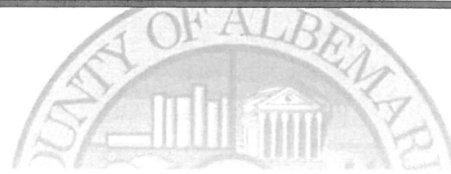


# ALBEMARLE COUNTY VIRGINIA



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**File #:** 19-111    **Version:** 1    **Name:**  
**Type:** Zoning Text Amendment    **Status:** Consent Agenda  
**File created:** 12/15/2018    **In control:** [Board of Supervisors](#)  
**On agenda:** 1/9/2019    **Final action:**  
**Title:** Phases I and II Zoning Text Amendments relating to Agricultural Operations  
**Attachments:** 1. [Att.A - ROI Phase I](#), 2. [Att.B - ROI Phase II](#)

[History \(0\)](#)
[Executive Summary](#)

**AGENDA DATE:** 1/9/2019

**TITLE:**  
 Phases I and II Zoning Text Amendments relating to Agricultural Operations

**SUBJECT/PROPOSAL/REQUEST:** Resolutions of Intent to amend the regulations related to events at agricultural operations.

**ITEM TYPE:** Consent Action Item

**STAFF CONTACT(S):** Richardson, Walker, Kamptner, Herrick, Graham, McCulley, Ragsdale

**PRESENTER (S):** N/A

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Jeffrey B. Richardson

**BACKGROUND:** On July 1, 2014, new State legislation became effective limiting localities' ability to regulate activities associated with bona fide agricultural operations. On November 12, 2014, Albemarle County adopted zoning regulations to implement this new legislation. Similar State legislation relating to farm wineries, breweries and distilleries (FWBD) is also implemented through our zoning regulations. A growing interest in holding events at FWBD coupled with the lack of a minimum agricultural product requirement to obtain a State Alcoholic Beverage Control ("ABC") license for FWBDs raised concern about the potential for them to be established on sites with no connection to agriculture, contrary to the underlying purposes of the State's zoning laws, the Rural Area chapter of the County's Comprehensive Plan, and the express purpose of the Rural Areas zoning district.

In an attempt to strike a balance between fostering the economic success of these agricultural enterprises and safeguarding the property rights of surrounding neighbors, the County undertook an extensive stakeholder engagement beginning in March, 2016. It culminated in a zoning text amendment relating to FWBD events adopted on January 18, 2017. This amendment included: curfews for outdoor amplified music, increased setbacks, neighbor notifications for zoning clearances and minimum onsite planted acreage requirements. Because the 2017 ordinance amendment was focused on FWBD, it did not include "agricultural operations," a separate class under State law. With additional experience since November 2014, we see a benefit in a similar regulatory scheme for events at agricultural operations.

Staff suggests a zoning text amendment that considers incorporating the provisions for FWBD adopted in January 2017. Because these provisions resulted from an extensive stakeholder process and have been in use for almost 2 years, we anticipate that limited staff resources will be necessary for the proposed amendment. Staff believes the proposed zoning text amendment would be the first phase of further related amendments.

**STRATEGIC PLAN:** Mission: To enhance the well-being and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds; and  
 Quality Government Operations: Ensure County government's capacity to provide high quality service that achieves community priorities.

**DISCUSSION:** Phase I ordinance work will eliminate the imbalance and align regulations relating to events at agricultural operations with those for events at FWBDs. These regulations include informing neighbors of applications for zoning clearances for events at agricultural operations. This is to better allow neighbors and agricultural business owners to proactively work together.

Other questions about the eligibility and allowances for events at agricultural operations will need more extensive stakeholder engagement and is a suggested second phase. Because this involves more extensive staff resources that will need to be balanced with other Board priorities, we recommend that the second phase be considered with the Community Development work program to be discussed in February. Specifically, the second phase 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) what is the meaning of "farm to table dinners" relating to allowed events. Staff recommends that we provide a public engagement plan for Board approval prior to beginning phase II work.

**BUDGET IMPACT:** Staff does not anticipate that adopting the Phase I Resolution of Intent will result in the need for additional staff or funding. Phase II will necessitate additional resources unless it is considered in the context of the Community Development Department work program.

## RECOMMENDATION:

Staff recommends that the Board adopt the attached Resolutions of Intent.

## ATTACHMENTS:

A - ROI for Agricultural Operations Phase I  
 B - ROI for Agricultural Operations Phase II

# RESOLUTION OF INTENT

**WHEREAS**, the Albemarle County Zoning Ordinance includes provisions relating to events at farm wineries, breweries, and distilleries that were adopted January 18, 2017 after extensive stakeholder engagement; and

**WHEREAS**, these provisions differ from those for events at “agricultural operations”; and

**WHEREAS**, there is good cause for aligning provisions for events at all of these types of bona fide agricultural uses; and

**WHEREAS**, additional guidance can be helpful for owners of agricultural operations, neighbors, and staff.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare, and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code § 18-5.1.58 and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

**BE IT FURTHER RESOLVED THAT** the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendations to the Board of Supervisors, at the earliest possible date.

\* \* \* \* \*

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true and correct copy of a Resolution duly adopted by the Albemarle County Board of Supervisors by a vote of \_\_\_\_ to \_\_\_\_, as recorded below, at a meeting held on \_\_\_\_\_.

\_\_\_\_\_  
Clerk, Board of County Supervisors

	Aye	Nay
Mr. Dill	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Mr. Randolph	_____	_____
Mr. Gallaway	_____	_____

RESOLUTION OF INTENT

WHEREAS, the Albemarle County Zoning Ordinance includes provisions related to events held at agricultural operations; and

WHEREAS, the Zoning Ordinance has no definition of “farm to table dinner”; and

WHEREAS, though the definition of “devoted to the bona fide production of crops, animals or fowl” allows agricultural operations to qualify as a primary agricultural use for the purpose of holding events, it contains numerous criteria that are difficult to assess and therefore administer; and

WHEREAS, additional guidance can be helpful for owners of agricultural operations, neighbors, and staff.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code §§ 18-3.1 and 18-5.1.58 and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendations to the Board of Supervisors, at the earliest possible date.

\* \* \* \* \*

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true and correct copy of a Resolution duly adopted by the Albemarle County Board of Supervisors by a vote of \_\_\_\_ to \_\_\_\_, as recorded below, at a meeting held on \_\_\_\_\_.

\_\_\_\_\_  
Clerk, Board of County Supervisors

	Aye	Nay
Mr. Dill	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Mr. Randolph	_____	_____
Mr. Gallaway	_____	_____