Clarke County

AGRICULTURAL LAND PLAN
SUBCOMMITTEE MEETING MINUTES
TUESDAY, AUGUST 2, 2016

A meeting of the Agricultural Land Plan Subcommittee of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Tuesday, August 2, 2016.

ATTENDANCE

Present: Robina Bouffault (Planning Commission member); Randy Buckley (Planning Commission member); Corey Childs (Agricultural and Forestal District Advisory Committee member); Jon Turkel (Planning Commission member)

Absent: Emily Day (Agricultural and Forestal District Advisory Committee Member)

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

CALLED TO ORDER

Ryan Fincham called the meeting to order at 3:05 PM.

AGENDA

Members voted to approve the agenda as amended with the addition of an Equine report from Ms. Bouffault as Item 2a and a numbering correction changing Item 6 to Item 5.

Yes: Bouffault (moved), Buckley (seconded), Childs, Turkel
No: None
Absent: Day

May 31, 2016 MINUTES

Ms. Bouffault asked to change "it will be shocking, stating" to "it will be shocking, commenting" on Page 2, "not a lot of people all day long" to "not a lot of people all at once" on Page 2, "Claremont" to "Clermont" on Page 3, "penalties need explained" to "penalties need to be explained" on Page 4, and "they need protected" to "they need to be protected" on Page 5.

Yes (as amended): Bouffault (moved), Buckley, Childs (seconded), Turkel
No: None
Absent: Day

Mr. Fincham asked Ms. Bouffault to give the Equine report. Ms. Bouffault reported that since the last meeting a number of things have happened. She had discovered a 2005 agricultural report which she sent to the committee members and Staff that showed that the equine sector represented more than 50% of agricultural revenues and jobs in the County. She said that the Clarke County Equine Alliance

(CCEA) Board met in May to decide upon a course of action to take since the Economic Development Strategic Plan showed in FY 2017 an Equine Survey was to be done. The CCEA contacted Weldon-Cooper Center to conduct the survey for approximately $10,000 with volunteer help from the CCEA. The survey would be a very thorough census to ascertain the number and uses of the horses in Clarke County. The CCEA presented this proposal to the Board of Supervisors (BOS) at their June meeting requesting that the $10,000 be allocated for the survey to be started in August, and it was sent back to the Finance Committee for consideration. At the July work session, the BOS Finance Committee discussed it, and even though there was approximately $150,000 that could be reallocated for other uses, the Committee did not send it back to the full BOS for consideration. The CCEA will request the allocation from the BOS again in September in hopes to complete the survey before the end of the year. If it is denied again, the CCEA may close their doors at the end of the year.

Ms. Bouffault presented a Virginia Department of Agriculture and Consumer Services (VDACS) pamphlet showing that in 2010 the Virginia Horse Industry had an annual economic impact of $1.2 billion and generated 16,000 jobs. She then presented an updated five page spreadsheet showing 19,000 acres of land in farms, 40% of that acreage in easements, and explained the information to the group. She expects these numbers to grow with further study, however unless the BOS approves the survey there will be no new survey. Mr. Childs then explained the Virginia Cooperative Extension surveys that are in the works, and informed the group that he will be in contact with Extension staff working on surveys and then report back to the Committee. He noted that those surveys will be not exclusively equine. Ms. Bouffault presented a complete Clarke County Land Use report to the group. She opined about the comparison of land use property versus building lot residential property.

Ms. Bouffault outlined a list of all the land in Conservation Easement. Mr. Fincham then pointed the group toward the large maps posted around the room displaying properties in land use, conservation easement, and in the agricultural and forestal district. The group then discussed the maps and the different categories. The members expressed a desire to have everything on one map even if it encompasses most of the county. Mr. Fincham expressed a concern that the map of the County would be almost entirely shown in land use. Mr. Stidham noted that we could use "hatching" and "colors" to address the concerns of making the map too jumbled and show all the categories on one map. Mr. Turkel noted that it is interesting that it appears a huge majority of land is already in land use taxation so it is not a proactive approach to recruit significantly more land into land use that is needed. Instead an approach of showing the benefits of land use should be taken and explaining that by removing land use there are negatives that come with an increase in population density, so maintaining what we have is a benefit to the citizens. Ms. Bouffault noted that there is a contingent of folks mostly in town that allege that being in land use is not paying your fair share. Mr. Buckley noted that sort of sentiment has been brought up in the past. Mr. Turkel added that there is the argument that commercial is a different animal and is tax positive, residential is tax negative, and land use is in between, so opening the doors to commercial development in town is their prerogative. Ms. Bouffault added that town does not have land use as a tool and noted that the Handsome Brook Farms announcement was a very good thing and will help the tax base. She also reinforced the need to explain the benefits of land use to the public and rushing to build lots of houses is not the way to go.

Mr. Fincham started the discussion of further developing the three main goals and the associated objectives or strategies that the committee has established. The three goals were individually noted on

separate large paper pads on easels. He presented Goal #1 as "Facilitate and Support the Practice of Agriculture and the Preservation of Agricultural Land". Mr. Turkel asked if the bullet, "*Continue to promote Land Use Taxation, AFD, and Conservation Easement Programs attempting to explain their value to the public and visually show the incorporated lands using maps*", would be a better fit on Goal #3 instead of Goal #1. Mr. Childs agreed. Ms. Bouffault also agreed. Mr. Fincham noted that when writing these objectives and strategies under the different goal headings he thought that many of them could be listed under two different headings. Mr. Stidham asked if we should include with this item some of the calculation work previously accomplished by the Easement Authority that justifies the tax benefits of land preservation to the entire County, and if so, does that affect where we place this item or do we just include it in the Introduction? Mr. Stidham gave a brief description on the Introduction chapter as being the place where all the background information is located. He stated that it explains the original plan and its directives, how many of those directives were implemented, and the background information elements that lead into our new objectives which a big part will be land preservation. He added it would be a specific section in the Introduction. Mr. Fincham continued reading through the items to be sure the wording was correct and the members suggested revisions which were then written on the easel pads. After discussion of Goal #1, Item #3 should read "*Facilitate Ag support businesses and uses "including but not limited to" canneries, coops, and (farm markets-preferably in a permanent structure thus not a seasonal event".* Mr. Buckley opined that he recently saw a real estate ad of a ranch in the middle of nowhere Montana that had fiber optic cable and broadband at all four ranch compounds on tens of thousands of acreage and we are 60 miles out of DC and can't seem to get service. Mr. Stidham added that the Cherokee Nation paid for coverage of their territory in NC which is also interesting to note.

Mr. Fincham presented Goal #2 as "Promote Agricultural Industry and Business". He asked if there were any additions or revisions. On Item #2, Ms. Bouffault asked if "equine" could not be last in the list as usual, and Mr. Fincham said he would slide it upward in the list. Mr. Turkel suggested the use of "*including but not limited to*" when describing uses and activities for this item. Mr. Fincham asked if Wineries/Cideries/Breweries/Distilleries should be specifically noted in the items. Mr. Buckley asked if we can mention the production side of non-traditional agricultural activities and not necessarily promote their other associated ventures. Mr. Stidham thought that mentioning non-traditional activities may not expand beyond the Right to Farm Act intent could also be helpful. Mr. Turkel added that it is a scope issue perhaps. Mr. Fincham asked if this was in the regulatory realm instead of promotion, and Mr. Stidham said it can be both.

Mr. Fincham presented Goal #3 as "Establish Land Use and Regulatory Policies to Support the Agricultural Sector and Preserve Agricultural Land". He asked if there were any additions or revisions. It was suggested by the group to combine and reword Items #2 and #3 to read, "*Evaluate DUR rules, lot size requirements, tenant houses, and dwelling units of less than 600 sq. ft. in order to develop strategies for landowners to create farmland of various sizes for purchase or lease and to increase housing opportunities and locations for farm families and workers while preventing oversized large residential lots.*" Mr. Buckley noted the 600 sq. ft. dwellings could be useful for farmers. Ms. Bouffault added "agricultural run-off" should be added to Item #4 as an impact referencing past County issues. Mr. Stidham asked if intensive livestock facilities need to be addressed, and Mr. Turkel said sure and added that he didn't think the preservation of agriculture in the County is driven by an interest in intensive style agriculture. Mr. Childs opined that limiting the

styles of agriculture is problematic, and that past problems were a result of improper design and maintenance issues. The group then discussed regulatory agencies potential shortcomings as also resulting in past agricultural run-off problems. Mr. Turkel noted that the landowner of course is also culpable. The group discussed further issues such as run-off concerns, ground-water, environmental pollution, odors, aesthetics, proper regulatory actions, and other various impacts. Ms. Bouffault asked if we should identify the intensive versus extensive operations. Mr. Childs replied that he doesn't recommend doing that, and the group decided to not address scale in this item. Mr. Childs concurred that we do not want to look at this at an expansive level and land is a limited resource, and that it would be short sighted to favor one type of agriculture over another. After discussion it was decided that Item #4 should read, "*Evaluate and develop regulations that facilitate all agricultural related opportunities while considering impacts including but not limited to traffic, ingress/egress, agricultural waste, agricultural run-off, and environmental impacts.*" Mr. Childs noted that if issues are encountered in the future it may be necessary for local oversight of agricultural operations. Mr. Buckley asked if the County has that authority, and Mr. Stidham said yes as long as agriculture remains by right. Mr. Buckley said that it seems reasonable for agricultural waste storage facilities to obtain a zoning permit and require setbacks. Mr. Stidham replied that they do require a site plan for intensive operations, but Mr. Buckley asked why not those storage areas that are not intensive. The group briefly discussed the Intensive Livestock section of the Zoning Ordinance. Mr. Fincham brought up the fact that he has received several calls concerning spreading of dairy manure recently.

The remaining objectives for Goal #3 were brought to the floor by Mr. Fincham regarding the Rural Residential (RR) District and non-traditional agricultural activities adhering to the intent of the Right to Farm Act. Ms. Bouffault asked how free is the County to do this is. Mr. Stidham said we are as free to regulate it as far as the State allows us to, for instance breweries are allowed a tasting room but we do not have to allow a brew pub restaurant. Mr. Turkel questioned if the words "the intent of" are needed. Mr. Stidham replied that yes those words are needed because the Right to Farm Act doesn't explicitly say to exclude other activities not protected by the Act. Mr. Stidham pondered if our item referencing RR Zoning would be better tied into Item #2 explaining that we do not want to expand the RR zoning beyond the current villages but we also don't want folks to create some new type of farming residential sites through an agriculturally designed subdivision using a rural residential type design.

Mr. Stidham stated that we have three policies with overarching objectives and then specific strategies, and noted that not all objectives will have strategies. The members determined that objectives and strategies are mixed throughout the Goal items list and staff will work towards identifying their place.

Mr. Childs said that at some point we need to consider joining regional agricultural preservation and expansion efforts with other counties and localities that have common goals. For instance a "planning commission" just finished putting together a plan for PD-7 for economic development and although it is not all about agriculture it has Ag components in it, so in some cases, if neighboring counties or local industries have plans to increase Ag related ventures in the region, then we should be involved and help facilitate. It was decided to add to Goal #2, "*Seek opportunities to consider participation in regional agricultural economic development activities and partnerships that are consistent with Clarke County's Goals and Objectives*".

Mr. Turkel asked to remove the words "and defend" from Goal #3 Item #1 when referring to sliding scale zoning because it seems like fodder for critics to attack our zoning, and the Committee concurred. Ms. Bouffault asked if the Committee should identify the Objectives and Strategies at this time and parse them out. Mr. Stidham asked if this meeting was the best place to hash this out since this designation may be task oriented and take considerable time. He suggested that Staff could turn our discussion into a Chapter Two and perhaps an Introduction, or given enough time, Staff may be able to complete an initial draft plan for the committee to review.

It was decided that Staff could take the notes thus far from our committee meetings and draft an initial plan to bring to the Committee for review at our next meeting October 4, 2016 at 4PM following the Planning Commission Briefing Meeting.

Ms. Bouffault moved to adjourn, and Mr. Buckley seconded. The meeting was unanimously adjourned at 4:09pm.

Ryan Fincham, Senior Planner (Clerk)