

Policy Committee

Government Center Complex

Large Conference Room, Building A

April 16, 2015 - 4 p.m.

1. Roll Call

2. Minutes

a. March 4, 2015

3. Old Business

4. New Business

a. ZO-0004-2015, A-1, General Agricultural, and Definition Amendments to Incorporate State Code Changes (Memorandum) (Attachment 2 - Ordinance) (Attachment 3 - Definitions) (Attachment 4 - State Code) (Attachment 5 - Loudoun County information) (Attachment 6 - Albemarle County information)

b. ZO-0002-2015, Article V, Division 10, General Business, B-1 and Division 11, Limited Business/Industrial, M-1 (Memorandum) (Attachment 2 - B-1 Code) (Attachment 3 - M-1 Code)

c. ZO-0003-2015, Article I, In General – Administrative fees, Certificate of occupancy, Amendment to conditions and Submittal Requirements (Memorandum) (Attachment 2 - Ordinance)

d. PC Remote attendance policy (Memorandum) (Attachment 2 - State Code) (Attachment 3 - VML Policy) (Attachment 4 - Culpeper County Policy) (Attachment 5 - City of Richmond Policy) (Attachment 6 - Town of Lovettsville Policy) (Attachment 7 - Cumberland County Policy)

5. Adjournment

MEMORANDUM

DATE: April 16, 2015
TO: Policy Committee
FROM: Paul D. Holt, III, Director of Planning
SUBJECT: Proposed Planning Commission Policy for Remote Electronic Participation

On March 16, 2015, the Planning Commission Bylaws were amended to include a reference to the applicable portion of the Code of Virginia that provides for the ability of a commissioner to attend meetings remotely (§2.2-3708.1). Interested public bodies must develop a remote participation policy prior to allowing remote electronic participation.

For the committee's reference and use, procedures and policies in use from other Virginia localities are provided as well.

For the Policy Committee's discussion and consideration, staff recommends the Policy Committee review the attached Model Policy from the Virginia Municipal League (VML).

As noted, the Code requires an approval process. However, it allows the public body to decide what type of approval process it wishes to use (a simple majority vote is suggested by VML). Further, the public body can choose which of the applicable situations warrant remote participation by its members (e.g., either #1 or #2 or both), but additional circumstances that would allow for remote participation are not possible.

Staff looks forward to discussing this item with the Policy Committee. Once there is consensus among the committee members as to which elements should be included in our local policy, staff will draft the policy for consideration by the Planning Commission at its next meeting.

Attachments

- 1.) §2.2-3708.1 from the Code of Virginia
- 2.) VML Model Policy
- 3.) Reference from Culpeper County
- 4.) Reference from the City of Richmond
- 5.) Reference from the Town of Lovettesville
- 6.) Reference from Cumberland County

persons and employment positions to be affected by the ordinance or resolution, (iv) the estimated fiscal impact on the City government, and (v) sources of potential funds to implement and comply with the ordinance or resolution. The Council Chief of Staff shall prepare the fiscal impact statement prior to the introduction of the ordinance or resolution and shall establish a process for Council Members to obtain such fiscal impact statements. After the introduction of such ordinance or resolution but no later than the meeting of the standing committee at which the ordinance or resolution will be heard, the City Administration shall have the opportunity to offer such additional or conflicting fiscal impact information as it may choose to offer.

5. **Motion.** where action of Council is desired on matters that can be simply stated, and for which neither an ordinance nor a resolution is required by law, action may be upon oral motion.
6. **Unanimous Consent.** where no formal action is required, and no objection is heard, a request of a Member shall be deemed a request of Council without further action, when such request is made at a meeting with a quorum present, and the President of the Council states that such a request shall be deemed a request of Council.
7. **Majority Vote and Abstentions.** Unless otherwise required by law, a majority vote of the Council shall mean more than half of those Council members present and voting. An abstention shall not be counted as a vote.

D. Participation by Electronic Communication Means.



1. **Purpose.** The purpose of this Rule III(D) is to comply with the requirements of section 2.2-3708.1(B)(1) of the Code of Virginia to allow for and govern participation by one or more Council Members in meetings of the Council by electronic communication means, and all proceedings pursuant to this Rule III(D) shall be performed in accordance with section 2.2-3708.1 of the Code of Virginia, as that statute may hereafter be amended.
2. **Application and Limitations.**
 - a. The policy established by this Rule III(D) shall be applied strictly and uniformly, without exception, to all Council Members and without regard to the identity of the Council member requesting remote participation or the matters that will be considered or voted on at the meeting.

- b. Participation by a Council Member in a meeting by electronic communication means due to an emergency or personal matter shall be limited each calendar year to two meetings or 25 percent of the meetings, whichever is fewer, of the Council or the particular standing committee, as applicable.
 - c. The policy established by this Rule III(D) shall also apply to any standing committee of the Council. For purposes of a meeting of a standing committee of the Council, the term “Council,” when used in this Rule III(D), means the standing committee holding the meeting in which a Council Member desires to participate by electronic communication means. For purposes of any standing committee other than the Organizational Development Standing Committee, the term “President of the Council,” when used in this Rule III(D), means the Chairperson of the standing committee.
3. **Electronic Communication.** When used in this Rule III(D), the term “electronic communication means” has the meaning ascribed to it by section 2.2-3701 of the Code of Virginia, as that statute may hereafter be amended.
4. **Approval Process.**
- a. No Council Member may participate in a meeting by electronic communication means unless the Council Member requests and the Council approves the participation in accordance with the provisions of this Rule III(D)(4).
 - b. A Council Member may request to participate in a meeting by electronic communication means if the Council Member notifies the President of the Council on or before the day of the meeting that the Council Member is unable to attend due to either (i) an emergency or personal matter, provided that the Council Member identifies with specificity the nature of the emergency or personal matter, or (ii) a temporary or permanent disability or other medical condition that prevents the Council Member’s physical attendance. The Council Member must also notify the President of the Council of the remote location from which the Council Member would participate by electronic communication means.

- c. The Council may consider a request for participation by electronic communication means only if a quorum of the Council is physically assembled at the primary or central meeting location.
- d. At the meeting, the President of the Council shall announce the information received from the Council Member pursuant to Rule III(D)(4)(b) above. If the Council Member's request is in all other respects in compliance with this Rule III(D)'s requirements, the President of the Council shall solicit a motion to approve or disapprove the Council Member's request from the Council Members physically assembled at the primary or central meeting location. Upon adoption of a motion to approve the Council Member's participation by electronic communication means, the Council Member shall be allowed to participate in the meeting by electronic communication means.
- e. If the Council Member's participation by electronic communication means is approved, the City Clerk shall record in the meeting minutes (i) the motion, (ii) the vote thereon, (iii) the specific nature of the emergency or personal matter or temporary or permanent disability or other medical condition, and (iv) the remote location from which the Council Member participates in the meeting.
- f. If the Council Member's participation by electronic communication means is disapproved, whether by adoption of a motion to disapprove or rejection of a motion to approve, the City Clerk shall record in the meeting minutes (i) the motion, (ii) the vote thereon, and (iii) the specific nature of the emergency or personal matter or temporary or permanent disability or other medical condition, (iv) the remote location from which the Council Member sought to participate in the meeting, and (v) the specific aspect of the policy established by this Rule III(D) that would be violated by the Council Member's proposed participation by electronic communication means, as summarized by the President of the Council.

IV. CONDUCT OF BUSINESS

- A. **Robert's Rules of Order.** The rules of parliamentary procedure set forth in *Robert's Rules of Order, Newly Revised (9th Edition)*, shall govern the conduct of meetings of Council, except where otherwise specified by these rules or otherwise mandated by the Charter of the City of Richmond, Virginia or state law. Any

A removal action shall be expressly noticed for any meeting in which the Board will be asked to address it.

2-4 Quorum and Method of Voting

- A At any meeting, a majority of the Supervisors shall constitute a quorum. All questions submitted to the Board for decision shall be determined by a voice vote. The Chairman may choose to have the vote by a roll call vote or by show of hands; however, if there is one "no" vote or one abstention, at the request of any member of the Board, the Board may be polled and the name of each member voting and how he or she voted shall be recorded. All votes on matters of ordinance shall be recorded by the clerk along with the name of each member voting and how he or she voted.
- B Members abstaining shall state for the record their reason for abstaining, if they abstain due to a conflict of interest as prescribed by state law.
- C A tie vote fails, except as provided in §15.2-1420 of the Code of Virginia (1950), as amended.

2-5 Board to Sit in Open Meeting

- A The Board shall sit in open meeting and all persons conducting themselves in an orderly manner may attend the meetings; provided, however, the Board may conduct a closed meeting as permitted under the Virginia Freedom of Information Act or other provision of law.
- B Subject to the approval by the Chairman, a member of the Board may participate in an open meeting from a remote location through electronic communications means, even though the remote location is not open to the public. Such participation shall be strictly conditioned upon a satisfactory showing of the following:



- (1) A quorum of the public body is physically assembled at the open meeting; and
- (2) prior to the open meeting, the member (a) has notified the Chairman that the member is unable to attend the meeting due to an emergency or personal matter, (b) has described the nature of such emergency or personal matter with sufficient specificity; and (c) the member has not participated in more than two meetings from a remote location in any given calendar year; or

(3) prior to the open meeting, the member has notified the Chairman that the member is unable to attend the meeting due to a medical condition or a temporary or permanent disability that prevents such attendance.

- C In all cases in which attendance by remote location is approved, the Chairman shall cause to be recorded in the minutes of the meeting the identification of the remote location from which a member participates, and the specific nature of the emergency or personal matter causing member to request remote location, or, where applicable (and with less specificity), a reference that the member is unable to attend the meeting due to a medical condition or a temporary or permanent disability.
- D The Chairman shall disapprove the member's request to participate from a remote location if such participation will violate the policy set forth herein. The Chairman shall state the reason(s) for his or her disapproval with specificity, in the presence of the Board, and shall have the same recorded in the minutes of the meeting.
- E The Board shall make arrangements for the voice of the remote member to be heard by those persons assembled at the open meeting location.

2-6 Closed Meetings

- A Closed meetings may only be convened in conformance with the Virginia Freedom of Information Act or other provision(s) of law that would make such meetings or discussions of items in those meetings confidential.
- B No resolution, ordinance, rule, contract, regulation or motion agreed to in a closed meeting shall become effective until the Board reconvenes in an open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion which shall have its substance reasonably identified in the open meeting.
- C At the conclusion of a closed meeting, the Board shall reconvene in open meeting immediately thereafter and shall take a roll call vote certifying that to the best of each member's knowledge:
 - (1) ~~Only public business matters lawfully exempted from open meeting requirements were discussed; and~~
 - (2) Only public business matters identified in the motion convening the closed meeting were heard, discussed or considered.
- D Any member who believes that there was a departure from certification requirements of Rule 2-6(C)(1) or (2) shall state so prior to the vote, indicating the substance of that departure (in his or her judgment). The member's statement shall be recorded in the minutes of the Board.

A RESOLUTION TO ADOPT A POLICY GOVERNING PARTICIPATION IN MEETINGS BY MEMBERS OF THE BOARD OF SUPERVISORS THROUGH ELECTRONIC COMMUNICATION

WHEREAS, pursuant to Va. Code § 2.2-3708.1, a member of a public body may participate in meetings through electronic communication means from a remote location that is not open to the public when the public body has adopted a written policy allowing for such participation in accordance with Va. Code § 2.2-3708.1; and

WHEREAS, pursuant to Va. Code § 2.2-3708, public bodies may hold meetings through electronic communication means where no quorum is assembled at a single location in certain emergency situations; and

WHEREAS, the members of the Cumberland County Board of Supervisors wish to adopt a policy to allow for those emergency or unexpected situations which may arise and prevent members from attending meetings in person.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Supervisors on this the 10th day of February, 2015, does hereby adopt the attached policy, effective immediately, to allow members of the Cumberland County Board of Supervisors to participate in meetings through electronic communication in strict accordance with the provisions and requirements of Va. Code §§ 2.2-3708 and 2.2-3708.1.

CUMBERLAND COUNTY

POLICY FOR PARTICIPATION IN A PUBLIC MEETINGS THROUGH ELECTRONIC COMMUNICATION

Quorum Physically Assembled

A. A member of the Cumberland County Board of Supervisors (Board member) may participate in a public meeting, both in open session and in closed session, through electronic communication from a remote location, not open to the public, on the following terms and conditions:

a. Emergency or Personal Matter –

i. The Board member requesting to participate in the meeting through electronic communication must:

- 1.** Notify the Board Chairman, on or before the day of the meeting, that he or she will be unable to attend the meeting due to an emergency or personal matter; and
- 2.** Specify to the Board Chairman the nature of the emergency or personal matter.

ii. The Board of Supervisors must:

- 1.** Record in its minutes the specific nature of the member's emergency or personal matter; and
- 2.** Record in its minutes the remote location from which the Board member participated.

iii. Participation in a public meeting through electronic communication by a Board member due to an emergency or personal matter will be limited each calendar year to two meetings or 25 percent of the total meetings held during the calendar year, whichever is fewer.

b. Temporary or Permanent Disability or Other Medical Condition

- i. A Board member must notify the Board Chairman of that he or she will be unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the Board member's physical attendance at the meeting.
 - ii. The Board must:
 - 1. Record in its minutes the fact that the Board member is absent due to a disability or a medical condition; and
 - 2. Record in its minutes the remote location from which the member participated.

- B. Electronic participation by a Board member as provided in Section A above shall be allowed only when all of the following conditions are met:
 - a. A quorum of the Board is physically assembled at the meeting location;
 - b. The Board has made arrangements for the voice of the remote member to be heard by all persons at the meeting location; and
 - c. Following confirmation from the Board Chairman (or the Board Vice-chairman if the Board Chairman is making the request) that he or she has received notification as required in Section A above, a majority of the Board who are present and voting approve the motion to allow the requesting Board member to participate in the meeting through electronic communication from a remote location not open to the public. If the participation of the Board member by electronic communication is not approved because such participation would violate this Policy, such denial shall be recorded in the minutes with specificity. In deciding whether to approve a Board member's request to participate in a public meeting through electronic communication from a remote location, Board members shall not consider the identity of the member making the request or the matters that will be considered or voted on at the meeting.

- C. When the Board member who wishes to participate in a public meeting through electronic communication is the Board Chairman, then all notifications required under this policy to be provided to the Board Chairman shall be provided by the Board Chairman making the request to the Board Vice-chairman.

Quorum Not Physically Assembled

- A. The Cumberland County Board of Supervisors (the Board) may meet, in open session and in closed session, by electronic communication means without a quorum physically assembled at one location when the Governor of the Commonwealth of Virginia has

declared a state of emergency in accordance with § 44-146.17 of the Code of Virginia (1950, as amended) on the following terms and conditions:

- a. The catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location; and
 - b. The purpose of the meeting is to address the emergency.
- B.** If a meeting is held pursuant to paragraph A. above, the Board shall:
- a. Give public notice using the best available method given the nature of the emergency contemporaneously with the notice provided the members of the Board;
 - b. Make arrangements for public access to the meeting;
 - c. Make available to the public at all locations at which public access will be provided, at the time of the meeting, agenda packets and all materials, unless exempt, that will be distributed to members of the Board in sufficient time for duplication and forwarding, as best as practicable given the emergency;
 - d. Record minutes of the meeting;
 - e. Record in the minutes votes taken by name in roll-call fashion;
 - f. Record in the minutes of the meeting the nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held;
 - g. Make a written report of the following to the Virginia Freedom of Information Advisory Council and the Joint Commission on Technology and Science by December 1 of each calendar year:
 - i. The total number of electronic communication meetings held that year;
 - ii. The dates and purposes of the meetings;
 - iii. A copy of the agenda for each meeting;
 - iv. The number of sites for each meeting;
 - v. The types of electronic communication means by which the meetings were held;
 - vi. The number of participants, including members of the public, at each meeting location;
 - vii. The identity of the members of the Board recorded as absent and those recorded as present at each meeting location;
 - viii. A summary of any public comment received about the electronic communication meetings;
 - ix. A summary of the Board's experience using electronic communication meeting, including its logistical and technical experience; and
 - x. Make copies of the public comment form prepared by the Virginia Freedom of Information Advisory Council available to the public.

§ 2.2-3708.1. Participation in meetings in event of emergency or personal matter; certain disabilities; distance from meeting location for certain public bodies.

A. A member of a public body may participate in a meeting governed by this chapter through electronic communication means from a remote location that is not open to the public only as follows and subject to the requirements of subsection B:

1. If, on or before the day of a meeting, a member of the public body holding the meeting notifies the chair of the public body that such member is unable to attend the meeting due to an emergency or personal matter and identifies with specificity the nature of the emergency or personal matter, and the public body holding the meeting records in its minutes the specific nature of the emergency or personal matter and the remote location from which the member participated. If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection B, such disapproval shall be recorded in the minutes with specificity.

Such participation by the member shall be limited each calendar year to two meetings or 25 percent of the meetings of the public body, whichever is fewer;

2. If a member of a public body notifies the chair of the public body that such member is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance and the public body records this fact and the remote location from which the member participated in its minutes; or

3. If, on the day of a meeting, a member of a regional public body notifies the chair of the public body that such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting and the public body holding the meeting records in its minutes the remote location from which the member participated. If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection B, such disapproval shall be recorded in the minutes with specificity.

B. Participation by a member of a public body as authorized under subsection A shall be only under the following conditions:

1. The public body has adopted a written policy allowing for and governing participation of its members by electronic communication means, including an approval process for such participation, subject to the express limitations imposed by this section. Once adopted, the policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting;

2. A quorum of the public body is physically assembled at the primary or central meeting location; and

3. The public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

Ordinance No. 2014-06-00_: AMEND TOWN COUNCIL RULES OF PROCEDURE TO ALLOW PARTICIPATION BY ELECTRONIC COMMUNICATION MEANS UNDER CERTAIN CIRCUMSTANCES

MOTION:
SECOND:

WHEREAS, Virginia Code section 2.2-3708.1 provides for participation in Town Council meetings by a member unable to attend in person due to certain circumstances when the terms of the statute are met and the Town Council has adopted a written policy allowing for and governing such participation by electronic communication means; and

WHEREAS, the Lovettsville Town Council believes that providing for such participation by adoption of a policy complying with the said statute will promote the interests of the Town and its citizens.

NOW, THEREFORE, BE IT ORDAINED that Section II.H of the Rules of Procedure for Meetings of the Mayor and Town Council of the Town of Lovettsville, Virginia, be amended as set forth below:

H. Place of Meeting

1. Meeting location. All meetings of the Mayor and Town Council, unless otherwise determined, shall be held in the Lovettsville Town Hall located at 6 East Pennsylvania Avenue, Lovettsville, Virginia. Notice of change in meeting place shall be prominently posted on the door of the regularly scheduled meeting place and shall be given by such other means, including a local newspaper, Town website or other available media, as may be feasible. Every attempt will be made to keep the meeting location within the Corporate limits of the Town.
2. Participation by electronic communication means. *The Mayor or a Town Council member may participate in a meeting of the Town Council through electronic communication means from a remote location that is not open to the public only under the circumstances set forth in Virginia Code section 2.2-3708.1 and the Town Council hereby approves such participation.*

VOTE:

Ayes:

Nays:

Abstentions:

Absent for vote:

Approved June __, 2014

Robert Zoldos, II, Mayor

Harriet West, Town Clerk

Ordinance No. 2014-06-00_: AMEND SECTION 2-49 OF THE TOWN CODE, TO ALLOW PARTICIPATION BY ELECTRONIC COMMUNICATION MEANS UNDER CERTAIN CIRCUMSTANCES

MOTION:

SECOND:

WHEREAS, Virginia Code section 2.2-3708.1 provides for participation in Town Council meetings by a member unable to attend in person due to certain circumstances when the terms of the statute are met and the Town Council has adopted a written policy allowing for and governing such participation by electronic communication means; and

WHEREAS, the Lovettsville Town Council believes that providing for such participation by adoption of a policy complying with the said statute will promote the interests of the Town and its citizens.

NOW, THEREFORE, BE IT ORDAINED that Section 2-49 of the Town Code, be amended as set forth below:

2-49. Place of meetings.

(a) Meeting location. All meetings of the Mayor and Town Council, unless otherwise determined, shall be held in the Lovettsville Town Hall located at 6 East Pennsylvania Avenue, Lovettsville, Virginia. Notice of change in meeting place shall be prominently posted on the door of the regularly scheduled meeting place and shall be given by such other means, including a local newspaper, Town website or other available media, as may be feasible. Every attempt will be made to keep the meeting location within the Corporate limits of the Town.

(b) Participation by electronic communication means. *The Mayor or a Town Council member may participate in a meeting of the Town Council through electronic communication means from a remote location that is not open to the public only under the circumstances set forth in Virginia Code section 2.2-3708.1 and the Town Council hereby approves such participation.*

VOTE:

Ayes:

Nays:

Abstentions:

Absent for vote:

Approved June __, 2014

Robert Zoldos, II, Mayor

Harriet West, Town Clerk



Remote electronic participation in a public body meeting - Model Policy

Introduction

Localities are permitted, but not required, to allow individual council members to participate in a public meeting remotely. Interested public bodies must develop a remote participation policy prior to allowing remote electronic participation. This policy will be applied uniformly to all members and all requests. Below is a model policy. Public bodies that wish to implement a policy do not need to adopt all of the subsections in the model policy. The body can choose which of these situations warrant remote participation by its members. However, the body may not add additional circumstances that would allow for remote participation. This topic is governed by Code of Virginia § 2.2-3708.1.

Model policy

The following policy is established for members' remote electronic participation in Town Council¹ meetings due to²:

1. An emergency or personal matter
 - a. On or before the day of a meeting, the member shall notify the chair of the public body that the member is unable to attend the meeting due to an emergency or a personal matter. The member must identify with specificity the nature of the emergency or personal matter. A member may also notify the Mayor that the member is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance.
 - b. A quorum of the Council must be physically assembled at the primary or central meeting

¹ Town Council or whatever type of public body that will be governed by the policy.

² Remember, a public body does not need to allow remote participation at all. The body may choose to allow participation for some or all of these reasons. A state or local public body may allow remote participation for the reasons described in subsection 1 or subsection 2. Regional public bodies may adopt all three subsections, if they wish.

location. The Council members present must approve the participation by a majority vote.³ The decision shall be based solely on the criteria in this resolution, without regard to the identity of the member or matters that will be considered or voted on during the meeting. The Clerk shall record in the Council's minutes the specific nature of the emergency or personal matter and the remote location from which the absent member participated. If the absent member's remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the Council's minutes.

- c. Participation by the absent member due to an emergency or a personal matter shall be limited in each calendar year to two (2) meetings or 25 percent (25%) of the meetings of the Council, whichever is fewer.
2. A temporary or permanent disability
 - a. On or before the day of a meeting, the member shall notify the chair of the public body that the member is unable to attend the meeting due to a temporary or permanent disability or medical condition that prevents his or her physical presence.
 - b. A quorum of the Council must be physically assembled at the primary or central meeting location. The Clerk shall record in the Council's minutes the fact of the disability or other condition and the remote location from which the absent member participated.
 3. For any remote participation, the Town Council shall make arrangements for the voice of the absent member or members to be heard by all persons in attendance at the meeting location.⁴

³ The Code requires an approval process. However, it allows the public body to decide what type of approval process it wishes to use. A majority vote is suggested above; however, the body has flexibility in what this process it chooses to adopt.

⁴ If any of the other subsections are adopted, this language must also be included.

Regional public bodies

The following subsection may only be implemented by regional public bodies. A “regional public body” is a “unit of government...whose members are appointed by the participating local governing bodies, and such unit includes two or more counties or cities.” § 2.2-3708. Regional public bodies may enact either of the previous subsections in addition to the following one relating to distance. However, individual localities may not allow remote participation due to distance.

4. A distance of 60 miles or more
 - a. On or before the day of a meeting, the member shall notify the chair of the public body that the member’s principle residence is more than 60 miles from the meeting location.
 - b. A quorum of the Council must be physically assembled at the primary or central meeting location. The Council members present must approve the participation by a majority vote.⁵ The decision shall be based solely on the criteria in this resolution, without regard to the identity of the member or matters that will be considered or voted on during the meeting. The Clerk shall record in the Council’s minutes the remote location from which the absent member participated. If the absent member’s remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the Council’s minutes.
 - c. The regional public body shall make arrangements for the voice of the absent member or members to be heard by all persons in attendance at the meeting location.

⁵ See Note 3.

Chapter 24

ARTICLE V. DISTRICTS

DIVISION 10. GENERAL BUSINESS DISTRICT, B-1

Sec. 24-390. Use list.

Reference section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the General Business District, B-1, structures to be erected or land to be used, shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial	Research, development and design facilities or laboratories	P	
	Restaurants, including fast food restaurants, tea rooms, coffee shops, and taverns and micro-breweries	P	
	Retail and service stores, including the following stores: alcohol, appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gift, gourmet foods, greeting cards, handicrafts, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, office supply, optical goods, paint, pet, photography, picture framing, plant supply, secretarial services, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety, wearing apparel, and yard goods	P	
	Retail food stores	P	
	Security service offices	P	
	<i>Small-scale alcohol production</i>	<i>P</i>	
	Taxi service	P	
	Theme parks greater than 10 acres in size		SUP

MEMORANDUM

DATE: April 16, 2015

TO: The Policy Committee

FROM: Jason Purse, Zoning Administrator

SUBJECT: ZO-0002-2015, B-1, General Business, and M-1, Limited Business/Industrial, Amendments to Incorporate Changes Made to Small-Scale Alcohol Production Definition

Micro-breweries are currently a permitted use in the B-1 and M-1 zoning districts. During the past year, staff has received a number of applications for additional types of craft producers, such as distilleries and producers of mead. While some applicants are able to tailor their proposals to be considered under the micro-brewery use, staff is proposing a new use, "small-scale alcohol production" which will allow increased flexibility in allowing these uses. Micro-brewery is a specific production process, and this new term will encompass additional techniques for producing alcohol. As proposed "small-scale alcohol production" would include micro-brewery, micro-distillery, and micro-winery type uses. A new definition has also been created, as referenced under ZO-0004-2015. For reference, the language is proposed as follows:

Small-scale Alcohol Production-Includes operations such as micro-breweries, micro-distilleries, and micro-wineries. Micro-breweries produce no more than 15,000 barrels a year. Micro-distilleries produce no more than 36,000 gallons of alcohol per year. Micro-wineries produce no more than 15,000 barrels a year. These uses are often accompanied by tap rooms, brew pubs, and retail sales.

While this proposed new use would allow for additional flexibility for multiple types of alcohol production, it is not anticipated to have any additional impacts over the use as it currently exists; therefore, small-scale alcohol production is added as a permitted use in the attached ordinance amendments.

Staff recommends the Policy Committee recommend approval of these ordinance amendments to the Planning Commission.



Jason Purse

Attachments:

1. B-1 use list amendment
2. M-1 use list amendment

Chapter 24

ARTICLE V. DISTRICTS

DIVISION 11. LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1

Sec. 24-411. Use list.

Reference section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the Limited Business/Industrial District, M-1, buildings to be erected or land to be used shall be for one or more of the following or similar uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial	Restaurants, tea rooms, coffee shops, <i>and</i> taverns and micro-breweries , not to include fast food restaurants	P	
	Retail and service stores, including the following stores: alcohol, appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gourmet foods, greeting card, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, optical goods, paint, pet, picture framing, plant supply, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety, wearing apparel, and yard goods	P	
	Retail food stores	P	
	Security service offices	P	
	<i>Small-scale alcohol production</i>	<i>P</i>	
	Tattoo parlors		SUP
	Taxi service	P	

Chapter 24

ARTICLE I. IN GENERAL

Sec. 24-7. Administrative fees.

(a) Fees shall be charged at the time of application to offset the cost of making inspections, issuing permits, advertising notices and other expenses incident to the administration of this chapter or to the filing or processing of any appeal or amendment thereto. The following fees shall be charged and collected at the time of application:

<u>Procedure</u>	<u>Fee</u>
(1) Rezoning:	\$1,200.00 plus \$75.00 per
.....	acre, not to exceed \$15,000.00

- a. Rezoning or proffer amendments which require a public hearing... \$1,200.00 plus \$75.00 per
.....Acre, not to exceed \$15,000.00
- b. Written request to the board of supervisors to amend proffered conditions where such amendment
does not affect conditions of use or density.....200.00

(If the board of supervisors determines that an amendment or variation of proffered conditions warrants a public hearing in accordance with section 24-13 of this chapter, such requests shall pay a rezoning fee in accordance with (1)a., above.)

- (2) Applications for Special use permits:
 - a. Generally (General special use permits processed with \$1,000.00 plus \$30.00
a rezoning shall pay a rezoning fee only).....per acre, not to exceed \$5,000.00
 - b. Manufactured home on an individual lot. 100.00
 - c. Family subdivision under section 24-214. 100.00
 - d. Amendment to a special use permit 400.00
 - e. Wireless communications facilities under division 6..... 1,500.00

- (3) Master plan review:
 - a. Initial review of any Residential Cluster, Mixed Use or a PUD
with less than 400 acres (PUD's with 400 acres or more shall
pay a rezoning fee only)..... 200.00
 - b. Revision of approved plan:
 - 1. Residential Cluster 75.00
 - 2. R-4, PUD, Mixed Use 150.00

- (4) Site Plan Review:
 - a. Administrative review:
 - 1. Residential structures or improvements, \$600.00, plus \$60.00 per residential unit.
 - 2. Nonresidential structures or improvements, \$600.00, plus \$0.024 per sq. ft. of building area.
 - 3. Mixed Use structures or improvements, \$600.00, plus \$60.00 per residential unit plus \$0.024
per sq. ft. of nonresidential building area.

b. Planning commission review:

1. Residential structures or improvements, \$1,800.00, plus \$60.00 per residential unit.
2. Nonresidential structures or improvements, \$1,800.00, plus \$0.024 per sq. ft. of building area.
3. Mixed Use structures or improvements, \$1,800.00, plus \$60.00 per residential unit plus \$0.024 per sq. ft. of nonresidential building area.

c. Amendment to an approved plan:

1. Residential structures or improvements, \$100.00, plus \$10.00 per residential unit.
2. Nonresidential structures or improvements, \$100.00, plus \$0.004 per sq. ft. of building area.
3. Mixed Use structures or improvements, \$100.00, plus \$10.00 per residential unit plus \$0.004 per sq. ft. of nonresidential building area.
4. Residential or nonresidential structures or improvements where the number of dwelling units or area of building area, pavement, or open space is not changed more than 15 percent, \$100.00.

d. Zoning administrator and fire department review only, \$20.00.

e. Each additional review after second resubmission, \$250.00 not to include resubmissions that are the result of substantial redesign due to other agency comments.

(5) Sign permits, \$5.00 per square foot of gross sign area.

(6) Appeals to the board of zoning appeals, \$500.00.

(7) Application for a height limitation waiver to the board of supervisors, \$200.00.

(8) Application for administrative variance, \$250.00.

(9) Public hearing applicant deferral request when the applicant fails to meet a staff imposed deadline for additional information relevant to the application except where deferral is the result of a commission or board action, \$350.00 per request.

(10) Conceptual plan review, \$25.00.

(11) Zoning verification request, \$100.00.

(12) Stormwater inspection fees: There shall be a fee for the inspection of public stormwater installations and private stormwater installations required in accordance with section 23-10(4). Such fee shall be \$900 per practice for each best management practice constructed and \$.90 per foot for every foot of stormwater drain or channel constructed and shall be submitted at the time of filing an application for a land disturbance permit.

(b) Payment of any permit fees established in section 24-7 shall be waived for the county, any entity created solely by the county and those regional entities to which the county is a party provided that: (1) The other parties to the regional entity similarly waive fees; and (2) The regional entity has locations in more than one locality.

Sec. 24-20. Amendments and variations of conditions.

(a) Conditions proffered and accepted as part of an amendment of the zoning ordinance shall continue in full force and effect until a subsequent amendment changes the zoning on the property covered by such conditions; provided, however, that such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

(b) *Except as provided in subsection (c),* ~~There~~ *there* shall be no amendment or variation of *proffered* conditions created pursuant to the provisions of this article until after a public hearing before the board of supervisors which shall be advertised pursuant to section 24-13 of this chapter.

(c) Where an amendment or variation of proffered conditions is requested pursuant to Virginia Code § 15.2-2302(A), and where such amendment does not affect conditions of use or density, the board of supervisors may waive the requirement for a public hearing under any statute, ordinance, or proffer requiring a public hearing prior to amendment of such proffered conditions. Written notice of such application shall be provided by the applicant to any landowner subject to such existing proffered conditions in the manner prescribed by Virginia Code § 15.2-2302(H).

Sec. 24-23. Submittal requirements.

(a) The following information shall be submitted with any request for an amendment of this chapter, as provided for in section 24-13, or for any building or use and addition or expansion thereto which requires a special use permit under this chapter, provided however, applications for family subdivisions, manufactured homes and temporary classroom trailers shall be exempt from the requirements of this section.

- (1) The community impact statement shall describe the probable effects of the proposed development upon the community and at a minimum shall address the following topics regarding infrastructure and quality of life:
 - a. A traffic impact analysis for all projects that expect to generate 100 or more weekday peak hour trips to and from the site during the hours of operation and/or those projects with an entrance or exit onto a roadway with a level of service “D” or lower shall be required pursuant to the Traffic Impact Analysis Submittal Requirement Policy. Vehicular access points and drives shall be designed to encourage smooth traffic flow, with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. Buildings, parking areas and drives shall be arranged in a manner that encourages pedestrian access and minimizes traffic movement. No more than one access point on each abutting public street shall be permitted unless specifically approved by the board of supervisors after reviewing the applicant's traffic impact analysis; and
 - b. A water and sewer impact study for all projects with an anticipated average daily flow greater than 15,500 gallons, and/or for proposed residential projects containing 50 lots or more. Water conservation information shall be submitted in accordance with water conservation guidelines policy; and
 - c. Environmental information shall be submitted in accordance with the environmental constraints analysis for legislative cases; and
 - d. An adequate public facilities report in accordance with board of supervisors policy to include sewer, water, schools, fire stations, libraries, and other major locally-financed facilities. School information shall be prepared according to the adequate public school facilities test policy; and

- e. Additional on-site and off-site public facilities or services which would be required as a result of the development; and
 - f. A Phase IA historic and archaeological study if the property is identified as being a highly-sensitive area on the James City County archaeological assessment. If the property is identified as a moderately-sensitive area on the assessment, studies shall be provided in accordance with the currently adopted archaeological policy; and
 - g. An environmental inventory in accordance with the James City County natural resource policy; and
 - h. A fiscal impact analysis, using the worksheet and assumptions provided by the planning division, when the proposal includes residential dwelling units. The analysis must estimate revenues to be generated versus the cost of public improvements to be financed by the county or the state using the fiscal impact model prepared by the county. If desired by the applicant supplemental studies may be prepared by an individual or firm qualified to conduct a fiscal impact study in a manner and form acceptable to the planning director; and
 - i. Parks and recreation information based on parks and recreation master plan proffer guidelines.
- (2) The master plan shall depict and bind the approximate boundaries and general location of all principal land uses and their building square footage and height, roads, rights-of-way (with an indication of whether public or private), accesses, open spaces, public uses and other features to be located on the site for which approval is sought. The planning director may require other features, including general location and approximate boundaries of buildings, structures or parking areas, to be incorporated into the master plan where deemed necessary due to the size of the development, access to or location of public roads, distance from residential areas, presence of environmentally sensitive areas or availability of public utilities. The master plan shall be prepared by a licensed surveyor, engineer, architect, landscape architect or planner. A scale may be used so that the entire parcel can be shown on one piece of paper no larger than 30 inches by 48 inches. The master plan shall also include:
- a. An inset map at a scale of not less than one inch to one mile showing the property in relation to surrounding roads, subdivision or major landmarks;
 - b. A north arrow, scale, the proposed use, approximate development phasing (if applicable);
 - c. The location of existing property lines, watercourse or lakes, wooded areas and existing roads which are within or adjoining the property;
 - d. If applicable, a table which shows for each section or area of different uses: the use; approximate development phasing, maximum number of dwelling units and density for residential areas, maximum square feet of floor space for commercial or industrial areas; and maximum acreage of each use;
 - e. If applicable, schematic plans which shall indicate the phasing of development and master water, sewer and drainage plans; and
 - f. If more than one type of land uses is proposed, each use shall be designated on the master plan as follows:

Type of Development	Area Designation
Single family	A
Multi-family dwellings containing up to and including four dwelling units	B
Multi-family dwellings containing more than four dwelling units	C
Apartments	D
Commercial uses	E
Wholesale and warehouse uses	F
Office uses	G
Light industrial uses	H
Institutional or public uses	I
Areas of common open space, with recreation areas noted	J
Structures containing a mixture of uses	M*
Other structures, facilities or amenities	X

*Areas of a master plan designated M (structures containing a mixture of uses) shall indicate in parentheses, following the M designation, the appropriate letter designations of the types of uses contained within the structure (e.g., M (CG)) in the order of their proportion in the mixed use structure.

A total of 12 copies of the master plan should be submitted along with an application for rezoning or a special use permit; if necessary, additional copies of the master plan may be required for submittal. The master plan shall be reviewed and approved and thereafter become binding upon approval of a rezoning or a special use permit by the board of supervisors. Thereafter, all amendments to the master plan shall be in accordance with section 24-13 of this chapter. Final development plans may be approved after approval of a master plan by the board of supervisors. All final development plans shall be consistent with the master plan, but may deviate from the master plan if the planning director concludes that the development plan does not:

1. Significantly affect the general location or classification of housing units or buildings as shown on the master plan;
2. Significantly alter the distribution of recreation or open space areas on the master plan;
3. Significantly affect the road layout as shown on the master plan;
4. Significantly alter the character of land uses or other features or conflict with any building conditions placed on the corresponding legislatively-approved case associated with the master plan.

If the planning director determines that a proposed change would deviate from the approved master plan, the amendment shall be submitted and approved in accordance with section 24-13. In the event the planning director disapproves the amendment, the applicant may appeal the decision of the planning director to the development review committee which shall forward a recommendation to the planning commission. For additional information regarding master plan submittal requirements refer to the submittal sections for the following zoning districts: R-4, Residential Planned Community; RT, Research and Technology; PUD, Planned Unit Development; MU, Mixed Use; EO, Economic Opportunity; and Residential Cluster Development Overlay District.

(3) Any other submittal requirement which may be required by this chapter.

(4) An application and fee in accordance with section 24-7 of this chapter.

(b) Supplemental information should be submitted in accordance with the “Supplemental Submittal Requirements for Special Use Permits and Rezonings” policy as adopted by the board of supervisors and any additional policies as deemed necessary by the planning director.

(c) In addition to the paper copies of all documents required by this chapter, all information and plans required under (a)(1), (a)(2) or (a)(3) shall be submitted in an electronic format in accordance with the “Electronic Submittal Requirements for Legislative Applications” policy, as approved by the planning commission.

(e)(d) Unless otherwise required by this chapter, upon written request by the applicant, the planning director may waive any requirement under (a)(1) or (a)(2) above after finding that such information would not be germane to the application.

MEMORANDUM

DATE: April 16, 2015

TO: The Policy Committee

FROM: Christopher Johnson, Principal Planner

SUBJECT: Case No. ZO-0003-2015. Consideration of Amendments to the Zoning Ordinance – Article I. In General. Administrative fees, Certificate of occupancy, Amendments and variation of conditions and Submittal requirements

Due to some recent changes in the Code of Virginia and in how the County processes legislative applications, staff is proposing two minor changes to the Zoning Ordinance.

First, the Code of Virginia was changed in 2009 to allow proffer amendments that do not affect conditions of use or density to bypass a public hearing process otherwise required by Section 24-13 of the County Code before consideration of adoption by the Board of Supervisors. Since that time, staff has processed proffer amendment requests that do not affect use or density by relying on County Administration and the County Attorney to poll the Board of Supervisors informally prior to processing the request as a rezoning application. In order to provide a measure of clarity to the process for such requests, staff is proposing amendments to the County Code to add an administrative fee and outlining the submittal requirements and administrative procedures for the processing of a written proffer amendment request that does not need a public hearing as determined by the Board of Supervisors.

Second, beginning in December 2014, all documents and materials included on a Board of Supervisors agenda have been required to be submitted in an electronic format. In order to provide a measure of clarity to the process for the public, staff is proposing amendments to the submittal requirements section of the County Code to clarify formatting expectations for all materials which are intended to be included on a Planning Commission or Board of Supervisors meeting agenda.

Staff will be prepared to discuss the proposed ordinance amendments at the April Policy Committee meeting.

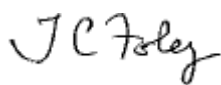
Staff recommends the Policy Committee recommend approval of the attached draft amendments to the Zoning Ordinance to the Planning Commission.


Christopher Johnson

Attachment:
1. Draft Ordinance, Article I. In General

COUNTY OF ALBEMARLE

EXECUTIVE SUMMARY

AGENDA TITLE: ZTA 2014-1 Agricultural Operations and Farm Breweries	AGENDA DATE: November 12, 2014
SUBJECT/PROPOSAL/REQUEST: Adoption of a Zoning Ordinance Amendment to address State Code requirements for farms and farm breweries	ACTION: X INFORMATION:
STAFF CONTACT(S): Foley, Walker, Davis, Kamptner, McCulley, Cilimberg, MacCall, Burbage	CONSENT AGENDA: ACTION: INFORMATION:
PRESENTER (S): Amanda Burbage	ATTACHMENTS: Yes
LEGAL REVIEW: Yes	REVIEWED BY: 

BACKGROUND:

On July 1, 2014, State legislation became effective limiting a locality's ability to regulate certain classes of activities associated with bona fide agricultural operations and farm breweries. Attachment D provides the complete background leading to the Planning Commission's July 15, 2014 public hearing and recommendation to adopt a Zoning Ordinance amendment to address this State legislation. On September 3, 2014, the Board held a work session on the recommended ordinance amendment (see Attachment C).

STRATEGIC PLAN:

Rural Areas: Preserve the character of rural life with thriving farms and forests, traditional crossroads communities, and protected scenic areas, historic sites, and biodiversity.

DISCUSSION:

At its September 3rd work session, the Board provided feedback on three focused issues. The following identifies each issue, Board direction and, where appropriate, additional staff information in response:

- 1) *A 50 vehicle trips per day threshold for establishing substantial impact*
Staff and the Planning Commission recommend including a vehicle trips threshold due to concerns regarding the potential for traffic generation associated with events and activities and to ensure that farm entrances conform to VDOT standards. The VDOT standards require a moderate volume commercial entrance (minimum standards for entrance throat, radii, angle of entrance, minimum and maximum entrance width) for land uses generating over 50 vehicle trips per day in addition to satisfying sight distance and access management requirements. This threshold remains in the proposed ordinance.
- 2) *A minimum acreage threshold for establishing substantial impact*
The Board supported the 21-acre minimum threshold recommended by the Planning Commission, below which a zoning clearance would be required to host events or activities at an agricultural operation.
- 3) *Factors to be considered in establishing whether or not agriculture is a bona fide use of the property*
Staff has revised the factors to add those that the Board asked to be considered when determining whether or not an agricultural operation is bona fide, including federal tax forms pertaining to farm income, receipts showing gross sales over a three year period, the proportion of a lot's acreage in agricultural production, and agricultural census data.

Attachment A is the revised Zoning Ordinance amendment. Attachment B provides staff's comments to each section of the draft ordinance. Key changes to the ordinance since the Board's September 3rd work session are also highlighted in the comments. The key provisions of the ordinance include:

- Definitions for agricultural operation; agricultural operation event; agricultural products; devoted to the bonafide production of animals, crops or fowl; farm brewery; farm brewery event; farm tour; production agriculture and silviculture; substantial impact; and usual and customary use, event, or activity

AGENDA TITLE: ZTA 2014-1 Agricultural Operations and Farm Breweries

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- For the regulations pertaining to events and activities at agricultural operations, a purpose and intent section is provided to identify the comprehensive plan's stated goals for the Rural Area and the proposed regulations' consistency with those goals
- A zoning clearance requirement for outdoor amplified music at agricultural operations, farm breweries and new farm wineries to verify that sound equipment will comply with the County's noise regulations
- Zoning clearance provisions for events and activities at agricultural operations, including verification of compliance with VDOT entrance standards and Health Department requirements, adequate emergency vehicle access, setbacks, parking requirements, and environmental standards outlined in the Water Protection Ordinance
- Increased setbacks for outdoor activity areas, parking, and portable toilets (75 feet from property line, 125 feet from an adjoining residence)

The provisions for farm wineries, farm breweries and agricultural operations are summarized in the text and tables below.

Farm Wineries and Breweries

Farm breweries and farm wineries will be regulated similarly. New farm wineries and all farm breweries will be required to obtain a zoning clearance before having outdoor amplified music. Only one zoning clearance would be required and would apply to any future event on the property. Existing farm wineries would be exempt from the zoning clearance requirement.

	By-right	By-right with Zoning Clearance	Special Use Permit
Farm Breweries	Production, harvesting, storage, sales, tasting, agritourism activities Events ≤ 200 attendees at any time	Outdoor amplified music	Events > 200 attendees at any time
Farm Wineries	Production, harvesting, storage, sales, tasting, agritourism activities Events ≤ 200 attendees at any time	Outdoor amplified music (new establishments)	Events > 200 attendees at any time

Events and Activities at Agricultural Operations

While agricultural operations, including all aspects of production and harvesting, will remain a by-right activity in the Rural Areas and will not be affected by this ordinance, certain activities and events at agricultural operations would be regulated under the proposed ordinance based on the following thresholds, at which substantial impacts on public health, safety or welfare have been identified.

	By-right	By-right with Zoning Clearance	Special Use Permit
Events and Activities at Agricultural Operations	Harvest-your-own activities	Outdoor amplified music	Structures for farm sales > 4,000 sf
	Agritourism, events* or retail sales generating ≤ 50 vehicle trips per day and occurring on sites** ≥ 21 acres in size Up to 4 farm tours per year with ≤ 200 attendees at any time Up to 4 educational programs, workshops, or demonstrations related to agriculture or silviculture per year with ≤ 200 attendees at any time	Agritourism, events* or retail sales generating either > 50 vehicle trips per day or occurring on sites** < 21 acres in size > 4 farm tours per year and farm tours with > 200 attendees at any time > 4 educational programs, workshops or demonstrations related to agriculture or silviculture with ≤ 200 attendees at any time	Events* or activities (including educational programs, workshops or demonstrations related to agriculture or silviculture) with > 200 attendees at any time or > 24 events of any size/ year
	Structures for farm sales ≤ 4,000 sf		

* Events not deemed to be usual and customary at Virginia agricultural operations would be subject to the special events regulations outlined in Section 5.1.43 of the Zoning Ordinance.

** The term "site" means one or more abutting lots under the same ownership on which the agricultural operation and the event or activity is located.

BUDGET IMPACT:

There is potential for an increase in staff time devoted to review of zoning clearance and special use permit applications associated with this Zoning Ordinance amendment.

AGENDA TITLE: ZTA 2014-1 Agricultural Operations and Farm Breweries

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RECOMMENDATIONS:

Staff recommends that, after the public hearing, the Board adopt the attached draft Zoning Ordinance Amendment (Attachment A).

ATTACHMENTS:

Attachment A – [Draft Ordinance – clean version for adoption](#)

Attachment B – [Draft Ordinance with staff comments](#)

Attachment C – [September 3, 2014 BOS Work Session Executive Summary](#)

Attachment D – PC Minutes – [March 25, 2014](#), [April 16, 2014](#), [May 13, 2014](#), [June 24, 2014](#), and [July 15, 2014](#)

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Chapter 24

ARTICLE I. IN GENERAL

Sec. 24-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

A

Agritourism Activity- Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an Agritourism activity whether or not the participant paid to participate in the activity.

Agricultural Operation- Any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits or vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity.

L

Limited Farm Brewery-Breweries that manufacture no more than 15,000 barrels of beer per calendar year, provided the brewery is located on a farm where agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm. Limited Farm Brewery does not include a restaurant or tap room operations, but may include the sale or tasting of beer during regular business hours within the normal course of business. The sale of beer-related items that are incidental to the sale of beer is also permitted.

Limited Farm Distillery-Distilleries that manufacture no more than 36,000 gallons of alcohol per calendar year, provided the distillery is located on a farm where agricultural products used by such distillery in the manufacture of its alcohol are grown on the farm. Limited Farm Distillery does not include a restaurant or tap room operations, but may include the sale or tasting of alcohol during regular business hours within the normal course of business. The sale of distillery-related items that are incidental to the sale of alcohol is also permitted.

P

Production Agriculture or Silviculture Activity- The bona fide production or harvesting of agricultural products as defined in section 3.2-6400 of the Code of Virginia, including silvicultural products, but shall not include the processing of agricultural or silviculture products, the above ground application or storage of sewage sludge, or the storage or disposal of non-agricultural excavation material, waste and debris if the excavation material, waste and debris are not generated on the farm, subject to the provisions of the Virginia Waste Management Act.

R

Retreat- A private or secure place of refuge and education. A retreat can include temporary, short-term residential facilities, recreational amenities, and educational activities (e.g. for job training and life skills). Retreat facilities must be voluntary in nature, and are different from group homes, which must be licensed by the Department of Behavioral Health and Development Services. A caretaker must be present when guests/lodgers are on-site.

*This will not be included in the official definition language, but this use could include operations ranging from Avalon House and Lathisha's House to youth riding camp, general summer camp, religious retreat camps (e.g. Williamsburg Christian Retreat), etc.

S

Small-scale Alcohol Production-Includes operations such as micro-breweries, micro-distilleries, and micro-wineries. Micro-breweries produce no more than 15,000 barrels a year. Micro-distilleries produce no more than 36,000 gallons of alcohol per year. Micro-wineries produce no more than 15,000 barrels a year. These uses are often accompanied by tap rooms, brew pubs, and retail sales.

COUNTY OF LOUDOUN

DEPARTMENT OF PLANNING AND ZONING

MEMORANDUM

DATE: October 1, 2014

TO: The Loudoun County Planning Commission

FROM: Mark Depo, Senior Planner, Zoning Administration

SUBJECT: **ZOAM 2014-0003, Limited Brewery and Agricultural Processing Zoning Ordinance Amendment**
Planning Commission Work Session, October 7, 2014

The Planning Commission held a public hearing on the subject Zoning Ordinance amendment on September 16, 2014. There were 9 members of the public that spoke at the hearing. Speakers included representatives from the Zoning Ordinance Action Group (ZOAG), Visit Loudoun, Virginia Farm Winery operators, and Loudoun Farm Brewers Association.

At the conclusion of the Public Hearing, the Planning Commission voted to forward the ZOAM to the October 7, 2014 work session for further discussion (8-0-1, Ryan absent).

In preparation for the work session, the Planning Commission requested the following information: 1) Clarification of Code of Virginia § 15.2-2288.3:1 and a jurisdiction's ability to regulate a Limited Brewery use; 2) Citizen complaints related to Virginia Farm Winery and Limited Brewery uses; 3) Limited Brewery use standards in other Virginia jurisdictions; and 4) Limited Brewery use compared to other uses. A summary of the requested information can be found below.

Staff reiterates that the economic, development, tourism, and agricultural benefits related to the Limited Brewery use is in keeping with the County's vision for a vibrant and successful rural economy and fully supports the introduction of the use in Loudoun County. However, as stated at the Public Hearing, the proposed Standards are not intended to restrict the Limited Brewery use, but are intended to protect the health, safety and welfare of the public by mitigating the impact of the use on adjacent properties and surrounding communities.

To this end, and based on public comments and Planning Commission discussion at the Public Hearing, Staff has provided revised standards for the Limited Brewery use in Attachment 1. The revisions are intended to remove proposed Standards perceived as restricting the establishment of the use, reduce proposed Standards, and designate specific Standards for specific activities. These revisions include: 1) eliminating the requirement that the use of heavy equipment shall have direct

access to a paved road (5-667(E)(2)); 2) reducing the parking setback (5-667(C)); 3) requiring landscaping for outdoor activities and not for the use as a whole.

Staff will discuss more thoroughly these newly proposed standards at the work session.

Information requested by the Planning Commission at the September Public Hearing

1) Code of Virginia § 15.2-2288.3:1 and a Jurisdiction's Ability to Regulate a Limited Brewery Use

Many of the public hearing speakers discussed the legality of applying standards to the Limited Brewery use and the intent of the Virginia Senate and House of Delegates related to Senate Bill 430 ("SB 430"). While Staff cannot speak to the intent of the legislation, Staff has provided the following responses to address speaker comments and Staff's interpretation of the Code of Virginia.

Code of Virginia § 15.2-2288.3:1 provides that a jurisdiction is allowed to apply development standards to a Limited Brewery use. Although § 15.2-2288.3:1 limits certain local regulation of limited brewery licensees, § 15.2-2288.3:1 does authorize local regulation to protect the health, safety, and welfare of its citizens, and authorizes local regulation of outdoor amplified music, minimum parking, road access, or road upgrade requirements. The following sections of § 15.2-2288.3:1 highlight (red underlined text) where a jurisdiction is allowed to apply Standards for a Limited Brewery use:

Code of Virginia § 15.2-2288.3:1. Limited brewery license; local regulation of certain activities.

A. It is the policy of the Commonwealth to preserve the economic vitality of the Virginia beer industry while maintaining appropriate land use authority to protect the health, safety, and welfare of the citizens of the Commonwealth and to permit the reasonable expectation of uses in specific zoning categories. Local restriction upon such activities and public events of breweries licensed pursuant to subdivision 2 of § 4.1-208 to market and sell their products shall be reasonable and shall take into account the economic impact on such licensed brewery of such restriction, the agricultural nature of such activities and events, and whether such activities and events are usual and customary for such licensed breweries. Usual and customary activities and events at such licensed breweries shall be permitted unless there is a substantial impact on the health, safety, or welfare of the public. No local ordinance regulating noise, other than outdoor amplified music, arising from activities and events at such licensed breweries shall be more restrictive than that in the general noise ordinance. In authorizing outdoor amplified music at such licensed brewery, the locality shall consider the effect on adjacent property owners and nearby residents.

C. Any locality may exempt any brewery licensed in accordance with subdivision 2 of § 4.1-208 on land zoned agricultural from any local regulation of minimum parking, road access, or road upgrade requirements.

PUBLIC COMMENTS/ISSUES RAISED AT THE SEPTEMBER 16, 2014 PUBLIC HEARING

ISSUE 1: A speaker stated that Standards related to activities usual and customary to a Limited Brewery must take into account the economic impact on such licensed brewery and the agricultural nature of such activities. The speaker also stated that § 15.2-2288.3:1. requires the Limited Brewery use to be established before any Standards are applied so that substantial impact may be determined.

Staff agrees that Standards related to Limited Brewery activities and events must be reasonable and take into account the economic impacts and the agricultural nature of such activities and events, as well as, whether such activities and events are usual and customary. However, usual and customary activities and events are permitted “unless there is a substantial impact on the health, safety, or welfare of the public.” (Code of Virginia § 15.2-2288.3:1.A.)

Loudoun County already contains one licensed Limited Brewery and one licensed Brewery located in the AR-1 zoning district. In addition, a Limited Brewery is similar to a Virginia Farm Winery of which 40 are located in Loudoun County. Staff interprets the legislation for Limited Brewery as being similar to and consistent with Farm Wineries in that a jurisdiction is allowed to apply Standards to mitigate impacts in an effort to protect the health, safety, or welfare of the public consistent with Code of Virginia § 15.2-2288.3:1.A.

In a July 19, 2013 office of the Virginia Attorney General provided an official advisory opinion regarding the ability for Fauquier County, VA to apply Standards to Farm Wineries consistent with § 15.2-2288.3(A). The official opinion states, “this Office [office of the Attorney General] does not offer a view on the validity of these remaining sections [§ 6-401, subsections 8 and 9, Sections 6-402, 6-403, 5-1810.1 and 5-1810.2] of the Fauquier County Zoning Ordinance under the locality's zoning authority.” These listed Sections of the Fauquier County Zoning Ordinance provide development standards for such things as Noise, Lighting, Setbacks, Parking, Food Establishments, Occupancy, Closing Time, Server Training, and Events and prohibits specific accessory uses. [Attachments 2 and 3]

Additionally, the speaker commented on the statement “...substantial impact on the health, safety, or welfare of the public” found in Code of Virginia § 15.2-2288.3:1.A as it relates to a jurisdiction’s ability to regulate Limited Breweries and that this “substantial impact” language is only found under Farm Wineries. The term “substantial impact” is not defined in the Code of Virginia but is found in the Code of Virginia § 15.2-2288.3.A. Farm Wineries; § 15.2-2288.3:1.A. Limited Breweries; and § 15.2-2288.6.A. Agricultural Operations.

ISSUE 2: A speaker made reference to the summary statement of the adopted Code of Virginia § 15.2-2288.3:1 regarding a jurisdiction’s ability to regulate minimum parking, road access, or road upgrade requirements on any licensed Limited Brewery. Staff has interpreted § 15.2-2288.3:1.C to allow a jurisdiction to either regulate or exempt minimum parking, road access, or road upgrade requirements.

The summary statement the speaker referenced is the online summary of the SB 430 legislation as initially passed by the Senate that states,

“The bill limits local regulation of limited brewery licensees and specifically prohibits the imposition of minimum parking, road access, or road upgrade requirements on any licensed limited brewery.”

However, the summary statement found online was not updated to reflect the adopted legislation. The SB 430 language was subsequently amended by the House of Delegates and it was this revised language that passed both Virginia Senate and House of Delegates and was signed by the Governor. The following demonstrates the difference in the initial language passed by the Senate and the adopted language:

ORIGINAL PROPOSAL: § 15.2-2288.3:1.C Proposed by the Senate Committee on January 24, 2014

“No local ordinance should impose minimum parking, road access, or road upgrade requirements on any brewery licensed in accordance with subdivision 2 of § 4.1-208 on land zoned agricultural, unless the operations of such brewery create a substantial impact on the health, safety, or welfare of the public.”

ADOPTED: § 15.2-2288.3:1.C Approved March 27, 2014. Effective July 1, 2014

“Any locality may exempt any brewery licensed in accordance with subdivision 2 of § 4.1-208 on land zoned agricultural from any local regulation of minimum parking, road access, or road upgrade requirements.”

ISSUE 3: In reference to the information provided by a speaker at the public hearing that compared the Limited Brewery and Farm Wineries Sections of the Code of Virginia, there were two important Sections that were not provided. Section 4.1-208.2 related to beer license and Limited Brewery and § 4.1-219 related to limitations on Farm Wineries.

§ 4.1-208. Beer licenses.

“2. Limited brewery licenses, to breweries that manufacture no more than 15,000 barrels of beer per calendar year, provided (i) the brewery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such brewery or its owner and (ii) agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm. The licensed premises shall be limited to the portion of the farm on which agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown and that is contiguous to the premises of such brewery where the beer is manufactured, exclusive of any residence and the curtilage thereof. However, the Board may, with notice to the local governing body in accordance with the provisions of § 4.1-230, also approve other portions of the farm to be included as part of the licensed premises.

Limited brewery licensees shall be treated as breweries for all purposes of this title except as otherwise provided in this subdivision.”

§ 4.1-219. Limitation on Class A and Class B farm wineries.

“For Class A farm winery licensees, at least 51 percent of the fresh fruits or agricultural products used by the owner or lessee to manufacture the wine shall be grown or produced on such farm and no more than 25 percent of the fruits, fruit juices or other agricultural products shall be grown or produced outside the Commonwealth.

For Class B farm winery licensees, 75 percent of the fresh fruits or agricultural products used by the owner or lessee to manufacture the wine shall be grown or produced in the Commonwealth and no more than 25 percent of the fruits, fruit juices or other agricultural products shall be grown or produced outside the Commonwealth. No Class B farm winery license shall be issued to any person who has not operated under an existing Virginia farm winery license for at least seven years.

However, upon petition by the Department of Agriculture and Consumer Services, the Board may permit the use (i) of a greater quantity of out-of-state products if supplies grown or produced in the Commonwealth are insufficient for a farm winery licensee, whether Class A or Class B, to achieve the level of production which otherwise could be anticipated during a given license year or (ii) by a Class A farm winery of a lesser percentage of products grown or produced on the farm if unusually severe weather or disease conditions cause a significant reduction in the availability of fruit or other agricultural products grown or produced on the farm to manufacture wine during a given license year. As used in this section, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. The term "farm" as used in this section includes all of the land owned or leased by the farm winery licensee as long as such land is located in the Commonwealth.”

These two Sections are important while comparing the uses of Limited Breweries and Farm Wineries. A Limited Brewery is treated as a brewery and as a separate and distinct activity from other activities on the farm: “... *licensed premises shall be limited to the portion of the farm on which agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown and that is contiguous to the premises of such brewery where the beer is manufactured...*”. This is not the case for Farm Wineries where the entire property of the Farm Winery is licensed. In addition, the farm where the Limited Brewery is located is an “Agricultural operation” as defined in §3.2-300 of the Code of Virginia, however staff has interpreted that the Limited Brewery itself, also required to be located on a farm, is not an “Agricultural operation” nor is it included within the definition of “Agritourism activity” as defined in § 3.2-6400. [Definitions provided, below] Again, this is not the case for Farm Wineries where there are limitations for Farm Wineries regarding agricultural production (See Section 4.1-219, above) and a Farm Winery is specifically included within the definition of an “Agritourism

activity”.

“Agricultural operation” means any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity.

"Agritourism activity" means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

2) Citizen Complaints Related to Virginia Farm Winery and Limited Brewery Uses

Over the years Zoning Enforcement has received complaints related to Virginia Farm Wineries. The complaints range from tasting rooms functioning as a bar in a residential area to signage along public roadways to questions regarding setbacks for buildings and parking and general concerns regarding noise, traffic, trash and drivers under the influence.

The Virginia Department of Alcoholic Beverage Control (ABC) provides a list of approved breweries throughout Virginia [<http://www.abc.virginia.gov/>]. One licensed Limited Brewery (origination date 7/2/2014) and one licensed brewery (origination date 8/16/2012) are located in the AR-1 zoning district in Loudoun County. Complaints have been received for both breweries that include issues related to the brewery being in conflict with the Homeowners Association (HOA), setbacks for buildings and parking, noise, traffic, trash and drivers under the influence.

3) Limited Brewery Use in Other Virginia Jurisdictions

As requested by the Planning Commission, Staff contacted the following Virginia jurisdictions regarding the Limited Brewery use: Albemarle County, Clarke County, Fairfax County, Fauquier County, Nelson County, Prince Williams County, Rappahannock County Warren County, and York County. Of the Counties contacted only one, Warren County, has adopted language to address the Limited Brewery use and Code of Virginia § 15.2-2288.3:1. The other counties are either in the process or have not started any process to amend their Zoning Ordinance. Staff has provided information from these counties in Attachment 4.

4) Limited Brewery Use Standards Compared to Other Uses

The standards proposed by Staff are not intended to restrict the Limited Brewery use but are intended to protect the health, safety and welfare of the public by mitigating the impact of the use on adjacent properties and surrounding communities. The proposed standards are not new to the Zoning Ordinance but are standards that already exist for several agricultural and commercial uses that operate or provide accessory functions similar to a Limited Brewery use, such as Bed

and Breakfast and Country Inn uses (§ 5-601); Commercial Winery (§ 5-625); Agriculture, Horticulture and Animal Husbandry (§ 5-626); Agriculture Support Uses, Direct and No Direct Association with Agriculture, Horticulture or Animal Husbandry (§ 5-627 and § 5-630); Farm Based Tourism (§ 5-628); Banquet/Event Facilities (§ 5-5-642); and Restaurant, in the AR districts (§ 5-643). Additionally, these uses are also subject to the following additional performance standards: Exterior Lighting and Noise Standards for Specific Uses (§ 5-652); Landscaping Standards for Specific Uses (§ 5-653); and Road Access Standards for Specific Uses (§ 5-654). Staff has provided information comparing the proposed Limited Brewery Standards and the uses listed above, in Attachment 5.

Attachments

1. Revised Limited Brewery Regulations dated October 1, 2014
2. July 19, 2013 Virginia Office of the Attorney General advisory opinion
3. Fauquier County regulations for Farm Wineries
4. Virginia Counties Comparison Table
5. Loudoun County Use Comparison Table
6. Farm Winery/Limited Brewery Code of Virginia Information
7. Code of Virginia

CC:

Planning and Zoning, Director, Julie Pastor, FAICP
Planning and Zoning, Zoning Administration, Michelle Lohr

**LOUDOUN COUNTY ZONING ORDINANCE
ADDITIONAL REGULATIONS COMPARISON**

	Limited Brewery (Proposed Section 5-667)	Bed and Breakfast Inn (Section 5-601)	Small Based Business (Section 614)	Commercial Winery (Section 5-625)	Agricultural Support Uses (Section 5-627)	Farm Based Tourism (Section 5-628)	Banquet/Event Facilities (Section 642)	Restaurant in AR (Section 5-643)
Intensity/Size of Use	Max. 12,000 sq. ft. structures & 5,000 square feet storage areas.	Minimum 5 acres. 0.04 FAR. Hours of Operation 7 am-12 midnight.	10+ acres 5,000 sq. ft. structure or storage yard plus 1,000 sq. ft. for each add. 10 acres, not to exceed 15,000 sq. ft.	Minimum 10 acres. Hours of Operation 10 am-10 pm.	Minimum 5 acres. Level I: 12,000 sq. ft. structures & 5,000 sq. ft. storage areas. Hours of Operation 6 am-9 pm.	Minimum 5 acres. Level III: max. 7,500 sq. ft. with 80+ acres. Storage – max. 25% of structure. Hours of Operation 8 am-6 pm.	Minimum 20 acres. 0.04 FAR. Hours of Operation 7 am-12 midnight	Minimum 20 acres and 0.01 FAR. (except for adaptive reuse) Hours of Operation 6 am-12 midnight
Yards	60' for structures and storage areas. 40' for parking. <i>(Initially Proposed: 60' for structures, parking, & storage areas.)</i>	40' for parking.	100' for 2,000 sq. ft. structure and yard. 300' for 2,000+ sq. ft. structure and yard. 500' adjacent to residential. No parking in required yard/setback.	125' for use.	60' for structures & storage areas.	Level I: 100' for 5,000 sq. ft. structure. Level II: 150' for 7,500 sq. ft. structure. Level III: 200' for 10,500 sq. ft. structure.	100' for use and parking. 200' for outdoor private parties.	100' for 1,500 sq. ft. structure. 150' for 1,500 to 4,000 sq. ft. structure. 175' for 4,000+ sq. ft. structure.
Landscaping/ Buffering/ Screening	Section 5-653(A). May waive/modify req. per Section 5-1409. Section 5- 653(B) for parking.	Section 5-653(A). May waive/modify req. per Section 5-1409. Section 5-653(B) for parking.	Section 5-653(C) for storage.	Section 5-653(A) for use. Section 5-653(B) for parking.	Section 5-653(A) for use. Section 5-653(C) for storage.	Section 5-653(A) for use. Section 5-653(B) for parking. Section 5-653(C) for storage.	Section 5-653(A) for use. Section 5-653(B) for parking. Section 5-653(C) for storage.	Section 5-653(A) for use. Section 5-653(B) for parking. Section 5-653(C) for storage.
Parking	Section 5-1102.	Section 5-1102.	Section 5-1102.	Section 5-1102. Dust-free surfacing material.	Section 5-1102. Dust-free surfacing material.	Section 5-1102. Dust-free surfacing material.	Section 5-1102.	Section 5-1102.
Road/Access	Section 5-654; 2-access points; & access location.	Section 5-654; 2-access points; & access location.	N/A	Section 5-654.	Section 5-654.	Section 5-654	Section 5-654; 2-access points; & access location.	Section 5-654; 1-access point; & access location
Vehicle/ Equipment	N/A <i>(Initially Proposed: Paved road access for heavy equipment.)</i>	N/A	Paved road access for heavy equipment.	Paved road access for heavy equipment.	Paved road access for heavy equipment.	N/A	N/A	
Exterior Lighting	Section 5-652(A)(1)-(3) & 12' maximum height for parking lot lighting.	Section 5-652(A)(1)-(3) & 12' maximum height for parking lot lighting. Shall not exceed 55 dB(A). No outdoor music 11PM-10AM on Fri, Sat, & preceding a Holiday & 10PM-10AM other days.	Section 5-652(A).	Section 5-652(A).	Section 5-652(A).	Section 5-652(A).	Section 5-652(A)(1)-(3) & 12' maximum height for parking lot lighting.	Section 5-652(A).
Noise	Section 5-652(B).		Section 5-652(B).	Section 5-652(B).	Section 5-652(B).	N/A	Section 5-652(B).	N/A
Water/ Wastewater	Health Department approval.		Health Department approval.	Health Department approval.				
	Sketch Plan	Sketch Plan (under 5,000 sq. ft. disturbance)	Sketch Plan	Site Plan	Site Plan	Site Plan	Site Plan	Site Plan

Red Text: Identifies standards that are required by similar uses that are being proposed for Limited Breweries.

**LOUDOUN COUNTY ZONING ORDINANCE
VIRGINIA COUNTIES COMPARISON**

	Limited Brewery (Proposed Section 5-667)	Albemarle County (Proposed Text)	Warren County (Adopted Limited Brewery Text)	Fauquier County* (Farm Winery)	Rappa- hannock County	Fairfax County	York County	Nelson County	Prince Williams County	Clarke County
Intensity/Size of Use	Max. 12,000 sq. ft. structures & 5,000 square feet storage areas.	200+ people require special use permit (sketch plan). 4,000 sq. ft. by-right (over 4,000 requires use permit)	Brew Pub (conditional use permit): 5,000 sq. ft.; Limited to 50 seats; Hours of operation 9 am – 9 pm. Microbrewery (by right): 3,000 sq. ft.; Limited to 10 seats; Hours of operation 9 am – 5 pm.	Occupancy limited to Health Department septic permit. Hours of operation: 9:00 pm Monday – Thursday; 11:00 pm Friday and Saturday; and 10 pm Sunday. 300' for structures and 100' for parking.	Has not started the process to amend the Zoning Ordinance to address SB 430.	Has not started the process to amend the Zoning Ordinance to address SB 430.	Is not actively pursuing an amendment to the Zoning Ordinance to address SB 430. Recently adopted a Zoning Ordinance amendment to address commercial breweries/microbreweries.	In the initial process of amending the Zoning Ordinance to address SB 430.	In the initial process of amending the Zoning Ordinance to address SB 430. Established a Rural Area Committee	Has not started the process to amend the Zoning Ordinance to address SB 430.
Yards	60' for structures and storage areas. 40' for parking. <i>(Initially Proposed: 60' for structures, parking, & storage areas.)</i>	75' front yard, 25' side yard and 35' rear yard for structures and parking.								
Landscaping/ Buffering/ Screening	Section 5-653(A). May waive/modify req. per Section 5-1409. Section 5-653(B) for parking.									
Parking	Section 5-1102.	1 space/2.5 customers								
Road/Access	Section 5-654; 2-access points; & access location.	Adjacent to state maintained road. Comply with VDOT.								
Vehicle/ Equipment	N/A <i>(Initially Proposed: Paved road access for heavy equipment.)</i>									
Exterior Lighting	Section 5-652(A)(1)(3) & 12' maximum height for parking lot lighting.	Obtain Zoning Clearance for outdoor amplified music.		Subject to Section 9-1005, 9-1006.4 and 9-1006.7						
Noise	Section 5-652(B).									
Water/ Wastewater	Health Department approval.		Comply with Health Department.	Health Department septic permit.						
Other Information	Sketch Plan	Building Permit (review/exemption). Sketch Plan.	Comply with building inspection.	No Food Establishments. Server training program. 14 prohibited accessory uses. 1 special event permit per month for <150 people. Administrative Permit						

* Fauquier County has not started the process to amend the Zoning Ordinance to address SB 430 but does provide development standards for farm wineries.

MEMORANDUM

DATE: April 16, 2015
TO: The Policy Committee
FROM: Jason Purse, Zoning Administrator
SUBJECT: ZO-0004-2015, A-1, General Agricultural, and Definition Amendments to Incorporate State Code Changes

During the 2014 and 2015 Legislative sessions, amendments to the State Code were passed that need to be incorporated into the Zoning Ordinance. The proposed changes deal with the definition of agriculture and agri-tourism, changes to other definitions of uses in A-1, as well as identifying which uses are permitted by-right or require a special use permit.

More specifically, HB 1089, SB 51, and SB 430 were all approved in 2014; and SB 1272 was approved in 2015. State code language associated with the new legislation is attached, and summaries of the new legislation are as follows:

HB 1089- Clarifies the definition of agricultural products.

SB 430-The bill limits local regulation of limited brewery licensees and specifically prohibits the imposition of minimum parking, road access, or road upgrade requirements on any licensed limited brewery. Limited breweries may be located on a farm, and use agricultural products that are grown on the farm in the manufacture of their beer.

SB 51- Protects certain activities as part of agricultural operations from local regulation in the absence of substantial impacts on the public welfare and requires localities to take certain factors into account when regulating any of several activities, including: the conduct of agritourism activities, the sale of agricultural or silvicultural products or related items, the preparation or sale of foods that otherwise comply with state law, and other customary activities. Localities are prohibited from subjecting these listed activities to a special use permit requirement in the absence of a substantial impact on health, safety, or public welfare and in most situations are prevented from stringently regulating any sound produced by these listed activities. This bill is identical to HB 268.

SB 1272- Similar to the limited brewery legislation referenced above (SB 430) but this bill contains specific language for distilleries that (i) manufacture no more than 36,000 gallons of spirits per calendar year, (ii) are located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such distillery or its owner, and (iii) use agricultural products grown on the farm in the manufacture of its alcoholic beverages.

In acknowledgement of these changes in state code, the A-1 ordinance (attachment 2) has been updated to include the following:

- Inclusion of “agritourism activities” as an accessory use in the agricultural section
- Change of “fish farming and aquaculture” to a permitted use (with processing of these products remaining a SUP)

- Inclusion of “agricultural operation,” “production agriculture” and “silviculture activity” to the use list
- Addition of “Sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation, including wayside stands” as a permitted use
- Deletion of “Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet” from permitted uses
- Deletion of “Wayside stands for sale of agricultural products over 500 square feet in area” from SUP uses
- Addition of “Limited farm brewery” as a permitted use
- Addition of “Limited farm distillery” as a permitted use
- Addition of “Small-scale alcohol production” as a SUP use

The Definitions section of the Zoning Ordinance has been amended to include the associated definitions (attachment 3).

Many localities have amended, or are currently amending, their ordinances to reflect these changes. Specifically, the treatment of “agritourism activities” in general and what constitutes “accessory activities” for farm breweries and distilleries has garnered much discussion among localities. Staff has included documents from Albemarle and Loudon Counties for additional reference (attachment 5 and 4). Of particular note would be the “regulation comparison” chart at the end of the Loudon County memo. This shows how some of the different impacts are handled in their ordinance, as well as how it is handled in other jurisdictions. The Albemarle County zoning ordinance amendment on farm breweries has also been included for your reference.


Small-scale alcohol production includes micro-brewery, micro-distillery, and micro-winery type uses. Often times micro-breweries are accompanied by restaurants and tap rooms. Staff included small-scale alcohol production as a SUP in A-1 in order to allow potential micro-brewery style uses that would like to expand beyond an accessory farming operation if the impacts can be mitigated through the legislative process. Restaurants and taverns are currently SUP uses in A-1 as well.

Other miscellaneous proposed changes

During the last update to the residential districts (2012), staff amended the definition and use list name for group homes based on a change in the State Code definition. A similar change is proposed in the A-1 ordinance during this update. Similarly, there has historically been some overlap between what constitutes a group home and what constitutes a “retreat,” as listed in the A-1 ordinance. Staff has included a new definition that clarifies the retreat use, and given the extent of potential impacts, staff recommends making retreat a use that requires a special use permit.

Finally, the use list was amended in general to represent the “Use category” chart format that appears in the residential and commercial zoning districts, as amended during the last comprehensive ordinance update in 2012.

Staff recommends the Policy Committee recommend approval of these ordinance amendments to the Planning Commission.



 Jason Purse

Attachments:

- 1. A-1 Ordinance amendments**
- 2. Definition amendments**
- 3. State code language**
- 4. Loudon County memo**
- 5. Albemarle zoning ordinance amendment memo**

Chapter 24

ARTICLE V. DISTRICTS

DIVISION 2. GENERAL AGRICULTURAL DISTRICT, A-1

Sec. 24-212. Permitted uses.

In the General Agricultural District, A-1, structures to be erected or land to be used shall be for the following uses:

~~Accessory apartments, attached, in accordance with section 24-32.~~

~~Accessory buildings and structures.~~

~~Accessory uses, as defined herein.~~

~~Communication towers and tower mounted wireless communications facilities, up to a height of 35 feet.~~

~~Farmers' markets, limited in area to 2,500 square feet.~~

~~General agriculture, dairying, forestry, general farming, and specialized farming, including the keeping of horses, ponies and livestock, but not intensive agriculture as herein defined and not commercial slaughtering or processing of animals or poultry.~~

~~Greenhouses, commercial.~~

~~Home occupations, as defined herein.~~

~~Horse and pony farms (including the raising and keeping of horses), riding stables.~~

~~House museums.~~

~~Houses of worship and cemeteries accessory hereto.~~

~~Intensive agriculture as herein defined.~~

~~Manufactured homes that are on a permanent foundation.~~

~~Nurseries.~~

~~Off street parking as required by section 24-54.~~

~~Petroleum storage on a farm as an accessory use and not for resale.~~

~~Preserves and conservation areas for protection of natural features and wildlife.~~

~~Rest homes for fewer than 15 adults.~~

~~Retreat facilities.~~

~~Single-family detached dwellings.~~

~~Slaughter of animals for personal use but not for commercial purposes.~~

~~Storage and repair of heavy equipment as an accessory use to a farm.~~

~~Timbering in accordance with section 24-43.~~

~~Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.~~

~~Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.~~

~~Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.~~

~~Wireless communication facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities.~~

~~(Ord. No. 31A-88, § 20-29, 4-8-85; Ord. No. 31A-114, 5-1-89; Ord. No. 31A-122, 6-18-90; Ord. No. 31A-131, 6-3-91; Ord. No. 31A-145, 7-6-92; Ord. No. 31A-162, 6-19-95; Ord. No. 31A-165, 9-18-95; 31A-169, 5-28-96; Ord. No. 31A-176, 5-26-98; Ord. No. 31A-257, 11-22-11; Ord. No. 31A-259, 1-10-12; Ord. No. 31A-293, 8-12-14)~~

~~Sec. 24-213. Uses permitted by special use permit only.~~

~~In the General Agricultural District, A-1, buildings to be erected or land to be used for the following uses shall be permitted only after the issuance of a special use permit approved by the board of supervisors in accordance with the procedures, guides and standards of sections 24-9 and 24-10 and such other guides and standards as may be contained in this chapter.~~

~~Accessory apartment, detached, in accordance with section 24-32.~~

~~Adult day care centers.~~

~~Airports and landing fields, heliports or helistops and accessory uses.~~

~~Animal hospitals, veterinary offices and kennels.~~

~~Automobile graveyards.~~

~~Automobile repair and service.~~

~~Automobile service stations; if fuel is sold, then in accordance with section 24-38.~~

~~Beauty and barber shops.~~

~~Campgrounds.~~

~~Cemeteries and memorial gardens, not accessory to a church or other place of worship.~~

~~Commercial equipment repair accessory to a dwelling with no outdoor storage or operations and the use occupies a building not larger than 2,000 square feet.~~

~~Communication towers over 35 feet in height.~~

~~Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities except for facilities approved as part of a subdivision created pursuant to section 24-214(c).~~

~~Contractors' warehouses, sheds and offices.~~

~~Convenience stores; if fuel is sold, then in accordance with section 24-38.~~

~~Day care and child care centers.~~

~~Dinner theaters and dance halls as an accessory use to a restaurant or tavern.~~

~~Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.~~

~~Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of top soil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which do not require a special use permit.)~~

~~Family care homes, foster homes or group homes serving physically handicapped, mentally ill, intellectually disabled or other developmentally disabled persons, for more than five such persons.~~

~~Farm equipment sales and service.~~

~~Farmers' markets over 2,500 square feet in area.~~

~~Feed, seed and farm supplies.~~

~~Fire stations, rescue squad stations, volunteer or otherwise.~~

~~Fish farming and aquaculture.~~

~~Flea markets, temporary or seasonal.~~

~~Food processing and storage.~~

~~Gift shops and antique shops.~~

~~Golf courses and country clubs.~~

~~Group quarters for agricultural workers.~~

~~Home care facilities.~~

~~Horse racing tracks.~~

~~Horse show areas, polo fields.~~

Hospitals and nursing homes.

Hunting preserve or club, rifle or pistol range, trap or skeet shooting.

Lodges, civic clubs, fraternal organizations or service clubs.

Lumber and building supply stores.

Manufacture and sale of wood products.

Manufactured home parks in accordance with the special provisions of article IV.

Medical clinics.

Petroleum storage, other than on a farm for farm use or accessory for a residence.

Post offices and public buildings generally.

Professional offices of not more than 2,000 square feet with no more than one office per lot.

Race tracks for animals or vehicles, including racing courses for power boats.

Railroad facilities, including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right of ways, and track and safety improvements in existing railroad right of ways, are permitted generally and shall not require a special use permit.

Rental of rooms to a maximum of three rooms.

Rest homes for 15 or more adults.

Restaurants, taverns.

Retail sale and repair of lawn equipment with outdoor display area up to 2,500 square feet and repair limited to a fully enclosed building.

Retail sales of plant and garden supplies.

Retail shops associated with community recreation facilities.

Sanitary landfills, in accordance with section 24-40, construction debris landfills, waste disposal or publicly owned solid waste container sites.

Schools, libraries, museums and similar institutions, public or private.

Seminaries.

Slaughterhouses.

Solid waste transfer stations.

Storage and repair of heavy equipment.

~~Storage, stockpiling and distribution of sand, gravel and crushed stone.~~

~~Telephone exchanges and telephone switching stations.~~

~~Tourist homes.~~

~~Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.~~

~~Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.~~

~~Two family dwellings.~~

~~Upholstery shops.~~

~~Utility substations.~~

~~Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a subdivision or development, including pump stations,, are permitted generally and shall not require a special use permit.~~

~~Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.~~

~~Waterfront business activities: marine interests, such as boat docks, piers, yacht clubs, marinas and commercial and service facilities accessory thereto, docks and areas for the receipt, storage, and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.~~

~~Wayside stands for sale of agricultural products over 500 square feet in area.~~

~~Wineries, with accessory commercial facilities.~~

<i>Use Category</i>	<i>Use List</i>	<i>Permitted Uses</i>	<i>Specially Permitted Uses</i>
<i>Residential Uses</i>	<i>Accessory apartments, attached, in accordance with section 24-32.</i>	<i>P</i>	
	<i>Accessory apartment, detached, in accordance with section 24-32.</i>		<i>SUP</i>
	<i>Accessory buildings and structures.</i>	<i>P</i>	
	<i>Accessory uses, as defined herein.</i>	<i>P</i>	
	<i>Family care homes, foster homes or group homes serving physically handicapped, mentally ill, intellectually disabled or other developmentally disabled persons, for more than five such persons.</i>		<i>SUP</i>
	<i>Group home or residential facility, for eight or fewer adults</i>	<i>P</i>	
	<i>Group homes or residential facilities for nine or more adults</i>		<i>SUP</i>
	<i>Group quarters for agricultural workers.</i>		<i>SUP</i>
	<i>Home care facilities.</i>		<i>SUP</i>
	<i>Manufactured homes that are on a permanent foundation.</i>	<i>P</i>	
	<i>Manufactured home parks in accordance with the special provisions of article IV.</i>		<i>SUP</i>
	<i>Single-family detached dwellings.</i>	<i>P</i>	
	<i>Two-family dwellings.</i>		<i>SUP</i>
<i>Commercial Uses</i>	<i>Accessory buildings and structures.</i>	<i>P</i>	
	<i>Accessory uses, as defined herein.</i>	<i>P</i>	
	<i>Adult day care centers.</i>		<i>SUP</i>
	<i>Airports and landing fields, heliports or helistops and accessory uses.</i>		<i>SUP</i>
	<i>Animal hospitals, veterinary offices and kennels.</i>		<i>SUP</i>
	<i>Automobile graveyards.</i>		<i>SUP</i>
	<i>Automobile repair and service.</i>		<i>SUP</i>
	<i>Automobile service stations; if fuel is sold, then in accordance with section 24-38.</i>		<i>SUP</i>
	<i>Beauty and barber shops.</i>		<i>SUP</i>
	<i>Campgrounds.</i>		<i>SUP</i>
	<i>Cemeteries and memorial gardens, not accessory to a church or other place of worship.</i>		<i>SUP</i>
	<i>Commercial equipment repair accessory to a dwelling with no outdoor storage or operations and the use occupies a building not larger than 2,000 square feet.</i>		<i>SUP</i>
	<i>Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating</i>		<i>SUP</i>

facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities except for facilities approved as part of a subdivision created pursuant to section 24-214(c).		
Contractors' warehouses, sheds and offices.		SUP
Convenience stores; if fuel is sold, then in accordance with section 24-38.		SUP
Day care and child care centers.		SUP
Dinner theaters and dance halls as an accessory use to a restaurant or tavern.		SUP
Farm equipment sales and service.		SUP
Farmers' markets, limited in area to 2,500 square feet.	P	
Farmers' markets over 2,500 square feet in area.		SUP
Feed, seed and farm supplies.		SUP
Flea markets, temporary or seasonal.		SUP
Food processing and storage		SUP
Gift shops and antique shops.		SUP
Golf courses and country clubs.		SUP
Greenhouses, commercial.	P	
Home occupations, as defined herein.	P	
Horse and pony farms (including the raising and keeping of horses), riding stables.	P	
Horse racing tracks.		SUP
Horse show areas, polo fields.		SUP
Hospitals and nursing homes.		SUP
House museums.	P	
Hunting preserve or club, rifle or pistol range, trap or skeet shooting.		SUP
Lumber and building supply stores.		SUP
Medical clinics.		SUP
Nurseries.	P	
Off-street parking as required by section 24-54.	P	
Petroleum storage, other than on a farm for farm use or accessory for a residence.		SUP
Professional offices of not more than 2,000 square feet with no more than one office per lot.		SUP
Race tracks for animals or vehicles, including racing courses for power boats.		SUP
Railroad facilities, including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways, and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.		SUP
Rental of rooms to a maximum of three rooms.		SUP
Rest homes for fewer than 15 adults.	P	
Rest homes for 15 or more adults.		SUP
Restaurants, taverns.		SUP

	<i>Retreat facilities.</i>	<i>P</i>	<i>SUP</i>
	<i>Retail sale and repair of lawn equipment with outdoor display area up to 2,500 square feet and repair limited to a fully enclosed building.</i>		<i>SUP</i>
	<i>Retail sales of plant and garden supplies.</i>		<i>SUP</i>
	<i>Retail shops associated with community recreation facilities.</i>		<i>SUP</i>
	<i>Sanitary landfills, in accordance with section 24-40, construction debris landfills, waste disposal or publicly owned solid waste container sites.</i>		<i>SUP</i>
	<i>Slaughter of animals for personal use but not for commercial purposes.</i>	<i>P</i>	
	<i>Slaughterhouses.</i>		<i>SUP</i>
	<i>Small-scale alcohol production</i>		<i>SUP</i>
	<i>Tourist homes.</i>		<i>SUP</i>
	<i>Upholstery shops.</i>		<i>SUP</i>
	<i>Waterfront business activities: marine interests, such as boat docks, piers, yacht clubs, marinas and commercial and service facilities accessory thereto, docks and areas for the receipt, storage, and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.</i>		<i>SUP</i>
	<i>Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.</i>	<i>P</i>	
	<i>Wayside stands for sale of agricultural products over 500 square feet in area.</i>		<i>SUP</i>
<i>Agricultural Uses</i>	<i>Accessory buildings and structures.</i>	<i>P</i>	
	<i>Accessory uses, including agritourism activities, as defined herein in section 24-2.</i>	<i>P</i>	
	<i>Fish farming and aquaculture, but shall not include the processing of such products.</i>	<i>P</i>	<i>SUP</i>
	<i>Food processing and storage, when it occurs in private homes per Code of Virginia §3.2-5130 subdivisions A 3, 4, and 5.</i>	<i>P</i>	
	<i>General agriculture operation, production agriculture or silviculture activity, dairying, forestry, general farming, and specialized farming, including the keeping of horses, ponies and livestock, but not intensive agriculture as herein defined and not commercial slaughtering or processing of animals or poultry.</i>	<i>P</i>	
	<i>Limited farm brewery</i>	<i>P</i>	
	<i>Limited farm distillery</i>	<i>P</i>	
	<i>Intensive agriculture as herein defined.</i>	<i>P</i>	
	<i>Petroleum storage on a farm as an accessory use and not for resale.</i>	<i>P</i>	
	<i>Sale of agricultural or silvicultural products, or the sale of</i>	<i>P</i>	

	<i>agricultural-related or silvicultural-related items incidental to the agricultural operation, including wayside stands</i>		
	<i>Storage and repair of heavy equipment as an accessory use to a farm.</i>	<i>P</i>	
	<i>Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.</i>	<i>P</i>	
	<i>Wineries, with accessory commercial facilities.</i>		<i>SUP</i>
<i>Civic Uses</i>	<i>Accessory buildings and structures.</i>	<i>P</i>	
	<i>Accessory uses, as defined herein.</i>	<i>P</i>	
	<i>Fire stations, rescue squad stations, volunteer or otherwise.</i>		<i>SUP</i>
	<i>Houses of worship and cemeteries accessory hereto.</i>	<i>P</i>	
	<i>Lodges, civic clubs, fraternal organizations or service clubs.</i>		<i>SUP</i>
	<i>Post offices and public buildings generally.</i>		<i>SUP</i>
	<i>Schools, libraries, museums and similar institutions, public or private.</i>		<i>SUP</i>
	<i>Seminaries.</i>		<i>SUP</i>
<i>Utility Uses</i>	<i>Communication towers and tower mounted wireless communications facilities, up to a height of 35 feet.</i>	<i>P</i>	
	<i>Communication towers over 35 feet in height.</i>		<i>SUP</i>
	<i>Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.</i>		<i>SUP</i>
	<i>Telephone exchanges and telephone switching stations.</i>		<i>SUP</i>
	<i>Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.</i>		<i>SUP</i>
	<i>Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.</i>		<i>SUP</i>
	<i>Utility substations.</i>		<i>SUP</i>
	<i>Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains, with no additional connections to be made to the line, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a</i>		<i>SUP</i>

	<i>subdivision or development, including pump stations,, are permitted generally and shall not require a special use permit.</i>		
	<i>Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.</i>	<i>P</i>	
	<i>Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.</i>		<i>SUP</i>
	<i>Wireless communication facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities.</i>	<i>P</i>	
<i>Open Uses</i>	<i>Preserves and conservation areas for protection of natural features and wildlife.</i>	<i>P</i>	
	<i>Timbering in accordance with section 24-43.</i>	<i>P</i>	
<i>Industrial Uses</i>	<i>Accessory buildings and structures.</i>	<i>P</i>	
	<i>Accessory uses, as defined herein.</i>	<i>P</i>	
	<i>Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of top soil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, which do not require a special use permit.)</i>		<i>SUP</i>
	<i>Manufacture and sale of wood products.</i>		<i>SUP</i>
	<i>Solid waste transfer stations.</i>		<i>SUP</i>
	<i>Storage and repair of heavy equipment.</i>		<i>SUP</i>
	<i>Storage, stockpiling and distribution of sand, gravel and crushed stone.</i>		<i>SUP</i>

Sec. 24-214. Area requirements.

(a) *Minimum lot size.* The minimum lot size, except as otherwise specified herein, shall be:

- (1) One acre for nonresidential uses;
- (2) Three acres for single-family dwellings;
- (3) A ratio of one acre of open land per seven horses, eight dairy cattle, 13 slaughter or feeder cattle, 33 swine, or 130 sheep shall be provided for each agricultural operation; and
- (4) Twenty acres for intensive agriculture.
 - a. No more than 1,000 veal, cattle, horses or similar animals or 3,000 sheep, lambs, goats or similar animals or 7,500 swine or 50,000 turkeys or 100,000 chickens shall be confined at any one site.

(b) *Minimum lot size for residential lots created after May 1, 1989.* No lot created under the area requirements of this section after May 1, 1989, the date of adoption of this section, unless created pursuant to

paragraphs (c) or (d) below, shall be used for any residential dwelling unless the lot size is three acres or more. Provided, however, lots of less than six acres recorded or legally in existence prior to May 1, 1989, the date of adoption of this section, shall be permitted to be subdivided into two lots for single-family residential use so long as no lot size is less than two acres.

(c) *Purpose of area requirements; conditions for subdivisions with approved special use permits.* It is the purpose of the area requirements in this district to discourage urban residential developments, but at the same time to encourage careful design of low-density residential subdivisions in order to make best use of the land, reduce development costs and preserve natural amenities and open space. To this end, the minimum lot size may be reduced in subdivisions which are approved by special use permit in accord with the general standards of article I and the special standards of this district. Upon issuance of a special use permit, a subdivision may be approved with a minimum lot size of less than three acres; provided, that all of the following conditions are met:

- (1) The overall gross density of the subdivision shall not exceed one dwelling unit per two acres.
- (2) There shall be at least three residential lots in the subdivision.
- (3) No lot shall be less than one acre in area.
- (4) The subdivision shall only be for single-family detached dwellings.
- (5) All lots shall front on an approved public street created by the subdivision and no lot shall have direct access to a street not a part of the subdivision. This condition shall not apply to subdivisions of less than five lots.
- (6) Provision shall be made in subdivision plats and lot conveyances to ensure that lot purchasers have adequate notice regarding limitations on resubdivision of parcels and no resubdivision or sale by any means shall be permitted which would in any way create a violation of this chapter.
- (7) The general design standards of this section shall be complied with.
- (8) The subdivision design shall provide good building sites and at the same time make best use of topography and minimize grading and destruction of natural vegetation.
- (9) The subdivision design shall provide for protection of conservation areas as specified in the Comprehensive Plan or other sections of this chapter.
- (10) No more than 30 percent of any lot shall be located in a floodplain area as defined in this chapter; provided, however, that up to 50 percent of the area of any lot may be covered by the waters of a lake, pond or canal planned and approved as a part of and wholly within the subdivision.
- (11) Maintenance of any common open space shall be assigned to a homeowners' association or other approved entity.
- (12) Lots shall be arranged and building sites shall be designated so as to promote harmonious relationships with the environment and existing public streets and roads; and to this end, the design shall employ such techniques as may be appropriate to a particular case, including location of lots of various sizes, location of building sites with respect to project boundary lines, location of open space and buffer areas and maintenance of vegetation. Unless the subdivision is less than five lots, all structures shall be located a minimum of 150 feet from all roads existing prior to the platting of the subdivision.

(d) *Lot size for family subdivisions with special use permits.* Upon issuance of a special use permit, a family subdivision may be approved with a minimum lot size of less than three acres, provided no lot shall be less than one acre.

(e) *Minimum lots sized for two-family dwellings.* Lots for two-family dwellings shall have a minimum area of five acres.

(f) *Not applicable to lots in existence prior to May 1, 1989.* These minimum sizes shall not apply to lots of less than three acres recorded or legally in existence prior to May 1, 1989, the date of adoption of this article. Such lots of less than three acres used for residential purposes shall be limited to one single-family residential use.

Sec. 24-215. Setback requirements.

(a) Structures, except those associated with intensive agricultural uses, shall be located a minimum of 50 feet from any street right-of-way which is 50 feet or greater in width. If the street right-of-way is less than 50 feet in width, structures shall be located a minimum of 75 feet from the centerline of the street; except that where the minimum lot area is three acres or more, the minimum setback shall be 75 feet from any street right-of-way which is 50 feet or greater in width and 100 feet from the centerline of any street right-of-way less than 50 feet in width. Devices for nutrient management plans, pens, and structures associated with intensive agricultural uses shall be 250 feet from any dwelling not owned by the operator of the use, all property lines not associated with the use, all public roads, and 1,000 feet from platted residential subdivisions, residentially zoned districts, areas designated for residential use on the comprehensive plan, schools, parks and playgrounds, recreation areas, public wells, water tanks and reservoirs.

(b) All subdivisions platted and recorded prior to March 1, 1969, with building setback lines shown on their recorded plat will be allowed to adhere to these established setback lines.

Sec. 24-216. Minimum lot width and frontage.

(a) Lots of five acres or more shall have a minimum lot width at the setback line of 250 feet.

(b) Lots of three acres or more but less than five acres shall have a minimum lot width at the setback line of 200 feet.

(c) Lots of one acre or more but less than three acres shall have a minimum lot width at the setback line of 150 feet.

(d) The minimum lot frontage abutting a public right-of-way shall be 25 feet.

Sec. 24-217. Yard regulations.

(a) *Side.* The minimum side yard for each main structure shall be 15 feet. The minimum side yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum side yard of 15 feet.

(b) *Rear.* Each main structure shall have a rear yard of 35 feet or more. The minimum rear yard for accessory structures shall be five feet, except that accessory buildings exceeding one story shall have a minimum rear yard of 15 feet.

[history](#) | [hilite](#) | [pdf](#)**CHAPTER 435***An Act to amend and reenact § 15.2-2288 of the Code of Virginia, relating to agricultural activities.*

[H 1089]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2288 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2288. Localities may not require a special use permit for certain agricultural activities.

A zoning ordinance shall not require that a special exception or special use permit be obtained for any production agriculture or silviculture activity in an area that is zoned as an agricultural district or classification. For the purposes of this section, production agriculture and silviculture is the bona fide production or harvesting of agricultural ~~or~~ products as defined in § 3.2-6400, including silviculture products, but shall not include the processing of agricultural or silviculture products, the above ground application or storage of sewage sludge, or the storage or disposal of nonagricultural excavation material, waste and debris if the excavation material, waste and debris are not generated on the farm, subject to the provisions of the Virginia Waste Management Act. However, localities may adopt setback requirements, minimum area requirements and other requirements that apply to land used for agriculture or silviculture activity within the locality that is zoned as an agricultural district or classification. Nothing herein shall require agencies of the Commonwealth or its contractors to obtain a special exception or a special use permit under this section.

2. That the provisions of this act shall become effective on January 1, 2015.

Legislative Information System

2014 SESSION

CHAPTER 153

An Act to amend the Code of Virginia by adding a section numbered 15.2-2288.6, relating to local regulation of activities at agricultural operations.

[S 51]

Approved March 5, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2288.6 as follows:

§ 15.2-2288.6. Agricultural operations; local regulation of certain activities.

A. No locality shall regulate the carrying out of any of the following activities at an agricultural operation, as defined in § 3.2-300, unless there is a substantial impact on the health, safety, or general welfare of the public:

1. Agritourism activities as defined in § 3.2-6400;

2. The sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation;

3. The preparation, processing, or sale of food products in compliance with subdivisions A 3, 4, and 5 of § 3.2-5130 or related state laws and regulations; or

4. Other activities or events that are usual and customary at Virginia agricultural operations.

Any local restriction placed on an activity listed in this subsection shall be reasonable and shall take into account the economic impact of the restriction on the agricultural operation and the agricultural nature of the activity.

B. No locality shall require a special exception, administrative permit not required by state law, or special use permit for any activity listed in subsection A on property that is zoned as an agricultural district or classification unless there is a substantial impact on the health, safety, or general welfare of the public.

C. Except regarding the sound generated by outdoor amplified music, no local ordinance regulating the sound generated by any activity listed in subsection A shall be more restrictive than the general noise ordinance of the locality. In permitting outdoor amplified music at an agricultural operation, the locality shall consider the effect on adjoining property owners and nearby residents.

D. The provisions of this section shall not affect any entity licensed in accordance with Chapter 2 (§ 4.1-200 et seq.) of Title 4.1. Nothing in this section shall be construed to affect the provisions of Chapter 3 (§ 3.2-300 et seq.) of Title 3.2, to alter the provisions of § 15.2-2288.3, or to restrict the authority of any locality under Title 58.1.

2. That the Virginia Department of Agriculture and Consumer Services shall continue the On-Farm Activities Working Group.

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§ 3.2-6400. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Agricultural products" means any livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silvicultural, or other farm crops.

"Agritourism activity" means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

"Agritourism professional" means any person who is engaged in the business of providing one or more agritourism activities, whether or not for compensation.

"Farm or ranch" means one or more areas of land used for the production, cultivation, growing, harvesting or processing of agricultural products.

"Inherent risks of agritourism activity" mean those dangers or conditions that are an integral part of an agritourism activity including certain hazards, including surface and subsurface conditions; natural conditions of land, vegetation, and waters; the behavior of wild or domestic animals; and ordinary dangers of structures or equipment ordinarily used in farming and ranching operations. Inherent risks of agritourism activity also include the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, including failing to follow instructions given by the agritourism professional or failing to exercise reasonable caution while engaging in the agritourism activity.

"Participant" means any person, other than an agritourism professional, who engages in an agritourism activity.

(2006, c. [710](#), § 3.1-796.137; 2008, c. [860](#).)

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[history](#) | [hilite](#) | [pdf](#)**CHAPTER 365**

An Act to amend and reenact § 4.1-208 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-2288.3:1, relating to breweries located on farms; local regulation of certain activities.

[S 430]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-208 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.2-2288.3:1 as follows:

§ 4.1-208. Beer licenses.

The Board may grant the following licenses relating to beer:

1. Brewery licenses, which shall authorize the licensee to manufacture beer and to sell and deliver or ship the beer so manufactured, in accordance with Board regulations, in closed containers to (i) persons licensed to sell the beer at wholesale; (ii) persons licensed to sell beer at retail for the purpose of resale within a theme or amusement park owned and operated by the brewery or a parent, subsidiary or a company under common control of such brewery, or upon property of such brewery or a parent, subsidiary or a company under common control of such brewery contiguous to such premises, or in a development contiguous to such premises owned and operated by such brewery or a parent, subsidiary or a company under common control of such brewery; and (iii) persons outside the Commonwealth for resale outside the Commonwealth. Such license shall also authorize the licensee to sell at retail the brands of beer that the brewery owns at premises described in the brewery license for on-premises consumption and in closed containers for off-premises consumption.

Such license may also authorize individuals holding a brewery license to (a) operate a facility designed for and utilized exclusively for the education of persons in the manufacture of beer, including sampling by such individuals of beer products, within a theme or amusement park located upon the premises occupied by such brewery, or upon property of such person contiguous to such premises, or in a development contiguous to such premises owned and operated by such person or a wholly owned subsidiary or (b) offer samples of the brewery's products to individuals visiting the licensed premises, provided that such samples shall be provided only to individuals for consumption on the premises of such facility or licensed premises and only to individuals to whom such products may be lawfully sold.

2. *Limited brewery licenses, to breweries that manufacture no more than 15,000 barrels of beer per calendar year, provided (i) the brewery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such brewery or its owner and (ii) agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm. The licensed premises shall be limited to the portion of the farm on which agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown and that is contiguous to the premises of such brewery where the beer is manufactured, exclusive of any residence and the curtilage thereof. However, the Board may, with notice to the local governing body in accordance with the provisions of § 4.1-230, also approve other portions of the farm to be included as part of the licensed premises.*

Limited brewery licensees shall be treated as breweries for all purposes of this title except as otherwise provided in this subdivision.

3. Bottlers' licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

3-4. Wholesale beer licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer and to sell and deliver or ship the beer from one or more premises identified in the license, in accordance with Board regulations, in closed containers to (i) persons licensed under this chapter to sell such beer at wholesale or retail for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

No wholesale beer licensee shall purchase beer for resale from a person outside the Commonwealth who does not hold a beer importer's license unless such wholesale beer licensee holds a beer importer's license and purchases beer for resale pursuant to the privileges of such beer importer's license.

4-5. Beer importers' licenses, which shall authorize persons licensed within or outside the Commonwealth to sell and deliver or ship beer into the Commonwealth, in accordance with Board regulations, in closed containers, to persons in the Commonwealth licensed to sell beer at wholesale for the purpose of resale.

5-6. Retail on-premises beer licenses to:

a. Hotels, restaurants and clubs, which shall authorize the licensee to sell beer, either with or without meals, only in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas.

b. Persons operating dining cars, buffet cars, and club cars of trains, which shall authorize the licensee to sell beer, either with or without meals, in the dining cars, buffet cars, and club cars so operated by them for on-premises consumption when carrying passengers.

c. Persons operating sight-seeing boats, or special or charter boats, which shall authorize the licensee to sell beer, either with or without meals, on such boats operated by them for on-premises consumption when carrying passengers.

d. Grocery stores located in any town or in a rural area outside the corporate limits of any city or town, which shall authorize the licensee to sell beer for on-premises consumption in such establishments. No license shall be granted unless it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this title will be promoted by granting the license.

e. Persons operating food concessions at coliseums, stadia, or similar facilities, which shall authorize the licensee to sell beer, in paper, plastic, or similar disposable containers, during the performance of professional sporting exhibitions, events or performances immediately subsequent thereto, to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board in such coliseums, stadia, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

f. Persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility which has seating for more than 3,500 persons and is located in Albemarle, Augusta, Pittsylvania, or Rockingham Counties. Such license shall authorize the licensee to sell beer during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

g. Persons operating food concessions at exhibition or exposition halls, convention centers or similar facilities located in any county operating under the urban county executive form of government or any city which is completely surrounded by such county, which shall authorize the licensee to sell beer during the event, in paper, plastic or similar disposable containers to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. For purposes of this

subsection, "exhibition or exposition halls" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

~~6-7.~~ Retail off-premises beer licenses, which shall authorize the licensee to sell beer in closed containers for off-premises consumption.

~~7-8.~~ Retail off-premises brewery licenses to persons holding a brewery license which shall authorize the licensee to sell beer at the place of business designated in the brewery license, in closed containers which shall include growlers and other reusable containers, for off-premises consumption.

~~8-9.~~ Retail on-and-off premises beer licenses to persons enumerated in subdivisions ~~5 6 a~~ and ~~5 6 d~~, which shall accord all the privileges conferred by retail on-premises beer licenses and in addition, shall authorize the licensee to sell beer in closed containers for off-premises consumption.

§ 15.2-2288.3:1. Limited brewery license; local regulation of certain activities.

A. It is the policy of the Commonwealth to preserve the economic vitality of the Virginia beer industry while maintaining appropriate land use authority to protect the health, safety, and welfare of the citizens of the Commonwealth and to permit the reasonable expectation of uses in specific zoning categories. Local restriction upon such activities and public events of breweries licensed pursuant to subdivision 2 of § 4.1-208 to market and sell their products shall be reasonable and shall take into account the economic impact on such licensed brewery of such restriction, the agricultural nature of such activities and events, and whether such activities and events are usual and customary for such licensed breweries. Usual and customary activities and events at such licensed breweries shall be permitted unless there is a substantial impact on the health, safety, or welfare of the public. No local ordinance regulating noise, other than outdoor amplified music, arising from activities and events at such licensed breweries shall be more restrictive than that in the general noise ordinance. In authorizing outdoor amplified music at such licensed brewery, the locality shall consider the effect on adjacent property owners and nearby residents.

B. No locality shall regulate any of the following activities of a brewery licensed under subdivision 2 of § 4.1-208:

1. The production and harvesting of barley, other grains, hops, fruit, or other agricultural products and the manufacturing of beer;

2. The on-premises sale, tasting, or consumption of beer during regular business hours within the normal course of business of such licensed brewery;

3. The direct sale and shipment of beer in accordance with Title 4.1 and regulations of the Alcoholic Beverage Control Board;

4. The sale and shipment of beer to licensed wholesalers and out-of-state purchasers in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law;

5. The storage and warehousing of beer in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law; or

6. The sale of beer-related items that are incidental to the sale of beer.

C. Any locality may exempt any brewery licensed in accordance with subdivision 2 of § 4.1-208 on land zoned agricultural from any local regulation of minimum parking, road access, or road upgrade requirements.

Legislative Information System

[history](#) | [hilitte](#) | [pdf](#)**VIRGINIA ACTS OF ASSEMBLY -- CHAPTER**

An Act to amend and reenact §§ 4.1-206, 4.1-231, and 4.1-233 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-2288.3:2, relating to alcoholic beverage control; limited distiller's license.

[S 1272]
Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-206, 4.1-231, and 4.1-233 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.2-2288.3:2 as follows:

§ 4.1-206. Alcoholic beverage licenses.

The Board may grant the following licenses relating to alcoholic beverages generally:

1. Distillers' licenses, which shall authorize the licensee to manufacture alcoholic beverages other than wine and beer, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth. When the Board has established a government store on the distiller's licensed premises pursuant to subsection D of § 4.1-119, such license shall also authorize the licensee to make a charge to consumers to participate in an organized tasting event conducted in accordance with subsection G of § 4.1-119 and Board regulations.

2. *Limited distillers' licenses, to distilleries that manufacture not more than 36,000 gallons of alcoholic beverages other than wine or beer per calendar year, provided (i) the distillery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such distillery or its owner and (ii) agricultural products used by such distillery in the manufacture of its alcoholic beverages are grown on the farm. Limited distillers' licensees shall be treated as distillers for all purposes of this title except as otherwise provided in this subdivision.*

3. Fruit distillers' licenses, which shall authorize the licensee to manufacture any alcoholic beverages made from fruit or fruit juices, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth.

~~3-4.~~ Banquet facility licenses to volunteer fire departments and volunteer rescue squads, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a fire or rescue squad station or both, regularly occupied as such and recognized by the governing body of the county, city or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a fire or rescue squad station, provided such other premises are occupied and under the control of the fire department or rescue squad while the privileges of its license are being exercised.

~~4-5.~~ Bed and breakfast licenses, which shall authorize the licensee to serve alcoholic beverages in dining areas, private guest rooms and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises.

~~5-6.~~ Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

~~6-7.~~ Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

~~7-8.~~ Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt and steeplechase events and (ii) exercised on no more than four calendar days per year.

~~8-9.~~ Day spa licenses, which shall authorize the licensee to (i) permit the consumption of lawfully acquired wine or beer on the premises of the licensee by any bona fide customer of the day spa and (ii) serve wine or beer on the premises of the licensee to any such bona fide customer; however, the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the day spa regularly occupied and utilized as such.

~~9-10.~~ Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

~~10-11.~~ Meal-assembly kitchen license, which shall authorize the licensee to serve wine or beer on the premises of the licensee to any such bona fide customer attending either a private gathering or a special event; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the meal-assembly kitchen regularly occupied and utilized as such.

~~11-12.~~ Canal boat operator license, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide customer attending either a private gathering or a special event; however, the licensee shall not sell or otherwise charge a fee to such customer for the alcoholic beverages so consumed. The privileges of this license shall be limited to the premises of the licensee, including the canal, the canal boats while in operation, and any pathways adjacent thereto. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

~~12-13.~~ Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

§ ~~4.1-231~~. Taxes on state licenses.

A. The annual fees on state licenses shall be as follows:

1. Alcoholic beverage licenses. For each:

- a. Distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, \$450; *if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, \$2,500*; and if more than ~~5,000~~ 36,000 gallons manufactured during such year, \$3,725;
 - b. Fruit distiller's license, \$3,725;
 - c. Banquet facility license or museum license, \$190;
 - d. Bed and breakfast establishment license, \$35;
 - e. Tasting license, \$40 per license granted;
 - f. Equine sporting event license, \$130;
 - g. Motor car sporting event facility license, \$130;
 - h. Day spa license, \$100;
 - i. Delivery permit, \$120 if the permittee holds no other license under this title;
 - j. Meal-assembly kitchen license, \$100;
 - k. Canal boat operator license, \$100; and
 - l. Annual arts venue event license, \$100.
2. Wine licenses. For each:
- a. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, \$189, and if more than 5,000 gallons manufactured during such year, \$3,725;
 - b. (1) Wholesale wine license, \$185 for any wholesaler who sells 30,000 gallons of wine or less per year, \$930 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, \$1,430 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and, \$1,860 for any wholesaler who sells more than 300,000 gallons of wine per year;
 - (2) Wholesale wine license, including that granted pursuant to § 4.1-207.1, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license;
 - c. Wine importer's license, \$370;
 - d. Retail off-premises winery license, \$145, which shall include a delivery permit;
 - e. Farm winery license, \$190 for any Class A license and \$3,725 for any Class B license, each of which shall include a delivery permit;
 - f. Wine shipper's license, \$95; and
 - g. Internet wine retailer license, \$150.
3. Beer licenses. For each:
- a. Brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, \$350; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, \$2,150; and if more than 10,000 barrels manufactured during such year, \$4,300;
 - b. Bottler's license, \$1,430;

c. (1) Wholesale beer license, \$930 for any wholesaler who sells 300,000 cases of beer a year or less, and \$1,430 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and \$1,860 for any wholesaler who sells more than 600,000 cases of beer a year;

(2) Wholesale beer license applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision c (1), multiplied by the number of separate locations covered by the license;

d. Beer importer's license, \$370;

e. Retail on-premises beer license to a hotel, restaurant, club or other person, except a common carrier of passengers by train or boat, \$145; for each such license to a common carrier of passengers by train or boat, \$145 per annum for each of the average number of boats, dining cars, buffet cars or club cars operated daily in the Commonwealth;

f. Retail off-premises beer license, \$120, which shall include a delivery permit;

g. Retail on-and-off premises beer license to a hotel, restaurant, club or grocery store located in a town or in a rural area outside the corporate limits of any city or town, \$300, which shall include a delivery permit;

h. Beer shipper's license, \$95; and

i. Retail off-premises brewery license, \$120, which shall include a delivery permit.

4. Wine and beer licenses. For each:

a. Retail on-premises wine and beer license to a hotel, restaurant, club or other person, except a common carrier of passengers by train, boat or airplane, \$300; for each such license to a common carrier of passengers by train or boat, \$300 per annum for each of the average number of boats, dining cars, buffet cars or club cars operated daily in the Commonwealth, and for each such license granted to a common carrier of passengers by airplane, \$750;

b. Retail on-premises wine and beer license to a hospital, \$145;

c. Retail off-premises wine and beer license, including each gift shop, gourmet shop and convenience grocery store license, \$230, which shall include a delivery permit;

d. Retail on-and-off premises wine and beer license to a hotel, restaurant or club, \$600, which shall include a delivery permit;

e. Banquet license, \$40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215 for events occurring on more than one day, which shall be \$100 per license;

f. Gourmet brewing shop license, \$230;

g. Wine and beer shipper's license, \$95;

h. Annual banquet license, \$150;

i. Fulfillment warehouse license, \$120;

j. Marketing portal license, \$150; and

k. Gourmet oyster house license, \$230.

5. Mixed beverage licenses. For each:

a. Mixed beverage restaurant license granted to persons operating restaurants, including restaurants located on premises of and operated by hotels or motels, or other persons:

(i) With a seating capacity at tables for up to 100 persons, \$560;

(ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$975; and

(iii) With a seating capacity at tables for more than 150 persons, \$1,430.

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:

(i) With an average yearly membership of not more than 200 resident members, \$750;

(ii) With an average yearly membership of more than 200 but not more than 500 resident members, \$1,860; and

(iii) With an average yearly membership of more than 500 resident members, \$2,765.

c. Mixed beverage caterer's license, \$1,860;

d. Mixed beverage limited caterer's license, \$500;

e. Mixed beverage special events license, \$45 for each day of each event;

f. Mixed beverage club events licenses, \$35 for each day of each event;

g. Annual mixed beverage special events license, \$560;

h. Mixed beverage carrier license:

(i) \$190 for each of the average number of dining cars, buffet cars or club cars operated daily in the Commonwealth by a common carrier of passengers by train;

(ii) \$560 for each common carrier of passengers by boat;

(iii) \$1,475 for each license granted to a common carrier of passengers by airplane.

i. Annual mixed beverage amphitheater license, \$560;

j. Annual mixed beverage motor sports race track license, \$560;

k. Annual mixed beverage banquet license, \$500;

l. Limited mixed beverage restaurant license:

(i) With a seating capacity at tables for up to 100 persons, \$460;

(ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$875;

(iii) With a seating capacity at tables for more than 150 persons, \$1,330;

m. Annual mixed beverage motor sports facility license, \$560; and

n. Annual mixed beverage performing arts facility license, \$560.

6. Temporary licenses. For each temporary license authorized by § ~~4.1-211~~, one-half of the tax imposed by this section on the license for which the applicant applied.

B. The tax on each such license, except banquet and mixed beverage special events licenses, shall be subject to proration to the following extent: If the license is granted in the second quarter of any year, the tax shall be decreased by one-fourth; if granted in the third quarter of any year, the tax shall be decreased by one-half; and if granted in the fourth quarter of any year, the tax shall be decreased by three-fourths.

If the license on which the tax is prorated is a distiller's license to manufacture not more than 5,000 gallons of alcohol or spirits, or both, during the year in which the license is granted, or a winery license to manufacture not more than 5,000 gallons of wine during the year in which the license is granted, the number of gallons permitted to be manufactured shall be prorated in the same manner.

Should the holder of a distiller's license or a winery license to manufacture not more than 5,000 gallons of alcohol or spirits, or both, or wine, apply during the license year for an unlimited distiller's or winery license, such person shall pay for such unlimited license a license tax equal to the amount that would have been charged had such license been applied for at the time that the license to manufacture less than 5,000 gallons of alcohol or spirits or wine, as the case may be, was granted, and such person shall be entitled to a refund of the amount of license tax previously paid on the limited license.

Notwithstanding the foregoing, the tax on each license granted or reissued for a period of less than 12 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period.

C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first \$163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first \$163,800 of wine purchases shall be disregarded.

§ 4.1-233. Taxes on local licenses.

A. In addition to the state license taxes, the annual local license taxes which may be collected shall not exceed the following sums:

1. Alcoholic beverages. - For each:

a. Distiller's license, *if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, \$750; if more than 36,000 gallons manufactured during such year, \$1,000; and no local license shall be required for any person who manufactures not more than 5,000 gallons of alcohol or spirits, or both, during such license year;*

b. Fruit distiller's license, \$1,500;

c. Bed and breakfast establishment license, \$40;

d. Museum license, \$10;

e. Tasting license, \$5 per license granted;

f. Equine sporting event license, \$10;

g. Day spa license, \$20;

h. Motor car sporting event facility license, \$10;

i. Meal-assembly kitchen license, \$20;

j. Canal boat operator license, \$20; and

k. Annual arts venue event license, \$20.

2. Beer. - For each:

- a. Brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, \$250, and if more than 500 barrels of beer manufactured during the year in which the license is granted, \$1,000;
 - b. Bottler's license, \$500;
 - c. Wholesale beer license, in a city, \$250, and in a county or town, \$75;
 - d. Retail on-premises beer license for a hotel, restaurant or club and for each retail off-premises beer license in a city, \$100, and in a county or town, \$25; and
 - e. Beer shipper's license, \$10.
3. Wine. - For each:
- a. Winery license, \$50;
 - b. Wholesale wine license, \$50;
 - c. Farm winery license, \$50; and
 - d. Wine shipper's license, \$10.
4. Wine and beer. - For each:
- a. Retail on-premises wine and beer license for a hotel, restaurant or club; and for each retail off-premises wine and beer license, including each gift shop, gourmet shop and convenience grocery store license, in a city, \$150, and in a county or town, \$37.50;
 - b. Hospital license, \$10;
 - c. Banquet license, \$5 for each license granted, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215 for events occurring on more than one day, which shall be \$20 per license;
 - d. Gourmet brewing shop license, \$150;
 - e. Wine and beer shipper's license, \$10;
 - f. Annual banquet license, \$15; and
 - g. Gourmet oyster house license, in a city, \$150, and in a county or town, \$37.50.
5. Mixed beverages. - For each:
- a. Mixed beverage restaurant license, including restaurants located on the premises of and operated by hotels or motels, or other persons:
 - (i) With a seating capacity at tables for up to 100 persons, \$200;
 - (ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$350; and
 - (iii) With a seating capacity at tables for more than 150 persons, \$500.
 - b. Private, nonprofit club operating a restaurant located on the premises of such club, \$350;
 - c. Mixed beverage caterer's license, \$500;
 - d. Mixed beverage limited caterer's license, \$100;
 - e. Mixed beverage special events licenses, \$10 for each day of each event;

- f. Mixed beverage club events licenses, \$10 for each day of each event;
- g. Annual mixed beverage amphitheater license, \$300;
- h. Annual mixed beverage motor sports race track license, \$300;
- i. Annual mixed beverage banquet license, \$75;
- j. Limited mixed beverage restaurant license:
 - (i) With a seating capacity at tables for up to 100 persons, \$100;
 - (ii) With a seating capacity at tables for more than 100 but not more than 150 persons, \$250;
 - (iii) With a seating capacity at tables for more than 150 persons, \$400;
- k. Annual mixed beverage motor sports facility license, \$300; and
- l. Annual mixed beverage performing arts facility license, \$300.

B. Common carriers. - No local license tax shall be either charged or collected for the privilege of selling alcoholic beverages in (i) passenger trains, boats or airplanes and (ii) rooms designated by the Board of establishments of air carriers of passengers at airports in the Commonwealth for on-premises consumption only.

C. Merchants' and restaurants' license taxes. - The governing body of each county, city or town in the Commonwealth, in imposing local wholesale merchants' license taxes measured by purchases, local retail merchants' license taxes measured by sales, and local restaurant license taxes measured by sales, may include alcoholic beverages in the base for measuring such local license taxes the same as if the alcoholic beverages were nonalcoholic. No local alcoholic beverage license authorized by this chapter shall exempt any licensee from any local merchants' or local restaurant license tax, but such local merchants' and local restaurant license taxes may be in addition to the local alcoholic beverage license taxes authorized by this chapter.

The governing body of any county, city or town, in adopting an ordinance under this section, shall provide that in ascertaining the liability of (i) a beer wholesaler to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such beer wholesaler, purchases of beer up to a stated amount shall be disregarded, which stated amount shall be the amount of beer purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale beer license tax paid by such wholesaler and (ii) a wholesale wine licensee to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such wholesale wine licensee, purchases of wine up to a stated amount shall be disregarded, which stated amount shall be the amount of wine purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale wine licensee license tax paid by such wholesale wine licensee.

D. Delivery. - No county, city or town shall impose any local alcoholic beverages license tax on any wholesaler for the privilege of delivering alcoholic beverages in the county, city or town when such wholesaler maintains no place of business in such county, city or town.

E. Application of county tax within town. - Any county license tax imposed under this section shall not apply within the limits of any town located in such county, where such town now, or hereafter, imposes a town license tax on the same privilege.

§ 15.2-2288.3:2. *Limited distiller's license; local regulation of certain activities.*

A. Local restriction upon activities of distilleries licensed pursuant to subdivision 2 of § 4.1-206 to market and sell their products shall be reasonable and shall take into account the economic impact on such licensed distillery of such restriction, the agricultural nature of such activities and events, and whether such activities and events are usual and customary for such licensed distilleries. Usual and customary activities and events at such licensed distilleries shall be permitted unless there is a substantial impact on the health, safety, or welfare of the public.

B. No locality shall regulate any of the following activities of a distillery licensed under subdivision 2 of § 4.1-206:

1. The production and harvesting of agricultural products and the manufacturing of alcoholic beverages other than wine or beer;

2. The on-premises sale, tasting, or consumption of alcoholic beverages other than wine or beer during regular business hours in accordance with a contract between a distillery and the Alcoholic Beverage Control Board pursuant to the provisions of subsection D of § 4.1-119;

3. The sale and shipment of alcoholic beverages other than wine or beer to licensed wholesalers and out-of-state purchasers in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law;

4. The storage and warehousing of alcoholic beverages other than wine or beer in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law; or

5. The sale of items related to alcoholic beverages other than wine or beer that are incidental to the sale of such alcoholic beverages.

C. Any locality may exempt any distillery licensed in accordance with subdivision 2 of § 4.1-206 on land zoned agricultural from any local regulation of minimum parking, road access, or road upgrade requirements.

Legislative Information System

POLICY COMMITTEE MEETING

March 4, 2015

4:00 p.m.

County Government Center, Building A

1.) Roll Call

Present

Ms. Robin Bledsoe

Mr. Tim O'Connor

Mr. Rich Krapf

Mr. John Wright

Staff Present

Mr. Paul Holt

Ms. Tammy Rosario

Mr. José Ribeiro

Ms. Leanne Pollock

Others Present

Ms. Sue Mellen, FMS

Mr. Marcellus Snipes, W-JCC Schools

Mr. Tim O'Connor called the meeting to order at 4:00 p.m.

2.) Minutes

a. February 12, 2015

Ms. Robin Bledsoe moved to approve the February 12, 2015 minutes.

In a unanimous voice vote, the minutes were approved as submitted (4-0).

3.) Old Business

a. FY 2016 Capital Improvements Program (CIP) Review

Ms. Leanne Pollock provided an overview of the status of the review process and noted that scores for the four projects reviewed at the previous meeting had been received and tabulated.

Ms. Pollock stated that one application for a 4th Middle School, Phase I was received from the Williamsburg-James City County Schools.

Mr. Marcellus Snipes provided an update on the use of funds previously allocated for design and the current request for \$25 million for a 625 student facility on the James Blair site.

Ms. Mellen noted that this figure was the total cost and that the actual County share was still being negotiated with the City of Williamsburg.

Ms. Bledsoe inquired if the proposed facilities would be ample enough to cover projected enrollment since there had been discussion about needing to accommodate a projected 900 students.

Mr. Snipes responded that the Superintendent was looking at how many students could be accommodated with the funds earmarked for classroom expansion. Mr. Snipes further stated that in 2018 and 2019 the Hornsby and Toano middle schools will be over capacity. Mr. Snipes noted that Berkeley Middle School is already over capacity.

Mr. Krapf inquired whether there is a contingency plan should the project not be funded.

Mr. Snipes responded that currently there are mobile classroom units at Berkeley Middle School and that three additional mobile classroom units could be added at that location along with three units at Hornsby and Toano middle schools. Mr. Snipes noted that each unit accommodates 25 students; however this does not address the impact on core spaces such as the cafeterias and media centers.

Mr. Wright inquired about the percentage enrollment increase projected for James City County.

Mr. Snipes stated that an additional 200 students are anticipated for the next school year.

Ms. Sue Mellen noted that the percentage is slightly less than 2% per year.

Ms. Bledsoe inquired if the 625 students includes the overflow from Berkeley, Toano and Hornsby middle schools as well as new enrollment.

Mr. Snipes responded that it includes the overflow at Berkeley as well as projected new enrollment.

Ms. Bledsoe stated that her questions were to ensure that the facility that is proposed will be large enough to accommodate future needs.

Mr. Wright inquired if the construction funds come from bonds and the operating funds from the general fund.

Ms. Mellen confirmed.

Mr. Wright inquired about the repayment on the bonds and the interest rate.

Ms. Mellen stated that the repayment period is generally 20 years. Ms. Mellen further stated that the rate was less than three percent when the County last refinanced. Ms. Mellen noted that the bonds would not be issued until closer to when the contract for construction is awarded so interest rates could change in that time period.

Mr. Wright inquired whether issuing bonds for the middle school would affect the County's AAA rating.

Ms. Mellen stated that the debt falls within the County's financial plan and should have no effect on the AAA rating. Ms. Mellen did note that it would limit other borrowing.

Mr. O'Connor inquired where the administrative offices would go if it were necessary to proceed with Phase 2.

Mr. Snipes stated that the future location of the administrative offices has not been determined. He stated that additional middle school capacity would likely not be needed until 2023/2024 based on the current long-range projections.

Mr. O'Connor noted that the proposal would have a significant impact on the operating budget.

Mr. Wright inquired about the bid timeline.

Mr. Snipes stated that the RFP for construction would go out in March 2016 so that they would be ready to move forward in April 2017.

Mr. Wright inquired about how the selection would be made.

Mr. Snipes responded that the contract would be awarded to the company that best met the criteria, including experience and cost.

Mr. Krapf inquired about the rationale for incurring costs for new designs when the County already owned the rights to other school designs which could potentially be updated and modified for this project.

Mr. Snipes stated that the plan is to have a facility that will be viable for learning over the next 50 years. Mr. Snipes further stated that the design needs trend toward having flexible learning spaces where students can receive individual instruction when necessary, which the older school designs may not have accounted for. Mr. Snipes also noted that reuse of a design would depend on whether it would fit the site and in the case of the James Blair site, the site is much smaller than other schools.

Mr. Krapf noted that the right to the new design should be acquired for future re-use.

Mr. O'Connor inquired whether the Committee wanted to rank this project and consider the priority recommendations.

Mr. Holt noted that if the work was completed at this meeting the Committee could cancel the meeting scheduled for March 12.

The Committee concurred.

The members considered the application and provided their scores. The application received an overall score of 47. The Committee noted that the proposal was not in harmony with the recommendations of the Comprehensive Plan for middle school sites and is not a long-term solution to capacity needs.

Ms. Pollock provided the Committee with the results of the scores. Based on the average scores of Policy Committee members, the priorities were:

1. TMDL Action Plan Implementation
2. Local Match for VDOT's Revenue Sharing Program
3. Chickahominy Riverfront Park Shoreline Stabilization
4. 4th Middle School, Phase 1
5. Warhill Community Gym

Ms. Pollock noted that at the previous meeting it was stated that the recommendation should include that funds allocated for transportation should remain earmarked for transportation and not be reallocated to other projects.

Ms. Mellen noted that the revenue sharing funds may not appear in the CIP since they would not create a new physical asset owned by the County, but may appear in a separate matching funds account which would make it easier to administer and keep funds allocated for transportation projects specifically.

Mr. Wright moved to cancel the March 12, 2015 meeting and approve the CIP priority recommendations.

In a unanimous voice vote, the March 12, 2015 meeting was cancelled and the CIP priorities were approved (4-0).

Mr. Holt inquired if the Committee had any comments or recommendations on the CIP process.

Mr. Krapf stated that the timeline worked well. Mr. Krapf stated that the weighted scoring process was much more equitable.

The Committee agreed that the process worked well and no changes were recommended.

Ms. Rosario noted that if the Planning Commission completes its work on the Comprehensive Plan in May, there is an opportunity to be on the Board of Supervisors May 28 work session agenda which is when the Comprehensive Plan Review could be turned over to the Board for consideration in June.

4.) Adjournment

Mr. Wright moved to adjourn.

The meeting was adjourned at approximately 4:53 p.m.

Tim O'Connor