



# Clarke County Planning Commission

MEETING MINUTES – Work Session

Tuesday, November 30, 2021 – 3:00PM

Berryville/Clarke County Government Center – Main Meeting Room

ATTENDANCE:			
George L. Ohrstrom, II (Chair/Russell)	✓E	Pearce Hunt (Russell)	✓
Randy Buckley (Vice-Chair/White Post)	X	Scott Kreider (Buckmarsh)	✓
Matthew Bass (Board of Supervisors)	✓	Douglas Kruhm (Buckmarsh)	X
Anne Caldwell (Millwood)	✓	Frank Lee (Berryville)	✓
Buster Dunning (White Post)	✓	Gwendolyn Malone (Berryville)	✓
Robert Glover (Millwood)	✓	Doug Lawrence (BOS alternate)	X

E – Denotes electronic participation

**NOTE:** George L. Ohrstrom, II participated electronically due to health issues related to the current pandemic.

**STAFF PRESENT:** Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner/Zoning Administrator), Kristina Maddox (Office Manager/Zoning Officer)

**CALL TO ORDER:** By Mr. Stidham at 3:00PM

Chair Ohrstrom said he made the decision unilaterally to give Commissioner Kruhm a six-month leave of absence from the Commission due to health-related issues. He said he hoped the Commissioners agree with that decision but he felt it was the right thing to do. Commissioner Caldwell commended him on the decision. Mr. Stidham said Staff would continue to include him on the packets and would send them via mail.

## Review of December 3, 2021 Business Meeting Agenda Items

Mr. Stidham said one of the items to discuss is to set public hearing for the Agricultural and Forestal District (AFD) six-year review. Chair Ohrstrom asked Mr. Camp if there had been any feedback regarding the public hearing to which Mr. Camp responded he had not heard and that he did not believe anyone would attend.

Mr. Stidham noted one other item on the agenda. He said the Historic Preservation Commission (HPC) has a mandatory vacancy for a representative of the Planning Commission to fill. Chair Ohrstrom thought Commissioner Malone was interested, however, she declined the opportunity. Mr. Stidham said if anyone was interested to contact Chair Ohrstrom.

## New Business Items – Comprehensive Plan Update

Discussion of issues identified by the Comprehensive Plan Committee - Mr. Stidham said the Comprehensive Plan Committee has been working on Chapter 2, which involves goals, objectives, and policies, and Chapter 3 covering implementing component plans. He said Staff has introduced some concepts that break from what is currently in the Comprehensive Plan and that the Committee wanted him to bring this to the full Commission for initial feedback. He said the first of the two issues is the possibility of eliminating the Capital Improvement Plan (CIP) and the Economic Development Strategic

Plan as being components of the Comprehensive Plan. He said they recommend this for any plan that requires annual updates. Regarding the CIP he said, previous iterations of the Comprehensive Plan included lists of actual capital projects and cost estimates that may have been there for many years after the project was funded and constructed. He added that since the CIP was only being reviewed once every five years, the information was out of date. He said with the 2013 update to the Comprehensive Plan, the specific projects were removed from the plan and Staff reformatted the section to include recommendations for developing a process for reviewing capital projects on an annual basis. He recalled last year's implementation of a formal review process for the CIP that they are now reviewing annually. He said the Committee believes that it is no longer necessary for the CIP to be a component plan of the Comprehensive Plan as the Commission is directly involved with reviewing those projects and determining their level of conformance with the Comprehensive Plan.

Mr. Stidham said they discussed whether the Economic Development Strategic Plan should be a component plan in 2019 when they were talking about the five-year resolution for the update of the Strategic Plan. He added that it was first drafted in 2014 as the County's economic development and that it provided specific grant recommendations and other action items. He said at the time, the County did not have a structured economic development program. He said the Planning Department oversaw the economic development initiatives since Jesse Russell was not only the Zoning Administrator but also the Economic Developer. He added that since then the County has created a program which is now overseen by a director and has much more specific action items and directives. He said it is time for this plan to evolve to a different format, to be reviewed on an annual basis, and is no longer feasible to remain as a component of the Comprehensive Plan. He said one previously discussed concern is how to ensure that the Strategic Plan does not drift away from the Comprehensive Plan philosophy and become inconsistent. He continued that the Comprehensive Plan itself is the base plan and the source of guidance for our land use decision making and philosophy and not the Strategic Plan. He said it is important to create something to ensure this plan and others do not run afoul of the Comprehensive Plan and become inconsistent. He noted the bottom of Page 3 of 24 where it briefly discusses a new section that the Committee is going to include in Chapter 3 dealing with other relevant plans and studies and how they may not have a direct relevance to the Comprehensive Plan. He said the added language will help to ensure onset consistency and also at the end of the project when the Board of Supervisors takes action to adopt or accept it.

Commissioner Caldwell asked if the plans would reside with the Planning Department or with the Board of Supervisors for the Commission's approval or suggestions. Mr. Stidham answered that they would all become standalone plans and that the CIP would reside with the County Administration and the Board with Joint Administrative Services (JAS) doing the finance piece. He added that the Commission would be involved with the annual review of actual projects. He said the Strategic Plan would be a standalone plan that will be folded under the Economic Development Director and the two entities that she works with - the Industrial Development Authority and the Economic Development Advisory Committee. He recalled that when the Commission created the plan in 2014 that they took the "kitchen sink" approach and added as much as possible to start, however, it is now time for a more precise plan with action items that those entities would be responsible. He said similar plans such as the Telecommunications and Broadband study originated with the Planning Commission and a Telecommunications Committee which was then handed off to the Broadband Implementation Committee that the Board established. He stated the Town and County's Bicycle and Pedestrian Plan was done internally with staffing support provided by the Northern Shenandoah Valley Regional Commission to help us put together the joint plan. He said that while it is used as a tool to inform the

County and Town's transportation plans, it is a document that does not necessarily need to be tied to the Comprehensive Plan. He said guidance from the Comprehensive Plan is used in developing and implementing plans. He said the short answer to the question is that it depends on the plan and the topic area.

Mr. Stidham stated the second issue as being the concept of consolidating two of the existing component plans - the Agricultural Land Plan and the Mountain Land Plan. He said the Commission will be considering a five-year review resolution the Agricultural Land Plan to be adopted by February of next year as it was last adopted in 2017 and that the Mountain Land Plan is overdue for an update. He said given the growing numbers of component plans that the Commission has had over the years and the many shared issues that these two plans have for issues facing the rural unincorporated areas of the County, it may be a good idea to review them together and combine them into a single consolidated plan that addresses all issues. He stated that Mountain Land Plan was originally created to address very specific issues facing mountain areas, and the original Agricultural Land Plan was more of a conglomeration of data and information on the agricultural industry in Clarke County. He noted the bulleted list of Mountain Land Plan objectives on page 4 of 24 and said that while they are all important to mountain areas, that they are also applicable to the valley areas as well. He named topics such as protection of surface water quality, availability and quality of groundwater, wildlife habitat protection, ecosystems, scenic values, scenic byways, cultural resources, private property rights, and provide for well-sited development compatible with these objectives. For example, he said the protection of forest resources and the assurance of safe public private roads are two specific objectives that impact both the mountainous and non-mountainous areas. He added there is an opportunity to consolidate both plans and address the shared challenges both globally and how they impact the County but also focus on how they impact the mountain and valley areas uniquely. He said while the Agricultural Land Plan is a general document, that the Mountain Land Plan is specific and has a lot of information and specific recommendations. He said even though they have been implemented into ordinance, there are concerns that that detail could be lost if combined into one Rural Lands Plan. He suggests dividing the Commission into two separate work groups to focus on different areas and to develop the consolidated plans. He said each group would be responsible for studying those specific areas, identify their key issues, and potentially work with the stakeholders in those areas to avoid losing any of those detailed issues and concerns.

Regarding the Rural Lands Plan concept, Mr. Stidham said a potential approach to organizing this is to have an introduction and plan goals, a chapter on agriculture, forestry, Agribusiness and agritourism, and all issues that affect the rural areas equally. He added there is a dedicated chapter to mountain lands which is where the detail and the uniqueness of that area is retained. He said Chapter 4 covers the big picture of shared issues and challenges, broadband, long-term viability of wells and septic systems, secondary road safety and impacts, balancing preservation of cultural historic scenic and natural resources with the public's desire to enjoy them, and the rights of private property owners to use and enjoy their land. He reiterated that the Committee wanted to get this issue and the previous issue to the Commission for their thoughts and feedback now rather than have this be presented as a draft plan document.

Chair Ohrstrom commented that while it is a big change it is getting to the point where the Commission is implementing various component plans and now it makes sense to present the potential changes to the Commission to get feedback. Commissioner Lee agreed that it is a good idea to consolidate the two plans but wants to make sure people understand that when they want to develop land on the mountain,

there are specific requirements they are going to have to meet. He said he did not want to use the same criteria used in the valley for the mountain because of the mountain area's uniqueness. He said if they are to be combined, he wants to make sure that anyone who reads it understands that there are higher criteria and separate criteria for mountain uses than just the uses for the valley. Mr. Stidham suggested adding information in the introduction and history section about why the Mountain Land Plan was written in the 1990s to be ordinance specific, how the plans were implemented to create those different development regulations, and how to continue using and refining the plans. Commissioner Lee said he does not have a problem with it as long as it is clearly stated. Commissioner Caldwell stated that Clarke had several large subdivisions on the mountain in the 1990s and early 1980s, many of which were destructive in terms of roads and inappropriate in terms of the way the lots were formed as though they were flat terrain. She said it was basically like the western part of the County. She said those situations prompted a number of the specifics in the last Mountain Land Plan update and said it is interesting that despite the economy over the last number of years, Clarke has had no major development take place up on the mountain. She said there have been a couple of little houses, but nothing of major consequence and that it is interesting to her that perhaps it is due to the plan and its implementation. Commissioner Glover suggested that making Mountain Lands Chapter 2 right after the introduction could be a simple fix to address those issues. He agreed to make sure the mountain land stands out differently and they are separate. Chair Ohrstrom commented that as long as they are adequately addressed in the Comprehensive Plan and preferably in a couple of places, he thinks it will do and likes the idea of the Rural Lands Plan combination.

Overview of revised work plan - Mr. Stidham noted the work plan for the Comprehensive Plan update on Page 8 of 24 and said the Committee will be meeting on December 14<sup>th</sup> to go over the final drafts of Chapter 2 and 3. He said the goal is to get those two chapters to the Commission by February either in a full format or some sort of an executive summary to introduce the changes before the full document for discussion. He said census data has yet to be released for the demographic update, however, the Census Bureau said it is going to come out in 2022 at some point. He said if new census data is not released by the end of the year, projections from the previous year will be used as a fill-in so the process is not held up. He also said Chapter 1 should be complete by the end of January. He said this would have the Committee developing a full draft of this comprehensive plan document by the end of March for the Committee to review in April in hopes that the full document will be available to the Commission for review in May. He said we could have a public hearing scheduled as early as July, to the Board for their public hearing and adoption by August or September of 2022.

### **Preparation of Annual Organizational Meeting**

Mr. Stidham said in preparation for the annual organization meeting in January, he will start the beginning of the meeting by opening up the floor for elections for Chair and Vice Chair for the year. He noted the memo and various documents starting on page 11. He said page 13 of 24 has a current list of committee appointments. He mentioned members are needed to fill Doug Kruhm's two seats on the Policy and Transportation Committee and the Comprehensive Plan Committee. Chair Ohrstrom asked if anyone is interested to let him know. Mr. Stidham said he believes that the Comprehensive Plan Committee will be doing the heavy lifting in 2022 and the Plans Review Committee meets on an as needed basis depending on what comes in in terms of applications. He said the Policy and Transportation Committee will probably be looking at policy issues that may result in new text amendments. He said he does not think the Ordinances Committee will be needed as much unless there are multiple items that are being reviewed. He said we want to split the labor between the Policy Committee and the Ordinances Committee. He noted the committees that currently have Planning Commission representation on them

and that he added whether it is a mandatory assignment by County code provision or whether it is optional at the Board of Supervisors level. He said Planning Commissioners have to serve on the Board of Septic and Well Appeals, Easement Authority, and the Historic Preservation Commission (HPC). He said traditionally there have been Commissioners serve on the Berryville Area Development Authority (BADA) and the Board of Zoning Appeals (BZA) but that it is optional at the Board of Supervisors discretion. He said the Broadband Committee is a special committee that was created and controlled by the Board with two Planning Commission representatives. He added that bylaws mention the Chair appointing liaisons to boards, however, he believes this to be an older concept where a Board or committee would request the Planning Commission or the stand in or participate in meetings as a non-voting member and that no one is currently assigned as a liaison to any group. He said every representation listed under these other committees are all voting positions. He mentioned that a second Planning Commissioner for the Broadband Committee is needed and a representative for the HPC. Chair Ohrstrom said he thought that the Broadband Committee was to be superseded by the contract. Mr. Stidham replied that it will most likely but that it has yet to be awarded. He then noted that if anyone is interested in the committees to speak with Chair Ohrstrom before the Friday meeting.

Mr. Stidham pointed everyone to page 15 for the draft 2022 meeting schedule. He said the draft bylaws started on page 16 of 24 and noted two proposed changes in red font. The first change, he noted, references the Chair being an ex officio member of all of the standing committees under the Planning Commission. He said the proposed change is to add language to allow the Chair serving as ex officio, to serve as an alternate if there is a member absence and that will help with quorum issues. He said the Chair would only be able to stand in as an alternate and vote if a member is absent. He said wording was clarified regarding the appointment of a liaison to echo what was previously talked about regarding liaisons outside organizations. He said he made editorial changes to reference the code sections in the revised zoning ordinance and correction formatting issues. He said if anyone has any changes they would like to see in the bylaws, they can give him a heads up so he will incorporate them into the January meeting packets.

Mr. Stidham said page 22 or 24 is the current project priorities list as updated in July. He said he will have a draft to the Commission in the January packet. He said he also included an updated Comprehensive Plan component plan review scheduled as of November.

Chair Ohrstrom asked what date the Organizational Meeting was to which Mr. Stidham replied on Tuesday, January 4<sup>th</sup> at 3:00PM at the January Work Session.

**ADJOURN:** The November 30<sup>th</sup> Planning Commission Work Session adjourned by consensus at 3:36PM.



George L. Ohrstrom, II (Chair)



Kristina Maddox (Clerk)