



Clarke County Planning Commission
MINUTES – Comprehensive Plan Committee Meeting
Wednesday, March 6, 2024 – 2:00PM
Berryville/Clarke County Government Center – A/B Meeting Room

ATTENDANCE:			
Randy Buckley (White Post)	L	John Staelin (Millwood)	✓
Bob Glover (Millwood)	✓	Terri Catlett (Board of Supervisors)	✓
George L. Ohrstrom, II (Ex Officio)	E		

L – Arrived late E – Participated electronically

Staff Note -- Chair Ohrstrom participated as an alternate member until Vice-Chair Buckley joined the meeting.

STAFF PRESENT: Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner/ Zoning Administrator)

CALL TO ORDER: By Mr. Stidham at 2:04PM.

1. Approval of Agenda

Members approved the agenda by consensus as presented by Staff.

2. Approval of Minutes – January 30, 2024 Meeting

Members voted 4-0-1 (Buckley absent) to approve the January 30, 2024 meeting minutes as presented by Staff.

Motion to approve the January 30, 2024 meeting minutes as presented by Staff:			
Buckley	ABSENT	Staelin	AYE (moved)
Glover	AYE	Catlett	AYE (seconded)
Ohrstrom	AYE		

Mr. Stidham said that Chair Ohrstrom is participating electronically for medical reasons.

3. Old Business -- Continued Discussion, Rural Lands Plan Development

A. AOC/Valley Issues Workshop

Mr. Stidham provided an overview of this discussion item by reviewing relevant objectives and policies in the 2022 Comprehensive Plan and the goals, objectives, and strategies in the 2016 Agricultural Land Plan. Commissioner Staelin said that he liked the approach of laying out the similar objectives for discussion purposes. Mr. Stidham noted that some of the policies and strategies were added with the 2022 Comprehensive Plan and some have been carried over from earlier plans. He also noted that all of the Agricultural Land Plan provisions were created in 2016 and members should recall what issues were important at that time and what other issues were not raised until after that time period.

Regarding Comprehensive Plan Objective 1 Policy 2, Mr. Stidham noted that the language, “vigorous agricultural development program” dates back at least to the 2013 Plan and may have been included in earlier plans. He said he thinks that this policy was expanded in 2013 to explain what the phrase means and noted that it is repeated in the Agricultural Land Plan. He also noted that the Agricultural Land Plan contains a number of strategies included to further the concept of a “vigorous agricultural development program” and a lot of them have not come to fruition. He said the Committee may want to discuss what the County should be providing to the agricultural industry in the form of active or passive support.

Commissioner Glover said that the counties in our area are not like Clarke County and he asked if there was a way to weaken the language regarding cooperation with them and their agricultural development programs. Mr. Stidham said that we can definitely do that and part of our exercise is to determine where we want to put our stake in the ground on the various issues. He added that “development programs” does not necessarily mean developing business, it could mean helping existing business thrive and expand at a compatible scope. Chair Ohrstrom suggested deleting the word “development.” Mr. Stidham noted examples of development programs in Loudoun and Fauquier that have different goals than Clarke and the level of support we provide does not have to mirror these programs. He said we can use other programs as examples of what we want to do and what we do not want to do. Commissioner Glover said that adding the word “pursues” before “liaisons” and avoid language such as “require” would make him happy. Commissioner Staelin said that we have copied some regulations from other counties that have been helpful and understanding what your neighbors are doing is important. Commissioner Glover noted that Frederick County is creating the growth that is sending all of the traffic through our county. Commissioner Staelin replied that this is correct but that they have some good growth controls in the western part of the county such as a transfer of development rights program. Commissioner Catlett said that we should consider counties outside of our area that are of similar size.

Mr. Stidham reviewed Objective 1 Policy 9 noting that it was added with the 2022 update to address the nutrient credit bank issue. He added that this is one example of the broader land conversion discussion that he recommends the members discuss.

Regarding Objective 1 Policy 6, Commissioner Staelin asked about the meaning of “consumption” in the last line. Mr. Stidham said that this policy is designed to ensure that the Rural Residential (RR) District does not expand for the reasons stated in the last line – to avoid farmland loss, sprawl, and consumption of conservation lands and open space. Commissioner Staelin replied that he has trouble with the word “consumption.” Mr. Stidham said that he would not recommend wordsmithing these provisions as they are in the current Comprehensive Plan but we can choose other language for similar policies in the Rural Lands Plan.

Mr. Stidham asked for additional comments on Policy 9 and Commissioner Staelin asked if we are getting any pushback on it. Mr. Stidham replied that it is hard to get the State legislators to understand our concerns with nutrient credit banks, adding that the lobby for the development community is strong and there are only a few counties in the state that have issues with this program.

Mr. Stidham reviewed Policies 13 and 14 regarding agribusiness and agritourism, noting that these policies form the baseline for how we view the compatible scopes for these uses. In reference to compatibility with surrounding agricultural uses in Policy 13, Mr. Camp asked if residential uses

should be referenced as well by ensuring compatibility with existing homes on AOC-zoned properties. Mr. Stidham replied that the tradition has been that people who choose to live in AOC-zoned areas should accept the impacts of farming operations around them. Mr. Camp noted that you could add existing residences to item (b) that agribusinesses should pose no threat to public health, safety, and welfare. Commissioner Staelin asked Mr. Camp what the purpose would be for including this language. Mr. Camp replied that this was an issue with the Carter Hall special use permit application and Commissioner Staelin noted that the use in that case was not an agribusiness. Mr. Stidham said that it may be more appropriate to add in reference to agritourism uses under Policy 14 as we certainly have concerns with the impact of farm wineries, breweries, and distilleries on adjoining residences. Chair Ohrstrom and Commissioner Catlett agreed. Commissioner Catlett added that people who move next door to a farm are expected to accept the usual impacts of that farm.

Vice-Chair Buckley entered the meeting.

Mr. Stidham said that the agribusiness uses farm supplies sales and farm equipment sales and service were added to the Zoning Ordinance in 2017 and the by-right uses were to be viewed on par with typical farming operations. He added that we had this concept before the hydroponic lettuce facility was proposed in the County which raised new concerns not previously considered. He also said that we could consider creating a new term other than “agribusiness” to reference indoor farming and similar intensive uses, such as “industrial-scale agriculture.” Commissioner Staelin said that this is a good issue that should be addressed in some form. Vice-Chair Buckley agreed and said indoor agriculture should definitely be set apart from traditional agriculture. Commissioner Glover said that indoor agriculture is not the same as industrial agriculture, adding that industrial scale to him means larger scale. Vice-Chair Buckley replied that he did not know what the correct terminology should be. Mr. Stidham replied that the hydroponic facility was referred to as a “lettuce factory” because it was proposed to be thousands of square feet under roof and Vice-Chair Buckley added that these facilities do resemble factories. Mr. Stidham noted that Staff recently approved greenhouses in the Swimley area around 10,000 square feet in size and more similar in appearance to other farm structures. He said a metric should be created based on facility size that classifies these uses as “industrial scale” which could even include a facility like White Post Dairy.

Mr. Stidham reviewed relevant policies from other objectives in the 2022 Comprehensive Plan. Regarding the phrase “significant degradation to the County’s natural resources” in Objective 3 (Natural Resources) Policy 1, Commissioner Staelin asked for confirmation that this is defined in another section. Mr. Stidham replied that “significant degradation” is defined in Goal 6 of the 2022 Comprehensive Plan.

Mr. Stidham reviewed Objective 3 Policy 9, noting that this is a holdover from earlier plans and describes a planning concept of interlinking natural, cultural, and scenic resources with greenways that can contain trails and open space. He noted that not much has been done to implement this policy other than incentivizing placing lands into conservation easement that adjoin other eased properties.

Mr. Stidham reviewed Objective 10 (Economic Development) Policy 6 which provides guidance on the types of businesses that could be compatible in the unincorporated/rural areas. He noted that there is a discussion question regarding whether there are certain agricultural support businesses or

industrial-scale agriculture that could be compatible in the rural areas. He gave examples of agricultural warehousing, cold storage, and abattoirs. Commissioner Staelin asked if we define “compatible.” Mr. Stidham replied that it depends on what you are saying something is compatible with such as surrounding uses, the environment, the Comprehensive Plan goals, or all of the above. He added that we tend to layer all of these things in when making decisions.

Mr. Stidham concluded review of the 2022 Comprehensive Plan policies with an overview of Policies 8 and 11, noting that Policy 11 is repeated verbatim from Objective 1, Policy 2. Members had no additional questions or comments.

Mr. Stidham reviewed the goals, objectives, and strategies in the 2016 Agricultural Land Plan. He noted that these were developed at a time before the hydroponic lettuce facility matter. He also said that we had just updated the farm winery/brewery/distillery regulations and there were few of these operations in the area. He added that there was not a big push to establish “agritainment” businesses at the time either but there was a desire to promote agribusiness activities which resulted in the addition of the farm supplies sales and farm machinery and equipment repair uses to the Zoning Ordinance. He said we also clarified how farms could sell their own products onsite.

Under Goal 1 Objective 1, Mr. Stidham noted that the language to “support a vigorous agricultural development program” is repeated. He noted that Strategy (a) to create a County advisory committee to discuss agricultural issues was never implemented. He said Strategy (b) to evaluate the creation of a formal agricultural development program was not completed but that the Economic Development Department provides support to farms, agribusinesses, and agritourism efforts. Regarding Strategy (a), Commissioner Staelin said that the Board of Supervisors can create a committee at any time if they think that this would be a good idea and their charge is defined. Mr. Stidham said that for strategies that have not been implemented, we should decide whether these are still good ideas to be implemented or whether the lack of interest means that the strategy should be eliminated. Commissioner Catlett noted that the Clarke County Equine Alliance had problems defining their role and keeping members on the committee. Mr. Stidham said another issue to consider in determining the County’s role in helping the agricultural industry is whether the industry wants the County’s help. He continued by saying do traditional farmers and the equine industry want the County to develop programs for them or to be a resource or clearinghouse for information when they need it.

Regarding Strategy (c), Mr. Stidham said that partnering with agencies and organizations to conduct surveys of the agricultural community has not been undertaken. Mr. Camp replied that this could be a task for an agricultural advisory committee. Commissioner Catlett said this could be useful to identify the reasons for loss of farmland. Vice-Chair Buckley said that traditional farmers only want the County to protect farmland. He added that he sees value in seeking input from farmers on issues that may impact them. Mr. Stidham said that there is a strategy later in the Plan that addresses this point.

Regarding Objective 2 Strategy (a), Mr. Stidham noted that outreach tools have not been developed to promote land use taxation and the Agricultural & Forestal District (AFD) program but they have for the Conservation Easement Authority. Commissioner Staelin said that the Easement Authority also sends out informational materials with the tax bills and that this could be expanded to include land use taxation. Mr. Camp noted that the AFD Advisory Committee developed an informational

flyer and other outreach efforts recently on the AFD program. Mr. Stidham said we could do a lot more with the AFD program but we can also use this exercise to determine whether we want to continue to promote the program. He said that during the last two renewal periods, we did not have interest in adding land to the program. Mr. Camp noted that there is no incentive to participating in the AFD program, adding that even simplifying the paperwork for the program would interest some landowners. He also said that he thinks the majority of property owners in the AFD program do not know that they are participating. Mr. Stidham said that AFD programs are most valuable in localities that do not have a conservation easement program and that have either recently added land use taxation or may consider eliminating it in the future. He said that if the land use taxation program is not at risk of being eliminated, the only reason to participate in the AFD program is that you are not ready to put your land into conservation easement. Vice-Chair Buckley said you could provide information on the AFD program in the Easement Authority's mailings. Mr. Stidham replied that the AFD could be viewed as a competitor to the easement program and Vice-Chair Buckley replied that he views it as the first step to placing land in easement. Mr. Stidham also noted that we do not allow properties in rural areas to be rezoned and having your land in the AFD program can provide some protections against encroaching development.

Regarding Objective 3 Strategy (a), Mr. Stidham noted that as we get closer to county-wide deployment of fiber internet, broadband strategies will be less important as farms will have access to broadband.

Mr. Stidham said that Objective 4 Strategy (a) pertains to supporting programs to mitigate adverse impacts of agriculture on streams and waterways. He added that there was some discussion at the time to take this strategy further in light of the White Post Dairy manure spill but it was decided to stick with the current strategy language. Regarding Strategy (b), Mr. Stidham said no work has been done to create new development regulations to separate agricultural uses from residential and commercial uses.

In Goal 2 Objective 1, Mr. Stidham noted that the language references encouraging agriculture "of all sizes." He said he thinks where we have evolved since the drafting of this strategy is being wary of agricultural operations on small lots like specialty growers and agritourism businesses. He added that we may want to discuss whether this strategy should be modified. Commissioner Catlett asked if a group of farriers could get together and establish a joint business to provide services to the equine community. Mr. Stidham replied that the closest corresponding use would be a veterinary hospital but farrier service is grooming and not medical services. Commissioner Catlett said that adding this as a use would be an example of doing something for the equine community. Mr. Stidham said that he remembers having a work session discussion about allowing a centralized location for a variety of equine services including grooming and medical and whether there would be a demand for that. Commissioner Catlett said an equine rehabilitation use could encompass a broad range of services including both medical and grooming. Mr. Stidham noted that you can have many of these activities in conjunction with a horse farm as agriculture but not as standalone uses. Mr. Camp said that you can operate these activities as home occupations. Vice-Chair Buckley said that the AOC District is where you would want these businesses to be located, adding that a farrier operation would be more appropriate on a rural secondary road than on a Highway Commercial lot at a business intersection. He added that this would also be true for any large animal vet but not a small animal vet that may see hundreds of dogs and generate more traffic.

Regarding farms “of all sizes,” Commissioner Staelin noted that pick-your-own vegetable operations can be done on five acre lots. Vice-Chair Buckley said that food crops are definitely being grown on small acreage, noting that an acre of tomatoes will produce a lot of tomatoes. Mr. Stidham noted that in the debates over maximum lot size, there is a presumption that 20 acre lots will have large homes built on them and will never be farmed and that is farmland lost forever. Vice-Chair Buckley said there are examples of subdivisions with five acre lots where most of the land is overgrown except for one acre around the house. Mr. Stidham noted that parcelization is a problem because the more 20 acre lots you have, the less contiguous land area in common ownership is available. Commissioner Staelin asked how you ensure that a 20 acre lot will be used for farming 50 years from now.

Mr. Stidham noted that Strategy (a) casts a wide net by ensuring that the County’s efforts to support the agricultural industry considers diverse needs and involves all facets of the industry equally. He said there should be discussion as to whether some parts of the agricultural industry should be emphasized over others, in particular those types of businesses that we may not see as being true agriculture.

Regarding Objective 2 Strategy (a), Mr. Stidham stated that the strategy directs development of partnerships to link existing and emerging farmers, entrepreneurs, landowners, and the public, adding that this strategy has not been implemented. He asked whether this should be the County’s role or whether there are other entities that are already doing this or are better suited to do it. Vice-Chair Buckley said there is a statewide program called Farmlink that does this. Commissioner Glover suggested changing “develop” to “encourage.”

Commissioner Glover left the meeting.

Mr. Stidham said that Objective 3 Strategy (a) directs to explore the feasibility of establishing or attracting agricultural support facilities. Chair Ohrstrom asked if this pertained to concerns expressed at a recent Board of Supervisors meeting regarding what an agricultural operation is allowed to sell onsite to the public. Mr. Stidham said that he does not think that the agricultural community realizes that the regulations used to be more stringent and were relaxed to allow all goods made in whole or in part from the farm’s products to be sold onsite. He added that people may not understand why we have a rule in place to prohibit the sale of other products – to avoid allowing commercial farm markets to develop in the rural areas under by-right agriculture without having to go through a public process for approval. He noted that this issue is marked for discussion as to whether the rules should be further relaxed.

Regarding Goal 3 Objective 1, Mr. Stidham noted that Strategy (b) recommends developing regulations to allow landowners to create farmland of various sizes for purchase or lease and Strategy (c) recommends increasing housing opportunities for farm families and farm workers. He noted that neither strategy has been implemented due to lack of demand. He said that Strategy (d) may need to be further defined as it recommends supporting agricultural-related uses as a means of preserving large homesteads and associated lands. An example of this would be turning a large manor house into a farm brewery and do we want to encourage this.

Mr. Stidham noted that Objective 3 to ensure that non-traditional agriculture does not expand beyond the scope of agriculture and the intent of the Right to Farm Act still appears to be valid. He

noted that Strategy (a) recommends soliciting input from the agricultural community on Zoning Ordinance text amendments that may impact them, adding that the agricultural community has not been directly approached for their input. Commissioner Catlett asked what a non-traditional agricultural use is and Mr. Stidham replied that it would be anything other than a traditional farming operation. Mr. Stidham said the bigger question is what is farming. He added that you would think growing vegetables is traditional farming until it comes in the form of a hydroponic lettuce facility.

Mr. Stidham noted that the Committee has been meeting for over an hour and Commissioner Glover has left. He asked if the members wanted to end the discussion for today and continue at the next meeting on March 27 at 3:30 and members agreed.

B. Review Preliminary Outline for Rural Lands Plan

Mr. Stidham briefly reviewed the working outline for the Rural Lands Plan. Members had no questions or comments.

4. New Business

A. Schedule Upcoming Meetings

Members indicated a preference for the April meeting to be scheduled on either Monday, April 15 at 2:00PM or Wednesday, April 17 at 2:00PM. Members agreed to schedule the May meeting for Friday, May 3 immediately following the Commission Business Meeting. Mr. Stidham said that he would discuss these dates with Commissioner Glover and send out an email to confirm the meetings.

ADJOURN: Meeting was adjourned by consensus at 3:11PM.



Brandon Stidham, Clerk