

**CLARKE COUNTY PLANNING COMMISSION
TABLE OF CONTENTS
February 2, 2021 Work Session Packet**

<u>Item #</u>	<u>Description</u>	<u>Pages</u>
1	Meeting Agenda	1
3	Old Business Items	
	A. Finalized Organizational Meeting documents	2-19
	-- 2021 Planning Commissioners Contact List – For Distribution	2-4
	-- 2021 Committees List	5-6
	-- 2021 By-Laws (Adopted)	7-12
	-- 2021 Project Priorities (Adopted)	13-14
	-- Zoning & Subdivision Ordinance Update Project – Revised Work Plan for Project Completion	15-19
4	New Business Items	
	A. Update, Double Tollgate Business Intersection Area (Chris Boies, County Administrator)	20-22
	-- Staff Memo	20-21
	-- Double Tollgate Area Map from 2016 Double Tollgate Area Plan	22



Clarke County Planning Commission

AGENDA – Work Session

Tuesday, February 2, 2021 – 3:00PM

Berryville/Clarke County Government Center– Main Meeting Room

- 1. Approval of Work Session Agenda**
- 2. Review of Agenda Items for February 5, 2021 Business Meeting**
- 3. Old Business Items**
 - A. Finalized Organizational Meeting documents (Information Only)
- 4. New Business Items**
 - A. Update, Double Tollgate Business Intersection Area (Chris Boies, County Administrator)
- 5. Other Business**
- 6. Adjourn**

**2021 CLARKE COUNTY PLANNING COMMISSION – FOR DISTRIBUTION
(as of January 8, 2021)**

BERRYVILLE ELECTION DISTRICT	
<p>Frank Lee Current Term – 4/17/2018 – 4/30/2022 Original Appointment – 5/20/2014</p> <p>Committee(s):</p> <ul style="list-style-type: none"> • Plans Review • Ordinances 	<p>Contact Information: 205 Swan Avenue Berryville, VA 22611 Primary Phone – 540-955-4283 frlee1@verizon.net</p>
<p>Gwendolyn Malone Current Term – 4/21/2020 – 4/30/2024 Original Appointment – 11/18/2014</p> <p>Committee(s):</p> <ul style="list-style-type: none"> • Policy & Transportation • Ordinances 	<p>Contact Information: 19 Byrd Avenue Berryville, VA 22611 Primary Phone – 540-327-9819 (Cell) gwen.malone@rocketmail.com</p>

BUCKMARSH ELECTION DISTRICT	
<p>Scott Kreider Current Term – 4/21/2020 – 4/30/2024 Original Appointment – 3/15/2011</p> <p>Committee(s):</p> <ul style="list-style-type: none"> • Policy & Transportation • Plans Review 	<p>Contact Information: scott.kreider@clarkecounty.gov</p>
<p>Douglas Kruhm Current Term – 4/17/2018 – 4/30/2022 Original Appointment – 3/19/2013</p> <p>Committee(s):</p> <ul style="list-style-type: none"> • Policy & Transportation • Comprehensive Plan • Historic Preservation Commission liaison • Broadband Implementation Committee liaison 	<p>Contact Information: 101 Bell Lane Berryville, VA 22611 Primary Phone – 540-955-0994 (Home) dmkruhm@gmail.com</p>

**2021 CLARKE COUNTY PLANNING COMMISSION – FOR DISTRIBUTION
(as of January 8, 2021)**

MILLWOOD ELECTION DISTRICT	
<p>Anne Caldwell Current Term – 3/21/2017 – 4/30/2021 Original Appointment – 12/17/2002</p> <p>Committee(s):</p> <ul style="list-style-type: none"> • Comprehensive Plan • Plans Review • Ordinances • Board of Zoning Appeals liaison 	<p>Contact Information: 400 River View Farm Lane Bluemont, VA 20135 Primary Phone – 540-955-0276 rvflc@gmail.com</p>
<p>Robert Glover (Bob) Current Term – 4/16/2019 – 4/30/2023 Original Appointment – 1/16/2018</p> <p>Committee(s):</p> <ul style="list-style-type: none"> • Comprehensive Plan • Policy & Transportation 	<p>Contact Information: P.O. Box 948 Berryville, VA 22611 Primary Phone – 540-239-0066 (Home) gloverbob@yahoo.com</p>

RUSSELL ELECTION DISTRICT	
<p>Pearce Hunt Current Term – 5/19/2020 – 4/30/2021 (Filling Pete Maynard’s unexpired term) Original Appointment – 5/19/2020</p> <p>Committee(s):</p> <ul style="list-style-type: none"> • Plans Review 	<p>Contact Information: 539 Lander Lane Berryville, VA 22611 Primary Phone – (540) 219-6637 pearce.hunt@clarkecounty.gov</p>
<p>George L. Ohrstrom, II – CHAIR (2021) Current Term – 4/16/2019 – 4/30/2023 Original Appointment – 10/21/2003</p> <p>Committee(s):</p> <ul style="list-style-type: none"> • Ex officio to standing committees • Board of Septic & Well Appeals member • Berryville Area Development Authority member • Clarke County Easement Authority member/liaison 	<p>Contact Information: P.O. Box 1000 Berryville, VA 22611 Primary Phone – 540-955-6068 (Cell) glo2@me.com</p>

**2021 CLARKE COUNTY PLANNING COMMISSION – FOR DISTRIBUTION
(as of January 8, 2021)**

WHITE POST ELECTION DISTRICT	
<p>Randy Buckley – VICE CHAIR (2021) Current Term – 4/17/2018 – 4/30/2022 Original Appointment – 1/23/2014</p> <p>Committee(s):</p> <ul style="list-style-type: none"> • Ordinances • Board of Septic & Well Appeals alternate • Agricultural & Forestal District Advisory Committee liaison 	<p>Contact Information: P.O. Box 1 White Post, VA 22663 Primary Phone – 540-533-0216 (Cell) randy.buckley@clarkecounty.gov</p>
<p>Buster Dunning Current Term – 5/1/2020 – 4/30/2024 Original Appointment – 4/21/2020</p> <p>Committee(s):</p> <ul style="list-style-type: none"> • Broadband Implementation Committee liaison 	<p>Contact Information: P.O. Box 12 Boyce, VA 22620 540-336-4414 buster.dunning@clarkecounty.gov</p>
BOARD OF SUPERVISORS – LIAISON/VOTING MEMBER	
<p>Matthew Bass Berryville Election District Current Term – 5/19/2020 – 12/31/2020 Original Appointment – 5/19/2020</p> <p>Committee(s):</p> <ul style="list-style-type: none"> • Comprehensive Plan 	<p>Contact Information: matthew.bass@clarkecounty.gov</p>
BOARD OF SUPERVISORS – ALTERNATE	
<p>Doug Lawrence Russell Election District Current Term – 1/21/2020 – 12/30/2020</p>	<p>Contact Information: P. O. Box 107 Berryville VA 22611 Primary Phone – 540-955-2144 dlawrence@clarkecounty.gov</p>

**CLARKE COUNTY PLANNING COMMISSION
2021 COMMITTEE APPOINTMENTS (as of 1/8/2021)**

Permanent Committee Descriptions

- **Policy and Transportation.** Charged with focused study of general planning-related policy issues and matters affecting the County’s transportation network.
- **Plans Review.** Charged with review and comment on the following:
 - Site plan applications for Commission review (including those filed in conjunction with rezoning and special use permit applications)
 - Major subdivisions
 - Other administrative site plan, minor subdivision, or other land development applications on which Staff requests input from the Committee.
- **Comprehensive Plan.** Charged with initial management of the five-year review process for the Comprehensive Plan and implementing component plans.
- **Ordinances.** This Committee was created initially to serve as the steering committee for the project to review and update the Zoning and Subdivision Ordinances. Following completion of the project, the Ordinances Committee could also be charged with work on future proposed text amendments.

2021 Permanent Committees

Policy & Transportation	Scott Kreider	Douglas Kruhm	Gwendolyn Malone	Bob Glover
Plans Review	Anne Caldwell	Scott Kreider	Frank Lee	Pearce Hunt
Comprehensive Plan	Bob Glover	Douglas Kruhm	Anne Caldwell	Matthew Bass
Ordinances	Randy Buckley	Anne Caldwell	Frank Lee	Gwendolyn Malone

Special Subcommittees and Appointments – 2021 Members

Board of Zoning Appeals (BZA)	Anne Caldwell
Berryville Area Development Authority (BADA)	George L. Ohrstrom, II
Historic Preservation Commission (HPC) – Liaison	Douglas Kruhm
Board of Supervisors (BOS) – Liaison	Matthew Bass
Board of Supervisors (BOS) – Alternate	Doug Lawrence
Conservation Easement Authority (CCEA)	George L. Ohrstrom, II

Board of Septic and Well Appeals (Planning Commission Chair and Vice-Chair)	George L. Ohrstrom, II Randy Buckley (alternate)
Agricultural & Forestal District (AFD) Advisory Committee – Liaison	Randy Buckley
Broadband Implementation Committee	Douglas Kruhm Buster Dunning

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

**BY-LAWS OF THE CLARKE COUNTY PLANNING COMMISSION
(Adopted January 8, 2021)**

Article 1 – Purposes, Duties, and Authority

The Clarke County Planning Commission is created and organized pursuant to Code of Virginia §15.2-2210, et seq., and shall have the purposes, duties, and authority set forth therein. Meetings shall be held in accordance with Code of Virginia §15.2-2214. Provisions regarding conflicts of interest are set forth in Code of Virginia §2.2-3100 et. seq.

Provisions regarding Commission membership, terms of office, required oath of office, quorum, and officers are located in the Article 1, Section C of the Clarke County Zoning Ordinance.

Article 2 – Election of Officers

- A. Selection of Chair and Vice-Chair. As required by Article 1, Section C of the Clarke County Zoning Ordinance, the Commission shall elect from its membership a Chair and a Vice-Chair to serve a one year term. Election of officers shall be held at the Commission’s annual organizational meeting.

- B. Election procedure. The Director of Planning or other Staff designee shall open the floor for nominations for Chair. Once all nominations are made, the floor shall be closed to nominations and opened for discussion of the nominees. Once discussion is complete and floor closed, the Director of Planning or Staff designee shall call for a vote on each candidate in the order of their nomination. The candidate receiving a majority vote of the members present shall be declared elected and shall assume office immediately. The Chair-Elect shall repeat the process above for election of the Vice-Chair.

- C. Vacancies. Any vacancies in office shall be filled at the next regular Commission meeting by the election procedure outlined in Section B above. Vacancies shall be filled for the unexpired term.

Article 3 – Duties of Officers

- A. Duties of the Chair. The Chair shall preside at all meetings, appoint standing and special committees, rule on all procedural questions subject to a reversal by 2/3 majority vote of the members present, coordinate the work of the Commission staff through close and continuing cooperation with the County Administrator, and carry out other duties as assigned by the Commission.

- B. Duties of the Vice-Chair. The Vice-Chair shall act in the absence or inability of the Chair, have the power to function in the same capacity as the Chair whenever so authorized by the Chair, and carry out other duties as assigned by the Chair.

Article 4 – Committees and Liaison Members

- A. The Chair shall appoint such standing and special committees as the Commission shall direct and may designate the member who shall chair each committee. The Chair is an ex-officio member of all committees.
- B. Membership on committees shall be limited to members of the Commission provided, however, that nonvoting advisory persons may be appointed by the Commission Chair from outside the Commission membership. Each committee shall determine its own policies as to attendance at meetings by advisory persons.
- C. The Chair shall confirm or revise the membership and chairmanship of all standing committees annually at the Commission’s organizational meeting.
- D. The Chair shall designate Commission members to serve as liaisons to other public organizations as the Commission shall direct. The designated liaison member shall be responsible for maintaining continuing communication and cooperation between the Commission and the organization to which the member is designated.

Article 5 – Meetings

- A. All meetings and public hearings shall be open to the public and conducted in accordance with Code of Virginia §15.2-2200 et. seq. and the Virginia Freedom of Information Act (§2.2-3700 et. seq.). Meetings shall be subject to the additional requirements included in this Article.
- B. Scheduling and Purpose of Meetings. The Commission shall schedule, on a monthly basis, a work session and a business meeting as described below. No work session or business meeting shall be scheduled for the month of August, however special meetings and committee meetings may be scheduled. The Commission shall establish the meeting schedule for the upcoming year at the Commission’s annual organizational meeting according to the dates described below. Deviations in this schedule may be made to account for conflicts with holidays, government meetings, inclement weather, or other events of significance.
 - 1. Business meetings. The purpose of the business meeting is to conduct scheduled Public Hearings; to take formal action on zoning and subdivision applications, ordinance or plan amendments, or other planning matters; and to discuss other matters pertinent to the Commission’s responsibilities. Business meetings shall be scheduled for the first Friday of each month.
 - 2. Work sessions. Formerly known as briefing meetings, the purpose of the work session is to receive information on the agenda items for the upcoming business meeting and to discuss projects and issues pertinent to the Commission’s responsibilities in a workshop setting. Formal actions taken at work sessions shall be limited to the annual organizational meeting action items and those items

specifically deferred from a business meeting to a work session. Work sessions shall be scheduled for the Tuesday prior to the Friday business meeting.

3. Committee meetings. Meetings of the Commission's standing and special committees may be scheduled on an as-needed basis at the discretion of Planning Staff or at the request of the Chair or Vice-Chair.
4. Special meetings. Special meetings of the Commission may be scheduled on an as-needed basis at the request of the Chair or Vice-Chair. Formal actions taken at special meetings shall be limited to those items specifically deferred from a business meeting to a special meeting.
5. Annual organizational meeting. The annual organizational meeting shall be conducted as the first item of business at the first Commission meeting of the calendar year. The annual organizational meeting shall consist, at a minimum, of:
 - a. Election of Chair and Vice-Chair;
 - b. Member assignments to committees;
 - c. Review and adoption of the meeting schedule for the year;
 - d. Review and adoption of the By-Laws; and
 - e. Review and adoption of the Commission's project priorities for the year.

C. Agendas. Planning Staff, under the direction of the Chair, shall be responsible for preparing the Commission's meeting agendas.

1. The regular meeting agenda shall include, at a minimum, the following items:
 - a. Call to order and determination of quorum
 - b. Approval of the agenda
 - c. Approval of minutes
 - d. Public hearing items
 - e. Technical reviews (e.g., site plans, subdivisions)
 - f. Board and Committee reports from designated liaisons
 - g. Other business items
2. The contents of work session agendas shall be prepared at the Planning Staff's discretion. The contents of special meeting agendas shall be prepared by Planning Staff at the Chair's or Vice-Chair's direction.
3. The order and content of the agenda may be changed by a majority vote of the members present at the meeting.

D. Parliamentary procedure in Commission meetings shall be governed by the most current edition of Robert's Rules of Order as modified by any applicable provisions of these By-Laws.

Article 6 – Meeting Decorum

- A. The purpose of this article is to establish rules for public participation and conduct during Planning Commission meetings. The general conduct of the public must be civil in manner, directed to the business at hand, and must conform to the rules listed in this article.
- B. Public Hearings.
 - 1. Members of the public are encouraged to provide comments on matters before the Commission during the scheduled public hearings. At the Chair’s discretion, speakers may be required to fill out a sign-in sheet prior to commencement of the public hearing.
 - 2. Speakers shall state their name and address for the record prior to addressing the Commission.
 - 3. Speakers shall have a maximum of 3 minutes to address the Commission or 10 minutes if the speaker is identified as representing a recognized group or if they are speaking on behalf of a group of citizens present at the public hearing. The time limit may be extended or waived at the Chair’s discretion.
 - 4. Speakers shall be civil in tone and demeanor and shall not make personal, impertinent, slanderous, or profane remarks, or any threatening or intimidating gestures, to any member of the Board, the staff, or the general public.
 - 5. Speakers shall address the Commission and shall not address the audience, answer questions from the audience, or engage in debate with anyone in the audience.
- C. Conduct of Meeting Attendees
 - 1. Meeting attendees are to be respectful of the opinions of others and shall refrain from shouting, booing, hissing, stomping, clapping, holding side conversations, or any other disruptive behaviors which impede the orderly conduct of Commission meetings.
 - 2. Any meeting attendee that participates in unacceptable behavior shall be ruled out-of-order by the Chair and, if necessary, be asked to leave the premises.

Article 7 – Removal of Commission Member

- A. Whenever a commission member has been absent from three (3) consecutive regular meetings, or absent from four (4) or more regular meetings in any twelve (12) month period, the Board of Supervisors shall inquire of the Commission Chair if there has been any mitigating circumstance that indicates the member’s attendance will improve in the future. In the absences of such an indication, the Board, in its discretion, may request the resignation of the member or may remove the member in accordance with Code of Virginia §15.2-2212.
- B. A commission member may be removed by the Board of Supervisors for malfeasance of office in accordance with Code of Virginia §15.2-2212.

Article 8 – Electronic Meeting Participation

1. Pursuant to Code of Virginia §2.2-3708.2, the following procedures are established for members of the Clarke County Planning Commission (the “Commission”) to participate electronically in Commission meetings, and in meetings of the Commission’s standing and special committees, from remote locations for reasons specified as follows:
 - A. Such member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member’s physical attendance.
 - B. Such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. Participation by a member pursuant to this subsection is limited each calendar year to two meetings.
2. Procedures for authorizing electronic participation in a meeting.
 - A. Electronic participation in a meeting shall only be permitted if a quorum of the Commission, or a quorum of the standing or special committee, is physically assembled at the designated meeting location.
 - B. Commission meetings. Any member requesting to participate electronically in a Commission meeting shall notify the Chair of the Commission of the reason for electronic participation as specified in Subsection 1 above, on or before the day of the meeting. The Chair of the Commission shall determine whether the request for electronic participation complies with the provisions of Subsection 1 above and shall either approve or disapprove the request.
 - C. Standing or special committee meetings. Any member requesting to participate electronically in a standing or special committee meeting shall notify the committee chair of the reason for electronic participation as specified in Subsection 1 above, on or before the day of the meeting. The committee chair shall determine whether the request for electronic participation complies with the provisions of Subsection 1 above and shall either approve or disapprove the request. In the event that the standing or special committee does not have a chair, the Chair of the Commission shall be notified of the request and shall determine whether to approve or disapprove the request.
 - D. If electronic participation is approved, the Clerk of the Commission shall record in the meeting minutes the remote location from which the member participated. The meeting minutes shall also indicate the reason for the member’s electronic participation as described in Subsection 1 above.
 - E. If electronic participation is disapproved, the reason for such disapproval shall be recorded in the minutes with specificity.

- F. For any electronic participation, arrangements shall be made to ensure that the voice of the member participating electronically may be heard by all persons in the designated meeting location.

Article 9 – Operating Policies

1. Conditional Approval Policy

The Planning Commission may, at its sole discretion, grant or recommend conditional approval of an application due to unresolved administrative issues provided that the following items are met:

- A. The issue has been informally resolved and only requires final written submission by the applicant and confirmation by Planning Staff and/or the applicable review agency.
- B. The issue is reasonably expected to be resolved fully within the next 21 days or finalizing of the Planning Commission's next meeting agenda, whichever is sooner.
- C. The issue is not one that, in the Commission's opinion, warrants continuance of a public hearing (if applicable).

An administrative issue is one that requires verification of compliance with a technical requirement or requirements and involves no subjective interpretation by Planning Staff or the review agency.

**2021 PROJECT PRIORITIES – PLANNING COMMISSION
(Adopted January 8, 2021)**

The list is intended to aid the Commission and Staff to ensure that work on critical projects is prioritized and completed in a timely fashion. Project start dates and priorities may be affected by the Commission’s zoning case load (e.g., special use permit applications, rezoning, site plans, subdivisions), text amendments, or other special projects requested by the Board of Supervisors.

1. Comprehensive Review and Update of the Zoning and Subdivision Ordinances

UNDERWAY – Remaining items to complete include:

- Conduct initial review of draft Subdivision Ordinance (following completion of legal review) and provide direction to Staff on additional edits.
- Provide direction to Staff on any final edits to draft Zoning Ordinance and Definitions Article.
- Agree on final drafts of Zoning Ordinance, Subdivision Ordinance, and Definitions Article.
- Schedule and conduct formal public hearing and outreach initiatives, provide formal recommendation on draft Ordinances and Definitions Article to Board of Supervisors.

GOALS FOR 2021:

Complete this project and adopt the new Ordinances and Definitions Article.

2. Five-Year Review and Update of Comprehensive Plan

UNDERWAY – Work completed or in progress:

- Resolution was adopted by the Planning Commission on January 4, 2019 to initiate review of the Plan.
- Comprehensive Plan Committee began work on June 22, 2020 with review of Chapter II’s Goals, Objectives, and Policies. Work on this task remains in progress.
- An initial work plan for the update project was reviewed by the Committee and accepted by consensus.

GOALS FOR 2021:

- Complete Task 1A – Committee review of current Chapter II (Goals, Objectives, and Policies) and Chapter III (Implementing Components) with drafting direction to be provided to Staff.
- Complete Task 1B – Staff to update demographics, statistical data, and outdated text in Chapter I (General Information).
- Complete Task 2 – Develop initial draft of the revised Comprehensive Plan for evaluation by the full Planning Commission.
- Further progress on this project in 2021 is contingent upon the workload necessary to complete the Zoning and Subdivision Ordinance Update project.

3. Five-Year Reviews of the Waterloo and Double Tollgate Area Plans

INCOMPLETE – Need to adopt a five-year review resolutions for both Plans by December 20, 2021. Assign task to Comprehensive Plan Committee in early Fall 2021.

4. Preliminary work – Five-Year Review of the Agricultural Land Plan

INCOMPLETE – The five-year review resolution for the Agricultural Land Plan will need to be adopted by February 21, 2022. Assign task to Comprehensive Plan Committee to begin work in late 2021.

5. Five-Year Reviews/Updates of the Transportation Plan and Economic Development Strategic Plan

INCOMPLETE -- The Commission adopted a resolution to initiate review of the Transportation Plan on January 4, 2019, and adopted a resolution to initiate review of the Economic Development Strategic Plan on October 4, 2019. Work should be delayed on these Plan updates until the review and update of the Comprehensive Plan is completed. The revised Comprehensive Plan will provide direction to inform the update of these two component plans.

6. Mountain Land Plan Update and Development of New Village Component Plan

INCOMPLETE – The Commission has not commenced work on evaluating the Mountain Land Plan for updating or development of a new Village Component Plan as recommended by the Comprehensive Plan. Work should be delayed on both projects until the review and update of the Comprehensive Plan is completed. The revised Comprehensive Plan will provide direction to inform the update of these two component plans. It should also be noted that work on both projects will likely be labor-intensive and are not recommended to be conducted while any other major projects are in progress.

NOTE – The five-year anniversary of the most recent Berryville Area Plan update is May 17, 2021. Adoption of a five-year review resolution will be required by this date but will be considered by the Berryville Area Development Authority (BADA) and not the Planning Commission.

**ZONING AND SUBDIVISION ORDINANCE UPDATE PROJECT
REVISED WORK PLAN FOR PROJECT COMPLETION
(Staff Draft – 2/2/2021)**

Project Completion Timeline Summary

- February 1, 2021 – Completion of Subdivision Ordinance legal review
- February 26, 2021 – Staff completion of Subdivision Ordinance Article II (Version 3 -- Final)
- March 26, 2021 – Staff completion of Zoning Ordinance Article I (Version 5 – Final), Definitions Article III (Version 5 – Final), and Guidance Manual (Version 1)
- April 6, 2021 – **Special Meeting of the Planning Commission to present** final versions of Zoning Ordinance Article I (Version 5 – Final), Subdivision Ordinance Article II (Version 3 – Final), and Definitions Article III (Version 5 – Final). Purpose is to discuss the final Subdivision Ordinance and changes to the Zoning Ordinance and Definitions Article since the 2019 joint workshops. **Staff will provide an overview presentation of the project for the benefit of new members.** Guidance Manual Version 1 will also be presented to the Committee at this meeting.
- May 4, 2021 – **Discussion** of final versions of the revised Ordinances and Definitions Article to the full Planning Commission at the monthly Work Session. Action item is to consider accepting the final versions and scheduling formal Public Hearing and outreach initiatives. This would mark completion of Step 5 and beginning of Step 6.
- May 10, 2021 – Staff update on project to Board of Supervisors at their monthly work session. Copies of revised Ordinances and Definitions Article will be provided to the Board members at this meeting provided that the Commission accepted the drafts for public hearing at their May 4 meeting.
- June 4, 2021 – Planning Commission Public Hearing on draft Ordinances and Definitions Article.
- July 2, 2021 – Planning Commission action to recommend adoption of revised Ordinances and Definitions Article.
- July 20, 2021 – Board of Supervisors consideration of revised Ordinances and Definitions Article. Action item is to schedule Public Hearing for August 17, 2021 meeting.
- August 17, 2021 – Board of Supervisors Public Hearing on revised Ordinances and Definitions Article.
- September 21, 2021 – Board of Supervisors adoption date.

Steps Completed to Date:

STEP 1 – Adopt work plan, project policies, and timeline

STEP 2 – Discuss and provide formal direction on policy and technical issues

STEP 3 – Approve framework for draft Ordinances

STEP 4 – Present draft Zoning Ordinance, Subdivision Ordinance, Definitions Article, and Guidance Manual to Ordinances Committee for final approval

Steps Remaining:

STEP 5 – Presentation of Initial Draft Ordinances for Planning Commission and Board of Supervisors Review

Summary

Planning Staff presented drafts of the revised Zoning Ordinance (Article I) and Definitions Article (Article III), and conceptually presented revisions to the Subdivision Ordinance (Article II), to the Planning Commission and Board of Supervisors over a series of four joint workshops in late 2019. The revised Subdivision Ordinance draft remains under legal review and was not presented to the Board and Commission at the joint workshops. **It is anticipated that legal review will be completed by February 1, 2021.**

The final action item for Step 5 is for the Commission to accept the drafts of the revised Zoning Ordinance, Subdivision Ordinance, and Definitions Article for final consideration, Public Hearings, and adoption.

Status of Drafts

- **Zoning Ordinance Article I -- VERSION 5:**
 - Version 4 was reviewed by the Commission and Board at the joint workshops.
 - Version 5 has been initially compiled by Staff to include Commission and Board comments and Staff edits. A table listing the changes from Version 4 to Version 5 has also been assembled.
 - **TO DO** – Commission review of any remaining policy and technical issues identified by Staff.
 - **TO DO** – Determine how final legal review will be conducted.
 - **TO DO** – Incorporate remaining edits to complete Version 5.
 - **TO DO** – Present Version 5 to the Commission for acceptance.

- **Subdivision Ordinance Article II – VERSION 3:**
 - The full Commission has not reviewed a draft of the Subdivision Ordinance. Copies of Version 2 (for legal review) were provided to the Ordinances Committee.

- Version 3 has been initially compiled by Staff to include comments received from the joint workshops. No table of changes was generated since the Commission has not reviewed any drafts. A copy of Version 3 was provided to the County Attorney via email on May 5.
 - **TO DO** – County Attorney to complete cover-to-cover legal review.
 - **TO DO** – Incorporate legal edits to complete Version 3.
 - **TO DO** – Present Version 3 to the Commission for acceptance.
- **Definitions Article III – VERSION 5:**
 - Version 4 was reviewed by the Commission and Board at the joint workshops.
 - Version 5 has been compiled by Staff to include Commission and Board comments and Staff edits. A table listing the changes from Version 4 to Version 5 has also been assembled.
 - **TO DO** – Determine if County Attorney has any further legal concerns with Article III.
 - **TO DO** – Incorporate any remaining edits to complete Version 5.
 - **TO DO** – Present Version 5 to the Commission for acceptance.

Timeframe for Completion

Once legal review is complete, Staff will incorporate changes, finalize the drafts, and produce hard copies for the Commission’s review.

Given the time that has lapsed since the joint workshops and with the addition of new Commissioners, Staff anticipates that at least one Ordinance Committee meeting and one meeting of the full Commission will be required to complete review of the final drafts (minimum of two months). Formal action by the Commission will need to be taken at a scheduled Business Meeting to accept the drafts for final consideration, Public Hearing, and adoption.

Guidance Manual

Staff continues to work on the initial draft of the Guidance Manual – the companion document to the Ordinances that presents regulations, processes, and other important information in a customer-friendly format for citizens, business owners, and design professionals.

The current layout of the Guidance Manual consists of the following sections:

- General Information (DRAFT COMPLETE) – How to Use the Guidance Manual; Zoning Ordinance, Subdivision Ordinance, and Related Ordinances; FAQs on Sliding-Scale Zoning, the Clarke County Comprehensive Plan, conservation easements, and Karst; Relationships to Towns; and List of Key Agencies and Departments
- Information for Residents (DRAFT COMPLETE) – Permit Applications Generally; FAQs on small residential construction projects, subdividing new lots, adjusting property lines, additional dwellings on a lot, remedies, filing zoning complaints, and County’s relation to deed restrictions and neighborhood covenants

- Information for Businesses (DRAFT COMPLETE) – FAQs on approvals needed to operate a business, running a home based business, rules for transient lodging, and rules for commercial breeding and boarding kennels
- Agricultural Information (INCOMPLETE) – What is Agriculture; Constructing agricultural buildings; Regulations for agribusinesses; Land application of biosolids
- Special Events (INCOMPLETE) – Regulations for holding special events and special events as a business
- Information for Design Professionals (INCOMPLETE) – Current versions of the Ordinances; Filing Deadlines; Pre-Application Meetings; Required Components of a Complete Application; Fees; Timelines for Review Processes; Annexation Area Applications; Application Checklists
- Appendices (INCOMPLETE) – Current Application Forms; Fee Schedule; Setback Tables

Since the Guidance Manual is not part of the Ordinances, it is not required to be adopted by the Commission and Board of Supervisors separately or in conjunction with the Ordinances. Staff hopes to have a complete initial draft for the Commission’s review in conjunction with Step 6 below at the latest.

STEP 6 – Public Outreach, Formal Public Hearings, and Adoption

Summary

Step 6 will begin concurrently with the Commission’s acceptance of the final draft Ordinances and Definitions Article. In determining when to schedule a formal Public Hearing, the Commission will also need to decide whether to conduct additional public outreach measures such as informal workshops prior to conducting the Public Hearing. Once the Public Hearing is conducted, the Commission will need to take formal action in the form of a recommendation to the Board of Supervisors on the draft Ordinances and Definitions Article.

After the Commission has acted on their formal recommendation, the draft Ordinances and Definitions Article will be forwarded to the Board of Supervisors for final consideration. The process will be repeated at the Board level to schedule a formal Public Hearing, determine whether to hold additional public outreach measures, conduct the Public Hearing, and take formal action on the draft Ordinances and Definitions Article. Formal action by the Board would be one of the following: (1) to adopt the Ordinances and Definitions Article, (2) defer action for additional work by Staff, (3) defer action for additional work and remand to the Planning Commission, or (4) deny adoption of the Ordinances and Definitions Article. Staff strongly recommends against adopting either Ordinance or the Definitions Article individually – all three Articles were developed as a unit and are not designed to work in conjunction with the current Ordinances.

Staff recommends the Commission and Board schedule their formal Public Hearing process over two months instead of the typical one month timeframe. This extended timeline can be used in the following ways:

- Schedule Public Hearing one month in advance. Hold the Public Hearing but defer any action until the next monthly meeting. This approach is shown in the Timeline Summary on Page 1.
- Schedule Public Hearing two months in advance instead of one month and hold an informal public information meeting (or meetings) during this time period.
- Schedule Public Hearing one month in advance. Hold informal public information meeting (or meetings) on the same afternoon/evening (or a few days prior to) as the Public Hearing. Defer any action until next monthly meeting.

STEP 7 – Wrap-Up Activities

Following Board adoption of the Ordinances and Definitions Article, Staff will incorporate any changes made by the Board in conjunction with their adoption and will create the final adopted versions of the Zoning Ordinance (Article I), Subdivision Ordinance (Article II), and Definitions (Article III). Any changes made by the Board to the final adopted versions will be communicated to the Planning Commission at their next scheduled meeting.

Electronic copies of all three Articles will be finalized and made available within one week of the adoption date. Hard copies will be sent out for printing with a small number of copies printed in-house for immediate usage.

Staff will finalize the Guidance Manual and make it available to the public within 30 days of the adoption date of the Ordinances and Definitions. The Guidance Manual does not have to be formally adopted by the Commission or the Board.

Copies of all pertinent meeting minutes, public drafts, tracking spreadsheets, and other important information will be archived by Staff within 60 days of the adoption date.

Clarke County Board of Supervisors



Berryville Voting District
Matthew E. Bass
(540) 955-5175

Millwood Voting District
Terri T. Catlett
(540) 837-2328

Russell Voting District
Doug Lawrence
(540) 955-2144

Buckmarsh Voting District
David S. Weiss – Chair
(540) 955-2151

White Post Voting District
Bev B. McKay – Vice Chair
(540) 837-1331

County Administrator
Chris Boies
(540) 955-5175

To: Brandon Stidham, Planning Director

From: Chris Boies

Re: Double Tollgate Water and Sewer

Date: January 28, 2021

Please place an informational item on your next Planning Commission Work Session agenda for an update on water and sewer at Double Tollgate. The Clarke County Board of Supervisors (BOS) will be considering at a future meeting making a request to the Frederick County BOS to allow Frederick Water to provide public water and sewer to the Double Tollgate area of Clarke County. As you know, this intersection is zoned Highway Commercial (CH) and contains a number of existing businesses.

There have been requests for a number of years from existing businesses, and owners of vacant land, for public water and sewer in this area. The Double Tollgate Area Plan adopted by the BOS on December 20, 2016, notes that the development of the Department of Corrections property south of the Plan Area as a possible trigger for when the County should take more “proactive steps and investments to facilitate economic growth”. A significant portion of the former prison property has been deeded to the Virginia Port Authority for “an economic development partnership with Clarke County” per action taken by the Virginia General Assembly. It is important that the County be a proactive partner in the development of plans for this property. Further, the Economic Development Strategic Plan adopted by the BOS on October 21, 2014, includes as a long term priority (defined as FY 2018 and beyond) to “pursue partnerships to provide public water and sewer to the Double Toll Gate Area”.

The 2016 Double Tollgate Area Plan noted that excess public sewer capacity was not available from Frederick County at that time. In recent conversations with Frederick Water, their plant could be expanded to include this area. Public water provided by Frederick Water is already available on the Department of Corrections site. The exact details of the size, location, and cost of the required infrastructure would need to be studied closely if this proposal moves forward.

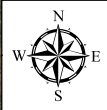
The request to Frederick County will be to serve properties currently zoned Highway Commercial per the attached map and also the former Department of Corrections property. One factor in assisting the containment of development to these prescribed areas is the capping of the gallons per day made in the request. County staff, using data provided by an engineering consultant, is recommending the request be capped at 150,000 gallons per day. This cap should allow for the build out of this intersection while also alleviating concerns that development will sprawl beyond the identified area.

www.clarkecounty.gov

101 Chalmers Court, Suite B
Berryville, VA 22611

Telephone: [540] 955-5175

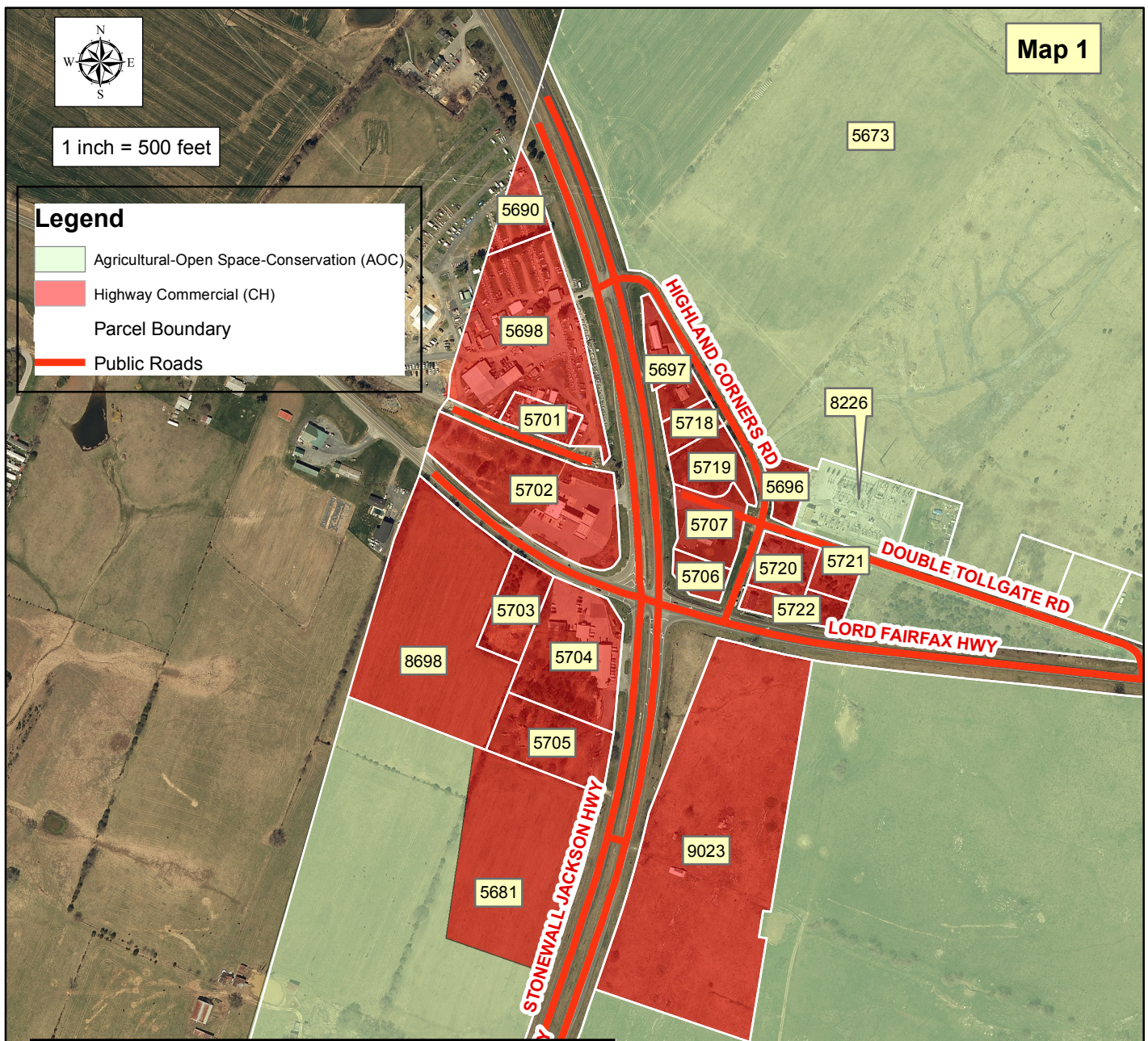
There are a number of details which will need to be worked out if this proposal goes forward. The first step is for the Clarke County BOS to vote to request water and sewer. The Frederick County BOS must then approve that request. If approved, we will work with officials from Frederick Water on an agreement which would include how improvements will be funded, the timing of needed infrastructure, and other critical details. Approval of this request will also impact the Planning Commission's update to the 2013 Comprehensive Plan and the 2016 Double Tollgate Area Plan. County staff wanted to update the Planning Commission before the BOS takes up this matter.



1 inch = 500 feet

Legend

- Agricultural-Open Space-Conservation (AOC)
- Highway Commercial (CH)
- Parcel Boundary
- Public Roads



ACCT	Map_	Name	acre
5673	27 A 5	GIBSON MONTIE W JR & PEARLE	234.84
5681	27 A 12	BENTON SADIE M TRUSTEE	5.58
5690	27 A 5A	GIBSON MONTIE W JR & PEARLE	0.78
5696	27A A 7	FREEMAN MARTHA LUCILLE	0.38
5697	27A A 8	DOUBLE TOLLGATE EMPORIUM LLC	0.63
5698	27A A 9	ROYSTON ESHELMAN PROPERTIES	5.13
5701	27A A 11	LESAGE LESLIE JOHN	0.57
5702	27A A 12	SEJ ASSET MANAGEMENT & INVESTMENT	3.26
5703	27A A 13	TNS&L PROPERTY PARTNERSHIP	1.06
5704	27A A 14	TNS&L PROPERTY PARTNERSHIP	2.80
5705	27A A 15	TNS&L PROPERTY PARTNERSHIP	1.74
5706	27A A 16	JOMAX LC	0.47
5707	27A A 17	ESCALADE LLC	1.08
5718	27A 2 B	MARSHALL JOSEPHINE ET	0.45
5719	27A 2 C	MARSHALL TYRONE K ET AL	0.96
5720	27A 3 A	SADEGHZADEH MOHSEN	0.77
5721	27A 3 B	SADEGHZADEH MOHSEN	0.47
5722	27A 3 C	SADEGHZADEH MOHSEN	0.67
7911	27 A 10A	VIRGINIA PUBLIC BUILDING AUTHORITY	6.31
8226	27 A 4D	POTOMAC EDISON COMPANY	1.79
8698	27 A 10B	PANTRY INC	6.62
9023	27 A 10B	HORTON INVESTMENTS LLC	11.92