goals statement, that we may not want to use the word “industry.” Mr. Stidham said that he plans to come up with an updated goals statement. Commissioner Staelin also asked for confirmation that we are removing “vigorous” from Objective 1. Mr. Stidham replied yes and added that we will probably not say that we are going to have a program at all. Commissioner Staelin asked about Strategy (b) under the same objective and whether we are going to keep that strategy to create a formal agricultural development program. Mr. Stidham replied that we will take that out and have it covered by the Economic Development Department. On page 14 of 22, Strategy (b), Commissioner Staelin asked about the language “maintain existing and work to create new land development regulations” and whether it should be changed to “consider.” Mr. Stidham said we can use “evaluate” or “consider.” Commissioner Staelin said our intent is to be less proactive. Commissioner Staelin noted the wording on page 17 of 22, Objective 3. Mr. Stidham suggested referencing “traditional” agriculture as an improvement. Commissioner Staelin noted on page 21 of 22 regarding greenways that we began the discussion but did not come to a conclusion on it. Mr. Stidham said that our County already has greenways and we are promoting them through the easement program. Commissioner Staelin noted the pumpout of septic systems in Objective 19. He said his idea is to charge all property owners a fee and when it is time for the septic system to be pumped out, the County sends the property owner a voucher that can be used for any company to pump their system. He added that the voucher would help with tracking whether systems have been pumped. He also noted on page 22 of 22, item 6(d), that “residential” should be deleted. Mr. Stidham suggested deleting “commercial and residential” and members agreed.

4. New Business ~ none scheduled

ADJOURN: Meeting was adjourned by consensus at 4:54PM.

Brandon Stidham, Clerk



Clarke County Department of Planning
Berryville-Clarke County Government Center
101 Chalmers Court, Suite B
Berryville, VA 22611

TO: Comprehensive Plan Committee

FROM: Brandon Stidham, Planning Director

RE: Continued Discussion, Rural Lands Plan update – FOC District/mountain Issues

DATE: April 9, 2024

Similar to our previous issue-identification discussion on AOC District/valley issues, our April 15 meeting will be focused on FOC District/mountain issues. The following documents are enclosed to assist with this discussion:

- Excerpts from the 2022 Comprehensive Plan Objectives and Policies:
 - Objective 2 – Mountain Resources (full)
 - Objective 3 – Natural Resources (selected applicable policies)
 - Objective 5 – Conservation Easements (selected applicable policies)
- 2005 Mountain Land Plan Objectives and Implementing Actions – The full text of these sections are enclosed for your review. As you will note, the Mountain Land Plan’s objectives are very broadly written and the implementing actions focus on the parameters of text amendments that have since been adopted into the Zoning and Subdivision Ordinances. We will have to develop new objectives and policies/strategies for the mountain lands.
- 2020 Recreation Plan Applicable Strategies – This is an excerpt containing the Plan’s strategies for the Appalachian Trail, Shenandoah River, Shenandoah University’s river campus, and Bear’s Den property.
- Mountain Land Issues for Committee Discussion – Initial list of discussion questions divided into three general topics.
- FOC District Allowable Uses – Background information for discussion of the listed issues.

Staff proposes beginning the discussion with a review of the selected Comprehensive Plan sections, the 2005 Mountain Land Plan Objectives and Implementing Actions, and the 2020 Recreation Plan Applicable Strategies. The Committee then should discuss the initial list of questions as well as any other issues or topics that Staff has not identified.

Please let me know if you have questions or cannot attend the meeting.

(540) 955-5132
www.clarkecounty.gov

2022 COMPREHENSIVE PLAN – APPLICABLE OBJECTIVES AND POLICIES

Objective 2 – Mountain Resources.

Preserve the natural beauty and protect the ecology of lands located east of the Shenandoah River to ensure that development in those areas is in conformance with their environmental limitations through the following policies. Applicable policies are found in this Objective, Objective 3 (Natural Resources), and the Mountain Land Plan. Recognize that the wooded and steep landscape of the mountain areas poses unique challenges to development and that regulations should be developed to address these characteristics.

Policies

1. Collaborate with agencies, organizations, and surrounding counties to develop plans and strategies to mitigate transportation, development, and other current and future impacts on mountain lands.
2. Encourage the use of best management practices as outlined in the Chesapeake Bay Regulations and as determined by the Federal Total Maximum Daily Load (TMDL) program to improve water quality through the following methods:
 - a. Making technical assistance available.
 - b. Promoting public awareness on the benefits of, and necessity for, best management practices, erosion and sedimentation controls, stormwater management and Chesapeake Bay Preservation Regulations.
 - c. Assisting in the establishment of conservation plans for all farms adjacent to perennial streams.
 - d. Encouraging the participation of all landowners engaged in forestal activities to use the assistance of the Virginia Department of Forestry, the Natural Resources Conservation Service, the Lord Fairfax Soil and Water Conservation District, and other public agencies.
 - e. Supporting these and other innovative efforts to ensure continued water quality improvements in the future.
3. Provide limited, low-density residential opportunities in unincorporated areas in a manner compatible with agricultural and forestal activities in the area of the county east of the Shenandoah River. Such residential development shall be consistent with the County's sliding-scale zoning regulations, and shall not involve rezoning to a higher residential density to exceed the parcel's dwelling unit right allocation. Regulations for residential development shall include the following characteristics.
 - a. Shall be on a minimum area sufficient to provide proper placement of a dwelling, related accessory structures, well, and septic systems.

- b. Shall not be located on steep slopes or areas with slippage soils.
 - c. Shall avoid ridgelines to the maximum extent practicable when developing a lot unless a ridgeline building site would produce the lowest potential for adverse environmental impacts and natural resource degradation.
 - d. Shall recognize the fragile nature of the soils and slopes, understanding that trees protect these features from erosion and clearing should be limited. Forestry best management practices and other acceptable measures shall be used during construction and afterwards to reduce erosion, preserve trees, and maintain the scenic beauty of mountain areas.
 - e. Shall be compatible with the natural features of that land and shall not diminish natural and scenic assets.
 - f. Shall respect environmental limitations and protect natural features during and after the development process.
4. Prohibit the rezoning of Forestal-Open Space-Conservation (FOC) zoned properties to the Rural Residential District (RR) in areas outside of designated growth areas and villages for new residential development. The purpose is to avoid loss of forest, to avoid sprawl development, and to avoid consumption of potential conservation lands and open space.
 5. Promote the protection of lands adjoining or visible from the Appalachian National Scenic Trail, the Shenandoah River, and other public lands. Protect the scenic value of those lands when making land use decisions and plans.
 6. Work proactively with the Mount Weather Emergency Operations Center and the Federal Emergency Management Agency (FEMA) to encourage compatible development, public notice, and public input opportunities for future expansion projects as well as continued communication and cooperation.

Objective 3 – Natural Resources.

Protect natural resources, including but not limited to soil, water, air, viewsheds, night sky, sound, wildlife habitats, and fragile ecosystems through the following policies, the Water Resources Plan, and other adopted policies.

Policies

1. Prohibit land uses that are likely to result in significant degradation to the County’s natural resources. Focus should be placed on but not be limited to ground and surface water quality and quantity in Karst topography, steep slopes, and the Shenandoah River. Regulations should be adopted to establish measurable thresholds that the County uses to determine what constitutes significant degradation of a natural resource.

6. Identify and inventory important land suitable for the preservation and conservation of natural resources. Encourage landowners to apply for preservation programs such as the Agricultural and Forestal District program (AFD) as well as applicable use-value taxation for such lands as "real estate devoted to open space use" (Code of Virginia, Section 58.1-3230). Such real estate includes parcels adjacent to designated scenic rivers, wetlands, designated scenic highways, and registered historic structures. Such real estate also includes lands adjacent to or under permanent conservation easement or lying within the 100-year floodplain.
8. Promote the placement of conservation easements on lands adjoining or visible from roads designated as Scenic Byways and protect the scenic value of those lands when making land use decisions and plans.
20. Promote multiple uses of forested land that are nonintensive and compatible, such as passive outdoor recreation, wildlife habitats, watershed protection, and forest management.
21. Ensure that timber harvesting is conducted in accordance with Virginia Department of Forestry and Chesapeake Bay protection standards. Also ensure that an approved forest management plan is in place for each site so that erosion and sedimentation of streams and other applicable impacts are minimized.
22. Promote the addition of forestal lands to the Clarke County Agricultural and Forestal District program by providing information on the program's benefits and incentives to owners of timber lands.

Objective 5 – Conservation Easements

Ensure the continued success of the Conservation Easement program by encouraging landowners to place County lands in voluntary permanent easement. Provide support and funding of the County's Conservation Easement program and collaborate with other easement programs managed by State, Federal, and private entities.

3. Encourage and support the goals of the Conservation Easement Program to protect and preserve:
 - a. Land essential to agriculture including land with soils classified by the Natural Resources Conservation Service (NRCS) as prime farmland, farmland of statewide importance, farmland of local importance, and unique farmland as soils that are best suited to food, feed, fiber, forage, and oilseed crops.
 - b. Forested areas for their value as natural habitat and recreation, ability to enhance air and water quality, and ability to prevent soil erosion.
 - c. Historic resources, to maintain community character and identity, and encourage the tourism industry.

- d. All water resources with particular emphasis on land adjacent to the Shenandoah River and other perennial streams and the limestone ridge/groundwater recharge area to protect water quantity and quality (reference Map 3, Groundwater Recharge Area).
- e. Land adjacent to the Appalachian Trail and other public lands.
- f. Land with environmentally sensitive areas important to air and water quality, plant life, and wildlife.
- g. Lands that provide viewsheds for the County's gateways, main roads, and scenic byways.

2005 MOUNTAIN LAND PLAN OBJECTIVES AND IMPLEMENTING ACTIONS

OBJECTIVES

The following objectives were developed to guide public land use policy in the Mountain Land Area based on the above development pressures and on the unique, irreplaceable, and environmentally sensitive character of the Mountain Land Area:

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.

IMPLEMENTING ACTIONS

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 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).
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.

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.

2020 RECREATION PLAN APPLICABLE STRATEGIES

3) Assist in maximizing the recreation value of existing assets

b. Facilitate more effective public use of the Shenandoah River while simultaneously protecting it as a critical natural and environmental resource.

The Shenandoah River is a national treasure that attracts thousands of visitors annually for fishing, kayaking, boating, or simply enjoying its natural beauty. Promoting use of this unique recreational resource must be balanced with the critical need to protect it from pollution, erosion, and corruption of its scenic value.

The County shall explore opportunities with State and Federal agencies and private landowners to improve public access, parking, and amenities. Current partnerships include the Virginia Department of Wildlife Resources, Virginia Marine Resource Commission, and the Army Corps of Engineers. Such improvements, however, should ensure that the integrity of the River is not compromised and that the rights of landowners along the River are not unreasonably affected. An additional consideration is the impact of increased traffic on secondary roads and the neighbors living along those roads. The County shall continue to maintain land use controls to protect the River and should explore adoption of new controls to further protect this asset.

Partnerships with other public and private entities can also be sought to promote and to protect the River. Two groups in particular, the Friends of the Shenandoah River and The Downstream Project, are dedicated to protecting water quality in the River and other perennial streams. Efforts should be undertaken to better identify the specific roles that the County may take in this endeavor and to address specific challenges that may be faced.

c. Facilitate more effective public use of the Appalachian Trail while simultaneously protecting it as a critical resource.

The Appalachian Trail (A.T.) is a world-renowned recreational resource that is enjoyed by thousands of hikers, camping enthusiasts and outdoor lovers annually. Promotion of the A.T. must include protecting it from corruption of its scenic and recreational value.

The County shall explore opportunities with State and Federal agencies and private landowners to improve public access, parking, and amenities. Such improvements, however, should ensure that the integrity of the A.T. is not compromised and that the rights of landowners along the A.T. are not unreasonably affected. As with River access, consideration should also be given to the potential impact of increased traffic on secondary roads. The County shall continue to maintain land use controls to protect the A.T. and should explore adoption of new controls to further protect this asset. Partnerships with other public and private entities can also be sought to promote and protect the A.T. Efforts should be undertaken to better identify the specific roles that the County

may take in this endeavor and to address specific challenges that may be faced. The Town of Berryville and Clarke County were accepted as an Appalachian Trail Community in 2014. This designation recognizes communities that promote and protect the A.T. In addition, the County should continue to pursue acquiring conservation easements along the A.T. corridor as a preservation measure. In 2018 the County received a grant from the A.T. Landscape Partnership Action Fund to develop a map describing six hikes associated with the Appalachian Trail. These maps have been distributed to area shops, restaurants, and tourist information sites.

Due to increased popularity of the trail, parking at access points exceeds the available area for cars. In 2018 the County paid for an expansion of the parking lot at the Route 679 lot to increase the capacity from 8-10 cars to 20-30 cars. Additional parking is also being provided at the Morgan's Mill access point through a cooperative effort with the National Park Service, Federal Emergency Management Agency (FEMA), the Potomac Appalachian Trail Club (PATC), the Appalachian Trail Conservancy (ATC), the Virginia Department of Transportation (VDOT), and the County. This lot will be completed in late 2020.

- d. Facilitate more effective public use of the historic Bear's Den Hostel and property while simultaneously protecting it as a critical resource.** The County should also explore partnership efforts with the Appalachian Trail Conservancy and the Potomac Appalachian Trail Club to promote awareness of Bear's Den as a related recreational asset. Bear's Den is a well-known scenic location along the Appalachian Trail containing the only formal lodging and camping facilities along the County's section of the A.T. as well as providing public access points, scenic view access, internal trail network, programming and events for day users as well as through hikers. Such partnership efforts could include coordination of events and promotion as well as exploring ways to protect the resource and expand its amenities.
- e. Support the efforts of Shenandoah University to develop and maintain its River Campus as conservation, educational, and passive recreation resource.** Shenandoah University received the former Virginia National Golf Course property along the Shenandoah River in 2013 as a gift from the Civil War Trust with the goal of developing the property as a satellite campus for historic, conservation and environmental education. In furtherance of this goal, the University has opened the campus to the public for passive recreation opportunities during daylight hours. The County should work with the University in furtherance of these goals and should seek opportunities to promote the Campus as a passive recreation facility. The County should also consider support of ongoing improvements proposed by the University provided they are context-sensitive and do not compromise the aforementioned goals.

4/15/2024 COMMITTEE MEETING

MOUNTAIN LAND ISSUES FOR COMMITTEE DISCUSSION

1. **Protect and preserve tree coverage, ridgelines, and sensitive slopes.**

- How should we balance the goal of preserving trees on the mountain with the rights of private property owners to harvest timber and create scenic views of the valley?
- How should we balance the goal of preserving trees on the mountain with by-right agriculture?
- Should we encourage reforestation on the mountain including nutrient credit banks?
 - Note previous comments to avoid monocultures
- Should strong policy statements be drafted to oppose the following types of land conversion that impact tree coverage, slopes, and ridgelines?
 - Utility transmission lines, with the exception of underground projects that protect tree coverage
 - Community-scale solar of a certain size to limit tree removal and valley visibility
 - Communication towers (note Telecommunications Study that recommends a network of towers along the bench, also note recent lack of interest in constructing new towers)

2. **Mitigate adverse impacts of development on mountain lands and transportation network.**

- Should additional development regulations be established for allowable uses in the FOC District, taking into consideration unique impacts that the same uses would not have in the AOC District?
 - See list of FOC District allowable uses
 - Transportation impacts – Public roads on the mountain tend to have more safety concerns than valley roads including longer stretches of unpaved through roads (Ebenezer Road, Morgans Mill Road, Feltner Road)
 - Private roads have more stringent construction standards and are more susceptible to degradation due to slopes
 - Limitations in siting septic systems, parking areas, and improvements while preserving trees and protecting sensitive slopes
- Should traffic-generating special uses be prohibited from using shared easements and private roads for public ingress/egress? Should they be prohibited from using gravel-surfaced public roads?
- Should policies be created to address future water, sewage disposal, and transportation issues with existing residential subdivisions including Shenandoah Retreat, River Park,

4/15/2024 COMMITTEE MEETING

Carefree Acres, and Shenandoah Farms?

- Nonconforming lots and wells/septic systems -- Statement that these lots are limited to development capacity allowed under current Zoning, Subdivision, Septic, and Well Ordinances and will not be granted waivers or other zoning approvals to expand development capacity?
- Should statements be included to address potential failures of septic systems in the future?
- Should there be a policy regarding the circumstances under which the County would support the use of sanitary districts for maintenance of private roads and other shared areas or to address groundwater or septic system issues?

3. Mitigate adverse impacts of tourism and recreation on mountain lands and transportation network.

- Should we develop a clear statement of how the County wants to support and promote tourism and recreation on mountain lands and the Shenandoah River?
 - Note strategies for FOC recreational resources in the 2020 Recreation Plan.
 - Note conflicting views/unique impacts for various resources:
 - Appalachian Trail – Emergency services response for trail incidents, through hikers vs. day visitors
 - Shenandoah River – Impacts on roads, parking, adjoining properties, and the river itself from public usage
 - Shenandoah University River Campus – Traffic impacts at Route 7, possibility of more intensive uses in the future
- Should we have different policies for the scope of agribusiness and agritourism in mountain areas – see adverse impacts of Bear Chase Brewery

Forestal-Open Space-Conservation (FOC) District Allowed Uses

Agricultural Uses	Use Type(s)
Agricultural Building	Accessory
Agriculture	Permitted
Biosolids Land Application	Accessory
Farm Winery, Farm Brewery, Farm Distillery	Permitted
Forestry	Permitted
Intensive Livestock, Dairy, or Poultry Operation	Permitted
Small-scale Processing of Fruits and Vegetables	Special
Wholesale or Retail Sale of Agricultural Products	Accessory

Residential Uses	Use Type(s)
Accessory Structure	Accessory
Group Home	Permitted
Home Garden	Accessory
Home Occupation	Accessory
Manufactured Home	Permitted
Minor Dwelling	Accessory
Non-Residential Building	Permitted
Short-Term Residential Rental	Permitted or Accessory*
Single-Family Dwelling	Permitted
Temporary Family Health Care Structure	Accessory
Tenant House	Accessory

* See use regulations for details

Business Uses	Use Type(s)
Commercial Breeding Kennel	Special
Country Inns	Special
Personal Service Business	Special
Retail Business	Special
Sawmill	Special
Specialty Trade Contractor	Special
Veterinary Clinic	Special
Wireless Communication Facilities	Accessory, Permitted, or Special*

* See use regulations for details

Recreation/Education/Assembly Uses	Use Type(s)
Campground	Special
Churches and Other Places of Worship	Special
Historic Structure Museum	Special
Minor Commercial Public Assembly	Special
Private Club	Special
Summer Camp	Special

Public and Miscellaneous Uses	Use Type(s)
Animal Shelter, Governmental	Special
Cemetery	Special
Community Services Facility	Special
Passive-Use Public Park	Special
Public Utility Facility	Special
Small Wind Energy System	Accessory or Special*

* See use regulations for details