



Clarke County Planning Commission

AGENDA – Comprehensive Plan Committee Meeting

Tuesday, January 12, 2021 (2:00PM)

Berryville/Clarke County Government Center – Main Meeting Room

- 1. Approval of Agenda**
- 2. Approval of Minutes – December 8, 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

Tuesday, December 8, 2020 – 2:00PM

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 (Senior Planner/Zoning Administrator)

CALL TO ORDER: By Mr. Stidham at 2:09PM.

1. Approval of Agenda

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

2. Approval of Minutes – November 6, 2020 Meeting

Mr. Stidham noted two typographical errors in the draft minutes and members agreed with the changes.

Motion to approve November 6, 2020, 2020 Meeting Minutes as edited:			
Bass	AYE (moved)	Glover	AYE (seconded)
Caldwell	AYE	Kruhm	absent

3. Discussion Items

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

Mr. Stidham reviewed the changes from the previous draft as summarized in the November 24 Staff memo.

Chair Ohrstrom said that the revised wording of Goal #2 is confusing, in particular the language at the end of the goal regarding public infrastructure. He said that breaking it into two sentences might help but how to word it is still confusing. Commissioner Caldwell said that it is always good to break up long sentences. Commissioner Glover suggested ending the sentence at the word “needs” and add the word “incorporating.” He also suggested eliminating everything after “public infrastructure.” Mr. Stidham suggested ending the first sentence after “areas” in the second line. In regards to the remaining language, he suggested that the Committee describe what the two things are that we want to balance and come up wording for a second sentence. He noted that each incorporated town, village and commercial area has its own unique characteristics and that the regulations for design elements should reflect these characteristics

and needs. He also said that you have to ensure efficient use of public infrastructure in these areas. Commissioner Caldwell said that the efficient use of public infrastructure is necessary but it is a less important element in this particular goal. She suggested making public infrastructure into its own sentence. Commissioner Bass suggested wording that would end the first sentence at the word “areas” and reword the remaining language as, “Design elements should balance each unique community’s needs and characteristics with efficient use of public infrastructure including but not limited to public services, utilities, and transportation networks within these areas.” Chair Ohrstrom agreed with this wording. Mr. Stidham asked if the term “design elements” adds unnecessary confusion. Commissioner Bass said perhaps and Chair Ohrstrom said yes it does. Chair Ohrstrom suggested deleting the word “design” and Commissioner Caldwell replied that she kind of likes the word “design.” Chair Ohrstrom also suggested deleting the word “elements” and keeping the word “design.” Mr. Stidham asked if it would help to replace “needs” with “form and scale,” and Commissioner Bass replied that you are just adding more terms of art. Commissioner Glover suggested replacing “design elements” with “requirements.” Mr. Camp said that it seems like two different ideas are being discussed. He noted that the goal describes focusing development in specific areas and the remaining language is justification for doing so, which may be better located in an objective instead of the goal. Mr. Stidham said that to Mr. Camp’s point, the second half of the goal essentially says to adopt design requirements to accomplish the stated goal. He added that those kinds of recommendations typically belong in objectives and not goals but is not sure where this language could be relocated. Commissioner Caldwell said that you could refer to specific area plans. Mr. Stidham asked the members to read Goal #5 and noted that in some ways the last part of Goal #2 is redundant with Goal #5. Members agreed and Commissioner Bass suggested adding a period after “infrastructure” as the remaining verbiage is covered under Goal #5. Chair Ohrstrom suggested ending the sentence after the word “needs.” Mr. Stidham said that he would work on the wording including referencing “unique planning areas” to tie the goal to the area component plans.

Commissioner Caldwell said she has concerns regarding the term “significant degradation” that has been added in the latest draft in a number of places following discussions at the last meeting. Mr. Stidham noted that we do not want to say “degradation” only as this opens the word up to broad interpretation, adding that even de minimis degradation could be considered degradation. He said that we need to come up with a qualifier word to limit the interpretation and that the Committee needs to decide if “significant” is the appropriate word to use. Chair Ohrstrom said that we do not want an impact to get to the “significant” level before we try to address it. Mr. Stidham asked the Committee members thought “significant” means. Commissioner Bass said that it means more than de minimis and Commissioner Glover said that it means too much. Mr. Stidham said that you have base line regulations that every county deals with and then you have more stringent regulations like those we have added. He said maybe we need to add language to explain why the County has more stringent regulations than the minimum State regulations. Commissioner Caldwell said that we should probably keep thinking about this as we continue working on the Plan update. Mr. Stidham said that this issue is similar to the Ordinance Update Project discussion pertaining to rezoning and special use permit review criteria and “mitigation of impacts.” He said that if you left the term “significant degradation,” it is guidance language that would allow you to interpret the application on a case-by-case basis to determine if an impact is producing significant degradation. Commissioner Glover said that he thinks

“significant” is too late in the process and Chair Ohrstrom agreed. Mr. Stidham said that he does not see a time element as an issue. He gave an example of how this would be applied in reviewing a proposed solar farm application in which the developer proposed to buy credits for stormwater quality instead of detaining the stormwater onsite. He said the Commission could view this State regulation as a loophole that would produce significant degradation of water quality as a result and could require the developer to switch to onsite control measures. Commissioner Glover noted that by “late,” he meant that the damage has already been done. Mr. Stidham replied that this language would not be applied only to something existing, it would be used as guidance for proposed development. Commissioner Caldwell said that a developer could come up with counter arguments that an impact will not result in significant degradation. Mr. Stidham noted that this language would also be a point of departure to support creation of more stringent regulations. Members agreed to continue working on this issue.

Regarding draft Policy #7, Commissioner Caldwell said that the last sentence is awkward and needs to be reworded. Chair Ohrstrom noted that the language about the right-to-farm warning notice appears to be tacked on to the sentence and makes it confusing. Mr. Stidham suggested ending the sentence after “space” and rewrite the remaining language as “Require a right-to-farm warning notice within the deed of dedication.” He also said he would work on adding language to this new sentence to explain why the warning notice is necessary.

Members returned to a brief discussion of alternative wording for “significant degradation” including parallels to the degrees of negligence under State law. Mr. Stidham noted that we have several examples of regulations that the County has adopted that are more stringent than minimum State law requirements. He added that in these cases we have identified concerns that warrant the County’s adoption of stronger rules such as significant degradation of natural resources. He also noted that we will need to explain why we consider such degradation to be significant. Commissioner Glover favored the wording “more than minimal” because the Plan will be read by laypersons without technical expertise and that wording could be more clearly understood. Commissioner Bass asked if there is language in the State code regarding degradation of natural resources and Mr. Stidham replied no. Mr. Stidham noted that our Karst landscape presents challenges to groundwater quality that require the County to have stronger regulations than other jurisdictions. He also noted that State code does not include minimum standards for light pollution and that if we wanted to limit up-casting of light from facilities such as hydroponic farms, we would need to establish a metric that defines what we consider to be significant degradation of the night sky. Commissioner Caldwell suggested using “significant” generally in the Plan but going into more detail in the applicable component plans when addressing impacts to natural resources. Mr. Stidham said that a motion to adopt more stringent regulations could reference its necessity to prevent significant degradation of the applicable natural resources. He added that the metric we would develop in the new regulations would be based on what we consider to be “significant.” Commissioner Bass asked if this would apply to Zoning and Subdivision Ordinance regulations. Mr. Stidham replied yes along with the Well and Septic Ordinance, any other ordinances dealing with natural resources, and even land use decisions. Commissioner Bass suggested adding language to say “as further specified in applicable ordinances” and Commissioner Glover suggested “as defined elsewhere.” Mr. Stidham said that he will develop a new Policy #1 under Objective #3 that defines “significant degradation of natural resources” in general terms. Members agreed with this approach. Based

on this discussion, Mr. Stidham asked if the members wanted to keep the wording of Policy #13d which references “significant degradation of natural resources.” Commissioner Glover suggested leaving it highlighted for now and the Committee can come back to it.

Mr. Stidham asked Chair Ohrstrom if he wanted to talk more about adding a new policy to address non-farm activities such as solar farms. Chair Ohrstrom replied that we may want to think about adding language to address solar farm location in the event that a better way of siting them without ruining farmland is developed. He added that we could talk about it in Objective 7 where we discuss renewable resources. Commissioner Caldwell said we may also want to discuss the nutrient credit trading issue which incentivizes planting trees. Chair Ohrstrom adds that it also encourages replacing a healthy wood lot with a monoculture. Mr. Stidham said that he does not know how to write Plan language that says we want trees but not if they are replacing farmland. Chair Ohrstrom said that maybe the Comprehensive Plan is not the appropriate place to put it. Mr. Stidham suggested reserving the solar farm discussion for the next Agricultural Land Plan update. Members agreed to do so and Chair Ohrstrom added that the industry may have new siting approaches by then.

Regarding changes to Objective 2 (Mountain Resources), Mr. Stidham noted the current policies that would be moved to Objective 3 (Natural Resources) per the Committee’s previous discussion. In the proposed last sentence to the Objective 2 introductory paragraph, Commissioner Glover recommended replacing “woody” with “wooded.” Members were comfortable with the new language including this change and with moving Policies 1, 2, and 7 to Objective 3.

Mr. Stidham reviewed the changes to former Policy #4/New Policy #2 that were discussed extensively by the Committee at the previous meeting. Commissioner Glover said that the second sentence in the introductory language is long and recommended adding a period after “regulations” to break up the sentence. Mr. Stidham suggested using a comma since both parts of the sentence are intended to go together, and also recommended replacing “produce additional lots above” with the word “exceed.” Members agreed with these changes. Regarding subsection (c), Chair Ohrstrom said that “natural resource degradation” appears again and Commissioner Glover replied that the word “significant” is not used in this context. Commissioner Bass said that he likes the wording of both subsections (c) and (d). Commissioner Caldwell said that in subsection (d), she thought that “other reasonable measures” was vague. Commissioner Bass suggested striking “and other reasonable measures” and just list “forestry best management practices.” Mr. Stidham replied that he is not sure that “forestry best management practices” should be left as the exclusive method as other approaches might be feasible. Commissioner Bass noted that the word “should” is used in this subsection and Commissioner Caldwell replied that she also had an issue with using “should” instead of “shall.” Commissioner Caldwell added that there are other types of measures we would want to consider instead of just forestry best management practices. Mr. Stidham suggested changing “reasonable” to “acceptable” and explained that this would mean measures that the County finds “acceptable” to prevent significant degradation of natural resources. Commissioner Glover also recommended adding “reduce erosion” to subsection (d) immediately following a comma to be placed after “preserve trees.” Commissioner Caldwell suggested changing “should” to “shall” in subsections (a), (c), (d), (e), and (f). Mr. Stidham noted that the Committee previously discussed using “should”

instead of “shall” in subsection (c) regarding ridgelines. Members agreed to change the “should” in subsections (a) and (d) to “shall.” Commissioner Caldwell also recommended changing the “should” in the second sentence of subsection (d) to “shall.” Mr. Stidham noted that subsections (d) and (e) are wide open and should probably remain as “should,” and Commissioner Bass agreed. Chair Ohrstrom recommended changing “should” in subsection (e) to “shall,” and Commissioner Caldwell noted that this is supported by the regulations that we have created for development on the mountain. Commissioner Glover suggested changing “environmental” to “natural” in subsection (e) to avoid raising tensions unnecessarily by using that word. Mr. Camp recommended changing “values” for the same reason and Commissioner Glover suggested using “assets.” Members agreed with these changes.

Mr. Stidham reviewed the changes to Objective 3 (Natural Resources) noting that per the previous discussion, he will attempt to define “significant degradation” in a new Policy #1. Regarding the proposed new language in Policy #2, Commissioner Bass said that the word “damage” should be “degradation” to be consistent with the new verbiage being added throughout this chapter. Mr. Stidham replied that he purposely used the word “damage” because it explains the threshold by which the County would take proactive enforcement action against an unpermitted activity.

Regarding Policy #4, Mr. Stidham asked the Committee whether provision of parking areas and formal access points to the river should be added to address the issue of informal parking along roadsides and creation of private, unregulated accesses. Chair Ohrstrom asked how this would be accomplished and Commissioner Caldwell replied that it would be similar to recent efforts to improve Appalachian Trail parking and access. Commissioners Glover and Bass said that this should be included in the Policy. Chair Ohrstrom asked whether this would be making the statement that developing parking areas along the river is a good idea. Mr. Stidham said that playing devil’s advocate, adding more parking areas could increase visitor traffic to the river and be potentially more impactful than the informal parking that is currently taking place. Chair Ohrstrom noted that parking areas along the river can increase impervious surface areas and facilitate pollutants getting into the river via runoff. Commissioners Bass and Glover suggested promoting existing parking areas and access points rather than create new ones. Members agreed to this approach.

Also in Policy #4, Commissioner Caldwell noted grammatical corrections in subsection (d).

Regarding Policy #12, Mr. Stidham noted that we do not currently have more stringent regulations in administrative processes (site plans and subdivisions) that apply to the areas listed in the Policy. He suggested deleting the list of land use decision types and replacing the word “decisions” with “applications” to provide a more general recommendation. Members agreed with these changes.

In Policy #8, Commissioner Caldwell noted the term “scenic easements” and added that this term is used elsewhere in the Plan. She said that she has never understood what a “scenic easement” is and Chair Ohrstrom replied that it is a colloquial expression for a conservation easement. Commissioner Caldwell suggested replacing “scenic easement” with “conservation easement” throughout the Plan. She also noted a small word correction in Policy #10.

Regarding Policy #18, Mr. Stidham noted that Staff's upcoming presentation of a septic pumpout program to the Board of Supervisors may require changes to this Policy. The Committee then had a brief general discussion about the septic pumpout ordinance and proposed program.

Mr. Stidham noted that the policies that were moved from Objective 2 are now listed at the end of Objective 3 as Policies #22-24. He asked if they should be moved to a different location in the Objective or if he should attempt to group all of the Policies in this Objective differently. Commissioner Glover said that they all work well under the Natural Resources heading and Commissioner Caldwell suggested grouping them by topic. Commissioner Bass said the Objective makes it abundantly clear that we are serious about protecting our natural resources. Commissioner Caldwell noted that "other environmental impacts" in Policy #23 is problematic. Mr. Stidham suggested replacing "other environmental" with "applicable" and Commissioner Caldwell agreed that this would address her concern.

Regarding changes to Objective 4 (Historic Resources), Commissioner Caldwell noted replacing "scenic" with "conservation" in Policy #3. On Policy #8, Commissioner Caldwell asked about the documents and surveys of historic/archaeological resources that are referenced, noting that she does not recall them being used in making land use decisions. Mr. Stidham suggested deleting "that have been surveyed and documented" to allow unsurveyed and undocumented resources to be considered.

Regarding Policy #3, Commissioner Glover suggested deleting the last sentence that singles out resources on the Natural Register of Historic Places and Civil War resources, noting that there are other types of historic resources that should be given consideration. Mr. Stidham noted that there is no similar language in the Historic Resources Plan and that document treats all such resources equally. Commissioner Caldwell said that in the same line, Policy #9 contains language recommending a focus on the sites of pre-historic indigenous peoples which could also be deleted. Members agreed with the changes.

Mr. Stidham said that the Committee will pick up with the review of Objective 5 (Conservation Easements) at the next meeting. Members agreed to schedule the next meeting for Tuesday, January 12 at 2:00PM.

4. Other Business

None.

ADJOURN: Meeting was adjourned by consensus at 3:36PM.

Brandon Stidham, Clerk



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TO: Planning Commission Comprehensive Plan Committee members

FROM: Brandon Stidham, Planning Director

RE: January 12, 2021 Committee Meeting

DATE: January 5, 2021

The next meeting of the Comprehensive Plan Committee is scheduled for **Tuesday, January 12 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 Policies starting with specific changes from the December 8 meeting and then proceeding to Objective 5 (Conservation Easements). Time permitting our goal should be to complete the review through Objective 8 (Village Plans) at a minimum.

A revised Goals, Objectives, and Policies draft (dated 1/12/2021) is enclosed for your review. Prior to beginning Objective 5, Staff requests the Committee discuss and provide direction on these specific follow-up items:

- Goal #2 – See Staff's proposed wording to clarify this Goal.
- Objective 2 (Mountain Resources), Policy #2 – The Committee requested new changes to the introductory wording of this policy and to subsections (a), (d), (e), and (f). Please review these changes – in particular where “should” and “shall” are being used – to determine whether they are acceptable.
- Objective 3 (Natural Resources), Policy #1 – Staff has rewritten this policy to include a definition for “significant degradation of natural resources” and to state that regulations should be adopted to establish metrics for determining when a natural resource is deemed to be significantly degraded. Language is also added to clarify that the policy applies to evaluating the impact of new land use development.
- Objective 3, Policy #4 – See Staff's proposed wording in new subsection (f) to promote use of existing parking areas and public access points to the Shenandoah River.

New edits for Committee review are included throughout the draft in yellow with Staff notes. Updated language that the Committee has accepted is in gray. 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

1/12/2021 COMPREHENSIVE PLAN COMMITTEE MEETING

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 designated planning areas including 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.**

STAFF NOTE (1/12/2021) – Goal #2 was amended following discussion at the 12/8 Committee meeting. Language is added to reference areas for development as designated in the Comprehensive Plan and component plans (“designated planning areas...”). Language regarding public infrastructure is deleted to simplify the Goal and to avoid redundancy with Goal #5.

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.

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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.
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.~~

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- ~~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.~~
- ~~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 Require a right-to-farm warning notice to be included within the deed of dedication for new subdivisions in agricultural-zoned areas to promote awareness of the nature of living within an agricultural community.**
- STAFF NOTE (1/12/2021) – This policy was edited for clarity purposes in response to discussions at the 12/8 Committee meeting. New language was also added to explain why a right-to-farm warning notice is needed and to require its inclusion for new subdivisions within agricultural-zoned areas.**
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.

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~~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.

~~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 (1/12/2021) – Committee requested #13(d) to remain flagged for further consideration of the new term “significant degradation of natural resources.”

~~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.~~

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 wooded and steep landscape of the mountain areas poses unique challenges to development and that regulations should be developed to address these characteristics.*

STAFF NOTE (1/12/2021) – Changed “woody” to “wooded” per Committee direction at 12/8 Committee meeting.

Policies

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

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1/12/2021 COMPREHENSIVE PLAN COMMITTEE MEETING

STAFF NOTE (12/8/2020) – 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 forest management plan is in place for each site so that sedimentation of streams and other environmental impacts are minimized.~~

STAFF NOTE (12/8/2020) – 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 exceed the parcel's dwelling unit right allocation. Regulations for** residential development should include the following characteristics.
- a. **Should Shall** 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 Shall** recognize the fragile nature of the soils and slopes, understanding that trees protect these features from erosion and clearing should be limited. **Forestry best management practices and other reasonable acceptable measures should shall be used during construction and afterwards to reduce erosion, preserve trees, and maintain the scenic beauty of mountain areas.**

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- ed.** Should **Shall** be compatible with the **environmental natural** features of that land and should not diminish natural and scenic **values assets**.
- fe.** Should respect environmental limitations and protect natural features during and after the development process.
- ~~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 (1/12/2021) – Changes highlighted in yellow were requested by the Committee at the 12/8 meeting.

- 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 (12/8/2020) – 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 **but not limited to** 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 are likely to produce significant degradation to the County's natural resources. Focus should be placed upon ground and surface water quality and quantity in Karst topography, steep slopes, and the Shenandoah River. "Significant degradation" is a measurable negative reduction in the quality or quantity of a natural resource that would result from the development of a new land use. Regulations should be adopted to establish measurable thresholds that the County determines to constitute "significant degradation" of a natural resource.**

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- ~~1. Prohibit land uses that have significant adverse environmental impacts, recognizing, especially the interrelationships among natural resources, especially between ground and surface waters in Karst topography and steep slopes.~~

STAFF NOTE (1/12/2021) – Per the Committee’s 12/8 discussions, Staff has rewritten Policy #1 in an effort to define “significant degradation of natural resources.” This would be a “measurable negative reduction in the quality or quantity of a natural

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.*

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

- 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, evaluating *ing* the impact of new or expanded private river accesses (e.g, docks and ramps), protecting *ing* canoeists and other recreational users, and minimizing *ing* 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.
 - f. *Promote awareness of public parking areas and access points to encourage usage of these resources as a means of limiting roadside parking and unauthorized river accesses.*

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STAFF NOTE (1/12/2021) – Edits included per Committee comments at 12/8 meeting. New #4(f) added per Committee discussion to promote existing rather than create new formal parking areas and river access points.

- 65.** 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 Resource Protection and Resource Management Areas when considering land use and development related activities.
- 76.** 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.
- 87.** Prohibit new or expanded mining, oil, or gas-drilling operations.
- 98.** Promote the placement of **scenic conservation** easements on lands adjoining or visible from roads designated as Scenic Byways and protect the scenic value of those lands when making land use decisions and plans.

STAFF NOTE (1/12/2021) – Replaced term “scenic easement” with “conservation easement” here and throughout this Chapter.

- 109.** 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.
- 110.** Encourage and expand support for the Conservation Easement Purchase Program, both philosophically and financially, to protect natural resources important **to for** preserving soils, watersheds, water quality, scenery, natural habitats, and air quality.

STAFF NOTE (1/12/2021) – Edit requested by Committee at 12/8 meeting.

- 111.** 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.

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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 applications, such as rezoning, special use, site plan, and subdivision requests~~ on adjacent properties.

STAFF NOTE (1/12/2021) – Committee agreed to replace list of application types with general reference to “land use applications.”

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 NOTE (12/8/2020) -- 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

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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.

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 applicable 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 conservation* 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.*

STAFF NOTE (1/12/2021) – Committee requested last sentence to be deleted to indicate that there should be no particular focus in regards to encouraging preservation of properties with historic resources. This is supported by the recently updated Historic Resources Plan.

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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 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.

STAFF NOTE (1/12/2021) – Committee requested deletion of “that have been surveyed and documented” to recognize that undocumented resources should also be considered if identified.

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.~~

STAFF NOTE (1/12/2021) – Similar to change made in Policy #3, the Committee requested the text above to be deleted to indicate that there should be no specific category of resource identified for future archeological research and protection.

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.

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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.

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.

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- 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.
- 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

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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).
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.

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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.
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.

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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.

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.

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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 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

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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.

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.**

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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.
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

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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.
 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

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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, **and** 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 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.

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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- 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 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.

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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.

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.