



Clarke County Planning Department

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TO: Board of Supervisors

FROM: Brandon Stidham, Planning Director

RE: Presentation and Discussion, 2022 Clarke County Comprehensive Plan (Final Draft)

DATE: July 5, 2022

Enclosed you will find clean and redlined copies of the final draft 2022 Clarke County Comprehensive Plan as recommended by the Planning Commission. This memo outlines the proposed changes in the draft and concludes with a recommended path forward to formal public hearing and final adoption.

Project History

The Planning Commission adopted a five-year review resolution in January 2019 that identified the following key issues to be addressed in the revised Plan:

1. Evaluate the current Goals, Objectives, and Strategies for relevance and consistency with recent Implementing Component Plan updates. Consider adding or revising language to address any new County priorities such as broadband internet access for residents and businesses.
2. Update demographics and statistical information that have changed since 2013 and for which new data is currently available.
3. Determine whether to incorporate data or other information from the Cost of Community Services Study.
4. Update Implementing Component Plan descriptions in Chapter III to reflect recent updates of these Plans.
5. Evaluate whether to conduct a comprehensive review and update of the Mountain Land Plan and, if so, develop objectives and strategies that will inform the update process.
6. Determine whether to retain reference to the Capital Improvement Plan as an Implementing Component Plan and make changes to the applicable objectives and strategies as necessary.

The Commission's Comprehensive Plan Committee did not begin work on the revision until June 2020 due to delays caused by the COVID pandemic and work on the Zoning and

Subdivision Ordinance Update project. The Committee paused work in January 2021 as the Commission and Staff worked to complete the Ordinance Update project, then resumed work in October 2021. A final draft Plan was completed in April 2022 and forwarded to the full Commission for review in May. The Commission held their public hearing on June 29 – Commission appointee John Staelin was the only speaker and offered several “wordsmithing” recommendations. Staff incorporated these edits into an amended draft which the Commission voted 9-0-2 (Glover, Lee absent) to recommend adoption by the Board of Supervisors.

Summary of Changes

The main objective of the revision project is to review and update factual and statistical information along with substantive recommendations to reflect the changes that have occurred since the current Plan’s adoption in March 2014. As noted in the Commission’s five-year review resolution, demographics and statistics in Chapter I have been updated using data from the 2020 Census and other resources. Each of the Goals, Objectives, and Strategies in Chapter II were evaluated, clarified, and strengthened where needed and in some cases new recommendations were added. Efforts were also taken to refine the content to make it more readable and user-friendly, such as the revamped Chapter III which provides better descriptions of the implementing component plans and how the County’s other plans and studies relate to the Comprehensive Plan.

There are several significant changes proposed that are described in greater detail later in the memo:

- **Significant degradation of natural resources.**
This is a new concept defined in new Goal #6 as, “a measurable negative reduction in the quality or quantity of a natural resource.” The purpose of this concept is to establish County metrics for determining when a proposed use, activity, or project may have a negative impact on adjacent or nearby natural resources. This language is added to several policies in Chapter II to recommend using these metrics in County decision-making.
- **Impact of establishing precedent in decision-making.**
To promote awareness that every decision on development applications, infrastructure projects, and other County initiatives can have an impact on how future decisions are made, a new Goal #7 is included to address the impact of establishing precedent. The Goal recommends ensuring that all decisions are carefully and thoughtfully examined for consistency with the Comprehensive Plan, component plans, and the County’s land use philosophy. This will help to prevent decisions that create negative or inconsistent precedents, potentially limiting how future similar decisions can be made.
- **Agribusiness and agritourism recommendations.**
The form and scale of agribusiness and agritourism is something that has changed significantly since the current Plan was adopted in 2014. New policies are included in Objective 1 (Agriculture) to address what the appropriate intensity and activity is for agribusiness and agritourism businesses in the County. New Policy #13 encourages agribusiness activities that are compatible in scale and intensity to surrounding

agricultural uses; that do not pose a threat to health, safety, and welfare; that further the goal of preserving farmland, open space, and the County's scenic beauty and historic resources; and do not result in significant degradation of natural resources. New Policy #14 encourages agritourism as a means of facilitating onsite sale of farm products and promoting agricultural education and appreciation. The Policy also states that agritourism activities shall be incidental to and supportive of the primary agricultural use on the property, and that any activities which exceed this level shall either be prohibited or approved by special use or other governing body permitting action.

- Amended guidance regarding the Double Tollgate Area.
The current Plan's recommendations regarding the Double Tollgate Area have been changed significantly, moving away from a "deferred growth area status" to planning for future development in the Plan Area and nearby State-owned properties served by public water and public sewer. This is in response to recent changes in the ownership and future planning for the former "Camp 7" correctional facility properties and Frederick County's new willingness to provide limited water and sewer service to the Double Tollgate Area. These proposed changes are addressed in Chapter II, Objective 9 (Designated Growth Areas for Development) in the form of new policies that can be used to inform the update of the Double Tollgate Area Plan (currently underway).
- Removal of component plan status and potential consolidation of component plans.
The revised Plan proposes significant changes to some of the current component plans. One proposal is to remove the component plan status of the Capital Improvement Plan and the Economic Development Strategic Plan. Both of these component plans have evolved into documents that require annual review rather than once every five-years. The revised Plan removes reference to these as component plans but includes policies to ensure that both remain consistent with the Comprehensive Plan's recommendations. They are also referenced in the new section in Chapter III which addresses other County plans and studies.

Another new recommendation is to consider consolidating the Agricultural Land Plan and the Mountain Land Plan into a single, new component plan for the County's rural, unincorporated areas. The Mountain Land Plan was last updated in 2005 and has not been reviewed since because its recommendations are considered to be fully implemented. The Agricultural Land Plan was last adopted in 2017 and the Commission recently adopted a resolution to initiate review of this component plan. Combining these two plans can address common issues affecting all of the County's rural areas. The document can also be structured to ensure that issues and impacts unique to the mountain and valley are addressed separately.

Below is a section-by-section summary of changes to note as you review the revised Plan document.

Foreword, Summary Statement of Purpose, and Introduction

- Added a new list of “guiding principles” that describe the general land use concepts that have been followed in the current and previous iterations of the Comprehensive Plan. This expands on language in the current Plan’s foreword.
- Included new language that is repeated throughout the draft Plan to emphasize these concepts including:
 - Fiscal responsibility as it relates to growth management
 - Protection of natural resources from “significant degradation”
 - Consistency with the County’s land use philosophy and sliding-scale zoning system
- Rewrote the “Form and Function” section to describe component plans in a format that is consistent with later descriptions and with the component plans themselves. Staff noted that the descriptions in this current section and in current Chapter III may be conflicting or confusing, calling into question which descriptions reflect the most accurate recommendations.
- Added a new “Citizen Participation in the Planning Process” section. This section currently appears in Chapter II as Objective 12 and is written in the format of a Plan Objective. The current language is proposed to be eliminated from Chapter II and rewritten in an expanded narrative format in the Introduction section where it will be more effective.
- Added a new section to describe the “Scope of the Current Plan Revision.” This section summarizes the issues identified in the five-year review resolution and describes additional changes that were implemented.

Chapter I – General Information

- Updated all statistical information with most current available data from the 2020 Census and other resources.
- Expanded language regarding hydrogeology and groundwater availability in the Groundwater section (Section A-2).
- Added background information on floodplain regulations to the Watercourses and Watersheds section (Section A-4).
- Added/modified various historical information including a list and new map (#5) of the County’s historical resources in Section C, History and Historic Resources.

- Added an election district map (#6) to provide a frame of reference for Table 1C (Dwelling Unit Rights Used and Remaining by Election District).
- Added a new Section I, Public Infrastructure and Services, to provide a general overview of the various elements and services provided by the County and the Towns of Berryville and Boyce.

Chapter II – Goals, Objectives, and Policies

GOALS

- Rewrote Goal #2 to emphasize that development should be located in designated planning areas. Replaced confusing reference to “context-sensitive design” with new language to use design elements that honor the needs and character of the County’s unique communities.
- Added new language to Goal #5 to state that necessary public services should be provided in conformance with the Comprehensive Plan and implementing component plan. This echoes the concept of reconciling the annual Capital Improvement Plan with the Comprehensive Plan.
- Added a new Goal #6 to “Prevent significant degradation of natural resources” – a major new theme that has been added throughout Chapter II. New Goal #6 defines “significant degradation” as “a measurable negative reduction in the quality or quantity of a natural resource. A new policy is added in Objective 3 (Natural Resources) to develop measurable thresholds to determine when significant degradation of a natural resource is likely to occur.
- Added a new Goal #7 to emphasize that policy decisions are “precedent-setting” and thus should be carefully considered to determine whether they are consistent with the Comprehensive Plan, component plans, and the County’s land use philosophy.

OBJECTIVES

Objective 1 – Agriculture

- Added language to the introduction to ensure that non-agricultural uses and activities do not cause significant degradation to natural resources or disrupt the character and functionality of agricultural areas. This provides guidance in evaluating which uses and activities (as well as the scope of such uses and activities) can be compatible with agricultural lands and operations.
- Added language to Policy #4 to better define “important farmland.” Also added new language to adopt regulations to limit future development on lands containing important

farmland.

- Rewrote Policy #6 to remove suggested design characteristics for residential development in unincorporated areas. Replaced with new language to ensure residential development remains consistent with sliding-scale zoning and to prohibit the rezoning of AOC properties to RR in unincorporated areas.
- Added new Policy #13 to describe the desired scope of compatible agribusiness uses and activities.
- Added new Policy #14 to describe the desired scope of agritourism uses and activities. Specifically, language notes that such uses and activities “shall be incidental to and directly supportive of the primary agricultural use on the property.”

Objective 2 – Mountain Resources

- Added language to the introduction to reference applicable policies in Policy #3 (Natural Resources) and to recognize the unique characteristics that pose challenges to development in mountain areas.
- Added new Policy #1 to plan for impacts to mountain lands through collaboration with agencies, organizations, and surrounding counties that share interests in these lands.
- Strengthened the list of recommended residential development regulations in Policy #3 by replacing the word “should” in all instances with the stronger, more compulsory “shall.” Added a new recommendation to avoid development on ridgelines.
- Recommend prohibiting rezoning of FOC land to RR for new residential development in Policy #4, reflecting similar language added to Objective 1 in regards to AOC lands.

Objective 3 – Natural Resources

- Added “sound” to the list of natural resource examples in the introductory language.
- New Policy #1 is added to prohibit uses that are “likely to result in significant degradation to the County’s natural resources,” referencing ground and surface water quality and quantity in Karst, steep slopes, and the Shenandoah River as examples. Language is also included to establish measurable thresholds to be used by the County to determine what constitutes “significant degradation” of a resource.
- Added new Policy #20 to define non-intensive and compatible uses of forested land. This replaces current Policy #1.
- Added new Policy #21 to emphasize conformance of forestry operations to Department of Forestry and Chesapeake Bay protection standards.

- Added new Policy #22 to encourage placing forested land in the Agricultural & Forestal District program.

Objective 4 – Historic Resources

- Primarily technical edits and wordsmithing.

Objective 5 – Conservation Easements

- Primarily technical edits and wordsmithing.

Objective 6 – Outdoor Recreational Resources

- Added “Recreational” to the objective title for clarity purposes.
- Added language to Policy #2 to ensure that recreational opportunities provided by the County are fiscally responsible and compatible with the County’s land use philosophy.

Objective 7 – Resource Conservation and Sustainability

- Replaced “Energy” in title with “Resource” to provide a broader application of the objective.
- Added language to Policy #1 for the County to adopt “economically feasible measures” to reduce resource usage and to conduct energy usage audits on a regular basis.

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

- Primarily technical edits and wordsmithing.

Objective 9 – Designated Growth Areas for Development

- Deleted language in Policy #2 containing a list of specific land use and design principles to apply to the Berryville Growth Area. This language is deleted as such controls would be applied to new development by the Town of Berryville after annexation and not the County. It is replaced with new language that simply states the County should work with the Town to ensure development regulations reflect the Town and County’s shared vision for the annexation area.
- Deleted current Policy #5 which describes Double Tollgate as a “deferred growth area” and recommends delaying County investment in public infrastructure until certain development triggers are met. This current policy is replaced with the following new Policies #5 and #6.

- Added a new Policy #5 to provide the following guidance regarding future development of Double Tollgate:
 - Development of public water and sewer infrastructure should be in partnership with property owners, local governments, and State agencies which may require public infrastructure to serve the adjacent State-owned properties. This is to ensure that the cost is shared among those that will use the infrastructure.
 - The County should explore all possibilities to serve the area with public water and sewer before considering an extension of the current County utility system. This is another recommendation to help ensure that the County facilitates development of utilities in the most fiscally-responsible manner. It also helps to ensure that County water and sewer infrastructure is not expanded outside of designated growth areas.
 - Developers in the Plan Area shall be solely responsible for the cost and construction of road improvements required to support the traffic impact of their developments. This will help the Virginia Department of Transportation (VDOT) and the County to negotiate road improvements to be paid by the private sector rather than by the County's taxpayers.
 - Facilitate business-class broadband internet to support businesses.
- Added a new Policy #6 to provide the following guidance on the Double Tollgate Area Plan:
 - The Plan should be kept up-to-date regarding:
 - The specific boundaries and mixes of uses
 - How public services are to be provided per new Policy #5
 - How activities will be integrated with surrounding agricultural and residential uses and land in conservation easement
 - The Plan should address:
 - How the current Plan Area relates to and future development will potentially integrate with the adjacent State properties
 - Creation of regulations to address unique characteristics and challenges of this development area
 - Potential future expansion of the Plan Area

Objective 10 – Economic Development

- Amended Policy #1 to remove the Economic Development Strategic Plan as an implementing component plan but to maintain it as an action-oriented plan that is consistent with the Comprehensive Plan.

- Replaced current Policy #5 regarding types of businesses to promote with new Policy #5 to address economic development in the Towns and growth areas, and new Policy #6 to address economic development in the rural areas.
- New Policy #5 encourages economic development in the Towns and growth areas in a manner consistent with the County’s land use philosophy and character with an emphasis on businesses that can be served with public infrastructure in a cost-effective manner.
- New Policy #6 encourages economic development in the rural areas that is highly consistent with the County’s land use philosophy and character with businesses containing the following elements:
 - Will not produce impacts resulting in significant degradation of natural resources
 - Will not require or increase demand for public infrastructure improvements or expansion
 - Will not adversely impact existing nearby land uses or conservation value of protected lands

The Policy also recommends four business sectors which may be compatible on a limited scale in rural areas subject to compliance with applicable State and local regulations

- Small-scale lodging within single-family dwellings or accessory dwellings
- Limited special events and commercial public assembly uses
- Support businesses for existing tourism resources
- Adaptive reuse of existing commercial and residential structures to compatible new uses
- Clarified language in Policy #9 regarding transportation impacts of development, specifically ensuring that such development does not degrade the level of service of the existing transportation network to unacceptable levels for safety, congestion, and functionality.
- Added new Policy #14 to facilitate business-class broadband internet availability.

Objective 11 – Public Infrastructure, Capital Improvement Planning, and Fiscal Responsibility

- Added “Public Infrastructure” to the Objective title.

Objective 12 – Transportation

- Primarily technical edits and wordsmithing.

Objective 13 – Broadband Internet Access

This is a new objective added to recognize the importance of bringing broadband internet access to County residents and businesses in a cost-effective manner. The new objective contains five policies to address pursuing partnerships and funding opportunities, maintaining a County broadband committee, considering participation in pilot projects or “beta testing” of new technologies, and ensuring that our regulations are not an impediment to broadband expansion.

As noted previously, current Objective 12 (Citizen Participation in the Planning Process) is removed and is rewritten in the Introduction section in an expanded narrative format.

Chapter III – Implementing Components

This chapter has been significantly rewritten to provide a clearer and more functional description of the component plans without causing confusion or potential conflict with the component plans themselves.

The Overview section notes the most significant proposed change – the removal of the Capital Improvement Plan and Economic Development Strategic Plan as component plans. A description of these plans and reasons for removing them are included in the new Other Relevant Plans and Studies section at the end of this Chapter. This new section emphasizes that not all plans and studies produced by the County are part of the Comprehensive Plan but they should be consistent with the Comprehensive Plan’s guidance and the County’s land use philosophy. Additional examples of outside plans referenced in this section include the Telecommunications Infrastructure and Broadband 2020 Study, the Energy and Resource Management Plan, and the Town of Berryville and Clarke County Bicycle and Pedestrian Plan.

Another new section deals with the Review and Update of Component Plans. This section reiterates that component plans need to be evaluated on a five-year schedule just like the Comprehensive Plan. The Section also provides guidance on scheduling and conducting component plan reviews and revisions.

The Current Implementing Component Plans section provides detailed descriptions and information regarding each component plan in the following new format:

- Adoption date of current version
- Status of the five-year review resolution (last adoption date)
- List of corresponding Comprehensive Plan objectives

- Brief summary of the plan
- Current component plan goals and/or key objectives
- Recommendation for next revision including key issues to consider and format for possible review processes

A separate section is also provided for the remaining new component plan to be developed – the Village Plan. This includes corresponding Comprehensive Plan objectives, brief summary of the plan, and recommendations for plan development.

Appendix – Geological Profile

Aside from editorial changes, the only significant change is the deletion of Figure 1 – Blue Ridge and Shenandoah Valley Rock Formations and Structures. This figure is copied from a 1976 document regarding the Geology of Clarke County and does not contain a key or features description. The Comprehensive Plan Committee felt that the figure was not effective without additional descriptive information and recommended that it be deleted.

Next Steps

Staff recommends that the Board review and discuss the Commission’s draft and identify any concerns or edits that may need to be included. If there are any substantive questions or changes, the Board may want to remand those issues to the Commission for further discussion. Once the Board is comfortable with the draft, the next step is to schedule Public Hearing and then take final action on whether to adopt the revised Plan. Please advise if you have questions or concerns in advance of the Work Session.



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TO: Board of Supervisors

FROM: Brandon Stidham, Planning Director

RE: Proposed Edits to 2022 Clarke County Comprehensive Plan (Final Draft)

DATE: August 3, 2022

This memo outlines three proposed edits to the 2022 Clarke County Comprehensive Plan Final Draft that was previously presented to the Board at the July 11 work session. The first two edits were discussed at the work session and the third edit is proposed by Planning Commissioner John Staelin.

Land Conversion for Nutrient Credit Program

Supervisors requested Staff to reference the Board's concerns with the State's nutrient credit program which can result in the loss of farmland through conversion to forested land. Staff proposes the following edits to Objective 1 (Agriculture), Policy #9:

9. Encourage all government agencies to ~~consider the~~ *minimize or eliminate adverse* 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.~~ *Specifically, pursue legislation to limit the conversion of agricultural land to forest through nutrient credit programs that are used to mitigate stormwater impacts of development projects located outside of Clarke County.*

This language mirrors language that was included in the Board's 2021 Legislative Priorities.

VATI Grant Project

Supervisors also requested Staff to reference the County's participation in the Virginia Telecommunication Initiative (VATI) grant-funded project to extend fiber optic broadband to the County's homes and businesses. Staff proposes the following edits to Objective 13 (Broadband Internet Access) to provide this reference:

- ~~1~~ 2. *Facilitate the successful completion of the County-wide fiber-to-the-home project funded through the Commonwealth's Virginia Telecommunication Initiative (VATI) grant program in 2022. Continue to explore all possible funding opportunities and methods to generate revenue for interim and future broadband expansion of broadband service options for County residents and businesses.*
- ~~2~~ 1. Pursue partnerships with private sector companies, public utilities, and other entities that provide broadband internet service or infrastructure.

Additional Edit

Commissioner John Staelin recommended a minor technical edit to Objective 10 (Economic Development), Policy #3:

3. Encourage new or expanded businesses that do not have the potential to cause significant degradation of the County's natural resources and that do not adversely impact surrounding properties with ~~excessive~~ noise, odor, or light pollution.

Commissioner Staelin noted that "excessive" is a subjective word that is not defined in the Comprehensive Plan. Removal of the word would avoid confusion with the term "significant degradation" which is defined in the draft Plan and is a new concept that is emphasized in various locations throughout the document.

Staff has no concerns with the additions of these edits to the draft Plan document and will incorporate these and any other changes requested by the Board into a revised final draft. Staff recommends that the Board schedule public hearing on the revised final draft for the September 20 meeting.