

# COUNTY OF ALBEMARLE PLANNING COMMISSION

## EXECUTIVE SUMMARY

<b>AGENDA TITLE:</b> ZTA 2019-02 Agricultural Operations and Events update (Phase I)	<b>AGENDA DATE:</b> April 9, 2019
<b>PURPOSE OF WORK SESSION:</b> Discuss ordinance changes to align regulations for events at Agricultural Operations with those for events at Farm Wineries, Breweries, and Distilleries	<b>ACTION:</b> X <b>INFORMATION:</b>
<b>STAFF CONTACT(S):</b> Amelia McCulley, Bart Svoboda, Rebecca Ragsdale, Lea Brumfield	<b>CONSENT AGENDA:</b> <b>ACTION:</b> <b>INFORMATION:</b> <b>ATTACHMENTS:</b> Yes

**ORIGIN:** On January 9, 2019, the Board of Supervisors adopted a resolution of intent to amend the regulations related to events and activities at agricultural operations (Albemarle County Code § 18-5.1.58).

**PROPOSAL:** The proposed text amendment would eliminate inconsistencies and align regulations relating to activities and events at agricultural operations with those at Farm Wineries, Breweries, and Distilleries (FWBD).

**BACKGROUND:** The Board of Supervisors adopted two resolutions of intent (Attachment A) on January 9, 2019 to update zoning ordinance regulations for agricultural operation events and activities that include two phases:

Phase I      This phase of ordinance work will align regulations relating to events at agricultural operations with those for events at FWBDs which were adopted in January 2017. This phase is purposefully not intended to create new substantive regulations that involve policy or requirements that are more stringent than those currently in the ordinance for FWBD. It includes only updates to current regulations that align regulations between the similar Rural Area use categories.

Phase II      The second phase of ordinance work will include consideration of a) how to evaluate whether an agricultural operation is a primary use devoted to the bona fide production of crops, animals or fowl for the purpose of qualifying for events and b) defining in the ordinance "farm to table dinners" relating to allowed events. Phase II would involve substantive changes that require more public engagement than Phase I and would necessitate additional resources not currently available based on other Community Development Work Program Priorities. The Board of Supervisors would need to determine if work program items are reprioritized or Phase II would begin following completion of existing work program priorities. For this reason, Phase II is not yet scheduled.

The Planning Commission discussed an outline of the proposed changes in a work session on March 5, 2019 (Attachment B). After questions and discussion, the Commission was generally supportive of the changes to align the regulations.

**PUBLIC PURPOSE TO BE SERVED:** Strike a balance between fostering the economic success of these

agricultural enterprises and safeguarding impacts of surrounding neighbors. Provide consistent regulations for similar Rural Area uses.

## **COMPREHENSIVE PLAN:**

### **Rural Area**

Objective 1: *Support a strong agricultural and forestal economy.*

Strategy 1d: *Continue to assist Rural Area property owners to diversify agricultural activities, including helping to connect local farms with local consumers.*

### **Economic Development 6.1**

Objective 3: *Provide diversified economic opportunities that benefit County citizens and existing businesses by basing policy decisions on efforts that support and enhance the strengths of the County.*

### **Strategic Plan:**

*Rural Area Character: Preserve the character of rural life with thriving farms and forests, traditional crossroad communities, and protected scenic areas, historic sites, and biodiversity*

**STAFF COMMENT:** The draft ordinance is attached and includes the following changes summarized below. These changes align agricultural operation event and activity regulations with those for farm winery, brewery, and distillery regulations.

- 1. Require 5-Acre Minimum On-site Acreage in Production for Agricultural Operation Events**-The proposed ordinance change would require that an agricultural operation have a minimum of five (5) acres devoted to agricultural production in order to be eligible to have agricultural events on the property. The minimum of 5-acre on-site production requirement would not apply to farm sales, and other sales and agritourism events as defined below. Agriculture must still be a primary use before those activities would be allowed under the ordinance. These uses are similar to those allowed at FWBD, without the minimum acreage requirement.

<b>5-Acre Minimum not required for Sales, Agritourism, and Educational Activities</b>	<b>5-Acre Minimum Required for Events</b>
<p><b>Agritourism:</b> Any activity carried out at a farm winery, farm brewery, or an agricultural operation, that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions, regardless of whether or not the participant paid to participate in the activity. These rural activities also include, but are not limited to, farm tours, tours of an individual agricultural operation, hayrides, heirloom plant and animal exhibits, crop mazes, and educational programs, workshops, or demonstrations related to agriculture or silviculture.</p> <p><b>Farm sales:</b> The sale of agricultural products, value-added products and accessory merchandise on a farm, either outdoors or within a temporary or permanent structure, where the vendor selling the products and merchandise is engaged in production agriculture on the farm on which the farm sales use is located.</p>	<p><b>Agricultural operation event:</b> An event conducted at, and subordinate to, an agricultural operation for up to three (3) consecutive days comprised of: (i) agritourism-related events such as tastings not conducted in the daily course of agritourism, farm sales, or the sale of agricultural products or food products; farm-to-table dinners; agricultural festivals; and auctions or livestock shows pertaining to livestock, animals, or other agricultural products not grown or raised at that agricultural operation; (ii) events that promote the sale of agricultural or silvicultural products; (iii) events that promote the sale of food products; (iv) events that are usual and customary at Virginia agricultural operations; and (v) fundraisers and charity events.</p>

The draft ordinance includes a special exception provision to modify the 5-acre minimum production requirements. Given that there is a wide variety of agricultural operations, staff believes that they should be eligible for a special exception. The Board of Supervisors must approve special exceptions under

County Code § 18-33.49(B) and no specific findings are required for a decision. The draft ordinance includes the following to be considered when granting a special exception to the 5-acre minimum production requirements for agricultural operation events to be held:

- i. The proposed agricultural operation events are consistent with the purpose and intent of this ordinance,
- ii. The proposed agricultural operation events are consistent with the Comprehensive Plan,
- iii. The proposed agricultural operation events would not cause substantial detriment to abutting properties.

**2. Neighbor Notification with Zoning Clearance-** The draft ordinance adds a requirement that agricultural operations send notification to abutting property owners and provide an on-site point of contact if a zoning clearance is required for the proposed events and activities. A zoning clearance is also required for outdoor amplified music. This is consistent with the notification requirement for FWBDs found in the ordinance to notify neighbors if they plan to hold events. The purpose of the notification is to encourage direct communication with neighbors prior to events commencing and to establish a point of contact at the FWBD if concerns arise when events are occurring. Staff recommends that agricultural operations events be required to notify all adjoining neighbors in conjunction with the zoning clearance process and that they provide neighbors with an on-site point of contact for when events occur.

**3. Curfew for Outdoor Amplified Music-** The draft ordinance includes a provision that agricultural operations monitor outdoor amplified music for compliance with a sound level meter and to prohibit outdoor amplified music between 10 p.m. Sunday through Thursday nights and 7 a.m. the following mornings, as well as between 11 p.m. on Friday and Saturday nights through 7 a.m. the following mornings. This proposed change will align outdoor amplified music regulations for agricultural operations with those for FWBD.

**4. Setbacks-** While similar provisions exist between the use categories, the draft ordinance includes changes needed to align setbacks for agricultural operations events with FWBD. These changes include:

- a. Require that the minimum front, side, and rear yard requirements of Albemarle County Code § 18-10.4 apply to all primary and accessory structures used for agricultural operation events or agritourism established after the adoption of the ordinance, provided that the minimum front yard on an existing public road in the Rural Areas (RA) zoning district would remain 35 feet for farm sales structures;
- b. Replacing the current requirements for both a 75-foot setback from property lines and a 125-foot separation from a dwelling unit for both outdoor event and activity areas and parking areas and portable toilets with a requirement for a 125-foot setback from property lines, and to require a 125-foot setback for tents used for agricultural operation events;

**Administration/Review Process:** No change to the current review process, which is summarized in the table below, is proposed.

No Permit Required	Zoning Clearance	Special Use Permit
Harvest-your-own activities	Outdoor amplified music	Structures for farm sales over 4,000 sf
Agritourism, events or retail sales generating 50 or fewer vehicle trips* per day and occurring on sites 21 or more acres in size	Agritourism, events or retail sales generating either over 50 vehicle trips* per day or occurring on sites under 21 acres in size	Events or activities (including educational programs, workshops or demonstrations related to agriculture or silviculture) with over 200 attendees at any time
Up to 4 farm tours per year with 200 or fewer attendees at any time	Over 4 farm tours per year and farm tours with over 200 attendees at any time	Over 24 events of any size/year
Up to 4 educational programs, workshops, or demonstrations related to agriculture or silviculture per year with 200 or fewer attendees at any time	Over 4 educational programs, workshops or demonstrations related to agriculture or silviculture with 200 or fewer attendees at any time	
Structures for farm sales 4,000 sf or less		

**Implications to Staffing/Staffing Costs:** Staff does not anticipate that the proposed ordinance amendment will result in the need for additional staff or funding.

**RECOMMENDATION:** Staff recommends that following the public hearing, the Commission recommend approval of the draft ordinance found in Attachment C.

**ATTACHMENTS:**

- A. [Resolution of Intent](#)
- B. [Planning Commission March 5, 2019 Work Session Report](#)
- C. Draft Ordinance