



# Albemarle County

## Legislation Text

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**File #:** 16-220, **Version:** 1

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**AGENDA DATE:** 3/2/2016

**TITLE:**

ZTA 2016-3 Farm Wineries, Breweries and Distilleries Events

**SUBJECT/PROPOSAL/REQUEST:** Resolution of Intent for Farm Wineries, Breweries and Distilleries Events Zoning Text Amendment

**ITEM TYPE:** Regular Action Item

**STAFF CONTACT(S):** Foley, Walker, Davis, Kamptner, McCulley, Cilimberg, Clark, Burbage

**PRESENTER (S):** Amanda Burbage

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Thomas C. Foley

**BACKGROUND:** Under State law, farm wineries, breweries, and distilleries (“FWBDs”) are allowed to hold activities and events 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.

**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:** On November 4, 2015, the Board adopted the Community Development work program to include work on a “Phase 2” farm winery, brewery and distillery zoning text amendment (“ZTA”) to begin in the

second quarter of 2017. On January 6, 2016, the Board amended the 2016 Community Development work program, expediting work on Phase 2 to begin this year. 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.

Given the heightened level of public interest in this topic, staff developed a public engagement plan for this ZTA (Attachment B). In the plan, staff outlines roles and responsibilities of the Board and requests that the Board appoint one or two Board members as liaison(s) to participate in the community engagement process and to serve as a conduit for sharing information with the Board as the process moves forward.

**BUDGET IMPACT:** Staff does not anticipate that the adoption of this Resolution would result in the need for additional staff or funding.

**RECOMMENDATION:**

Staff recommends that the Board adopt the attached Resolution of Intent (Attachment A). Staff also recommends that the Board appoint one or two liaisons to participate in the community engagement process.

Attachment A: Resolution of Intent

Attachment B: Public Engagement Plan for Farm Wineries, Breweries & Distilleries Events ZTA