



Clarke County Planning Commission

MINUTES – Comprehensive Plan Committee Meeting

Monday, January 10, 2022 – 2:00PM

Berryville/Clarke County Government Center – Main Meeting Room

ATTENDANCE:			
Matthew Bass (Board of Supervisors)	✓	Bob Glover (Millwood)	✓
Anne Caldwell (Millwood)	✓	Randy Buckley (White Post)	✓
George L. Ohrstrom, II (Ex Officio)	✓E		

E – Denotes Electronic Participation

STAFF PRESENT: Brandon Stidham (Director of Planning)

CALL TO ORDER: By Mr. Stidham at 2:05PM.

1. Approval of Agenda

Members approved the agenda by consensus as presented by Staff.

2. Approval of Minutes – October 26, 2021 Meeting

Members voted 3-0-1 (Buckley abstained) to approve the October 26, 2021 meeting minutes as presented.

Motion to approve October 26, 2021 meeting minutes as presented:			
Bass	AYE (seconded)	Glover	AYE
Caldwell	AYE (moved)	Buckley	Abstained

Chair Ohrstrom asked about his role as ex-officio member of the Committee in light of the recent changes to the Commission’s By-Laws. Mr. Stidham replied that he can serve as an alternate for a voting member that is absent and may vote on matters in that role.

Mr. Stidham stated that he wanted to make sure that the Committee reviews and takes action on the draft Agricultural Land Plan five-year review resolution at this meeting so that the Commission may consider it in February.

3. Comprehensive Plan Update – Review Final Drafts of Chapter II (Goals, Objectives, and Policies) and Chapter III (Implementing Components)

Mr. Stidham reviewed the most recent changes to Chapter II and noted that Commissioner Caldwell’s recommended edits are included in the supplementary materials for the meeting.

Chair Ohrstrom raised a discussion point regarding Objective 1 (Agriculture) Policy 4 regarding conversion of important farmland to nonfarm uses. He said that he does not necessarily have a problem allowing a large solar farm if it is in an appropriate space, has an appropriate viewshed, and there is not a need to string wires everywhere to reach a distribution station. He asked whether the need for alternative energy would constitute an overriding public need to justify

converting farmland for a nonfarm use as described in this policy. Mr. Stidham replied that current zoning regulations require solar farms to be located adjacent to existing substations which significantly limits locations where a solar farm may be developed. He added that in his opinion, Policy #4 provides direction in the event that we want to change our solar farm regulations in the future. Chair Ohrstrom asked if this language could be used to prevent solar farms under our current rules. Mr. Stidham replied no and added that we would not use this language to judge a solar farm application in a compliant location. He also said that we would use this language if we wanted to expand the areas where solar farms could go in the future. Chair Ohrstrom asked if an electric power provider could build a substation for a solar farm applicant and comply with the current regulations. Mr. Stidham replied that the rules require solar farms to be located adjacent to an existing substation. This means that the electric power provider would have to apply for and gain zoning approval to construct a substation, then build it and place it into operation before a solar farm could be applied for adjacent to it. Mr. Stidham added that a special use permit application for a public utility facility would be required to construct a new substation and that the proposed language in Policy #4 could be used to determine an overriding public need if it were constructed on important farmland. He said in other words the question would be is there a need for a new substation to serve Clarke County or is the substation being constructed just to allow a new solar farm adjacent to it. Mr. Stidham also noted that given the concerns that people have about the impact of solar farms, we may want to consider removing the use in the future similar to the removal of commercial kennels as an allowable use.

Mr. Stidham stated that he will reference the redlined drafts to review changes and will also note Commissioner Caldwell's recommended edits. Commissioner Caldwell said that most of her edits are wordsmithing and she met with Mr. Stidham to review them in order to avoid taking up meeting time.

Members indicated that they are comfortable with the Goals as presented.

Regarding Objective 1 (Agriculture) Policy 6, Chair Ohrstrom recommended adding "to avoid" before "sprawl" and before "consumption" in the last sentence

Regarding Objective 1 Policies 13 and 14, Commissioner Bass asked if the recommendations regarding agribusiness and agritourism are consistent with the Dillon Rule in particular with farm breweries and the like. Mr. Stidham replied that he attempted to do so by importing language from the Code of Virginia. He added that Dillon Rule issues could arise over time depending on how this language is interpreted and applied. Chair Ohrstrom said he thought the language is okay. Mr. Stidham said that the last sentence of Policy 14 is not reflected in State code but he believes is very defensible.

Regarding Objective 2 (Mountain Resources) Policy 3e, Mr. Stidham said that Commissioner Caldwell proposes to change the second "should" to "shall." He noted that this change will replace all instances of "shall" to "should" in Policy 3 and asked the Committee if this is their preference given the work done previously on this Policy. Members indicated that they were fine with the change. Chair Ohrstrom said that using "shall" in the Comprehensive Plan does not

converting farmland for a nonfarm use as described in this policy. Mr. Stidham replied that current zoning regulations require solar farms to be located adjacent to existing substations which significantly limits locations where a solar farm may be developed. He added that in his opinion, Policy #4 provides direction in the event that we want to change our solar farm regulations in the future. Chair Ohrstrom asked if this language could be used to prevent solar farms under our current rules. Mr. Stidham replied no and added that we would not use this language to judge a solar farm application in a compliant location. He also said that we would use this language if we wanted to expand the areas where solar farms could go in the future. Chair Ohrstrom asked if an electric power provider could build a substation for a solar farm applicant and comply with the current regulations. Mr. Stidham replied that the rules require solar farms to be located adjacent to an existing substation. This means that the electric power provider would have to apply for and gain zoning approval to construct a substation, then build it and place it into operation before a solar farm could be applied for adjacent to it. Mr. Stidham added that a special use permit application for a public utility facility would be required to construct a new substation and that the proposed language in Policy #4 could be used to determine an overriding public need if it were constructed on important farmland. He said in other words the question would be is there a need for a new substation to serve Clarke County or is the substation being constructed just to allow a new solar farm adjacent to it. Mr. Stidham also noted that given the concerns that people have about the impact of solar farms, we may want to consider removing the use in the future similar to the removal of commercial kennels as an allowable use.

Mr. Stidham stated that he will reference the redlined drafts to review changes and will also note Commissioner Caldwell's recommended edits. Commissioner Caldwell said that most of her edits are wordsmithing and she met with Mr. Stidham to review them in order to avoid taking up meeting time.

Members indicated that they are comfortable with the Goals as presented.

Regarding Objective 1 (Agriculture) Policy 6, Chair Ohrstrom recommended adding "to avoid" before "sprawl" and before "consumption" in the last sentence

Regarding Objective 1 Policies 13 and 14, Commissioner Bass asked if the recommendations regarding agribusiness and agritourism are consistent with the Dillon Rule in particular with farm breweries and the like. Mr. Stidham replied that he attempted to do so by importing language from the Code of Virginia. He added that Dillon Rule issues could arise over time depending on how this language is interpreted and applied. Chair Ohrstrom said he thought the language is okay. Mr. Stidham said that the last sentence of Policy 14 is not reflected in State code but he believes is very defensible.

Regarding Objective 2 (Mountain Resources) Policy 3e, Mr. Stidham said that Commissioner Caldwell proposes to change the second "should" to "shall." He noted that this change will replace all instances of "should" to "shall" in Policy 3 and asked the Committee if this is their preference given the work done previously on this Policy. Members indicated that they were fine with the change. Chair Ohrstrom said that using "shall" in the Comprehensive Plan does not

have the same effect as using “shall” in an ordinance, adding that he has no problem with the proposed changes.

Regarding her proposed changes to Objective 2 Policy 6, Commissioner Caldwell briefly described the reason behind listing the Mount Weather Emergency Operations Center separately from the Federal Emergency Management Agency.

Regarding Objective 3 (Natural Resources) Policy 4c, Chair Ohrstrom said that “and seeking” is not the proper tense. Mr. Stidham suggested striking “and seeking” and members agreed with the change. Regarding the combination of Policies 16 and 17, Chair Ohrstrom said that he thought the County has already established a water quality monitoring network and has maintained it for a number of years. Mr. Stidham said yes but noted that some monitoring wells have been removed for budgetary reasons and Commissioner Glover added that the wording should be retained in order to support the program.

Members had no comments on Objective 4 (Historic Resources), Objective 5 (Conservation Easements), Objective 6 (Outdoor Recreational Resources) or Objective 7 (Energy Conservation and Sustainability).

Regarding Objective 8 (Village Plans), Chair Ohrstrom asked if any changes need to be made if the Village Plan were to be combined with the proposed Rural Lands Plan. Mr. Stidham said that he has not decided whether to recommend combining the Village Plan with the Rural Lands Plan at this time. He noted that this decision could be made in conjunction with development of the Rural Lands Plan.

Regarding Objective 9 (Designated Growth Areas for Development), Commissioner Bass asked about the revised language to address the changes to the Double Tollgate Area Plan. Mr. Stidham noted the new language in Policy 5 that mirrors language in the Double Tollgate Area Plan section in Chapter III.

Regarding Objective 10 (Economic Development) Policy 1, Mr. Stidham noted that this is where adjustments were made to remove the Economic Development Strategic Plan as an implementing component plan. Members were comfortable with the change and had no other comments on Objective 10 or on Objectives 11 (Public Infrastructure, Capital Improvement Planning, and Fiscal Responsibility), 12 (Transportation), or 13 (Broadband Internet Access). Mr. Stidham stated that this concludes work on Chapter II. He noted that for the February Commission meeting, Staff will prepare a memo summarizing the changes to Chapters II and III.

Mr. Stidham then reviewed the most recent changes to Chapter III. He noted under the Agricultural Land Plan section, “Recommendations for Next Revision,” that Staff has included new language regarding the merger of the Agricultural Land Plan and Mountain Land Plan. He also noted new language recommending that the form and scale of compatible agribusiness and agritourism activities should be addressed in the merged plan development. He said this is consistent with corresponding language in Chapter II and the five-year review resolution for the Agricultural Land Plan that the Committee will be reviewing later in the meeting.

Regarding the Mountain Land Plan, Mr. Stidham noted the language added to reference merger with the Agricultural Land Plan. He also noted language to ensure that detail from the current Mountain Land Plan is not lost in developing a merged plan. Chair Ohrstrom asked Commissioner Glover if he is comfortable with this language and he replied yes.

Regarding the Double Tollgate Area Plan, "Recommendations for Next Revision," Mr. Stidham noted the new language that mirrors Chapter II language about expansion of public water and sewer and changing the current "deferred growth status" for the plan area. Members were comfortable with the changes.

Chair Ohrstrom asked for confirmation as to which plans will remain implementing component plans. Mr. Stidham replied that the only current plans to be removed will be the Capital Improvement Plan and the Economic Development Strategic Plan. He added that these plans are referenced in the Other Relevant Plans and Studies section. Commissioner Caldwell asked if VDOT's and the County's plan for roads should be referenced in this section as the Commission has not been involved in the past in reviewing this plan. Mr. Stidham replied that the local six-year secondary road construction plan has been whittled down to covering minor projects and the annual budget is a fraction of what it was 10-15 years ago. He added that he did not think that it needs to be in this section. He also said that the Transportation Plan projects badly need to be updated and this would be the appropriate place to identify projects that are consistent with the Comprehensive Plan. He noted that the recent Southeastern Collector Road Study is not referenced in the Transportation Plan but we may now be at a point where we need to decide whether to include it. He also said that your Transportation Plan needs to include your most significant road projects that will have the most impact on the community. Commissioner Caldwell said we need to anticipate new transportation money that may be available for projects in the future. Mr. Stidham replied that the trend is to continue putting transportation money into the Smart Scale program where funds are competed for on a regional basis. Commissioner Glover asked Mr. Stidham if he thought any projects need to be added to the Transportation Plan. Mr. Stidham replied that we definitely need to be more involved in the Transportation Plan as the projects were originally scoped in the 1990s and they have not been vetted directly for a number of years. He added that the list of projects may need to be reduced to include only projects that are competitive for Smart Scale funding.

Members indicated that they are comfortable with Chapter III and Mr. Stidham stated that he will finalize the draft along with Chapter II.

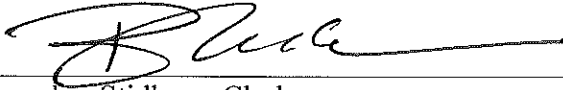
4. Discussion, Agricultural Land Plan Five-Year Review Resolution

Mr. Stidham reviewed the draft resolution and referenced the two issues of merging the Agricultural and Mountain Land Plans and determining the form and scope of compatible agribusiness and agritourism uses. Members agreed by consensus to forward the resolution to the Commission in February.

5. Other Business

Members agreed to schedule the next meeting for Tuesday, January 25 at 2:00PM.

ADJOURN: Meeting was adjourned by consensus at 2:47PM.

A handwritten signature in black ink, appearing to read 'Brandon Stidham', written over a horizontal line.

Brandon Stidham, Clerk