

**Clifton Coalition Status Report on "Farm Alcohol"**  
**October 4, 2016**  
**Clifton Town Council Meeting**

1. Thank you to the Town Council and the residents of Clifton for their awesome response to the July 2016 ABC license applications for Silent Road. We broke the ABC's e-mail system for a day.
2. Solely as a result of the Clifton Coalition efforts and our hounding of the County, Virginia DEQ and the EPA our local winery has finally been required to upgrade its septic system and install a wine effluent settling system. The previous septic system would alarm most weekend days indicating overuse. Previously, the winery was dumping the effluent from the wine making process to ground. At times the ground was visibly a red purple color.
3. The Clifton Coalition is working on Farm Alcohol issues every day. Status reporting is a time consuming process, so we tend to talk when there is something broadly important to say, we're working to meet a deadline or we are trying to rally support for a public event. Please don't think we've quit, we're working it !
4. Silent Road ABC applications are still in a "pending" state.
5. The applications will remain pending until Fairfax County passes a "Special Exception Process" (SE) for Farm Alcohol.
6. This SE process will define the high level conditions under which wineries, breweries and distilleries may expand. The individual owners then make an SE application to the County when they want to expand. There is a negotiation to determine exactly the proposed expansion may or may not contain.
7. The current draft SE process document reads as if it were written by the Farm Alcohol industry. We have had two meetings with the Fairfax County Zoning Administrator and the Chairman of the Planning Commission, but did not see a lot of our requirements in the current draft. A few high-level issues are:



- appears to be written by industry
- promotes expansion throughout the county in RE and RA zoned areas (Dranesville & Mt. Vernon districts)
- text relating to limitations on industry is really ambiguous and unenforceable

8. We provided the Zoning Administrator with a four-page analysis of draft and expect a new draft on October 11, 2016. This will set the stage for our next phase, public hearings with the Planning Commission and the Board of Supervisors.

9. We are going to need bodies in seats and will be asking specific people to speak at these hearings:

- Planning Commission Public Hearing, November 16<sup>th</sup>
- Board of Supervisor Public Hearing, December 6th

appears to be written by industry  
promotes expansion through the county in 1912 and 1913  
(transcript of the Virginia Board of  
text relating to the tobacco industry and the county's economic development)

2. The provided the Virginia Board of Agriculture with a four-page analysis of the  
export a new draft on October 11, 1912. The draft set the stage for our next  
phase, public hearings with the Planning Commission and the Board of  
Agriculture.

3. We are going to need better of reports and will be asking specific people to  
work on these hearings.

Planning Commission Public Hearing, November 16  
Board of Agriculture Public Hearing, December 10



PRELIMINARY DRAFT ZONING ORDINANCE AMENDMENT REGARDING  
FARM WINERIES/BREWERIES/DISTILLERIES

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1 **Amend Article 3, Residential Districts, by amending Part C, R-C Residential Conservation**  
2 **District, as follows:**

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4 - **Amend Sect. 3-C02, Permitted Uses, by amending Par. 2, as follows:**

- 5  
6 2. Agriculture, as defined in Article 20, but not to include the establishment of a new  
7 farm winery, limited brewery or limited distillery, as defined in the Code of Virginia.  
8 After July 1, 2016, an expansion of structures, buildings and/or uses associated with  
9 any state-licensed farm winery, limited brewery or limited distillery or the  
10 development of any new farm winery, limited brewery or limited distillery pursuant  
11 to a state license that was pending before July 1, 2016 shall be subject to the  
12 provisions of Part 6 of Article 9.  
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15 **Amend Article 9, Special Exceptions, as follows:**

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17 - **Amend Part 6, Category 6 Miscellaneous Provisions Requiring Board of Supervisors'**  
18 **Approval, as follows:**

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20 - **Amend Sect. 9-601, Category 6 Special Exception Uses, by adding a new Par. 27, as**  
21 **follows:**

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23 Category 6 special exceptions consist of those miscellaneous provisions set forth in  
24 various Articles of this Ordinance, which require special approval or authorization from  
25 the Board.  
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27 27. Expansion of a farm winery, limited brewery and limited distillery in the R-C  
28 District.  
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30 - **Establish a new Sect. 9-630, Provisions for the Expansion of a Farm Winery,**  
31 **Brewery or Distillery in the R-C District, as follows:**

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33 **9-630 Provisions for Expansion of a Farm Winery, Limited Brewery or Limited**  
34 **Distillery in the R-C District**  
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36 The Board may approve a special exception to allow for the expansion of a farm  
37 winery, limited brewery or limited distillery located in the R-C District. For the  
38 purposes of this provision, a farm winery, limited brewery or limited distillery  
39 located in the R-C District shall include (1) any establishment that was issued a  
40 valid license for such use from the Virginia Alcoholic Beverage Control Board  
41 prior to July 1, 2016, and (2) any such establishment for which a license  
42 application was filed with the Virginia Alcoholic Beverage Control Board prior to  
43 July 1, 2016 and was subsequently approved. An expansion shall include new or



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expanded buildings, structures and uses that may be approved by special exception in accordance with the following:

1. Special exception approval shall not be required for the following:

- A. Expansion of any land area to be used for the growing of crops, including crops to be utilized in the farm winery, limited brewery or limited distillery operation.
- B. Installation of landscaping on the licensed property.
- C. Construction of any new or expanded building or structure of not more than 256 square feet of gross floor area, provided such building or structure is located at least fifty (50) feet from any property line and one hundred (100) feet from any dwelling unit on an abutting property. Only one new building and, for a building expansion, only one such expansion per building existing on July 1, 2016 shall be permitted without special exception approval. For any existing building that does not meet the minimum distances specified herein, an expansion shall only be permitted where such expansion can satisfy the minimum distance from the property line and from a dwelling on an abutting property. ADD FLEXIBILITY FOR DISTANCE IN AD.
- D. Construction of any open and uncovered grade-level patio, provided such new or expanded patio: (1) is built without footers; (2) the net result of all added grade-level patios results in a land disturbance of less than 2,500 square feet; (3) results in the removal or addition of soil and/or sod of not more than eighteen (18) inches in depth; and (4) is located at least fifty (50) feet from any property line and one hundred (100) feet from any dwelling unit on an abutting property. For an expansion of any existing patio that does not meet the minimum distances specified herein, an expansion shall only be permitted where such expansion can satisfy the minimum distance from the property line and from a dwelling on an abutting property. ADD FLEXIBILITY FOR DISTANCE IN AD.
- E. Installation of new or replacement fermentation, distillation and/or processing equipment in a building or structure existing as of July 1, 2016. The installation of new or replacement fermentation, distillation and/or processing equipment outside of a building or structure shall be located at least fifty (50) feet from any property line and one hundred (100) feet from any dwelling unit on an abutting property. ADD FLEXIBILITY FOR DISTANCE IN AD.
- F. The repair and maintenance of any structure existing as of July 1, 2016.



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- G. Placement of movable outdoor furniture and other items, limited to tables, chairs, benches, trash receptacles, plug-in electric rope or string lighting and/or movable outdoor heaters/firepits.
        - H. The hosting of public or private events or festivals in accordance with the definition of farm winery, limited brewery or limited distillery set forth in Article 20.
        - I. The construction or enlargement of a single family detached dwelling unit and any buildings or structures accessory thereto, when such dwelling is located on the same lot as a licensed farm winery, limited brewery or limited distillery and when the dwelling and accessory structures are not open to anyone patronizing such winery, brewery or distillery.
2. An expansion of a farm winery, limited brewery or limited distillery shall be deemed to include any new or expanded building, structure or use, except as provided for in Par. 1, above, to include, without limitation, a reduction in the lot size from that which existed at the time of approval of the Virginia Alcoholic Beverage Control Board license, a reduction in the land area of the licensed premises pursuant to the approved license from the Virginia Alcoholic Beverage Control Board and the hosting of any public or private events or festivals in excess of the number of guests, invitees or participants or the frequency of such events or festivals from that which is permitted in accordance with the definition of such uses set forth in Article 20.
3. For public or private events and festivals not specifically allowed under the definition of a farm winery, limited brewery or limited distillery, the Board may impose conditions on such 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 visitors; 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.
4. An expansion may be approved only when it is determined by the Board that the resulting use, buildings and/or structures will be in harmony with the policies set forth in the adopted comprehensive plan and where the resultant operation will not have a deleterious effect on the existing or planned development of adjacent properties or on area roadways. The applicant shall demonstrate to the Board's satisfaction that any potential impacts of an expansion of buildings or uses, including, without limitation, the hosting of public or private events not specifically allowed under the definition of farm winery, limited brewery or limited distillery shall be adequately mitigated.



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5. Any expansion of an existing building or structure, the construction of a new building or structure or the establishment or expansion of any area for the loading/unloading of trucks shall be located at least fifty (50) feet to any lot line and one hundred (100) feet to any dwelling unit on adjacent properties. All loading/unloading areas shall be screened from view of any adjacent dwelling. ADD FLEXIBILITY IN AD.)
6. Any application for a special exception shall include a copy of the valid farm winery, limited brewery or limited distillery license issued by the Virginia Alcoholic Beverage Control Board, demonstrating that such establishment was lawfully licensed or eligible for licensure prior to July 1, 2016.
7. For any new or expanded buildings or structures which would allow for access by the public, the owner or applicant shall conduct an inspection in accordance with the Fairfax County Certified (Third Party) Inspections Program to indicate compliance with (the requirements of the Virginia Uniform Statewide Building Code and for compliance with Americans with Disabilities Act ???) Such inspection report shall be provided to the Zoning Administrator and shall be made available upon request at the facility. (This standard has been included as a placeholder for further discussion.)

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**Amend Article 18, Administration, Amendments, Violations and Penalties, by amending Part 1, Administration, Section 18-106, Application and Zoning Compliance Letter Fees, to add Farm Wineries, Limited Breweries and Limited Distilleries to the Category 6 special exception application fee, as follows:**

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**Category 6 special exception**

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Reduction of yard requirements for the reconsideration of certain single family detached dwellings that are destroyed by casualty	\$0
Modification of minimum yard requirements for certain existing structures and uses; modification of grade for single family detached dwellings	\$910
Modification of shape factor limitations; waiver of minimum lot width requirements in a residential district; expansion of a farm winery, limited brewery or limited distillery in an R-C District	\$8180
All other uses	\$16375

*(Note: the amendment will be advertised to allow the Board to consider any application fee from*



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1 \$8,180 to \$16,375, with staff recommending \$8,180.)

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3 **Amend Article 20, Ordinance Structure, Interpretations and Definitions, by amending Part**  
4 **3, Definitions, to modify the definition of AGRICULTURE and to add FARM WINERY,**  
5 **LIMITED BREWERY and LIMITED DISTILLERY in alphabetical order, as follows:**  
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7 **20-300 DEFINITIONS**

8 The following definitions shall be used in the interpretation and administration of this  
9 Ordinance. The definitions of various terms as presented herein do not necessarily represent  
10 the same definitions as may be found for the same terms in other Chapters of The Code.  
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12 AGRICULTURE: The use of a farm or other tract of land not less than five (5) acres in size  
13 as a commercial business engaged in the production of crops, nursery stock or plant growth  
14 of any kind and/or the raising of livestock, aquatic life or other animals to produce  
15 commodities such as food and fiber and the wholesale sale of the foregoing plant and animal  
16 products and/or the sale of alcoholic beverages pursuant to the operation of a licensed farm  
17 winery, limited brewery or limited distillery. for (a) the tilling of the soil; (b) the growing of  
18 crops, nursery stock, or plant growth of any kind, including forestry; (c) pasturage; (d)  
19 horticulture; (e) dairying; (f) floriculture; or (g) the raising of poultry and livestock; and (h)  
20 the wholesale sales of any of the foregoing products.

21 The term 'agriculture' shall not include the following uses: (a) the maintenance and  
22 operation of plant nurseries; (b) ~~the feeding of garbage to animals;~~ (c) ~~the raising of fur-~~  
23 ~~bearing animals as a principal use;~~ (d) the operation or maintenance of a commercial  
24 stockyard or feed yard; (e ~~c~~) the retail sales of agricultural products except ~~in accordance~~  
25 ~~with the provisions of Sect. 10-102 as an accessory use;~~ or (f ~~d~~) the operation of landscape  
26 contracting services. However, the definition of agriculture shall not be deemed to preclude:  
27 (a) the keeping of livestock on parcels of two (2) acres or more in size as permitted by Sect.  
28 2-512; or (b) gardening, as permitted as an accessory use in Sect. 10-102.  
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30 FARM WINERY: An establishment located on a farm with a producing vineyard, orchard or  
31 similar growing area and with facilities for fermenting and bottling wine and/or cider on the  
32 premises, and as specifically regulated and licensed by the provisions of the Virginia  
33 Alcoholic Beverage Control Board. For the purpose of this definition, a farm shall be  
34 deemed an area of contiguous land containing not less than twenty (20) acres under common  
35 ownership wherein such land is used for AGRICULTURE. Such establishment may include  
36 the hosting of public or private events or festivals for up to 200 guests, invitees or  
37 participants. Events or festivals for more than 200 guests, invitees or participants shall be  
38 limited to one (1) per calendar month and shall not exceed two (2) days in duration, unless a  
39 special exception is approved by the Board. (ADD FLEXIBILITY IN AD)  
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41 LIMITED BREWERY: An establishment located on a farm wherein agricultural products,  
42 including barley, hops, other grains and/or fruit used by such limited brewery in the  
43 manufacture of beer are grown, processed and containerized on the premises, and as  
44 specifically regulated and licensed by the provisions of the Virginia Alcoholic Beverage



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1 Control Board. For the purpose of this definition, a farm shall be deemed an area of  
2 contiguous land containing not less than twenty (20) acres under common ownership wherein  
3 such land is used for AGRICULTURE. Such establishment may include the hosting of  
4 public or private events or festivals for up to 200 guests, invitees or participants. Events or  
5 festivals for more than 200 guests, invitees or participants shall be limited to one (1) per  
6 calendar month and shall not exceed two (2) days in duration, unless a special exception is  
7 approved by the Board. (ADD FLEXIBILITY IN AD)

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9 LIMITED DISTILLERY: An establishment located on a farm wherein agricultural products  
10 used in the manufacture of alcoholic beverages other than wine, cider and beer are grown,  
11 processed and containerized on the premises, and as specifically regulated and licensed by  
12 the provisions of the Virginia Alcoholic Beverage Control Board. For the purpose of this  
13 definition, a farm shall be deemed to be an area of contiguous land containing not less than  
14 twenty (20) acres under common ownership wherein such land is used for AGRICULTURE.  
15 Such establishment may include the hosting of public or private events or festivals for up to  
16 200 guests, invitees or participants. Events or festivals for more than 200 guests, invitees or  
17 participants shall be limited to one (1) per calendar month and shall not exceed two (2) days  
18 in duration, unless a special exception is approved by the Board. (ADD FLEXIBILITY IN  
19 AD)