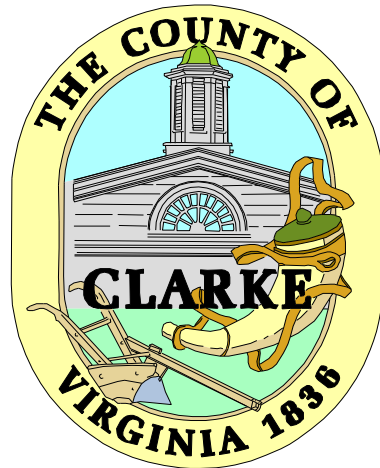


# **Agricultural Land Plan**

## **Clarke County Comprehensive Plan**

### **Implementing Component Plan**



**Adopted by the  
Clarke County Board of Supervisors on  
February 21, 2017**

## **ACKNOWLEDGEMENTS**

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**DATE OF PLANNING COMMISSION PUBLIC HEARING AND ADOPTION:**

January 6, 2017

**DATE OF BOARD OF SUPERVISORS PUBLIC HEARING AND ADOPTION:**

February 21, 2017

# 2016 AGRICULTURAL LAND PLAN

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# 2016 AGRICULTURAL LAND PLAN

## STATEMENT OF PURPOSE AND PLAN APPLICATION

### **Statement of Purpose**

The Agricultural Land Plan is an implementing component of the Clarke County Comprehensive Plan. The Plan was developed not only to provide tools and approaches for conserving farmland, but to establish and maintain policies and programs for the long-term prosperity of the County's agricultural industries. The Plan was originally developed by the consulting firm Coughlin, Keene, & Associates as a revision to a previous agricultural plan that was adopted in 1987. The Plan was adopted by the Board of Supervisors on September 16, 1997.

The purpose of the Plan is to outline the County's symbiotic relationship with its agricultural industry including approaches to supporting and promoting agriculture as well as guidance for land use planning and development of regulatory tools to preserve farmland. As stated in the 1997 Plan:

*In recent years, communities like Clarke County have become more sophisticated in their understanding of the issues involved in agricultural and environmental conservation. They have come to realize that it is not enough to put together a set of individual techniques for conserving farmland. It is necessary to pursue serious programs for comprehensive growth management to limit the amount of non-farm development that takes place in prime farming areas. It is also necessary to take appropriate steps to help farmers increase the profitability of farming. This certainly includes reviewing county regulations to assure that they are as "farmer friendly" as possible. It also involves treating agriculture as part of the economic base of the county and a proper concern for county economic development programs.*

The revised 2016 Agricultural Land Plan continues to advance these concepts of preserving farmland, promoting agriculture, and viewing the industry as a key part of the County's economic development program. Development of the revised Plan began in March 2016 with the formation of the Planning Commission's Agricultural Land Plan Subcommittee consisting of three Commissioners (Robina Bouffault, Randy Buckley, and Jon Turkel) and two members of the County's Agricultural & Forestal District (AFD) Advisory Committee (Corey Childs and Emily Day). The Subcommittee's efforts to update the Plan consisted of identifying areas of the 1997 Plan that were out of date as well as addressing new issues impacting agriculture in 2016. The Subcommittee also developed new policies for the revised Plan and organized them in a Goals, Objectives, and Strategies format. A process for reviewing the Plan on a regular five-year schedule was also recommended by the Subcommittee.

The Subcommittee met five times between May and November 2016, and presented an Initial Draft for the Planning Commission's consideration on November 29, 2016.

# 2016 AGRICULTURAL LAND PLAN

## **Plan Application**

The Plan should be used by property owners, elected and appointed officials, and other interested stakeholders to understand the County's approach to protecting and promoting agriculture. The Plan should also be applied in tandem with the recommendations found in the County's Comprehensive Plan, Economic Development Strategic Plan, Transportation Plan, and other relevant component plans. Examples of some of the ways that this Plan can be used include:

- Determining how the County should provide support to the agricultural industry including dedication of financial and staffing resources.
- Balancing preservation of prime farmland and open space with the need to accommodate current and future growth and economic development.
- Evaluating land development applications and proposed changes to the Zoning and Subdivision Ordinances.
- Reviewing and updating the County's Comprehensive Plan and component plans.

Chapter I contains the Plan's revised list of Goals, Objectives, and Strategies – collectively these items describe the County's program for preserving and promoting the agricultural industry.

Chapter II should be used as a resource for background information on the County's agricultural industry, the Plan's original recommended policies and how these policies have been implemented over time, and recommendations from the 2013 Comprehensive Plan and pertinent component plans that were used to guide the revision of the Plan.

Chapter III describes the process for reviewing and updating the Plan on a regular basis.

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# CHAPTER I

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## PLAN GOALS, OBJECTIVES, AND STRATEGIES

# 2016 AGRICULTURAL LAND PLAN

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# 2016 AGRICULTURAL LAND PLAN

## **CHAPTER I -- PLAN GOALS, OBJECTIVES, AND STRATEGIES**

This Chapter contains the Agricultural Land Plan's Goals, Objectives, and Strategies. The Goals Statement depicts the purpose and long-term expectations of the Plan in general terms. The Objectives describe the specific topics to be addressed in furtherance of the Goals Statement. Strategies are detailed action items to be followed to implement the Plan's Goals and Objectives.

### **A. Goals Statement**

The Goals of the 2016 Agricultural Land Plan are as follows:

- 1. Actively support the practice of agriculture and the preservation of agricultural land.**
- 2. Promote agricultural industry and business.**
- 3. Establish land use and regulatory policies to support the agricultural sector and preserve agricultural land.**

Section B below lists the Objectives associated with each of the three Goals and the recommended implementation Strategies for each Objective.

### **B. Plan Objectives and Strategies**

#### **GOAL 1: Actively support the practice of agriculture and the preservation of agricultural land.**

**Objective 1. Support a vigorous agricultural development program as recommended by the County Comprehensive Plan and Economic Development Strategic Plan.**

Strategy (a). Appoint a County advisory committee to serve as a forum for cooperative discussion of issues affecting the agricultural community and to provide recommendations to the Board of Supervisors on policy issues affecting agriculture. As an alternative, consider assigning this role to an existing County committee such as the Agricultural and Forestal District (AFD) Advisory Committee.

Strategy (b). Evaluate the creation of a formal agricultural development program that includes assignment of County staffing and financial resources. Consider establishing the program, at its onset, as part of the County's Economic Development Department work program with support from the Department of Planning.

Strategy (c). Partner with the Virginia Cooperative Extension, local Farm Bureau, and other pertinent agencies and organizations to conduct periodic surveys of the

## 2016 AGRICULTURAL LAND PLAN

agricultural community to evaluate current and future needs that the County may help to address.

Strategy (d). Utilize the internet, websites, and social media to promote agriculture and Clarke County products.

Strategy (e). Develop a database of County agricultural operations and support businesses in order to effectively communicate programs and other opportunities to the community and interested stakeholders.

### **Objective 2. Continue to support and promote Land Use Taxation, Agricultural & Forestal District (AFD), and Conservation Easement programs.**

Strategy (a). Develop outreach and social media tools to inform the public of the benefits of these programs and explain their value to the community as a whole.

Strategy (b). Continue to support efforts to place prime farmland and large agricultural parcels into permanent conservation easement including leveraging grants with local funds to purchase dwelling unit rights as a means of permanently preserving lands for agriculture.

### **Objective 3. Facilitate the availability of broadband internet for the agricultural industry, its business activities, and farm residents.**

Strategy (a). Solicit feedback from the agricultural community on ways that they use broadband internet access to streamline and enhance day-to-day operations. Use the feedback in conjunction with efforts to expand broadband availability throughout the County.

### **Objective 4. Take a proactive role to ensure that the potential environmental impacts of agriculture are mitigated and that the interests of future development do not collide with the interests of the agricultural community.**

Strategy (a). Continue to support programs that help mitigate adverse impacts on the County's streams and waterways, e.g., stream fencing and streambank restoration projects. Continue partnering with agencies such as the Lord Fairfax Soil & Water Conservation District and the Natural Resources Conservation Service, and pursue grant opportunities in support of these programs.

Strategy (b). Maintain existing and work to create new land development regulations that ensure the separation of agricultural uses from residential and commercial uses. Examples include perimeter buffering of agricultural parcels, setback distances from property lines, and subdivision plat notes regarding existing agricultural operations on AOC-zoned properties.

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Strategy (c). Allow intensive livestock facilities as required by State law, ensuring that site development regulations mitigate potential adverse environmental impacts on surrounding properties and waterways.

## **GOAL 2: Promote agricultural industry and business.**

**Objective 1.** Encourage agricultural ventures of all sizes whether very large, mid-range, or small farms. Support non-traditional agricultural enterprises including but not limited to equine, specialty growers, local food/pick-your-own, farm-to-table, and agri-tourism.

Strategy (a). Ensure that marketing/outreach initiatives and County agricultural projects and programs consider the diverse needs and involve all facets of the agricultural industry equally.

**Objective 2.** Ensure that the County's economic development program includes projects that promote the County's agricultural industry.

Strategy (a). Develop partnerships and resources to link existing farmers and agricultural-related business owners with emerging farmers, agricultural entrepreneurs, landowners, and the general public.

Strategy (b). Participate in regional agricultural economic development programs and activities. Establish partnerships that are consistent with the County's agricultural goals and policies.

**Objective 3.** Encourage the development of businesses that provide products and services to support the agricultural community.

Strategy (a). Explore the feasibility of establishing or attracting agricultural support facilities for production and sales of agricultural products such as farm markets, co-ops, canneries, and farm equipment sales/service businesses.

## **GOAL 3: Establish land use and regulatory policies to support the agricultural sector and preserve agricultural land.**

**Objective 1.** Ensure that the County's land use policies and regulations are consistent with the current and future needs of the agricultural community.

Strategy (a). Conduct periodic reviews of zoning regulations to balance the needs of the agricultural community with ensuring that potential impacts such as traffic safety, agricultural waste/runoff, and other environmental concerns are effectively addressed.

## 2016 AGRICULTURAL LAND PLAN

Strategy (b). Consider developing regulations for landowners to create farmland of various sizes for purchase or lease. Establish design criteria to ensure that the regulations are not used to create large residential lots that are not farmed.

Strategy (c). Consider increasing housing opportunities for farm families and farm workers. Evaluate current zoning and subdivision regulations regarding dwelling unit right usage, lot size requirements, tenant houses, and accessory dwellings (less than 600 square feet).

Strategy (d). Support agricultural-related uses as a means of preserving the character and historic value of large homesteads and their associated lands.

Strategy (e). Ensure that future updates of the County Comprehensive Plan and relevant component plans are coordinated with the current goals, objectives and strategies of the Agricultural Land Plan.

### **Objective 2. Ensure that future residential and commercial development does not conflict with existing agricultural operations or consume prime farmland.**

Strategy (a). Continue to support the sliding-scale zoning system and the County's approach to land use decision-making.

Strategy (b). Prevent the expansion of the Rural Residential (RR) zoning district beyond the boundaries of the County's unincorporated villages and existing residential communities. Prevent the expansion of commercial zoning districts beyond the boundaries of designated business intersections unless supported by the applicable business intersection area plan.

Strategy (c) Support efforts to permanently preserve lands that are located adjacent to the corporate boundaries of Berryville and Boyce that contain significant natural, historical or cultural resources; have unique scenic beauty; or possess prime farmland characteristics. Consider providing flexibility for these properties to be used as passive recreational parks, educational resources, scenic greenways, or similar uses as an amenity for nearby residents.

### **Objective 3. Ensure that non-traditional agricultural activities do not significantly expand beyond the scope of agriculture and the intent of the Right to Farm Act. Maintain dividing lines by designating special uses or prohibiting uses that exceed the scope of agriculture.**

Strategy (a). Solicit input from the agricultural community on Zoning Ordinance text amendments that propose commercial or public assembly activities in conjunction with agricultural operations.

## 2016 AGRICULTURAL LAND PLAN

Strategy (b). Continue to use the County's special event permitting process to allow periodic public assembly activities in agricultural areas as an alternative to permanent public event centers.

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## **CHAPTER II**

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# **BACKGROUND INFORMATION**

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# 2016 AGRICULTURAL LAND PLAN

## CHAPTER II – BACKGROUND INFORMATION

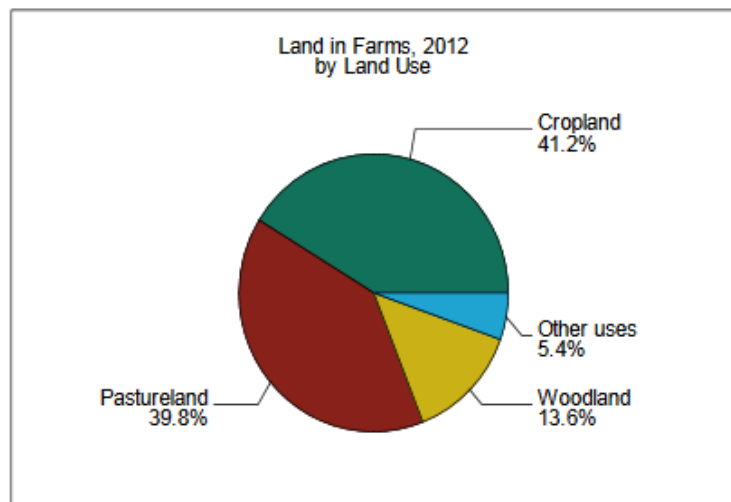
### A. Agriculture in Clarke County

#### 1. Farming Sectors

##### a. Traditional Farming/USDA Census of Agriculture

The U.S. Department of Agriculture conducts a Census of Agriculture on a five-year basis and is the most comprehensive source of statistical information on agriculture. The current census was conducted in 2012 and the results were released to the public in May 2014. As with the United States Census held every ten years to determine population demographics, the accuracy of results for the Census of Agriculture is heavily dependent upon participation by the agricultural producers.

Below in Table 1 is a list of selected statistics for Clarke County from the 2012 Agricultural Census. In general terms, approximately 80% of County farms are in either cropland or pastureland. The remaining 20% is in woodland/forestry use or “other uses.” A total of 477 farms responded to the census covering 66,946 acres (approximately 60% of the total County land area) with an average farm size of 140 acres. Of these farms, approximately 80% were reported as being between 1 and 179 acres in size. A total of 17 farms were reported as being 1000 acres or larger.



Source -- 2012 Agricultural Census

The total market value of products sold was reported at \$25,917,000 which ranks Clarke County 42<sup>nd</sup> out of 98 total Virginia counties. Of this number, \$8,573,000 is crop value and \$17,344,000 is the value of livestock, poultry, and their products. The average market value per farm is \$54,333.

Regarding value of sales by commodity group, the category “horses, ponies, mules, burros, and donkeys” leads the list at \$8,398,000 and ranks the County as 1<sup>st</sup> in the state for this category. The categories “Cattle and calves” and “grains, oilseeds, dry beans, dry peas” follow on the list at \$5,704,000 and \$4,388,000 respectively. The top crop item category for the County is “forage land used for hay, haylage, grass silage and greenchop” at 16,235 acres. The top livestock inventory item category is “cattle and calves” at 13,163. Also of note is the County’s top ranking in the category “colonies of bees” at 969.

## 2016 AGRICULTURAL LAND PLAN

**TABLE 1 -- Selected Statistics from 2012 Census of Agriculture**

<b>Number of Farms</b>	477
Land in Farms	66,946 acres
Average Size of Farm	140 acres
<b>Farms by Size</b>	
1-9 acres	42
10-49 acres	183
50-179 acres	155
180-499 acres	75
500-999 acres	5
1000+ acres	17
<b>Land in Farms, By Land Use</b>	
Cropland	41.2%
Pastureland	39.8%
Woodland	13.6%
Other uses	5.4%
<b>Total Market Value of Products Sold</b>	\$25,917,000 (State Rank <sup>1</sup> – 42 <sup>nd</sup> )
Value of crops (including nursery and greenhouse)	\$8,573,000 (State Rank – 46 <sup>th</sup> )
Value of livestock, poultry, and their products	\$17,344,000 (State Rank – 29 <sup>th</sup> )
Average Per Farm	\$54,333
<b>Value of Sales by Commodity Group</b>	
Horses, ponies, mules, burros, and donkeys	\$8,398,000 (State Rank – 1 <sup>st</sup> )
Cattle and calves <sup>2</sup>	\$5,704,000 (State Rank – 36 <sup>th</sup> )
Grains, oilseeds, dry beans, dry peas	\$4,388,000 (State Rank – 44 <sup>th</sup> )
Nursery, greenhouse, floriculture, sod	\$1,601,000 (State Rank – 29 <sup>th</sup> )
Other crops and hay	\$1,494,000 (State Rank – 36 <sup>th</sup> )
Other animals and other animal products	\$802,000 (State Rank – 2 <sup>nd</sup> )
Fruits, tree nuts, and berries	\$772,000 (State Rank – 15 <sup>th</sup> )
Vegetables, melons, potatoes, sweet potatoes	\$232,000 (State Rank – 41 <sup>st</sup> )
Cut Christmas trees and short rotation woody crops	\$88,000 (State Rank – 15 <sup>th</sup> )
Poultry and eggs	\$49,000 (State Rank – 45 <sup>th</sup> )
Hogs and pigs	\$49,000 (State Rank – 34 <sup>th</sup> )
<b>Top Crop Items (acres)</b>	
Forage land used for hay, haylage, grass silage, and greenchop	16,285 acres (State Rank – 35 <sup>th</sup> )
Corn for grain	2,922 acres (State Rank – 34 <sup>th</sup> )
Soybeans for beans	2,253 acres (State Rank – 51 <sup>st</sup> )
Corn for silage	727 acres (State Rank – 36 <sup>th</sup> )
Barley for grain	232 acres (State Rank – 32 <sup>nd</sup> )

<sup>1</sup> State ranking is based on a total of 98 Virginia counties.

<sup>2</sup> Data on milk production as well as production of sheep, goats, wool, and mohair is withheld to avoid disclosing data for individual operations.

## 2016 AGRICULTURAL LAND PLAN

Top Livestock Inventory Items (total number)	
Cattle and calves	13,163 (State Rank – 41 <sup>st</sup> )
Layers	3,483 (State Rank – 25 <sup>th</sup> )
Horses and ponies	2,583 (State Rank – 6 <sup>th</sup> )
Sheep and lambs	2,057 (State Rank – 14 <sup>th</sup> )
Colonies of bees	969 (State Rank – 1 <sup>st</sup> )

### **b. Non-traditional farming/agritourism**

The concepts of non-traditional farming activities and “agritourism” were not directly addressed in the 1997 Agricultural Land Plan but have become important components of the County’s agricultural industry and economic development strategy over the past two decades. With the County’s proximity to the Washington, DC metropolitan area, the County is ideally positioned to share its agricultural resources with weekend visitors to the County and with urban markets and restaurants to the east.

The County is currently the home to farm wineries, Christmas tree farms, pick-your-own farms providing fruits and vegetables, farm markets, and seasonal agricultural events. Efforts to assist and promote agribusiness and agritourism activities has been incorporated into the County’s economic development work program and features prominently in the County’s Economic Development Strategic Plan. The County has also incorporated new State regulations regarding farm breweries and farm distilleries to allow those uses as new permitted activities in the AOC and FOC Districts.

## **2. Farmland Quality and Soil Type/LESA system**

About 40% of the land in Clarke County is suitable for some type of cultivated farm crop. Best suited for agriculture are Soil Group 5, which forms a strip through the center of the County, and Soil Group 8, which includes the floodplain of the Shenandoah River (see Table 2 below). In addition to the general soil classifications, the U.S. Department of Agriculture (USDA) characterizes soil types in terms of important farmland. This classification recognizes areas important to agricultural production, with responsibility given to governing bodies, in cooperation with the USDA, for classifying farmlands within their jurisdictions.

- a. Prime farmland is land that has the best combination of physical characteristics for the production of food, fiber, forage, oilseed, and other agricultural crops, with minimum inputs of fuel, fertilizer, pesticides, and labor and without intolerable soil erosion. Prime farmland includes land that also possesses the above characteristics but is currently being used to produce livestock and timber. It does not include land already in or committed to urban development or water storage.
- b. Unique farmland is land other than prime farmland that is used for the production of specific high-value food and fiber crops. It has the special combination of soil quality,

## 2016 AGRICULTURAL LAND PLAN

location, growing season, and moisture supply needed to produce sustained high quality or high yields of specific crops economically, when treated and managed according to acceptable farming methods.

Examples of such crops include citrus, tree nuts, olives, cranberries, fruit, including grapes, apples, and vegetables.

- c. Farmland of statewide importance is land other than prime or unique farmland that is of statewide importance for the production of food, feed, fiber, forage, or oilseed crops.
- d. Farmland of local importance is land that is neither prime nor unique but is of local importance for the production of food, feed, fiber, forage, or oilseed crops.
- e. Other is land that is usually of little or no importance to agriculture and includes all map units not assigned to a higher class.

Clarke County further classified farmland types into categories described in Table 2 and shown on Map 1 below. These categories are used with the Land Evaluation and Site Assessment (LESA) system. The LESA system is a technique developed by the USDA's Natural Resources Conservation Service (NRCS) to evaluate the productivity of agricultural land and its suitability or non-suitability for conversion to nonagricultural use. The NRCS, previously referred to as the Soil Conservation Service (SCS), assisted the County in developing the categories and implementing the system in 1982.

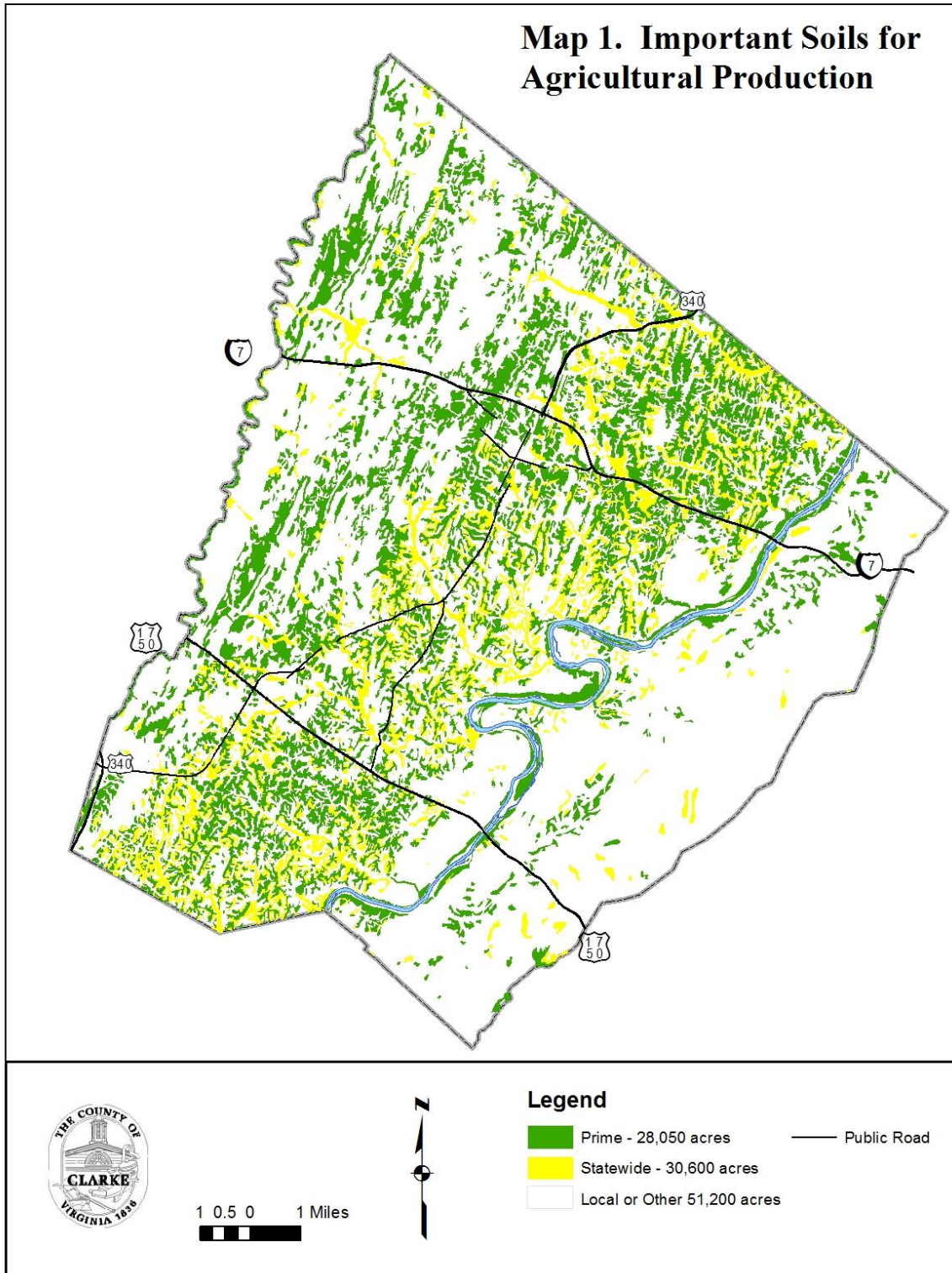
**TABLE 2 – Important Farmland Values of Soils**

Group #	Acreage	% of Total Land Area
<b>1 (prime, nonrocky)</b>	9,395	8.7%
<b>2 (prime)</b>	12,107	11.0%
<b>3 (prime, rocky)</b>	6,552	5.9%
<b>4 (Statewide)</b>	16,189	14.8%
<b>5 (Statewide)</b>	14,418	13.1%
<b>6 (Local)</b>	4,687	4.3%
<b>7 (Local)</b>	17,052	15.5%
<b>8 (Local)</b>	6,431	5.9%
<b>9 (Local)</b>	18,199	16.6%
<b>10 (Other)</b>	4,643	4.2%

\* Soil Survey of Clarke County, 1982.

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## Map 1. Important Soils for Agricultural Production



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The LESA System has two components:

1. Land evaluation, which is based on soil survey information and indicates the agricultural suitability of soil types in a given area, and
2. Site assessment, which identifies factors other than soils that contribute to the suitability of an area for retention in agriculture.

The LESA system is used by the County in the following decision-making circumstances:

## Rezoning

When a landowner requests that his or her land be rezoned from agricultural/open space/conservation to a more intense use, the county considers the LESA rating of the land along with many other factors. The LESA rating, therefore, does not determine the final rezoning decision. Rezoning cases are often complicated, and the resulting decisions are highly discretionary.

## Agricultural and Forestal District (AFD)

Applications to have a property included in the County's Agricultural & Forestal District (AFD) are evaluated through a more systematic use of LESA ratings. Each farm proposed for inclusion receives a LESA rating, which determines whether a farm is eligible for inclusion in the district. Farms rated at 70 or more are eligible to join the district. Farms rated between 60 and 70 are eligible if they are not located near existing towns. Farms rated below 60 are generally not eligible.

Although the LESA rating is the dominant factor used in determining eligibility, other factors are also used. Eligible farms must be zoned AOC or FOC and be located outside town limits. In addition, certain lands adjacent to qualifying farms can be admitted to the districts. Furthermore, the LESA may be discounted when compelling information indicates that a farm is more deserving of membership on the district than the LESA rating indicates.

## Lot Size

The County Zoning Ordinance includes a maximum lot size requirement of four acres for parcels that are zoned Agricultural-Open Space-Conservation (AOC). An exception to the maximum lot size requirement can be granted through the subdivision review process if the applicable area of the parent tract is not considered to be "important farmland" through a LESA evaluation. Resources for conducting a detailed LESA evaluation are retained on file in the County's Department of Planning.

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## B. Land Preservation Tools

### 1. Sliding-scale zoning

Sliding-scale zoning was implemented by the County in 1980 to preserve agricultural land and the rural character of the County. The sliding-scale zoning system allocates dwelling unit rights (DURs) for parcels of land and specifies a maximum number of dwelling units that may be built in the Agricultural-Open Space-Conservation (AOC) Zoning District and Forestal-Open Space-Conservation (FOC) Zoning District. There are two key components to the system:

#### The “sliding-scale” and parcel size

The term, “sliding-scale,” reflects the fact that the overall density of dwelling units per acre decreases on a “sliding-scale” based on the increasing acreage of the parcel of record. In other words, the larger the parcel, the lower the overall residential density will be. This approach, paired with maximum lot size requirements, helps to ensure that parcels of record are kept in large sizes to facilitate farming and open space preservation.

Table 3 below was adopted with sliding-scale zoning in 1980 along with the corresponding DUR assignments to parcels in the County at the time. The sliding-scale chart has remained unchanged since its adoption.

**TABLE 3 – Sliding Scale Zoning/Dwelling Unit Right Distribution**

<b>Size of Tract Permitted</b>	<b>Dwelling Unit Rights Assigned</b>	<b>Average Resultant Density</b>
0-14.99 acres	1	1 unit/7.495 acre
15-39.99 acres	2	1 unit/13.748 acres
40-79.99 acres	3	1 unit/19.998 acres
80-129.99 acres	4	1 unit/26.249 acres
130-179.99 acres	5	1 unit/30.999 acres
180-229.99 acres	6	1 unit/34.166 acres
230-279.99 acres	7	1 unit/36.428 acres
280-329.99 acres	8	1 unit/38.124 acres
330-399.99 acres	9	1 unit/40.555 acres
400-499.99 acres	10	1 unit/44.999 acres
500-599.99 acres	11	1 unit/49.999 acres
600-729.99 acres	12	1 unit/55.416 acres
730-859.99 acres	13	1 unit/61.153 acres
860-1029.99 acres	14	1 unit/67.499 acres
1030 acres or more	15	1 unit/68.666 acres (max)

#### Fixed allocation

DURs were assigned for each parcel as depicted on the County tax maps on October 17, 1980. The DUR allocation is a fixed number that cannot be increased absent approval of a rezoning to a higher density residential zoning district by the Board of Supervisors. The DUR allocation

## 2016 AGRICULTURAL LAND PLAN

records are managed by the Department of Planning and the number of available DURs is reduced as landowners build houses or “retire” DURs by placing their property under permanent conservation easement. Having a fixed number of DURs enables an accurate projection of the maximum residential “build-out” potential for the County’s rural areas.

### **2. Designated growth areas**

Hand in hand with the sliding-scale zoning system is the County’s designation of specific areas where residential and commercial growth may occur. These areas include the incorporated towns of Berryville and Boyce and the business intersections at Waterloo (U.S. 340 and U.S. 50/17) and Double Tollgate (U.S. 340, U.S. 522, and Va. 255). The areas are designated for potential growth at a suburban scale due to their proximity to existing or future public infrastructure – e.g., public water, public sewer, schools, and the primary highway transportation network. Outside of these growth areas, the County projects only rural-scale residential and business uses.

These growth areas are outlined in the Comprehensive Plan and are not planned for expansion absent detailed study and determination of the need for additional suburban-scale land. Adhering to the designated growth areas helps to preserve farmland from development and curb suburban sprawl that can increase demand for public infrastructure improvements.

### **3. Maximum lot size requirement – AOC District**

Another important tool to preserve farmland is the maximum lot size requirement of four acres in the Agricultural-Open Space-Conservation District (AOC). While many jurisdictions have minimum lot size requirements to manage density and ensure adequate area for private wells and septic system, Clarke County has added a maximum lot size in the AOC District to produce small, rural-scale residential lots with large residual parcels that are conducive to agriculture. As an example, a 100 acre parcel with 4 assigned DURs would not be permitted to be divided into four 25-acre tracts. The maximum lot size requirement would instead produce a subdivision of three 3-acre lots and one residual 91 acre lot each with one assigned DUR each. This regulation helps to minimize the amount of land used for residential purposes and maximize the amount of remaining land for potential agricultural and open space uses.

### **4. Conservation easements**

The Clarke County Conservation Easement Authority (CEA) was created by the Clarke County Board of Supervisors on June 18, 2002 to administer the Clarke County Easement Purchase Program (CEP Program). The general purpose of the CEP program is to protect and preserve land with significant agricultural, natural, scenic, and historic resources. In furtherance of the general purpose, the specific duties of the CEA and the CEP Program include, but are not limited to:

- Developing selection criteria for easement properties
- Promoting the easement program among County landowners
- Identifying and pursuing potentially valuable easements in areas of prime farmland or unique scenic beauty



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- Soliciting and receiving voluntary applications from property owners
- Ranking applications in accordance with the Selection Criteria
- Selecting proposed easements to be appraised and commissioning appraisals for them
- Determining the Purchase Price for selected parcels using the appraised value of the proposed easement and the Income Criteria
- Applying for and pursuing grants and other funding sources
- Monitoring properties to determine compliance with the terms of easements purchased, and taking action to enforce compliance if necessary
- Conducting periodic reviews of the CEP Program to determine if its purposes are being met

The program is housed within the Clarke County Planning Department and managed by the Natural Resource Planner who works under the direction of the seven-member Conservation Easement Authority to promote and oversee the program. The Easement Purchase Program is funded by the Board of Supervisors in the county budget or by special appropriation. Since the program's inception, these local funds have successfully been used to leverage grants and other funding sources to purchase easements. As of October 2016, the CEA holds 6,594 acres or 5.8% of the total land area of the County. A total of 24,717 or 21.7% of the total land area in the County is in permanent conservation easement held by the CEA and other organizations.

### **5. Use Value Assessment**

Clarke County maintains a use value assessment program (also referred to commonly as "land use taxation") through the office of the Commissioner of the Revenue that allows properties in active agricultural or horticultural production to be assessed at a lower rate resulting in a lower annual real estate tax payment. The program, authorized by the Code of Virginia, provides a valuable incentive for landowners to maintain their properties in active agricultural production. The use value assessment method produces a savings to property owners because it assumes the resale value of the property if kept exclusively in agricultural production. This differs from a fair market value assessment in which the "highest and best" use of the property is assumed in determining the value of the property.

The use value assessment program requires an initial application and provision of information annually to verify compliance with program requirements. Properties in agricultural or horticultural production must be a minimum of five acres and properties in forestal production must be a minimum of twenty acres in order to qualify for use value assessment.

### **6. Agricultural & Forestal District**

Related to the use value assessment program, the Clarke County Agricultural & Forestal District (AFD) is another tool to encourage the preservation of farmland and active agricultural production. The benefits of the AFD are as follows:

- Land in the District, which otherwise meets the criteria for land use value taxation, automatically qualifies for the Land Use Assessment program (administered by the Commissioner of the Revenue) for the duration of the District term even if the County

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rescinds the Land Use Assessment program. The Land Use Assessment program provides tax benefits to property owners that meet eligibility requirements for agricultural, forestal, horticultural, or open space uses.

- The District safeguards the rural character of the community by preserving agricultural, forestal, and open space land and providing safeguards against the adoption of local ordinances that unreasonably restrict farm structures, farming, or forestry practices unless the restrictions are directly related to health, safety, and welfare.
- The District also offers some protections against eminent domain. Acquisition of land for power lines, roadways, and other infrastructure within a District is subject to a special public review process. Also, the expenditure of public funds for non-farm related purposes in a District is subject to a special review process.

Clarke County first established a district in 1980 with a 6-year district renewal period (the State allows renewal periods of a minimum of 4 years and a maximum of 10 years). The district was renewed in 1986, 1992, 1998, 2004, 2010, and 2016. Approximately 35,000 acres are in the AFD program.

## **C. Agricultural Impacts and Stewardship Efforts**

### **1. Water quality programs**

In addition to the goals of preserving farmland and promoting the agricultural industry, the County has an equally important goal of protecting the quality of its surface and ground water resources. Due to the nature of some agricultural activities, these interests can sometimes become competing ones.

The Virginia Right to Farm Act provides protections to agricultural operations by limiting the extent to which they may be regulated by local zoning. Any zoning ordinance provisions that are adopted to regulate agriculture cannot “unreasonable restrict or regulate” farming activities and structures unless they bear a direct relationship “to the health, safety, and general welfare” of the County’s citizens.

In an effort to balance these potentially competing interests, the County has chosen to work cooperatively with the agriculture community to obtain voluntary use of best management practices to protect surface water resources. These efforts include encouraging farmers to avoid highly erodible lands and to maintain minimal levels of fertilizer and pesticide application, voluntary fencing to protect streams from livestock impacts, streambank restoration projects, and off-site watering programs. In many cases, the County has pursued grant funding and in-kind assistance from partnering organizations to promote and implement these programs. These programs have been widely utilized by producers to improve the quality of the County’s waterways.

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## 2. Biosolids

On July 15, 1997 the Board of Supervisors approved the adoption of a text amendment establishing standards for the land application of biosolids. Beginning in 1998, two companies (Bio Gro and Recyc Systems) began applying biosolids in the County. Currently Synagro (formally Bio-Gro) and Wright Trucking spread biosolids on area farms. The following table summarizes the acreages applied each year.

### Biosolids Applications

Year	Acres	# Farms
1998	180	2
1999	625	3
2000	0	0
2001	1830	11
2002	1145	11
2003	350	3
2004	150	4
2005	263	3
2006	950	9
2007	1,063	10
2008	1,307	13
2009	1,287	13
2010	1,989	21
2011	1,800	18
2012	1,539	18
2013	838	8
2014	1,784	23
2015	665	13
<b>17 Year Total</b>	<b>17,100</b>	

In 2004, State law repealed counties' ability to regulate biosolids application beyond testing and monitoring. The change permitted Counties to request reimbursement for expenses relating to monitoring and testing but eliminated increased setback standards that Clarke County had adopted to protect ground and surface water resources in sensitive Karst areas. The County has maintained the services of a biosolids monitoring consultant since 1998 under this State reimbursement program.

Beginning January 1, 2008 the Virginia Department of Environmental Quality (DEQ) assumed regulatory oversight of all land application of treated sewage sludge, commonly referred to as biosolids. This action, which moves oversight of the Biosolids Use Regulations from the Virginia Department of Health to DEQ, was at the direction of the 2007 General Assembly, which voted to consolidate the regulatory programs so that all persons land applying biosolids would be subject to uniform requirements, and to take advantage of the existing compliance and enforcement structure at DEQ.

DEQ has established an Office of Land Application Programs within the Water Quality Division to manage the biosolids program, as well as land application of industrial sludge, septage, livestock and poultry waste, and water reclamation and reuse. The

Virginia Department of Health will continue to consult with DEQ and advise the public on health issues related to biosolids applications.

All applications have been closely monitored by County and State representatives and have been in compliance with all requirements. In accordance with State Regulations, counties may be reimbursed for the testing and monitoring expenses; in 2015 the County was reimbursed \$5,453.87.

A total of 11,125 acres area permitted for biosolids application in the County -- proportionately more than many other counties in the area -- and averaging 18,000 wet tons per year. Biosolids contain about 5-8 pounds of nitrogen per ton. There is interest and concern about the effect of biosolids application on the quality of ground water in Clarke County. In order to address this concern, the County applied for and received two grants in 2013, totaling \$16,000 to monitor 10

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springs in northern Shenandoah Valley for discharge, TN, TP, ammonia, ortho phosphate, nitrate-nitrite, E. coli, flow, and general water chemistry. Springs are located in Karst areas. The purpose is to identify contribution of contamination from springs to surface waters to assist in 1) determining appropriate BMP's on agricultural lands and 2) impact of biosolids applications on water quality as compared to other fertilizer sources. A report detailing the study is available from the Planning Department.

### **3. Intensive Livestock Facilities**

As previously noted above, the Virginia Right to Farm Act limits local regulation of agricultural activities in zoning districts where agriculture is allowed by right, and any zoning ordinance regulations that are adopted must bear a relationship to protecting the health, safety, and welfare of County residents.

Intensive facilities for livestock, dairy, and poultry – due to their size and large concentration of animals – can often produce adverse impacts on a much greater scale in terms of odor and potential for agricultural runoff. For this category of agriculture, the County adopted special zoning regulations in 1995 and 2000 to ensure that these potential adverse impacts are mitigated. All agricultural operations that meet the criteria to be considered an intensive livestock facility are required to have a nutrient management plan that has been approved by the Virginia Department of Conservation and Recreation, a Virginia Pollution Discharge Elimination System (VPDES) permit issued by the Virginia Department of Environmental Quality, and a Development Plan showing compliance with all required setbacks. Intensive livestock facilities are defined as livestock or dairy operations which have at least 300 animal units or a poultry operation with at least 200 animal units where such animals are confined for at least 45 days or more in a 12 month period.

Intensive livestock regulations also include more stringent setback requirements from residential zoning districts and incorporated town boundaries, property lines and public rights of way, streams, springs, wells, and sinkholes.

### **D. Original Plan Strategies and Action Items**

This section lists the original nine policies that were recommended in the 1997 Agricultural Land Plan and describes the degree to which each policy has been implemented to date.

- Policy 1. Encourage and Expand the Activities of Agricultural Committees:*
- \* *The Agriculture Committee of the County Planning Commission*
  - \* *The Economic Development Committee of the County Farm Bureau*

**Implementation Status.** The Planning Commission Agriculture Committee was formed to serve as an advocate for agricultural interests and to advise the full Commission on matters affecting County agriculture. The Farm Bureau's Economic Development Committee evaluated several elements of the agricultural industry and helped to promote programs and efforts to expand agriculture from an economic development perspective. As of 2016, the Planning Commission

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no longer maintains an Agriculture Committee as one of the standing committees, and the County is not an active participant in the Farm Bureau's Economic Development Committee.

*Policy 2. Include the promotion of Agriculture and Related Businesses in the responsibilities of the County Economic Development Coordinator*

Implementation Status. Support and promotion of the agricultural industry is a prominent issue addressed in the County's Economic Development Strategic Plan that was adopted by the Board of Supervisors in 2014. The Strategic Plan contains specific recommendations for promotional activities to be coordinated by the County's economic development director. This key staff position was incorporated into the duties of other County staff members for several years until the hiring of a part-time Director of Economic Development and Tourism in the spring of 2015. Supporting agriculture, agribusiness, and agritourism has been formally incorporated into the duties of this position and is an important part of the County's economic development program.

*Policy 3. Keep Land Use Taxation*

Implementation Status. The County continues to maintain and support the Land Use Assessment Program through the office of the Commissioner of the Revenue. Parcels of at least five acres in agricultural production or at least twenty acres of forestry production can qualify for assessment at the land use rate. The County also continues to maintain the Agricultural & Forestal District (AFD) program in accordance with Code of Virginia §15.2-4300 through 4314, and recently added a process for allowing parcels to apply for District inclusion prior to the expiration of the six-year District term. The AFD program allows properties to qualify immediately for the Land Use Assessment Program as a landowner benefit, and also allows properties to continue land use assessment even if the locality chooses to end their land use assessment program.

*Policy 4. Consider Proposing Changes to State Agricultural District Regulations*

Implementation Status. To date, the County has not proposed any changes to the State's agricultural district regulations. The General Assembly has made changes to the program in recent years to simplify the review process and public hearing requirements as well as to allow more opportunity to add land to a district. These changes helped to address concerns that County staff has had as program administrators.

*Policy 5. Encourage the Creation of a Clarke County Agricultural and Forestal Land Trust*

*Policy 6. Consider the Purchase of Agricultural Conservation Easements by the County*

Implementation Status. The Clarke County Conservation Easement Authority was created by the Board of Supervisors in 2002 to manage the County's easement purchase program. In addition to purchasing dwelling unit rights for permanent land preservation, the Authority also evaluates and accepts donation of lands for conservation easements. A more detailed description of the Authority is included in Section C above.

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*Policy 7. Require an Agricultural Disclaimer in Agreements of Sale for Land in the AOC Zoning District*

**Implementation Status.** The Code of Virginia does not authorize localities to require agricultural disclaimers to be included in land sale agreements. However, the County has adopted requirements for the following agricultural disclaimer to be included in all subdivision record plats for properties in the AOC District:

***AGRICULTURAL OPERATIONS NOTICE***

*This property is in the Agricultural-Open Space-Conservation (AOC) Zoning District. Agriculture is the primary economic activity of this zoning district. Owners, residents, and other users of property in the AOC District may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from agricultural operations even though conducted in accordance with best management practices and/or in accordance with existing laws and regulations of the Commonwealth and the County. Such agricultural operations may generate noise, odors, and dust, may involve the operation of machinery, including aircraft, the storage and disposal of manure, and the application of fertilizer, soil amendments, and pesticides. Owners, occupants, and users of land in the AOC district should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a zoning district in a county with a strong rural character and an active agricultural sector.*

While this requirement does not extend to all plats, it does apply to all record plats for minor and major subdivisions and ensures that this information appears in the chain of title for all newly created parcels.

*Policy 8. Adopt Site Design Guidelines for Subdivisions in the AOC and FOC Districts*

**Implementation Status.** Since 1997, a number of regulations have been added to the Zoning and Subdivision Ordinance that were aimed at minimizing the impact on sensitive environmental and agricultural resources. Some of the more prominent changes include:

- Design criteria for AOC and FOC District subdivisions to minimize impact on topographic, scenic, and environmentally-sensitive features.
- Vegetated property buffer requirements for new and recently-created parcels.
- Allowing maximum lot size exceptions when land is placed in permanent conservation easement or preventing the creation of a parcel with low quality land characteristics.
- Modifications to building setbacks based on acreage.
- Establishment of a Stream Protection Overlay to provide additional buffers and safeguards for perennial and intermittent streams from development.
- Special design requirements for FOC District subdivisions including additional pre- and post-construction meeting and site inspection requirements, buffering and vegetative preservation requirements for slopes and property lines, and certification regulations for agricultural and forestal clearing.

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The Planning Commission and Department of Planning Staff also evaluate proposed subdivisions and encourage the voluntary provision of building sites that are located to maximize the use of large parcels for agricultural activities.

*Policy 9. Promote agriculture-related businesses in AOC, such as pick-your-own operations, farm stands, and other ways of increasing farmers' agricultural income.*

Implementation Status. The 2014 Economic Development Strategic Plan includes specific recommendations to promote these agriculture-related businesses. The Planning Commission and Board of Supervisors also regularly evaluate the Zoning and Subdivision Ordinances to ensure that they do not create unnecessary regulatory impediments to these types of businesses.

## **E. Guidance from the 2013 Comprehensive Plan and Related Component Plans**

This section is a compilation of language and recommendations from the Comprehensive Plan and related component plans that support the revised Goals, Objectives, and Strategies of the Agricultural Land Plan. This section organizes the relevant language and recommendations into four categories: General Guidance from the Comprehensive Plan, Preserve Farmland and Open Space, Support the County's Agricultural Economy, and Protect the County's Scenic and Environmental Resources. The latter three categories correspond to the three recommended Goals that are discussed in Chapter II.

While this is not intended to be a complete listing of all plan references pertinent to the Agricultural Land Plan, it is a compilation of references that bear direct relationship to the Plan's revised Goals, Objectives, and Strategies in the most concise manner. Quoted text is noted in italics.

### **General Guidance from the Comprehensive Plan**

- COMPREHENSIVE PLAN, Summary Statement of Purpose (p. ii):

*The County's conservation easement program, land use taxation, and various planning and zoning tools shall continue to be used to protect rural areas, to aid in the vitality of our agricultural industries, and to preserve our natural and historic resources.*

*Land use decision-making shall emphasize directed, controlled growth on a rural, small-town scale in designated areas where public infrastructure can be efficiently provided. These areas include the Towns of Berryville and Boyce as well as other villages and business intersections described in this Plan and its Implementing Component Plans.*

*The County will focus its resources on infrastructure and economic development projects to serve the designated growth areas. Residents and businesses in rural areas should continue to expect rural levels of service.*

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*The County shall strive to support concepts, programs, projects, and regulations that ensure environmental sustainability. Clarke County's fundamental goal is to protect our natural resources so that we may pass them on to future generations. We seek to accomplish this through efforts that manage surface water and groundwater, protect and restore stream and river corridors, and preserve the integrity of our natural environment.*

*The County shall also strive to support concepts, programs, projects, and regulations that ensure economic sustainability. Public and private sector investments in business, housing, and infrastructure should be economically viable, environmentally sound, and socially responsible to the community's objectives as set forth in this Plan. Achieving this goal requires participation from all sectors of the community, both to determine community needs and to identify and implement innovative and appropriate solutions.*

- **COMPREHENSIVE PLAN, Chapter III – Agricultural Land Plan (pp. III-3-5):**

*The Board of Supervisors adopted the Agricultural Land Plan in September 1997. The Federal Agricultural Census occurred in 2012 with data available in early 2014. An update of the Agricultural Land Plan should be planned for Spring 2014 based on this most recent information.*

### 1. Summary

*Clarke County, using powers delegated to it by the Virginia General Assembly, has developed a sophisticated and comprehensive set of policies and associated methods of implementation for protecting its highly-valued farmland. In addition, the County has either completed or retained consultants to assemble the background studies needed to undergird its strategies.*

*The major components of this state/county farmland protection program are listed below.*

1. *Land Use Taxation.*
2. *Virginia Estate Tax.*
3. *State right-to-farm protection against private nuisance lawsuits.*
4. *Agricultural and Forestal districts authorized by state law.*
5. *Conservation Easement Purchase Program managed by the Clarke County Conservation Easement Authority.*
6. *Other easement programs operated by the Department of Historic Resources, Virginia Outdoors Foundation, and private organizations such as the Piedmont Environmental Council and Potomac Appalachian Trail Conference.*
7. *Sliding-scale zoning system to aid in the preservation of large tracts of land.*
8. *The three committees that participate in various ways in efforts to maintain a strong agricultural economy:*
  - a. *The Agricultural and Forestal District Committee that advises the Board of Supervisors on matters affecting the Clarke County Agricultural and Forestal District created through the Code of Virginia;*



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- b. *County's Economic Development Advisory Committee (EDAC) that provides guidance on economic development matters including agribusiness and agritourism.*
  - c. *The Clarke County Farm Bureau's Economic Development Committee.*
9. *Provision in the Comprehensive Plan for protecting agricultural and mountain lands, on the one hand, and coordinating the control of urban development and the provision of infrastructure, on the other. The intent of such policies is to concentrate new growth in the Towns of Berryville and Boyce and at primary highway intersections. Few jurisdictions in the country can match these accomplishments.*

### 2. Priorities for the Next Few Years

*The 1997 Agricultural Land Plan concentrates on two major themes: (1) the necessity of taking steps to strengthen Clarke County's agricultural sector to ensure that farmers can continue to operate profitably, and (2) developments in the law that affect the capacity of the County to protect its farmland resource. In conjunction with the scheduled update of the Plan, these major themes will be evaluated for relevance and expanded or modified as needed. Current trends in agriculture such as alternative farming techniques, agribusiness, and agritourism will be considered for inclusion in the Plan.*

*As a general matter, the protection of the County's farmland resources requires that new development be channeled away from prime farm areas and into those parts of the County that are more suitable for urban development and are well served by necessary infrastructure. In short, it is necessary to manage urban growth thoughtfully and effectively to protect natural and agricultural resources. The County should continue to articulate forcefully its policies for concentrating development in the Towns and designated growth areas.*

*Over the years, the County has adopted several regulations pertaining to subdivision design, especially in the AOC and FOC districts, so that they are well laid out and their impact on the natural environment is minimized. The County should continue to periodically review its zoning and subdivision regulations and procedures to ensure that they contain policies and criteria that produce better-designed developments, while minimizing their negative impacts on surrounding areas.*

### **Preserve Farmland and Open Space**

- COMPREHENSIVE PLAN, Objective 1 – Agriculture (pp. II-2-4):

*Policy 4. Make land use decisions and plans that are consistent with LESA ratings. Approve conversion of important farmland to nonfarm use only if an overriding public need exists to change the land use and the existing development areas cannot accommodate the new use.*

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- Policy 6. Provide limited, low-density residential opportunities in unincorporated areas in a manner compatible with agricultural activities in the area of the county west of the Shenandoah River. Such residential development should include the following characteristics.*
- a. Should not be located on Important Farmland, as determined by the County's Land Evaluation and Site Assessment (LESA) rating system.*
  - b. Should be on a minimum area sufficient to provide proper placement of a dwelling, related accessory structures, well, and septic system.*
  - c. Should be located in or substantially bounded by natural or cultural features, such as wooded areas, railroads, or public roads that would buffer them from agricultural lands.*
  - d. Should be located away from natural and cultural resources such as the Shenandoah River and the Blandy Experimental Farm and State Arboretum.*
  - e. Should be compatible with the environmental features of that land and should not diminish natural and scenic values.*
  - f. Should respect environmental limitations and protect natural features during and after the development process.*
  - g. Should be consistent with the County's sliding-scale zoning philosophy and should not involve rezoning to a higher residential density to produce additional lots above the parcel's dwelling unit right allocation.*
- Policy 7. Strongly discourage the rezoning of agricultural zoned properties to the Rural Residential District (RR) in areas outside of designated growth areas and villages to avoid loss of farmland, sprawl development, and consumption of potential conservation lands and open space.*
- Policy 8. To the maximum extent possible, separate nonagricultural land uses from agricultural lands and operations. Where nonagricultural operations are adjacent to agricultural operations, the nonagricultural operations should provide buffering in the form of fencing, landscaping, and open space, and by inclusion of the right-to-farm warning notice within the deed of dedication.*
- Policy 9. With the exception of telecommunication and high-speed internet facilities, discourage extension of public utilities and other growth-inducing public facilities into agricultural areas and land under permanent conservation easement.*
- Policy 10. Encourage all government agencies to consider the impacts that their programs and projects may have on maintaining the availability and use of agricultural land. Encourage them to eliminate or minimize adverse impacts.*
- Policy 11. Promote and support the renewal and expansion of the Clarke County Agricultural and Forestal District program by providing information on its*

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*benefits and incentives to associated farmland owners, timberland owners, and farm organizations.*

*Policy 12. Use the Land Evaluation and Site Assessment (LESA) System for the objective and consistent evaluation of applications for additions to the Clarke County Agricultural District.*

*Policy 14. Evaluate and consider implementing innovative land-conserving techniques as authorized by State law.*

- COMPREHENSIVE PLAN, Objective 3 – Natural Resources (pp. II-7-8):

Protect natural resources, including soil, water, air, scenery, night sky, wildlife habitats, and fragile ecosystems through the following policies, the Water Resources Plan, and other adopted policies.

*Policy 7. Identify and inventory environmentally significant land suitable for the preservation and conservation of natural resources. Encourage landowners to apply for preservation programs such as the Agricultural and Forestal District program (AFD) as well as applicable use-value taxation for such lands as "real estate devoted to open space use" Code of Virginia, Section 58.1-3230). Such real estate includes parcels adjacent to designated scenic rivers, wetlands, designated scenic highways, registered historic structures. Such real estate also includes lands adjacent to or under permanent open space easement or lying within the 100-year floodplain.*

- COMPREHENSIVE PLAN, Objective 5 – Conservation Easements (II-10-11):

*Ensure the continued success of the Conservation Easement program by encouraging landowners to place County lands in voluntary permanent easement. Provide support and funding of the County's Conservation Easement program and collaboration with other easement programs managed by State, Federal, and private entities.*

*Policy 1. Encourage and facilitate the donation of open-space and conservation easements on land that meets the criteria of the U.S. Internal Revenue Service for easement donation and that is identified as having important scenic, historic, open-space, conservation, agricultural, or wildlife-habitat qualities. Such easements should also be consistent with the Comprehensive Plan and implementing component plans.*

*Policy 3. Encourage and support the goals of the Conservation Easement Program to protect and preserve:*

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- a. *Land essential to agriculture including land with soils classified as “Important Farmland” by the Natural Resource Conservation Service for the continued production of crops and livestock.*
- b. *Forested areas for their value as natural habitat and recreation, ability to enhance air and water quality, prevent soil erosion, and as a source of renewable wood products.*
- c. *Historic resources, to maintain community character and identity, and encourage the tourism industry.*
- d. *All water resources with particular emphasis on land adjacent to the Shenandoah River and other perennial streams and the limestone ridge/groundwater recharge area to protect water quantity and quality (reference Map 3, Groundwater Recharge Area).*
- e. *Land adjacent to the Appalachian Trail and other public lands.*
- f. *Land with environmentally sensitive areas important to air and water quality, plant life, and wildlife.*
- g. *Lands that provide viewsheds for the County’s gateways, main roads, and scenic byways.*
- h. *Lands that are not located in designated growth areas with the exception of those lands with scenic value, historic value, or environmental sensitivity.*

### **Support the County’s Agricultural Economy**

- COMPREHENSIVE PLAN, Objective 1 – Agriculture (pp. II-2-4):

*Encourage agricultural operations and productivity to ensure the preservation and availability of land for the continued production of crops and livestock through the following policies and the Agricultural Land Plan.*

*Policy 1. Promote and protect agriculture as the primary use of land in rural areas and inform the public of benefits of this policy.*

*Policy 2. Support a vigorous agricultural development program in the County that emphasizes promotion of Clarke County agricultural products, encourages cooperation with individual agricultural interests within the County and with advocacy agencies, and liaisons with counties in the area that have similar development programs.*

*Policy 3. Utilize the Agricultural Land Evaluation and Site Assessment (LESA) System to assess accurately the suitability of land for continued agricultural use. The LESA system provides an objective evaluation tool that scores the soils and physical conditions of a parcel for agricultural use.*

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*Policy 13. Support use-value taxation and other fiscal programs that help to alleviate economic burdens on owners of land used for agricultural, horticultural, forest, or open-space purposes (Code of Virginia, Section 58.1-3230, as amended). Continue to implement strategies to protect agricultural land from escalating assessments as a result of development pressures.*

*Policy 15. Refine and strengthen the Agricultural Land Plan to include specific strategies pertaining to agribusiness and agritourism concepts.*

- **COMPREHENSIVE PLAN, Objective 10 – Economic Development (p. II-15-17):**

*Encourage economic growth that is compatible with the County's environmental quality, rural character, and residential neighborhoods, and that provides a healthy balance between revenues from residential and agricultural uses, and those from commercial and industrial uses.*

*Policy 5. Promote types of economic development that are consistent with the County's existing uses and character, including but not limited to the following.*

- a. Tourism and the land uses that would benefit from it.*
- b. Agricultural businesses.*
- c. Agriculturally related businesses.*
- d. Equine businesses and related services.*
- e. Compatible light industrial uses in designated locations.*

*Policy 6. Protect and enhance the environmental resources of the County, recognizing that they can serve as an attraction to business and industry.*

*Policy 7. Encourage the attraction of business activities that complement or that work in conjunction with existing industrial and commercial activities in the County, particularly active farming and forestry operations.*

*Policy 10. Support a vigorous agricultural development program in the County that emphasizes promotion of Clarke County agricultural products, encourages cooperation with individual agricultural interests within the County and advocacy agencies, and establishes liaisons with counties in the area that have similar development programs.*

- **ECONOMIC DEVELOPMENT STRATEGIC PLAN**

Goal C, Strategy 1 (p. 11):

*Goal C. Increase the Vitality of Agriculture and Tourism*

*Strategy 1: Foster Growth and Vitality of the Agricultural Industry [coordinate with Agricultural Land Plan]*

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*Action C.1. Promote information and understanding of local agriculture*

*Action C.2. Promote activities that support local agriculture*

### Agriculture Economic Sector Description (p. 18):

*Agriculture – Despite the ongoing challenges from changing markets and technologies, this sector has good potential for sustainability through new market opportunities within the region, and greater linkage to tourism activities. The County’s land use policies have created a generally stable land base for agriculture, and the growing regional population and changing food markets also create opportunities for niche products, including equine-related businesses, higher-intensity crops, etc.*

### Strategic Action Framework – Agriculture & Tourism Infrastructure and Activities (p. 19):

#### *Agriculture and Tourism Infrastructure and Activities*

- *Coordinate efforts of tourist-related activities and resources, including cross-promotion*
- *Promote key resources – trail, river, historic sites, etc.*
- *Expand the number of economically productive special events – birding, hiking, competitions, festivals, etc.*
- *Foster development of rural tourist business enterprises with suitable regulations*
- *Promote high value-added agri-business, equine industry, and related activities*

### Action B.8. – Promote Rural Economic Innovation (pp. 38-40):

*Action B.8. Promote Rural Economic Innovation (including compatible home-based businesses) (Longer Term Priority)*

*Given its resources and location, the County has excellent potential to expand its rural economy in the long-term. An important method for such expansion is through innovation, which includes a wide range of topics such as new markets for goods and services, new kinds of goods and services, new kinds of business operations and procedures, new locational opportunities for businesses, and new marketing techniques. Home-based and farm-based locations offer special opportunities for Clarke County due to the quality of life in its rural area. Aspects of these have been included in some of the preceding strategies for specific economic sectors.*

*Over the course of time, a variety of new businesses and economic sectors will likely emerge within Clarke County, as demographic, technological, and economic change continues in and around the region. Examples of potential prospects could include:*

- *“E-commerce” and telework offer multiple business opportunities, from enabling professionals to work from a rural home to creating new e-commerce businesses that can link to global markets. High quality broadband infrastructure is critical. Thus, the County should monitor changes in local broadband service to determine the existing and future need, and if there are policies, actions, or investments the County could take to meet that need.*

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- *“Ecosystem services” such as habitat and watershed protection, in part through collaboration with environmental groups and agricultural and recreational businesses that see the value of working landscapes as a way to conserve and enhance the natural environmental resources.*
- *Regional food systems where larger stores are buying local products. The growing interest in local fresh food supports this strategy, as well as the County’s proximity to a large and relatively high-income metropolitan population.*
- *Sustainable agricultural systems based on substituting internal inputs, including labor and management, for externally purchased ones.*
- *Alternative energy through wind farms, solar farms, and other alternative energy generators (subject to mitigation or avoidance of any environmental issues that would conflict with tourism and other planning goals).*

*A broad, long-term approach to innovation depends on seven key strategies:*

1. *Provide critical information needed by businesses. Information on economic and demographic trends are especially valuable for the County to promulgate, as well as information on connections and linkages, as described in #3 below.*
2. *Maintain and continually improve the high quality of life, and a local culture that embraces creativity, growth and change in the local business sectors. This includes promoting “place-based” development that capitalizes on the County’s and Town’s special characteristics, including the traditional, historic downtown, other historic buildings and sites, scenic rural landscapes, and the “small-town” rural social and cultural environment of the County. This can be done through appropriate planning, zoning, and urban design policies and regulations as cited herein, as well as through prudent investments in utilities and communications infrastructure, information, and marketing.*
3. *Enhance connections between businesses and the people and organizations that can help them prosper through sharing information with business associations, universities, service providers, etc.*
4. *Cultivate talent and creativity by fostering an environment that supports individuals and firms who use art or design in their products and services, as well as fostering a community spirit and culture that values innovation and creativity within the business community and local economy.*
5. *Use local resources as the basis for innovation and growth. Local products and processes, local talent, and the local quality of life can all provide the identity and “brand” that will further distinguish Clarke County from other areas.*
6. *Promote the enhancement of broadband access. High speed internet service is widespread in Berryville (including some public Wi-Fi), and a fiber line runs along Rt. 7,*

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*but most of the rural areas rely on wireless service; identify how the County might be able to promote the enhancement of broadband access and quality countywide (study similar to hotel and equine). Constantly changing technologies and business models presents a challenge for the County to address this issue. However, good broadband service will be increasingly important in all sectors of the future economy.*

- 7. Foster the further development of home-based and farm-based businesses by evaluating and modifying the zoning regulations as needed to ensure a proper balance between land use compatibility and efficient review and approval processing. For example, by expanding the number of defined types of home-based businesses, the standards and permit processes can be properly tailored to the level of intensity of the business, thereby creating the most efficient and effective level of regulation.*

*Schedule: FY 2017+*

*Responsibility: Economic Development Director; Planning Director*

*Estimated Cost: TBD*

### *Goal C – Increase Vitality of Agriculture & Tourism (pp. 40-45):*

*Goal C. Increase the Vitality of Agriculture and Tourism*

*[Note: Draft Berryville Clarke County Tourism Plan Objective 7 – “Foster growth and development of new tourism sectors including agribusiness, tourism, promotion of local artists and musicians” is embedded in this Goal C, which includes these other sectors.]*

#### *Strategy 1. Foster Growth and Vitality of the Agricultural Industry*

*The County currently provides some assistance and information to the local farm community as well as relying on state organizations such as the Virginia Cooperative Extension, the Virginia Department of Agriculture and Consumer Services, and the Virginia Farm Bureau. While the County could enhance its involvement and support for local agricultural businesses through the establishment of a County office of Agricultural Development, as some other neighboring counties have done, such a separate local government office is probably premature for Clarke County at this time in terms of assigning a full-time staff member. Yet some of the work done by these offices could be included in the work plan for an enhanced County Economic Development program. Any such efforts should be done in coordination with future updates to the Agricultural Land Plan. Each of the strategies below is something that the County staff is currently doing but with very limited capacity. If professional capacity is expanded, these activities could be part of that.*

#### *Action C.1. Promote information and understanding of the local agricultural industry.*

*In conjunction with enhancement of the County’s website for all economic development components. As the County expands and broadens its programmatic support for the local farm industry, the website can reflect and reinforce those efforts by providing data and information, links to other resources, and other networking tools, etc. Specific content will depend on how the website emerges in relation to expansion of agricultural development efforts.*



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*Schedule: FY 2015 and ongoing.*

*Responsibility: Economic Development Director.*

*Estimated Cost: (Subsumed in future Economic Development Budget)*

*Action C.2. Promote activities that support local agriculture, including farm tours, “buy local” initiatives, “pick-your-own” enterprises, Farmers Markets, Community Supported Agriculture (CSAs), etc., in conjunction with enhancement of the County’s website for all economic development components. The website is an ideal tool for informing and promoting the full range of activities, both within the County, as well as among its regional and state partners.*

*Schedule: FY 2015 and ongoing.*

*Responsibility: Economic Development Director.*

*Estimated Cost: (Subsumed in future Economic Development Budget)*

### *Strategy 3. Promote Equine Development (Longer Term Priority)*

*Action C.6 Conduct a detailed study of the equine industry*

*This would include identifying the barriers and opportunities for expanding, and steps to pursue (similar to the Town’s recent hotel market study). The purpose is to identify the short and long term potential for the industry and the most practical steps and priorities for achieving the potential.*

*Action Steps:*

*(1) Identify the scope of the study and funding resources.*

*(2) Issue an RFP for the work.*

*(3) Retain the firm to conduct the study.*

*(4) Assess, promulgate, and implement the findings.*

*Schedule: FY 2017+*

*Responsibility: Economic Development Director*

*Estimated Cost: TBD*

*Action C.7 Strengthen businesses in the local equestrian industry*

*Develop a county or regional website devoted to the industry, offering up to date information on hay pricing, horse shows, and other business trends. (This could be in conjunction with the overall effort to upgrade the County’s website for economic development marketing and tourism). Any such efforts should build on the success of the existing Equine Alliance and be an outgrowth or enhancement of that group. Businesses in the industry include stables and breeders, but also support businesses such as farriers, saddle-makers/marketers, and specialty construction companies.*

*Schedule: FY 2017+*

*Responsibility: Economic Development Director*

*Estimated Cost: TBD*

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## **Protect the County's Scenic and Environmental Resources**

- COMPREHENSIVE PLAN, Objective 1 – Agriculture (pp. II-2-4):

*Policy 5. Encourage the use of best management practices as outlined in the Chesapeake Bay Regulations and as determined by the Federal Total Maximum Daily Load (TMDL) program to improve water quality by the following methods.*

- a. Making technical assistance available.*
- b. Promoting public awareness on the benefits of, and necessity for, best management practices, erosion and sedimentation controls, storm water management and Chesapeake Bay Preservation Regulations.*
- c. Assisting in the establishment of conservation plans for all farms adjacent to perennial streams.*
- d. Encouraging the participation of all landowners engaged in agricultural activities to use the assistance of the Virginia Cooperative Extension Service, the Natural Resource Conservation Service, the Lord Fairfax Soil and Water Conservation District, and other public agencies.*

- GROUNDWATER RESOURCES PLAN

### Nonpoint Pollution (p. 21):

*D. Nonpoint pollution: Cooperate with and encourage use of the programs administered by the Agricultural Extension Office and other agencies involved in developing Best Management Practices (BMPs).*

*Nonpoint pollution is the single largest contributor to groundwater pollution in Clarke County. In Clarke County, it is characterized as pollution from agricultural and residential development practices that cause soil erosion as well as improper fertilizer and pesticide application.*

*Control measures for agricultural land use are currently supervised by the Natural Resource Conservation Service (NRCS), the Agricultural Stabilization and Conservation Service (ASCS), and the Agricultural Extension Office. These agencies work with farmers to develop Nutrient Resources Plans and implement Best Resources Practices (BMPs), which encourage farmers to avoid highly erodible lands when cropping and maintain minimal levels of fertilizer and pesticide applications. Residential landowners should be educated as to their responsibility for proper fertilizer and pesticide application on lawns and proper septic system maintenance.*

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- SURFACE WATER RESOURCES PLAN

### Implementation Steps (p. 3):

5. *Encourage installation of Best Management Practices (BMPs) to reduce access of livestock to riparian buffer zones.*

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# **CHAPTER III**



# **CONCLUSION**

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## CHAPTER III -- CONCLUSION

A land use plan is only as good as the degree in which it is implemented so it is critical to work towards researching, evaluating, and pursuing the recommendations set forth in this Plan. Likewise, a land use plan is only effective if it is kept up to date and reflects the community's current conditions, needs, and impacts.

It is recommended that the Plan be reviewed on a five-year review schedule according to the following process:

1. On a five-year schedule from the adoption date of the current Agricultural Land Plan, the Planning Commission shall adopt a resolution addressing the status of the Plan, whether it should be updated, and to what degree it should be updated. This resolution may come in one of the following forms:

- A finding that the current Plan recommendations are sufficient and that no amendment is necessary.
- A finding that changes in the community warrants a comprehensive review and update of the Plan. An example would be the release of decennial Census data and growth projections.
- A finding that the Plan does not address, or inadequately addresses, a specific topic area or areas warranting a focused update of the Plan. While the update may have a specific purpose, the review should remain comprehensive to ensure that all impacts are carefully evaluated.

2. It is recommended that at the beginning of year four in the five-year schedule, the Commission should begin work evaluating the Plan status. This can be accomplished as a committee of the whole or by designating a special subcommittee. If the Board of Supervisors has established an agricultural advisory committee, the Planning Commission should include this committee's input on the Plan evaluation either by joint meetings with the committee or including representatives from its membership on a special subcommittee with Commission members.

Plan status should be evaluated by considering factors including, but not limited to:

- Recent release of updated demographics including the Agricultural Census.
- Recent updates to the County Comprehensive Plan or related component plans.
- Changes to State law impacting the agricultural industry.
- Any other subject not addressed or inadequately addressed by the current Plan.

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While not recommended, a proposal may be considered to amend the Plan outside of the scope of the Plan's five-year review cycle. Frequent, piecemeal changes to the Plan can result in the document becoming fragmented and inconsistent. It can also devalue the importance of the document as a long-range planning guideline. For these reasons, interim amendments are strongly discouraged.



## **APPENDIX – ADDITIONAL MAPS**

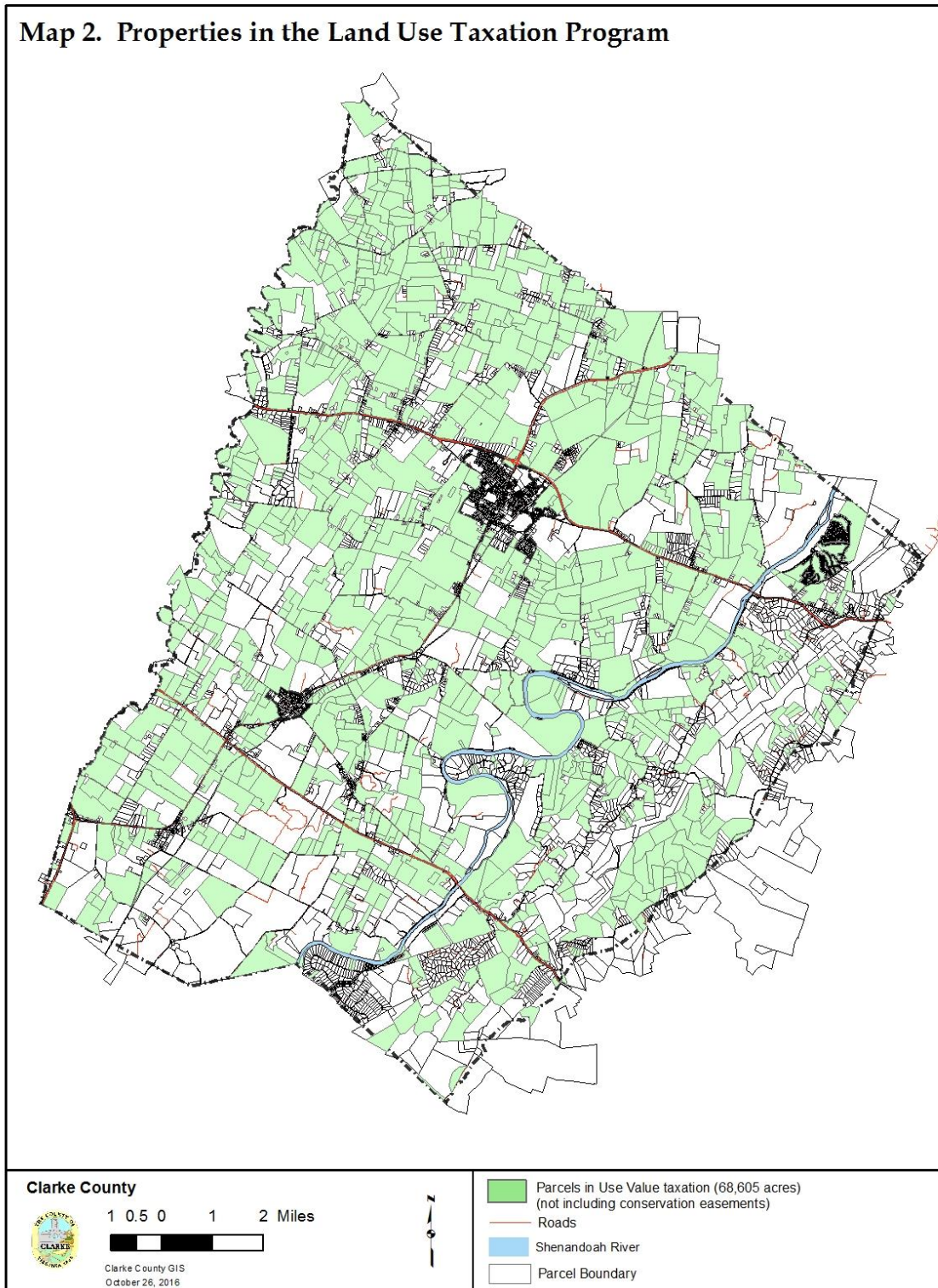
- **MAP 2 – Properties in the Land Use Taxation Program**
  - See discussion of Use Value Assessment on Page II-9
  
- **MAP 3 -- Properties in the Clarke County Agricultural & Forestal District (AFD)**
  - See discussion of the AFD Program on Pages II-9 – II-10
  
- **MAP 4 – Conservation Easements in Clarke County**
  - See discussion of the Clarke County Conservation Easement Authority (CEA) and Easement Purchase Program (CEP) on Pages II-8 – II-9

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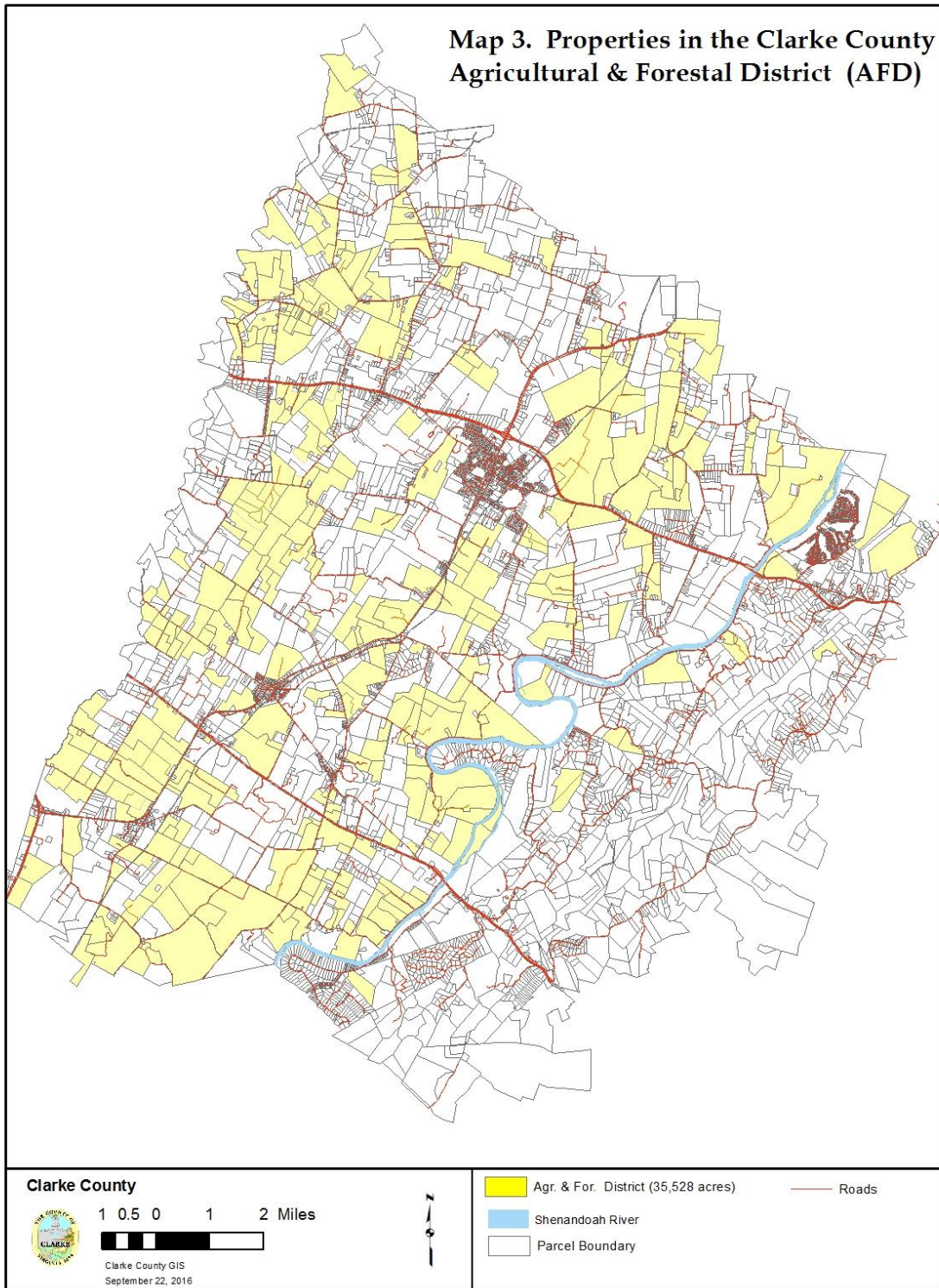
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**Map 2. Properties in the Land Use Taxation Program**



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