

CLARKE COUNTY PLANNING COMMISSION
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February 3, 2017 Regular Meeting

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Clarke County Planning Commission

AGENDA - Briefing Meeting

Tuesday, January 31, 2017 - 3:00PM

Berryville/Clarke County Government Center- A/B Meeting Room

- 1. Approval of Briefing Meeting Agenda**
- 2. Review of Agenda Items for February 3, 2017 Meeting**
- 3. Old Business Items**
- 4. New Business Items**
- 5. Other Business**
 - a. Update, Telecommunications Subcommittee work
- 6. Adjourn**



Clarke County Planning Commission

AGENDA – Regular Meeting

Friday, February 3, 2017 – 9:00AM

BERRYVILLE/CLARKE COUNTY Government Center – Main Meeting Room

1. **Approval of Agenda**
2. **Approval of Minutes**
 - a. January 3, 2017 Briefing Meeting
 - b. January 6, 2016 Regular Meeting

Set Public Hearing Items

3. **None Currently Scheduled**

Public Hearing Items

4. **TA-17-01, Agricultural Business Uses**

Proposed text amendment to amend §3-A-1 (Agricultural-Open Space-Conservation District – AOC), §3-A-2 (Forestral-Open Space-Conservation District – FOC), §3-A-3 (Rural Residential District – RR), §3-A-12 (Neighborhood Commercial District – CN), §3-A-13 (Highway Commercial District – CH), §3-C (Supplementary Regulations), and Article 9 (Definitions) of the Zoning Ordinance. The following amendments are proposed:

- Add “farm machinery sales and service” and “farm supplies sales” as permitted and special uses in the AOC District based on floor area limitations along with new supplementary regulations and definitions for each use.
- Amend definition of “agriculture” to more accurately reflect the County’s agricultural industry and to include “horticulture.”
- Delete definition of “horticulture” and permitted uses in the RR and FOC Districts.
- Add “The wholesale or retail sale of agricultural products, grown or processed in conjunction with an agricultural operation, that is clearly accessory and incidental to that agricultural operation” as a new accessory use in the AOC District.
- Delete definition and supplementary regulations for “Processing of agricultural products not totally produced in Clarke County (excluding wineries, breweries, cideries, and distilleries)” and special uses in the AOC and FOC Districts.
- Delete “Nurseries, greenhouses (commercial)” as permitted uses in the CN and CH Districts.
- Add “Historic mill” as a new permitted use in the AOC and CN Districts along with a new definition and supplementary regulations.
- Additional changes are provided for clarity purposes.

Board/Committee Reports

5. **Board of Supervisors (Mary Daniel)**
6. **Board of Septic & Well Appeals (George Ohrstrom, II)**
7. **Board of Zoning Appeals (Anne Caldwell)**
8. **Historic Preservation Commission (Doug Kruhm)**
9. **Conservation Easement Authority (George Ohrstrom, II)**

Other Business

Adjourn

UPCOMING MEETINGS

Tuesday, February 28, 2017 (3:00PM) – Briefing Meeting
Friday, March 3, 2017 (9:00AM) – Regular Meeting

Clarke County



**PLANNING COMMISSION
BRIEFING MEETING MINUTES -- DRAFT
TUESDAY, JANUARY 3, 2017**

A briefing meeting of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Tuesday, January 3, 2017.

ATTENDANCE

Present: Robina Bouffault; Randy Buckley; Anne Caldwell; Mary Daniel; Scott Kreider; Douglas Kruhm; Frank Lee; Gwendolyn Malone; Cliff Nelson; George L. Ohrstrom, II (arrived late); and Jon Turkel.

Absent: None

Staff Present: Brandon Stidham, Planning Director; Ryan Fincham, Senior Planner/Zoning Administrator

CALLED TO ORDER

Mr. Stidham called the meeting to order at 3:02PM.

AGENDA

The members approved the agenda by consensus as presented.

REVIEW OF AGENDA ITEMS FOR JANUARY 6, 2017 MEETING

Mr. Stidham began with a review of the Organizational Meeting agenda items. He stated that the committees have been reorganized per discussion at the November briefing meeting and noted that members would have to decide which committees they want to serve on for 2017. Following a brief discussion of the committee functions, each member indicated their desire to serve on one or more of the committees. Mr. Stidham reviewed the proposed committee lineup and indicated that he would have a revised list printed for Friday's meeting. He also reviewed the proposed meeting schedule noting one deviation to avoid the July 4 holiday, and also reviewed the current By-Laws. Members had no concerns with the meeting schedule or with the By-Laws.

Mr. Stidham reviewed the draft list of Project Priorities for 2017 stating that the Commission needs to discuss the order of projects #3 through #7 in light of Staff's workload. He said that project #3 – updating the Zoning and Subdivision Ordinances – is a labor-intensive project and would likely limit the amount of Staff work that can be done on the projects to review the Historic Resources, Water Resources, and Mountain Land Plans and to develop the new Village Component Plan. He noted that the projects that are prioritized for later completion may get pushed out beyond 2018 as the five-year reviews of the Comprehensive Plan, Transportation Plan, and Economic Development Strategic Plan

are scheduled to begin that year. He said that Staff could potentially work on the Water Resources Plan in the coming year with Ms. Teetor working as the lead on that project. Mr. Ohrstrom said that the review of the Historic Resources Plan may not require a lot of work and Ms. Daniel added that review of both the Water and Historic Resources Plans may not take a substantial amount of time to complete. Mr. Ohrstrom noted that significant changes were made to the Mountain Land Plan during its last review and Mr. Stidham stated that this Plan is almost fully implemented. Mr. Stidham added that future work on the Mountain Land Plan may result in developing a completely different format. Ms. Caldwell replied that she did not think that the Commission needs to work on this Plan in the near future. Mr. Stidham noted that the Commission does have the option of recommending no changes to plans at their five-year review time. Mr. Ohrstrom said that this could be a good option if the plan is still viable. Ms. Daniel noted that developing the Village Plan would be very time consuming. Ms. Caldwell said that the Zoning and Subdivision Ordinance project should be the top priority because the Ordinances require a lot of work. Mr. Stidham said that if this is the highest priority, the Ordinances committee should begin meeting to develop a work plan as early as April. He added that he was hearing from the members that they want to keep the prioritization as recommended by Staff with the Ordinance update project as the top priority, to evaluate the Historic and Water Resources Plans to determine what needs to be updated, and to push out the start of the Mountain Land Plan and Village Plan projects. He said that he would provide an updated priority list at Friday's meeting.

Mr. Stidham reviewed the Public Hearing for the Revised 2016 Agricultural Land Plan and noted that draft motions are provided for the Commission's use. Mr. Ohrstrom asked if any comments have been received to date and Mr. Stidham said that the couple who attended the December 6 Commission meeting expressed support for the Plan's recommendations on controlling non-agricultural business activities. Mr. Stidham noted that he deleted use of the term "horticulture" in specific locations per the Commission's request to better correlate with how "horticulture" is addressed in the agricultural business uses text amendment that is under development.

Mr. Fincham gave an overview of the boundary line adjustment proposed by Auggie LTD Partnership. He noted that the applicant proposes an administrative land division immediately followed by a boundary line adjustment. Per recent text amendment, such boundary line adjustments are required to be acted on by the Commission. He said that Staff could have approved the administrative land division but the applicant's surveyor requested that the Commission view both transactions. Members had no questions about the proposed boundary line adjustment. Mr. Stidham noted that this item only requires a formal motion from the Commission as there is no public hearing required.

OLD BUSINESS ITEMS

Continued Discussion, Agricultural Business Uses in the AOC District

Mr. Stidham reviewed the changes to the draft text amendment requested by the Commission in December as well as new changes recommended by the County Attorney and Staff. Regarding farm machinery sales and service/farm supplies sales, he stated that the Building Official indicated that these types of businesses are required to have sprinkler systems installed for buildings 12,000 square feet or larger. He noted that this should be evaluated in determining maximum floor area requirements since these businesses would not be served by public water in the AOC District and would likely need to have a water storage tank for the sprinkler system. Mr. Stidham also talked

about the potential adverse impact of the prohibition of “waterworks” for uses in the AOC District. Ms. Bouffault said that these issues would be moot if the businesses are served by public water, noting that the Highway Commercial District might be the more appropriate place for the larger businesses. Mr. Stidham asked whether the 15,000 square foot threshold that is currently proposed for a special use permit should be lowered to 12,000 square feet. Members agreed and Mr. Ohrstrom noted that using a number that correlates to the building code requirement for sprinkler systems is a better metric to use.

Mr. Stidham reviewed the County Attorney’s recommended change to the definition of “agriculture,” noting that the current definition does not describe the components of agriculture and instead focuses on whether agricultural products are produced inside or outside of the County. He added that the recommended definition has been adapted from a version used by Fauquier County, which also includes a list of items that are not considered to be agriculture. Ms. Bouffault commented that the proposed definition appears to be straightforward. Ms. Caldwell asked what types of things the Fauquier definition excludes from agriculture. Mr. Stidham noted that the intensive greenhouse/nursery operation mentioned by Mr. Kruhm at the previous meeting was one of the things not included in Fauquier’s definition. Mr. Ohrstrom asked about activities that do not involve tilling of the soil such as hydroponics and Ms. Daniel noted that tilling of the soil and growing of crops are separate activities, the latter of which could include growing of crops without tilling of soil. Mr. Stidham also noted that the two uses currently listed under “agriculture” in the text amendment would be moved to the list of accessory uses in the AOC District.

Mr. Stidham asked if the members wanted to advance this item to Public Hearing or continue working on it. Ms. Daniel asked whether changes could be made after the Public Hearing and whether it is based on making the amendment more or less restrictive. Mr. Stidham replied that it is different with this kind of amendment because it is topical in nature. He recommended that if any substantive changes are proposed, the Public Hearing should be re-advertised. Mr. Ohrstrom suggested that everyone review the text amendment again carefully and bring any additional concerns to the meeting on Friday.

Update, Telecommunications Infrastructure & Broadband Study

Mr. Stidham reported that the Board of Supervisors took action to formally accept the Telecommunications Infrastructure & Broadband Study at their December 20 meeting. As part of the motion to accept the study, they also requested the Commission to use the study as the basis for future recommendations that are advanced to the Board and in reviewing future tower applications. He noted that the Subcommittee will be meeting at 4:00PM following the Briefing Meeting.

OTHER BUSINESS

Ms. Caldwell noted the possibility of snow that could impact Friday’s meeting and asked what the contingency plan will be. Mr. Stidham said that if the meeting has to be cancelled, the default date for a rescheduled meeting is the following Friday. Members indicated that they did not want to use Schools closing as a metric for cancelling the Commission meeting, and Ms. Daniel noted that the following Friday is a holiday and could not be used as an alternative meeting date. Mr. Ohrstrom suggested postponing the meeting to 1:00PM if possible and the members agreed that this would be a good option. Members asked about telephonic participation and Mr. Ohrstrom said that members

could participate via phone but not vote. Mr. Nelson asked how members would be notified of a meeting date or time change. Mr. Stidham said he would email the members by 8:00AM and would call any member that prefers a phone call.

The meeting was adjourned by consensus at 3:47PM.

George L. Ohrstrom, II (Chair)

Brandon Stidham, Planning Director

Clarke County

Planning Commission

Regular Meeting Minutes -- DRAFT

January 6, 2017



A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Friday, January 6, 2017.

ATTENDANCE

George L. Ohrstrom, II, Chair; Anne Caldwell, Vice Chair; Robina Bouffault; Mary Daniel (arrived late); Scott Kreider; Doug Kruhm; Frank Lee; Gwendolyn Malone; Cliff Nelson and Jon Turkel.

ABSENT

Randy Buckley

STAFF

Brandon Stidham, Planning Director; Ryan Fincham, Senior Planner/Zoning Administrator; and Debbie Bean, Recording Secretary.

CALLED TO ORDER

Brandon Stidham, as Clerk to the Commission, called the meeting to order at 1:00 p.m. and introduced the annual organizational meeting.

ELECTION OF CHAIR AND VICE CHAIR

Mr. Stidham opened the floor for nominations for Chair to the Commission. Commissioner Caldwell nominated George L. Ohrstrom, II to continue serving as Chair, seconded by Commissioner Bouffault. No other nominations were offered. Mr. Stidham closed the floor to nominations.

The Commission voted to elect George L. Ohrstrom, II as Chair of the Planning Commission for 2017.

Yes: Bouffault (seconded), Caldwell (moved), Kreider, Kruhm, Lee, Malone, Nelson, Ohrstrom and Turkel

No: No one

Absent: Buckley and Daniel

Mr. Stidham turned the meeting over to Chair-Elect Ohrstrom.

Chair Ohrstrom asked for nominations for Vice Chair to the Commission. Commissioner Bouffault moved to nominate Anne Caldwell to continue serving as Vice Chair, seconded by Commissioner Kruhm. No other nominations were offered. Chair Ohrstrom closed the floor to nominations.

The Commission voted to elect Commissioner Caldwell as Vice Chair to the Planning Commission for 2017.

Yes: Bouffault (moved), Caldwell, Kreider, Kruhm (seconded), Lee, Malone, Nelson, Ohrstrom and

Turkel
No: No one
Absent: Buckley and Daniel

COMMITTEE ASSIGNMENT FOR 2017

The 2017 committee assignments were approved by consensus.

2017 MEETING SCHEDULE

The Commission voted to approve the meeting schedule for 2017 as presented.

Yes: Bouffault, Caldwell (seconded), Kreider, Kruhm, Lee, Malone (moved), Nelson, Ohrstrom and
Turkel

No: No one

Absent: Buckley and Daniel

2017 BY-LAWS

The Commission voted to approve the By-Laws for 2017 as presented.

Yes: Bouffault, Caldwell, Kreider, Kruhm (moved), Lee (seconded), Malone, Nelson, Ohrstrom and
Turkel

No: No one

Absent: Buckley and Daniel

2017 PROJECT PRIORITIES

The Commission voted to approve the 2017 Project Priorities as revised.

Yes: Bouffault (moved), Caldwell (seconded), Kreider, Kruhm, Lee, Malone, Nelson, Ohrstrom and
Turkel

No: No one

Absent: Buckley and Daniel

APPROVAL OF AGENDA

The Commission voted to approve the revised Agenda as presented.

Yes: Bouffault, Caldwell, Kreider (seconded), Kruhm, Lee, Malone, Nelson (moved), Ohrstrom and
Turkel

No: No one

Absent: Buckley and Daniel

APPROVAL OF MINUTES

The Commission voted to approve the briefing meeting minutes of November 29, 2016.

Yes: Bouffault (seconded), Caldwell (moved), Kreider, Kruhm, Lee, Malone, Nelson, Ohrstrom and
Turkel

No: No one

Absent: Buckley and Daniel

The Commission voted to approve the regular meeting minutes of December 2, 2016.

Yes: Bouffault, Caldwell, Kreider (moved), Kruhm, Lee (seconded), Malone, Nelson, Ohrstrom and
Turkel

No: No one

Absent: Buckley and Daniel

Set Public Hearing Items

TA-17-01, Agricultural Business Uses

Mr. Stidham explained this text amendment and noted changes from the January 3 briefing meeting. He said that the Commission recommends adding farm_machinery sales and service and farm supplies sales as permitted uses to the Agricultural-Open Space-Conservation (AOC) District subject to Commission site development plan review if the total floor area of the proposed building or buildings is less than 12,000 square feet, and as a special use if the total floor area of the proposed building or buildings is 12,000 square feet or greater. He stated that the 12,000 square foot floor area threshold corresponds to the building code requirement that a sprinkler system must be provided for fire suppression. He said that the Commission also recommends adding new definitions and new supplementary regulations for the uses. After discussion with Staff and the Commission, Chair Ohrstrom called for a motion to set public hearing.

The Commission voted to set public hearing for this text amendment for the next regular meeting of the Commission.

Yes: Bouffault, Caldwell (moved), Kreider, Kruhm, Lee, Malone (seconded), Nelson, Ohrstrom and Turkel

No: No one

Absent: Buckley and Daniel

Public Hearing Items

Revised 2016 Agricultural Land Plan

Mr. Stidham stated that the revised 2016 Agricultural Land Plan included in the meeting packet contains edits that were requested by the Planning Commission at the November 29 briefing meeting. He said the edits were specifically to remove reference to “horticulture” to be consistent with the approach being taken by the Commission in reviewing agricultural business use regulations in the AOC District. After discussion with Staff and the Commission, Chair Ohrstrom opened the public hearing.

There being no public comments, Chair Ohrstrom closed the public hearing and called for a motion.

The Commission voted to recommend approval of the 2016 Revised Agricultural Land Plan as presented to the Board of Supervisors to set public hearing.

Yes: Bouffault (moved), Caldwell, Kreider, Kruhm (seconded), Lee, Malone, Nelson, Ohrstrom and Turkel

No: No one

Absent: Buckley and Daniel

Commissioner Daniel arrived at 1:10 pm

Boundary Line Adjustment – Planning Commission Review

BLA-16-17, Auggie LTD, Partnership

Mr. Fincham gave a brief presentation on this request. He said that the applicants are requesting approval of a Boundary Line Adjustment for the properties identified as Tax Map #8-A-35 and 8-A-35A. He said that according to Clarke County Subdivision Ordinance §10-F, “Any plat depicting a merger or boundary line adjustment involving a residual lot that was the subject of an administrative land division within the previous two year period shall require approval by the Planning Commission.” He stated that in this case, the applicant has applied for an administrative land division and a boundary line adjustment simultaneously. He said that the administrative land division divides Parcel 8-A-35 consisting of 277.77 acres into two parcels of 176.9405 acres and 100.8295 acres. He stated that the applicant explained that the purpose of the two-step proposal is for estate planning purposes. After discussion with Staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted to approve this request.

Yes: Bouffault (seconded), Caldwell, Daniel, Kreider, Kruhm, Lee, Malone, Nelson (moved), Ohrstrom and Turkel

No: No one

Absent: Buckley

Board/Committee Reports

Board of Supervisors (Mary Daniel)

Commissioner Daniel stated that the organizational meeting of the Board of Supervisors is coming up at the next Board of Supervisors meeting. She said that the Board is starting to work on the budget.

Board of Septic & Well Appeals (George Ohrstrom, II)

No report.

Board of Zoning Appeals (Anne Caldwell)

No report.

Historic Preservation Commission (Doug Kruhm)

Commissioner Kruhm stated that the next meeting of the Historic Preservation Commission is scheduled for January 18, 2017 at 4:00 p.m.

Conservation Easement Authority (George Ohrstrom, II)

Chair Ohrstrom stated that the Conservation Easement Authority had a banner year in 2016 and he is hoping 2017 will be the same. Vice Chair Caldwell said she would like to see a map with all the properties that are currently in easement with the new ones hi-lighted for the next meeting of the Commission.

Other Business

Commissioner Bouffault said that she has prepared a three page chart with information on broadband which she distributed to the Commission and Staff. She said that the chart is general information for the public to see what is out there.

On motion by Commissioner Nelson and seconded by Commissioner Kreider the meeting was adjourned at 1:38 p.m.

George L. Ohrstrom, II, Chair

Brandon Stidham, Director of Planning

Minutes prepared by Debbie Bean, Recording Secretary



Clarke County Planning Department
101 Chalmers Court, Suite B
Berryville, Virginia 22611
(540) 955-5132

TO: Planning Commission members

FROM: Brandon Stidham, Planning Director

SUBJECT: TA-17-01, Agricultural Business Uses – Additional changes since January 3 Briefing Meeting

DATE: January 27, 2017

Enclosed you will find the Staff Report for the Agricultural Business Uses text amendment (TA-17-01) that is scheduled for Public Hearing at the February 3 Commission meeting. In assembling the Staff Report, we noted some additional technical amendments that Staff recommends be included in the overall text amendment that were not presented at the January 3 Briefing Meeting. This memo outlines the additional changes.

- **FOC District, Special Uses and Structures (§3-A-2-a-3-k):**

Small scale Processing of Fruit and Vegetables

The purpose of change is to reconcile the special use with the term as defined in §9-B-164. The term is correctly depicted in the list of special uses in the AOC District.

- **FOC District, Accessory Uses and Structures (§3-A-2-a-2-f):**

Bio-Solids Land Application, to the extent required by State law

The purpose of the change is to mirror the addition of this use as an accessory use in the AOC District. It was inadvertently omitted from the previous iteration of the text amendment. Since agriculture is allowed by-right in the FOC District, Bio-Solids Land Application would also be allowed by-right in the District per State law.

- **Supplementary Regulations (§3-C-2) – New Supplementary Regulations proposed for “Farm Machinery Sales and Service” and “Farm Supplies Sales”:**

Farm Machinery Sales and Service

The following regulations shall apply to such uses that are proposed in the Agricultural-Open Space-Conservation (AOC) District:

Farm Supplies Sales

The following regulations shall apply to such uses that are proposed in the Agricultural-Open Space-Conservation (AOC) District:

The purpose of the change is to reflect that the new proposed supplementary regulations are intended to apply only when these uses are proposed in the AOC District and not for the CH or CN Districts. The Commission did not discuss making any changes to these uses as they are allowed in the two commercial zoning districts.

- **Supplementary Regulations, Processing of Agricultural Products Not Totally Produced in Clarke County (§3-C-2-z):**

~~*Processing of Agricultural Products Not Totally Produced in Clarke County:
An applicant proposing the Processing of Agricultural Products not totally produced in Clarke County shall submit a site plan, per Section 6 of this Ordinance, subject to administrative approval by the Zoning Administrator. Any facilities used for such processing shall be set back at least 500 feet from incorporated town limits, the Berryville Annexation Area, the Rural Residential Zoning District, and parcels less than six acres in area.*~~

Staff recommends deletion of the supplementary regulation for this use. The text amendment proposes deletion of the use from the AOC and FOC Districts so the supplementary regulation will not be needed. There is currently no definition for the use that would need to be removed.

- **Neighborhood Commercial (CN) District, Special Uses and Structures (§3-A-12-a-3-c) and Highway Commercial (CH) District, Permitted Uses and Structures (§3-A-13-a-1-g):**

Farm supplies ~~and~~ sales

This edit mirrors the change to the term proposed by the text amendment and is recommended for consistency purposes.

Please let us know if you have any questions or concerns in advance of the meeting.

ZONING ORDINANCE TEXT AMENDMENT (TA-17-01)

Agricultural Business Uses

February 3, 2017 Planning Commission Meeting – PUBLIC HEARING

STAFF REPORT – Department of Planning

The purpose of this staff report is to provide information to the Planning Commission and Board of Supervisors to assist them in reviewing this proposed ordinance amendment. It may be useful to members of the general public interested in this proposed amendment.

Description:

Proposed text amendment to amend §3-A-1 (Agricultural-Open Space-Conservation District – AOC), §3-A-2 (Forestal-Open Space-Conservation District – FOC), §3-A-3 (Rural Residential District – RR), §3-A-12 (Neighborhood Commercial District – CN), §3-A-13 (Highway Commercial District – CH), §3-C (Supplementary Regulations), and Article 9 (Definitions) of the Zoning Ordinance. The following amendments are proposed:

- Add “farm machinery sales and service” and “farm supplies sales” as permitted and special uses in the AOC District based on floor area limitations along with new supplementary regulations and definitions for each use.
- Amend definition of “agriculture” to more accurately reflect the County’s agricultural industry and to include “horticulture.”
- Delete definition of “horticulture” and permitted uses in the AOC, RR, and FOC Districts.
- Add “The wholesale or retail sale of agricultural products, grown or processed in conjunction with an agricultural operation, that is clearly accessory and incidental to that agricultural operation” as a new accessory use in the AOC District.
- Delete definition and supplementary regulations for “Processing of agricultural products not totally produced in Clarke County (excluding wineries, breweries, cideries, and distilleries)” and special uses in the AOC and FOC Districts.
- Delete “Nurseries, greenhouses (commercial)” as permitted uses in the CN and CH Districts.
- Add “Historic mill” as a new permitted use in the AOC and CN Districts along with a new definition and supplementary regulations.
- Additional changes are provided for clarity purposes.

Requested Action:

Conduct advertised public hearing and take action on proposed text amendment.

Background:

This proposed text amendment was developed in response to a July 19, 2016 request from the Board of Supervisors to the Planning Commission. The Board requested the Commission to evaluate agricultural business uses that are currently allowed only in the Highway Commercial (CH) or Neighborhood Commercial (CN) Districts and to determine whether they would be appropriate in the Agricultural-Open Space-Conservation District (AOC). The Board also noted that the evaluation should, at a minimum, include the following:

1. Determine whether such uses should be limited to properties with direct access to primary highways.
2. Determine whether such uses should be added to the AOC District as by-right or special uses.

The Commission began work on the request as a committee of the whole at their August 30, 2016 Briefing Meeting. This work included an in-depth review of the agricultural business uses that are currently allowed in the AOC, CH, and CN Districts and the applicable definitions and supplementary regulations for these uses. The Commission also reviewed historical information on how and why these uses and their applicable regulations were amended over the past 20 years. Regarding the current Ordinance provisions, specific items that were discussed are as follows, organized by topical area:

Agricultural Support Businesses

- Farm supplies sales businesses are allowed by-right in the CH District and by special use in the CN District. These businesses are not an allowable use in the AOC District.
- Farm machinery sales and service businesses are allowed by-right in the CH District but are not an allowable use in the AOC District.

Retail Sales of Agricultural Products

- Agricultural products can only be sold on AOC-zoned property by-right as a wayside stand. A wayside stand can only be operated as a Home Occupation, the products sold must be “produced primarily on the premises,” and the wayside stand must clearly be a secondary use of the property.
- Sales of agricultural products that do not meet the requirements of a wayside stand are allowed only by special use permit for “retail and service businesses” per §3-A-1-a-3-q.
- “Nurseries, greenhouses (commercial)” are allowed by-right in the CH and CN Districts but are not an allowable use in the AOC District.

“Agriculture” and “Horticulture”

- “Agriculture” and “horticulture” are included in the Ordinance as separate uses with their own definitions:
 - **“Agriculture”** – *The use of land devoted to agricultural products and the processing of such agricultural products that are produced in Clarke County. Bio-Solids Land Application shall be considered an agricultural activity. (§9-B-4)*
 - **“Horticulture”** – *The use of land devoted to the production of fruit of all kinds (including berries, grapes, and nuts), ornamental plants and products, and vegetables. (§9-B-97)*

- The use “nurseries, greenhouses (commercial)” is not defined and does not have supplementary regulations so it is unclear how this use relates to “horticulture.”

Production and Processing of Agricultural Products

- Production and processing of agricultural products is allowed by-right under “agriculture” with the exception of the following:
 - If the agricultural products are not totally produced in the County, a special use permit is required even if only a small portion of the products come from outside of the County. Wineries, breweries, cideries, and distilleries are specifically exempted from this requirement.
 - Small scale processing of fruit and vegetables (defined in §9-B-164) also requires a special use permit regardless of whether the products are produced in Clarke County.
 - Feed and grain mills are a special use in the CH District but are not an allowable use in the AOC District or the CN District.

Following the in-depth review of the current Ordinance provisions and how they have been applied over the years, the Commission focused their discussion on the following key issues:

1. Should agricultural-related businesses that are currently allowed only in the CH and CN Districts be allowed in the AOC District and, if so, should they be allowed by right with site plan approval by the Planning Commission or by special use permit and site plan approval by the Board of Supervisors? These uses include:
 - Farm machinery sales and service
 - Farm supplies and sales
 - Nurseries, greenhouses (commercial)
 - Feed and grain mill
2. How should the prohibition of “nurseries, greenhouses (commercial)” be reconciled with the definition of “horticulture” and the use’s by-right allowance in the AOC District? Is there a reason to have a definition of “horticulture” that is separate from the definition of “agriculture?”
3. Should a different approach be taken with the sale and processing of agricultural products in the AOC District? More specifically, is distinguishing between products produced entirely in the County and not totally produced in the County the appropriate metric to use?

The Commission’s recommended text amendment attempts to address each of these issues in total along with correcting inconsistencies and any provisions that may be unclear. The next section outlines the proposed changes and the rationale for each change.

Staff Analysis – Proposed Text Amendment Language

The recommended text amendment language is described below using the topical areas noted earlier in this report.

Agricultural Support Businesses – Farm Machinery Sales and Service/Farm Supplies Sales

To address the Board of Supervisors’ original request, the Commission recommends adding the following uses to the AOC District:

- Farm machinery sales and service
- Farm supplies sales (amended from “farm supplies and sales” for clarity purposes)

These uses would be allowed by-right if the proposed building or buildings contain a total floor area of less than 12,000 square feet, and would be allowed by special use permit if the proposed building or buildings have a total floor area of 12,000 square feet or greater. In researching ways to address the maximum allowable floor areas for these uses, it was determined that the State Building Code typically requires structures housing these types of uses to have sprinkler systems installed for fire suppression if they are 12,000 square feet or greater in size. If these uses are developed in the AOC District, they would not have access to public water and would likely be required to have a large water storage tank to support on-demand usage of the sprinkler system. Given that such a tank could provide additional lot coverage and visual impacts, it was determined that the 12,000 square foot building code requirement would be an appropriate metric to use in distinguishing between a by-right and special use.

To aid the Commission’s discussion, Staff also presented the Commission with rough estimates of similar businesses currently operating in Winchester, Frederick County, Front Royal, and other nearby areas. With the exception of a few very large facilities in excess of 60,000 square feet, most existing businesses have floor areas between 10,000 square feet and 25,000 square feet. It is the Commission’s position that providing a special use permit option gives developers of these businesses the flexibility to develop stores 12,000 square feet or greater in size while simultaneously allowing the Commission and Board of Supervisors the ability to impose conditions to address potential impacts on a case by case basis.

In addition to the new uses, the text amendment also recommends new definitions and supplementary regulations for each use. The supplementary regulations would only apply to these uses when they are developed in the AOC District and would include the following:

- A site development plan per Article 6 is required and shall include a plan for the effective onsite containment and offsite disposal of waste fluids, fertilizers, pesticides, and other chemicals in accordance with State law. Onsite disposal of waste fluids and chemicals would be prohibited.
- Businesses would only be allowed on AOC-zoned properties that have frontage on a Federal primary highway (US 340, US 522, US 50/17) or a four-lane divided State primary highway (VA 7) and shall have a commercial entrance approved by the Virginia Department of Transportation.
- For farm machinery sales and service businesses, all service activities shall be conducted within an enclosed building, no outdoor storage shall be permitted, outdoor display of

machinery is permitted within the building envelope and must be shown on the site development plan, and service/repair activities are limited to farm machinery and equipment (e.g., tractors, combines, harvesters). No repairs may be conducted on automobiles, heavy trucks, or other motor vehicles.

- For farm supplies sales, outdoor storage of supplies shall only be permitted within the rear yard building envelope, must be shown on the site development plan, and must be secured with fencing. Outdoor display of supplies shall only be permitted in a maximum 750 square foot area within the building envelope. Retail sale of non-agricultural merchandise is allowed so long as the sale of such merchandise is accessory and clearly incidental to the sale of farm supplies.

Agricultural Support Businesses – Historic Mills

In discussing the fact that “feed and grain mills” are not allowed in the AOC District, it was noted that this was intended to prevent large milling operations from locating outside of the County’s business intersections. The Commission however noted that the Ordinance does not address the County’s two historic mills – Burwell-Morgan Mill located on 15 Tannery Lane in Millwood (zoned CN) and Locke’s Mill located at 1600 Locke’s Mill Road (zoned AOC).

To address this issue, the Commission has recommended creating a new permitted use in the CN and AOC Districts called “historic mill.” The new proposed definition would specifically identify Burwell-Morgan Mill and Locke’s Mill as the only “historic mills” and the new proposed supplementary regulations would allow the historic mills to continue operating for the primary purposes of grinding grains and conducting historical/educational activities. Retail sales would be permitted so long as the activity is accessory and clearly incidental to the primary purposes of the historic mill. Any expansion of the existing mill footprint or construction of new structures or parking would require a site development plan approval per Article 6 and, in the case of Burwell-Morgan Mill, compliance with the Zoning Ordinance provisions regarding structures in Historic Districts (§3-E-3).

Retail Sales of Agricultural Products – Definition of “Agriculture”

As previously noted, the Commission also reviewed the current Ordinance provisions regarding the sale of agricultural products by a farm or other agricultural operation. One of the two main issues is how the Ordinance currently defines “agriculture”:

The use of land devoted to agricultural products and the processing of such agricultural products that are produced in Clarke County. Bio-Solids Land Application shall be considered an agricultural activity.

Paired with the current special use in the AOC and FOC Districts – “Processing of agricultural products not totally produced in Clarke County (excluding wineries, breweries, cideries, and distilleries)” – it was noted that the current rules allow farms to process agricultural products by-right but only if those products were totally produced within the County. If the products being produced come from outside of the County, a special use permit is required. Commission and Planning Staff noted that this approach presents application and enforcement difficulties as it would require County staff to determine the origin of the agricultural products that are processed on a farm.

In consultation with the County Attorney, he recommended replacing the current definition of “agriculture” with one adapted from Fauquier County’s definition that focuses more clearly and appropriately on the nature of agriculture in the County. The proposed new definition is as follows:

The use of land for (i) tilling of the soil, (ii) the growing of crops or plant growth of any kind, including fruit, flowers, and ornamental plants, (iii) pasturage, (iv) dairying, or (v) the raising of poultry and/or livestock.

The proposed definition also incorporates “horticulture” into the definition of “agriculture,” as the Commission was in agreement that horticulture is part of agriculture and not a separate use. As such, the text amendment recommends deletion of “horticulture” as a listed use in the AOC, FOC, and RR Districts along with the definition of “horticulture.”

Also pertaining to the current definition of “agriculture,” it was noted that “Bio-Solids Land Application” is specifically listed as an “agricultural activity” within the current definition. Per the County Attorney’s recommendation, this would be removed from the definition of “agriculture” and would be listed as a new accessory use in the AOC and FOC Districts. The Commission was also concerned that listing this activity as a use in the Ordinance could give the appearance that the County is promoting the use. Staff recommended retaining the use in order to make Bio-Solids applicators and property owners aware of the County’s regulations on land application of Bio-Solids. To address the Commission’s concern and to reflect the fact that localities cannot prohibit land application of Bio-Solids per State law, the Commission recommends listing the new accessory use as follows:

“Biosolids Land Application, to the extent required by State law”

Retail Sales of Agricultural Products – Onsite Sale of Products by Farm

The other main issue addressed by the Commission regarding the sale of agricultural products is the onsite sale of such products by a farm or other agricultural operation, such as a nursery or greenhouse. As noted above, agricultural products can only be sold on AOC-zoned property by-right as a “wayside stand.” A “wayside stand” can only be operated as a Home Occupation, the products sold must be “produced primarily on the premises,” and the “wayside stand” must clearly be a secondary use of the property. Sales of agricultural products that do not meet the requirements of a wayside stand are allowed only by special use permit for “retail and service businesses.” While it may have been the practice over time to presume that onsite sale of farm products is part of “agriculture,” this activity is not clearly supported by current Ordinance language.

To address this issue, the proposed text amendment would add the following new accessory use to the AOC and FOC Districts:

“The wholesale or retail sale of agricultural products, grown or processed in conjunction with an agricultural operation, that is clearly accessory and incidental to that agricultural operation.”

This change would clarify that a farm may sell – either wholesale or retail – products that are grown or processed as part of that farm’s operations. It would not allow any retail sale of products or items that are **not** grown or produced by the farm. It would allow products to be sold that are processed with products that are not produced by that farm. An example would be an apple producer selling baked goods made with apples grown on that farm along with ingredients not produced on the farm. In the case of agricultural operations composed of multiple parcels, onsite sales may take place on any parcel where the farm’s operations are occurring. No site plan would be required – any structure housing the sales activities would have to meet building envelope requirements for accessory structures in the AOC District. Any resale of products not produced in conjunction with the farm would require a special use permit and site plan as a “Retail and Service Business.” To continue with the apple producer example referenced above, the apple producer would not be allowed to sell apples grown by another farm or crafts manufactured by an outside artisan or company.

Since the proposed changes would no longer focus on whether an agricultural product is produced inside or outside of Clarke County, but whether the product being sold onsite was produced in whole or in part by that agricultural operation, the proposed text amendment would also delete the following special use in the AOC and FOC Districts along with its corresponding Supplementary Regulations:

“Processing of agricultural products not totally produced in Clarke County (excluding wineries, breweries, cideries, and distilleries)”

Related to this issue is that of the “nurseries, greenhouses (commercial)” use. This use is allowed by-right in the CH and CN Districts but not in the AOC District. The Commission recommends deletion of the “nurseries, greenhouses (commercial)” use because the proposed changes to the definition of agriculture and the new proposed accessory use would allow wholesale and retail sale of agricultural products produced through horticulture onsite by an agricultural operation in the AOC District. A nursery or greenhouse that primarily sells plants that are grown offsite and not in conjunction with an agricultural operation would be allowed by right with site plan approval in the CH and CN Districts, and by special use permit in the AOC District, as a “retail and service business.”

One additional minor change to an existing use as it appears in the FOC District (§3-A-2-a-3-k) is proposed for clarity purposes:

“Small scale Processing of Fruit and Vegetables”

The purpose of change is to reconcile the special use with the term as it is defined in §9-B-164. The term is correctly depicted in the list of special uses in the AOC District.

Staff Recommendation:

Staff has no outstanding concerns with the adoption of the text amendment.

History:

- January 6, 2017. Commission voted 10-0-1 (Buckley absent) to schedule Public Hearing for the February 3, 2016 meeting.
- February 3, 2016. Placed on the Commission's regular meeting agenda and advertised for Public Hearing.
-

Ordinance Amendment Text (changes shown in bold italics with strikethroughs where necessary):

Agricultural Support Businesses

Farm Machinery Sales and Service/Farm Supplies Sales

- **District uses:**
Add the following as new permitted uses in the Agricultural-Open Space-Conservation (AOC) District (§3-A-1-a-1):

- *Farm machinery sales and service*
- *Farm supplies sales*

Add the following as new special uses in the Agricultural-Open Space-Conservation (AOC) District (§3-A-1-a-3):

- *Farm machinery sales and service with floor area ~~in excess of 15,000~~ 12,000 square feet or greater.*
- *Farm supplies sales with floor area ~~in excess of 15,000~~ 12,000 square feet or greater.*

Edit the following uses for clarity purposes:

- Farm supplies ~~and~~ sales (§3-A-12-a-3-c – Neighborhood Commercial District; §3-A-13-a-1-g – Highway Commercial District)

- **Definitions (Article 9):**
Add the following new definitions:

- ***Farm machinery sales and service -- Buildings and land used for the onsite sale of machinery, equipment, and parts, and/or for the onsite service of machinery and equipment, manufactured primarily for use by an agricultural operation.***

- ***Farm supplies sales -- Buildings and land used for the onsite sale of supplies that are primarily produced or manufactured for use by an agricultural operation.***

- **Supplementary Regulations (§3-C-2):**

Add the following new supplementary regulations:

Farm Machinery Sales and Service

The following regulations shall apply to such uses that are proposed in the Agricultural-Open Space-Conservation (AOC) District:

1. *Approval of a site development plan by the Planning Commission per Article 6 shall be required. A plan for the effective onsite containment and offsite disposal of waste fluids and other chemicals in accordance with State requirements shall be provided with the site development plan. No onsite disposal of waste fluids or chemicals shall be permitted.*
2. *The property on which a farm machinery sales and service business is located shall have frontage on a Federal primary highway (US 340, US 522, US 50/17) or four-lane divided State primary highway (VA 7) and shall have a commercial entrance approved by the Virginia Department of Transportation (VDOT).*
3. *The total floor area of the building or buildings used for farm machinery sales and service shall not exceed 11,999 square feet without an approved special use permit.*
4. *All service activities shall be conducted within an enclosed building.*
5. *No outdoor storage shall be permitted. Outdoor display of machinery shall be permitted within the building envelope and shall be designated on the site plan.*
6. *Service and repair activities shall be limited to farm machinery and equipment including but not limited to farm tractors, combines, harvesters, and the like. No service or repair of automobiles, heavy trucks, or other motor vehicles shall be permitted.*

Farm Supplies Sales

The following regulations shall apply to such uses that are proposed in the Agricultural-Open Space-Conservation (AOC) District:

1. *Approval of a site development plan by the Planning Commission per Article 6 shall be required. A plan for the effective onsite containment and offsite disposal of fertilizers, pesticides/herbicides, and chemicals in accordance with State requirements shall be provided with the site development plan. No onsite disposal of fertilizers, pesticides/herbicides, or chemicals shall be permitted.*

2. *The property on which a farm supplies sales business shall have frontage on a Federal primary highway (US 340, US 522, US 50/17) or four-lane divided State primary highway (VA 7) and shall have a commercial entrance approved by the Virginia Department of Transportation (VDOT).*
3. *The total floor area of the building or buildings used for farm supplies sales shall not exceed ~~15,000~~ 11,999 square feet without an approved special use permit.*
4. *Outdoor storage of supplies shall only be permitted within the rear yard building envelope and shall be designated on the site plan. Outdoor storage areas shall be secured with fencing.*
5. *Outdoor display of supplies shall only be permitted in a designated area within the building envelope not to exceed 750 square feet.*
6. *Retail sale of non-agricultural merchandise is allowed so long as sale of such merchandise is accessory and clearly incidental to the sale of farm supplies.*

Feed and Grain Mills

- **District uses:**
Add the following as a new permitted use in the Agricultural-Open Space-Conservation District (§3-A-1-a-1) and the Neighborhood Commercial District (§3-A-12-a-1):

- *Historic Mill*

- **Definitions (Article 9):**
Add the following new definition:

HISTORIC MILL -- One of the County's two 18th Century water mills -- Burwell-Morgan Mill (15 Tannery Lane) and Locke's Mill (1600 Locke's Mill Road) -- originally constructed for the grinding of grains.

- **Supplementary Regulations (§3-C-2):**
Add the following new supplementary regulations:

Historic Mill

1. *Primary uses that are permitted at an historic mill include grinding of grains and historical/educational activities.*
2. *Retail sales are permitted so long as the activity is accessory and clearly incidental to the primary uses.*
3. *Any expansion of the existing mill footprint as of the adoption date of this ordinance, or construction of new structures or parking areas on the same*

parcel, shall require site development plan approval per Article 6 and compliance with Section 3-E-3, Historic Districts, if applicable.

Retail Sales of Agricultural Products

Definition of “Agriculture”

- **Definitions (Article 9):**

- Amend the definition of “agriculture” as follows:

- ~~***AGRICULTURE: The use of land devoted to agricultural products and the processing of such agricultural products that are produced in Clarke County. Bio-Solids Land Application shall be considered an agricultural activity.***~~
- ***AGRICULTURE: The use of land for (i) tilling of the soil, (ii) the growing of crops or plant growth of any kind, including fruit, flowers, and ornamental plants, (iii) pasturage, (iv) dairying, or (v) the raising of poultry and/or livestock.***

- Delete the following definition for “horticulture”:

- ~~***HORTICULTURE: The use of land devoted to the production of fruit of all kinds (including berries, grapes, and nuts), and ornamental plants and products, and vegetables.***~~

- **District uses:**

Delete the following permitted use:

- “Horticulture” --

- Agricultural-Open Space-Conservation (AOC) District (§3-A-1-a-1-c)
- Forestal-Open Space-Conservation (FOC) District (§3-A-2-a-1-c)
- Rural Residential (RR) District (§3-A-3-a-1-b)

District uses:

Add the following as a new accessory use in the Agricultural-Open Space-Conservation (AOC) District and the Forestal-Open Space-Conservation (FOC) District:

- ***Bio-Solids Land Application, to the extent required by State law. (§3-A-1-a-2-g and §3-A-2-a-2-f)***

Onsite Sale of Products by Farm

- **District uses:**
Add the following as new accessory uses in the Agricultural-Open Space-Conservation (AOC) District and the Forestal-Open Space-Conservation (FOC) District:
 - *The wholesale or retail sale of agricultural products, grown or processed in conjunction with an agricultural operation, that is clearly accessory and incidental to that agricultural operation. (§3-A-1-a-2-f and (§3-A-2-a-2-f)*

- **District uses:**
Delete the following special use:
 - “Processing of agricultural products not totally produced in Clarke County (excluding wineries, breweries, cideries, and distilleries)” -- Agricultural-Open Space-Conservation (§3-A-1-a-3-m) and Forestal-Open Space-Conservation (§3-A-2-a-3-j) Districts.

- **Supplementary Regulations (§3-C-2):**
Delete the following supplementary regulation:
 - **Processing of Agricultural Products Not Totally Produced in Clarke County (§3-C-2-z)**

~~Processing of Agricultural Products Not Totally Produced in Clarke County: An applicant proposing the Processing of Agricultural Products not totally produced in Clarke County shall submit a site plan, per Section 6 of this Ordinance, subject to administrative approval by the Zoning Administrator. Any facilities used for such processing shall be set back at least 500 feet from incorporated town limits, the Berryville Annexation Area, the Rural Residential Zoning District, and parcels less than six acres in area.~~

- **District uses:**
Delete the following permitted use:
 - “Nurseries, greenhouses (commercial)” –
 - Highway Commercial (CH) District (§3-A-13-a-1-m)
 - Neighborhood Commercial (CN) District (§3-A-12-a-1-h)

- Amend the following special use to be consistent with the defined term:
 - **Small Scale Processing of Fruit and Vegetables – Forestal-Open Space-Conservation District (§3-A-2-a-3-k)**

CLARKE COUNTY PLANNING COMMISSION 2017 COMMITTEE APPOINTMENTS

2017 Permanent Committees

Policy & Transportation	Scott Kreider	Robina Bouffault	Gwendolyn Malone	Jon Turkel
Plans Review	Frank Lee	Anne Caldwell	Scott Kreider	Robina Bouffault
Comprehensive Plan	Robina Bouffault	Douglas Kruhm	Cliff Nelson	Jon Turkel
Ordinances	Randy Buckley	Anne Caldwell	Frank Lee	Gwendolyn Malone

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 is a new Committee created initially to serve as the steering committee for the project to review and update the Zoning and Subdivision Ordinances potentially beginning some time in 2017. The Ordinances Committee could also be charged with work on individual text amendments following completion of this project.

Special Subcommittees and Appointments – 2016 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	Mary L.C. Daniel
Conservation Easement Authority (CCEA)	George L. Ohrstrom, II
Board of Septic and Well Appeals (Planning Commission Chair and Vice-Chair)	George L. Ohrstrom, II Anne Caldwell (alternate)

Agricultural & Forestal District (AFD) Advisory Committee – Liaison	Randy Buckley
Telecommunications Subcommittee	Jon Turkel Douglas Kruhm Robina Bouffault
Business Intersection Area Plans Subcommittee (work completed on 8-30-2016)	Robina Bouffault Anne Caldwell Gwendolyn Malone
Agricultural Land Plan Subcommittee (work completed on 11-29-2016)	Robina Bouffault Randy Buckley Jon Turkel Corey Childs (AFD Advisory Committee member) Emily Day (AFD Advisory Committee member)

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 on January 6, 2017)

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. Meetings and public hearings shall be held 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. The Commission shall establish the schedule of regular meetings and briefing meetings for the upcoming year at the Commission’s annual organizational meeting. Regular meetings shall be scheduled for the first Friday of each month, and briefing meetings shall be scheduled for the Tuesday prior to each regular meeting date. Deviations in this schedule may be made to account for conflicts with holidays, government meetings, or other events of significance.
- C. All meetings of the Commission and any standing or special committees shall be open to the public and comply with the notice requirements for public meetings set forth in the Code of Virginia.
- D. 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 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 briefing meeting and special workshop meeting agendas shall be prepared at the Planning Staff's discretion.
 - 3. The order and content of the agenda may be changed by a majority vote of the members present at the meeting.
- E. 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.

**2017 PROJECT PRIORITIES – PLANNING COMMISSION
(Adopted January 6, 2017)**

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., SUPs, rezoning, site plans, subdivisions), text amendments, or other special projects requested by the Board of Supervisors.

1. Finish the update of the Agricultural Land Plan.

INCOMPLETE – Planning Commission Public Hearing scheduled for January 6, 2017; additional work may be pending based on Board of Supervisors review of the revised Plan.

2. Planning Commission Telecommunications Subcommittee – Complete work on Monopole Regulations text amendment

INCOMPLETE – Draft text amendment currently under review by Subcommittee in conjunction with completed Telecommunications Infrastructure and Broadband Study 2020.

3. Begin work on a comprehensive review and update of the Zoning and Subdivision Ordinances.

INCOMPLETE – Project not started. Recommend assigning to the Ordinances Subcommittee to begin work by April 2017.

4. Evaluate need to revise the Water Resources Plans (Groundwater Resources Plan and Surface Water Resources Plan).

INCOMPLETE – Project not started. Recommend assigning to Comprehensive Plan Committee for evaluation **in Spring 2017**. Commission to develop scope of work based on Committee’s recommendations.

5. Evaluate need to revise the Historic Resources Plan.

INCOMPLETE – Project not started. Recommend assigning to Comprehensive Plan Committee for evaluation **following completion of work on the Water Resources Plans**. Commission to develop scope of work based on Committee’s recommendations.

6. Evaluate need to revise the Mountain Land Plan.

INCOMPLETE – Project not started. Recommend assigning to Comprehensive Plan Committee for evaluation **in early 2018**.

7. Begin work on developing the new Village Plan; form steering committee.

INCOMPLETE – Project not started. Recommend **assigning to Comprehensive Plan Committee for evaluation** following completion of the Ordinance update project (#3).

PLAN REVIEWS SCHEDULED TO BEGIN IN 2018

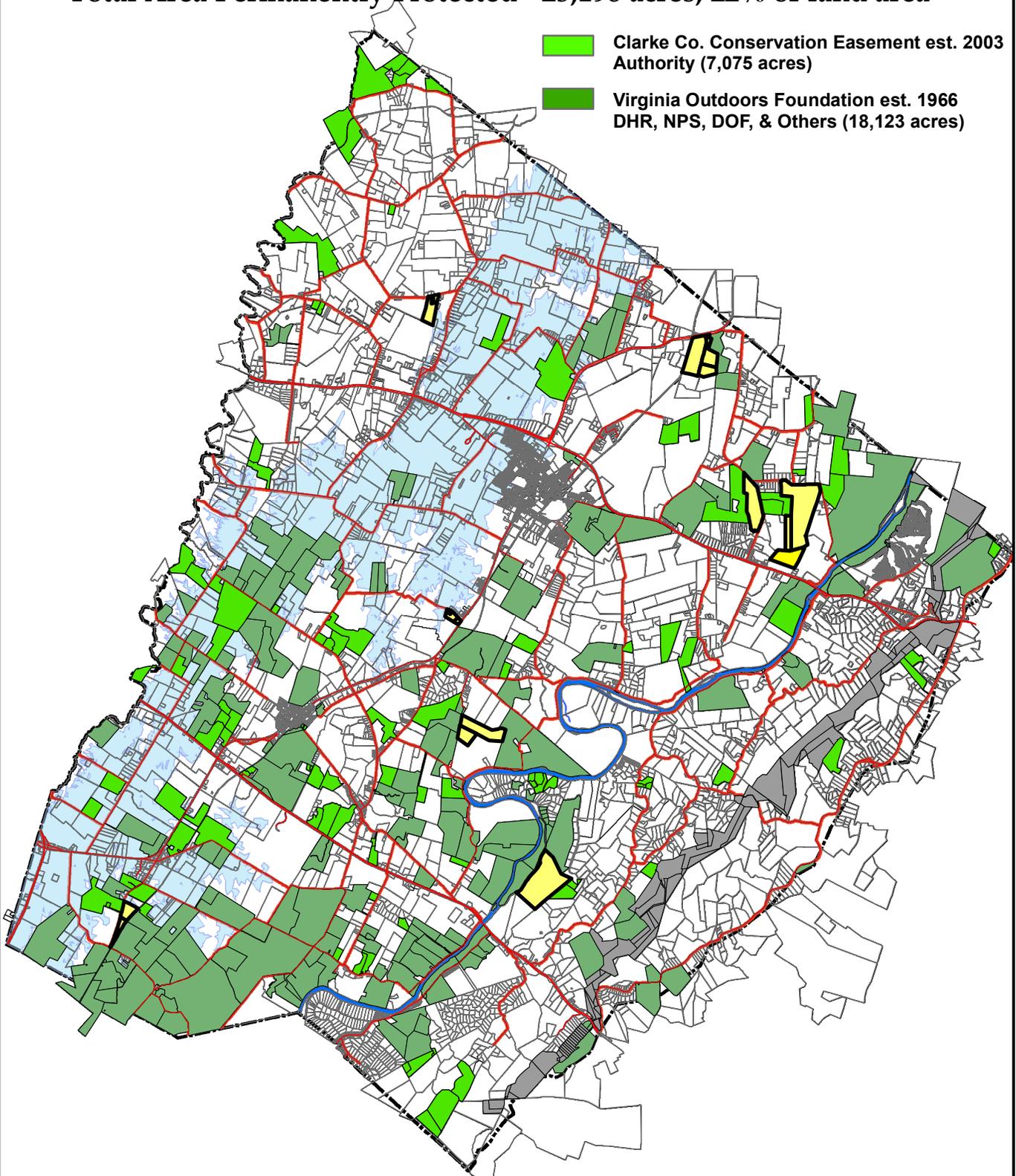
(reviews recommended to begin within one year of 5-year review due date)

- **Comprehensive Plan** – 5 year review due March 18, 2019
- **Transportation Plan** – 5 year review due March 18, 2019
- **Economic Development Strategic Plan** – 5 year review due October 21, 2019

Conservation Easements in Clarke County

Total Area Permanently Protected - 25,198 acres, 22% of land area

- Clarke Co. Conservation Easement est. 2003 Authority (7,075 acres)
- Virginia Outdoors Foundation est. 1966 DHR, NPS, DOF, & Others (18,123 acres)



Clarke County



1 0.5 0 1 Miles



Clarke County GIS
January 11, 2017



Legend

- Easements recorded in 2016 (1,282 acres, 30 DUR's retired)
- Appalachian Trail Properties
- Parcel Boundary
- Groundwater Recharge/Limestone Ridge
- Shenandoah River
- Roads
- County Boundary