



# Clarke County Planning Commission

MINUTES – Comprehensive Plan Committee Meeting

Tuesday, September 29, 2020 – 3:30PM or immediately following Planning Commission Work Session

Berryville/Clarke County Government Center – Main Meeting Room

ATTENDANCE:			
Matthew Bass (Board of Supervisors)	✓	Bob Glover (Millwood)	✓
Anne Caldwell (Millwood)	✓	Douglas Kruhm (Buckmarsh)	X
George L. Ohrstrom, II (Ex Officio)	✓E		

E – Denotes Electronic Participation

**STAFF PRESENT:** Brandon Stidham (Director of Planning)

**OTHERS PRESENT:** Randy Buckley (Vice-Chair)

**CALL TO ORDER:** By Mr. Stidham at 3:47PM.

### 1. Approval of Agenda

The meeting agenda as presented by Staff was approved by consensus.

### 2. Approval of Minutes – August 26, 2020 Meeting

A motion to approve the August 26, 2020 meeting minutes was adopted 3-0-1.

Motion to approve August 26, 2020 Meeting Minutes:			
Bass	AYE	Glover	AYE (seconded)
Caldwell	AYE (moved)	Kruhm	absent

### 3. Discussion Items

#### A. Comprehensive Plan Update – Review Chapter II Goals, Objectives, and Policies (continued discussion)

Mr. Stidham began the meeting by reviewing the Staff memo for this item (dated September 22, 2020) which describes the new changes to the draft document that were added in response to the Committee’s August 26 discussion.

Regarding “context-sensitive design,” Chair Ohrstrom said that this approach is often used in the design of bridges and noted a bridge replacement project on U.S. 340 in Front Royal as an example. Mr. Stidham said that he heard from the members that they did not want to use terms that do not have commonly understood meanings. He added that he also did not think the Committee would want to limit the scope of Goal 2 to transportation so he rewrote the language to encompass all forms of public infrastructure. Chair Ohrstrom said that he did not like the terms, “maximizing efficient use.” He said that this gives the Virginia Department of Transportation (VDOT) and others the idea that maximizing efficient use trumps the need for design elements that are compatible with each unique community. Commissioners Bass and

Caldwell both agreed with this comment. Mr. Stidham suggested replacing “are compatible” with “balance compatibility” in the second line. Chair Ohrstrom replied that he would still remove the word “maximizing” but agreed with Mr. Stidham’s suggested change. Commissioner Glover said that he did not think you needed to include the word “promote.” He also said that the words “within these areas” should be added to the end of the sentence to clarify that we are talking about the towns and designated growth areas. Mr. Stidham agreed and added this language to the draft.

Regarding the changes to Policies 6 and 7 in Objective 1 (Agriculture), Mr. Stidham said that the revised version reflects the Committee’s recommendation to merge these into one policy since they address the same topic. He noted that this makes a much more blunt statement that the County will not entertain a residential rezoning application outside of the towns and villages. Commissioner Caldwell said that “should” in the second sentence should be “shall,” and Committee members agreed. She also asked how many of the elements in current Policy #6 could be converted to “shall” instead of being deleted from the draft Plan and without creating redundancy with the proposed language. Commissioner Bass asked whether these provisions are going to be dictated under the terms of the Zoning Ordinance rather than the Comprehensive Plan. Mr. Stidham replied that if you retain the language and replace “should” with “shall,” you will then have to amend your ordinances to include that regulatory language as recommended by the Plan. He said you would essentially be establishing a new objective to create ordinance amendments, noting that “should” gives you more flexibility to add as regulations or as evaluation criteria. Commissioner Bass asked if the new Policy as drafted is essentially the forest and the provisions proposed to be deleted as the trees. Mr. Stidham replied that some of these provisions are written like regulations while others are more policy based. He noted current item #6f as an example, “Should respect environmental limitations and protect natural features during and after the development process.” Commissioner Glover asked which provisions could be singled out. Commissioner Bass said that as an example, if everyone thought that the LESA rating system is important, then that could be converted to “shall.” Commissioner Caldwell noted the Committee’s discussion at the last meeting regarding the LESA system and the difficulties with incorporating it into the zoning regulations. Chair Ohrstrom said that the LESA system is designed to identify prime agricultural soils so that they can be preserved for farming but noted that you would be pushing development onto the karst areas of a lot that could be more problematic for onsite sewage disposal systems. Mr. Stidham suggested summarizing these provisions in a narrative format to explain how we want to see development occur in the County. He noted that language could be added to the wording of the introduction to Objective 1 as it does not currently say anything about residential development in agricultural areas. Commissioner Caldwell agreed and said there are some good points in the provisions that could be included here. Commissioner Glover noted that we refer to sliding-scale zoning as a philosophy and that if we are trying to be blunt, we should refer to it as “requirements” instead. He also said that “natural resource degradation” is what we are trying to avoid and that this wording should be included in the Objective because it encompasses a number of issues we want to address. Commissioner Caldwell said that this is a good summary of many of the ideas in the list. Chair Ohrstrom said that he does not have a problem with Commissioner Glover’s recommendations. Mr. Stidham said he would replace “philosophy” with “regulations.” He also said that he will try to work in “natural resource degradation” to the introductory language to Objective 1. Members agreed with this approach.

Mr. Stidham moved to a review of previous changes to Objective 1 beginning with changes to Policies 11 and 12, noting that these both reference the County's Agricultural and Forestal District program and should be combined.

Regarding Policy 13, Mr. Stidham recommended the members discuss how to accomplish protecting agricultural land from escalating assessments as a result of development pressures. Chair Ohrstrom asked whether this is a State issue with use-value taxation. Mr. Stidham replied that the Policy does not only address use-value taxation because it appears to recommend creating new strategies to prevent assessments from increasing. He also said that he has speculated whether the lack of developable land in the County could cause agricultural land assessments to increase, adding that this issue is outside of his purview. Commissioner Glover asked if "use-value taxation" is the same as "land use taxation" and Mr. Stidham replied yes. Commissioner Glover suggested adding the word "land" for clarification purposes and Mr. Stidham said that he will check to make sure the term is still accurate and current. Chair Ohrstrom said that we are also trying to determine whether there are other strategies that exist to protect against increasing assessments. Mr. Stidham said that he is not aware of any and reiterated that this topic is outside of his area of expertise. Chair Ohrstrom said that the concept of supply and demand would make it seem logical that lack of available land could cause assessed value to increase. He also noted the argument that conservation easement properties can increase land value. He also said that land value is market driven and he does not know how that relates to comprehensive planning. Commissioner Caldwell suggested replacing "implement" with "explore" new or novel strategies. Chair Ohrstrom said that he did not think "novel" was a good idea. Commissioner Glover agreed and recommended adding "promote" before "implement," and also recommended adding "alternative" instead of "new" or "novel" before "strategies." Members agreed with these changes.

Regarding Policy 15, Mr. Stidham recommended the members discuss whether this Policy regarding agribusiness and agritourism should be updated. He noted recent issues like the hydroponic lettuce facility, wedding/event venues, and farm wineries/breweries/distilleries, there is the thought that we may not be open to all things agricultural given the form that agriculture seems to be taking these days. Commissioner Glover gave an example of a farm in Loudoun is selling steamed crabs in a roadside stand, noting that we do not want to penalize farms that are selling their own locally produced products. He said that revising this Policy is important. Chair Ohrstrom said that all rural counties are wrestling with this issue and cited a farm winery in Fauquier that plans to add a hotel as an example. He added that the State's policy is that anything to do with agriculture is to be emphasized and permitted and there is nothing that we can do about it. He said he agrees that agriculture should be promoted but does not know how you can treat a hydroponic facility with 10-acre size greenhouses with lots of water usage. Commissioner Glover said that you can use the language "natural resource degradation." Mr. Stidham said that Staff needs a clear policy to follow that is not susceptible to one election changing his direction overnight. He said when he is talking to a farm winery/brewery/distillery applicant, he tells them that we interpret "usual and customary activities" very strictly. He added that this means we will frown upon live music, vendors, and party atmospheres. He said that we could have new elected officials that take office and direct Staff to take a more liberal view of that language. Regarding the hydroponic lettuce facility, we did not know the public sentiment until they came out in opposition and presented their arguments. He said the guidance in the

Agricultural Land Plan would appear to recommend supporting these kinds of facilities. He added that companies look at the wording of our Plans in determining whether to propose a project here and this is our opportunity to make a clear statement on these issues. Commissioner Glover said the big issue with the hydroponic lettuce facility was water usage. Chair Ohrstrom noted that if we were sued over turning down such a facility on the grounds of water usage and impact on surrounding wells, it would be difficult to defend because you can find experts that can argue all sides of the issue. Commissioner Glover said he agrees but it would be good to have something in the Comprehensive Plan to address the issue. Mr. Stidham noted that you would not be using the Comprehensive Plan to turn down an application, you would be using it as a jumping off point to create ordinance language to address the issues. Vice-Chair Buckley said that you should not be looking for a way to turn down a hydroponic facility, you should be looking for ways to require it to be located in an industrial park. Mr. Stidham added that this would be a type of zoning ordinance requirement but you still need language to distinguish it from typical agriculture. Commissioner Caldwell suggested that Mr. Stidham draft a policy for the Committee to review. Commissioner Bass suggested that you could list the types of agribusinesses that you do like with an "including but not limited to" qualifier, which would not necessarily exclude the types of agribusinesses that you do not want. Mr. Stidham replied that he would avoid focusing on uses, noting that hydroponic facilities can come in smaller sizes and not just large facilities with significant impacts. He asked Chair Ohrstrom if Piedmont Environmental Council (PEC) has come up with language to differentiate traditional agriculture versus commercial agriculture. Chair Ohrstrom replied that he would check, adding that PEC has been fighting this issue for years and is losing the battle. He added that promoting agritourism concepts is a good idea but you do not want an agricultural operation turning into a 24 hour business with balloon rides, live music, and weddings. Mr. Stidham said that he needs an eloquent way to say we want to promote traditional agriculture and not "industrial agriculture" or "party agriculture." Commissioner Glover asked about the egg processing facility and what happened to it. Mr. Stidham replied that this was a Town project and Chair Ohrstrom said the applicant chose not to do the project for economic reasons. Mr. Stidham said that he will draft some language beginning with an extreme approach to allow the Committee to whittle back to a reasonable point. He also said that this might have to be divided into separate policies for agribusiness and agritourism. Commissioner Caldwell suggested that Mr. Stidham can repeat some of the changes in Objective 2 (Mountain Resources) where there are the same or similar policies.

#### **4. Other Business**

None.

Members agreed to schedule the next meeting for Friday, November 6 immediately following the Commission Business Meeting.

**ADJOURN:** Meeting was adjourned by consensus at 4:28PM.



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Brandon Stidham, Clerk