

COUNTY OF ALBEMARLE

STAFF REPORT

AGENDA TITLE: ZTA 2016-3 Farm Winery, Brewery, and Distillery Events	AGENDA DATE: December 6, 2016
SUBJECT/PROPOSAL/REQUEST: Public hearing on farm winery, brewery, and distillery events zoning text amendment	ACTION: X INFORMATION:
STAFF CONTACT(S): Kamptner, Blair, McCulley, Clark, McCall, Burbage	CONSENT AGENDA: ACTION: INFORMATION:
	ATTACHMENTS: Yes

BACKGROUND:

On March 2, 2016, the Board adopted a Resolution of Intent directing staff to work on a zoning text amendment to strengthen the requisite relationship between activities and events at farm wineries, breweries, and distilleries (FWBDs) and their agricultural nature and to further evaluate potential impacts associated with these events (Attachment B). In April and May, the County hosted four stakeholder roundtables with farm breweries, farm distilleries, farm wineries and cideries, and Rural Area neighbors to gather input related to issues associated with FWBD events. On June 14, the Planning Commission held a joint work session with the Board of Supervisors to provide direction to staff on issues identified at the stakeholder roundtables (Attachment C).

In response to the Commission's request to gather additional input from residents of the Rural Area about impacts associated with FWBD events, staff circulated a stakeholder survey and received over 280 responses between June and September. On September 13 the Commission held a second work session to discuss a draft ordinance and provide guidance on four provisions that arose from the stakeholder survey: a minimum road standard for event eligibility, a traffic management plan for events over 200, a curfew for outdoor amplified music, and neighbor notification with a zoning clearance application (Attachment D).

At the September 13 work session staff informed the Commission that under the State's enabling authority, the County could not impose a minimum road standard for FWBD events without a finding of substantial impact on public health, safety, and welfare directly associated with events at FWBDs. Accident data provided by Police suggest no identifiable correlation between FWBD uses and the number of traffic accidents occurring in proximity to them over the past five years (Attachment E). See Attachment F for a legal memo prepared by the County Attorney summarizing the County's ability to impose a minimum road standard.

STRATEGIC PLAN:

Economic Prosperity: Foster an environment that stimulates diversified job creation, capital investments, and tax revenues that support community goals.

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

DISCUSSION:

Taking into consideration feedback from the last work session, staff revised the draft ordinance found in Attachment A. The proposed provisions are summarized in the following table:

	CURRENT	PROPOSED			
	Farm Wineries, Breweries & Distilleries (FWBDs)	Farm Wineries	Farm Breweries	Farm Distilleries	Grandfather Existing FWBDs
To Establish Events* Eligibility:					
Minimum On-site Planted Acreage**	None	5 acres	5 acres	5 acres	Yes
On-site Fermenting & Bottling	None	Yes	Fermenting only	Yes	Yes
Tasting Room with Regular Hours	None	Yes	Yes	Yes	Yes
Setbacks for Parking, Tents & Portable Toilets	75' front/ 25' side/ 35' rear***	125' from property line***	125' from property line***	125' from property line***	Existing parking areas exempt from increased setback
Traffic Management Plan for Events over 200	None	Yes	Yes	Yes	No
Curfew for Outdoor Amplified Music	None	10 pm - 7 am Sun -Thurs 11 pm - 7 am Sat & Sun	10 pm - 7 am Sun -Thurs 11 pm - 7 am Sat & Sun	10 pm - 7 am Sun -Thurs 11 pm - 7 am Sat & Sun	No
Neighbor Notification with Zoning Clearance	None	Yes	Yes	Yes	Existing FWBDs exempt

* For the purpose of the proposed regulations, tastings and other by right activities are not considered "events."

** Planted acreage must be crops used in beverage production and may include adjoining parcels under same ownership

*** Can be modified by special exception

For FWBDs unable to meet the minimum eligibility criteria for holding events, staff proposes an allowance of up to four by right educational events per year, provided that attendance at any event would be under 200. This is consistent with the by right allowance for agricultural operations to hold up to four educational events per year.

Staff circulated the proposed ordinance to stakeholders on November 4. Comments received to date by stakeholders and staff's response to these comments are summarized in Attachment G.

BUDGET IMPACT: Staff does not anticipate that the proposed ordinance amendment will result in the need for additional staff or funding.

RECOMMENDATION: Staff recommends that the Commission recommend approval of the draft ordinance found in Attachment A.

ATTACHMENTS:

Attachment A: [Draft Ordinance](#)

Attachment B: [Resolution of Intent](#)

Attachment C: [June 14 Joint Work Session Staff Report](#)

Attachment D: [September 13 Planning Commission Work Session Staff Report and Action Memo](#)

Attachment E: [Summary of FWBD Accident Data](#)

Attachment F: [Legal Memo on Minimum Road Standard](#)

Attachment G: [Summary of Stakeholder Comments on Proposed Ordinance](#)