



TOPIC:

Review the definitions for agritourism activity/agritainment, agriculture projects, bona-fide agriculture.

- Definitions need to be discussed with parallel review of VA Code definitions in addition to county definitions.
- A table is provided to show the side-by-side definitions to review consistency and applicability.

WLRUS DISCUSSION POINT

- The circular nature of the county and state definitions demonstrate the need for clarity of the terms Agriculture, Agricultural Operation, Bona Fide Agriculture, Agritourism, Farm Building and Structure *and their direct dependency on a definition of “Farm.”*
 - Example: Agritainment (a.k.a. agritourism) is recreation, education or entertainment activities on a “farm” to promote agriculture.



LOUDOUN ZONING & CODE OF VA DEFINITION COMPARISONS

Loudoun Zoning Definition	Code of VA Definition
Agriculture "farming activities, including the cultivation of crops, animal husbandry, harvesting, cleaning, sorting, and bundling of agricultural product" Includes: direct market/PYO and CSA	§3.2-300, Right to Farm Definitions Agricultural Operation "operation devoted to the bona fide production of crops, 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. "Agricultural operation" also includes any operation devoted to the housing of livestock"
Agriculture, Bona Fide Section 4.08.01 Non-silviculture w/ Conservation Farm Management Plan Silviculture w/ Forest Management Plan	§3.2-300, Right to Farm Definitions "Production agriculture and silviculture" means the bona fide production or harvesting of agricultural or silvicultural products but does not include the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge.
	"Agricultural products" § 3.2-6400. Agritourism Activity Liability Definition means any livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silvicultural, or other farm crops
Agritainment: Events and activities that allow for recreation, entertainment, and tourism that are in conjunction with on-going agricultural activities on-site (examples include corn mazes and hayrides)	Agritourism § 3.2-6400 Agritourism Activity Liability Definition. 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, horseback riding, 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.
	"Farm or ranch" § 3.2-6400 Activity Liability Definitions means one or more areas of land used for the production, cultivation, growing, harvesting or processing of agricultural products.
Entertainment Facility: An establishment where the primary source of revenue is derived from live or recorded performances shown or played for the amusement of an audience	
Agricultural Structure: A structure used primarily for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock.	Ch 6. USBC § 36-97 & 13VAC5-63-200. Ch 2 Definitions. "Farm building or structure" means a building or structure not used for residential purposes, located on property where farming operations take place, and used primarily for any of the following uses or combination thereof: 1. Storage, handling, production, display, sampling, or sale of agricultural, horticultural, floricultural, or silvicultural products produced in the farm ; 2. Sheltering, raising, handling, processing, or sale of agricultural animals or agricultural animal products; 3. Business or office uses relating to the farm operations ; 4. Use of farm machinery or equipment or maintenance or storage of vehicles, machinery, or equipment on the farm ; 5. Storage or use of supplies and materials used on the farm ; or 6. Implementation of best management practices associated with farm operations .



	<p>Uniform Statewide Building Code (USBC) § 36-99 Notwithstanding the provisions of this section, farm buildings and structures shall be exempt from the provisions of the Building Code, except for a building or a portion of a building located on a farm that is operated as a restaurant as defined in § 35.1-1 and licensed as such by the Board of Health</p> <p>any farm building or structure</p> <p>(i) where the public is invited to enter for an agritourism activity, as that term is defined in § 3.2-6400, for recreational, entertainment, or educational purposes, and that is</p> <p>(ii) used for display, sampling, or sale of agricultural, horticultural, floricultural, or silvicultural products produced on the farm or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation shall have:</p> <ol style="list-style-type: none"> 1) Fire extinguishers, 2) written emergency plan and 3) posted sign: <i>"This building is EXEMPT from the Uniform Statewide Building Code. Be alert to exists in the event of a fire or other emergencies."</i>
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SUMMARY POINTS

- Per Code of VA, "Agriculture," "Agriculture bona fide," and "Agricultural operation" relate specifically to the *"production or harvesting of crops, animals or fowl."* It specifically does not apply to *"processing"* or to *"agritourism"* activities.
- "Agritourism activities" are any ***activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes.*** This code directly supports a definition of "farm" that is more than a parcel in an agricultural district.
- The Loudoun definition of **"agricultural structure"** limits use the *"production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock."* Whereas **"farm building or structure"** may include other non-production uses and activities *"where the public is invited to enter for an agritourism activity."*
 - This USBC directly supports a definition of "farm" to clarify the actual intended use of a structure for P&Z/B&D permitting (construction or change of use) and enforcement of the required USBC disclosures to public patrons.
- VABC uses (Limited Brewery, Limited Distillery and Farm Winery) are approved as **manufacturing** use (not processing) under **Code of Virginia § 4.1-206.1, Manufacturer Licenses.**



APPENDIX II: FULL DEFINITION TEXT

LOUDOUN COUNTY ZONING DEFINITIONS

Agricultural Structure: A structure used primarily for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock.

Agriculture: A use and classification characterized by general active and ongoing agricultural activities, including agronomy, aquaculture, biotechnical agriculture (including education parks for biotechnical agriculture or a demonstration facility), forestry, fisheries, honey production, silviculture, and similar uses. Agriculture includes farming activities, including the cultivation of crops, animal husbandry, harvesting, cleaning, sorting, and bundling of agricultural product.

Accessory uses may include offices, storage areas, and repair facilities related to agriculture uses.

Agriculture includes:

- A. A direct market business for sale of products produced onsite-including but not limited to PYO (pick-your own); and
- B. "Community Supported Agriculture" (CSA), defined as an area of land managed and maintained by an individual or group of individuals to grow and harvest food and/or horticultural products for shareholder consumption or for sale or donation.

Agriculture does not include:

- A. A grocery store or the retail or wholesale sale of products remotely related to the production of agricultural products; or
- B. Preparatory functions such as grading or creation of planting beds through stockpiling of dirt or other means that do not result in an active and ongoing agricultural activity within 30 days.

Agriculture, Bona Fide: Agriculture conducted in accordance with the standards of Section 4.08.01

Section 4.08.01. The use must be located in an Agricultural Zoning District and at least 1 of the following as applicable.

1. *Agriculture (non-silviculture)*
 - a. *Conducted in accordance with a Conservation Farm Management Plan that includes best management practices and is approved by the Loudoun County Soil and Water Conservation District or the U.S. Natural Resources and Conservation Service.*
 - b. *Agriculture not conducted in accordance with an approved Conservation Farm Management Plan is not considered to be Bona Fide Agriculture.*
2. *Agriculture (Silviculture).*
 - a. *Conducted in conformance with a Forest Management Plan that meets the requirements of the Facilities Standards Manual, includes Best Management Practices, and is approved by the County.*
 - b. *All timber harvesting must also meet the notification requirements of Code of Virginia § 10.1 1181.2.H.*
 - c. *Only those roads shown on the approved Forest Management Plan are permitted to be constructed.*
 - d. *Silviculture not conducted in accordance with such approved Forest Management Plan, to include the construction or use of roads not shown on the approved Forest Management Plan, or timber harvesting that has not met the notification requirements of Code of Virginia § 10.1 1181.2.H is not considered to be Bona Fide Agriculture.*



Agriculture Support Uses (Direct Association with On-Site Agricultural Activity): Uses that provide support and services to agricultural, horticultural, and animal husbandry activities, which are limited to and that operate in conjunction with and on the site of ongoing agricultural, horticultural, or animal husbandry uses. These uses include: agricultural processing; agri-education; animal care businesses; commercial wineries; custom operators (haymaking, brush hogging, crop storage, hauling, fencing, barn construction); equestrian event facilities; horse trails or networks; farm co-ops; farm based tourism events; farm markets; farm machinery repair; feedlot (for ongoing, on-site, animal husbandry activities); nurseries, commercial; pet farms; products combining recreation with consumption of agricultural products; portable sawmills; small business uses; stables; stables, private; wayside stands; wetlands mitigation banks; and similar uses.

Agriculture Support Uses (Standalone): Uses and activities that provide support and services to agricultural, horticultural, and animal husbandry activities, either on the site of the agricultural, horticultural, or animal husbandry activity or off-site. These uses include: agricultural research facility; animal care businesses; central farm distribution hub for agricultural products; equestrian event facilities; horse trails or networks; farm machinery repair; farm machinery sales, rental and service; feed and farm supply centers; nurseries, commercial; and similar uses

Agritainment: Events and activities that allow for recreation, entertainment, and tourism that are in conjunction with on-going agricultural activities on-site (examples include corn mazes and hayrides).

Brewery, Limited: A brewery licensed as a Limited Brewery in accordance with **Code of Virginia § 4.1-206.1**, as amended, and subject to Section 4.08.05.

Code of Virginia § 4.1-206.1, Manufacturer Licenses

*4. Limited brewery licenses, to breweries that manufacture no more than 15,000 barrels of beer per calendar year, provided that (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. For purposes of this subdivision, "land zoned agricultural" means (a) land zoned as an agricultural district or classification or (b) land otherwise permitted by a locality for limited brewery use. For purposes of this subdivision, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in this definition shall otherwise limit or affect local zoning authority.

Entertainment Facility: An establishment where the primary source of revenue is derived from live or recorded performances shown or played for the amusement of an audience. Examples include music clubs and dance halls.

Equestrian Event Facility: An establishment engaged in equine activities and events including teaching equestrian skills, participating in equestrian competitions, exhibitions, or other displays of equestrian skill (such as polo, dressage, and show jumping). Accessory uses may include offices, storage areas, caretaker's quarters, and caring for, breeding, boarding, riding, or training horses associated with the Equestrian Event Facility use.

Rural Economy Uses: An array of agricultural and equine enterprises, tourist attractions and services, and commercial businesses that are land-based, depend on large tracts of open land, and the area's rural atmosphere. Rural Resort: A private establishment consisting of a detached structure or structures located in a rural setting in which lodging units are offered to transients for compensation as the principal use, along with conference and meeting facilities, restaurant and banquet facilities, and recreational amenities



Winery, Farm: An establishment: (i) located on a farm with a producing vineyard, orchard or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18% alcohol by volume; or (ii) located in the Commonwealth with a producing vineyard, orchard or similar growing area or agreements for purchasing grapes or fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18% alcohol by volume. As used in this definition, the term owner or lessee must include a cooperative formed by an association of individuals for the purposes of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term “farm” as used in this definition includes all of the land owned or leased by the individual members of the cooperative, as long as such land is located in the Commonwealth. Accessory uses at a Farm Winery may include: commercial wineries, and wine tasting rooms at which wine tasting occurs, accessory food sales related to wine tasting, and wines produced on-site are sold. A farm winery license must be designated either as a Class A or Class B farm winery in accordance with Code of Virginia § 4.1-219. Any farm winery licensee may manufacture and sell cider in accordance with this definition and Code of Virginia § 4.1-213



CODE OF VIRGINIA DEFINITIONS

Code of VA, Chapter 22, Article 7. Zoning.

§ 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 C 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**.
 - 5. 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. 2014, cc. 153, 494; 2022, c. 204.

Code of VA, Chapter 3. Right to Farm. § 3.2-300. Definitions.

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

"Agricultural operation" means any operation devoted to the **bona fide production of** crops, 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. "Agricultural operation" also includes any operation devoted to the housing of livestock as defined in § 3.2-6500.

"Production agriculture and silviculture" means the **bona fide production or harvesting of** agricultural or silvicultural products but does not include the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge.

1981, c. 384, §§ 3.1-22.28, 3.1-22.29; 1991, c. 293; 1994, c. 779; 2007, c. 444; 2008, c. 860; 2022, c. 487.



Code of VA Chapter 64. Agritourism Activity Liability

§ 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, horseback riding, 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](#); 2020, c. [411](#).



**Code of VA Chapter 6 Uniform Stateside Building Code § 36-97 and
Code of VA Administrative, Part I Construction 13VAC5-63-200. Chapter 2 Definitions.**

"**Farm** building or structure" means a building or structure not used for residential purposes, located on property where **farming operations** take place, and used primarily for any of the following uses or combination thereof:

7. Storage, handling, production, display, sampling, or sale of agricultural, horticultural, floricultural, or silvicultural **products produced in the farm**;
8. Sheltering, raising, handling, processing, or sale of agricultural animals or agricultural animal products;
9. Business or office uses relating to the **farm operations**;
10. Use of **farm** machinery or equipment or maintenance or storage of vehicles, machinery, or equipment **on the farm**;
11. Storage or use of supplies and materials used on the **farm**; or
12. Implementation of best management practices associated with **farm operations**.

§ 36-99. Provisions of Code; modifications.

B. In formulating the Code provisions, the Board shall have due regard for generally accepted standards as recommended by nationally recognized organizations, including, but not limited to, the standards of the International Code Council and the National Fire Protection Association.

Notwithstanding the provisions of this section, farm buildings and structures shall be exempt from the provisions of the Building Code, except for

a building or a portion of a building located on a farm that is operated as a restaurant as defined in § 35.1-1 and licensed as such by the Board of Health pursuant to Chapter 2 (§ 35.1-11 et seq.) of Title 35.1.

However, farm buildings and structures lying within a **flood plain** or in a mudslide-prone area shall be subject to flood-proofing regulations or mudslide regulations, as applicable.

However, any farm building or structure

- (iii) **where the public is invited to enter for an agritourism activity**, as that term is defined in § 3.2-6400, for recreational, entertainment, or educational purposes and
- (iv) **that is used for display, sampling, or sale of agricultural, horticultural, floricultural, or silvicultural products produced on the farm** or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation **shall have**:
 1. Portable **fire extinguishers** for the purpose of fire suppression;
 2. A simple **written plan in case of an emergency**, but such plan shall not be construed to be interpreted as a fire evacuation plan under the Uniform Statewide Building Code or any other local requirements; and
 3. A **sign posted** in a conspicuous place upon entry to the farm building or structure that states that "***This building is EXEMPT from the Uniform Statewide Building Code. Be alert to exits in the event of a fire or other emergencies.***" Such sign shall be placed in a clearly visible location near the entrance to such farm building or structure. The notice shall consist of a sign no smaller than 24 inches by 36 inches with clearly legible black letters, with each letter to be a minimum of one inch in height.