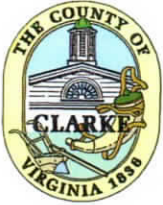


**CLARKE COUNTY PLANNING COMMISSION  
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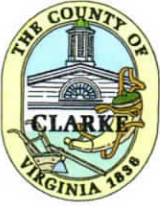
## Clarke County Planning Commission

AGENDA – Briefing Meeting

Tuesday, November 29, 2016 – 3:00PM

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

1. **Approval of Briefing Meeting Agenda**
2. **Review of Agenda Items for December 2, 2016 Meeting**
3. **New Business Items**
  - a. Presentation of Revised Draft Agricultural Land Plan by Subcommittee
4. **Old Business Items**
  - a. Continued Discussion, Agricultural Business Uses in the AOC District
5. **Other Business**
6. **Adjourn**



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**TO:** Planning Commission members

**FROM:** Brandon Stidham, Planning Director  
Ryan Fincham, Senior Planner/Zoning Administrator

**SUBJECT:** Presentation of Revised Draft Agricultural Land Plan

**DATE:** November 21, 2016

Enclosed for your review and discussion at the November 29 Briefing Meeting is the Initial Draft of the Revised Agricultural Land Plan as recommended for adoption by the Commission's Agricultural Land Plan Subcommittee – Randy Buckley, Robina Bouffault, Jon Turkel, Corey Childs (AFD Advisory Committee), and Emily Day (AFD Advisory Committee).

The Subcommittee was formed in March and held a total of five meetings in working with Staff to develop the Initial Draft. A kickoff meeting was held on May 12 that included a review of the current Agricultural Land Plan's policies and an initial discussion of key issues that the Subcommittee members and Staff recommended to be addressed (see attached). The bulk of the Subcommittee's work involved the following tasks:

- Evaluate the degree of implementation of the current Plan's policies and determine which ones to update or replace.
- Review recommendations in the Comprehensive Plan, Economic Development Strategic Plan, and other implementing component plans that are pertinent to the review process.
- Finalize a list of key issues to be addressed in the revised Plan and develop them into a Goals, Objectives, and Strategies format similar to the approach used in other recent plan updates.

The Subcommittee identified three recommended Goals for the revised Plan. New Objectives – each with their own list of strategies – are also recommended to implement each Goal:

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

Chapter I contains the full list of the Goals, Objectives, and Strategies that collectively describe the County's program for preserving and promoting its agricultural industry. Chapter II contains extensive background information on the County's agricultural industry, the current Plan's

policies and how they have been implemented since 1997, and the recommendations from the Comprehensive Plan and implementing component plans that are pertinent to the revised Agricultural Land Plan. Chapter III describes the process for reviewing and updating the Plan on a regular basis. The revised Plan begins with a Statement of Purpose and Plan Application that provides the reader with a summary of how the Plan is to be used.

Staff recommends that the Commission consider placing this item on the December 2 meeting agenda to schedule Public Hearing for the January 6, 2017 meeting. If the Commission has additional concerns that they would like to have addressed before scheduling a public hearing, Staff recommends providing us with direction so we can complete the work in a timely fashion.

If you have any questions or concerns in advance of the meeting, please do not hesitate to contact me.

## VISIONING SESSION:

### ITEMS FOR CONSIDERATION – AGRICULTURAL LAND PLAN REVISION

#### 1) Review of Current Plan:

- Which chapters and topics are useful and need updated and which can be eliminated?
- Is the current layout design and outline acceptable or should there be a new approach?
  - Current outline explained on Page 4 of the Plan states:
    - 1) Introduction, Purpose, Scope
    - 2) General Pattern of Zoning Ordinance
    - 3) Recent Trends in Population Growth and Land Development Patterns
    - 4) Agricultural Economy at the National, State, and County levels.
    - 5) Major sectors of Clarke County's Agricultural activities
    - 6) Recommendations for County Action
- Evaluate pages 75 through 83 which relate to Clarke County's Farmland Conservation Policies and Programs, Priorities for the next few years, and the Major Policy recommendations from the current Plan. Many of the recommended actions have been implemented.
- How is the Agricultural Land Plan referenced in the Comprehensive Plan and the component plans?

#### 2) Revised Plan Topics:

##### A.) Plan Format

- Plan History section
- Statement of Purpose
- Goals statement
- What statistics/demographics are useful?
- Update on Conservation, Land Use taxation, and other programs in place
- List of Existing "Projects and Programs" to assist the Ag sector
- List of New potential Programs
- Creation of 5 year review process

##### B.) Conventional Agriculture versus "New Agriculture / Agri-tourism"

- Is there a conflict between the two?
- Less land is required for "New Ag" - Agri-tourism, Pick your own, Specialty Growers, and Consumer Supported Agriculture operations (CSA's)
- Better to have a small Ag venture on a lot than mowing 10 acres of grass
- Breweries/Cideries/Wineries/Distilleries

- Equine – Good for farmland preservation, but when do horse shows and rodeos go from Ag-Education and Training to Competition and Events, and does it matter?

### C.) Policy and Other

- Allowance of Rezoning of parcels to Rural Residential if adjacent to a village under certain conditions?
- Any concern with Non-Agricultural Uses and Home Occupation's in the AOC?
- What is an Ag lot, 20 acres, 40 acres, 100 acres? Revisit AOC minimum Lot size?
- Where does the Agricultural use stop and the business or public assembly use start?
- Develop an online resource with lists of farmers/producers/ag businesses/ag tourism/ag support businesses/ and ways to link emerging farmers with existing farmers and land owners
- Actively facilitate these Ag businesses
- Use of large vacant homesteads and manor houses
- Farm Bureau Economic Development Committee and Planning Commission Agricultural Committee mentioned in current Plan are no longer active
- Farm Bureau, Extension, Agricultural & Forestal District Committee are still resources
- Co-op for local producers for processing? Local Cannery?
- Farmers Markets

### Sample Goals:

1. Reinforce the programs and policies in place for decision-making (Zoning, Subdivision, Land Use Plans)
2. Reinforce existing farmland protection programs (CCEA, Land Use taxation, AFD)
3. Establish programs to increase Agricultural Economic Development and to enhance the public's perception of the benefits of Agricultural land, uses, and businesses.



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**TO:** Planning Commission members

**FROM:** Brandon Stidham, Planning Director

**SUBJECT:** Continued Discussion, Agricultural Business Uses in the AOC District

**DATE:** November 21, 2016

Item #4a is a continued discussion of agricultural business uses in the AOC District. This memo contains a summary of the Commission's discussion at the November 1 Briefing Meeting and modifications to Staff's preliminary recommendations based on those discussions. As with last month's memo, we have divided the summary up according to issue. Staff has provided draft text amendment language for consideration -- proposed new or amended text is shown in red font.

**Farm machinery sales and service/Farm supplies and sales**

Changes made since the November Briefing Meeting include requiring a plan for the effective onsite containment and offsite disposal of waste fluids, fertilizers, pesticides/herbicides, and chemicals; prohibition of onsite disposal of said chemicals; addition of outdoor storage of merchandise and outdoor display of farm machinery; and allowance of retail sale of non-agricultural merchandise. Commission members discussed potentially increasing the maximum outdoor display area of 750 square feet in order to better accommodate tractors and equipment but no clear direction was provided to Staff.

- **AOC District uses (§3-A-1-a) – Add the following as permitted uses:**
  - *Farm machinery sales and service*
  - *Farm supplies and sales*
  
- **Definitions (Article 9) – Add the following new definitions:**
  - *Farm machinery sales and service -- Buildings and land used for the onsite sale of machinery, equipment, and parts, and/or for the onsite service of machinery and equipment, that is manufactured primarily for use by an agricultural operation.*
  
  - *Farm supplies and sales -- Buildings and land used for the onsite sale of goods and supplies that are primarily produced or manufactured for use by an agricultural operation.*



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

**Farm machinery sales and service**

1. *Approval of a site development plan by the Planning Commission per Article 6 shall be required. A plan for the effective onsite containment and offsite disposal of waste fluids and other chemicals in accordance with State requirements shall be provided with the site development plan. No waste fluids or chemicals shall be disposed of onsite.*
2. *The subject property for a farm machinery sales and service business shall have sufficient frontage on a Federal primary highway (US 340, US 522, US 50/17) or four-lane divided State primary highway (VA 7) to accommodate a commercial entrance and improvements as required by the Virginia Department of Transportation (VDOT).*
3. *The maximum floor area shall not exceed 15,000 square feet.*
4. *All service activities shall be conducted within an enclosed building.*
5. *No outdoor storage shall be permitted. Outdoor display of machinery shall be permitted within the building envelope and shall be designated on the site plan.*
6. *Service and repair activities shall be limited to farm machinery and equipment including but not limited to farm tractors, combines, harvesters, and the like. No service or repair of automobiles, heavy trucks, or other motor vehicles shall be permitted.*

**Farm supplies and sales**

1. *Approval of a site development plan by the Planning Commission per Article 6 shall be required. A plan for the effective onsite containment and offsite disposal of fertilizers, pesticides/herbicides, and chemicals in accordance with State requirements shall be provided with the site development plan. No fertilizers, pesticides/herbicides, or chemicals shall be disposed of onsite.*
2. *The subject property for a farm machinery sales and service business shall have sufficient frontage on a Federal primary highway (US 340, US 522, US 50/17) or four-lane divided State primary highway (VA 7) to accommodate a commercial entrance and improvements as required by the Virginia Department of Transportation (VDOT).*
3. *The maximum floor area shall not exceed 15,000 square feet.*



4. *Outdoor storage of equipment and merchandise shall only be permitted within the rear yard building envelope and shall be designated on the site plan. Outdoor storage areas shall be secured with fencing.*
5. *Outdoor display of equipment and merchandise shall only be permitted in a designated area within the building envelope not to exceed 750 square feet.*
6. *Retail sale of non-agricultural merchandise is allowed so long as sale of such merchandise is accessory and clearly incidental to the sale of farm supplies.*

**Agriculture versus Horticulture definitions and uses**

No changes were made to Staff’s previous recommendation. Staff recommends deleting the definition for “horticulture.” Since “horticulture” is included in the current definition of “agricultural products” in addition to several other activities, no changes would need to be made to the definition of “agriculture.” Staff has not identified any impacts that would result from this change other than clarifying that horticulture is part of agriculture.

- **District uses – Delete “horticulture” as a use in the FOC and RR Districts.**
- **Definitions (Article 9) – Delete the definition of “horticulture”:**

~~***HORTICULTURE (9-B-97): The use of land devoted to the production of fruit of all kinds (including berries, grapes, and nuts), ornamental plants and products, and vegetables.***~~

**Onsite sales of farm products**

No changes were made to Staff’s previous recommendation. Staff has recommended allowing “[t]he exclusive wholesale or retail sale of agricultural products, grown or processed in conjunction with an agricultural operation, that is clearly accessory and incidental to that agricultural operation.” This change would clarify that a farm may sell – either wholesale or retail – products that are grown or processed as part of that farm’s operations. It would not allow any retail sale of products or items that are not grown or produced by the farm. It would allow products to be sold that are processed with products not produced by that farm. An example would be an apple producer selling baked goods containing ingredients not produced on the farm.

Commissioners requested Staff to determine whether “Bio-Solids Land Application” could be removed from the definition of “agriculture.” This activity corresponds to Supplementary Regulations for biosolids land application found in §3-C-2-b. State law prohibits local enforcement of zoning requirements that are more stringent than State regulations for land application, however the County’s Supplementary Regulations were retained in the Zoning Ordinance and are provided to applicators in an effort to achieve voluntary compliance with the regulations. Since there has been voluntary compliance with some of our requirements, Staff does not recommend deleting “Bio-Solids Land Application” or the Supplementary Regulations at this time. The Commission was concerned with whether the current language appears to

encourage land application of biosolids. To address this concern, Staff recommends amending the language to read “Bio-Solids Land Application as required by State law.”

- **Definitions (Article 9) -- Amend the definition of “agriculture” as follows:**

*The use of land devoted to agricultural products and the processing of such agricultural products that are produced in Clarke County. ~~Bio-Solids Land Application shall be considered an agricultural activity.~~ Agriculture shall also include the following activities:*

- *Bio-Solids Land Application as required by State law*
- *The exclusive wholesale or retail sale of agricultural products, grown or processed in conjunction with an agricultural operation, that is clearly accessory and incidental to that agricultural operation.*

#### **Nurseries, greenhouses (commercial)**

No changes were made to Staff’s previous recommendation to delete the use, “nurseries, greenhouses (commercial).” Staff noted that by deleting “horticulture” as a defined use and recognizing it as part of the definition of agriculture, it would allow wholesale and retail sale of agricultural products produced through horticulture. A true retail/commercial nursery would still be permitted in the Highway Commercial and Neighborhood Commercial Districts as by-right uses, and in the AOC District as a special use under “Retail and Service Businesses.”

- **District uses – Delete “nurseries, greenhouses (commercial)” as a permitted use in the Highway Commercial and Neighborhood Commercial Districts.**

#### **Processing of Agricultural Products**

No changes were made to Staff’s previous recommendation. Staff’s recommended change to allow onsite sales of farm products would allow farms to process and sell (wholesale or retail) agricultural products onsite even if those products include ingredients not produced onsite, so long as the sales activity is accessory and clearly incidental to the farming operation. An activity that processes agricultural products not associated with a farming operation (e.g., a freestanding processing facility) would be limited to the Business Park (BP) District or Town of Berryville light industrial district. The use and definition for “small scale processing of fruit and vegetables” would be retained.

- **District uses -- Delete the use “processing of agricultural products not totally produced in Clarke County (excluding wineries, breweries, cideries, and distilleries).”**

#### **Feed and Grain Mills**

The Commission requested Staff to develop amendment language to protect and preserve the functions of the County’s two historic water mills – Burwell-Morgan Mill and Locke’s Mill. Staff proposes to create a definition for “historic mill” that includes only these two functioning 18<sup>th</sup> Century water mills. We also propose to create new supplementary regulations that would recognize the grinding of grains to produce flour and historical/educational activities as primary



permitted activities. Retail sales that are accessory and clearly incidental to the primary activities would also be permitted. Staff also recommends full compliance with Article 6 and the County's Historic District requirements (for Burwell-Morgan Mill) if the mill footprint is expanded or new structures or parking areas on the same parcel are proposed.

- **Definitions (Article 9) – Add the following new definition:**
  - *Historic mill -- One of the County's two 18th Century water mills -- Burwell-Morgan Mill (15 Tannery Lane) and Locke's Mill (1600 Locke's Mill Road) -- originally constructed for the grinding of grains into flour.*
- **Supplementary Regulations (§3-C-2) – Add the following new supplementary regulations:**

***Historic Mill***

1. *Primary uses that are permitted at an historic mill include grinding of grains to produce flour and historical/educational activities and events.*
2. *Retail sales are permitted so long as the activity is accessory and clearly incidental to the primary uses.*
3. *Any expansion of the existing mill footprint as of the adoption date of this ordinance or construction of new structures or parking areas on the same parcel shall require site development plan approval per Article 6 and compliance with Section 3-E-3, Historic Districts, if applicable.*

**Welding, blacksmith, tinsmith, woodworking**

No changes are proposed by Staff or the Commission at this time.

**Revised Uses chart with proposed changes (in RED)**

Use	AOC	CH	CN
Agriculture	P	P	X
Forestry	P	P	X
<b>Horticulture</b>	<b>P</b>	<b>P</b>	X
Farm wineries	P	X	X
Farm breweries	P	X	X
Home occupations	A	X	X
Livestock auction markets	S	X	X
<b>Processing of agricultural products not totally produced in Clarke County</b>	<b>S</b>	X	X
Small scale processing of fruits and vegetables	S	X	X
Veterinary services	S	P	S
<b>Farm machinery sales and service*</b>	<b>P*</b>	P	X
<b>Farm supplies and sales*</b>	<b>P*</b>	P	S
<b>Nurseries, greenhouses (commercial)</b>	<b>X</b>	<b>P</b>	<b>P</b>
Feed and grain mill	X	S	X
<b>Historic mill</b>	<b>P</b>	<b>n/a</b>	<b>P</b>
Retail and service businesses**	S	P	P

\* Subject to site development plan approval by the Planning Commission.

\*\* Would include freestanding retail nurseries/greenhouses.

Staff requests the Commission to review the proposed changes and to provide guidance to Staff regarding whether to continue processing the recommendations as a text amendment. If the Commission is comfortable with the proposed changes, Staff recommends review of the language by the County Attorney prior to scheduling Public Hearing.

If you have any questions or concerns in advance of the meeting, please do not hesitate to contact us.