

Proposed Agritourism Zoning Ordinance Amendment Overview

Agritourism is listed as a First Tier, Priority 1 item under Agricultural Districts and Uses on the Zoning Ordinance Amendment Work Program. This document presents a discussion of agritourism, as well as the proposed associated changes to the Zoning Ordinance. While Fairfax County is an urbanizing county, there are local farms within the County that are looking for economic opportunities associated with agritourism that would allow them to conserve agricultural land and support their agricultural business.

BACKGROUND

Section 3.2-6400 of the Code of Virginia defines agritourism activity as “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.” The Code goes on to address local regulation of agritourism activities in Section 15.2-2288.6 and states that no locality is allowed to regulate agritourism activities unless there is a substantial impact on the health, safety, or general welfare of the public. However, the Virginia Code does not identify any criteria by which to measure those impacts. Therefore, the Zoning Administrator has had to determine on a case-by-case basis whether such activity has a substantial impact on the health, safety, or general welfare of the public. Setting thresholds in the Zoning Ordinance will provide a predictable and consistent path for future agritourism activities in Fairfax County.

PROPOSED AMENDMENT

AGRITOURISM

The County is proposing to add a new definition and establish use limitations for agritourism activities. The proposed definition is as follows.

AGRITOURISM: Any activity that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy agricultural activities, including farming, historical, cultural, or natural activities and attractions, regardless of whether the participant paid to participate in the activity.

The following activities are under consideration to be permitted by-right as an agritourism use in conjunction with agriculture. No use limitations are proposed in conjunction with these activities.

- Farm tours, including educational programs, workshops, or demonstrations related to agriculture
- Harvest-your-own activities
- Walking, equestrian trails, and other similar passive recreational activities

In addition to those by-right agritourism activities, staff is proposing to specifically permit Seasonal Festivals and Special Events. However, due to the potential substantial impact these activities can have on health, safety, and general welfare, staff is considering a tiered approach with use limitations. Seasonal Festivals and Special Events are proposed to be allowed by-right when the use limitations of Table 1

below are met. If an agritourism provider wishes to exceed the limitations of Table 1, it could do so through the special exception process with the Board of Supervisors.

In creating the tiered approach, staff applied the acreage and number of attendees currently permitted under farm wineries to the Tier 3 agritourism category; however, the County does not propose to distinguish the number of attendees based on the road type. Please note that farm wineries, distilleries, and breweries are separately defined, and no changes are proposed to the existing special exception standards and their ability to host events for those uses, except for potentially removing the road distinction for permitted number of attendees to correspond with this proposal.

In a previous presentation to the Board of Supervisors at the February 4, 2020, Land Use Policy Committee meeting, three tiers were proposed rather than four tiers. Since that meeting, the proposal has been revised to break up the 20+ acre tier to 20 up to 80 acres, and over 80 acres. Lastly, to ease the implementation of these use limitations, staff has combined the allowances for the maximum number of days permitted per calendar year in regard to Seasonal Festivals and Special Events. These changes are reflected in Table 1.

Table 1. Seasonal Festivals and Special Events Use Limitations

Tier	Total Attendees per Day	Maximum Number of Days per Calendar Year
Tier 1: 5 up to 10 acres	150 or fewer	8 days
Tier 2: 10 up to 20 acres	200 or fewer	16 days
Tier 3: 20 up to 80 acres	300 or fewer	32 days
Tier 4: 80 acres or more	300 or fewer	Unlimited number of days
	More than 300	2 seasonal festivals for a total of 12 weeks with no festival exceeding 8 weeks; 12 special events

Note: Duration may not exceed 2 consecutive days for Tiers 1 through 3 and Tier 4 special events

Similar to the current provisions for Farm Wineries, Breweries and Distilleries, the use of helicopter rides, firework displays, antique/flea markets, go-cart/all-terrain vehicle tracks, and mechanized amusement park rides would be prohibited.

In addition to the beforementioned agritourism activities, this amendment would also establish the following provisions related to agritourism.

- Permit food trucks as an accessory use to agritourism, with limitations on the number and duration.
- Permit retail sales, beyond what is currently permitted for wayside stands including the 400 square-foot size limitations and location requirements for parcels 80 acres or larger.
- Permit Bed and Breakfasts by-right in the R-A through R-1 Districts on a parcel of 20 acres or more when located in a single family detached dwelling and additional use limitations pertaining to parking and restriction of events hosted on-site.

The County is exploring the possibility of requiring an Administrative Permit, similar to the current process of Temporary Special Permits, for seasonal festivals and/or special events that are proposed in conjunction with the agritourism use. This would allow for staff review of parking arrangements, hours of operation and other activities associated with the seasonal festival or special event. Such a permit could be valid for an extended period of time, unless circumstances change.

RELATED CHANGES

Farm Worker Housing

The Zoning Ordinance currently permits quarters of a tenant farmer and his family, as an accessory use in the R-A through R-E Districts on a parcel of 20 acres or more (Par. 18 of Sect. 10-102). This amendment would consider continuing to permit accommodations for farm workers as an accessory use to agriculture and potentially permit more than one structure. This proposed change was developed after discussions with our workgroup in which they expressed a desire to provide housing for their farm employees on their agricultural property because the high cost of housing has made it difficult to retain employees who are often hired on a seasonal basis.

R-A, Rural Agricultural District

The purpose of the R-A, Rural Agricultural District is for the raising of livestock and/or farming. Provided that agricultural uses cover not less than 75% of the total land area, a single family detached dwelling can be accessory to the agriculture use on the property. There are approximately 95 acres of land in the R-A District. The majority of these properties are vacant land or have a single family detached dwelling without an agricultural use. County staff believes there is value in amending this district to permit single family detached dwellings as a by-right use along with agriculture. This would better reflect the R-A District in its current state.

R-1, Residential District

There have been previous discussions with the Board of Supervisors as to whether it is appropriate to permit agriculture in the R-1 District. The R-1 District is established to provide for single family detached dwellings and to allow other selected uses which are compatible with the low-density residential character of the district. While no consensus was reached on this topic, staff believes consideration should be given to increasing the minimum acreage required to establish an agricultural use in the R-1 District from 5 acres to 10 acres to minimize the impacts that an agricultural use and associated agritourism activities could have on adjacent properties, particularly if those adjacent properties are single family residences.

Country Inn

Currently, the Zoning Ordinance deems event spaces to be indoor commercial recreation, which is not permitted in residential districts. Additionally, there are no opportunities for overnight accommodations in the R-C through R-1 Districts, other than a Bed and Breakfast establishment that is limited to five guest rooms and requires the owner or manager to live onsite. County staff has heard from various groups that Fairfax County could capture some of the economic opportunities related to agriculture that are currently going to neighboring jurisdictions, by allowing a venue for events such as weddings and corporate retreats on our rural properties. In response to those discussions, the County is proposing for discussion purpose a new use of a Country Inn as a special exception use in the R-A, R-E and R-C Districts on 20 acres or more. Please note that this proposed use was previously presented to the Board of Supervisors at their February 4, 2020, Land Use Policy Committee meeting as a Rural Resort rather than a Country Inn. The proposed definition is as follows.

COUNTRY INN: A private establishment consisting of a structure or structures in which lodging units are offered to transients for compensation as the principal use. The country inn may include conference and meeting facilities, restaurant, banquet and event facilities, and recreational amenities.

Additional standards under consideration include creating limits on the number of guest rooms, number of events, size of restaurant and banquet facilities, minimum open space, minimum setbacks and require on-site management. In addition to any restrictions in the Zoning Ordinance, the Board of Supervisors could impose additional conditions on events and activities, including but not limited to the type and number of allowable activities, the area of the site devoted to such activities, the adequacy of water and sanitation services to accommodate the anticipated number of attendees, the days and hours of such activities, the use of lighting or amplified sound systems, and the amount of parking available to accommodate the activity. This use would be distinct from and would not included short-term lodging.

The purpose and intent of the R-C District is to protect our natural resources; minimize impervious surface; protect water quality; and promote open, rural areas. Establishing a Country Inn in this district could intensify the land use and impact the natural resources and water quality that the district intends to protect. However, the R-C District currently permits uses such as Places of Worship, Veterinary Hospitals, Plant Nurseries and Private School through approval of either a Special Permit or Special Exception. If the Board wishes to consider establishing Country Inn as a use, particularly in the R-C District, careful consideration should be given to developing standards that would ensure that the purpose and intent of the district is maintained, and potential environmental impacts mitigated. Such standards may include minimum acreage size, minimum open space, location of outdoor gathering areas and parking spaces, and compliance with applicable federal, state or local regulations.

SCHEDULE

The following schedule is currently proposed for the Zoning Ordinance Amendment.

February to April 2020	Public Outreach
June 2020	Board Authorization
July 2020	Planning Commission Public Hearing
September 2020	Board of Supervisors Public Hearing

ADDITIONAL INFORMATION

Please visit our webpage dedicated to the Proposed Agritourism Zoning Ordinance Amendment. <https://www.fairfaxcounty.gov/planning-development/zoning-ordinance/agritourism>

Additionally, for questions or comments about the proposed amendment, please contact Sara Morgan at 703-324-1314 or sara.morgan@fairfaxcounty.gov.