

Public Engagement Plan

Farm Wineries, Breweries and Distilleries Events ZTA

Project Description

Under State law, farm wineries, breweries, and distilleries (“FWBDs”) are allowed to hold events and activities to market and sell their products. These activities and events may range from inviting the public to participate in a harvest to holding weddings and wedding receptions. The County’s authority to regulate these events and activities is limited by State law.

Over the past three years, changes to the Virginia State Code have prompted the Board to amend the County’s regulation of activities and events at FWBDs, most recently amending the Zoning Ordinance on December 9, 2015 to add regulations for farm distilleries that parallel those for farm wineries and farm breweries. While the County’s regulations attempt to strike a balance between fostering the economic success of these agricultural enterprises and safeguarding the property rights of surrounding neighbors, the growing interest in holding events in the Rural Areas and the perceived ease by which State Alcoholic Beverage Control (“ABC”) licenses for FWBDs has raised some concern about the individual and cumulative impacts resulting from these activities and events. This concern is heightened because license requirements for FWBDs require little or no agriculture on site. This provides an opportunity for FWBDs 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. Under State zoning laws, the County’s authority to regulate activities and events at FWBDs requires that the County consider the “economic impact” of any regulation, the “agricultural nature” of the activities and events, and whether the activities and events are “usual and customary.” County regulation of usual and customary activities and events is permitted only if their impacts are substantial.

The proposed scope of the Phase 2 ZTA is to strengthen the requisite relationship between activities and events at FWBDs and their agricultural nature, and to clarify how and to what extent activities and events are usual and customary at FWBDs, particularly at those FWBDs where there is little or no agriculture on-site. The ZTA also will ensure that the agricultural purposes of the Rural Areas are preserved, that FWBDs are able to continue as successful agricultural enterprises, and that possible adverse impacts resulting from activities and events at FWBDs are minimized. Certain by right activities of FWBDs, such as the growing, harvesting, production, tasting, and direct sales associated with the manufacture of alcoholic beverages, are protected under State law and fall outside of the scope of this ZTA.

This public engagement plan is focused on ensuring stakeholder involvement and input in possible revisions to the County’s regulation of activities and events at FWBDs to address some of these concerns.

Stakeholders

- Local farm wineries
- Local cideries

- Local farm distilleries
- Local farm breweries
- Rural Area residents
- The Agricultural Forestal Committee
- Interest groups such as the Piedmont Environmental Council, the Southern Environmental Law Center, the Free Enterprise Forum and the Chamber of Commerce
- The Farm Bureau
- Monticello Wine Trail businesses
- The Virginia Wine Council

Public Participation Goals

The specific goals of the plan are as follows:

- Solicit input from current and prospective County farm wineries, cideries, breweries, and distilleries, as well as from residents and property owners, on the regulation of activities and events at FWBDs
- Meet with industry stakeholders to understand how proposed changes in the regulation of activities and events may impact farm wineries, cideries, farm breweries and farm distilleries
- Help stakeholders understand the differences in State ABC licensing and State zoning laws pertaining to farm wineries, farm breweries, and farm distilleries and how these laws affect how they may be regulated under the County's zoning regulations
- Explore criteria that will strengthen the requisite relationship between activities and events at FWBDs and their agricultural nature.
- Explore how and to what extent activities and events are usual and customary at FWBDs, particularly at those FWBDs where there is little or no agriculture on-site.
- Understand the current relationship between activities and events at FWBDs and marketing and selling products.
- Explore criteria for determining adverse impacts to use in evaluating FWBD activities and events and how to minimize impacts on other properties.
- Ensure stakeholders share realistic expectations about the scope and timeline for the zoning text amendment process and opportunities to be involved

Public Participation Activities

Staff anticipates holding a series of roundtable discussions with key stakeholder groups (wineries, cideries, breweries, distilleries, and Rural Area neighbors) beginning in April 2016. The purpose of the roundtable discussions will be to seek input from various stakeholder groups on potential changes to the regulation of activities and events at FWBDs, including a potential requirement of the presence of agriculture in determining eligibility to host activities and events. In order to maximize the County's understanding of potential impacts on the different industry stakeholders, staff will host a separate roundtable for each stakeholder group.

Once the roundtable discussions are complete, staff will hold a work session with the Planning Commission prior to a public hearing. Staff anticipates returning to the Board in early summer for a public hearing on a draft zoning text amendment. Staff will provide periodic updates to stakeholders, including opportunities to be involved, through an electronic mailing list and the County website.

Roles and Responsibilities

Albemarle County Staff – County staff will serve as the point of contact for disseminating information to and fielding questions from the public related to the zoning text amendment process. Staff will organize and facilitate the community engagement process and will utilize stakeholder input to the draft zoning text amendment. Staff will bring recommendations related to the zoning text amendment to the Planning Commission and the Board for review and comment.

Board of Supervisors – The Board of Supervisors (BOS) will provide direction to staff on the scope and direction of the zoning text amendment related to farm wineries, farm breweries and farm distilleries and has final decision making authority on the amendment. The BOS will appoint one or two BOS liaison(s) to represent the Board throughout the community engagement process.

Board of Supervisors liaison(s) – The BOS liaison(s) will be invited to participate in all community engagement activities and serve as a conduit for sharing information with the Board throughout the community engagement process.

Planning Commission – The Planning Commission (PC) will provide input in the development of the draft ZTA and will make a recommendation for action to the Board. The PC will appoint one PC liaison to represent the PC throughout the community engagement process.

Planning Commission liaison – The PC liaison will be invited to participate in all community engagement activities and serve as a conduit for sharing information with the PC throughout the community engagement process.

Evaluation

Staff will evaluate levels of public participation and will make changes as necessary to ensure a broad degree of representation across all stakeholder groups.