



Clarke County Planning Commission

AGENDA – Comprehensive Plan Committee Meeting

Monday, May 20, 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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Upcoming Meetings:

- To be scheduled – June
- To be scheduled – July



Clarke County Planning Commission

DRAFT MINUTES – Comprehensive Plan Committee Meeting

Monday, April 15, 2024 – 2:00PM

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)	✓
George L. Ohrstrom, II (Ex Officio)	✓		

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

OTHERS PRESENT: Bill Waite

CALL TO ORDER: By Mr. Stidham at 2:00PM.

1. Approval of Agenda

Members approved the agenda by consensus as presented by Staff.

2. Approval of Minutes – March 27, 2024 Meeting

Mr. Stidham noted a correction on page 5 of 26, fifth line -- the word “said” should be deleted. Commissioner Staelin noted page 3 of 26, first paragraph, that Commissioner Glover referenced a “per acre” rate and asked whether it should be a “per kilowatt” rate. Commissioner Glover replied that owners are sometimes paid per acre. Commissioner Glover noted on page 6 of 26, third paragraph, 3rd line from the bottom, that he was referencing containment farming generally and not implying that it is taking place in Clarke County. He asked to add the word “elsewhere” between “operations” and “where.”

Members voted 3-0-1 (Catlett abstained) to approve the March 27, 2024 meeting minutes as amended. Commissioner Catlett abstained as she did not attend the meeting.

Motion to approve the March 27, 2024 meeting minutes as amended:			
Buckley	AYE	Staelin	AYE (moved)
Glover	AYE (seconded)	Catlett	ABSTAINED

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

A. FOC/Mountain Issues Workshop

Mr. Stidham said that we are going to repeat the exercise that we did in reviewing the AOC/valley areas but with the FOC/mountain areas. He said that we would review the applicable objectives and policies from the 2022 Comprehensive Plan and the objectives and implementing actions from the 2005 Mountain Land Plan. He added that we will conclude with reviewing a list of discussion questions.

Regarding the 2022 Comprehensive Plan objectives and policies, Mr. Stidham highlighted Objective 2 Policy 3 which pertains to residential development. He noted that the policy references a number of development controls that arose from 2005 Mountain Land Plan recommendations and he asked members if any additional controls should be considered. Chair Ohrstrom asked if we are going to discuss what constitutes a steep slope. Mr. Stidham replied that we define steep slopes in the Subdivision Ordinance. Chair Ohrstrom suggested adding into the Rural Lands Plan that steep slopes are equal to or greater than the threshold in the Subdivision Ordinance. Commissioner Staelin noted that we would have to adjust that number in the Plan if we ever adopted a more stringent standard in the future. Mr. Stidham said that we adopted detailed regulations in 2015 for subdivisions on the mountain over 800 feet and we have not had an application filed to test these regulations.

Commissioner Staelin asked if we have had to turn down any applications for development on the ridgeline. Mr. Stidham said that the only example was an internet service provider who was prohibited from placing a tower on the ridgeline by the wireless communication facility regulations. He added that during the ridgeline discussion the issue was raised that forcing an applicant off a ridgeline could result in them developing in a more impactful location. Chair Ohrstrom noted that the Commission required a wide roadway for a private road in a subdivision many years ago that resulted in negative impacts. Mr. Stidham replied that the private road regulations were later amended to avoid this outcome in the future. Mr. Camp noted that the Subdivision Ordinance contains a three-tiered design criteria based on slope. Commissioner Glover asked if it is worth referencing these regulations. Mr. Stidham replied that it would be worth mentioning in the Plan how we created these regulations over the years.

Regarding Objective 3 Policies 6 and 8, Mr. Stidham highlighted the need to get more land into conservation easement in the mountain areas and noted the pros and cons of promoting the placement of land into agricultural and forestal districts (AFD) instead of conservation easement. Commissioner Glover asked if we are identifying land suitable for preservation and conservation of natural resources as noted in Policy 6. Mr. Stidham replied no but added that the entire mountain area would qualify. Mr. Waite stated from the audience that Alison Teetor has met with residents on the mountain to promote the conservation easement program. Chair Ohrstrom suggested adding language to Policy 6 to note that landowners interested in permanent conservation should consider a conservation easement. He noted that it is not difficult to get out of an AFD. Mr. Stidham replied that you cannot get out of the AFD program with a change of ownership and the standard for getting out for financial hardship reasons is strict. Mr. Camp noted that you can subdivide one lot every six years in AFD.

Regarding Objective 3 Policy 20, Chair Ohrstrom asked what “passive outdoor recreation” is. Mr. Stidham replied walking trails and natural areas as opposed to a developed park. Mr. Stidham added that he highlighted this policy because one of our discussion question is about striking a balance between promoting natural resources and managing large numbers of visitors and their impacts. Commissioner Catlett questioned whether it is “promote and protect” or “promote vs. protect.” Commissioner Staelin asked Chair Ohrstrom whether he was suggesting that we include good and bad examples of passive outdoor recreation in the Plan and Chair Ohrstrom replied yes and noted walking trails versus soccer fields. Commissioner Glover said “unimproved” trails would be good to clarify and noted that mountain biking trails cause erosion. Mr. Camp asked whether a fenced dog

park would be passive recreation and Mr. Stidham said he is not sure. Mr. Stidham added that we can start by using the Zoning Ordinance definition for the term.

Regarding Policy 21, Mr. Stidham noted that we have forestry management plan provisions in the Zoning Ordinance however legally we cannot require property owners to submit plans for review and approval before harvesting. He added that we have a good record of voluntary compliance from foresters. Commissioner Catlett asked how much land has been forested in the past five years and Mr. Stidham replied that he did not know. He added that most forestry operations are select cuts and we get 3-4 per year. He said the most important thing is to determine whether the operation is being conducted by a certified forester and is following Department of Forestry practices.

Regarding Objective 5 Policy 3(e), Commissioner Staelin asked if there is a groundwater recharge area on the mountain. Mr. Stidham replied no and noted that this policy applies to conservation easements generally and is not limited to the mountain areas.

Mr. Stidham reviewed the 2005 Mountain Land Plan's objectives and implementing actions. Regarding Objective 8 to protect private property rights, Mr. Stidham noted that it potentially conflicts with other objectives and should be further defined. Chair Ohrstrom asked whether Staff thought that it should be removed. Mr. Stidham replied that all of the objectives need to be expanded in order to explain their meaning. Regarding Objective 5 to protect scenic values, Commissioner Staelin suggested trying to find a balance between allowing property owners to have some views without extensive clearing. Commissioner Glover suggested protecting only existing scenic values and scenic byways. Mr. Stidham noted that some people would be opposed to any clearing that would allow a home on the mountain to be seen from the valley, adding that he does not know where the balance should be. Commissioner Glover said that if you reference protecting existing views, then it means you do not want to allow new views to be opened up. Mr. Stidham replied that you would be taking the stance that trees should not be cut.

Mr. Stidham said that the Mountain Land Plan's implementing actions are organized into land use issues, road issues, and environmental issues which could probably be continued in the Rural Lands Plan. Regarding the recommended text amendments, Commissioner Staelin asked if they have all been implemented and Mr. Stidham replied yes.

Mr. Stidham reviewed the applicable strategies from the 2020 Recreation Plan and noted that these strategies were developed from the perspective of promoting recreational resources. He said that the strategies demonstrate the conflict between promoting these resources versus avoiding the impacts that large numbers of users can bring. He noted strategy 3(c) to improve public access to the Appalachian Trail and asked if we still want to do this after experiencing the impacts of large numbers of visitors experienced during COVID. Commissioner Catlett added that Fire & Rescue are impacted by having to respond to calls on the Appalachian Trail and the number of calls they have to respond to increases every year. Commissioner Glover said no matter how large you build the parking lots, they will always fill up. He added that the County has done its due diligence to get the parking areas expanded and improved. Mr. Stidham noted that it is also easier for novice visitors to access the Trail and to run into problems due to a lack of being informed. Commissioner Glover asked when these recommendations were written and Mr. Stidham replied in 2020 during COVID. Commissioner Staelin said that this language has been in plans prior to 2020.

Regarding strategy 3(e) pertaining to the Shenandoah University River Campus, Mr. Stidham said he likes the idea of trying to define what we mean by “passive recreation.” Commissioner Catlett noted that the high school had a cross country meet there recently and Mr. Stidham noted that this would not be an example of passive recreation.

Mr. Stidham began the review of mountain land issues for the Committee’s discussion with the issue of protecting and preserving tree coverage, ridgelines, and sensitive slopes. Mr. Camp said if he lived on the mountain he would be most concerned with clear cutting. Mr. Stidham noted that we can require tree preservation areas and perimeter buffers when lots are created but would be on shaky legal ground if we tried to further restrict a landowner’s right to cut trees. He added that it would be similar to restricting farming in agricultural areas. He said for the purposes of the Rural Lands Plan, we can decide where we fall on the spectrum of preserving trees at all costs versus protecting private property rights. Commissioner Glover said that problems occur when forestry operations are done without notifying the Department of Forestry or the County.

Mr. Stidham noted the question of how to balance the goal of preserving trees on the mountain with by-right agriculture. He added that there is not a lot of farming on the mountain but someone could clear cut to start a vineyard or establish pastures for horses. Commissioner Glover said that the County seeks to preserve the natural environment that other counties do not have. Mr. Stidham replied by asking whether the more important policy goal is to protect the environment or promote agriculture. Chair Ohrstrom said that protecting the environment would be more important on the mountain. Mr. Stidham noted that how we define traditional agriculture could be used to address this issue. Commissioner Catlett stated that there are areas on the mountain that are conducive to pasture land. Commissioner Staelin said that we can balance 60%/40% with wording that supports protecting the environment and promoting agriculture with some limitations. He added that wording is important because people often quote our language in public hearings when these issues arise. Commissioner Glover said that it is not likely that someone would want to establish a new farm on the mountain and we may not want to encourage people to clear cut in the name of agriculture. Mr. Stidham replied that you could have a lot that is conducive to farming where the owner does want to clear cut and establish a traditional farm. Chair Ohrstrom added that someone could want to clear cut and replant in poplars.

Mr. Stidham asked if anyone knows what types of agricultural operations are currently on the mountain. Vice-Chair Buckley said that there are a few old-time farms that are being operated by families who have been there for generations. Commissioner Glover said that the new farms would be a concern and Vice-Chair Buckley added that the problem is converting forest land to agricultural land on the mountain. Vice-Chair Buckley said that the people most likely to convert forest land are ones that want to start a winery or brewery. Mr. Stidham noted that it is easy to craft policy language to address that situation but harder to address traditional agriculture. Commissioner Glover noted that there is also a difference between farms on the mountain and farms along the river. Vice-Chair Buckley said you do not have to clear cut for livestock, you typically clear cut to grow crops. Mr. Stidham asked if it is accurate to say there is not much leasable land for pasture on the mountain and Vice-Chair Buckley replied that he assumes that is correct. Mr. Waite noted that most of the land for sale on the mountain is currently forested. Mr. Stidham suggested language to encourage agriculture on the bench and along the river and not so much in other areas on the mountain. Commissioner Glover said that farming along the river can cause runoff concerns.

Mr. Stidham noted the discussion question regarding whether to encourage reforestation on the mountain using nutrient credit banks and avoiding monocultures. Vice-Chair Buckley said you do not want to encourage clear cutting for the purposes of replacing with a nutrient credit bank ten years down the road. He added that someone could say they are clear cutting to create a pasture and ten years later put in a nutrient credit bank. Mr. Stidham noted that a nutrient credit bank could be one way to get cleared land replanted. He added that if we have concerns about clear cutting for agriculture, it would seem that the mountain would be a good area for a nutrient credit bank. Commissioner Catlett said that converting from pasture land to forest for a nutrient credit bank would give you the best bang for your buck and wondered how this could be done on the mountain. Chair Ohrstrom replied that you would clear cut first and sell the timber and then get paid to reforest with a nutrient credit bank. Vice-Chair Buckley said that if you are working through the Natural Resources Conservation Service or Lord Fairfax Soil & Water Conservation District, your payment will be higher for taking something out of pasture land than if you were taking it out of hayfield production. Commissioner Catlett said she wondered how this applied on the mountain with cutting trees.

Chair Ohrstrom suggested language recommending reforestation on the mountain without specifically referencing nutrient credit banks. Mr. Stidham replied that you can definitely do this but the language could still be used to justify establishing a nutrient credit bank as a means of reforestation. Commissioner Staelin asked if we say that we want diversity of trees when reforesting and the members agreed that this should definitely be included. Chair Ohrstrom noted that the Easement Authority recently included language to address avoiding monocultures. Mr. Stidham added that we do not address monocultures in our plans and it would be a good idea to do so.

Mr. Stidham reviewed the next discussion question regarding land conversion types that impact tree coverage, slopes, and ridgelines. Regarding utility transmission lines, Commissioner Glover said he is concerned about including an exception for underground lines. Mr. Stidham replied that it is unlikely that we can prevent utility transmission lines but we can encourage them to be placed underground. Commissioner Glover noted that undergrounding projects can also require significant tree removal and Commissioner Staelin added that the utilities need significant easements to maintain their lines. Mr. Stidham said that if a utility is going to go through the effort of undergrounding, it is likely to be within a Virginia Department of Transportation (VDOT) right of way that is already established. Mr. Camp noted that electric providers do not want to underground their lines as they can sometimes lose power versus using overhead lines. Mr. Waite said that all of the utility lines going to Mt. Weather are located underground and Chair Ohrstrom noted that in Europe they place 500 kV lines underground all the time. Commissioner Glover is concerned more with creating new underground lines versus placing utilities in existing underground easements. He added that he is more concerned with utility transmission lines than service lines to homes. Mr. Stidham replied that if the language allows us to get one utility transmission line project underground, it would be a benefit. He added that if the language says that we oppose all utility transmission lines, the service providers will ignore us and build it anyway. Commissioner Glover reiterated that he is mainly concerned with clear cutting to install utility transmission lines that are passing through the county and not the local service lines. Vice-Chair Buckley suggested stating, "Utility transmission lines should be avoided but if not, they should be underground."

Mr. Stidham asked the members if they wanted to leave an allowance for community-scale solar, adding that it would probably only be viable in flat areas like the bench. Chair Ohrstrom suggested

areas of concentrated development such as Pine Grove, Shenandoah Retreat, or the developments off of Route 50. Mr. Stidham replied that you need a flat area where the sunlight is not impeded by slope. Commissioner Staelin said that it would be difficult in a combined Rural Lands Plan to say that one use is allowable in the valley areas but not in the mountain areas and did not know how we could craft language to be applicable in all rural areas. Chair Ohrstrom said that you have to have the same set of rules if you have an integrated plan. Mr. Stidham replied that you can have separate rules. He suggested one way of organizing the Rural Lands Plan would be by topic, adding that we would say community-scale solar is generally appropriate in the AOC areas but only in flat areas like the bench in FOC areas of a certain size.

Regarding communication towers, Mr. Stidham noted that the 2015 Telecommunications Study recommended a network of towers to be constructed along the bench as part of a network to provide consistent telecommunications service across the county. He asked whether this is something that we still want and noted that we have not had a new tower application filed since one from a few years ago on Mt. Carmel Road that was ultimately withdrawn. Commissioner Staelin said that once the fiber optic project is complete, you can use the internet to supplement your phone service at home but it does not help mobile phone service. Vice-Chair Buckley asked if we knew if there are any areas where cell service is still poor and said that it seems like service has improved everywhere. Mr. Stidham said that it depends on your provider. Members had a brief side conversation of areas in the county where cell service has improved. Mr. Stidham wondered if cellular providers no longer need numerous large towers anymore and Vice-Chair Buckley noted that the last two tower applications filed were withdrawn.

Mr. Stidham reviewed the next discussion topic to mitigate adverse impacts of development on mountain lands and the transportation network. He noted that compared to roads in the AOC areas, mountain roads tend to be curvier, narrower, and some main roads have long unpaved stretches. He also said that there are a lot of gravel private roads. He said his question is whether we want to further restrict or treat uses differently when located on FOC lands as opposed to AOC lands. He then reviewed a list of FOC District uses provided for the Committee's reference. Chair Ohrstrom said that we have total control over the special uses so we really only want to look at the permitted and accessory uses. Mr. Stidham replied that you may still want to create regulations for the special uses that apply only to FOC lots. Commissioner Staelin noted that this kind of language included in the Rural Lands Plan could be used to make decisions on special use permit applications.

Mr. Stidham noted the question of whether traffic-generating special uses should be prohibited from using shared easements, private roads, and gravel public roads for public ingress/egress. He said that we have already started incorporating this concept into recent text amendments for farm wineries, farm breweries, and farm distilleries in addition to primitive campgrounds. He also noted the regulation added a few years ago that requires property owners on a private access easement that will be used for public access to a proposed special use to be applicants on the special use permit application. He said that we could go to the next level and prohibit use of private roads and gravel public roads. He cited the example of whether we want special use traffic using Feltner Road which is a narrow and steep gravel public road. Commissioner Glover noted Morgan's Mill Road as another gravel public road that we would not want to add traffic to. Commissioner Staelin suggested having a limitation on the distance of private road that could be used for public ingress/egress. Vice-Chair Buckley asked if you could use road classification for public roads and Mr. Stidham replied that we should probably use whether it is hard surfaced or not. Commissioner Staelin said that he is

in favor of limiting use of gravel public roads. He also said he wondered whether the residents on the mountain would be in favor of or opposed to the rule as it would further restrict their property rights. Mr. Stidham said he thinks that the vast majority of people who would want to develop these uses on the mountain are from outside the county and that the current county residents do not want to be bothered by these uses. Vice-Chair Buckley noted in the past that many residents on the mountain do not want to be subject to any regulations whether they want to develop the impacted uses or not. Commissioner Catlett asked if we could prohibit farm wineries that are on gravel public roads if they are a by-right use. Mr. Stidham said that he thinks we could include this regulation. He added that we are only setting the policies for the Rural Lands Plan and we would still have to go through the text amendment process to make the regulations. He also said that if we want to avoid adverse impacts to gravel public roads on the mountain, then we should make that statement in the Rural Lands Plan. Commissioner Glover added that we do not want to impact the roads or the residents.

Chair Ohrstrom asked if we want to separately address mitigating adverse impacts of development on mountain lands and impacts to the transportation network as a way to make each stronger. Mr. Stidham replied that our current plan language appears to encourage these traffic-generating uses in the rural areas and we have no guidance to address lands that are served by bad roads. Commissioner Staelin suggested looking at the list of permitted and accessory uses to see if any could be made special uses. Mr. Stidham replied that we could have a strategy to review the list of uses to determine which should be converted to special uses.

Mr. Stidham moved to the final discussion issue regarding mitigating adverse impacts of tourism and recreation on mountain lands and the transportation network. He asked if we want a clear statement of how we want to support tourism on the mountain. Regarding emergency services response to calls on the Appalachian Trail, Vice-Chair Buckley said that he believes that majority of the calls are for day hikers as opposed to through hikers. Commissioner Staelin said that the way you word how you want to promote is important. Commissioner Glover said that the Economic Development Department is promoting a lot of things and we do want to promote our natural assets but we have done a lot of promotion of our tourism assets over the past few years. Mr. Stidham noted that Bear's Den is not an attraction that you would want to limit to through hikers because regular visitors can access it easily to enjoy the view. He also noted that we may not want to promote it to the extent that visitors overcrowd the parking areas. He added that you cannot promote tourism without promoting all of our assets. Commissioner Staelin said that you can clarify that some resources are for experienced hikers and have limited parking and access. He also asked if we can convey this information through better signage. Mr. Stidham said that a policy for the Plan may be to develop a public information campaign to increase awareness of these issues. Commissioner Catlett said that signage and other information could be better focused on warning first time visitors of the hazards, adding that the current signage on the Appalachian Trail is more geared towards information for through hikers.

Mr. Stidham reviewed the final topic regarding whether to have different policies for agribusiness and agritourism on the mountain, citing the impacts of Bear Chase Brewery as an example. Chair Ohrstrom said that if you had a business like Bear Chase Brewery in the middle of AOC land, you would probably have the same issues. Commissioner Glover said that the concerns with mountain roads apply to this issue as well.

Commissioner Staelin noted that we skipped over the question about whether we want to allow sanitary districts in the future to address water, sewer, and private road issues. He said that we should find a way to inform owners of small lots on the mountain of what might happen if their septic systems fail. Commissioner Catlett asked if you establish a sanitary district to address septic system problems, are you also obligated to maintain private roads in the same community. Mr. Stidham replied that he thinks you can determine the scope of the sanitary district responsibilities. He also asked the members if we want to have a policy that states whether we will or will not get involved with sanitary districts if a community has issues with wells, septic systems, or private roads. Vice-Chair Buckley said that it is a challenge to maintain our current public sewer district and Commissioner Staelin replied that a sanitary district is different because we are collecting money from the district residents to pay for the maintenance issue. He said the Board of Supervisors would take no responsibility for maintenance. Vice-Chair Buckley asked who would be responsible for stepping in if the entity that is responsible for maintenance fails to perform. Commissioner Staelin said that maybe it would be a good idea to establish a policy that outlines the scope of when the county would consider a sanitary district. He added that this can include which parties are responsible and what happens if those responsibilities are not met.

4. New Business ~ none scheduled

Mr. Stidham said that the next meeting is scheduled for May 3 after the Commission Business Meeting. Commissioner Catlett said that she may not be able to attend. Mr. Stidham asked if the Committee wants to reschedule since Commissioner Staelin may also not be able to attend on that date. Members agreed and Mr. Stidham said that he would email some suggested dates and times.

Regarding the Recreation Plan's strategies, Vice-Chair Buckley noted Strategy 3 states, "Assist in maximizing the recreation value of existing assets." He also said that (b) and (c) reference facilitating "more effective public use" of the Appalachian Trail and Shenandoah River. He said that the wording should be more "considerate" public use. Commissioner Staelin said that you could say to ensure that the level of usage matches the ability to serve.

ADJOURN: Meeting was adjourned by consensus at 3:34PM.

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

DATE: May 15, 2024

Enclosed for discussion at the May 20 meeting is a comprehensive outline for the Rural Lands Plan. Given that we have spent the last several meetings with issue identification, the next step is to begin visualizing how to assemble the issues and recommendations into a plan framework. Please note that this is a working draft and Staff is continuing to add the Committee's discussions and work product to the outline.

In this initial approach, the introduction chapter (Chapter I) contains more substantive, issue-oriented narratives than typical background information. The Committee identified several issues that require greater explanation and definitions than can be included in the Plan's goals and strategies chapter. Examples include:

- What forms of agriculture does the County prefer to protect and support as by-right agriculture?
- How and why do we differentiate certain agribusinesses (including industrial-scale agriculture) and agritourism operations from by-right agriculture?
- Why is it important to protect farmland, open space, and forested areas from parcelization and land conversion threats?
- Why does the County limit investing and supporting public infrastructure expansion in the rural areas (e.g., roads, water, sewer)?
- What are the reasons for limiting growth and infrastructure expansion in the villages of Millwood and White Post?

The issue-oriented narratives that we include in Chapter I can be used as guidance language in concert with the goals and strategies proposed in Chapter II. While this differs from the format of some recent plan updates, it is an approach used in the Berryville Area Plan's Chapter II and the Double Tollgate Area Plan's Chapter II. As this is a working draft, Staff recommends the Committee discuss the initial approach and offer direction and suggestions as we continue to refine the outline for Plan drafting.

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The second discussion topic is planning for the village meetings and any other outreach initiatives that the Committee wishes to pursue. Staff notes that some of the key issues identified for inclusion in the Plan have not been discussed directly by the full Commission and are somewhat new policy positions. It is recommended that the Committee discuss them with the full Commission at a future work session to obtain consensus before moving forward with presenting to the public. At the same time, the Committee can propose a public outreach schedule for the Commission's review.

Previously, we planned on having informal public workshops on the village recommendations for Millwood, White Post, and Pine Grove. This was later reduced to workshops just for Millwood and White Post, and the idea of potentially combining them into a single workshop was also proposed. Members also briefly mentioned the possibility of holding other workshops on issues not specifically pertaining to the villages. Our goal should be to decide how many workshops we want to have on which topics and in which locations so we can present the concept to the full Commission. Once this has been determined by the Committee, Staff can develop a clearer timeline of when we can hold the workshops and complete the remaining plan tasks. We can also discuss targeted outreach such as soliciting comments from specific agencies and organizations (e.g., Farm Bureau).

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

COMPREHENSIVE OUTLINE – RURAL LANDS PLAN

CHAPTER I – Introduction and Background

A. Executive Summary

- What constitutes the rural areas?
 - Unincorporated areas outside of the Towns of Berryville and Boyce
 - Villages (including “what is a village?”) of Millwood and White Post
 - Other communities and subdivisions (e.g., Pine Grove, Frogtown, Shenandoah Retreat, Shenandoah Farms)
- History of the Agricultural and Mountain Land Plans, addition of Village Plan
 - Agricultural Land Plan – 1987, 1997, and 2016 iterations
 - Mountain Land Plan – 1994 and 2005 iterations
 - Village Plan – Guidance added to Comprehensive Plan in 2014
- Process for developing the Rural Lands Plan
 - Reasons for combining three plans into one
 - Committee work
 - Informal public outreach
 - Formal public hearings and adoption
- How to use the Rural Lands Plan
 - In concert with the Comprehensive Plan
 - Linkages to pertinent component plans (Transportation, Recreation, Historic Resources, Water Resources, Business Intersections)
 - Land use decisions
 - Ordinance development – Zoning, Subdivision, Well, Septic
 - Efforts and resource allocation to support the agricultural industry
 - Economic development and tourism policies
 - Other County resource investments – recreation, transportation, public water and sewer

B. What keeps the rural areas rural?

- Growth policies -- Focused-growth land use planning to avoid sprawl and allow development where:
 - It can best be served by public infrastructure
 - The County can afford and has the resources to serve it with infrastructure of an appropriate scale (e.g., water, sewer, roads)

WORKING DRAFT FOR COMMITTEE REVIEW -- 5/20/2024 MEETING

- It will have the least impact on natural resources, agriculture, and scenic open space
- Public water and sewer only provided in rural areas out of necessity (e.g., White Post water to address well contamination, Millwood sewer to address substandard sewage disposal methods)
- Tools in the toolbox
 - Sliding-scale zoning
 - AOC maximum lot size requirements
 - FOC subdivision regulations
 - Historic preservation
 - Conservation easement program
 - Land use taxation and the Agricultural & Forestal District (AFD) program
- Conservation easements
 - Leveraging grant funds, programs to place farms in easement
 - Cost of Community Services Study points
- Land use value taxation and the Agricultural & Forestal District program
 - Incentive to keep land in agriculture, forestry, or open space
 - Additional AFD program benefits, gateway to permanent conservation easement

C. Scope of agriculture

- Preference for “traditional farming” as by-right agriculture that is entitled to the protection of the Right-to-Farm Act.
 - The primary function of a traditional farm is the growing of crops and/or the raising of poultry or livestock. Link to definition of “agriculture” in the Zoning Ordinance.
 - Traditional farms and some agribusinesses should be minimally regulated under the Zoning Ordinance.
- Agribusinesses that provide direct support to Clarke County farms are encouraged but should be compatible with the rural areas and may require a higher level of zoning scrutiny depending upon their impacts.
 - Definition of “agribusiness” should include businesses that support traditional farming operations and farming operations that are non-traditional in that they have a production element and/or heavy reliance on public access (e.g., farm wineries, breweries, distilleries)

WORKING DRAFT FOR COMMITTEE REVIEW -- 5/20/2024 MEETING

- Cite “farm supplies sales” and “farm machinery sales and service” uses added in 2017
- Cite environmental, infrastructure, and neighbor impacts that should be regulated when developing agribusiness regulations
- Agritourism and agritainment businesses require a higher level of scrutiny to ensure that there are no substantial impacts to the health, safety, or general welfare of the public.
 - Agribusinesses that rely primarily on customer access and providing “an experience” with the actual growing of crops and raising of livestock/poultry as secondary uses should be considered “agritourism” or “agritainment” businesses.
 - Traditional farms that have seasonal or periodic agritourism activities are encouraged (cite agritourism activity zoning permit).
 - Agritourism and agritainment businesses are not considered to be by-right agriculture.
- Onsite sales by farms of their products are supported however farm markets that sell outside products should be limited in size, compatible with the rural areas, and may require a higher level of zoning scrutiny depending upon their impacts.
 - Describe current regulations as amended in 2017.
 - Describe the scope of a “farm market” in which retail sales are the primary use and agriculture is the secondary or accessory use – should require SUP for retail sales.
 - Explain challenges of allowing farms to sell other farms’ products and potential for “scope creep.”
- Industrial-scale agriculture, or the growing of a majority of crops within an enclosed building, should not be considered “by-right agriculture” and permissible in the County’s unincorporated areas.
 - Define “industrial-scale agriculture” to include intensive livestock, dairy, or poultry operations (reference Zoning Ordinance use) and the growing of crops within an enclosed building.
 - Intensive livestock, dairy, or poultry operations are considered to be by-right agriculture and protected under state law – continue higher level of scrutiny allowed by Code of Virginia.
 - Construction of large-scale indoor agriculture buildings is considered to be conversion of farmland to a non-farm use.
- The growing of crops regulated as a controlled substance (e.g., cannabis) is not considered to be agriculture. **NOTE – This is based on a recent interpretation by Staff. Given the increasing number of inquiries on the subject and possible changes at the General Assembly each year, we may want to establish a policy to address it.**

D. Land conversion threats to agriculture and forest resources

- Land development and parcelization
 - Reiterate why we have our land use policies in the Comprehensive Plan and regulations in the Zoning and Subdivision Ordinances to address both
 - Reinforce limiting development to designated growth areas to avoid residential and commercial sprawl
 - **Include statement on minimum lot size for traditional farming to address parcelization (e.g., the 20-acre lot issue)**
- Nutrient credit banks
 - Explain how they impact agricultural land
 - Summarize Comprehensive Plan policy (Objective 1, Policy 9)
- Utility-scale solar
 - Describe differences between utility-scale, community-scale, community, and behind-the-meter solar
 - Explain 2010 text amendment to add “solar power plant” use and regulations and the 2024 modification
 - Desire to protect behind-the-meter usage, possible future exceptions for community-scale solar at a controlled scale that does not consume farmland or important open space
- Utility transmission lines
 - Describe increased demand for electricity, future proliferation and threats to County
 - Explain limitations on local government to block construction of new lines

E. Challenges and threats to quality of life in rural areas

- Include narrative on what to expect living in rural areas
 - Required AOC subdivision plat note:

AGRICULTURAL OPERATIONS NOTICE

This property is in the Agricultural-Open Space-Conservation (AOC) Zoning District. Agriculture is the primary economic activity of this zoning district. Owners, residents, and other users of property in the AOC District may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from agricultural operations even though conducted in accordance with best management practices and/or in accordance with existing laws and regulations of the Commonwealth and the County. Such agricultural

operations may generate noise, odors, and dust, may involve the operation of machinery, including aircraft, the storage and disposal of manure, and the application of fertilizer, soil amendments, and pesticides. Owners, occupants, and users of land in the AOC district should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a zoning district in a county with a strong rural character and an active agricultural sector.

- Required FOC subdivision plat notes:

EMERGENCY SERVICES NOTICE

The rural location of and limited access of this property, combined with adverse weather conditions, may delay or totally impede the timely response of emergency service agencies (police, fire, medical) despite their best efforts. The County of Clarke will not be subject to liability claims because of a delay in response from emergency service agencies resulting from the rural location of and limited access to the property.

FORESTRY OPERATIONS NOTICE

This property is in the Forestal-Open Space-Conservation (FOC) Zoning District. Forestry is the primary economic activity of this zoning district and is necessary for the health and viability of the forest resource itself. Owners, residents, and other users of property in the FOC District may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from forestry operations even though conducted in accordance with best management practices and/or in accordance with existing laws and regulations of the Commonwealth and the County. Such forestry operations may generate noise, odors, and dust, and may involve the operation of machinery, including heavy equipment and chain saws. Debris such as treetops and limbs may be left on site at the conclusion of a forestry operation. Owners, occupants, and users of land in the FOC district should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a zoning district in a county with a strong rural character and an active forestal sector.

- Limitations on soils for onsite sewage disposal systems, groundwater well susceptibility
 - Brief discussion on karst and soil suitability
 - Need for more stringent County septic system regulations
 - Potential for system failures, small lot limitations
 - Alternative septic system regulations – importance of annual maintenance
 - County may only provide assistance with system failures if they are widespread over multiple properties (e.g., Millwood sewer project, White Post water project)

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- Excessive clearing of trees on mountain areas – visual impacts to mountain slopes
 - Explain right to harvest forestry resources, County process for confirming use of forestry management plan and practices
 - Need to balance private property rights with desire to preserve trees
- Rural roads
 - Policy against widening public roads to increase capacity
 - Private roads are the sole responsibility of the property owners and public funds will not be used to upgrade them to state standards for public road acceptance.

F. Challenges to villages and other unincorporated neighborhoods and communities

- Long-term viability of villages as communities, need for controlled and compatible economic development
- Public water and sewer limitations, possible future failures and owner responsibilities
- Long-term upkeep of private roads
- Sanitary district model and similar approaches – circumstances under which the County would evaluate assisting a community with failing infrastructure

CHAPTER II – Goals and Strategies

A. Agriculture and Preservation of Farmland and Open Space

GOAL 1 – Protect and Preserve Farmland and Open Space

Strategy 1. ~~Maintain existing and work to create~~ *Evaluate* new land development regulations that ensure the separation of agricultural uses from residential and commercial uses. Ensure that future residential and commercial development does not conflict with existing agricultural operations or consume prime farmland. ~~Examples include perimeter buffering of agricultural parcels, setback distances from property lines, and subdivision plat notes regarding existing agricultural operations on AOC-zoned properties.~~

Strategy 2. Continue to support the sliding-scale zoning system and the County’s approach to land use decision-making. *Maintain and periodically evaluate whether to strengthen regulations that guard against parcelization and reduction of lots to non-farmable sizes.*

Strategy 3. *Oppose any efforts or actions to convert important farmland and open space to nonfarm uses which primarily benefit areas outside of Clarke County including construction of new or expansion of existing utility transmission line corridors and related infrastructure.*

Strategy 4. *Continue to allow the use of behind-the-meter solar by property owners primarily for onsite electricity needs and incidental resale to the grid. Limit utility-scale solar operations to areas adjacent to the County's existing electrical substations as delineated in the Zoning Ordinance as of January 16, 2024. Consider future regulations to allow community-scale solar on a limited basis and in a manner that does not consume important farmland or open space.*

Strategy 5. Continue to support and promote Land Use Taxation, Agricultural & Forestal District (AFD), and Conservation Easement programs. ~~Develop~~ *Maintain* outreach and social media tools to inform the public of the benefits of these programs and explain their value to the community as a whole.

Strategy 6. Continue to support efforts to place prime farmland and large agricultural parcels into permanent conservation easement including leveraging grants with local funds to purchase dwelling unit rights as a means of permanently preserving lands for agriculture.

Strategy 7. Support efforts to permanently preserve lands that are located adjacent to the corporate boundaries of Berryville and Boyce that contain significant natural, historical or cultural resources; have unique scenic beauty; or possess prime farmland characteristics. Consider providing flexibility for these properties to be used as passive recreational parks, educational resources, scenic greenways, or similar uses as an amenity for nearby residents.

Strategy 8. Continue to support programs that help mitigate adverse impacts on the County's streams and waterways, e.g., stream fencing and streambank restoration projects. Continue partnering with agencies such as the Lord Fairfax Soil & Water Conservation District and the Natural Resources Conservation Service, and pursue grant opportunities in support of these programs.

Strategy 9. ~~Conduct periodic reviews of~~ *Evaluate* zoning regulations to balance the needs of the agricultural community with ensuring that potential impacts such as traffic safety, agricultural waste/runoff, and other environmental concerns are effectively addressed.

GOAL 2 – Ensure compatible agribusiness, agritourism, and industrial-scale agriculture

Strategy 1. Encourage ~~the development of businesses~~ *compatible agribusinesses* that provide products and services to support the agricultural community. Explore the feasibility of establishing or attracting agricultural support facilities for production and sales of agricultural products ~~such as farm markets, co-ops, canneries, and farm equipment sales/service businesses.~~

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Strategy 2. Support *compatible* non-traditional agricultural enterprises *to support traditional farming operations* including but not limited to ~~equine, specialty growers, local food~~ pick-your-own *operations*, farm-to-table *events*, and agritourism *activities*.

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

Strategy 4. *Maintain and strengthen regulations and processes to ensure that agritourism businesses which primarily serve the public and grow crops or raise livestock as secondary uses do not adversely impact the health, safety, or general welfare of the public.*

Strategy 5. Solicit input from the agricultural community on Zoning Ordinance text amendments that propose commercial or public assembly activities in conjunction with agricultural operations.

Strategy 6. Allow intensive livestock facilities as required by State law, ensuring that site development regulations mitigate potential adverse environmental impacts on surrounding properties and waterways.

Strategy 7. *Industrial-scale agriculture – the growing of crops primarily within an enclosed building – is not considered to be by-right agriculture and should not be allowed in the rural areas without a special use permit.*

GOAL 3 – Provide support to the agricultural community.

Strategy 1. Encourage ~~agricultural ventures~~ *agricultural operations* of all sizes whether very large, mid-range, or small farms. Ensure that the County's land use policies and regulations are consistent with the current and future needs of the agricultural community.

Strategy 2. ~~Appoint a County advisory committee to serve as a forum~~ *Provide opportunities* for cooperative discussion of issues affecting the agricultural community and to ~~provide~~ *offer* recommendations to the Board of Supervisors on policy issues affecting agriculture. ~~As an alternative, consider assigning this role to an existing County committee such as the Agricultural and Forestal District (AFD) Advisory Committee.~~

Strategy 3. Evaluate the ~~creation of a formal agricultural development program that includes~~ assignment of County staffing and ~~financial~~ resources *to address the agricultural community's needs*. Consider ~~establishing the program, at its onset, as part of~~ *allocating these resources from* the County's ~~Economic Development~~

~~Department work program with support from the Department of Planning
Planning and Economic Development departments.~~

Strategy 4. Partner with the Virginia Cooperative Extension, local Farm Bureau, and other pertinent agencies and organizations to conduct periodic surveys of the agricultural community to evaluate current and future needs that the County may help to address. Participate in regional agricultural economic development programs and activities, *and* establish partnerships that are consistent with the County's agricultural goals and policies.

Strategy 5. Utilize the internet, websites, and social media to promote agriculture and Clarke County products.

Strategy 6. Develop a database of ~~County agricultural operations and support businesses~~ *agricultural information and resources* in order to effectively communicate programs and other opportunities to the community and interested stakeholders.

Strategy 7. Consider increasing housing opportunities for farm families and farm workers. Evaluate current zoning and subdivision regulations regarding dwelling unit right usage, lot size requirements, tenant houses, and accessory dwellings (less than 600 square feet).

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

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

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

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

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

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

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

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

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

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

B. Protection and Preservation of the County's Mountain Areas

GOAL 1 – Limit the impacts of development activity in the Mountain Areas.

~~*Strategy 1. Maintain and periodically evaluate Zoning and Subdivision Ordinance regulations that protect environmentally and topographically sensitive mountain areas from the effects of development.*~~

~~*Strategy 2. Limit approval of traffic-generating commercial uses and special events on private roads on the mountain, in particular those private roads which do not conform to the private access easement design requirements in the Subdivision Ordinance.*~~

~~*Strategy 3. Strictly apply the County's land use regulations to any new or expanding uses on lands in adjacent jurisdictions that will rely on lands in Clarke County to any degree for ingress/egress, parking, or any other development component.*~~

GOAL 2 – Encourage the preservation of mountain lands

~~*Strategy 1. Develop outreach efforts to encourage mountain area landowners to place their properties in permanent conservation easement or participate in the County's Agricultural and Forestal District (AFD) program.*~~

GOAL 3 – Prevent adverse impacts from the public’s access to the mountain area’s recreational resources

Strategy 1. Mountain areas should be enjoyed in their most natural state. Limit creation of new or expansion of existing public recreational opportunities in the mountain areas to low-impact, passive recreation such as unimproved walking trails and passive-use spaces. Discourage recreational uses that require significant improvements to roads and parking or would require excessive tree clearing and/or land disturbance.

Strategy 2. Evaluate the impacts of improving or expanding parking areas and access points to recreational resources to ensure that the improvements will accommodate the anticipated increase in visitors.

C. Millwood Goals and Strategies

Overview – Include Millwood plan area map and explain how the strategies apply to the plan area

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

Strategy 1

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

Strategy 2

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

Strategy 3

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

Strategy 4

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

Strategy 5

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

GOAL 2 -- Protect Millwood's natural and historic resources.

Strategy 1

Minimize stormwater and pollution impacts to Spout Run.

Strategy 2

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

Strategy 3

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

Strategy 4

Protect and preserve historic structures within the plan area including the Burwell-Morgan Mill. Encourage renovation of structures located outside the Historic Overlay zoning district (H) in a manner that is consistent with the form and character of the village. Where infeasible to renovate, promote the benefits of "mothballing" structures to limit demolition by neglect.

Strategy 5

Encourage the establishment of conservation easements on adjacent and nearby AOC-zoned properties.

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

Strategy 1

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

Strategy 2

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

Strategy 3

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

D. White Post Village Goals and Strategies

Overview – Include Millwood plan area map and explain how the strategies apply to the plan area

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

Strategy 1

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

Strategy 2

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

Strategy 3

Discourage expansion of the public water system specifically to increase capacity for future development in the village. Any future extension of public sewer service to the village should be limited only to address widespread failures of onsite sewage disposal systems.

GOAL 2 -- Protect White Post’s character and historic resources.

Strategy 1

Evaluate historic district design guidelines for residential uses in White Post that balance the need for historic preservation with affordability and provision of common-sense options for property owners.

Strategy 2

Ensure that transportation infrastructure projects respect the village’s scale and historic resources including the “White Post” located at the intersection of Berrys Ferry Road and White Post Road.

Strategy 3

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

Strategy 4

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

GOAL 3 -- Support compatible, neighborhood-scale business uses.

Strategy 1

Evaluate the creation of a new zoning district for White Post that would allow for a mix of Rural Residential and Neighborhood Commercial uses in appropriate locations.

Strategy 2

Development of new and expansion of existing businesses shall minimize impacts to adjacent and nearby properties to the greatest extent practicable. Examples of measures should include but not be limited to:

- Additional screening and buffering
- Minimized, dark-sky compliant exterior lighting
- Parking and hardscaping designed to prevent stormwater runoff
- Daytime hours of operation
- No amplified sound discernible from adjacent properties
- Low-impact signage compatible with the village character

Strategy 3

Neighborhood Commercial (CN) zoned properties at the Berrys Ferry Road rail crossing should not be expanded to facilitate future growth and development.

CHAPTER III – Conclusion