Albemarle County Planning Commission
March 25, 2014

The Albemarle County Planning Commission held a public hearing on Tuesday, March 25, 2014, at 6:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Cal Morris, Chair; Karen Firehock, Richard Randolph, Thomas Loach, Bruce Dotson, Tim Keller, and Mac Lafferty, Vice Chair. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was absent.

Other officials present were Mark Graham, Director of Community Development; Amelia McCulley, Director of Zoning/Zoning Administrator; Amanda Burbage, Senior Planner; Wayne Cilimberg, Director of Planning; Ron Higgins, Chief of Zoning; Sharon Taylor, Clerk to Planning Commission and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Morris, Chair, called the regular meeting to order at 6:00 p.m. and established a quorum.

From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Morris invited comment from the public on other matters not listed on the agenda.
There being none, the meeting moved to the next agenda item.

Consent Agenda:

Resolution of Intent: Neighborhood Model Setbacks and Yards (Ron Higgins)

Mr. Morris asked if any Commissioner would like to pull an item from the consent agenda for further review.

Mr. Randolph asked if the Commission would be receiving information to review and will the comp plan have specific setbacks established and clarified.

Mr. Cilimberg replied that the zoning text amendment was for the zoning ordinance and not the comp plan. However, the Comp Plan's Neighborhood Model had provided guidance. This will specifically set out how provisions may be changed more in accord with the Neighborhood Model in our Zoning Ordinance. The Planning Commission will tentatively have a work session on April 15 to see some of the concepts.

Mr. Dotson asked if the idea was that with these changes in conventional zoning as opposed to planned zoning they would be able to address some of the key things of the Neighborhood Model without having to go through the complex rezoning.

Mr. Cilimberg agreed that was correct.

Motion: Mr. Randolph moved and Mr. Dotson seconded for approval of the consent agenda.

The motion carried by a vote of (7:0).

Mr. Morris said the consent agenda was approved to adopt the Resolution of Intent for Neighborhood Model Setbacks and Yards, as follows. Staff will draft ordinance language and schedule roundtable(s), work session(s) and public hearing for zoning text amendment.

RESOLUTION OF INTENT

WHEREAS, the Zoning Ordinance (Albemarle County Code, Chapter 18) was adopted in 1980 having setback and yard regulations that establish distances from lot lines and street lines to structures; and

WHEREAS, the Comprehensive Plan was amended in 2001 to incorporate principles of traditional neighborhood development (the "Neighborhood Model") which, among other things, encourages reduction of building setbacks and yards; and

WHEREAS, the application of Neighborhood Model principles has been successful in planned developments and is desired in the development areas; and

WHEREAS, in order to make it easier to achieve the goals and objectives of the Neighborhood Model and make it easier for development to achieve the Neighborhood Model form of development, it is desired to amend the setback and yard regulations for many of the conventional zoning districts (residential, commercial and industrial) in the development areas by modifying the front, side and rear yard requirements within those districts.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to amend the Zoning Ordinance as described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendments proposed by this resolution of intent, and make its recommendation to the Board of Supervisors, at the earliest possible date.

* * * * *

Presentation:

<u>Community Development Work Program</u> (Mark Graham)

Mr. Morris reserved the right to open up the work session for public comment, but not to the presentation.

Staff Presentation:
Mark Graham summarized the staff report in a PowerPoint presentation on the Community Development 2014 Work Program, noting the following items as primary points for discussion:

1. Review Progress with Current Work Program
2. Review Staff Availability for Next Year's Work Program
3. Set Priorities for Work Program
4. Establish Work Program by Balancing Resources against Priorities

1. Current Work Program

The current Work Program progress was reviewed noting the following items: 1) completed during the last year, 2) in process and 3) currently delayed.

Ordinances and Programs

- *Stormwater Management -WPO*
- *Industrial Uses*
- *Inoperative Vehicles*
- *Wireless, Phase 1*
- *Noise Regulations*
- *Dam Break Inundation*
- *Family Day Homes*
- *Downtown Crozet District*
- *Flood Hazard Overlay (now approved by Board)*
- *Steep Slopes (Critical Slopes) (now approved by Board)*
- *Wireless, Phase 2*
- *Neighborhood Model – final amendments*
- *Zoning Ordinance Recodification*
- *Natural Heritage Modeling*
- *ARB Guidelines*

Comprehensive Plan

- With Board

Comprehensive Plan Implementation

- RA Uses / Churches (Delayed)

The Comprehensive Plan is with the Board. The Steep Slopes (Critical Slopes) and Flood Hazard Overlay have both been approved by the Board. The other items from Wireless, Phase 2 through ARB Guidelines are things staff believes are important, but just lack the resources to start on.

The pie chart in the presentation shows how the work is divided up, which includes building permits, zoning matters, ministerial (site plan/subdivision), legislative (rezoning/special use permits), ARB, GDS, Planning and the Work Program. The important point is the work program is the variable at the end. The more applications received in any given year the less time they have for the work program and the fewer applications received the more time they will have for the work program.

2. Community Development Workload and Staff Resources

As far as workload and staff resources, Community Development went through a pretty sufficient reduction when the recession hit and they have maintained and been level since then. With the FY15 budget they are looking at some additional positions. They are looking to be able to add one building inspector back. That position should be primarily funded through the fees that are collected with building permits. In addition, they are looking at one (1) engineer and one and a half (1.5) engineering inspectors for stormwater programs. This is related to the State mandated Virginia Stormwater Management Program changes that are underway.

Summarizing the workload for 2014:

- Continuing upward trend in development activity
  - Most segments of the market have recovered from the recession and anticipate continued growth. There are still some parts that seem to be lagging a bit. Regarding the major rezonings, for example, there are still a lot of excess inventory and nothing is happening there.
- Staff has limited capacity for new initiatives
  - County initiatives delayed / deferred
- Caution for the future

- Currently meeting key performance indicators, but when workload exceeds capacity, quality drops and review times increase
- Staff turnover may become an issue as job market improves, which will impact quality and review times

3. 2014 staff priorities

1. **Legal Mandates – Those measures required by Federal or State Law**
   - County Ordinance Enforcement
   - Conservation Easement Monitoring
   - Comprehensive Plan Update
   - VSMP / TMDL
   - Flood Hazard
2. **County Initiatives – Objectives established by the Board**
   - Strategic Plan
   - Comprehensive Plan Strategies
3. **Other – Ordinance Amendments underway or per policy**
   - Critical Slopes (has been done)
   - Wireless (going to Board on April 2 to talk about Phase 2)
   - Fees
4. **Cash Proffer Policy vs. Minor Process Improvements?**

4. **Approved 2014 Work Program**

1. **Legal Mandates**
   1. County Ordinances – Maintain existing programs
   2. Comprehensive Plan – Maintain per 2010 Work Program, 2 Year Process
   3. Adopt WPO following State review and implement VSMP, assist with MS4 / TMDL efforts
   4. Flood Hazard Overlay – Complete this Spring
   5. Conservation Easements – inspections as required

2. **County Initiatives**
   1. Citizen Advisory Councils as established by Board
   2. Maintain current role in PACC, MPO and other organizations
   3. Comprehensive Plan Implementation – as directed by Board with CPA
   4. Strategic Plan Implementation – as directed by Board

3. **Other – Ordinance Amendments / Programs**
   1. Steep Slopes – Complete this Spring
   2. Wireless – Next Steps review by Board in April
   3. Fees – Initiating biennial review per policy (Building Fees this Summer)
   4. Proffer Policy – Next Steps Review with Board in April to question whether they want a limited review of the proffer policy looking at certain sections of it, which is what they wanted in December. Or, should they do a truly comprehensive review of the policy and go back out and engage the public and see if that policy is consistent with their current thoughts.

Mr. Graham noted that was where they are right now and he would be glad to answer questions.

The Planning Commission held a discussion with staff on the following primary issues, as follows.

- How much fees recover of the costs.

Mr. Graham replied with the building permit fees it is essentially close to 100 percent cost recovery at the current levels. The magic thing there is you set the fees based on the assumption of the number of applications submitted. For the building permit fees the Board gave us direction before for 100 percent cost recovery and that is what they have tried to do. For the subdivision ordinance fees, which will be the next one they look at changing, those are set for about a 50 percent cost recovery. The zoning fees are much lower than that and there is no magic number with them. The Board looked at a number of other localities and tried to match what they saw with those localities and made sure we were in line with them.

- If the bar chart for the zoning violations per inspector was one inspector had 87 violations in a year.

Mr. Graham replied yes that was the total number they looked at and agreed the zoning inspectors stay busy.

- What the origin was of most of the violations.

Mr. Graham referred the question to the zoning administrator.

Mr. McCulley replied the violations were almost exclusively complaints from citizens because they are not proactive, but responsive to citizen complaints. Just in terms of the Board's philosophy and our staffing levels they can't be proactive except for something that is considered an eminent public health or safety issue or something related to a recent approval such as a rezoning or special use permit.

- When will the Board take up the current proffer regulations?

Mr. Graham replied that staff was going to talk to the Board in April. Staff basically was laying out two approaches to proffers. One is a fairly narrow approach. They wanted to look at some of the possible credits that could be used for reducing the expected proffer and then adjusting the amounts per the current cost based on our Capital Improvement Plan. That is one strategy that would be a fairly minor change that could potentially be to the Planning Commission late summer or early fall. The other one would be a more comprehensive approach where they basically start by engaging the public in going through the current policy on what is it people like and dislike about it and then coming back and working with the Planning Commission and the Board to say here is what they heard from the public and what are they interested in doing. Then they would go through the whole policy section by section. Frankly, staff saw that as a much more resource intensive effort and probably would take up to a year to get that one done.

- In the past they used software to help calculate the cost of development back several years. Are there any packages for modeling this so they can more appropriately use the software versus the CIP to come up with data of what those costs should be?

Mr. Graham replied they already have a good model they work with that has been developed in house. What they have not done in the last few years is take the current approved Capital Improvement Plan/Capital Needs Assessment, since it uses those ten years, and plug that in to determine those proffer amounts. They have to remember it does not capture all capital improvement costs. There are things not included in the cash proffer, such as stormwater and court facilities that the Board is looking at now.

Mr. Cilimberg pointed out the Board previously decided if there is a cash proffer it needs a standard policy applied uniformly. The Board asked that the proffer policy be updated by staff in order to decide if there are new credits and new policy provisions that need to be in the policy.

- Mr. Randolph suggested looking at Lori Schweller's letter regarding the Wireless Ordinance recommendations for policy changes.

- On page 3 regarding separating the priority for the cash proffer policy at this time or consider this as part of the comp plan update, Mr. Randolph suggested there is merit in not having it as a part of the comp plan because it was going to get confused.

- Mr. Randolph suggested including additional years in a graph that shows a ratio of fees versus the number of applications so they have a metric to measure where the fees stand. When the fees remain low and the number of applications continue to grow the county is not really recouping any costs in the application process. There needs to be study of ways they can look to generate more revenue for the county because of the fact that the costs continue to climb.

- Mr. Dotson noted in the chart for the 2014 Work Program they reserve some staff resources for implementing the comp plan once the Board finishes with it. Will the Planning Commission be able to make some recommendations to the Board before they settle on their priorities for implementation?

Mr. Cilimberg replied in the Commission's recommendations they had identified some priority strategies, which the Board will work from. However, they do not know whether the Board selects the same. In terms of an actual work program level of project ranking that will tie into Mr. Graham's work program. One consideration might be that before that work program is updated again that there may be a discussion with the Planning Commission about what the Board has identified for its priority strategies and how they would like to see them ordered.

- Mr. Dotson pointed out the Commission was going through the comp plan setting priorities in the last meeting. He was not sure how much attention the Commission really gave to it. He thinks it might be useful with some sense of what is possible to revisit those and maybe have a separate recommendation to the Board having looked at them again in the light of day out of the burden of looking at the whole comp plan to get a perspective on it again. If there is a way that could be fit into the schedule he thinks it would be useful. It would basically be trying to align some concepts the Commission has with some practices, such as the concept of goals, measures of success, annual report, work programs, CIP and operating budgets. His request would be could the staff give some thinking to how could those different elements be better aligned and reconciled. When does the Planning Commission make its recommendations so that the Board could consider them as they actually make the decision without the Commission getting in the way at the same time? The request would be with those elements could the staff look at them and come back with sort of a proposal that says in the future here is the way they are going to deal with the plan, the annual reports and the work flow plans that tie into the budget. He thinks that is where they need to get as they start to implement the plan.

- Ms. Firehock said in reading the comp plan there are quite a lot of ambitious ideas in there. A number of them do refer to the fact that if this were to be done it probably requires new staff. Now they have largely a new Board of Supervisors who gets excited when reading the comp plan and want to do this and this. However, then it turns out that those ideas require three more people. She asked how staff negotiates that. She is really concerned that the comp plan is overly ambitious for the resources that they have. In reading the staff report before this meeting and then listening to staff talk it just seems like the pie in the sky comp plan and the resources are here. She asked how they juggle the priorities and desires of the new Board with the resources.

Mr. Cilimberg replied that Mr. Graham could speak to how they ultimately get that into the budget because they have to make a request each year. What he can say is that one of the things that he thinks

the Planning Commission was focused on in the review of the plan was identifying all of those things they felt were important to the long term 20-year plan and maybe beyond. Some of them were in a sense priority. However, they were identifying where resources would be necessary. Then when the Board of Supervisors reviews the plan they can see strategies that are calling for something to be done and also that certain resources might be necessary to do that. Ultimately, all of those things don't happen in the first five years. That is where the priority strategies that maybe the Commission would like to have a second look at become important. With master plans he thinks with the comprehensive plan they have the shorter 5-year term type of things to undertake that may require certain resources and then a second 5 or 10 years beyond that which they end up revisiting in an update or review of the plan later before the Board makes final commitments. So what is important to try to summarize here is when they are talking to the Board about these strategies they are talking to them also about resources that will be necessary for those to be undertaken if they become a priority for the next 5 years that then Mr. Graham can use in the budget work preparation. Very honestly there can be a lot more requested in budget than passes through the various levels of review and prioritization at a county level. So it may not ever get to the Board in the same way they have asked for it because they are more focused on the combination of things. However, he thinks from our standpoint at least being able to identify all the things that are needed to be done and get affirmation that informs our budget request process.

Mr. Cilimberg explained, as an example in the CIP request, our department staff provided everything they saw in master plans and the comprehensive plan that they said were important things to do. However, a lot of them did not make the CIP cut, which Mr. Randolph knows because he was on the committee. However, they actually identified some pretty hefty CIP kinds of projects and other departments did as well. It just becomes ultimately a question of how much the budget could carry.

- Mr. Randolph pointed out the other issue was the state mandates. If they take the state and federal mandates off the table, then the implication strategy based on the manpower needs within Community Development would be accelerated because the budget would potentially be there to be able to justify people on a shorter nearer term than what otherwise is going to be possible. As they go forward they will look at additional mandates on the state level next. One of the issues is that the county is not master of its budgetary destiny.

- Ms. Firehock said she was well familiar with many of these state mandates, if not all of them, and what the increasing resource demands are. She would like to second Mr. Dotson suggestion that they get one more look at the priorities, which would be the first look for her. She would just enjoy having the conversation with fellow Commissioners. She noted that Mr. Dotson was here and would like another look even though he sat through it. She would really like to have that chance even if it was just to say great, bless these ideas, or let's tweak them because something else may have bubbled up to become more important since then.

- Mr. Keller supported everything they had just been hearing. He suggested a graph or several graphs be done that shows things that relate to the rural areas population, such as the number of conservation easements done each year. It seems to always be about the development area.

Mr. Cilimberg recapped that Mr. Keller wanted to see that kind of annual information, which could be bunched in the report to give a bigger picture in what happed in a particular year in the county and a variety of indicators.

- Mr. Keller agreed that recommendation would be great if it would be possible with staffing. That could then be organized so that they were responding back to priorities specifically to the past year and then work generally to the comp plan and its strategies.

- Ms. Firehock said regarding mapping there are a number of opportunities to represent the data.

For example, they talked about wanting to preserve the rural areas and develop the development areas. With that kind of information where is development really happening? There is a lot of by right parcels already out there notwithstanding how they have zoned them with grandfathered development right. She thinks there could be some opportunities to do even more great graphs, which could help us as a county see how successful they are in meeting philosophical objectives about rural land conservation. She suggested that the Commission talk more about that later.

- Mr. Lafferty noted this Commission on a number of times has recommended additional staffing. He thinks they all would agree that staff works very hard. The reports the Commission receive are superb and he would like to compliment staff.

Mr. Morris asked staff if they received enough information.

Mr. Graham replied yes and he appreciates the feedback and input. It is really good. The purpose is obviously to provide good data for people and he appreciates all the input there as far as ideas on how they can improve that data. Staff will see what they can do with it.

The Planning Commission took no formal action.

Work Session

Amendment to Zoning Ordinance to Address State Code Requirements for Agricultural Operations & Farm Breweries
(Mandy Burbage)

Staff Presentation:
Ms. Burbage summarized the staff report in a PowerPoint presentation on the amendment to the Zoning Ordinance to address State Code requirements for Agricultural Operations and Farm Breweries, noting the following items as primary points for discussion:

The genesis of this ZTA came from two bills before the 2014 General Assembly, SB 51, dealing more broadly with agricultural operations and SB 430, specific to "limited breweries" or farm breweries.

SB 51 restricts local regulation of "usual and customary activities" associated with an agricultural operation – includes preparation, processing, sales and agritourism activities.

Local regulation is limited to activities with "substantial impact" on public health, safety and welfare – which the State does not define.

Restrictions shall be reasonable and take into account the economic impact of the restriction on the agricultural operation and the agricultural nature of the activity. It is an important link that establishes a connection between agritourism activities and the agricultural use of the property.

SB 430 – mirrors state provisions for farm wineries; Farm brewery = breweries on land with agricultural zoning using products grown on-site in beer production limits local regulation of usual & customary – which calls out some specific activities related to production, sale, tasting, storage, etc.

SB 51 has been signed and SB 430 has passed both houses and is awaiting Governor's signature. The regulations are to be effective July 1, 2014. Therefore, the County is on a tight timeline to modify our regulations for when these laws take effect.

- SB 51 – Ag Operations

  - Restricts local regulation of "usual and customary" activity
  - Limits regulation to activities with "substantial impact" on health, safety and welfare
  - Restrictions shall be reasonable and take into account economic impact and agricultural nature of the activity
- SB 430 – Farm Breweries
  - Similar provisions to farm wineries
  - Identifies some specific usual & customary activities

Comp Plan Policies for Rural Areas

The Comp Plan establishes a policy framework that supports the protection of rural land for agricultural uses that provide landowners with a means for economic viability.

- Protect agricultural lands as a resource base for agricultural industries
- Support local agricultural and forestal economies
- Connect local producers and consumers of rural products
- Encourage creative and diverse rural production
- Support rural land uses that provide rural landowners economic viability

Zoning Ordinance Purpose and Intent for Rural Areas

- Purpose
  - Preservation of agricultural and forestal lands and activities
  - Encourage residential development to locate in the Development Areas
  - Related to residential development, agricultural/forestal activities shall be regulated only to protect public health and safety
- Intent
  - Provide lot areas designed to insure the continued availability of active farms and best agricultural and forestal lands
  - Enhance the economy, and maintain employment and lifestyle opportunities
  - Encourage continuation and establishment of agriculture and agriculturally-related uses

Background

- Albemarle County has modified its regulation of Rural Area activities over several years
  - Farm wineries
  - Farmers markets, farm sales & farm stands
  - Home occupations
  - Bed and breakfasts
  - Country stores
  - Special events
  - Farm worker housing

Key Issues to be Addressed

1. Substantial impact considerations
   - Event size
   - Structure size (farm sales)
   - Outdoor amplified music
   - Setbacks
2. Addition of farm breweries
3. Identifying usual & customary activities
   - Agritourism

- Farm breweries

4. Establishing prohibited uses
   - Restaurants
   - Helicopter rides

Staff Recommendation

- Adoption of Resolution of Intent (Attachment C of executive summary)
- Direct staff to draft ordinance language and schedule for public hearing

Next Steps

- Public Roundtable - April 16
- PC public hearing - May 6 (tentative)
- BOS public hearing - June 11(tentative)

Staff recognized there may be additional issues the Commission would like staff to consider moving forward. Since they are operating on a tight schedule to bring draft ordinance language to the Commission next time, staff would like to seek consensus from the Commission on any additional issues to consider

Mr. Morris invited discussion and comments.

Board Discussion:

The Planning Commission held a discussion with staff on the information presented and made comments regarding the following primary issues.

In summary, the Planning Commission was comfortable using the farm winery regulations as a model for farm breweries with consideration of a number of key issues addressed in the farm winery regulations that also relate to the potential impacts of farm breweries and agritourism activities on neighboring Rural Area properties. The following key issues/concerns were raised for further consideration:

- What is usual and customary?
- Scope and scale (acreage, size of operation, number of events and attendees/physical limitations). Threshold for substantial impact- where is the tipping point (when does special use permit kick in)?
- Adverse impacts regarding traffic, road impacts, safety issues, large event control, water uses, noise and disturbance of neighbors, adequate septic, VDOT entrance concerns.
- Can larger setbacks be considered in these areas?
- What would State Code provisions prevent from local control?

Mr. Morris opened the work session and invited public comment,

Morgan Butler, with the Southern Environmental Law Center, pointed out he was present tonight primarily to be educated on this bill and the potential implications. He wanted to share a couple of quick thoughts that occurred to him. Operating from the premise they would use what they have done for farm wineries and then apply that to farm breweries and potentially the agricultural operations, he thinks has a lot more logic when they are talking about the farm breweries part notwithstanding the equivalent between the number of people drinking wine opposed to number of people drinking beer. However, for agricultural operations there are some important differences to keep in mind. Therefore, it may not make sense to use that as the farm wineries prototype for agricultural operations. The first difference with wineries is they know the number keeps growing. They are up to 36 wineries. However, they know there is going to be a certain number, which is a finite number and not going to be that many. There are numerous parcels and uses throughout the county that could qualify as agricultural operations. So when

they are talking about what are the suitable thresholds it is a little bit of a different picture when they are talking about 36 potential farm wineries versus hundreds of potential agricultural operations.

Mr. Butler continued that another thing that seems important to keep in mind is they are talking about sort of a different nature of what an event is. With wineries they know it is going to tend to be weddings and limited to weekends. An agricultural operation they may be talking about is people coming in to pick apples or pumpkins. They don't necessarily want to be regulating the number of people at any particular time if the activity and the impacts are more of people streaming in and out over a course of time and what those impacts are going to be. What he takes from that is maybe they want a smaller threshold when they are talking about agricultural operations because there is a potential for so many more things to qualify as agricultural operations. He suggested not regulating the size threshold as a number of people at any one time but rather the number of people in over the course of a day. He suggested thinking about frequency or maybe the number of people that visit over the course of the week. It needs to be some kind of measurement that factors in the fact that they are not talking about weddings whereas there is a certain number of people there at a particular time and the impact is rather an ongoing streaming type of attendance. He thanked the Commission for the chance to comment.

There being no further public comment, Mr. Morris closed the public comment to bring the matter back to the Planning Commission for further discussion and consideration.

Ms. Burbage pointed out staff has a public roundtable scheduled for April 16th where they will be inviting wineries, breweries, and agricultural producers in the county to come. Staff will present the impending state regulations and have a conversation about some of these questions and considerations for usual and customary activities. The input can be considered in the drafting of the ordinance language. Staff actually had planned to draft ordinance language before the roundtable. If the Planning Commission proceeds with adopting the resolution of intent, staff would hope to come back on May 6th in a public hearing. Then the Board of Supervisors public hearing is tentatively scheduled for June 11 so they can stay within that July 1st deadline. Staff will be getting input from some of the producers that might help answer some of these questions.

Ms. Firehock asked what time is the Roundtable because she would like to attend that.

Ms. Burbage replied the Roundtable would be held from 5:30 to 7 p.m. in room 241 on April 16th. The Planning Commissioners are welcomed to come.

Mr. Cilimberg pointed out if more than three Commissioners were attending, then they need to adjourn to that meeting at their April 15th meeting.

Mr. Morris asked if the desire of the Commission was to recommend the resolution.

Motion: Mr. Dotson moved and Mr. Lafferty seconded to adopt the Resolution of Intent to amend the Zoning Ordinance to Address State Code Requirements for Farms and Farm Breweries.

The motion carried by a vote of (7:0) to adopt the resolution of intent, as follows.

RESOLUTION OF INTENT

WHEREAS, Virginia Code §§ 15.2-2288.3:1 and 15.2-2288.6, effective July 1, 2014, will impose limitations on the extent to which localities, under their zoning powers, may regulate various uses and activities associated with agricultural operations and limited breweries; and

WHEREAS, this new legislation requires that any local restrictions on agritourism and brewery related activities be reasonable and take into account the economic impact of the restriction on the agricultural operation or the limited brewery, and the agricultural nature of the activity; and that the regulations allow those activities by right and without a special use permit, zoning clearance or any other administrative permit, unless the activity would cause a substantial impact on the health, safety, or general welfare of the public; and

WHEREAS, it is desired to amend the Albemarle County Zoning Ordinance to comply with Virginia Code §§ 15.2-2288.3:1 and 15.2-2288.6 in order to promote the efficient and effective administration of the County's zoning regulations.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Planning Commission hereby adopts a resolution of intent to amend Albemarle County Code §§ 18-3.1, 18-5.1.25, 18-5.1.47, 18-10.2.1, 18-10.2.2 and any other appropriate sections of the Albemarle County Zoning Ordinance to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendation to the Board of Supervisors, at the earliest possible date.

Old Business:

Mr. Morris asked if there was any old business. There being none, the meeting moved to the next item.

New Business

Mr. Morris asked if there was any new business.

- Explore the possibility of scheduling a retreat to discuss priorities for the Comprehensive Plan strategies that have been recommended to the Board of Supervisors.
- Due to requests by Commissioners staff to discuss with Deputy County Attorney how the Planning Commission can appropriately revisit priorities for the Comprehensive Plan strategies already recommended to the Board.
- Public roundtable scheduled for Wednesday, April 16 from 5:30 p.m. to 7 p.m. in room 241 of County Office Building on Amendment to Zoning Ordinance to Address State Code Requirements for Agricultural Operations & Farm Breweries.
- No Planning Commission meeting on April 1st or April 8th.
- The next Planning Commission meeting will be held on Tuesday, April 15, 2014. Staff to include adjournment to the April 16th Roundtable on the Commission's April 15th agenda as more than two Commissioners indicated they would be attending.

Adjournment:

With no further items, the meeting adjourned at 7:46 p.m. to the Tuesday, April 15, 2014 meeting at 6:00 p.m. at the County Office Building, Second Floor, Room #241, 401 McIntire Road, Charlottesville, Virginia.

_____

V. Wayne Cilimberg, Secretary

(Recorded and transcribed by Sharon C. Taylor, Clerk to Planning Commission & Planning Boards)