

**STAFF CONTACT:** William D. Fritz, AICP  
**PLANNING COMMISSION:** June 26, 2018  
**BOARD OF SUPERVISORS:** TBD

**ZTA:** ZTA 2017-10 Farmers' Markets Performance Standards

**ORIGIN:**

On October 11, 2017, the Board of Supervisors adopted a resolution of intent to amend the regulations for Farmers' Markets

**PROPOSAL:**

The amendment would make farmers' markets a use by-right in the RA, Rural Areas, MHD, Monticello Historic District and VR, Village Residential zoning districts provided performance standards are met. Farmers' markets that do not meet the performance standards would continue to be permitted by special use permit.

**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 zoning 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 zoning districts. 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.

On August 9, 2017, the Board of Supervisors adopted a zoning text amendment, ZTA 2017-04, to eliminate the requirement of a site plan for farmers' markets. At that meeting, the Board also discussed the possibility of making some farmers' markets by-right uses. Subsequently, the Board of Supervisors adopted a resolution of intent.

**STAFF COMMENT:**

Staff prepared an ordinance that would allow farmers' markets to use properties that have already been approved for activity thru the process of site plan approval. Only sites that have an approved site plan could provide for a by-right farmers' market. Properties that have approved site plans have been reviewed for parking, access, and impacts on abutting properties. Primarily, uses in the RA, MHD and VR districts that have approved site plans are religious institutions and schools. (Wineries, breweries and distilleries would not be eligible for by-right farmers' markets because those uses do not have approved site plans.)

Staff opinion is that if the farmers' markets are in operation when the primary use of the property is not in operation, the impacts will be minimal and the site will be able to accommodate the use. Staff also sees farmers' markets at schools as a form of public/private partnership that could further build agriculture's relationship with the broader community.

The proposed amendment would allow farmers' markets by-right provided that:

- The market is in operation for only 1 or 2 days a week
- The market is not in operation when the primary use of the property is in operation
- There is no lighting
- There is no amplified sound
- The market occurs only on property with an approved site plan and the market complies with the requirements of the site plan.

During the August meeting, the Board of Supervisors also discussed amendments that strengthen the requirements that only agricultural products from Albemarle and surrounding localities be offered at farmers' markets. Staff investigated this option and is unable at this time to offer language to limit sales beyond the current ordinance limits. Developing such language may be possible but would delay implementation of this amendment. Staff recommends that this amendment not be delayed and that the Board consider directing staff to work on limitations on items available at a farmers' market as a separate item.

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, 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 approval of ZTA 2017-10.

**ATTACHMENTS**

Attachment A – Resolution of Intent

Attachment B – Proposed ordinance language