

**STAFF CONTACT:** William D. Fritz, AICP  
**PLANNING COMMISSION:** July 11, 2017  
**BOARD OF SUPERVISORS:** TBD

**ZTA:** ZTA 2017-04 Farmers' Markets

**ORIGIN:**

On May 3, 2017, the Board of Supervisors adopted a resolution of intent to amend the regulations for Farmers' Markets

**PROPOSAL:**

The proposal has two components. Adoption of either component may occur without the adoption of the other component.

The first amendment is to Section 5.1.47. This amendment eliminates the requirement for a site plan. The amendment allows the Zoning Administrator to determine the level of content necessary to adequately review the request. The amendment also provides an appeal process if the applicant objects to the level of information that the Zoning Administrator requires.

The second amendment would make farmers' markets a use by right in the RA, Rural Areas and VR, Village Residential districts. This amendment would also modify the fee listing to reflect that the uses were by right.

**PUBLIC PURPOSE TO BE SERVED:** Promotes implementation of the goals of the strategic plan. Specifically, "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".

**BACKGROUND:**

On May 10, 2010 the Board of Supervisors amended the zoning ordinance to include farmers' markets as a use by special use permit in the RA, Rural Areas and VR, Village Residential districts. At that time, the Board also amended the ordinance to allow farm stands as a use by right in RA, Rural Areas, VR, Village Residential and MHD, Monticello Historic District. The primary difference between the two uses is that farm stands are by-right and are for a single vendor and farmers' markets require a special use permit, allow for a larger structure and are for two or more vendors.

**STAFF COMMENT:**

The proposed changes may be discussed and acted on separately, they are not dependent on each other.

**Changes to Site Plan Requirements**

Staff is proposing changes to the site plan requirements. Currently, the applicant must submit a site plan. This plan may propose to contain less detailed information than required by the site plan chapter. When the plan is submitted it is referred to the Site Review Committee. The members of the Committee may request additional information or they may recommend approval. The plan is then processed along with the special use permit and presented to the Planning Commission and Board of Supervisors. The Board of Supervisors must then act on the site plan to authorize the reduced level of detail. The proposed change would allow the Zoning Administrator to determine the level of information necessary on a sketch plan. In the event that the applicant objects to providing additional information on the sketch plan, the proposed ordinance also includes a provision to allow the applicant to appeal any request by the Zoning Administrator. Using a sketch plan requirement allows for a more appropriate fit between the scale of the project and the content of the plan as opposed to the one size fits all mandate of the current ordinance. This concept is currently in effect for Farm Wineries, Bed and Breakfast, Farm Breweries, Events and Activities at Agricultural Operations, Farm Distilleries, and Farm Stands. All of those uses have requirements for sketch plans instead of requiring site plans. With the proposed ordinance language, the County will be able to require all the information necessary to review an application without placing an undue burden on the applicant. Generally, farmers' markets are small and the four applications that have been reviewed since the 2010 ordinance amendment, have either made use of existing parking areas or large grassed areas. No grading or other improvements are typically proposed and in the event that improvements are ever proposed the ordinance would allow all necessary information to be required. This amendment also reduces the review requirements for the Site Review Committee. As previously stated, the current ordinance requires the plan to be distributed to the full site plan committee. This means that the Albemarle County Service Authority and Architectural Review Board receive the plan even if their review is not required. The Health Department also receives the plan twice, once during the

plan review and again prior to clearance. This double review is not necessary as the Health Department's only comment during the plan review is that it will need to review the site plan prior to issuance of a clearance. The requirements for Health Department review prior to issuance of a clearance are not proposed for change. This change eliminates unnecessary reviews.

This ordinance will be reviewed by the three (3) criteria previously established by the Board for amendments:

**Administration/Review Process:**

Simplifies review process for the applicant and the County. Does not reduce or eliminate public notice or involvement in the plan review process.

**Housing Affordability:**

No impact.

**Implications to Staffing/Staffing Costs:**

No increase in staffing or staff costs. A simplified process may slightly decrease staff time on any individual review. However, the County receives few farmers' market applications so no measurable decrease in staffing or staff costs is anticipated.

**Farmers' Markets a use by right in the RA, Rural Areas and VR, Village Residential districts**

Staff has prepared the ordinance in such a way that should the Board wish to make farmers' markets a use by right in the RA, Rural Areas and VR, Village Residential districts they may do so at this time without the need to process a separate zoning text amendment. As proposed notice would still be provided to abutting owners so that they would be able to provide comment to the County.

Making farmers' markets a use by right may be considered consistent with the Comprehensive Plan, which states in part:

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.

Strategy 3h: Establish a proactive rural support program that provides assistance to the local agricultural community and that includes an ongoing dialogue with farm industry stakeholders. For over nine years, the Comprehensive Plan has contained a strategy to create a rural support program to help connect farmers with technical resources, such as those provided by Piedmont Virginia Community College, the Piedmont Environmental Council, and the Virginia Department of Agriculture and Consumer Services (VDACS). To date, such a program has not received funding. Because of the importance of agriculture to the County's economy, such a program should be established. In addition to existing farmers, services from a rural support program could be provided to landowners interested in leasing farm land. Another aspect of this program would be participation in or commissioning of a study on the impact of agriculture to Albemarle County's economy. It is important to understand what role agribusiness plays in the County's economy in order to determine how this economic sector may be best supported, encouraged, and promoted. The activities of this program will need to be coordinated with the Economic Development Director and staff involved in Rural Area activities recommended in the Rural Area Chapter.

and

Rural Area

Objective 1: Support a strong agricultural and forestal economy.

Strategy 1c: Establish active support of agricultural land uses through the creation of a Rural Support Program position that provides agricultural assistance, community education, marketing strategies, information on agricultural support businesses, and information about alternative agricultural uses. Since 2008, the County has been actively working to assist local farmers in marketing their products. Changes to regulations on farm sales, farm stands, and farmers markets have provided more opportunities for small

farming operations to market their products and to increase product diversity.

While the Comprehensive Plan does not contain any specific recommendation to make farmers' markets a use by right, such an amendment to the ordinance may be considered as supporting the economic opportunities for the agricultural community.

This ordinance will be reviewed by the three (3) criteria previously established by the Board for amendments:

**Administration/Review Process:**

Allowing farmers' markets as a use by right would allow for a much accelerated review process. This can be important to the establishment of a farmers' market that is trying to respond to seasonal availability of produce and potentially new locations.

**Housing Affordability:**

No impact.

**Implications to Staffing/Staffing Costs:**

Special use permits are time consuming and costly to review. Administrative review of farmers' markets would significantly reduce the staffing and staff costs associated with each review. However, as has been previously stated, the County has received few applications and any reduction in staffing or staff costs would not have a significant measurable impact.

**RECOMMENDED ACTION:**

Staff recommends that the Planning Commission support and recommend approval of the changes to the site plan requirements.

Staff has no recommendation on the proposed changes to the make Farmers' Markets by right. That change in the ordinance is provided for consideration by the Planning Commission and Board of Supervisors.

**ATTACHMENTS**

Attachment A – Resolution of Intent

Attachment B – Proposed ordinance language

Attachment C – Existing Ordinance provisions