



Albemarle County

Legislation Text

File #: 19-111, **Version:** 1

AGENDA DATE: 1/9/2019

TITLE:

Phases I and II Zoning Text Amendments relating to Agricultural Operations

SUBJECT/PROPOSAL/REQUEST: Resolutions of Intent to amend the regulations related to events at agricultural operations.

ITEM TYPE: Consent Action Item

STAFF CONTACT(S): Richardson, Walker, Kamptner, Herrick, Graham, McCulley, Ragsdale

PRESENTER (S): N/A

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: On July 1, 2014, new State legislation became effective limiting localities' ability to regulate activities associated with bona fide agricultural operations. On November 12, 2014, Albemarle County adopted zoning regulations to implement this new legislation. Similar State legislation relating to farm wineries, breweries and distilleries (FWBD) is also implemented through our zoning regulations. A growing interest in holding events at FWBD coupled with the lack of a minimum agricultural product requirement to obtain a State Alcoholic Beverage Control ("ABC") license for FWBDs raised concern about the potential for them 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.

In an attempt to strike a balance between fostering the economic success of these agricultural enterprises and safeguarding the property rights of surrounding neighbors, the County undertook an extensive stakeholder engagement beginning in March, 2016. It culminated in a zoning text amendment relating to FWBD events adopted on January 18, 2017. This amendment included: curfews for outdoor amplified music, increased setbacks, neighbor notifications for zoning clearances and minimum onsite planted acreage requirements. Because the 2017 ordinance amendment was focused on FWBD, it did not include "agricultural operations," a separate class under State law. With additional experience since November 2014, we see a benefit in a similar regulatory scheme for events at agricultural operations.

Staff suggests a zoning text amendment that considers incorporating the provisions for FWBD adopted in January 2017. Because these provisions resulted from an extensive stakeholder process and have been in use for almost 2 years, we anticipate that limited staff resources will be necessary for the proposed amendment. Staff believes the proposed zoning text amendment would be the first phase of further related amendments.

STRATEGIC PLAN: Mission: To enhance the well-being and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds; and

Quality Government Operations: Ensure County government's capacity to provide high quality service that achieves community priorities.

DISCUSSION: Phase I ordinance work will eliminate the imbalance and align regulations relating to events at agricultural operations with those for events at FWBDs. These regulations include informing neighbors of applications for zoning clearances for events at agricultural operations. This is to better allow neighbors and agricultural business owners to proactively work together.

Other questions about the eligibility and allowances for events at agricultural operations will need more extensive stakeholder engagement and is a suggested second phase. Because this involves more extensive staff resources that will need to be balanced with other Board priorities, we recommend that the second phase be considered with the Community Development work program to be discussed in February. Specifically, the second phase will include consideration of a) how to evaluate whether an agricultural operation is a primary use devoted to the bona fide production of crops, animals or fowl for the purpose of qualifying for events and b) what is the meaning of "farm to table dinners" relating to allowed events. Staff recommends that we provide a public engagement plan for Board approval prior to beginning phase II work.

BUDGET IMPACT: Staff does not anticipate that adopting the Phase I Resolution of Intent will result in the need for additional staff or funding. Phase II will necessitate additional resources unless it is considered in the context of the Community Development Department work program.

RECOMMENDATION:

Staff recommends that the Board adopt the attached Resolutions of Intent.

ATTACHMENTS:

A - ROI for Agricultural Operations Phase I

B - ROI for Agricultural Operations Phase II