

**CLARKE COUNTY PLANNING COMMISSION  
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November 1, 2016 Briefing Meeting**

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## Clarke County Planning Commission

AGENDA – Briefing Meeting

Tuesday, November 1, 2016 – 3:00PM

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

1. **Approval of Briefing Meeting Agenda**
2. **Review of Agenda Items for November 4, 2016 Meeting**
3. **Old Business Items**
  - a. Continued Discussion, Agricultural Business Uses in the AOC District
4. **New Business Items**
  - a. Proposed Zoning and Subdivision Ordinance Text Amendment – Stormwater Regulations
  - b. Discussion, Proposed Changes to Permanent Committees for 2017
5. **Other Business**
6. **Adjourn**



**Clarke County Planning Department**  
**101 Chalmers Court, Suite B**  
**Berryville, Virginia 22611**  
**(540) 955-5132**

**TO:** Planning Commission members

**FROM:** Brandon Stidham, Planning Director

**SUBJECT:** Continued Discussion, Agricultural Business Uses in the AOC District

**DATE:** October 27, 2016

Item #3a is a continued discussion of agricultural business uses in the AOC District. For this month's discussion, Staff has attempted to compile all of the issues that Commission members discussed at the October 4 briefing meeting and offers potential approaches to addressing each issue below. Here is a brief summary of these issues:

- Should agricultural-related businesses that are currently allowed only in the Highway and Neighborhood Commercial Districts be allowed in the AOC District and, if so, should they be allowed by right with site plan approval by the Planning Commission or by special use permit and site plan approval by the Board of Supervisors? These uses include:
  - Farm machinery sales and service
  - Farm supplies and sales
  - Nurseries, greenhouses (commercial)
  - Feed and grain mill
- How should the prohibition of “nurseries, greenhouses (commercial)” be reconciled with the definition of “horticulture” and the use’s by-right allowance in the AOC District? Is there a reason to have a definition of “horticulture” that is separate from the definition of “agriculture?”
- Should a different approach be taken with the sale and processing of agricultural products in the AOC District? Specifically, is distinguishing between products produced entirely in the County and not totally produced in the County the appropriate metric to use?
- Should the use “welding, blacksmith, tinsmith, woodworking” be allowed in the AOC District since these services are often needed by agricultural operations?

Staff's initial recommendations on these issues are provided below for the Commission's consideration at the Briefing meeting. We encourage the Commission to discuss their merits and provide direction to Staff regarding further work on the issues. We do not recommend developing a draft text amendment at this time – once the Commission is comfortable with approaches to these issues, we recommend having the County Attorney review prior to scheduling any public hearings on a text amendment. Proposed new or amended text is shown in red font.

### Farm machinery sales and service/Farm supplies and sales

- Add both uses to the AOC District as by-right uses subject to site development plan approval by the Planning Commission.
- Define “farm machinery sales and service” as follows:  
*Buildings and land used for the onsite sale of machinery, equipment, and parts, and/or for the onsite service of machinery and equipment, that is manufactured primarily for use by an agricultural operation.*
- Define “farm supplies and sales” as follows:  
*Buildings and land used for the onsite sale of goods and supplies that are primarily produced or manufactured for use by an agricultural operation.*
- Create supplementary regulations for “farm machinery sales and service” in the AOC District to require:
  - Approval of a site development plan by the Planning Commission per Article 6
  - Sufficient frontage on a Federal primary highway (US 340, US 522, US 50/17) or four-lane divided State primary highway (VA 7) to accommodate a commercial entrance and related improvements as required by the Virginia Department of Transportation
  - Maximum floor area of 15,000 square feet.
  - All service activities shall be conducted within an enclosed building.
  - No outdoor storage shall be permitted.
  - No service or repair of automobiles shall be permitted.
- Create supplementary regulations for “farm supplies and sales” in the AOC District to require:
  - Approval of a site development plan by the Planning Commission per Article 6.
  - Sufficient frontage on a Federal primary highway (US 340, US 522, US 50/17) or four-lane divided State primary highway (VA 7) to accommodate a commercial entrance and related improvements as required by the Virginia Department of Transportation.
  - No outdoor storage shall be permitted. Outdoor display of merchandise is permitted in a designated area within the building envelope not to exceed 750 square feet.
  - Maximum floor area of 15,000 square feet.
- Staff notes that the maximum floor area of 15,000 square feet matches the maximum floor area for Retail and Service Businesses allowed by-right in the Highway Commercial District. Staff also researched similar facilities in Winchester, Front Royal, and Warrenton – with the exception of Winchester Equipment (approximately 60,000 square feet), structures for these uses were between 10,000 and 20,000 square feet in size.
- The prohibition on outdoor storage and limited outdoor display of merchandise matches the supplementary regulations for retail sales and service as a permitted use.



- The proposal above does not address sales of items that are not exclusively for use by an agricultural operation (e.g., housewares, casual clothing, tools). The Commission should discuss whether any distinction should be made in the definition for “farm supplies and sales.”

#### Agriculture versus Horticulture definitions and uses

- Delete the definition and use for “horticulture.” The “horticulture” use would also have to be deleted from the FOC and RR Districts.
- Since “horticulture” is included in the current definition of “agricultural products” in addition to several other activities, no changes would need to be made to the definition of “agriculture.” Staff has not identified any impacts that would result from this change other than clarifying that horticulture is part of agriculture.

#### Onsite sales of farm products

- Amend the definition of “agriculture” as follows:

*The use of land devoted to agricultural products and the processing of such agricultural products that are produced in Clarke County. ~~Bio-Solids Land Application shall be considered an agricultural activity.~~ Agriculture shall also include the following activities:*

- *Bio-Solids Land Application*
- *The exclusive wholesale or retail sale of agricultural products, grown or processed in conjunction with an agricultural operation, that is clearly accessory and incidental to that agricultural operation.*
- This change would clarify that a farm may sell – either wholesale or retail – products that are grown or processed as part of that farm’s operations. It would not allow any retail sale of products or items that are not grown or produced by the farm. It would allow products to be sold that are processed with products not produced by that farm. An example would be an apple producer selling baked goods containing ingredients not produced on the farm.
- This change would also help resolve the issue of “nurseries, greenhouses (commercial)” as the wholesale or retail sale of plants, trees, etc., would fall under the amended definition of “agriculture.” See further discussion below.
- In the case of agricultural operations composed of multiple parcels, onsite sales may take place on any parcel where the farm’s operations are occurring. No site plan would be required – any structure housing the sales activities would have to meet building envelope requirements for accessory structures in the AOC District.
- Any resale of products not produced in conjunction with the farm would require a special use permit and site plan as a “Retail and Service Business.”

### **Nurseries, greenhouses (commercial)**

- Delete the use, “nurseries, greenhouses (commercial).” The proposed changes referenced above would allow wholesale and retail sale of agricultural products produced through horticulture but would not allow a free-standing commercial nursery by-right in the AOC District. A true retail/commercial nursery or greenhouse would still be permitted in the Highway Commercial and Neighborhood Commercial Districts as by-right uses, and in the AOC District as a special use, under “Retail and Service Businesses.”

### **Processing of Agricultural Products**

- Delete the use “processing of agricultural products not totally produced in Clarke County (excluding wineries, breweries, cideries, and distilleries).”
- The changes noted above would allow farms to process and sell (wholesale or retail) agricultural products onsite even if those products include ingredients not produced onsite, so long as the sales activity is accessory and clearly incidental to the farming operation.
- An activity that processes agricultural products not associated with a farming operation (e.g., a freestanding processing facility) would be limited to the Business Park (BP) District or Town of Berryville light industrial district.
- Retain the use and definition for “small scale processing of fruit and vegetables.”

### **Feed and Grain Mills**

- No changes are proposed by Staff at this time.
- While this term is not defined and there are no supplementary regulations for this use, Staff considers production and storage of feed and grain for use by a farm – or for incidental resale of feed and grain produced by the farm – to be by-right agriculture.
- A free-standing feed and grain mill that is not accessory and incidental to a farming operation would not be considered to be by-right agriculture and would be limited to the Highway Commercial District. The Commission should discuss whether this is an appropriate use for the limited Highway Commercial areas and whether this could be made a special use in the AOC District.

### **Welding, blacksmith, tinsmith, woodworking**

- No changes are proposed by Staff at this time.
- These uses would not be regulated by the Zoning Ordinance and would be considered by-right agriculture if done exclusively as part of a working farm for the sole benefit of the farm.
- These uses are currently allowable as “home occupations” provided that the applicant can operate within the home occupation regulations.

- If the Commission wishes to allow a larger scope, a special use in the AOC District could be created under the following parameters:
  - The owner/operator of the business would still have to reside on the property as a “home occupation.”
  - A site development plan per Article 6 would have to be approved by the Planning Commission in conjunction with the special use permit.
  - Also required would be sufficient frontage on a public road to accommodate a commercial entrance and related improvements as required by VDOT. This use would not be allowed on shared private access easement.

**Revised Uses chart with proposed changes (in RED)**

Use	AOC	CH	CN
Agriculture	P	P	X
Forestry	P	P	X
<del>Horticulture</del>	<del>P</del>	<del>P</del>	X
Farm wineries	P	X	X
Farm breweries	P	X	X
Home occupations	A	X	X
Livestock auction markets	S	X	X
<del>Processing of agricultural products not totally produced in Clarke County</del>	<del>S</del>	X	X
Small scale processing of fruits and vegetables	S	X	X
Veterinary services	S	P	S
<del>Farm machinery sales and service*</del>	<del>P*</del>	P	X
<del>Farm supplies and sales*</del>	<del>P*</del>	P	S
<del>Nurseries, greenhouses (commercial)</del>	<del>X</del>	<del>P</del>	<del>P</del>
Feed and grain mill	X	S	X
Retail and service businesses**	S	P	P

\* Subject to site development plan approval by the Planning Commission.

\*\* Would include freestanding retail nurseries/greenhouses.

If you have any questions or concerns in advance of the meeting, please do not hesitate to contact us.



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**TO:** Planning Commission members

**FROM:** Brandon Stidham, Planning Director

**SUBJECT:** Proposed Zoning and Subdivision Ordinance Text Amendment – Stormwater Regulations

**DATE:** October 27, 2016

Item #4a on the Briefing Meeting agenda is a discussion of a proposed text amendment to reconcile the Zoning and Subdivision Ordinances with the recent repeal by the Board of Supervisors of the County’s Stormwater Ordinance (County Code Chapter 154).

As previously reported, the County was informed in June by Virginia Department of Environmental Quality staff that the County is not authorized to enforce more stringent stormwater regulations and that the County’s stormwater ordinance is “null and void.” State law only authorizes localities to have more stringent regulations if they are a Virginia Stormwater Management Program (VSMP) Authority responsible for issuing the State permits – also referred to as an “opt in” locality. Localities such as Clarke County that have “opted out” of accepting responsibility of managing the VSMP process are prohibited under State law from applying more stringent regulations. Those counties that have “opted in” and are VSMP Authorities can only have more stringent regulations if they are approved by the State to have such regulations. The County Attorney reviewed DEQ’s position and concurred, ultimately resulting in action by the Board to repeal the County’s stormwater ordinance on September 20.

As a final step, the Zoning and Subdivision Ordinances must be amended to replace all references to the former stormwater ordinance and local stormwater review process. Attached you will find two charts listing all applicable provisions that will need to be amended in each ordinance. The proposed changes were designed to accomplish the following items:

- Replace references to the local stormwater plan review and permitting process with the State stormwater review and permitting process. Applicants will now have to provide a copy of a State permit or approval letter as a condition of final approval for site plans and record plats. Site plan and subdivision construction plan applications will still be required to include copies of the stormwater management plan so that it may be referenced as these plans are being reviewed by Staff, the Commission, and the County’s engineering consultant.
- Refer to the State regulations and processes generically in order to avoid text amendments to reflect future changes in State law or processes.



- Replace certain uses of the term “drainage” with “stormwater management” to more accurately reflect the intent of the applicable provisions. Staff does not recommend amending all occurrences of the term “drainage” as in some cases they refer to VDOT drainage easements or the Town of Berryville’s municipal stormwater system.

Should you feel comfortable with the proposed text amendment, it can be added to the November 4 meeting agenda to set Public Hearing for the Commission’s December 2 regular meeting. If you have any questions or concerns in advance of the meeting, please do not hesitate to contact me.

## ZONING ORDINANCE

Section	Title	Current	Proposed
3-A-8-g-5-b-3	BC District, Additional Regulations, Site Plan	b.Site plans shall include provisions for: (1) adequate public facilities, (2) development phasing, (3) stormwater management facilities to address the ultimate development coverage within the district, (4) lighting and signing, (5) building placement and lot configuration, and (6) other special site features and land use considerations deemed necessary to serve the district.	b.Site plans shall include provisions for: (1) adequate public facilities, (2) development phasing, (3) stormwater management facilities <i>that comply with State stormwater management regulations to address the ultimate development coverage within the district</i> , (4) lighting and signing, (5) building placement and lot configuration, and (6) other special site features and land use considerations deemed necessary to serve the district.
3-A-9-g-5-b-3	B District, Additional Regulations, Site Plan	b.Site plans shall include provisions for: (1) adequate public facilities, (2) development phasing, (3) stormwater management facilities to address the ultimate development coverage within the district, (4) lighting and signing, (5) building placement and lot configuration, and (6) other special site features and land use considerations deemed necessary to serve the district.	b.Site plans shall include provisions for: (1) adequate public facilities, (2) development phasing, (3) stormwater management facilities <i>that comply with State stormwater management regulations to address the ultimate development coverage within the district</i> , (4) lighting and signing, (5) building placement and lot configuration, and (6) other special site features and land use considerations deemed necessary to serve the district.

3-A-10-g-4-e	BP District, Site Plans and Special Use Permits	<p>e. Site plans for development in BP Business Park Districts shall include provisions for (a) adequate public facilities, (b) development phasing, (c) stormwater management facilities to address the ultimate development coverage within the district, (d) lighting and signing, and (e) other special site features and land use considerations deemed necessary to serve the industrial district.</p>	<p>e. Site plans for development in BP Business Park Districts shall include provisions for (a) adequate public facilities, (b) development phasing, (c) stormwater management facilities <i>that comply with State stormwater management regulations to address the ultimate development coverage within the district</i>, (d) lighting and signing, and (e) other special site features and land use considerations deemed necessary to serve the industrial</p>
3-E-1-e	Design Criteria for Utilities and Facilities in Flood Plain Districts	<p>3. All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The proposed system shall insure drainage away from buildings and on-site waste disposal sites. The County may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.</p>	<p>3. All stormwater <del>drainage</del> facilities shall <del>comply with State stormwater management regulations</del> be designed to convey the flow of surface waters without damage to persons or property. <del>The proposed system shall insure drainage away from buildings and on-site waste disposal sites. The County may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.</del></p>



6-G-16	Site Development Plans; Contents	Provision for the adequate disposition of natural and storm water indicating the location, sizes, types, and grades of ditches, catch basins, detention ponds (showing 10-year and 100-year elevations), and pipes and connections to existing drainage systems. Plans shall be in accordance with the Berryville Stormwater System Master Plan.	<i>For projects located in the Berryville Annexation Area, P</i> provision for the adequate disposition of natural and storm water indicating the location, sizes, types, and grades of ditches, catch basins, detention ponds (showing 10-year and 100-year elevations), and pipes and connections to existing drainage systems. Plans shall be in accordance with the Berryville Stormwater System Master Plan.
6-H-8	Site Development Plans; Improvements and Minimum Standards; Stormwater Management	Stormwater management facilities shall be provided in conjunction with land development activities, which require the submission of a Site Plan. An evaluation shall be performed for each proposed land development project in accord with Clarke County Code Chapter 154. Stormwater Management.	Stormwater management facilities shall be provided in conjunction with land development activities, which require the submission of a Site Plan. <i>All stormwater management facilities shall comply with State stormwater management regulations. A copy of the permit or approval letter from the State stormwater management program authority shall be provided as a condition of final site plan approval. An evaluation shall be performed for each proposed land development project in accord with Clarke County Code Chapter 154. Stormwater Management.</i>
6-H-15-e-4	Site Development Plans; Sinkhole and Karst Features; Requirements and Restrictions	Stormwater runoff shall be addressed as outlined in the Chesapeake Stormwater Network (CSN) Technical Bulletin No.1 “Stormwater Design Guidelines for Karst Terrain in the Chesapeake Bay Watershed” Version 2.	Stormwater <del>runoff</del> management facilities shall comply with State stormwater management regulations for Karst Terrain <del>be addressed as outlined in the Chesapeake Stormwater Network (CSN) Technical Bulletin No.1 “Stormwater Design Guidelines for Karst Terrain in the Chesapeake Bay Watershed”</del>



**SUBDIVISION ORDINANCE**

Section	Title	Current	Proposed
4-H-1-a	Submission of Plans and Profiles	Five copies of the complete Construction Plans and Profiles, including storm sewer design computations and storm water inlet computations.	Five copies of the complete Construction Plans and Profiles, including storm sewer design computations and storm water inlet computations. <i>Where applicable, a copy of the permit or approval letter from the State stormwater management program authority shall be provided as a condition of record plat approval.</i>
8-1	Drainage	Subdivisions shall be protected from flood hazard and inundation by storm water, springs, and other surface waters. The design and construction of drainage facilities shall be such that all water courses traversing the subdivision and water emanating from outside and/or within the subdivision will be carried through and off the subdivision without creating an adverse drainage condition to roadway, residential sites, or residences to be installed within the tract, and without any injury to roadways, residential sites, residences, structures, farmland, or open space abutting or in the vicinity of the tract. Stormwater Management shall be designed as described in the Clarke County Code Chapter 154.	Subdivisions shall be protected from flood hazard and inundation by storm water, springs, and other surface waters. The design and construction of drainage facilities shall be such that all water courses traversing the subdivision and water emanating from outside and/or within the subdivision will be carried through and off the subdivision without creating an adverse drainage condition to roadway, residential sites, or residences to be installed within the tract, and without any injury to roadways, residential sites, residences, structures, farmland, or open space abutting or in the vicinity of the tract. Stormwater Management shall be designed as <i>required by State stormwater management regulations described in the</i>

8-J-2-c-15	Design Standards (private access easements)	storm drain culverts shall meet VDOT standards; and	<b>stormwater management features</b> , including storm drain culverts, shall meet VDOT standards and <b>State stormwater management regulations, if applicable</b> ; and
11-A-6	Improvements; Drainage	When required by the Planning Commission or the Virginia Department of Transportation, drainage systems shall be provided by means of culverts, ditches, catch basins, cross drains, curbs and gutters, and any other facilities that are necessary to provide adequate drainage and disposal of surface and storm waters from or across all streets and adjoining properties. Appropriate drainage easements shall also be provided as required by the Planning Commission, Board of Supervisors, and/or the Virginia Department of Highways and Transportation.	When required by the Planning Commission or the Virginia Department of Transportation, drainage systems shall be provided by means of culverts, ditches, catch basins, cross drains, curbs and gutters, and any other facilities that are necessary to provide adequate drainage and disposal of surface and storm waters from or across all streets and adjoining properties. <b>Stormwater management features shall comply with State stormwater management regulations.</b> Appropriate drainage easements shall also be provided as required by the Planning Commission, Board of Supervisors, and/or the Virginia



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**TO:** Planning Commission members  
**FROM:** Brandon Stidham, Planning Director  
**SUBJECT:** Discussion, Proposed Changes to Permanent Committees for 2017  
**DATE:** October 26, 2016

Item #4b on the Briefing Meeting agenda is a discussion of Staff's proposed changes for the Commission's Permanent Committees list for 2017. Staff is proposing these changes to better coordinate with workloads and processes implemented over the past few years, as well as to help plan for new projects coming up in the near future.

The current list of Permanent Committees is as follows:

- Policy
- Site Plan
- Subdivision
- Transportation

Staff proposes the following changes be made for 2017:

- Policy and Transportation. The current Policy and Transportation Committees would be merged into a new Committee that would be charged with focused study of general policy issues and matters affecting the County's transportation network.
- Plans Review. The current Site Plan and Subdivision Committees would be merged into a new Committee. This Committee would be charged with review and comment on all site plan applications for Commission review (including those filed in conjunction with rezoning and special use permit applications); all major subdivisions; and any other administrative site plan, minor subdivision, or other land development applications on which Staff requests input from the Committee.
- Comprehensive Plan. This new Committee would be charged with initial management of the five-year review process for the Comprehensive Plan and implementing component plans. Since all Plans will be evaluated every five years for potential amendment and the reviews will come up periodically each year, Staff recommends having a permanent Committee available to help with this process.
- Ordinances. With the major project to review and update the Zoning and Subdivision Ordinances potentially beginning some time in 2017, Staff recommends the creation of a new Committee to serve as a steering committee for the project. Staff is recommending that this be a permanent committee instead of a special committee because the project

will likely take more than a year to complete and would be labor-intensive with numerous meetings over the project lifespan. Once completed, the Ordinances committee could remain specifically to assist with future text amendments.

Staff is not requesting any formal action from the Commission at this time as annual Committee appointments typically occur at the Organizational Meeting in January. We are requesting a consensus from the members that this is the Committee lineup that you would like us to present in January. It will also give members ample time to decide which Committee(s) you would like to join.

A copy of the current roster of Permanent and Special Committees is attached for your reference. If you have any questions or concerns in advance of the meeting, please do not hesitate to contact me.



**CLARKE COUNTY PLANNING COMMISSION  
2016 COMMITTEE APPOINTMENTS (updated 10/26/2016)**

**Permanent Committees**

<b>Policy</b>	Scott Kreider	Robina Bouffault	Cliff Nelson	Jon Turkel
<b>Site Plan*</b>	Frank Lee	Anne Caldwell	Cliff Nelson	Robina Bouffault
<b>Subdivision</b>	Frank Lee	Scott Kreider	Jon Turkel	Robina Bouffault
<b>Transportation</b>	Anne Caldwell	Douglas Kruhm	Scott Kreider	Gwendolyn Malone

\* Maral Kalbian is the Architectural Consultant to the Site Plan Committee

**Special Subcommittees and Appointments**

<b>Board of Zoning Appeals (BZA)</b>	Anne Caldwell
<b>Berryville Area Development Authority (BADA)</b>	George L. Ohrstrom, II
<b>Historic Preservation Commission (HPC) – Liaison</b>	Douglas Kruhm
<b>Board of Supervisors (BOS) – Liaison</b>	Mary L.C. Daniel
<b>Conservation Easement Authority (CCEA)</b>	George L. Ohrstrom, II
<b>Board of Septic and Well Appeals</b>	George L. Ohrstrom, II Anne Caldwell (alternate)
<b>Agricultural &amp; Forestal District (AFD) Advisory Committee – Liaison</b>	Randy Buckley
<b>Telecommunications Subcommittee</b>	Jon Turkel Douglas Kruhm Robina Bouffault
<b>Business Intersection Area Plans Subcommittee</b>	Robina Bouffault Anne Caldwell Gwendolyn Malone
<b>Agricultural Land Plan Subcommittee</b>	Robina Bouffault Randy Buckley Jon Turkel Corey Childs (AFD Advisory Committee member) Emily Day (AFD Advisory Committee member)

**NOTE:** The Commission Chair is ex-officio member of all committees, but will chair no committee.