



Clarke County Planning Commission

AGENDA – Comprehensive Plan Committee Meeting

Tuesday, December 8, 2020 (2:00PM)

Berryville/Clarke County Government Center – Main Meeting Room

- 1. Approval of Agenda**
- 2. Approval of Minutes – November 6, 2020 Meeting**
- 3. Discussion Items**
 - A. Comprehensive Plan Update – Review Chapter II Goals, Objectives, and Policies
(continued discussion)
- 4. Other Business**
- 5. Adjourn**



Clarke County Planning Commission

DRAFT MINUTES – Comprehensive Plan Committee Meeting

Friday, November 6, 2020 – 9:30AM or immediately following Planning Commission Business Meeting

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), Jeremy Camp (Temporary Planner/Zoning Official)

CALL TO ORDER: By Mr. Stidham at 9:45AM.

1. Approval of Agenda

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

2. Approval of Minutes – September 29, 2020 Meeting

Following a brief discussion about the level of detail of the minutes, a motion to approve the September 29, 2020 meeting minutes was adopted 3-0-1.

Motion to approve September 29, 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 October 26, 2020) and the revised draft Chapter II containing edits discussed at the Committee’s September 29 meeting.

Regarding revised Goal #2, Chair Ohrstrom noted that the word “incorporated” should be included in referring to areas in which development should be focused. He also noted that Goal #1 references preserving and protecting lands in the “unincorporated” areas and that adding “incorporated” to Goal #2 would tie these two goals together. Commissioner Bass suggested drafting “incorporated/commercial areas” or “incorporated and commercial areas.” Mr. Stidham proposed replacing “established town, village, and commercial areas” with “incorporated towns and established village and commercial areas.” Members agreed with this change and with the additional changes drafted by Staff to Goal #2. Mr. Stidham noted that the Committee has

completed review of the Goals. He suggested that the Goals be reviewed one more time at the end of the review process and added that the Committee can revisit them at any time.

Mr. Stidham reviewed new language added to the introductory text for Objective 1 (Agriculture) explaining how non-agricultural uses in agricultural areas should not result in significant degradation to natural resources or disrupt the character and functionality of these areas. He noted that this language can provide direction as we consider the scope of future regulations for agribusiness and agritourism activities or evaluate special use permit applications on properties in the rural areas. Members indicated that they are comfortable with the new language

Regarding Policy #4 on Page 9 of 30, Chair Ohrstrom asked if this would be an appropriate policy in which to discuss solar energy and our regulations since it is not specifically discussed in the current Comprehensive Plan. Mr. Stidham replied that solar farms are considered to be consistent with the Comprehensive Plan by virtue of it being an allowable special use in the Agricultural-Open Space-Conservation (AOC) zoning district. Chair Ohrstrom asked if solar farms are considered to be a nonfarm use. Mr. Stidham replied yes and reiterated that it is generally consistent with the Comprehensive Plan because it is an allowable special use in the AOC District. He added that the Zoning Ordinance limits the areas where solar farms can be located and that if the County ever considered expanding these locations, it might be prudent to add language to the Comprehensive Plan to provide direction. Commissioner Caldwell suggested adding reference to solar farms as an example of a nonfarm use. Mr. Stidham replied that if you did this, you would be classifying solar farms as a nonfarm use. He added that this would require future applicants to prove that there is an overriding public need to change the land use and also prove the facility cannot be located in a development area in order to justify approval of a solar farm. Commissioner Glover suggested leaving a placeholder here referencing the solar discussion and revisit later in the project to determine if language should be added in this Policy. Mr. Stidham replied that it would be appropriate to make a statement about the location of solar farms as the County has received numerous inquiries from solar companies looking to locate new facilities here.

Regarding Policy #6 on Page 10 of 30 pertaining to prohibiting rezoning of agricultural-zoned properties to Rural Residential (RR), Chair Ohrstrom asked what happens when village areas reach build out and there are no more areas for residential development. Mr. Stidham replied that a Village Plan would provide guidance for future residential expansion and noted that the villages do not have defined boundaries. He said that planning areas could be defined for each village to identify where future development could occur. Members indicated that they were comfortable with Staff's edits to Policy #6.

Mr. Stidham reviewed changes to Policy #11 and members had no concerns with the revision.

Mr. Stidham reviewed the two new Policies #13 and #14 on Page 11 of 30 dealing with agribusiness and agritourism uses. Regarding Policy #13, Commissioner Glover said that he is concerned with the word "significant" as it pertains to natural resource degradation. Mr. Stidham said that he added the word "significant" to provide a scope for natural resource degradation. He gave the example that an argument could be made that a livestock farming operation can cause natural resource degradation and recommended adding "significant" to

define the intended degree of degradation in this Policy. Commissioner Bass suggested the word “substantial.” Chair Ohrstrom noted that “significant” can be tied to a defined metric such as water quality with degradation beyond an accepted level being considered “significant.” Mr. Stidham added that he views “significant” as being one level up from “negligible.” Commissioner Glover said that “significant” to him is something that should never happen and you are beyond the point of safe return. Mr. Stidham suggested rewriting the Policy to read, “Any adverse impact to natural resources is negligible.” Commissioner Glover said that the word “adverse” is fine instead of “significant.” Commissioner Bass said that there are different degrees of “adverse impact” so it cannot be “any adverse impact.” Commissioner Caldwell suggested, “There is no adverse impact on natural resources.” Mr. Stidham replied that you would not have the leveling that he was trying to include with the word “negligible.” Commissioner Bass said that we are looking to identify a level higher than “negligible” for this Policy. He suggested circling this one for later discussion as this may be a debate over semantics. Mr. Stidham offered, “The do not result in more than negligible degradation of natural resources.” Commissioner Bass replied that this is what we are trying to achieve but the wording does not work. Chair Ohrstrom added that we are trying to say that we can accept negligible degradation but would prefer no degradation at all.

Commissioner Caldwell asked about the State mandate that we cannot regulate agriculture as it relates to agribusiness, citing the potential regulation of hydroponic farms as an example. Chair Ohrstrom noted that including language in your Comprehensive plan that such operations have to be compatible in scale and intensity to surrounding agricultural uses gives you a leg up on creating regulations. He added that State law also says that health, safety, and welfare are parameters that need to be respected. Mr. Stidham said that if we wanted to add hydroponic farms as a use regulated separately from agriculture, we could create rules that limit their size and consumption of groundwater at a level that we would consider to be negligible. He noted that such regulations would be supported by the proposed language in Policy #13 and reiterated that having support language in the Comprehensive Plan would make new regulations that are adopted more defensible. Chair Ohrstrom asked about deleting the word “significant.” Mr. Stidham replied that this could open up the language to be used in an unintended manner as he described previously. Mr. Stidham also said that he would note item (d) for further discussion by the Committee.

Mr. Stidham reviewed Policy #14 and noted that he drafted the language with various farm wineries and breweries in other localities in mind where large numbers of people are being drawn to music events, vendors, and other entertainment activities. He said the Policy is drafted to ensure that these activities supplement the agricultural operation on the property without exceeding its intensity without additional zoning approval. He noted that this language would help support any additional regulations we may want to consider for farm wineries, breweries, and distilleries. He also noted that the primary agricultural operation would be the production activity and any traffic and visitor-generating activities would be limited to a level that must be subordinate to the production operation. Mr. Camp asked what if it is the only use on the property and Mr. Stidham replied that it typically is the only use on the property. Mr. Stidham added that we tell potential operators of farm wineries, breweries, and distilleries that they are limited to the production and onsite storage of the product, a tasting room, and a retail area to sell the product and items related to consumption of the product. He also said that you cannot have a

garden or craft center or sell products from other facilities. Commissioners were comfortable with Policy #14 as written.

Mr. Stidham noted the placeholder for a new #15 to address non-farm activities. Members then agreed to move on to a discussion of Objective 2 – Mountain Resources. Prior to beginning a discussion of Objective 2, members agreed to schedule their next meeting during the second week of December instead of following a Commission Work Session or Business Meeting.

Mr. Stidham reviewed the introductory language for Objective 2 including Staff's concerns. Commissioner Caldwell said that she thinks that forestry should be moved to Objective #3 Natural Resources. She said that forestry is a natural resource and we do not want to degrade it with inappropriate forestry activities to the extent that we can do so under State law. She cited clear cutting, slippage soils, and requiring forestry management plans as examples. She added that this is true whether you are east or west of the river. She also recommended referencing the Natural Resources Objective #3. Commissioner Glover suggested removing "forested areas" from the introductory language and Commissioner Caldwell suggested replacing it with the word "lands." Commissioner Glover suggested adding "woody, steep landscape" as a means of referencing the topography of this area. Commissioner Caldwell said that it is a good idea to reference topography. Mr. Stidham said he would replace "forested areas" with "lands," a new sentence to address the unique topographic conditions such as those referenced by Commissioner Caldwell, and references to Objective #3. He also noted that Policies #1, #2, and #7 would be moved to Objective #3 and members agreed. Regarding Policy #2, Commissioner Glover asked if the word "erosion" would be added in addition to "sedimentation." Members agreed and Mr. Stidham said that he would make this change.

Regarding Policy #4, Mr. Stidham reviewed the proposed changes and explained why he did not recommend making the same changes to this Policy as was done with similar Policy #6 in Objective #1. Commissioner Caldwell suggesting changing "should" to "shall" in subsection (b) particularly for steep slopes and slippage soils. She added that for "ridgelines" it could be "strongly discouraged" or "should not be located on" as she understands that sometimes a ridgeline may be the only flat area available on a lot. She also said that no one should be building on steep slopes or slippage soils. Mr. Stidham suggested "shall not be located on steep slopes and slippage soils, and should be avoided on ridgelines." Commissioner Caldwell suggested adding "to the maximum extent possible" unless it is the only possibility. She said some people will locate on ridgelines and clear trees to maximize their view. Commissioner Bass cited examples in Tennessee where homes are built on slopes and ridgelines and asked whether most of these concerns are addressed or prohibited by our Ordinances. Mr. Stidham replied that we did adopt regulations to address these concerns but have not had a sufficient number of applications come through to test whether the regulations are adequate. Chair Ohrstrom agreed with changing "should" to "shall" for steep slopes and slippage soils and suggested creating a new subsection stating that "development on ridgelines is discouraged" or some similar wording. He added that he has also visited areas where there is extensive development on slopes and ridgelines and noted that excessive development can adversely impact viewsheds. Mr. Stidham asked if we should still allow ridgeline development in situations where the ridgeline contains the only flat space on a lot and Chair Ohrstrom said yes to avoid having excessive regulations that could constitute a taking. Commissioner Glover noted

that there are also numerous other ridgelines on the mountain in addition to the top of the Blue Ridge. He also said the language for ridgelines could be, “development on ridges should only be as a last resort” or “only when soils and slopes prevent development elsewhere.” Mr. Stidham suggested, “Development on ridgelines should be avoided to the maximum practicable extent unless location on the ridgeline provides the least adverse impact on the lot.” Members agreed with this suggestion and Mr. Stidham said that he would work on wording to make sure this concept is highlighted. He also noted that we currently do not say anything about viewshed preservation and asked whether such language should be included. Commissioner Glover noted that subsection (c) says that trees help protect against erosion but there is no reference to viewshed preservation. Commissioner Caldwell said that regulations she has studied in Maine prohibit clear-cutting within a certain distance of a high-tide line but allows for the thinning of tree branches to facilitate views. She said we need to figure out how to allow people to have views without allowing them to eliminate all of their trees. Chair Ohrstrom said that in some cases people have located their septic systems in the areas where they want to remove trees to enhance their viewshed. Commissioner Caldwell said that this happens and it is dealt with to an extent in our current Ordinances. Mr. Stidham said that we do not address the conflict between the scenic beauty of the valley from the mountain and the desire for tree preservation, and that we may need a separate policy to address this conflict. Commissioner Caldwell said that you can still have good views with trees present by thinning the trees. Commissioner Glover noted that some will clear the trees and not build a house on the lot. Mr. Stidham said that he will attempt to draft a policy to address this issue. Commissioner Glover noted that Policy #6 contains language that could be used for the viewshed issue. Mr. Stidham replied that this Policy focuses just on the named public lands but that the viewshed policy should go right after it. Commissioner Glover said that he still wants the ridgeline issue highlighted and Mr. Stidham replied that this would go after Policy #4(b). Commissioner Caldwell recounted a story about a house that was constructed on Toy Hill Lane that had a driveway that required significant engineering and design work to reach the house site. She noted that this example helped shape further discussions in the Mountain Land Plan update and regulations that were adopted thereafter. Commissioner Bass said that you do not want to say no to people that want to build on the mountain but you want to encourage projects that use good engineering to produce results with minimal visual impact. Mr. Stidham said that these discussions could help to further refine our FOC subdivision regulations.

Mr. Stidham said that they have reached the end of Objective #2. He added that he will look for a meeting date in the second week of December.

4. Other Business

None.

ADJOURN: Meeting was adjourned by consensus at 10:53AM.

Brandon Stidham, Clerk



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TO: Planning Commission Comprehensive Plan Committee members

FROM: Brandon Stidham, Planning Director

RE: December 8, 2020 Committee Meeting

DATE: November 24, 2020

The next meeting of the Comprehensive Plan Committee is scheduled for **Tuesday, December 8 at 2:00PM in the Government Center Main Meeting Room**. We will continue with our review of the current Comprehensive Plan's Goals, Objectives, and Strategies. Our goal will be to review the new changes that were requested at the November 6 meeting and attempt to complete review of Objective 3 (Natural Resources) and Objective 4 (Historic Resources).

Enclosed you will find a revised draft (dated 12/8/2020) that we will review for this meeting. Below is a list of the new changes that the Committee requested at the previous meeting. As with the previous draft, new changes and changes for Committee discussion are highlighted in yellow and resolved changes are highlighted in gray.

- Goal #2 – First line edited to add the word “incorporated” in reference to the towns as a contrast to Goal #1’s reference to “unincorporated areas.”
- Objective 1, Policy 13 – The Committee requested Staff to flag Policy #13(d) for further discussion regarding agribusiness uses and activities not producing significant degradation of natural resources. The Committee expressed concerns with the word “significant” and wanted to revisit this item to continue the discussion.
- End of Objective 1 – The Committee requested Staff to leave a placeholder for a potential Policy #15 to address nonfarm activities including solar farms. Staff recommends the Committee discuss and provide further direction on wording for this potential Policy.
- Objective 2 – Staff added language to the introductory section at the Committee’s request to highlight the unique forestal and topographic characteristics of the mountain area. Staff also moved current Policies 1, 2, and 7 to Objective 3 (Natural Resources) as that Objective provides for a better fit. These Policies were added to the end of Objective 3 as Policies 22, 23, and 24 – the Committee is welcome to discuss placing them elsewhere in the Objective.
- Objective 2, Policy 2 – Under Item (b), Staff replaced “should” with “shall” per Committee direction. Ridgelines were removed from this item to a new Item (c) with language noting that ridgeline development should be avoided unless location on a

ridgeline would produce the least adverse impacts. Language was also added to Item (d) to address the tree preservation vs. scenic beauty conflict. Committee members should review these amended items and provide direction to Staff.

If you have questions or concerns in advance of the meeting or will not be able to attend, please feel free to contact me.

DRAFT STAFF COMMENTS

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GOALS

The goals for land use planning in Clarke County are to:

1. Preserve and protect the agricultural, natural, and open-space character of unincorporated areas;
- ~~2. Enhance town, village, and commercial areas through context sensitive design and walkability elements to improve the quality of life for residents;~~
2. *Focus development within established incorporated towns, and established village, and commercial areas, utilizing design elements that balance compatibility with each unique community's needs and efficient use of public infrastructure including public services, utilities, and transportation networks within these areas.*
3. Encourage and maintain a diverse and viable local economy compatible with the County's size and character; and.
4. Exercise stewardship over resources so as to reduce the consumption of nonrenewable resources, utilizing renewable energy whenever possible; and foster within the private sector of the County a culture of resource conservation.
- ~~5. Provide for the economical delivery of necessary public services consistent with these goals;~~
5. *Provide for the economical delivery of necessary public services in substantial conformance with the Comprehensive Plan and its implementing component plans.*

OBJECTIVES

Objective 1 -- Agriculture.

Encourage agricultural operations and productivity to ensure the preservation and availability of land for the continued production of crops and livestock through the following policies and the Agricultural Land Plan. *Ensure that any limited residential, commercial, and other non-agricultural uses and activities do not result in significant degradation to natural resources or disrupt the character and functionality of agricultural areas.*

Policies

1. Promote and protect agriculture as the primary use of land in rural areas and inform the public of benefits of this policy.
2. Support a vigorous agricultural development program in the County that emphasizes promotion of Clarke County agricultural products, encourages cooperation with individual agricultural interests within the County and with advocacy agencies, and liaisons with counties in the area that have similar development programs.

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3. Utilize the Agricultural Land Evaluation and Site Assessment (LESA) System to assess accurately the suitability of land for continued agricultural use. The LESA system provides an objective evaluation tool that scores the soils and physical conditions of a parcel for agricultural use.
4. Make land use decisions and plans that are consistent with LESA ratings. Approve conversion of important farmland to nonfarm use only if an overriding public need exists to change the land use and the existing development areas cannot accommodate the new use.
5. Encourage the use of best management practices as outlined in the Chesapeake Bay Regulations and as determined by the Federal Total Maximum Daily Load (TMDL) program to improve water quality by the following methods.
 - a. Making technical assistance available.
 - b. Promoting public awareness on the benefits of, and necessity for, best management practices, erosion and sedimentation controls, storm water management and Chesapeake Bay Preservation Regulations.
 - c. Assisting in the establishment of conservation plans for all farms adjacent to perennial streams.
 - d. Encouraging the participation of all landowners engaged in agricultural activities to use the assistance of the Virginia Cooperative Extension Service, the Natural Resource Conservation Service, the Lord Fairfax Soil and Water Conservation District, and other public agencies.

~~6. Provide limited, low density residential opportunities in unincorporated areas in a manner compatible with agricultural activities in the area of the county west of the Shenandoah River. Such residential development should include the following characteristics.~~

- ~~a. Should not be located on Important Farmland, as determined by the County's Land Evaluation and Site Assessment (LESA) rating system.~~
- ~~b. Should be on a minimum area sufficient to provide proper placement of a dwelling, related accessory structures, well, and septic system.~~
- ~~c. Should be located in or substantially bounded by natural or cultural features, such as wooded areas, railroads, or public roads that would buffer them from agricultural lands.~~
- ~~d. Should be located away from natural and cultural resources such as the Shenandoah River and the Blandy Experimental Farm and State Arboretum.~~
- ~~e. Should be compatible with the environmental features of that land and should not diminish natural and scenic values.~~
- ~~f. Should respect environmental limitations and protect natural features during and after the development process.~~
- ~~g. Should be consistent with the County's sliding scale zoning philosophy and should not involve rezoning to a higher residential density to produce additional lots above the parcel's dwelling unit right allocation.~~

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- ~~7.~~ Strongly discourage the rezoning of agricultural zoned properties to the Rural Residential District (RR) in areas outside of designated growth areas and villages to avoid loss of farmland, sprawl development, and consumption of potential conservation lands and open space.
6. *Provide limited, low-density residential opportunities in unincorporated areas in a manner compatible with agricultural activities in the area of the county west of the Shenandoah River. Such residential development shall be consistent with the County's sliding-scale zoning regulations and shall not involve rezoning to a higher residential density to produce additional lots above the parcel's dwelling unit right allocation. Prohibit the rezoning of agricultural zoned properties to the Rural Residential District (RR) in areas outside of designated growth areas and villages for new residential development in order to avoid loss of farmland, sprawl development, and consumption of potential conservation lands and open space.*
78. To the maximum extent possible, separate nonagricultural land uses from **existing** agricultural lands and operations. Where nonagricultural operations are adjacent to **existing** agricultural operations, the nonagricultural operations should provide buffering in the form of fencing, landscaping, and open space, and by inclusion of the right-to-farm warning notice within the deed of dedication.
89. With the exception of telecommunication and high-speed internet facilities, discourage extension of public utilities, **including but not limited to public water and public sewer**, and other growth-inducing public facilities into agricultural areas and land under permanent conservation easement.
910. Encourage all government agencies to consider the impacts that their programs and projects may have on maintaining the availability and use of agricultural land. Encourage them to eliminate or minimize adverse impacts.
- ~~1011.~~ ~~12.~~ Promote and support the renewal and expansion of the Clarke County Agricultural and Forestal District program by providing information on its benefits and incentives to associated farmland owners, timberland owners, and farm organizations. Use the Land Evaluation and Site Assessment (LESA) System for the objective and consistent evaluation of applications for additions to the Clarke County Agricultural District.
- ~~11~~ ~~13.~~ Support use-value taxation and other fiscal programs that help to alleviate economic burdens on owners of land used for agricultural, horticultural, forest, or open-space purposes (Code of Virginia, Section 58.1-3230, as amended). **Continue to implement Promote existing and explore alternative** strategies to protect agricultural land from escalating assessments as a result of development pressures.
- ~~12~~ ~~14.~~ Evaluate and consider implementing innovative land-conserving techniques as authorized by State law.

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15. ~~Refine and strengthen the Agricultural Land Plan to include specific strategies pertaining to agribusiness and agritourism concepts.~~

13. *Agribusiness uses and activities are encouraged provided that:*

- a. *They are compatible in scale and intensity to surrounding agricultural uses.*
- b. *They pose no threat to public health, safety, and welfare.*
- c. *They further the goal of preserving farmland, open space, and the County's scenic beauty and historic resources.*
- d. *They do not result in significant degradation of natural resources.*

STAFF NOTE (12/8) – Committee flagged Item 13(d) for further discussion. No changes were made from previous version.

14. *Agritourism uses and activities are encouraged as a means of facilitating the onsite sale of farm products and promoting agricultural education and appreciation. All agritourism activities shall be incidental to and directly supportive of the primary agricultural use on the property. Any agritourism activities or uses that exceed the intensity of the primary agricultural use shall be approved by special use or other governing body action.*

STAFF NOTE (12/8) – Committee requested a placeholder be included for a potential Policy #15 addressing nonfarm activities including solar farms.

Objective 2 – Mountain Resources.

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

STAFF NOTE (12/8) – Per Committee Discussion, Policies 1, 2, and 7 are moved to Objective 3 (Natural Resources). Language is added to the introductory section above to cross-reference Objective 3 as it relates to development in mountain areas.

Policies

1. ~~Promote multiple uses of forested land that are nonintensive and compatible, such as outdoor recreation, wildlife habitats, watershed protection, and forest management.~~

STAFF NOTE (12/8) – Moved to Objective 3

2. ~~Ensure that timber harvesting is conducted in accordance with Virginia Department of Forestry and Chesapeake Bay protection standards. Also ensure that and an approved~~

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forest management plan is in place for each site so that sedimentation of streams and other environmental impacts are minimized.

STAFF NOTE (12/8) – Moved to Objective 3

- 13.** Encourage the use of best management practices as outlined in the Chesapeake Bay Regulations and as determined by the Federal Total Maximum Daily Load (TMDL) program to improve water quality through the following methods:
- a. Making technical assistance available.
 - b. Promoting public awareness on the benefits of, and necessity for, best management practices, erosion and sedimentation controls, stormwater management and Chesapeake Bay Preservation Regulations.
 - c. Assisting in the establishment of conservation plans for all farms adjacent to perennial streams.
 - d. Encouraging the participation of all landowners engaged in forestal activities to use the assistance of the Virginia Department of Forestry, the Natural Resources Conservation Service, the Lord Fairfax Soil and Water Conservation District, and other public agencies.
 - e. Supporting these and other innovative efforts to ensure continued water quality improvements in the future.
- 24.** Provide limited, low-density residential opportunities in unincorporated areas in a manner compatible with **agricultural and** forestal activities in the area of the county east of the Shenandoah River. Such **residential development shall be consistent with the County's sliding-scale zoning regulations and shall not involve rezoning to a higher residential density to produce additional lots above the parcel's dwelling unit right allocation. Regulations for** residential development should include the following characteristics.
- a. Should be on a minimum area sufficient to provide proper placement of a dwelling, related accessory structures, well, and septic systems.
 - b. **Should Shall** not be located on steep slopes, **or areas with** slippage soils, ~~or~~ **ridgelines.**
 - c. **Should avoid ridgelines to the maximum extent practicable when developing a lot unless a ridgeline building site would produce the lowest potential for adverse environmental impacts and natural resource degradation.**
 - d. **Should recognize the fragile nature of the soils and slopes, understanding that trees protect these features from erosion and clearing should be limited. Forestry best management practices and other reasonable measures should be used during construction and afterwards to preserve trees and maintain the scenic beauty of mountain areas.**
 - e. **Should be compatible with the environmental features of that land and should not diminish natural and scenic values.**
 - f. **Should respect environmental limitations and protect natural features during and after the development process.**

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~~f. — Should be consistent with the County’s sliding scale zoning philosophy and should not involve rezoning to a higher residential density to produce additional lots above the parcel’s dwelling unit right allocation.~~

STAFF NOTE (12/8) -- New Item (c) was drafted by Staff to call out the Committee’s specific concerns with ridgeline development. New language is added to Item (d) in an effort to address the issue of scenic beauty versus tree preservation.

35. ~~Strongly discourage~~ **Prohibit** the rezoning of forestal zoned properties to the Rural Residential District (RR) in areas outside of designated growth areas and villages **for new residential development in order** to avoid loss of forest, sprawl development, and consumption of potential conservation lands and open space.

46. Promote the protection of lands adjoining or visible from the Appalachian National Scenic Trail, the Shenandoah River, and other public lands. Protect the scenic value of those lands when making land use decisions and plans.

~~7. — Promote the addition of forestal lands to the Clarke County Agricultural and Forestal District program by providing information on the program’s benefits and incentives to owners of timber lands.~~

STAFF NOTE (12/8) – Moved to Objective 3

58. Work proactively with the Mount Weather Emergency Operations Center to encourage compatible development, public notice, and public input opportunities for future expansion projects as well as continued communication and cooperation.

Objective 3 – Natural Resources.

Protect natural resources, including soil, water, air, scenery, night sky, wildlife habitats, and fragile ecosystems through the following policies, the Water Resources Plan, and other adopted policies.

Policies

1. Prohibit land uses that have significant adverse environmental impacts, ~~recognizing,~~ **Recognize** especially the interrelationships among natural resources, especially between ground and surface waters in Karst topography and steep slopes.
2. Ensure that adverse environmental impacts of activities directly or indirectly related to construction are minimized. Require effective mitigation when impacts occur, such as removal of vegetation, cutting of trees, altering drainage ways, grading, and filling. Provide for effective, proactive enforcement when necessary **to prevent significant damage to natural resources and adjacent properties.**

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Staff:

Recommend adding this language to be consistent with current complaint-basis enforcement policy. Proactive enforcement is only undertaken when an activity poses an imminent threat of damage to properties or the environment.

~~3. ——— Maintain, implement, and continue to enforce the County’s strong Erosion and Sedimentation Control and Stormwater Management Ordinances.~~

Staff:

Recommend deleting this policy. The County’s stormwater management ordinance was repealed to comply with State code requirements and we are required to maintain an erosion and sediment control program.

- 4 3.** Manage and protect floodplains by the following methods.
- a. Limiting structures, uses, and activities in the 100 year floodplain that cause sedimentation, harm to property **and water quality**, and **other** adverse impacts due to the risk of floating debris and bank erosion.
 - b. Enforcing floodplain management regulations so that residents continue to be eligible for flood insurance under the National Flood Insurance Program.
 - c. Prohibiting installation of drain fields in the 10 year floodway.
 - d. Discouraging the use of drain fields within the 100 year floodplain.

- 5 4.** Recognizing that the Shenandoah River is a state-designated Scenic River and is one of the County's significant environmental and recreational resources, provide for its protection by the following methods.
- a. Cooperating with state agencies in developing a river corridor management plan.
 - b. Limiting development within the River’s 100-year floodplain.
 - c. Promoting the placement of conservation and scenic easements on lands within view from the River and seeking to protect the scenic value of those lands when land use decisions and plans are made.
 - d. Promoting initiatives to reduce bank erosion, evaluate the impact of new or expanded private river accesses (e.g, docks and ramps), protect canoeists and other recreational users, and minimize noise levels.
 - e. Considering participation in a regional Shenandoah State Scenic River Advisory Board and/or establishing a local board or committee to provide guidance and develop programs to protect and enhance the river’s scenic beauty.

Staff:

Should provision of parking areas and formal access points be added to this policy as a means of protecting the river, since it would help avoid impacts of informal parking along roadsides and creation of private, unregulated accesses?

- 6 5.** Apply best management practices to protect local and regional water resources and environmentally sensitive areas such as the Shenandoah River, Opequon Creek, perennial streams, floodplains, wetlands, steep slopes, slippage soils, and highly erodible soils. Establish specific water quality performance guidelines to include Chesapeake Bay

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Resource Protection and Resource Management Areas when considering land use and development related activities.

7 6. Identify and inventory environmentally significant land suitable for the preservation and conservation of natural resources. Encourage landowners to apply for preservation programs such as the Agricultural and Forestal District program (AFD) as well as applicable use-value taxation for such lands as "real estate devoted to open space use" (Code of Virginia, Section 58.1-3230). Such real estate includes parcels adjacent to designated scenic rivers, wetlands, designated scenic highways, registered historic structures. Such real estate also includes lands adjacent to or under permanent open space easement or lying within the 100-year floodplain.

8 7. Prohibit new or expanded mining, oil, or gas-drilling operations.

9 8. Promote the placement of scenic easements on lands adjoining or visible from roads designated as Scenic Byways and protect the scenic value of those lands when making land use decisions and plans.

10 9. Promote the concept of linear greenways to link natural features, wildlife corridors, cultural and scenic resources, such as designated scenic rivers, designated scenic highways, registered historic properties, permanent open-space easements, recreation facilities, Blandy Experimental Farm, Shenandoah University's Shenandoah River Campus, and the Appalachian Trail.

11 10. Encourage and expand support for the Conservation Easement Purchase Program, both philosophically and financially, to protect natural resources important to preserving soils, watersheds, water quality, scenery, natural habitats, and air quality.

12 11. In response to requests for rezoning land for more intensive use in designated growth areas, encourage applicants to proffer the placement of land use easements on important scenic, historic, open-space, conservation, agricultural, or wildlife-habitat lands that are not essential to the future economic viability of the project and are **un**suitable for future development.

Staff:

This appears to be a typo. The correction makes it consistent with "not essential to the future economic viability of the project."

13 12. Ensure that the natural and/or cultural features of properties held in recorded Conservation Easements and state designated scenic rivers are protected when reviewing land use decisions, such as rezoning, special use, **site plan, and subdivision requests** on adjacent properties.

Staff:

Site plan and subdivision requests are administrative processes and we currently do not have technical regulations that require more stringent protections adjacent to the

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referenced areas. Additional implementation would be required to create regulations applicable to administrative reviews.

- 14 13.** Support Watershed Management planning for each perennial stream and consider any watershed management plan as a factor in making land use decisions.
- 15 14.** Take all appropriate steps to protect public water sources, such as the Shenandoah River serving the Town of Berryville, and the Prospect Hill Spring serving the Town of Boyce and the communities of Millwood, Waterloo, and White Post.
- 16 15.** Support Shenandoah Basin regional water planning efforts including creation of surface water management areas, and programs to study and address low flow issues. Oppose efforts to establish new interbasin transfers within the Shenandoah River watershed.
- 17 16.** Utilize USGS Groundwater Study findings when evaluating proposed changes in land use and continue to support ongoing water resource monitoring efforts.
- 18 17.** Establish and maintain a long term water quality monitoring network and real-time water quantity monitoring network, in cooperation with the USGS, to track changes and better assess impacts to our water resources.
- 19 18.** Revise and implement the adopted County ordinance requiring pump out of septic systems per State requirements.

Staff:

Staff will be making a presentation on implementation of a septic pumpout program to the Board of Supervisors this fall. Any Board action resulting from that presentation may require changes to Policy #19.

- 20 19.** Recognize that karst terrane underlies the majority of the Shenandoah Valley, making groundwater in these areas is highly susceptible to contamination. **Steps should be taken Take steps** to protect groundwater and prevent contamination whenever possible.
- 21 20.** Strengthen **existing** and develop **new** site design features that protect the environment by minimizing new stormwater runoff and that provide the most effective measure of protection for onsite disposal of sewage. Factor in cost-effectiveness and ongoing maintenance requirements for current and future property owners.
- 22 21.** Adopt the most stringent regulations for alternative onsite sewage treatment systems permitted by State law to protect the County's vulnerable surface and groundwater resources. Implement an onsite treatment system monitoring program including enforcement of mandatory pump-out requirements for septic systems **as described in Policy #18 above**. For new development and re-development projects that require a land use change, ensure use of the onsite sewage treatment method that provides the maximum protection to surface/groundwater resources and Karst terrane.

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22. *Promote multiple uses of forested land that are nonintensive and compatible, such as outdoor recreation, wildlife habitats, watershed protection, and forest management.*

STAFF NOTE (12/8) – Moved from Objective 2 (former Policy 1)

23. *Ensure that timber harvesting is conducted in accordance with Virginia Department of Forestry and Chesapeake Bay protection standards. Also ensure that ~~and~~ an approved forest management plan is in place for each site so that erosion and sedimentation of streams and other environmental impacts are minimized.*

STAFF NOTE (12/8) – Moved from Objective 2 (former Policy 2)

24. *Promote the addition of forestal lands to the Clarke County Agricultural and Forestal District program by providing information on the program's benefits and incentives to owners of timber lands.*

STAFF NOTE (12/8) – Moved from Objective 2 (former Policy 7)

Objective 4 – Historic Resources

Conserve Preserve the County's historic character by **preserving protecting** its historical and cultural resources for the aesthetic, social, and educational benefits of present and future citizens through the following policies and the Historic Resources Plan.

Policies

1. Develop innovative ways to protect and promote the economic and cultural importance of historic and archaeological resources.
2. Encourage and assist property owners to pursue State and National Register designation, either individually or through thematic nominations.
3. Encourage and assist property owners to place voluntary scenic easements on lands associated with historic buildings, sites, districts, and archaeological resources representing all historical time periods and cultures present in the County. Particular focus should be given to those resources listed on the National Register of Historic Places and the County's Civil War resources.
4. *Investigate and define the scope of adaptive reuses for Encourage adaptive reuse of historic structures and properties that **are is** compatible with the County's land use **philosophy**, regulations, and infrastructure goals.*
5. Establish and protect state and national historic districts, especially in rural areas, to recognize officially their historical significance and value.
6. Support the establishment of County historic overlay **zoning** districts to protect recognized properties and areas of historic and archaeological value and to ensure that

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new nonresidential development along access corridors leading to historic areas will be compatible and harmonious with such historic areas.

7. Ensure that proposed development in County historic overlay **zoning** districts is compatible with the historic architectural, landscape, or archaeological attributes of nearby or adjoining properties, neighborhoods, and districts, and that archaeological resources on the development site are not disturbed. Encourage proposed development **elsewhere outside of these overlay districts** to be compatible with and **ensure that it** does not disturb nearby historic resources or the scenic values of land associated with these resources.
8. Consider **potential impacts to** historic/archaeological resources that have been surveyed and documented when reviewing land-use decisions, such as rezoning, site plan, and subdivision requests.
9. Review and update the current “Clarke County Archaeological Assessment: Historical Character of the Lower Shenandoah Valley” and include more specific recommendations to ensure protection of archaeological resources, focusing on the sites of pre-historic indigenous peoples.
10. Promote community awareness and public education through use of a wide variety of media regarding tax incentives, designation procedures, design guidelines, and appropriate rehabilitation guidelines. Support the creation of literature on the historic resources of the County to acquaint the general public, and in particular new residents, with the County's rich cultural heritage. These activities should have the objective of informing property owners and residents of the value that historic preservation adds to their properties and community.
11. Incorporate historic resources in comprehensive efforts to promote tourism in the County by aiding in the development of a promotional brochure, a local historic-plaque program, and self-guided tours.
12. Continue to map 18th- and 19th-century road traces and make the information available to the public.
13. Investigate solutions to address the issue of demolition by neglect including public education initiatives, cooperative efforts, and regulatory tools provided by State law.
14. Continue to support the research and documentation of the history of Clarke County, including but not limited to African-Americans and their contribution to the history of the County.
15. Encourage owners of eligible properties to convey historic preservation easements as a tool for protecting these properties.

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Objective 5 – Conservation Easements

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

1. Encourage and facilitate the donation of open-space and conservation easements on land that meets the criteria of the U.S. Internal Revenue Service for easement donation and that is identified as having important scenic, historic, open-space, conservation, agricultural, or wildlife-habitat qualities. Such easements should also be consistent with the Comprehensive Plan and implementing component plans.
2. Encourage and expand support for the Conservation Easement Purchase Program, both philosophically and financially, in order to fund easement purchases on land with significant conservation value that are owned by individuals with low to moderate income.
3. Encourage and support the goals of the Conservation Easement Program to protect and preserve:
 - a. Land essential to agriculture including land with soils classified as “Important Farmland” by the Natural Resource Conservation Service for the continued production of crops and livestock.
 - b. Forested areas for their value as natural habitat and recreation, ability to enhance air and water quality, prevent soil erosion, and as a source of renewable wood products.
 - c. Historic resources, to maintain community character and identity, and encourage the tourism industry.
 - d. All water resources with particular emphasis on land adjacent to the Shenandoah River and other perennial streams and the limestone ridge/groundwater recharge area to protect water quantity and quality (reference Map 3, Groundwater Recharge Area).
 - e. Land adjacent to the Appalachian Trail and other public lands.
 - f. Land with environmentally sensitive areas important to air and water quality, plant life, and wildlife.
 - g. Lands that provide viewsheds for the County’s gateways, main roads, and scenic byways.
 - h. Lands that are not located in designated growth areas with the exception of those lands with scenic value, historic value, or environmental sensitivity.

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4. Continue to support efforts pertaining to public education and outreach to expand the understanding and benefits of conservation easements.
5. Continue to support efforts to secure grant funding to purchase new easements and to promote stewardship of existing easements.
6. Support efforts by County staff to monitor and, where necessary, enforce County conservation easement agreements with landowners.

Objective 6 – Outdoor Resources

Promote and protect the County’s outdoor resources to ensure ongoing, diverse active and passive recreational opportunities for residents and visitors to the County.

1. **Develop a Maintain the** Recreation Plan as **a new an** implementing component plan containing specific strategies pertaining to the County’s Parks and Recreation program. Support and protect the County’s local, state, Federal, and other publicly-accessible active and passive outdoor recreational resources.
2. Provide an array of recreational opportunities for citizens throughout Clarke County that meet the changing needs of the community and foster development of mutually beneficial partnerships.
3. Promote the concept of linear greenways to link natural features, wildlife corridors, cultural and scenic resources, such as designated scenic rivers, designated scenic highways, registered historic properties, permanent open-space easements, recreation facilities, Blandy Experimental Farm, Shenandoah University’s Shenandoah River Campus, and the Appalachian Trail.
4. Study and implement strategies to manage the current and future recreational use of the Shenandoah River corridor.

Objective 7 – Energy Conservation and Sustainability.

Encourage sustainable development by promoting renewable energy, energy conservation, and preservation of natural resources within the context of the County’s land use philosophy so that the needs of the present generation are met without compromising the ability of future generations to meet their own needs.

Policies

1. Promote energy efficiency to the maximum extent economically feasible when making decisions affecting County operations.
2. Encourage the use of active and passive renewable energy systems and **consider developing develop** policies that address potential impact of such systems on scenic viewsheds and historic resources (e.g., windmills and solar panels).

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3. Encourage reusing and recycling materials, including a recycling program. Facilitate access to public recycling facilities.
4. Encourage a regional reduction in single occupant vehicles (SOVs) through mechanisms such as ridesharing, public transit, carpools, and bicycle/pedestrian accommodations. Identify locations for commuter and ridesharing lots to serve Clarke County residents and explore fee systems to recoup costs from non-County users.
5. Adopt economically feasible measures to maximize energy efficiency in the siting and design of new and refurbished public buildings, schools, and other public facilities. Establish policies that require new or renovated public buildings to be designed to meet a nationally recognized energy and environmental standard such as Leadership in Energy and Environmental Design (LEED) or Earthcraft.
6. Adopt economically feasible measures to reduce resource use, including maximizing energy use efficiency, when purchasing, recycling, and disposing of products.
7. Conduct regularly scheduled audits of County facilities to ensure energy efficiency.

Staff:

Should Policies #6 and 7 be combined with Policy #1?

8. Encourage use of Low Impact Development (LID) techniques that help manage stormwater in an environmentally sensitive manner.
9. Establish water quality performance standards that include retention of vegetation, minimal site disturbance, and reduction of nutrients and sediment in post-development stormwater.
10. Coordinate with the Town of Berryville, the Town of Boyce, and the Clarke County School District on joint sustainable community practices such as energy efficiency and alternative transportation.
11. Encourage the use of cisterns and other water reuse applications in new residential and commercial developments.
12. Consider adopting the Energy and Resource Management Plan (dated 4/20/2010) or modified version of this Plan as a new implementing component plan. Investigate tax credit programs that encourage energy conservation by residents and businesses.

Objective 8 – Village Plans (Millwood, Pine Grove, White Post)

Enhance the identity and appearance of established villages, such as Millwood, Pine Grove, and White Post.

Policies

1. Develop a new Village Plan as an implementing component plan that provides planning and economic development strategies for the designated villages.

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2. Protect private and public water sources serving these areas.
3. Protect the cultural and economic identity of these communities.
4. Encourage the preservation, renovation, and restoration of existing structures.
5. Encourage economic development and revitalization of these communities through innovative uses of new and existing structures.
6. Encourage upgrading of existing substandard housing in these communities.
7. Promote projects that build upon or enhance the historic characteristics of each village including but not limited to walkability, compact development, and design elements.

Objective 9 – Designated Growth Areas for Development

Encourage business and residential development in designated growth areas to implement the principles of 1) preserving open space, farmland, natural beauty, cultural features, and critical environmental areas, and 2) improving the quality of life and services in existing towns and directing development towards these existing towns. Provide for nonresidential business development at the intersections of two or more federally-designated primary highways (U.S. Routes 50/17 and 340 and U.S. Routes 340 and 522) through the following policies, the Berryville Area Plan, the Waterloo Area Plan, and the Double Tollgate Area Plan.

Policies

1. Continue to designate the Town of Berryville and certain areas adjacent to the Town as the Berryville **Growth Annexation** Area. The Berryville Area Plan defines the boundaries and uses for this growth area. The boundaries of the adopted Berryville Area Plan should not be expanded until the land area addressed by the Plan is substantially developed.
 - a. Direct urban and suburban uses that require water and sewer service, including residential, commercial, and light industrial development, to this growth area where they can be served conveniently and economically by available public facilities and services. These uses include schools, parks, water and sanitary sewer, storm-water drainage, roads, police, fire, and emergency services.
 - b. In this growth area, **provide for encourage** the construction, rehabilitation, and maintenance of affordable housing, meeting the needs of current and future households with incomes at or below the County median as planned for in the Berryville Area Plan and Town of Berryville Comprehensive Plan.

Staff:

Current language, “provide for,” could be interpreted to mean that the County will proactively facilitate – and potentially invest in – the development of affordable housing.

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2. ~~Apply the following land use and design principles to development in the Berryville Growth Area.~~
 - a. ~~Provide for a mixture of complementary land uses and consider innovative techniques such as form-based codes that create walkable, pedestrian-friendly street networks and greater flexibility of uses.~~
 - b. ~~Create a range of housing opportunities and choices, including an appropriate level of affordable housing.~~
 - c. ~~Create walkable neighborhoods.~~
 - d. ~~Encourage a variety of transportation choices.~~
 - e. ~~Promote compact, efficient land use and building design that maximizes green space and minimizes road and utility costs.~~
 - f. ~~Foster distinctive and attractive neighborhoods with a strong sense of place.~~
 - g. ~~Include recreation areas in new developments that are provided by the developer, maintained by the developer or homeowners' association, and are designed to meet all county standards and safety regulations.~~

~~*Work in concert with the Town of Berryville to ensure the Berryville Area Plan and applicable regulations produce quality developments that reflect the shared vision of the Town and County.*~~

Staff:

This policy should be written as a general reflection of the Town's and County's development goals. Specific land use and design principles should be listed in the Berryville Area Plan.

3. Continue to coordinate and cooperate with the towns of Berryville and Boyce to implement effective policies to provide for residential and business development compatible with the established character of these towns as reflected in their comprehensive plans.
4. Promote business activities at Waterloo (U.S. Routes 50/17 and 340) through provision of public water and sewer services and provision of areas zoned for business uses. ~~An area plan should be maintained~~ **Maintain the Waterloo Area Plan** to identify:
 - a. The specific boundaries and mixes of uses,
 - b. The way public services are to be provided, and
 - c. The way proposed activities will be integrated with surrounding uses, especially agricultural, residential, and parcels held in permanent conservation easement. The boundary of the adopted Waterloo Area Plan should not be expanded until the land area addressed by the Plan is substantially developed, and the Plan should be periodically reviewed and updated.
5. Designate the Double Tollgate area (U.S. Routes 340 and 522) as a deferred growth area and delay county investment in infrastructure until such time as it is applicable and

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economically feasible. Feasibility should be triggered through evaluation of factors such as the quantity and long-term stability of growth in the immediate area, the availability of public water and public sewer capacity, and compliance with any adequate public facility measures that are developed. Once it is feasible to do so, promote business activities at Double Tollgate through provision of public water and sewer services and provision of additional areas zoned for business uses.

The Double Tollgate Area plan should be maintained to identify:

- a. The specific boundaries and mixes of uses,
- b. The way public services are to be provided, and
- c. The way proposed activities will be integrated with surrounding uses, especially agricultural, residential, and parcels held in permanent conservation easement. The boundary of the adopted Double Tollgate Area Plan should not be expanded until the land area addressed by the Plan is substantially developed, and the Plan should be periodically reviewed and updated.

Staff:

This Policy may need to be modified as a result of ownership changes that have occurred on the former Camp 7 property adjacent to the Double Tollgate Area.

6. Ensure that land-use decisions do not allow urban and suburban forms of development to occur in designated growth areas unless public facilities and services commensurate with such development either are available or are programmed with a plan for cost recovery. **Cost recovery including includes** but **is** not limited to direct contribution by the development community or increased tax revenue generated by the new development.
7. Encourage the use of best management practices as outlined in the Chesapeake Bay Regulations and as determined by federal TMDL program to improve water quality and minimize runoff impacts that could be caused by development of the Berryville **Growth Annexation** Area and at primary highway intersections.
8. Consider developing levels of service for public facilities including public water, public sewer, roads, schools, and parks to ensure that the County is capable of providing adequate services to support existing and new development.
9. Consider the planning goals, principles, and policies of incorporated towns in designating growth areas. Make provisions for public utility services, and, where feasible, undertake joint or coordinated action with town governments, independent county authorities, and other regional entities.

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Objective 10 – Economic Development

Encourage economic growth that is compatible with the County's environmental quality, rural character, and residential neighborhoods, and that provides a healthy balance between revenues from residential and agricultural uses, and those from commercial and industrial uses.

Policies

1. Establish and maintain an Economic Development Strategic Plan as a component plan to implement this Objective and its policies.

Staff:

This Policy will need to be modified if the Economic Development Strategic Plan is ultimately removed as a component plan of the Comprehensive Plan.

2. Direct the location of compatible businesses to designated growth areas and existing commercial centers as allowed by the adopted plans for those areas.
3. Encourage new or expanded businesses that have minimal impact on the County's sensitive environment and that do not adversely impact surrounding properties with excessive noise, odor, or light pollution.
4. Ordinances and policies should be implemented to ensure high-quality design and construction of new and redeveloped businesses. ~~This shall include context sensitive landscaping that makes use of native plants, xeriscaping, and use of gray water for irrigation where possible. Maintenance of landscaping and site plan features should be enforced by the County throughout the lifespan of the business.~~

Staff:

The language deleted above has been implemented into the Zoning Ordinance.

5. Promote types of economic development that are consistent with the County's existing uses and character, including but not limited to the following.
 - a. Tourism and the land uses that would benefit from it.
 - b. Agricultural businesses.
 - c. Agriculturally related businesses.
 - d. Equine businesses and related services.
 - e. Compatible light industrial uses in designated locations.

Staff:

The scope of the five items listed in Policy #5 should be evaluated to determine if they need to be further refined, particularly tourism, agricultural businesses, and agriculturally related businesses (e.g., hydroponic ag facilities, farm winery/brewery/distillery).

6. Protect and enhance the environmental resources of the County, recognizing that they can serve as an attraction to business and industry.

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7. Encourage the attraction of business activities that complement or that work in conjunction with existing industrial and commercial activities in the County, particularly active farming and forestry operations.
8. Ensure that new commercial development occurs according to the following provisions.
 - a. Does not impede traffic flow on roads and/or overload intersections.
 - b. Prevents strip development by integrating new development with existing development through the use of reverse frontage, consolidated or shared access points, shared parking and/or drive aisles, internal circulation networks, and interparcel access; and ensures that land use ordinances provide flexibility to facilitate clustered development patterns.
 - c. Ensures that access to and impacts on the transportation network are safe and do not degrade efficiency.
 - d. Meets all applicable zoning- and building-code regulations and all standards for water, sewage disposal, and waste disposal needs.
 - e. Does not have a negative impact on adjacent property values.
9. Evaluation of **rezoning, conditional zoning, and special use permit applications for** adaptive reuse projects, and projects to redevelop existing agricultural, commercial, and light industrial uses shall include the following elements in addition to the criteria set forth in Policy 8 above for new development projects.
 - a. Whether the project is in general accord with the Comprehensive Plan.
 - b. Whether the resultant structures, parking, lighting, landscaping, stormwater management, onsite well and septic systems, property ingress/egress, and other site elements would be in full compliance with County land use ordinances and State regulations.
 - c. The degree to which the project mitigates an existing public safety concern.
 - d. The degree to which the project mitigates any new impact to the existing character of the area including but not limited to noise, odor, intensity, or aesthetics.
 - e. In the case of a conditional **rezoning** application, the degree that the applicant's proffer package addresses all existing and potential site impacts to surrounding properties.
 - f. Consistency with prior land use decisions involving similar cases.
10. Support a vigorous agricultural development program in the County that emphasizes promotion of Clarke County agricultural products, encourages cooperation with individual agricultural interests within the County and advocacy agencies, and establishes liaisons with counties in the area that have similar development programs.

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11. Seek and consider additional fiscal tools by which the County may enhance its tax base.
12. Promote the retention, attraction, and expansion of businesses and industries that support the land use goals of the County, in particular, businesses that generate a relatively high level of local tax revenue in relation to the number of jobs, create minimal impact on public services, and are compatible with the County's agricultural and natural resources.

Objective 11 – Capital Improvement Planning and Fiscal Responsibility

Ensure the provision of capital improvements in a manner consistent with the land-use objectives of the County through the following policies and the Capital Improvement Program.

Staff:

Evaluate Objective 11 against the Capital Improvement Plan process that will be implemented by County Administration beginning this fall.

Policies

1. Develop an annual Capital Improvement Planning process that evaluates the need for capital projects via established performance triggers and degree of conformance of each project with the Comprehensive Plan and implementing component plans. Also develop a means of consistent, objective, and accurate fiscal impact analysis for use in evaluating capital projects.
2. Encourage the development of level of service criteria, needs assessments, and other performance triggers to plan for capital improvements in advance of the actual need. Ensure that assessments and criteria are based on standards that are accepted by the relevant industry and that they are evaluated and updated on a regular basis by the managing department.
3. Prohibit the extension of capital improvements into areas not designated for growth in the Comprehensive Plan that would be subjected to increased development pressures by such extensions. Such improvements would include public water, public sewer, schools, public facilities but would not include passive recreational resources and high-speed internet facilities.
4. Carefully assess the short- and long-range fiscal impacts of necessary capital improvements, such as roads, schools, and water and sewer service when land-use decisions and plans are made.
5. Provide funding for school facilities that will enable the School Board to achieve its priorities within the County's fiscal capabilities. Ensure that the School Board's goals and needs and the County's ability to fund projects are compatible and are discussed jointly on a regular basis.
6. Ensure that the County's facilities are located, designed, and constructed to maximize public convenience and accessibility. New construction should, where economically

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feasible, maximize use of existing facilities. Available technology should be reviewed and, where possible, technological improvements should be used to minimize the need for additional space.

7. Ensure that sheriff, fire, rescue, and emergency management provide the highest level of citizen protection within the fiscal resources of the County. Work with these agencies and departments to ensure that performance measures are established to effectively plan for future capital, personnel, and equipment needs.
8. Provide or permit Waterworks¹ and Sewerage System & Treatment Works² **as regulated by the Clarke County Zoning Ordinance** only as described in the following policies, to ensure consistency with the previously stated land-use policies.
 - a. Coordinate with the Towns of Berryville and Boyce in their activities to provide Waterworks and/or Sewerage System & Treatment Works on land within Town limits and areas that the County agrees should be annexed to the Towns.
 - b. Provide septage treatment facilities to meet the County's water resource and environmental protection objectives.
 - c. Work with State and Federal agencies and property owners to remedy incidents where a significant health threat has been identified by the Clarke County Health Department involving existing residential development. Any applicable grant or low-interest loan program should be pursued to assist in paying for the construction of such facilities.
 - d. Provide Waterworks and/or Sewerage System & Treatment Works, through the Clarke County Sanitary Authority, at property owner expense, for business uses at the intersection of two or more federally designated primary highways and/or state designated limited access primary highways, specifically the Waterloo Area (US Routes 50/17 and 340). Any applicable grant or low-interest loan program should be pursued to assist in paying for the construction of Sanitary Authority facilities.
9. Permit, in cooperation with the Clarke County Sanitary Authority, the construction of sewage treatment facilities, in accord with the aforementioned policies. These facilities should be financed by the fees charged to the users of the facilities, State and Federal grant programs, or other innovative and incentivized financing programs that produce a

¹Waterworks means a system that serves piped water for drinking or domestic use to (a) the public, (b) at least 15 connections, or (c) an average of 25 individuals for at least 60 days out of the year and shall include all structures, equipment, and appurtenances used in the storage, collection, purification, treatment, and distribution of pure water (except the piping and fixtures inside the building where such water is delivered).

²Sewerage System & Treatment Works means 1) Sewerage System: pipelines or conduits, pumping stations and force mains, and all other construction, devices, and appliances appurtenant thereto, used for the collection and conveyance of sewage to a treatment works or point of ultimate disposal, and 2) Treatment Works: any device or system used in the storage, treatment, disposal or reclamation of sewage or combinations of sewage and industrial wastes, including, but not limited to, pumping, power, other equipment and appurtenances, septic tanks, and any works (including land) meeting the definition of a Mass Drainfield, that are or will be (a) an integral part of the treatment process or (b) used for ultimate disposal of residues or effluent resulting from such treatment. This term does not include Subsurface Drainfields not defined as Mass Drainfields.

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net benefit to the County. Facilities should use innovative, cost-effective technology consistent with environmental protection policies, such as water recycling/land application systems.

10. Evaluate all private development proposals as they relate to public utility and land-use plans.
11. Improve coordination among County departments in standardizing methods of financial calculation and projection.

Objective 12 -- Transportation

Ensure that the County's transportation system provides safe and efficient means for all modes of travel for citizens and visitors through coordinated land use decision-making and judicious use of limited fiscal resources.

1. **Create and** Maintain a transportation plan that includes an inventory of the County's existing transportation network, planning assumptions, needs assessment, and recommended future improvements. **Conduct an annual review of this plan to ensure consistency with the County's Six Year Secondary Road Improvement Plan and Budget and with the Commonwealth Transportation Board's Statewide Transportation Plan.**

Staff:

Recommend deleting the above language as the Transportation Plan should be evaluated every five years like the other component plans.

2. Develop specific strategies for prioritizing transportation projects, responding to new State and Federal projects in the County, and identifying new projects to improve safety or increase capacity of the public road system. Include policies on bicycle and pedestrian facilities and commuter facilities.
3. Maintain the existing primary road system at its present level and upgrade it only for safety purposes or planned traffic increases to the extent funds are provided by the Virginia Department of Transportation.
4. Establish specific transportation planning policies in the area plans for the County's designated growth areas including but not limited to policies on walkability, bicycle and pedestrian mobility, interconnected street networks, traffic calming, and other modern techniques that support high quality communities and neighborhoods.
5. Carefully assess the short- and long-range fiscal impacts of transportation improvements when land-use decisions and plans are made.
6. **Develop** **Continue to** maintain a County bicycle and pedestrian plan.

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Objective 13 – Citizen Participation in the Planning Process

Encourage citizen involvement in the planning process.

Staff:

Is this Objective needed or would it be better as a narrative in Chapter I?

Policies

1. Provide opportunity for citizens to participate in all phases of the planning process.
2. Require that all meetings involving preparing, revising, or amending the Comprehensive Plan be publicly posted and open to the public.
3. Meet or exceed all state requirements for public notice for meetings and freedom of information requests.
4. Ensure that information pertaining to the Plan and the planning process is available to citizens in an understandable form, which may include internet postings, newsletters, mailings, informational brochures, and announcements in newspapers and on radio to stimulate citizen involvement.
5. Encourage educational institutions, agencies, clubs, and special interest groups to review and comment on the Comprehensive Plan and implementing components.
6. Ensure uniform interpretation, administration, enforcement procedures, and staffing levels for the implementing plans, policies, and ordinances of the Comprehensive Plan.