Albemarle County Planning Commission
April 16, 2014

The Albemarle County Planning Commission held a special meeting to attend the Farm and Farm Breweries roundtable meeting on Wednesday, April 16, 2014 in room 241, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Cal Morris, Chair; Richard Randolph, Tim Keller, and Mac Lafferty, Vice Chair. Karen Firehock, Thomas Loach, Bruce Dotson and Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia, did not attend.

Staff present was Wayne Cilimberg, Greg Kamptner, Amelia McCulley, Amanda Burbage, Francis MacCall and Erika Castillo.

Mr. Morris, Chair, called the special meeting to order at 5:32 p.m. and established a quorum.

Amanda Burbage, Senior Planner, opened with a presentation providing background information on upcoming changes to the State Code resulting from Senate Bills 51 & 430 and proposed changes to the Albemarle County Code in response to those changes that will become effective on July 1, 2014 (see attachment for complete presentation).

A group discussion followed, facilitated by Wayne Cilimberg, Planning Director, in response to the following list of proposed usual & customary activities:

Agricultural museums & displays
Bird watching
Birthday parties
Community Supported Agriculture
Cooking demonstrations
Cut-your-own Christmas tree
Educational programs, workshops or demonstrations
Farm stores & markets
Farm tours
Farm-to-table dinners
Harvest festivals
Hayrides
Heirloom plant & animal exhibits
Herb walks
Historic reenactments
Mazes
Pick-your-own fruit, vegetables, flowers, etc.
Picnics
Pony & horseback riding
Sale of products grown on-site
Storage or warehousing of products grown on-site
Tastings

Are the usual and customary activities we have listed for agricultural operations reasonable? Are there others that should be considered?

Other usual & customary activities that should be considered:

Hunting (pheasant, quail, etc)
Weddings
Events related to products grown on site
Auctions (farm-related)
Repair facilities (farm-related)
Meat processing

Activities that may not be appropriate for usual & customary list: historic reenactments, agriculture museums & displays, birthday parties – aren't these just a type of event, farm stores & markets

Other comments:
Need to define restaurants – cooking demos, farm-to-table dinners get close
farmers need flexibility to be successful
Need to consider location, access - more important to consider impacts than uses
County should consider requiring that agricultural operations engage in production before allowing other uses. State Code requires production to occur on site to be considered an agricultural operation.
What is the threshold of production to be considered an ag operation? How to consider economic impact if there isn't a business?

Next, attendees were divided into four small groups to address the following questions about substantial impacts:

Do the regulations involving substantial impact thresholds (event size, acreage, sales structure size, outdoor amplified music) seem reasonable? Are there other impacts that should be regulated?

After discussing these questions for approximately 20 minutes, the group reconvened and each small group reported back with the following comments, also summarized below:

Group 1

- Establish "means test" for substantial impact - Take into account traffic generation & on-site parking adequacy, property location, groundwater availability/suitability for necessary sewage disposal system, type/condition of road access, frequency of events –Every activity on 5 acres is not the same, so acreage may not be the magic determinant
- Farms should have the same rights as farm wineries & be regulated the same way

Group 2

- Frequency of events can be an impact to consider

- Define "event" vs activity & what applies?
- Environmental impacts – such as portajohns use and potential pollution
- Road classification & ability to access by public safety. If possible, it would make sense to regulate based on the road's classification and the ability for fire/rescue to access the site. Some sites are remote and on substandard roads.
- Parking/ impervious areas – runoff can have impacts
- Size limits problematic (sales area).
- ? parcel size limits without adequate setbacks
- Events based on smaller properties can have greater impacts

Group 3

- Traditional farm uses → where do these fall? More than 200 people? (ex. Carter's Mountain/ Chiles, bull auction, etc.)
- Location (event size, maximum number & enforcement) v. > 200
- Water resources
- Sanitation
- Fire & Rescue aspect – public safety
- Sporting events (ex. Tough Mudder) – SP?
- Roads? → e.g. 5 acre event

Group 4

- More feedback needed on 5 acre limit
- Use the larger 21 acre lot size
- Why add the 5 acre limit?
- Less regulation is better
- Concern about over regulation
- 200 could go up for by right (look into this)
- Structure size
- Outdoor music – good to get clearance
- Need flexibility for all farms

Discussion about event size focused largely on the impacts associated with events that draw a large number of people to the site, such as traffic, parking, water resources, sanitation, and public safety. Some felt that the 200 person threshold may not be adequate for smaller parcels or those accessed by more rural roads. In addition, some felt that the location of the event on the parcel, and the number and frequency of events should also be considered. Some felt that there needed to be a clearer distinction between events and activities, and that enforcement of the 200 person threshold could be an issue for activities that have the potential to draw a large number of people to the property.

In general, participants felt that using 5 acres as a threshold for regulating activities could be problematic. For certain uses and activities, 5 acres may be adequate. Others felt a larger parcel

size might be more appropriate. A suggestion was made to utilize setbacks instead of regulating parcel size to better address impacts on adjacent properties. Another suggestion was to apply these setbacks to parking and outdoor gathering spaces that may have more impact on neighbors than activities taking place within a structure.

Some felt that placing limits on the size of the sales structure at an agricultural operation could be a challenge since many agricultural operations utilize existing structures that exceed the 4,000 square foot limit. In these instances it should be clarified that the size limit applies only to the area of the structure that is devoted to sales, and would not affect area devoted to other uses (production, storage, event space, etc.).

Those who commented on requiring a zoning clearance for outdoor amplified music thought that it was a good idea and would help to ensure that an agricultural operation, winery or brewery could comply with the noise regulations in the future.

After each group presented, Ms. Burbage discussed next steps in the ZTA process, including a Planning Commission work session to be held on May 13, and tentative public hearing dates on June 3 (Planning Commission) and July 9 (Board of Supervisors).

Adjournment

With no further items, the meeting adjourned at 7:05 p.m. to the Tuesday, May 6, 2014 Albemarle County Planning Commission meeting at 6:00 p.m., Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

Submitted by Sharon Taylor, Clerk to Planning Commission