



TLUC WORK SESSION BACKGROUND PREP for Thursday, April 24, 2025

Dear TLUC Chair TeKrony,

Thank you for your request for assistance to prepare for the next Western Loudoun Rural Uses & Standards CPAM/ZOAM 2024-0002 (WLRUS for short). Your request shows understanding that some “homework” is necessary to reinforce the July 2024 project strategy to “*build on the public input gathered during the ZOR process.*” With review of the topics for discussion for the April 24, 2025 work session I have prepared information for you that provides ***previously submitted*** Zoning Ordinance Rewrite public input, consistent with the [July 2023 Kimley Horn ZOR Comment Analysis](#).

For disclosure, I would like to clarify the information provided at your request is *not directly representative of any specific stakeholder group*, but rather is a compilation of my consulting efforts to support numerous stakeholder groups and individuals throughout ZOR as a member of 1) the Zoning Ordinance Committee (ZOC), 2) Rural Economic Development Council (REDC) ZOR Ad hoc Committee, 3) LCPCC Executive Committee and ZOR Work Group Chair, 4) Hillsboro Preservation Foundation, 5) Loudoun County Farm Bureau, as well as ZOR support to the Loudoun Chamber, and numerous residents by request.

As mentioned, the information provided is not new.

- The majority of information is specific to topics for the April 24th TLUC meeting. However, some topics overlap with topics from January 2025 (Ag structures/tenant dwelling), and June 2025 (definitions related to Uses). These are included to ensure overlapping information is considered in April and June.
- Although I have not been engaged by any specific stakeholder to revise input, I have, pro bono, reconfirmed specific references to the Code of Virginia regulations and procedures obtained in 2023 to ensure they are still current in 2025.
- The information also includes several topics that pertain to “agriculture” for the April 24th meeting but are not included in either current WLRUS discussion topics and/or not found on the draft ZOR “Clean Up CPAM/ZOAM” list provided to the ZOC in March. These include issues moved to this ZOAM during the Board of Supervisor meetings in Fall 2023 that will need to be considered before WLRUS in final.

To facilitate your review, I have “packetized” the topics for April 24, 2025, each with ~2 pages of key points with attached supporting documentation for Staff, CAO and stakeholder review. Packets will be distributed one at a time for easier digestion, paraphrasing the adage, “*an apple (or packet) a day keeps the zoning issues away.*”

I will be happy to answer any questions you or your staff may have.

Best regards,

Maura Walsh-Copeland



Walsh-Copeland Consulting, LLC



TLUC Work Session Prep for CPAM/ZOAM 2024-0002 Western Loudoun Rural Uses & Standards (WLRUS)



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From: **TeKrony, Laura** <Laura.TeKrony@loudoun.gov>
Date: Tue, Mar 25, 2025 at 12:15 PM
Subject: Western Loudoun Rural Uses and Standards CPAM/ZOAM
To: Maura Walsh-Copeland <maura@walsh-copelandconsulting.com>
Cc: Bartok, Robin <Robin.W.Bartok@loudoun.gov>

Dear Maura,

Our office has appreciated your assistance in the past when trying to clarify content heavy subject matter pertaining to rural issues and zoning. On Feb 10, 2025 County Staff provided a [blog update on Feb 10, 2025](#) for the Western Loudoun R5.02 Rural Uses and Standards CPAM/ZOAM. The blog also included a summary of topics for discussion at the April 24, 2025 TLUC work session, stating:

Participants are expected to:

- **Discuss value-added farming/agritainment, which includes events and activities that involve ongoing agricultural activities, such as corn mazes and hayrides**
- **Review requirements for Bed and Breakfast Inn, Bed and Breakfast Homestay, Country Inn and Rural Resort and discuss consistency.**
- **Consider moving sawmills from a special exception to a minor special exception**
- **Review the definitions for agritourism activity/agritainment, agriculture projects, bona-fide agriculture and discuss if a farm definition is needed**
- **Consider a setback waiver to allow agriculture structures to be rebuilt within the same footprint**
- **Discuss whether conservation easement acreage should count toward residential density yield.**

My staff and I are reviewing past public input to get up to speed on these topics, including information or issues that should be considered during the April 24th discussion by the stakeholder groups in attendance.

Based on your prior independent consulting work for multiple entities and your close following of our rural issues, we would appreciate your assistance to identify past public input that should be reviewed. This would include any key VA Code or procedure information that may be helpful for staff, stakeholder representatives, TLUC members and the county attorney's office to be aware of in summary form.

Is this something you may have time to assist my staff and I gather for the April 24th meeting?

Thanks for your consideration.

Warmly,
Laura

Laura TeKrony
Little River District Supervisor
Chair, Transportation Land Use Committee

All correspondence is subject to the Virginia Freedom of Information Act ("FOIA").



CONTENTS

Packet 1 Pdf p# 4	<i>Discuss value-added farming/agritainment, which includes events and activities that involve ongoing agricultural activities, such as corn mazes and hayrides.</i> <i>Review requirements for Bed and Breakfast Inn, Bed and Breakfast Homestay, Country Inn and Rural Resort and discuss consistency.</i>
Packet 2 Pdf p# 24	<i>Review the definitions for agritourism activity/agritainment, agriculture projects, bona-fide agriculture.</i>
Packet 3 Pdf p# 33	<i>Discuss if a farm definition is needed.</i>
Packet 4 Pdf p# 67	<i>Consider a setback waiver to allow agriculture structures to be rebuilt within the same footprint.</i>
Packet 5 Pdf p# 72	<i>Discuss whether conservation easement acreage should count toward residential density yield.</i>
Pdf p# 77	Ag related items Not found in WLRUS Topics to date or draft “Clean Up” ZOAM list.



TOPICS

- **Discuss value-added farming/agritainment, which includes events and activities that involve ongoing agricultural activities, such as corn mazes and hayrides**
 - Note: “Value-added farming” is changing raw agricultural products into new “valuable” products (e.g., jams, pies, jerky, salsa, sauces, etc.). The terms is not synonymous with “agritainment.”
- **Review requirements for Bed and Breakfast Inn, Bed and Breakfast Homestay, Country Inn and Rural Resort and discuss consistency.**



TOPICS

- **Discuss value-added farming/agritainment, which includes events and activities that involve ongoing agricultural activities, such as corn mazes and hayrides**
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- **Review requirements for Bed and Breakfast Inn, Bed and Breakfast Homestay, Country Inn and Rural Resort and discuss consistency.**

PRIOR ZOR PUBLIC INPUT

- “Consistency” should be review both **vertically** (i.e., within a use category such as B&B’s or Agriculture) and **horizontally** (i.e., between uses categories based on similar use intensity impacts to the location and/or nearby parcels)

ZONING IMPACTS	Horizontal USE CATEGORY Review			
Location/parcel size	Lodging Uses	Food & Beverage Sales & Service Uses (Event Facilities)	Public/ Civic/ Institutional Uses	Agricultural/ Agritourism Uses
Qty Attendees				
Qty Event/parties				
Hrs of Operation				
Structure Size/ setbacks				
Road Type				
Noise, Lighting				

- Staff has long used a matrix to highlight the vertical **and** horizontal comparisons of uses, most recently in the table provided for the BOS 3/12/2025 Public Hearing (attached).
- A true comparison of zoning impacts should not only be *within* a category (e.g., B&B), but include comparison *across* Uses with similar Scale and Intensity Zoning Impacts (e.g., High, Medium and Low)
 - An additional matrix is provided to facilitate discussion and expand the comparisons to include the following use categories: Lodging, Food & Beverage, Office/Business & Professional, Public/Civic Institutional, Industrial/Production and Agriculture Uses.
 - *An APPENDIX with the detailed zoning regulations prepared during ZOR has been updated to facilitate 2025 discussion.*¹

¹ The [detailed 2025 Zoning Use Comparison Matrix](#) has been updated for KEY regulations, which may not include updates for ALL regulations.



APPENDIX I

Requested/Required Use Comparison Information

DPZ STAFF Use Comparison Table - Scale and Intensity – March 12, 2025 BOS Public Hearing

Expanded Scale and Use Intensity Zoning Use Comparison Table

Detailed Comparison: ZOR-2025 Revised Rural Zoning Comparison



DPZ STAFF Use Comparison Table - Scale and Intensity – March 12, 2025 BOS Public Hearing

	BED AND BREAKFAST HOMESTAY (4.03.01.E)	BED AND BREAKFAST INN (4.03.01.F)	COUNTRY INN (4.03.01.G)	BANQUET/EVENT FACILITY (4.04.05)
Permissibility in AR-1 Zoning District	By-Right	By-Right	By-Right	Minor Special Exception
Number of Guest Rooms	1-4 Guest Rooms	1-10 Guest Rooms	1-40 Guest Rooms	N/A
Minimum Lot Size	No Minimum Lot Size	Minimum 5 Acres	Minimum 20 Acres	Minimum 20 Acres
Daily Private Parties (Attendees)	Maximum 20 Attendees, including overnight guests	Maximum 50 Attendees, including overnight guests	Maximum 100 Attendees, including overnight guests	Between 200-360 Attendees, (Determined at STPL/SPEX stage)
Yearly Private Parties (Attendees)	10 Yearly Private Parties >20 Attendees, subject to individual Zoning/Building Permit	20 Yearly Private Parties >50 Attendees, subject to individual or annual Zoning/Building Permit	20 Yearly Private Parties >100 Attendees, subject to individual or annual Zoning/Building Permit	Determined at STPL/SPEX stage
Hours of Operation	All Private Parties shall be limited to 7:00 AM to 12:00 midnight	All Private Parties shall be limited to 7:00 AM to 12:00 midnight	All Private Parties shall be limited to 7:00 AM to 12:00 midnight	Limited to 7:00AM to 12:00 midnight
Noise	No outdoor music shall be permitted between 11:00 PM and 10:00 AM on Friday, Saturday, and any evening preceding a holiday recognized by Loudoun County, and between 10:00 PM and 10:00 AM any other day	No outdoor music shall be permitted between 11:00 PM and 10:00 AM on Friday, Saturday, and any evening preceding a holiday recognized by Loudoun County, and between 10:00 PM and 10:00 AM any other day	No outdoor music shall be permitted between 12:00 midnight and 7:00 AM	N/A (Determined at SPEX)
Yard Requirements	Use and Parking: Subject to Zoning District Requirements (Note: AR-1, AR-2 default setbacks 25')	Use: Subject to Zoning District Requirements (Note: AR-1, AR-2 default setbacks 25') Parking: 40 feet from all lot lines	Use and Parking: 100 feet from all lot lines Outdoor Private Parties: 200 feet from all lot lines unless adjacent to commercial property then 100 feet	Use and Parking: 100 feet from all lot lines Private Parties: 200 feet from all lot lines unless adjacent to commercial property then 100 feet

WLRUS Discussion Points

- **Noise regulation of outdoor music** should be consistent for all B&B types that conduct private parties, as well as be consistent with the overall Noise Regulations for Use-Specific Standards, Noise s in Section 7.05.03.F.3: “Outdoor Music. Outdoor music is not permitted after 11:00pm.”
- **Yard setbacks** depend on the quantity (daily and yearly) and intensity (i.e., # of attendees) for Private Parties, not the B&B Use directly (i.e., the number of rooms).
 - A B&B Homestay use **WITHOUT** daily/yearly parties may be appropriate for the default 25' setback regulations.
 - B&B Inn **WITH** daily/yearly large private parties require setbacks in line with Country Inn, Banquet Event facilities to mitigate events with outdoor music.



Expanded Scale and Use Intensity Zoning Use Comparison Table

HOW TO USE:

Page 1

- Lists Uses by category (vertically) and intensity (horizontally) into High, Medium and Low intensity levels (as discussed during ZOR public input).
- Intensity categorized by the Levels (I-IV), quantity of attendees and events permitted and regulations for traffic, road access, noise and lighting.

Pages 2-4

- Each BOX identifies a question, inconsistency or absent/omitted regulation that was referenced during ZOR public input 2020-2023 and prior Rural Uses ZOAM-2015-0006.
- The boxes correspond to the **EMPTY RED BOXES** on the Detail Zoning Use Comparison matrix.
- **Identified inconsistencies can be used for WLRUS Discussion.**



Expanded Scale and Use Intensity Zoning Use Comparison Table

Matrix identifies key inconsistencies between uses at High, Medium and Low intensity levels.
Detailed zoning regulations for comparison review can be found here: [Zoning Use Comparison Matrix](#)

General Intensity Categorization	Lodging Uses	Food & Beverage Sales/Service	Office/Busi & Professional	Public/Civic Institutional	Industrial/ Production	Agriculture Uses
	Ch. 4.03	Ch. 4.04	Ch. 4.04	Ch. 4.05	Ch. 4.06	Ch. 4.08
HIGH IMPACT: Requires Levels I - IV, SPEX > 200 attendees Daily or special event use Large structures Traffic/parking/road impacts Noise/lighting impacts	Rural Resorts Camp, Day, Boarding Campgrounds	Banquet/Event Facilities Restaurant, Rural (with large private parties)		Conf & Training Center Cultural Tourism, Level III: Eco-tourism & Agritourism Rural Retreat		Level 3 Equestrian Event Facility, Stable Livery Level 3 Agritainment, Farm Co-op, restaurant, Ag Educ or Res. Limited Brewery (large tasting events) Farm Winery (large tasting/events)
MEDIUM IMPACT 20-200 attendees/traffic impacts Less/limited daily or special events Traffic/parking/road impacts Noise/lighting impacts	Counrty Inn Guest Farm or Ranch	Restaurant, Rural (w/out large private parties)		Ag Educ or Research Cultural Tourism, Level I-II: Eco-tourism & Agritourism Fairground (not annual use)		Level II Equestrian Event Facility, Stable, Livery, Level I-II Agritainment, Farm Co-op, restaurant Ag Educ or Res. Limited Brewery (sm/med tasting, no events) Farm Winery (sm/med tasting, no events)
LOW IMPACT Low attendees/employees Limited or no parties/special events Less Traffic/parking/road impacts Less Noise/lighting impacts	B&B Inn B&B Homestay Rec Vehicle Park STR Res & STR Comm. Whole House	Farmer's Market Food preparation	Small Busi Ag & Rural	Ag Cultural Center	Sawmill Slaughterhouse *excluding farm-based noise	Agriculture Bona Fide, Animal Husbandry, Horticulture Ag Processing Level I Stable, Livery Wayside Stand Commercial Winery ?

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	Lodging Uses	Food & Beverage Sales/Service	Office/Busi & Professional	Public/Civic Institutional	Industrial/ Production	Agriculture Uses
General Intensity Categorization	Ch. 4.03	Ch. 4.04	Ch. 4.04	Ch. 4.05	Ch. 4.06	Ch. 4.08
HIGH IMPACT: Requires Levels I - IV, SPEX > 200 attendees Daily or special event use Large structures Traffic/parking/road impacts Noise/lighting impacts	Rural Resorts Camp, Day, Boarding Campgrounds	Banquet/Event Facilities Restaurant, Rural (with large private parties)		Conf & Training Center Cultural Tourism, Level III: Eco-tourism & Agritourism Rural Retreat		Level 3 Equestrian Event Facility, Stable Livery Level 3 Agritainment, Farm Co-op, restaurant, Ag Educ or Res. Limited Brewery (large tasting events) Farm Winery (large tasting/events)
General						FOR STAFF REVIEW: Mismatch in Uses included for Ag Support between Ch. 3 TABLES: Ch. 4 USS for 4.08.03 & 4.08.04 (see below)
Hours of Operation	What (any) hrs or operation applicable for Camp, Day Boarding and Campgrounds?	Restaurant Rural conflicting Hrs. 4.04.18.B.2: Hours state 6am to 9pm 4.04.18.C: Hours state 6am - 12 midnight (incl deliveries)		Conf. Training Ctr has no Hrs of operation as for uses of similar size/intensity. This Use has been applied to Drone facilities.		For VABC Uses, Staff/CAO confirmed (4/10/2023) County <i>can</i> regulate hosted events (temp event permit or as banquet event facility). Would define hours of operation (as well as other regs not applied).
Daily/Yearly Parties/Attendees						
Yards						INCONSISTENT Setbacks for Ag Uses of similar intensity: 60' vs. default 25' vs 0'. 4.08.03 Have conflicting structure sizes/ setbacks in tables 4.08.03-3 and 4.08.03-5
Landscaping/ Buffering/ Screening	Any requirements for campgrounds?			Cultural Tourism, Level III, Agritourism has no landscaping, buffering, screening guidelines based on intensity level		For Review: Ag Support Direct has regs, but Ag Support Standalone does not. <i>E. Landscaping/ Buffering/ Screening. 1. Buffer. Refer to Section 7.04.03.A.7.2. Storage Areas. Refer to Section 7.04.03.</i>
Parking						
Road/Access						
Exterior Lighting	7.05.02 (lighting) apply			Cultural Tourism Agritourism - no reference to 7.05.02 requirements.		VABC Uses: No reference to 7.05.02 (LB) and no USS exist (LD, FW), so no lighting regs apply to VABC Uses with higher intensity. Staff/CAO confirmed (4/10/2023) County can regulate hosted events (temp event permit or as banquet event facility). Could define lighting regs.
Noise	7.05.03 (noise/outdoor music) apply					7.05.03 (noise/outdoor music) applies to Limited Breweries because a USS exists (4.08.05) Noise regulations CANNOT APPLY to Limited Distilleries or Farm Wineries until USS is applied for uses.

Ch 3, Table 3.02.03-1 Agriculture: Lists for USS 4.08.03Agritainment, Farm Co-ops, feedlot	4.08.03 Uses list EXCEPTIONS: Equestrian Event Facility Restaurant, Rural, Stable, Livery	Ch 3, Table 3.02.03-1 Agriculture: Lists for USS 4.08.04 Farm Distribution Hub	4.08.04 Uses list EXCEPTIONS: Agricultural educ or research Restaurant, Rural, Farm Distribution Hub
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General Intensity Categorization	Lodging Uses	Food & Beverage Sales/Service	Office/Busi & Professional	Public/Civic Institutional	Industrial/ Production	Agriculture Uses
	Ch. 4.03	Ch. 4.04	Ch. 4.04	Ch. 4.05	Ch. 4.06	Ch. 4.08
MEDIUM IMPACT 20-200 attendees/traffic impacts Less/limited daily or special events Traffic/parking/road impacts Noise/lighting impacts	Country Inn Guest Farm or Ranch	Restaurant, Rural (w/out large private parties)		Ag Educ or Research Cultural Tourism, Level I-II: Eco-tourism & Agritourism Fairground (not annual use)		Level II Equestrian Event Facility, Stable, Livery, Level I-II Agritainment, Farm Co-op, restaurant Ag Educ or Res. Limited Brewery (sm/med tasting, no events) Farm Winery (sm/med tasting, no events)
General						For VABC Uses, Staff/CAO confirmed (4/10/2023) County <u>can</u> regulate hosted events (temp event permit or as banquet event facility). Would define hours of operation in line with MEDIUM INTENSITY events.
Hours of Operation				Ag Education or Research - no Hours of Operation to be consistent with similar use/intensity		
Daily/Yearly Parties/Attendees						
Yards						
Landscaping/ Buffering/ Screening				Ag Educ/Research had regs in RZO93. Should 7.04.03-A.7 and 7.04.05 apply for consistency of use intensity? Same for Fairgrounds		
Parking						
Road/Access						
Exterior Lighting						
Noise						

General Intensity Categorization	Lodging Uses	Food & Beverage Sales/Service	Office/Busi & Professional	Public/Civic Institutional	Industrial/ Production	Agriculture Uses
	Ch. 4.03	Ch. 4.04	Ch. 4.04	Ch. 4.05	Ch. 4.06	Ch. 4.08
LOW IMPACT Low attendees/employees Limited or no parties/special events Less Traffic/parking/road impacts Less Noise/lighting impacts	B&B Inn B&B Homestay Rec Vehicle Park STR Res & STR Comm. Whole House	Farmer's Market Food preparation	Small Busi Ag & Rural	Ag Cultural Center	Sawmill Slaughterhouse *excluding farm-based noise	Agriculture Bona Fide, Animal Husbandry, Horticulture Ag Processing Level I Stable, Livery Wayside Stand Commercial Winery ?
General						
Hours of Operation			No Hrs of operation. Restriction on delivery times near residential similar to other uses?			Should Hrs of Operation be applied to Wayside Stand?
Daily/Yearly Parties/Attendees						No reference to Daily/yearly parties or events at Commercial Winery, so unlimited?
Yards						
Landscaping/ Buffering/ Screening					Should 7.04.03.A.7 and 7.04.05 apply for regs near residential for consistency of use intensity?	Should 7.04.03.A.7 and 7.04.05 apply for regs near residential for Ag Processing for consistency of use intensity?
Parking						Should parking regs be applied to Wayside Stand? Comm Winery with tasting room? Ag Processing (unless small operation)?
Road/Access						
Exterior Lighting					No reference to 7.05.02 requirements for consistency and Use near residential.	No reference to 7.05.02 requirements for Wayside Stand for consistency and Use near residential.
Noise						

TLUC Work Session Prep for CPAM/ZOAM 2024-0002 Western Loudoun Rural Uses & Standards (WLRUS)



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Detailed Zoning Use Comparison Matix (2025 update)

Pages 1-3

REFERENCE: Loudoun County Rural Use Zoning Comparison*				
Use	Residential	Commercial	Industrial	Public Use
Single-Family Detached	Yes	No	No	No
Single-Family Attached	Yes	No	No	No
Multi-Family Detached	No	No	No	No
Multi-Family Attached	No	No	No	No
Office	No	Yes	No	No
Professional Office	No	Yes	No	No
Healthcare Office	No	Yes	No	No
Manufacturing	No	No	Yes	No
Warehouse	No	No	Yes	No
Storage	No	No	Yes	No
Public Use	No	No	No	Yes

Pages 4-5

REFERENCE: Loudoun County Rural Use Zoning Comparison*				
Use	Residential	Commercial	Industrial	Public Use
Single-Family Detached	Yes	No	No	No
Single-Family Attached	Yes	No	No	No
Multi-Family Detached	No	No	No	No
Multi-Family Attached	No	No	No	No
Office	No	Yes	No	No
Professional Office	No	Yes	No	No
Healthcare Office	No	Yes	No	No
Manufacturing	No	No	Yes	No
Warehouse	No	No	Yes	No
Storage	No	No	Yes	No
Public Use	No	No	No	Yes

The detailed Zoning Use Comparison Matrix can be found [HERE](#).

To facilitate the horizontal review of Use Standards the pages can be taped together as shown.

Pages 6-9

REFERENCE: Loudoun County Rural Use Zoning Comparison*				
Use	Residential	Commercial	Industrial	Public Use
Single-Family Detached	Yes	No	No	No
Single-Family Attached	Yes	No	No	No
Multi-Family Detached	No	No	No	No
Multi-Family Attached	No	No	No	No
Office	No	Yes	No	No
Professional Office	No	Yes	No	No
Healthcare Office	No	Yes	No	No
Manufacturing	No	No	Yes	No
Warehouse	No	No	Yes	No
Storage	No	No	Yes	No
Public Use	No	No	No	Yes

2025 USE Catetory: 2025 Use Standard INTENSITY Level	Lodging 4.03.01 HIGH	Lodging 4.03.02 HIGH	Lodging 4.03.03 HIGH	Food&Bev Sales/Service 4.04.05 HIGH	Food&Bev Sales/Service 4.04.18 HIGH/MEDIUM
	Rural Resorts / Section 5-601	Camp, Day and Boarding / Section 5-645	Campgrounds / Section 5-646	Banquet/Event Facilities / Section 5-642	Restaurant; Rural / Section 5-643
No of Guest Rooms	20 to 120 rooms	N/A	N/A	N/A	N/A
Intensity/Size of Use (Min. Lot size)	Resort/Guest Rooms: 1: 40 ac: Upto 20 2: 60 ac: 21-40 3: 80 ac: 41-60 4: 100 ac: 61-80 5: 120 ac: 81-100 6: 150 ac: 101-120 >120 = SPEX	Qty Campers: Level I: <30 on 15 ac Level II: >30-100, 40ac Level III: >100-250, 100 ac Level IV: >250 = SPEX	Qty Campsites: Level I: <50 on 40 ac Level II: >50-100, 80ac Level III: >100-150, 160 ac Level IV: >150 = SPEX Not permanent residence	Min 20 ac/200 attendees Min 50 ac/260 attendees Min 75 ac/310 attendees Min 100ac/360 attendees	51% food/ingredients from parcel in ag production. Min 5 acres Max 2500 sqft structure Prior: Min 20 acres & 0.01 FAR
Hours of Operation	Hours 7am - 12 midnight (incl deliveries)			Hours 7am - 12 midnight (incl deliveries)	B.2. Hours: 6am to 9pm C. Hours 6am - 12 midnight (incl deliveries)
Daily/Yearly Parties/Attendees	Rural Resort as Event Facility Max attendees: 1: 20ac: 200 attendees 2: 50ac: 260 attendees 3: 75ac: 310 attendees 4: 100ac: 360 attendees	Campers: Level I: <30 Level II: >30-100 Level III: >100-250 Level IV: >250 = SPEX	Campsites: Level I: <50 Level II: >50-100 Level III: >100-150 Level IV: >150 = SPEX	Daily & Yearly: Determined at STPL, SPEX or SPML stage ("Private party" not deemed a "special event")	("Private party" not deemed a "special event")
Yards	Resort Structures Range 40 ac = 125' up to 150 ac = 375'''	Structures Level I : 150' Level II : 200' Level III : 250' Level IV : 300'	Structures Level I: 8Ksqft, 150' Level II: 16Ksqft, 200' Level III: 32Ksqft, 250' Level IV Struct.: 300'	100' for use & parking. Private parties: 200' unless adjacent to comm. prop., then 100'	NEW: 25 sqft structure, 50' setback. Structures: Level I <1.5Ksqft: 100' Level II >1.5K-4Ksqft: 150' Level III >4Ksqft: 175'
Landscaping/ Buffering/ Screening	New: 7.04.03.A.7 Section 5-1404.A.6 for use. Section 5-1407 for parking.	New: 7.07.01.F Section 5-1404.A.6 for use. Section 5-1407 for parking.		Section 5-653(A) for use. Section 5-653(B) for parking. Section 5-653(C) for storage	7.04.03.A.7 for use. 7.04.05 for storage
Parking	Section 5-1102.	Section 5-1102.	Section 5-1102.	Section 5-1102	7.04.06
Road/Access	7.07.01F 2-access points & access location. Permission for easement.	New: 7.07.01.F Section 5-654	New: 7.07.01.F Section 5-654	New 7.07.01.F Section 5-654; 2-access points & access location. Permission for easement.	New: 7.07.01.F Section 5-654; 1-access point & access location
Exterior Lighting	New: 7.05.02.C.2 Section 5-652(A)	New: 7.05.02.C.2 Section 5-652(A)	New: 7.05.02.C.2 Section 5-652(A)	New: 7.05.02.C.2 Section 5-652(A)(1)-(3) & 12' max height for parking lot lighting	New: 7.05.02.C.2 Section 5-652(A)
Noise	Outdoor music not allowed after 11pm.	New: 7.05.03.F (applies w/o Ch.4 USS)	New: 7.05.03.F (applies w/o Ch.4 USS)	New: 7.05.03.F (applies w/o Ch.4 USS)	New: 7.05.03.F (applies w/o Ch.4 USS)
Water/ Wastewater	Public water/sewer or Communal Water/waste. HD/ODW?			Health Department Approval? ODW if >60 events?	Health Department Approval?
Application Rqmts				Proposed??: Special Exception OR Minor Sp. Exception &/OR Site Plan	Site Plan
Vehicle/ Equipment					
Permits				Zoning/Bldg.	

2025 USE Category: 2025 Use Standard INTENSITY Level	Public/Civic/Institutional 4.05.06 HIGH	Public/Civic/Institutional 4.05.10 HIGH	Public/Civic/ Institutional Former Stds	Public/Civic/Institutional 4.05.17 HIGH	Ag Support - Direct 4.08.03 REVIEW
	Conference & Training Center / Section 5-640	Cultural Tourism / Eco- & Agritourism Section 5-647	Farm Based Tourism / Section 5-628	Rural Retreats/ Section 5-601	Agritainment Farm Co-ops, Eq Event, Rest. Rural, Stable Livery
No of Guest Rooms		N/A	N/A	20 to 120 rooms	(Mismatch Ch 3 & 4)
Intensity/Size of Use (Min. Lot size)	Level I: <50 on 50 ac Level II: >50-100, 100ac Level III: >100-150, 150 ac Level IV: >150 = SPEX	Minimum 5 acres. Structure not exceed 5K sq.ft. Storage not exceed 1K sq.ft.	Minimum 5 acres. Level III: max 7.5K sq.ft. w/ 80+ ac. Storage Max 25% of structure.	Min Lot 50 acres, 75% ag, open, forestry. 1 principal dwelling Retreat/Guest Rooms: 50 rooms per 50 acres lot area 20Ksqft conf/dining per 50 acres lot area	Directly associated w ongoing Ag, Hort, Animal Husbandry ON-SITE Min 5 acres, except for: EQ Event: 25acres Restaurant Rural: 20 ac Stable, Livery: 15 ac
Hours of Operation		Hours 8am-9pm (incl deliveries)	Hours 8am-6pm (incl deliveries)	Hours 7am to 12 midnight	6am to 9pm, except Stable Livery 4am to 9pm
Daily/Yearly Parties/Attendees	Level I: <50 on 50 ac Level II: >50-100, 100ac Level III: >100-150, 150 ac Level IV: >150 = SPEX Special events by SPEX	Level I: >5 - 40 ac: <150 vehicles/day Level II: >40 - 80 ac: <300 vehicles/day Level III: >80ac: <400 vehicles/day	# People: Max 300/day up to 5 ac; > 300/day = >40 ac > 600/day = >80 ac	Special events approval per 3.04	L1: 5-25ac: <100 vehicles @ 1 time L2: 25-50 ac, <200 vehicles @ 1 time L3: >50 - 100 ac, <300 vehicles, 2 add per ac excess of 100
Yards	Level I: 50 ac, 150ft Level II: 100ac, 200ft Level III: 150ac, 250ft	L 1: 5-40ac: Up to 5Ksqft, 100' L 2: >40 - 80ac: 5K- 7.5K sqft, 150' L 3: >80 ac: 7.5K - 10.5K sqft, 200'	Level I: 100' for 5K sq.ft. Level II: 150' for 7.5K sq.ft. Level III: 200', 10.5K sq.ft.	Min 200' from adjacent properties	L1: 5-25ac, 12Ksqft, 60' L2: 25-50ac, 24Ksqft, 120' L3: 50-100 ac, 36sqft, 175' CONFLICTING CHARTS
Landscaping/ Buffering/ Screening	Section 5-1404.A.6 for use. Section 5-1407 for parking. Section 1406 for storage		Section 5-1404.A.6 for use. Section 5- 1407 for parking. Section 1406 for storage	Section 5-653(A). Parking Section 5-653 (B)	7.04.03.A.6
Parking	Section 5-1102. Dust-free surfacing material	Section 5-1102. Dust-free surfacing material	Section 5-1102. Dust-free surfacing material	Section 5-1102	4.08.03-2
Road/Access	New: 7.07.01.F Section 5-654; 1-access point & access location	Section 5-654. No more than 1 access point to public road.	Section 5-654	New: 7.07.01.F Section 5-654	7.07.01.F
Exterior Lighting	New: 7.05.02.C.2 Section 5-652(A)		Section 5-652(A)	New: 7.05.02.C.2 Section 5-652(A)	7.05.02.C.2
Noise	Max not exceed 55 dB(A) at prop line. No outdoor music allowed after 11PM	New: 7.05.03.F (applies w/o Ch.4 USS)		New: 7.05.03.F (applies w/o Ch.4 USS)	New: 7.05.03.F (applies w/o Ch.4 USS)
Water/ Wastewater		Health Department Approval?	Health Department Approval?	Public water/sewer or Communal Water/waste. HD/ODW?	
Application Rqmts		??	Site Plan	??	
Vehicle/ Equipment					
Permits					

2025 USE Category: 2025 Use Standard INTENSITY Level	Ag Support - Stand Alone 4.08.04 REVIEW	Agriculture 4.08.05 HIGH/MEDIUM	Agriculture HIGH/MEDIUM	Agriculture HIGH/MEDIUM
	Farm Distrib Hub, Ag Educ or Research, Equine Event	Limited Brewery / Section 5-667	Limited Distillery	Virginia Farm Winery
No of Guest Rooms	(Mismatch Ch 3 & 4)	N/A		
Intensity/Size of Use (Min. Lot size)	NO direct association with agriculture, horticulture or animal husbandry, ON-SITE. Min 5 acres, except for: EQ Event: 25acres Ag Educ/Res: 25 ac Farm Distrib Hub: 25 ac	Must be located on a farm on land zoned agricultural. Minimum 10 acres. No bldg restriction		
Hours of Operation	6am to 10pm			
Daily/Yearly Parties/Attendees	L1: 5-25ac: <100 vehicles @ 1 time L2: 25-50 ac, <200 vehicles @ 1 time L3: >50 - 100 ac, <300 vehicles, 2 add per ac excess of 100			
Yards	L1: 5-25ac, 12Ksqft, 60' L2: 25-50ac, 24Ksqft, 120' L3: 50-100 ac, 36sqft, 175'	50' from outdoor tasting rooms or similar outdoor activities.		
Landscaping/ Buffering/ Screening				
Parking	4.08.04-1			
Road/Access	7.07.01.F			
Exterior Lighting	7.05.02.C.2			
Noise	New: 7.05.03.F (applies w/o Ch.4 USS)	New: 7.05.03.F (applies w/o Ch.4 USS)		
Water/ Wastewater		Health Department Approval		Health Department Approval?
Application Rqmts		Sketch Plan "Distances from structures to adj lot lines must be accurately depicted"		?
Vehicle/ Equipment				
Permits		Zoning/HD/VDACS/ODW		Zoning/HD/ VDACS/ODW

2025 USE Category: 2025 Use Standard INTENSITY Level	Lodging 4.03.01 MEDIUM	Lodging MEDIUM	Food&Bev Sales/Service 4.04.18 HIGH/MEDIUM	Public/Civic/Instit 4.05.03 MEDIUM	Public/Civic/Instit 4.05.09 MEDIUM
	Country Inn / Section 5-601	Guest Farm or Ranch Section 3.03.02.____	Restaurant; Rural / Section 5-643	Ag Educ. or Research Section 5-644	Fairground
No of Guest Rooms	1-40 Guest Rooms	Max 20 guest rooms	N/A	N/A	
Intensity/Size of Use (Min. Lot size)	Min. 20 Acres		51% food/ingredients from parcel in ag production. Min 5 acres Max 2500 sqft structure Prior: Min 20 acres & 0.01 FAR	Minimum 25 acres	Minimum 25 acres
Hours of Operation	Hours 7am - 12 midnight (parties)		B.2. Hours: 6am to 9pm C. Hours 6am - 12 midnight (incl deliveries)		
Daily/Yearly Parties/Attendees	Daily: Max 100 Attend. Yearly: 20 Parties >100 attend. subject to Zoning/Bldg permit. >20: Special Event Permit		("Private party" not deemed a "special event")	# People: Max 200/day, No >100 vehicles at one time. Add'l 5 people/acre above 25 ac	
Yards	100' for use & parking. Outdoor parties: 200' unless adj. to commercial prop., then 100'		NEW: 25-- sqft structure, 50' setback. Structures: Level I <1.5Ksqft: 100' Level II >1.5K-4Ksqft: 150' Level III >4Ksqft: 175'	Structures Level I <7Ksqft: 100' Level II >7K-12Ksqft: 150' Level III >12Ksqft: 200'	<20K sqft - 150' 20K-40K sqft - 200' >40K sqft - 225'
Landscaping/ Buffering/ Screening	New: 7.04.03.A.7 Section 5-653(A). May waive/modify per Sec 5-1409. Section 5-653(B) for parking		7.04.03.A.7 for use. 7.04.05 for storage		
Parking	Section 5-1102		7.04.06	4.05.03.B.2	Dust-free surface material
Road/Access	7.07.01F 2-access points & access location. Permission for easement.		New: 7.07.01.F Section 5-654; 1-access point & access location	New: 7.07.01.F Section 5-654; 1-access point & access location	New: 7.07.01.F Section 5-654; 2-access point & access location
Exterior Lighting	New: 7.05.02.C.2 Section 5-652(A)(1)-(3) & 12' max height for parking lot lighting		New: 7.05.02.C.2 Section 5-652(A)	New: 7.05.02.C.2 Section 5-652(A)	New: 7.05.02.C.2 Section 5-652(A)
Noise	No outdoor music 12 am (midnight) to 7am.		New: 7.05.03.F (applies w/o Ch.4 USS)	New: 7.05.03.F (applies w/o Ch.4 USS)	No loading w/in 250' SFD res 11pm to 6am, Max 55 dB(A), no outdoor music after 11pm
Water/ Wastewater			Health Department Approval?		
Application Rqmts	Proposed??: Special Exception OR Minor Sp. Exception &/OR Site Plan		Site Plan		
Vehicle/ Equipment					
Permits	Zoning/Bldg & Parties >100				

2025 USE Category: 2025 Use Standard INTENSITY Level	Agriculture 4.08.06 MEDIUM	Agriculture 4.08.05 HIGH/MEDIUM	Agriculture HIGH/MEDIUM	Agriculture HIGH/MEDIUM
	Stable, Livery Section 5-627	Limited Brewery / Section 5-667	Limited Distillery	Virginia Farm Winery
No of Guest Rooms	N/A	N/A		
Intensity/Size of Use (Min. Lot size)	Minimum 5 acres. Level I: 12K sq.ft. structures & 5K sq/ft storage areas.	Must be located on a farm on land zoned agricultural. Minimum 10 acres. No bldg restriction		
Hours of Operation	6am to 9pm, except Stable Livery 4am to 9pm			
Daily/Yearly Parties/Attendees	L1: 5-25ac: <100 vehicles @ 1 time L2: 25-50 ac, <200 vehicles @ 1 time L3: >50 - 100 ac, <300 vehicles, 2 add per ac excess of 100			
Yards	L1: 5-25ac, 12Ksqft, 60' L2: 25-50ac, 24Ksqft, 120' L3: 50-100 ac, 36sqft, 175' CONFLICTING CHARTS	50' from outdoor tasting rooms or similar outdoor activities.		
Landscaping/ Buffering/ Screening	7.04.03.A.6			
Parking	4.08.03-2			
Road/Access	7.07.01.F			
Exterior Lighting	7.05.02.C.2			
Noise	New: 7.05.03.F (applies w/o Ch.4 USS)	New: 7.05.03.F (applies w/o Ch.4 USS)		
Water/ Wastewater	Health Department Approval?	Health Department Approval		Health Department Approval?
Application Rqmts	Site Plan	Sketch Plan "Distances from structures to adj lot lines must be accurately depicted"		?
Vehicle/ Equipment	Paved road access for heavy equipment			
Permits		Zoning/HD/VDACS/ODW		Zoning/HD/ VDACS/ODW

2025 USE Category: 2025 Use Standard INTENSITY Level	Lodging 4.03.01 LOW	Lodging 4.03.01 LOW	Lodging 4.03.01 LOW	Lodging 4.03.05 LOW	Food&Bev Sales/Service 4.04.06 LOW
	B&B Homestay / Section 5-601	B&B Inn / Section 5-601	Recreation Vehicle Park	Short Term Rental Comm. Whole House	Food Preparation
No of Guest Rooms	1-4 Guest Rooms	1-10 Guest Rooms		5 guest rooms/parcel	
Intensity/Size of Use (Min. Lot size)	No Min. Lot size	Min 5 acres. 0.04 FAR (Floor Area Ratio).		Not exceed 10 guests or capacity of sewage disposal	No more than 2500 sqft of gross floor area per establishment
Hours of Operation	Hours 7am - 12 midnight (parties)	Hours 7am - 12 midnight (parties)		Assume no regs due to no events permitted.	
Daily/Yearly Parties/Attendees	Daily: Max 20 attend. Yearly: 10 Parties > 20 attend. subject to Zoning/Bldg permit >10: <u>Special Event Permit</u>	Daily: Max 50 attend. Yearly: 20 Parties >50 attend. subject to Zoning/Bldg permit >20: <u>Special Event Permit</u>		Food Service not permitted Private parties or Temp special Events not permitted	
Yards	Subject to Zoning District Requirements	Subject to Zoning District Requirements. 40' for parking			
Landscaping/ Buffering/ Screening	New: 7.04.03.A.7 Section 5-653(A). May waive/modify per Sec 5-1409.	New: 7.04.03.A.7 Section 5-653(A). May waive/modify per Sec 5-1409. Section 5-653(B) for parking			
Parking	Section 5-1102	Section 5-1102		New 7.06	
Road/Access	If not on public road, easement permission required.	7.07.01F 2-access points & access location. Permission for easement.		Class I or II access or ZA approval	
Exterior Lighting	New: 7.05.02.C.2 Section 5-652(A)(2)-(3) & 12' max height for parking lot lighting	New: 7.05.02.C.2 Section 5-652(A)(1)-(3) & 12' max height for parking lot lighting		7.05.02.B.1., and 7.05.02.B.7.	
Noise	No outdoor music 11pm-10am Fri. Sat & preceding Holiday. 10p-10a other days	No outdoor music 11pm-10am Fri. Sat & preceding Holiday. 10p-10a other days			
Water/ Wastewater					
Application Rqmts	Proposed??: Sketch Plan <5K sq.ft Site Plan >=5K sq.ft.	Proposed??: Sketch Plan <5K sq.ft Site Plan >=5K sq.ft. &/OR Minor Sp. Exception			
Vehicle/ Equipment					
Permits	Zoning/Bldg & Parties >20	Zoning/Bldg & Parties >50			

2025 USE Category: 2025 Use Standard INTENSITY Level	Food&Bev Sales/Service	Office, Busi & Prof.	Public/Civic/Institutional	Public/Civic/Insti	Industrial/Production
	4.04.14	4.04.19	4.05.02	Former Stds	4.06.09
	LOW	LOW	LOW		LOW/MEDIUM
	Farmer's Market (& Off-site production)	Small Busi Ag & Rural (incl Food Prep)/ Section 5-614	Agricultural Cultural Center / Section 5-634	Rural Corp Retreat/ Section 5-619	Sawmill
No of Guest Rooms		N/A			N/A
Intensity/Size of Use (Min. Lot size)	At least 25% of the products must be derived from agricultural, horticultural, aquacultural, or animal husbandry products produced on site or owned or leased by the operator	<5 ac: 2K sqft 5 - 10 ac: 2.5K sqft 10+ acres: 5K sqft structure or storage plus 1K sq.ft. for each addl 10 ac, not to exceed 15K sq.ft.	Minimum 10 acres FAR 0.04	Minimum 50 acres. 100 users/50 acres. SPEX: >450 users on >200 ac	Min lot size 12 acres
Hours of Operation					6am to 6pm
Daily/Yearly Parties/Attendees		Employees: Max 3: 3- <10ac Max 4: 10- 50ac Max 10: 50+ ac	Assume no regs due to no events permitted.	Approval per Section 5-500, unless facility meets rqmts of Section 5-654 (Road Access Stds) ("Private party" not deemed a "special event")	
Yards		100' for up to 2Ksq.ft. 300' for 2K+sq.ft. <u>500' adjacent to residential.</u> No parking in reqd yard/ setback.	Structures Level I <9Ksqft: 125' Level II >9K-18Ksqft: 175' Level III >18Ksqft: 225'	Min 200' from adjacent properties	L 1: 12 ac, 3.5Ksqf, 225' L 2: 20 ac, 3.5K-5.5Ksqft, 275' L 3: 25ac, >5.5Ksqft, 325'
Landscaping/ Buffering/ Screening	7.04.03.A.7	7.04.03.A.7 for use. 7.04.05 for storage	Section 5-1404.A.6 for use. Section 5-1407 for parking. Section 1406 for storage		
Parking	7.04.06	7.04.06	Section 5-1102. Dust-free surfacing material		
Road/Access		N/A	New: 7.07.01.F Section 5-654: 1-access point & access location		No driveway in buffer
Exterior Lighting		New: 7.05.02.C.2 Section 5-652(A)	New: 7.05.02.C.2 Section 5-652(A)		
Noise		New: 7.05.03.F (applies w/o Ch.4 USS)	New: 7.05.03.F (applies w/o Ch.4 USS)		Max 55dB(A) at property line
Water/ Wastewater		Health Department Approval?			
Application Rqmts		Sketch Plan		Sketch Plan ("accurate drawing of all aspects . . . including the size and dimensions")	
Vehicle/ Equipment		Paved road access for heavy equipment			
Permits					

2025 USE Category: 2025 Use Standard INTENSITY Level	Industrial/Production 4.06.09 LOW/MEDIUM	Agriculture 4.08.01 LOW	Agriculture 4.08.02 LOW	Agriculture 4.08.07 LOW	Agriculture 4.08.08 LOW
	Slaughterhouse	Agriculture, Bona Fide	Agri. Animal Husbandry, Horticulture / Section 5-626	Wayside Stand	Commercial Winery / Section 5-625
No of Guest Rooms	N/A	N/A			N/A
Intensity/Size of Use (Min. Lot size)		Non-Silviculture: Conservation Farm Management Plan, approved by LCS&WCD or USNRCS Silviculture: Forest Management Plan, timber notice, approved roads	No minimum lot size Except: Animal Husbandry on <5ac requires Conservation Farm Plan: structures, grazing, wells, septic	Max 10K sq.ft. structures or FAR .02 (whichever is greater) Accessory products limited to 25% of gross slaes area	Minimum 10 acres. Accessory tasting and food sales (incl kitchen) 49% of gross floor area
Hours of Operation					Hours of operation 10am - 10pm
Daily/Yearly Parties/Attendees					Unlimited?
Yards			60' for structures & storage areas (barns, shed, stables)		125' for use.
Landscaping/ Buffering/ Screening					New: 7.04.03.A.6 Section 5-653(a) for use. Section 5-653(B) for parking
Parking					
Road/Access				Safe ingress/egress entrances/exits to and from public and private roads	New: 7.07.01.F Section 5-654
Exterior Lighting					New: 7.05.02.C.2 Section 5-652(A)
Noise	New: 7.05.03.F (applies w/o Ch.4 USS)				New: 7.05.03.F (applies w/o Ch.4 USS)
Water/ Wastewater					Health Department Approval
Application Rqmts					Site Plan
Vehicle/ Equipment					Paved road access for heavy equipment
Permits					

2025 USE Category: 2025 Use Standard INTENSITY Level	Agriculture 4.08.10 <i>Prior Standards</i>	Agriculture 4.08.12 <i>LOW</i>	
	Equestrian Event Facility Section 5-630	Agricultural Processing	
No of Guest Rooms			
Intensity/Size of Use (Min. Lot size)	Research: 25 ac min, Farm Distrib: 25 ac Eq Evnt Fac: 25ac min, Stable, Liv.: 25 ac min	51% products derived from on-site (Loudoun county??)	
Hours of Operation	Hours 6am-10pm (incl deliveries)		
Daily/Yearly Parties/Attendees	Level I: <200 on 5-25 ac Level II: >200-400, 25-50ac Level III: >400-600, 50-100 ac		
Yards	Level I: 5-25 ac, 60ft Level II: 25-50ac, 120ft Level III: 50-100 ac, 175ft	L1: <5ac, 2Ksqft L2: 10-50 ac, 2.5K sqft L3: >10ac, 5Ksqft + 1K each add'l 10 acres, not exceeding 15K sqft max	
Landscaping/ Buffering/ Screening	Section 5-653(A) for use. Section 5-653(B) for parking. Section 5-653(C) for storage		
Parking	Section 5-1102. Dust-free surfacing material		
Road/Access	New: 7.07.01.F Section 5-654	New: 7.07.01.F Section 5-654	
Exterior Lighting	New: 7.05.02.C.2 Section 5-652(A)	New: 7.05.02.C.2 Section 5-652(A)	
Noise	New: 7.05.03.F (applies w/o Ch.4 USS)	New: 7.05.03.F (applies w/o Ch.4 USS)	
Water/ Wastewater	Health Department Approval?		
Application Rqmts	??		
Vehicle/ Equipment			
Permits			

GENERAL Intensity Categorization

HIGH:

Require Levels I to IV, SPEX

> 200 attendees/traffic impacts

Daily, special event or no limit event use

Traffic/parking/road impacts

Noise/lighting impacts

MEDIUM:

20-200 attendees/traffic impacts

Limited parties or special events

Less Traffic/parking/road impacts

Less Noise/lighting impacts

LOW

Low attendees/employees

Limited parties/events

Less Traffic/parking/road impacts

Less Noise/lighting impacts

LEGEND

NEW Zoning Ordinance Rewrite Section:

4.03 Lodging Uses

4.04 Food & Beverage Sales/Service

4.04 Office/Business & Professional

4.05 Public/Civic/Institutional

4.06 Industrial/Production

4.08 Agriculture Uses

RED boxes - Missing/Absent Regulation

BLUE Boxes - Inconsistent Intensity Regulation



RURAL USES-STANDARDS ISSUES

MOTION –

Apply Consistent 60' Setbacks For Agricultural Uses (until future ZOAM review)

- **Minimum setbacks of 60 feet** in line with other Rural Economy Agriculture Use-Specific Standards that require **60' Setbacks**:
 - 4.08.02 - Agriculture, Horticulture, and Animal Husbandry. 4.08.03
 - Agriculture Support Uses Level I, 5 to 25 acres. 4.08.04 -
 - Agriculture Support Uses (Standalone) Level I, 5 to 25 acres.

WITHOUT consistent minimum setback –

- Results in a **default to 25' to 35'** Zoning District (AR-1/AR-2) setbacks applied to residential uses.



10,800 sqft "ag" building
constructed 25' & 45' from
residential property lines

- VaABC licensed uses have 50' proposed setback (Limited Breweries) or
- NO defined use-specific setbacks (Virginia Farm Wineries, Limited Distilleries.)





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: "This building is EXEMPT from the Uniform Statewide Building Code. Be alert to exists in the event of a fire or other emergencies."
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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.



TOPIC:

Discuss if a definition of “Farm” is needed.

NOTE: The topic as listed by Staff is to discuss the **REASONS** and **JUSTIFICATION** for a definition of “Farm,” not to finalize specific text at this time.

BACKGROUND

In June 2023 the retiring Deputy County Administrator, Charles Yudd, requested assistance to outline the stakeholder perspectives and substantive reasons the Zoning Ordinance Rewrite (ZOR) should include a definition of the word “farm.” A report outlining the **“Findings of Fact and Substantial Reasons for a Loudoun County Definition of ‘Farm’”** was submitted to Mr. Yudd, Mr. Rogers and Mr. Kroboth on August 15, 2023, and to the full Board of Supervisors on Oct. 10, 2023. Because all Western Loudoun issues were pushed to a future ZOAM the report was not reviewed in 2023 and is now recommended for WLRUS review.

The findings were based on the authors direct knowledge of “farm” definition requests since 2015 and direct stakeholder public input as a member of 1) the Zoning Ordinance Committee (ZOC), 2) Rural Economic Development Council (REDC) ZOR Ad hoc Committee, 3) LCPCC Executive Committee ZOR Work Group Chair, 4) Hillsboro Preservation Foundation officer, 5) farm bureau, as well as ZOR support to the Loudoun Chamber and numerous residents by request and owner of a Virginia Century Farm.

The full report can be found here:

[**Findings of Fact and Substantial Reasons for a Loudoun County Definition of “Farm”**](#)



TOPIC: Discuss if a definition of “Farm” is needed.

KEY POINTS FOR WLRUS DISCUSSION (with page reference to full report)

- County Staff and stakeholders have made requests for a definition of “farm” since 2014, confirmed by TLUC in 2019, and Zoning Ordinance Rewrite (ZOR) input since 2020. (p. 4-8)
- Code of VA § 4.1-206.1 VABC manufacturing licensing for Limited Brewery and Limited Distillery to be “located on a farm” on land zoning agricultural and agricultural products used in the manufacture of their beverage are “grown on the farm.” (p. 9-10)
- Terminology Impacts to understanding and “Health, Safety and Welfare” (p. 12)
 - The term “Agriculture” is used to 1) describe farming operations, 2) is a district name and 3) a zoning ordinance chapter heading.
 - “Farm” is used ~330 times in the 2023 zoning ordinance and is used in the name of eight uses.
- Consistency with Loudoun County Land Use Assessment Regulations, 5 acres minimum. (p. 12)
- Use of word “farm” in subdivision, road, business and LLC names causes confusion for approvals. (p.12)
- Business start-up requirements for uses requiring “on-site farming operation.” (p. 13)
- County Attorney Office (CAO) and Sheriff office timing and process disconnect for VABC permits that per Code of VA require the use “on a farm.” Results in VABC license approval before “farm” location is confirmed. (p. 14)
- No annual inspections for crops “grown on the farm” are performed by VABC for Limited Brewery or Limited Distillery after initial site inspection confirming “a plant” for VABC licensing. (p. 14-15).
 - Inaccurate and incomplete information was provided on this subject to the Planning Commission during ZOR review in January – April 2023.
 - *VABC Office of General Counsel reconfirmed (March 2025) that no “farm crop” inspection is done subsequent to VABC license approval for Limited Breweries or Limited Distilleries.² See Appendix IV.*
- Definition of “farm” would clarify definitions of “agricultural operations,” “farming operations.” (p. 15-16)
- Clarify definition of “farm building or structure,” and Farm Management Plan compliance for farm building exemption from Uniform Statewide Building Code, USBC. (p. 17)
- Relieve Loudoun Soil & Water Conservation District from quasi-regulatory role of approving or denying a “farm plan,” or an applicant committing perjury, for requests to bypass USBC when no apparent farming or ag operation are present. (p.18)
- Remove a subjective “self-declaration” of being a “farm” to invoke Right to Farm, without farming. (p. 19)
- Assists financial review and compliance for Internal Revenue Code and mortgage loan requirements. (p. 20-21)

² [Virginia ABC Inspection reports](#) and [VABC GO Procedures](#)



APPENDIX III: INSPECTIONS

The following information relates to WLRUS topics for April 2025 (Agriculture/Farm definition) and June 2025 (VABC Uses).

FINDINGS OF FACT:

No initial or ongoing/annual verification of Code of VA § 4.1-206.1 VABC manufacturing licensing for Limited Brewery and Limited Distillery is performed by VABC, VDACS or Loudoun County to confirm the Use is

- **“located on a farm” on land zoning agricultural and**
 - **agricultural products used in the manufacture of their beverage are “grown on the farm.”**
- This information supports a definition of “farm” for permitting and enforcement purposes.**

• VIRGINIA ABC Licensing Requirements, Inspections & Renewals:

Information provided to the Planning Commission during their ZOR subcommittee meetings in March and April 2023 was inaccurate and incomplete (*view webcast: April 10, 2023*³)

VABC License Requirements

- VABC license application requires a “*diagram of space to be licensed*” that does not specify crops.
- Limited Brewery (LB) and Limited Distillery (LD) VABC license application require *self-reported* response to “*Are you qualified to be a limited brewery / distillery ?*”⁴ (VABC license appl, p. 7)
- Only Farm Winery license application requires quantity of products grown and acres (Appl. p.8)

VABC Inspections & Renewals

Planning Commissioner Vance asked (4/10/2023) if VABC uses in Loudoun are inspected annually for products grown. The response given was, “Yes,” however, that response *only* applies for farm wineries:

- VABC Office of General Counsel confirmed (Sept. 2023 and March 2025) that no “farm crop” inspection is done after VABC license approval for Limited Breweries or Limited Distilleries.⁵
- Annual crop inspection requirements are *only* performed for Farm Wineries by the Code of VA licensing (see inspection reports).

• Loudoun County Planning & Zoning Applications

- No sketch or site plan is required from LC Zoning to confirm “farm crop” production or location per Code of Virginia licensing for Limited Breweries or Limited Distilleries.
- Farm Winery VABC licensing confirms crop requirements for licensing.

• Loudoun County & VDACS Inspections:

- Loudoun County Health Department and Virginia Department of Agriculture and Consumer Services (VDACS) perform *food service* inspections, *not agriculture crop or farming inspections*.
- LC Food Service Regulations <https://www.loudoun.gov/1367/Restaurants-Food-Service>

³ Planning Commission webcast, April 10, 2023: https://loudoun.granicus.com/player/clip/7239?view_id=90&redirect=true

⁴ [VABC Industry License Application, p. 7](#)

⁵ [Virginia ABC Inspection reports](#) and [VABC GO Procedures](#)

VABC INSPECTION FORM VERIFICATION

From: **Helen Gordon** <helen.gordon@virginiaabc.com>

Date: Thu, Mar 20, 2025 at 4:14 PM

Subject: RE: FOLLOW-UP Confirmation Request for VaABC Forms and Documents received

To: Maura Walsh-Copeland <Maura@walsh-copelandconsulting.com>

Good afternoon Ms. Walsh-Copeland,

Assistant Special Agent in Charge John O'Connell has confirmed that the forms you have are the most current forms.

Helen H. Gordon | Senior Paralegal | Office of Legal Counsel

Office: (804) 213-4688 | Fax: (804) 494-8022 | helen.gordon@virginiaabc.com

Virginia ABC | 7450 Freight Way, Mechanicsville, Virginia 23116

www.abc.virginia.gov

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From: Maura Walsh-Copeland <Maura@walsh-copelandconsulting.com>

Sent: Thursday, March 20, 2025 2:28 PM

To: MeaghanOBrien@virginiaabc.com

Subject: FOLLOW-UP Confirmation Request for VaABC Forms and Documents received

Meaghan,

I was very thankful for the quick and complete response to questions originally presented to Marc Haalman and responded to by your office in September 2023. The information was extremely helpful.

As a follow-up,

- I would appreciate confirmation that the attached inspection forms and GO procedure documents received are still **THE MOST CURRENT VERSIONS.**
- If any have been updated since receipt in September, 2023 I would appreciate receiving the revised versions.

Thank you, again, for all your help!

Maura Walsh-Copeland



Walsh-Copeland Consulting, LLC

VABC 2025 & Inspection Forms



Brewery Inspection.pdf
1289K



Winery Inspection.pdf
1290K



Distillery Inspection.pdf
1288K



Site Visit Form.pdf
66K

VABC GO Procedures



G.O. 101 - Organizational Structure, Duties and Responsibilities 06.19.15.pdf
311K



G.O. 500 - Underage Buyer Operations 06.19.15.pdf
357K



G.O. 501 - Licensee Inspections 06.19.15.pdf
336K



G.O. 502 - Alcoholic Beverage License Applications 06.19.15.pdf
495K



G.O. 503 - Banquet.Special Event Application Investigations 06.19.15.pdf
313K



G.O. 100 - Organizational Philosophy 06.19.15.pdf
270K



Virginia Alcoholic Beverage Control Authority
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COMPLIANCE INSPECTION REPORT

LICENSEE INFORMATION

License Number: _____ Region: _____
T/A: _____ Agent: _____
Address: _____ Inspection Date: From: ____/____/____ To: ____/____/____
Phone Number: _____-_____-____ Inspection Time: From: _____ To: _____

By signing this statement, I am acknowledging my express consent to Special Agent(s) of the Virginia Alcoholic Beverage Control Authority to conduct a complete inspection of the licensed premises to include examining and inspecting such place and all records, invoices, and accounts therein in accordance with the provisions of §4.1-204 and 3VAC5-70-90 of the Code of Virginia.

Licensee (signature): _____ (print): _____

☐ NO VIOLATIONS NOTED ☐ VIOLATIONS NOTED

INSPECTION INFORMATION

	YES	NO
ABC License Posted		
Designated Manager Posted		
Other Local/State/Federal Licenses/Permits Verified		
Ownership Correct		
Physical Address Correct		
Business Entity Address Correct		
Trade Name Correct		
If any answer is NO, explain		

Comments/Suggestions: _____ Compliance/Issues: _____

Licensee (signature): _____ (print): _____

Agent (signature): _____ (print): _____

COMPLIANCE INSPECTION REPORT: WINERY

LICENSE NUMBER:

TRADE NAME:

Property & equipment owner

Property size

Adequate equipment for fermenting, bottling & storage a maximum capacity of approx. gallons of wine annually. Y/N

Bonded area locations

Sales records for onsite sales for which month?

Total Distilled Spirits production for the years in gallons (or liters)

Agricultural Product used for the fermentation of wine- Grapes owned by Licensee

Agricultural Product used for the fermentation of wine- Grapes grown in VA under lease

Agricultural Product used for the fermentation of wine- Grapes purchased in VA- Not under lease

Agricultural Product used for the fermentation of wine- Grapes purchased out of state

Invoices to retail space reviewed? Y/N

ABC Excise Tax Reports reviewed? Y/N

TTB Production Reports reviewed? Y/N

Delivery/Shipper Reports reviewed? Y/N

Areas of consumption on property

Is there a tasting room at location? Y/N

Is there a restaurant at location? Y/N

Is food available? Y/N

ABC Designated Managers List posted? Y/N

ABC License(s) posted? Y/N

Other wine available other than that produced by that farm winery? Y/N

Keg Books reviewed Y/N

Authorized Distributors?

Wholesale invoices reviewed? Y/N

Does the Farm Winery engage in Contract Wine making for other Wineries? Y/N/N/A

Does the Farm Winery engage in contract Wine making with another Farm Winery to produce wine? Y/N/N/A

Agreements reviewed Y/N

Does the licensee have entertainment expenses to retailers? Y/N

Records reviewed? Y/N

Samplings Conducted at retail establishments? Y/N

Expense reports for sales/marketing reviewed? Y/N

POS Materials? Y/N



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SITE VISIT FORM

APPLICANT INFORMATION

Application #: _____ License Type: _____
T/A: _____ Agent: _____ Region: _____
Address: _____ Site Visit Date: ____/____/____
Phone Number: ____-____-____ Site Visit Time: From: ____ To: ____

By signing this statement, I am acknowledging my express consent to Special Agent(s) of the Virginia Alcoholic Beverage Control Authority to conduct, as a pre-requisite to licensure, a complete site visit of the above-listed premises to include examining and evaluating such place, inventory, records, and all applicable qualifying items.

Applicant (signature): _____ (print): _____

- ☐ REVIEWED REQUIREMENTS, LAWS, AND REGULATIONS ASSOCIATED WITH THE LICENSE
- ☐ INCOMPLETE/UNDER CONSTRUCTION ☐ FOLLOW-UP VISIT SCHEDULED
- ☐ APPLICANT HAS MET ALL REQUIREMENTS TO SUPPORT ISSUANCE OF THE LICENSE
- ☐ DEFICIENCIES NOTED

DEFICIENCIES/REMARKS/CORRECTIONS

1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

Comments/Suggestions: _____

Applicant (signature): _____ (print): _____

Agent (signature): _____ (print): _____



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COMPLIANCE INSPECTION REPORT

LICENSEE INFORMATION

License Number: _____ Region: _____
T/A: _____ Agent: _____
Address: _____ Inspection Date: From: ____/____/____ To: ____/____/____
Phone Number: _____-_____-____ Inspection Time: From: _____ To: _____

By signing this statement, I am acknowledging my express consent to Special Agent(s) of the Virginia Alcoholic Beverage Control Authority to conduct a complete inspection of the licensed premises to include examining and inspecting such place and all records, invoices, and accounts therein in accordance with the provisions of §4.1-204 and 3VAC5-70-90 of the Code of Virginia.

Licensee (signature): _____ (print): _____

☐ NO VIOLATIONS NOTED ☐ VIOLATIONS NOTED

INSPECTION INFORMATION

	YES	NO
ABC License Posted		
Designated Manager Posted		
Other Local/State/Federal Licenses/Permits Verified		
Ownership Correct		
Physical Address Correct		
Business Entity Address Correct		
Trade Name Correct		
If any answer is NO, explain		

Comments/Suggestions: _____ Compliance/Issues: _____

Licensee (signature): _____ (print): _____

Agent (signature): _____ (print): _____

COMPLIANCE INSPECTION REPORT: BREWERY

LICENSE NUMBER:

TRADE NAME:

Property & equipment owner

Property size

Adequate equipment for fermenting, bottling and storing a maximum capacity of approx. gallons of beer annually Y/N

Bonded area locations

Areas of consumption on property

Is there a tasting/tap room? Y/N

Is there a restaurant at location? Y/N

Is food available? Y/N

ABC Designated Managers List posted? Y/N

ABC License(s) posted? Y/N

Other beer available other than that produced by that brewery? Y/N

Keg Books reviewed Y/N

Sales records for on site sales for which month?

Total beer production for the year in gallons (or liters)

Invoices to retail space reviewed? Y/N

ABC Excise Tax Reports reviewed? Y/N

TTB Production Reports reviewed? Y/N

Delivery/Shipper Reports reviewed? (If applicable) Y/N

Bonded Transfers from other Breweries Y/N

Authorized Distributors? Y/N

Wholesale invoices reviewed? Y/N

Product Approvals reviewed? Y/N

Random Sample Product

Product Approval Obtained? Y/N

Certificate of Label Approval? Y/N

Does the licensee have entertainment expenses to retailers? Y/N

Records reviewed? Y/N

Samplings Conducted at retail establishments? Y/N

Expense reports for sales/marketing reviewed? Y/N

POS Materials? Y/N

Does the Brewery engage in Contract Brewing for other Breweries? Y/N

Agreements reviewed Y/N



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COMPLIANCE INSPECTION REPORT

LICENSEE INFORMATION

License Number: _____ Region: _____
T/A: _____ Agent: _____
Address: _____ Inspection Date: From: ____/____/____ To: ____/____/____
Phone Number: _____-_____-____ Inspection Time: From: _____ To: _____

By signing this statement, I am acknowledging my express consent to Special Agent(s) of the Virginia Alcoholic Beverage Control Authority to conduct a complete inspection of the licensed premises to include examining and inspecting such place and all records, invoices, and accounts therein in accordance with the provisions of §4.1-204 and 3VAC5-70-90 of the Code of Virginia.

Licensee (signature): _____ (print): _____

☐ NO VIOLATIONS NOTED ☐ VIOLATIONS NOTED

INSPECTION INFORMATION

	YES	NO
ABC License Posted		
Designated Manager Posted		
Other Local/State/Federal Licenses/Permits Verified		
Ownership Correct		
Physical Address Correct		
Business Entity Address Correct		
Trade Name Correct		
If any answer is NO, explain		

Comments/Suggestions: _____ Compliance/Issues: _____

Licensee (signature): _____ (print): _____

Agent (signature): _____ (print): _____

COMPLIANCE INSPECTION REPORT: DISTILLERY

LICENSE NUMBER:

TRADE NAME:

Property & equipment owner

Property size

Adequate equipment for distilling a maximum capacity of approx. gallons of distilled spirits annually
Y/N

Bonded area locations

ABC License(s) posted? Y/N

Cash register Y/N

Computer/Internet Connection Y/N

Valid Business email address and telephone Y/N

Any changes to the approved distillery store layout? Y/N

"Do Not Sell" Stickers affixed to counter at the point of sale? Y/N

Hours of Operation

Store tastings conducted Y/N

Fee charged for participating Y/N

Amount charged?

Sampling area location

Sales records for onsite sales for which month

Total Distilled Spirits production for the year in gallons (or liters)

TTB Production Reports reviewed? Y/N

Bonded Transfers from other Distilleries Y/N

Licensee engaged in distilling for Wineries Y/N

Records Reviewed? Y/N

Licensee engaged in selling to Mixed Beverage Licensees? Y/N

Licensee Order Forms Reviewed Y/N

Does the licensee have entertainment expenses for retailers? Y/N

Samplings Conducted at retail establishments? Y/N

POS Materials? Y/N

Expense reports for sales/marketing reviewed? Y/N

Solicitors Salesman Permits reviewed? Y/N



APPENDIX IV:

LINK: Findings of Fact and Substantial Reasons for a Loudoun County Definition of "Farm"

From: **Maura Walsh-Copeland** <Maura@walsh-copelandconsulting.com>
Date: Tue, Oct 10, 2023 at 8:00 AM
Subject: WCC REPORT: "Findings of Fact and Substantial Reasons for a Definition of Farm" -- prepared for Charles Yudd, 8-15-2023
To: Phyllis Randall <Phyllis.Randall@loudoun.gov>, Koran Saines <Koran.Saines@loudoun.gov>, Juli Briskman <Juli.Briskman@loudoun.gov>, Sylvia Glass <Sylvia.Glass@loudoun.gov>, Matthew Letourneau <Matt.Letourneau@loudoun.gov>, Kristen Umstattd <Kristen.Umstattd@loudoun.gov>
Cc: Rogers, Matt <matt.rogers@loudoun.gov>, Laura TeKrony <laura.tekrony@loudoun.gov>, Maple, Christi <Christi.Maple@loudoun.gov>, Ivey, Tianni <Tianni.Ivey@loudoun.gov>, <Ethan.Gardner@loudoun.gov>, <aman.ardalan@loudoun.gov>, Mai, Rachael <Rachael.Mai@loudoun.gov>, Gicker, Joel <Joel.Gicker@loudoun.gov>, Erwin, Kent <Kent.Erwin@loudoun.gov>, Parker, Tom <tom.parker@loudoun.gov>, Suzdak, Valerie <Valerie.Suzdak@loudoun.gov>, Turner, Mike <Mike.Turner@loudoun.gov>

Thank you for meeting with Stakeholder 5 & 6 representatives to review motions that may appear at the Thursday Oct. 12th OR the Oct 30th Chapter 12 Definitions BOS ZOR Committee of the Whole meeting.

For your reference, attached is an electronic copy of the "Findings of Fact and Substantial Reasons for a Loudoun County Definition of Farm" report requested by Charles Yudd in June 2023 and presented on his last day with Loudoun County, with copies to Mr. Kroboth and Mr. Rogers.

NOTE: Two versions are attached:

- Full copy (received by Staff)
- Excerpt that covers the primary points as discussed with Mr. Turner on September 29th in preparation for October motions and discussions.

I am available to address any questions you may have on the case study report or findings.

Maura



Walsh-Copeland Consulting, LLC

----- Forwarded message -----

From: **Maura Walsh-Copeland** <Maura@walsh-copelandconsulting.com>
Date: Tue, Aug 15, 2023 at 8:00 AM
Subject: "Definition of Farm" WCC Report -- Yudd Retirement "Gift"
To: Yudd, Charles <Charles.yudd@loudoun.gov>
Cc: Kroboth, Joe <Joe.Kroboth@loudoun.gov>, Rogers, Leo <Leo.Rogers@loudoun.gov>

Charles,

Please consider the attached, "Findings of Fact and Substantial Reasons for a Loudoun County Definition of 'Farm,'" report as a *retirement gift* -- one that you asked for, but may not have been expecting today. My hope is that you will "re-gift" it to the County with your agreement to be considered -- while you are off exploring your new adventures beyond Loudoun County Administration.

Again, Charles, thank you for asking for my assistance to clarify this long-standing request and point of inquiry. The goal is to provide Staff as much information as needed -- whether a definition of "farm" is included in ZOR (which is preferred) or in a future ZOAM. See you at your farewell tomorrow (I wouldn't miss it!).

Best regards,

Maura



Walsh-Copeland Consulting, LLC



Findings of Fact and Substantial Reasons for a Loudoun County Definition of “Farm”



Prepared by: Maura Walsh-Copeland



August 15, 2023

Findings of Fact and Substantial Reasons for a Definition of “Farm”

Abstract

“Agriculture” in Loudoun County is not the same as it was 20 years ago when the primary operations were crops, livestock including dairy, horticulture, and silviculture. Since the last zoning ordinance update in 2006, agriculture has dramatically changed with the addition of new uses and business models for tourism and sustainable agritourism operations. Supported by the plain language of the Code of Virginia, only being located in a district labeled “Agricultural” does not sufficiently define “farm” or “farming” requirements for agricultural products and production in the current zoning ordinance rewrite. Requests for a definition of “farm” were first raised by County Staff in 2014 with the introduction of new State licensed uses, and the 2016 approval of many new uses in Agricultural Rural districts.

A definition of “farm” would assist compliance review for Code of Virginia Right to Farm regulations, VaABC licensing, zoning ordinance requirements, Planning and Zoning permit, location, and application review, zoning enforcement, and Building and Development application and exemption requirements. A definition would better protect the County from potential legal jeopardy of non-compliance with Code of Virginia or approval of applications without bona fide agricultural operations, and provide clarity for Internal Revenue Code, financial and insurance regulations. A definition would also relieve an external organization from quasi-regulatory actions and protect individuals from making potentially perjurious statements.

Actions taken to complete this report included review of Code of Virginia regulations, Board of Supervisor advisory group and public input submitted through the Zoning Ordinance Rewrite since 2020, and direct input from subject matter experts. The findings of fact and substantial reasons applied the standard of review such that a reasonable mind would accept the information provided as adequate to support a conclusion. Of note, the input for this report covers a wide array of substantial reasons, none of which intend or will cause existing operations that are legal today to be closed. The follow-on phase would be to obtain agreement to work with the County Attorney’s Office to review and address any specific legal or definition “conflicts” as outlined the County Staff’s July 26th Board of Supervisors Public Hearing Packet.

Author Note

In June 2023 the retiring Deputy County Administrator, Charles Yudd, requested assistance to outline the stakeholder perspectives and substantive reasons the Zoning Ordinance Rewrite (ZOR) should include a definition of the word “farm.” The author is directly aware of definition requests since 2015 and has compiled this report input in a management consulting intermediary capacity across stakeholder positions held. The author’s background and select qualifications for compiling this report include:

- MBA, Management Consultant with consulting engagement expertise in zoning analysis, legal review, and public input program management,
- Member of the Zoning Ordinance Committee (ZOC) and Rural Economic Development Council (REDC) ZOR Ad hoc Committee Board of Supervisory Advisory Groups,
- LCPCC Executive Committee member, ZOR Work Group Chair, and Hillsboro Preservation Foundation officer,
- Member of the Purcellville Business Association and Greater Hillsboro Business Alliance,
- Farm Bureau member, co-owner of a Virginia Century Farm (operated by the same family for over 255 years).

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SECTION 1: FINDINGS OF FACT

CHRONOLOGY OF REQUESTS FOR A DEFINITION OF “FARM”

1. Prior Loudoun County Staff and Supervisor Requests for Definition of “Farm.”

- a. As early as 2014 the Department of Planning and Zoning (DPZ) Staff outlined factors to be considered for uses that would be permitted by-right “*on a farm*.” DPZ highlighted that 2014 adopted State legislation for uses on a farm did not equally require a minimum acreage for the farm or specify the percentage of agricultural products that must originate on the farm¹
- b. During data gathering for a 2017 case study titled, “*The Problem with Permits*”² Loudoun County staff from multiple departments and Virginia State agencies stated a definition of “farm” would assist in the permit evaluation and enforcement of uses, plans, and structures that are required to be directly associated with a “farm” and farming operations.

2. Board of Supervisor Requests for Definition of “Farm”

The Transportation Land Use Committee (TLUC) October 15, 2019 packet for *Rural Uses and Performance Standards Phase 3 ZOAM* included the following text/requests³

- a. October 15, 2019 TLUC Text
Agricultural Operations
Proposal: Add new “Agricultural Operation,” “Agricultural Products,” and “Farm” definitions. Comments: The Zoning Ordinance currently does not define the terms Agricultural Operation, Agricultural Products, or Farm; however, these terms are consistently referenced throughout the Zoning Ordinance. Code of Virginia statutes that apply to certain agricultural activities and local regulation of such agricultural activities (e.g., Limited Distillery, Limited Brewery, Farm Winery, and Agricultural Processing) also reference these terms. The proposed amendment intends to establish new definitions for these terms in order to: 1) clarify the distinction between the types of agricultural properties and functions, 2) maintain consistency with the Code of Virginia, and 3) ensure that these terms are used consistently in the Zoning Ordinance. Recommendations: REDC, ZOAG, and Visit Loudoun recommend the Phase 3 ZOAM includes definitions for the above terms “Agricultural Operation,” “Agricultural Products,” and “Farm”. (emphasis added).
- b. The Board of Supervisors (BOS) November 21, 2019 Action Report included the approval for the Resolution of Intent to Amend (ROIA) the Rural Uses and Performance Standards Phase 3 Zoning Ordinance Amendment.⁴

¹ [ZOAM-2014-0003 Department of Community Planning Referral, August 8, 2014](#)

² Contracted consulting engagement conducted by Walsh-Copeland Consulting LLC

³ [Item 06 Rural Uses Standards Phase 3.pdf](#)

⁴ [11-21-19 Business Meeting Minutes .pdf](#)

3. Public Input Comments and Support for a Definition of “Farm” – 2020 to 2023

Throughout the Zoning Ordinance Rewrite requests were made for a definition of “farm” by multiple public input stakeholders and BOS Advisory Groups (Zoning Ordinance Action Group/Zoning Ordinance Committee and Rural Economic Development Council), with justifications stated as

a. Zoning Ordinance Rewrite 2021 Public Input Round Two⁵

The lack of a clear definition of what a “Farm” really is or is not in Loudoun County has caused inconsistent determinations for uses, abuse from applicants, and confusion for residents throughout the county. With the ever-diminishing actual “farm” and “farmland” throughout the County, a definition must be determined if the Rural Policy Area and Rural Tourism are to be protected as stated in the 2019 Comprehensive Plan.

b. Zoning Ordinance Committee Input. A definition of Farm was discussed by the ZOR Subcommittee with a majority vote by the full ZOC to approve ⁶

*“Agricultural” use should require a recognizable level of farming on-site,” and
“Agricultural” uses should require conservation of farmed areas on-site.*

c. Rural Economic Development Council April 2022 90-Day Public Input⁷ and comments on April 2022 draft definition included that,

“The definition of “farm” should be amended such that processing by itself does not define a farm. Processing should be eliminated from the ‘Farm’ definition.”

*Because Agricultural Processing is a separate use, there is no need to include
“processing” in the definition of “farm.”*

Business uses allowed on Farms not currently covered by an agricultural production requirement should as best practice have a farm plan identifying what crops would be suitable for the property and acreage assigned as part of their process.

CHRONOLOGY OF “FARM” DEFINITIONS DURING ZONING ORDINANCE REWRITE ZOR Draft definitions of Farm and Public Input – 2020 to 2023

4. Prior 1993 Zoning Ordinance definition of Farm

The definition of “farm” included in the zoning ordinance was part of the definition of Brewery Limited in final approval 2015.

⁵ Zoning Ordinance Rewrite [Public Input - Round Two.Pdf](#)

⁶ [ZOC Findings & Recommendations Report-July-2022](#)

⁷ [REDC July 15 2022 Zoning Ordinance Rewrite Public Input, \(PDF p. 424\).](#)

- a. The initial definition for the September 16, 2014, Planning Commission Public Hearing ZOAM 2014-0003 and BOS November 14, 2014 Public Hearing did not include a definition of “farm.”

Brewery, Limited: A brewery licensed as a limited brewery and is located on a farm in the Commonwealth on land zoned agricultural.

- b. The new use definition was revised at the November 21, 2014, TLUC meeting⁸ to add the 10 acre minimum owned or leased, with undetermined notice or comments by the public prior to approval at the January 21, 2015 BOS Board Meeting.

Brewery, Limited: A brewery licensed as a Limited Brewery in accordance with Section 4.1-208 of the Code of Virginia, as amended, and located on a farm in the Commonwealth on land zoned agricultural. For the purposes of this definition, “farm” shall be defined as one or more contiguous parcels of land, totaling a minimum of 10 acres in size, owned or leased by such licensed limited brewery. (Underline added)

5. Staff April 2022 proposed definition of “Farm” for ZOC and public input review⁹

- a. The following definition was proposed by Staff in April 2022 with the assumed review by the County Attorney’s Office to meet their requirements to address parcels that were adjacent or contiguous and under the same ownership.

***Farm:** An agricultural use of one or more parcels of land, whether abutting or not, having a minimum of 5 acres and operated under the same ownership or stewardship, used for the production, cultivation, growing, harvesting or processing of agricultural or horticultural products or for animal husbandry purposes. Also reference “Agriculture, Bona Fide.*

- b. Rural Economic Development Council (REDC) and Stakeholder January 2023 comments from ZOR public input files¹⁰ commented that,

The definition of “farm” should be amended such that “processing” by itself does not define a farm. This was done, however the Jan. 2023 edits removed actual “farm” activities.

Because “agricultural processing” is a separate use, there is no need to include “processing” in the definition of farm. Delete the word “processing” from the definition.¹¹

⁸ [11-21-14 TLUC Meeting Summary.pdf](#)

⁹ [2022-04-26 ZORW Subcommittee Use Standards, p.5](#)

¹⁰ [ZOR Comments on the Draft Zoning Ordinance files](#)

¹¹ <https://www.loudoun.gov/DocumentCenter/View/172777/2-Online-Form-Comments>, p. 5, <https://www.loudoun.gov/DocumentCenter/View/172779/4-Emails>, Walsh Family Winery, p. 14; stakeholder organizations and multiple citizens.

Current Proposed [Jan. 2023] Definition of "Farm" states, "One or more adjacent or contiguous parcels of land, having a minimum of 5 acres and operated under the same ownership or stewardship, used for agriculture or animal husbandry uses.

ISSUE: Replacing the ag-specific activities with "Agriculture" would broaden the definition beyond the initial true intent of "farming" not just "ag use." Return to the original [April 2022] identification of farming-related activities.

The REDC and stakeholder comments regarding the exclusion of "processing" is supported by the definition of "production agriculture" as defined in § 3.2-300 (see below).

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. (emphasis added)

6. Staff January 2023 definition of "Farm" for Planning Commission work session discussions¹²

- a. The following definition was proposed by County ZOR Staff for Planning Commission review, with assumed review by the County Attorney's Office.

Farm: *One or more adjacent or contiguous parcels of land having a minimum total size of 5 acres and operated under the same ownership or stewardship, used for agriculture or for animal husbandry.*

Although the Farm Bureau initially was concerned about the 5-acre minimum in public comments, it was pointed out that the requirement is the same as the 1993 Zoning Ordinance that allows smaller agricultural operations to obtain a Conservation Farm Management Plan for parcels less than 5 acres. The Farm Bureau then rescinded their concern with a letter of support from multiple stakeholder organizations.¹³

- b. An alternate definition of "Farm" was suggested, however as Code of VA § 46.2-698 pertains to registration of "farm" vehicles this definition may not be wholly sufficient as a zoning ordinance definition.

Code of VA § 46.2-698. C. As used in this section, the term "farm" means one or more areas of land used for the production, cultivation, growing, or harvesting of agricultural products, but does not include a tree farm that is not also a nursery or Christmas tree farm, unless it is part of what otherwise is a farm. As used in this section, the term "agricultural products" means any nursery plants; Christmas trees; horticultural, viticultural, and other cultivated plants and crops; aquaculture; dairy; livestock; poultry; bee; or other farm products.

¹² [Item 1 - Draft Zoning Ordinance .pdf](#), p. 362, Planning Commission 1/24/2023 Public Hearing

¹³ <https://www.loudoun.gov/DocumentCenter/View/172778/3-Letters---Organizational-Statements>

(Piedmont Environmental Foundation, Friends of the Blue Ridge Mountains, Loudoun County Farm Bureau, Loudoun Wildlife Conservancy, Save Rural Loudoun, Hillsboro Preservation Foundation, Virginia Piedmont Heritage Area Association, Blueridge Mountain Civic Association)

7. The April 2023 definition of “Farm”

- a. A definition based on Code of Virginia §3.2-6400, included in a letter from Visit Loudoun¹⁴ and referenced by a citizen/winery owner report¹⁵, references the January 12, 2023 opinion by Jason S. Miyares Virginia Attorney General advisory opinion¹⁶ for “*short-term rental accommodation at an operating farm:*”

A “farm or ranch” is “one or more areas of land used for the production, cultivation, growing, harvesting or processing of agricultural products.”

- b. Visit Loudoun commented that, “*The ‘processing of agricultural products’ is a part of the definition of ‘farm’ in addition to ‘cultivation, growing, harvesting’ so limiting it to only one element of the definition is too narrow in scope,*” with reference to “beer” production.

The Code of Virginia §4.1.206 provides for “*Manufacturer licenses.*” The word “processing” is not used in Code of Virginia §4.1.206 (Distiller, Limited Distiller, Brewery, Limited Brewery, Winery, and Farm Winery manufacturer licenses).

RELEVANT CODE OF VIRGINIA CITATIONS OF “FARM”

8. Code of Virginia § 3.2-6400 Definition of “Farm or Ranch”

- a. Section 3.2-6400 of the Code of Virginia¹⁷ pertains to “*Agritourism Activity Liability*” definitions, under Title 3.2 Agriculture, Animal Care and Food, Subtitle V. Domestic Animals.

The purpose of this section is to define agritourism liability to the public and the notice requirements informing the public of inherent risks of agritourism activities, including the potential for injury or death, and that patrons are assuming the risk of participating in agritourism activity.

The signs and contracts described in subsection A shall contain the following notice: “WARNING” or “ATTENTION” followed by “Under Virginia law, there is no liability for an injury to or death of a participant in an agritourism activity conducted at this agritourism location if such injury or death results from the inherent risks of the agritourism activity. Inherent risks of agritourism activities include, among others, risks of injury inherent to land, equipment, and animals, as well as the potential for you to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this agritourism activity.”

- b. In discussion with the County Attorney’s Office on July 10, 2023, this definition would be insufficient for use as a zoning ordinance definition of “farm.”

¹⁴ Visit Loudoun April 8, 2023 letter, Subject: Planning Commission Subcommittee re: Chapter 3 Uses, Chapter 4 Use-Specific Standards and Chapter 13 Definitions.

¹⁵ [ZOR Public Input Letters, dated April 19, 2023, Steve Bozzo, Bozzo Family Vineyards](#)

¹⁶ [Kemper M. Beasley III, Esquire, 2023 WO 220315 \(Va.A.G\), January 12, 2023](#)

¹⁷ [Code of Virginia §3.2-6400](#)

9. Code of Virginia § 46.2-698.C. Definition of “Farm”

As indicated above, the definition of “Farm” from this section of the Code of Virginia pertains to registration of “farm” vehicles. As such, this definition may not be viewed as be wholly sufficient as a zoning ordinance definition by the County Attorney’s Office.

10. Code of Virginia § 36-97 and VAC 13VAC5-63-200 “Farm Building or Structure”¹⁸

Relevant to a review of “Farm,” is the use of the word to determine the application of building codes. In these sections the definition (with emphasis added) is:

*“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**.*

11. Code of Virginia § 15.2-2288.6 applies to “Agricultural Operations” as defined in § 3.2-300

“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.

12. Code of Virginia § 4.1-206.1 – “Farm” location requirements for VaABC Licensed Uses

The Code of Virginia 4.1-206.1 states Virginia ABC may grant manufacturer licenses to

a. Limited distiller's:

*“to distilleries that (i) are **located on a farm** in the Commonwealth **on land zoned agricultural** and owned or leased by such distillery or its owner **and** (ii) use agricultural products that are grown on the farm in the manufacture of their alcoholic beverages.”*

¹⁸ [Code of Virginia §36-97](#)

b. Limited breweries:

*“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.”*

c. Farm Winery license:

“designated either as a Class I, Class II, Class III, or Class IV farm winery license in accordance with the limitations revised as of July 1, 2023 set forth in § [4.1-219](#).

The original 2006 §4.1-100 Farm Winery Definition included, “(i) **located on a farm** in the Commonwealth with a producing vineyard, orchard, or similar growing area” This definition was revised (SB 983, July 1, 2023) with “located on a farm” removed as the term “farm” is already referenced in the licensed use name and the new Class levels by their requirements meet the requirements of a “farm.”

13. Code of Virginia § 36-98.4 and Senate Bill 1305. Agritourism event buildings

- a. This regulation has been referenced during ZOR public comment as having direct impact to the establishment of a definition of “farm.” However, the actual language only authorizes a committee for review during the 2023 legislative session without any direct decisions on building code changes.

The Board shall appoint an Agritourism Event Structure Technical Advisory Committee, consisting of nine members. The nine members shall be appointed one each from the following: Virginia Farm Bureau Federation, the Virginia Agribusiness Council, the Virginia Wineries Association, the Virginia Craft Brewers Guild, a craft beverage manufacturer, the Virginia Association of Counties, the Virginia Fire Prevention Association, the Virginia Fire Services Board, and the Virginia Building and Code Officials Association.

- b. The result of the committee will continue the work for Senate Bill 1305 Farm buildings and structures and building code exemptions¹⁹ for Agritourism Event Buildings to establish a less stringent code requirement to accommodate “products produced on the farm.” The bill summary states,

Farm buildings and structures; building code exemptions. Requires farm buildings and structures where the public is invited to enter and that are used for storage, handling, production, display, sampling, or sale of agricultural, horticultural, floricultural, or silvicultural ***products produced on the farm*** and that are exempt from the Uniform Statewide Building Code (the building code) to have (i) portable fire extinguishers, (ii) a simple written plan in case of an emergency, and (iii) a sign posted in a conspicuous place upon entry that states that the building is exempt from the provisions of the building code. The bill also directs the Agritourism Event Structure Technical Advisory Committee to meet at least four times between the 2023 and 2024 Regular Sessions of the General Assembly and provides guidance to the Committee on topics to be considered related to fire safety and the welfare of the general public.

¹⁹ [Virginia 2023 session SB 1305 Farm buildings and structures; building code exemptions](#)

14. Virginia ABC-Related Legislation Effective July 1, 2023, Winery and Farm Winery

- a. This law (Senate Bill 983²⁰) made changes to the privileges of and requirements for winery and farm winery licenses. Such changes relate to the characteristics of and tasks to be performed on the licensed premises, license qualifications, manufacturing and sale requirements and limitations, and utilization of contract winemaking services.
- b. SB 983 made no changes to Limited Brewery or Limited Distiller regulations; only winery and Farm Winery regulations and privileges were modified.
- c. SB 983 also applied applicability rules stating,

any person that holds a farm winery license that was applied for prior to July 1, 2023, and granted prior to January 1, 2024, by the Board of Directors of the Virginia Alcoholic Beverage Control Authority shall, until July 1, 2028,

(i) be exempt from the requirements created by this act in §§ 4.1-219 and 4.1-231.1 of the Code of Virginia and

(ii) remain subject to the requirements of §§ 4.1-219 and 4.1-231.1 of the Code of Virginia as those sections were in effect on June 30, 2023.

²⁰ [Senate Bill 983](#)

SECTION 2: SUBSTANTIAL REASONS FOR DEFINITION OF “FARM”

IMPACTS TO UNDERSTANDING AND HEALTH, SAFETY AND WELFARE

15. Clarity for uses of the word “Farm” versus “Agriculture”

- a. The term “Agriculture” is used not only to describe the activities of a farming operation, but also as a district name (“Agricultural Rural 1 and Agricultural Rural 2), as well as a zoning ordinance category heading in Chapter 3 Uses. Standalone, the word “agriculture” is not sufficient for review, approval and enforcement of uses and definitions as defined in the Code of Virginia.
- b. The July 2023 ZOR Draft Text contains 195 uses of the word “farm.” The term is used in the name of eight uses with only one definition, specific only to Winery, Virginia Farm. A definition of “farm” would better clarify the definition of the term for all uses referencing the term.
- c. As indicated during the May 18, 2023 Planning Commission work session²¹, a definition of farm in the zoning ordinance would enable Staff and Zoning Enforcement to better define and communicate the difference between a “solar facility” versus the colloquial term of “solar farm,” the latter of which has no relation to agricultural operations or production agriculture.

16. Consistency with Loudoun County Land Use Assessment Regulations

Public input through ZOR²² stated that permitted agricultural uses should be consistent with the Loudoun County Land Use Assessment program, adopted in 1973 and permitted via Sections 58.1-3229 through 58.1-3244 of the Code of Virginia.²³ A definition of “farm” that is consistent with the requirements for Agricultural Land Use would enable staff and other agencies to apply the same standards for permitting and enforcement. The Land Use Assessment regulations are:

To qualify, the property must be at least 5 qualifying acres, and devoted to the bona fide production for commercial sale of plants or animals, or plant or animal products useful to man. Generally accepted products include livestock, dairy, poultry, and crops. Proof of commercial production demonstrating gross sales income or value of products should be documented.

17. Use of word “Farm” Causes Confusion and Obfuscation

- a. Many subdivisions, roads, businesses and LLCs located on formerly owned agricultural property with agricultural operations (i.e., farms) have used the word “Farm” in name only. This has caused confusion on applications for an “XYZ Farm LLC” requesting an exemption for an “ag barn.” Examples can be found in Board of Zoning Appeal cases²⁴.

²¹ Comments made by Planning Commissioner Mark Miller, 5/18/2023

²² [Public Comments in enCodePlus](#)

²³ <https://www.loudoun.gov/652/Land-Use-Assessment-Program>

²⁴ Aviation business – fire from several hundred Lithium-Ion batteries stored inside a “farm” building. No agricultural operations or “farming” was being done on the property. The “Flight Barn” “was constructed as an agriculture out building without permits from Loudoun County Building and Development. The building

- b. A definition of farm in the zoning ordinance would enable Staff and Zoning Enforcement to determine the nature of a business or location more accurately, beyond the word “farm” used in name only.

18. Business Management – Department of Economic Development (DED)

- a. The DED “Start a Business” webpage²⁵ outlines the requirements for a number of rural business types for the Rural Policy Area, from agriculture to event facilities, equestrian, farm markets, lodging, Virginia ABC licensed uses, and restaurants, stating,

What is the county’s role? Our main role is to protect the safety of your customers and neighbors, care for the natural environment and make sure that your business complies with laws and regulations. Many county departments are involved in the review and approval of uses. We also assist businesses so they may thrive.

- b. The webpages descriptions and links do not provide clear reference to rural uses “farm” or “farming operation” requirements for prospective business owners and the public to determine the requirements for eligibility or compliance for various uses, such as (emphasis added),

*The webpage for “Starting an Agritainment Business”²⁶ states, “Agritainment exists to support parcels actively in agricultural use by allowing associated events and activities, such as: Corn mazes; Hay rides; Petting zoos. The above examples of recreation, entertainment, and tourism activities and events must be directly tied to the ongoing, **on-site farming operation.**”*

*The webpage interchangeably refers to the VaABC manufacturer licensed use, “Limited Brewery” informally as a “**Farm** Brewery,” stating, “A **farm** brewery is a **farm** first and brewery second which means that your business can: Grow, produce and harvest grains, hops, fruit and other agricultural products.”²⁷*

*Similarly, the webpage states, “A **farm** winery is a **farm** first and winery second which means that your business can: Produce and harvest fruit and other agricultural products.”²⁸*

The links for current Revised 1993 Loudoun County Zoning Ordinance links to the entire section 5-600 (pdf version), not the specific zoning ordinance sections or the enCodePlus version of current Loudoun County zoning. The pages do not link to the definitions sections of current zoning. This creates a *circular interpretation loop* for prospective business owners and the public to determine whether uses that require “*farming operations*” or are a “*farm first*” are eligible or compliant.

is used as part of [deleted name]’s business in drone engineering.”²⁴ After the fire the “Farm” LLC filed a Farm Structure Exemption Request for a replacement structure stating, “The barn will be used to house the various types of livestock fee, farming equipment, tools and supply storage, and the farm’s operations office.”

²⁵ [DED Rural Uses “Start a Business” webpage](#)

²⁶ [Steps for Starting an Agritainment Business](#)

²⁷ [Steps for Starting a Limited Brewery \(Farm Brewery\)](#)

²⁸ [Steps for Starting a Virginia Farm Winery \(Cidery, Meadery\)](#)

- c. A definition of “Farm” would clarify use requirements for the zoning ordinance and DED educational website instructions. Clarity of a “farm” definition would ensure improved business case analysis and preparation for a scale-appropriate location for activities and events beyond “sampling and sale” of manufactured products.

PROCESS REQUIREMENTS TO CONFIRM “FARM” OPERATIONS

19. County To State License Approval Process Disconnects

- a. The sequencing and approval of State licenses for uses “*on a farm*” have a process and timing disconnect with County notification and zoning permit approval. In the Virginia ABC license approval process the “County investigation” step is in the form of a letter sent to the County Attorney’s Office (CAO) and the Sheriff’s office asking if there are any objections to the application²⁹.

A “*no response*” from the County Attorney’s Office or Sheriff is considered “acceptance” and is noted in the application file as approved.³⁰

The point in time of receipt of the letter has been in instances months before an application for zoning permit of a use, including in cases the permitting and building of a structure. Therefore, the CAO and Sheriff have no means to verify an applicant’s compliance with the Virginia Code other than to confirm the district of the application address (not the actual business location in all instances). This results in VaABC license approval obtained prior to zoning permit approval without a CAO confirmation of “farm” applicable property in an agricultural district as required in the Code of Virginia.

- b. A definition of “farm” would assist Loudoun CAO and Sheriff review compliance with Code of Virginia regulations in a timely manner for VaABC applications, beyond only reviewing district address submitted.

20. Inspections to confirm Code of Virginia requirements for “farm” products and operations

- a. The Virginia ABC industry license application required documents³¹ outline the information needed to complete a VaABC license application.³² Section 4.1-219 and internal VaABC General Order 502 procedures³³ specifically reference a “site visit,” however, neither the required PDF

²⁹ [VaABC §4.1-230](#) and VaABC General Order 502. “*The local governing body may object to the issuance of the license when the establishment is not in compliance with the locality’s ordinance regarding health, construction, sanitation, etc.*” No reference to “farm” or “agricultural products” site review.

³⁰ Confirmation from current Special Agent in Charge-VaABC Compliance, Marc Haalman, 8/2023.

³¹ VaABC [industry license application required documents](#) (PDF)

³² [VaABC industry application](#) (PDF)

³³ “*Before a license is issued the assigned territory agency shall conduct a site visit to ensure sufficient inventory of qualifying items, and other requirements relating to the licensed premises and to educate the applicant about ABC laws and regulations. If necessary, the agent will also determine if there are any objections to the issuance of the license from potentially aggrieved parties in accordance with 4.1-222.*” VaABC General Order 502

documents nor the application include any reference or confirmation of “farm,” or “products grown on the farm” as required by Code of Virginia manufacturing licensed uses for Limited Brewery or Limited Distillery.

- b. Confirmation of products grown is *only* part of a Farm Winery application process. As referenced in § 4.1-219³⁴ Limitations on Class I, II, III, and IV farm wineries, applicants must identify specific quantities of products grown, whereas applications for other VaABC manufacturer licensed uses do not.
- c. Applications for other VaABC manufacturer licensed uses do not confirm the Code of Virginia requirements. A definition of “farm” would assist Loudoun Staff and zoning enforcement ensure compliance with Code of Virginia regulations for Limited Brewery and Limited Distiller applications, not in terms of specifying quantity or dictating location, but rather ensuring *“agricultural products . . . are grown on the farm.”*

21. Lack of annual VaABC inspection for ongoing *“agricultural products . . . grown on the farm.”*

- a. Annual inspection requirements for manufacturers Code of Virginia § 4.1-204³⁵ make no reference to inspection of products grown *“on the farm”* for Limited Brewery or Limited Distillery in the list of inspections points reviewed by VaABC Special Agents on the VaABC Inspection Reports³⁶ VaABC General Orders 501 and 502 (VaABC Licensee Inspections) show no requirement for VaABC inspection of “farm” products grown for Limited Brewery or Limited Distillery, only alcohol taxing, storage and distribution.
- b. A definition of “farm” would assist Loudoun Staff and zoning enforcement ensure compliance with Code of Virginia regulations after an initial application and/or approval of a VaABC license.

22. Farming Operation and Agricultural Operations

- a. A definition of “farm” would enable County Staff (Planning and Zoning and Building and Development) to evaluate and enforce *“farming operations”* as outlined in Code of VA §36-97 and VAC 13VAC5-63-200 “Farm Building or Structure” for *“products produced in the farm,”* and be better prepared for enforcement Virginia Senate Bill 1305 to review *“products produced on the farm.”*
- b. Related public comments were submitted stating,

“The “display, sampling, or sale” provisions are highlighted in case County Staff suggest that tasting rooms are not “directly associated with agriculture.”³⁷

The public comment highlighted the *“display, sampling or sale,”* but omitted reference to the end of the sentence underlined below.

³⁴ <https://law.lis.virginia.gov/vacode/4.1-219/>

³⁵ <https://law.lis.virginia.gov/vacode/title4.1/chapter2/section4.1-204/>

³⁶ <https://www.abc.virginia.gov/library/licenses/pdfs/val/industry-license-application.pdf>

³⁷ Loudoun Local Business League letter to the Planning Commission, April 9, 2023

*“1. Storage, handling, production, **display, sampling or sale** of agricultural, horticultural, floricultural or silvicultural **products produced in the farm.**” [Underline added]*

- c. The plain language of the Code of Virginia § 3.2-300 definitions of “Agricultural Operation” and Production Agriculture relate to the

- *“bona fide production of crops . . . including the production of fruits,”*
- *“but does not include the processing of agricultural or silvicultural products.”*

As applied to Code of VA §36-97 and VAC 13VAC5-63-200, *agricultural*, horticultural, floricultural, or silvicultural products not produced in/on the farm would not be “*farming operations*,” therefore not eligible for exemption to the building code.

Based on the plain text, only “*tasting rooms*” located where there are “*agricultural products that are grown on the farm*” would be considered “*directly associated with agriculture.*”

Tasting rooms without “*agricultural products grown on the farm*” are not directly associated with agriculture and therefore would not be exempt from building code.

- d. Code of VA §15.2-2288.6 applies to “*Agricultural Operations*,” defined as any operation devoted to the bona fide production of crops et.al. related to the “Right to Farm” stating,

Other activities or events that are usual and customary at Virginia agricultural operations. [i.e., bona fide production of crops et.al.]

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 [i.e., bona fide production of crops et.al.] and the agricultural nature of the activity.

Without actual “*agricultural operation*” and/or production agriculture, this provision would not apply. Staff’s Planning Commission April 10, 2023, draft text³⁸ included language requiring “Direct association to agriculture” to provide enforcement for the Code of Virginia requirements. This language was removed in the July 2023 text, but may be reconsidered by the Board during review to ensure compliance with Code of Virginia requirements.

- e. A definition of “farm” would assist Loudoun Staff and zoning enforcement ensure compliance with Code of Virginia regulations for where “*agricultural products that are grown on the farm*” is required to be used in the manufacture of products sold.

³⁸ [04-10-2023 Staff Report for Planning Commission Uses Subcommittee](#)

FARM BUILDING OR STRUCTURE – EXEMPTION REQUEST PROCESS

23. Farm Building or Structure – SB 1305

- a. For awareness, Senate Bill 1305³⁹ (in progress) separately describes “*farm structure*” for actual production agriculture from “*Farm buildings and structures*” used for agritourism or “sampling or sale” that are exempt from building codes. This bill will be discussed in the 2023 legislative session in committee, with the following proposed measures (some have called “*building code lite*”) to provide health, safety and welfare without onerous regulations for rural businesses:

... any farm building or structure (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 (ii) 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. . . .*

24. Building & Development Farm Structure Exemption Request

- a. The Department of Economic Development “*How to Start a Rural Business*” web site includes the link to the Building and Development “*Farm Structure Exemption Request*” form⁴⁰ to confirm the zoning permit requirements for all new farm buildings or structures or change of use of an existing building or structure “*regardless if the Building Official deems the building or structure exempt from the USBC (Uniform Statewide Building Code).*”

The form requests a description (emphasis added) of the

*“**Farming** operation taking place on the land where the **farm** building or structure is located” and “how the **farm** building or structure is used primarily for the **farm** uses defined above.”*

On page 3 the form states applicants

*may also be required to obtain a Conservation Farm Plan (also known as a **Farm Management Plan**) from Loudoun Soil and Water Conservation District (SWCD) and the Virginia Cooperative Extension Service (VCES) and provide a copy of such executed Plan.*

- b. A definition of “farm” would assist Loudoun Building & Development Staff and zoning enforcement ensure compliance with USBC requirements and the authentication of information for “*farming operation*” and “*how the farm building is used*” per the Farm Structure Exemption Request form.

³⁹ <https://lis.virginia.gov/cgi-bin/legp604.exe?231+ful+CHAP0644>

⁴⁰ [B&D Farm Structure Exemption Request form](#)

IMPACTS TO ORGANIZATIONS AND OTHER CONSIDERATIONS

25. Exemption Request Impacts to Loudoun Soil & Water Conservation District (LSWCD)

Loudoun Soil & Water Conservation District contacts provided input for the definition of farm.⁴¹ A summary of input includes:

- a. On the previously cited DED “*Guide to Start a Rural Business*” website⁴² all rural businesses are advised to determine the permitting requirements for each use, including whether a “*farm building or structure*” exemption may be applied for. The website includes a direct statement to contact “*Soil and Water Conservation District (for a Conservation Farm Plan)*.”

*Loudoun is home to many iconic and historic barns and **farm structures**. Depending on when, how and why they were built, they may be exempt from certain coding regulations (**Click here to apply for an exemption**). Building and Development should make that determination before you get started . . . it is important to check with Building and Development (before any land disturbance or development activity), Planning and Zoning (before building structures or starting a use), the **Soil and Water Conservation District (for a Conservation Farm Plan)** and the Health Department (to protect against water contamination). Additional permits may be required.*

- b. A definition of “farm” would reduce the situations where county staff (Planning & Zoning, Building & Development) feel obligated to offer individuals or operation applicants who receive notice of zoning violations the opportunity for a “get out of jail free card.” Staff and the DED website encourage applicants wanting to construct an “*ag barn*” to apply for a “*farm building or structure*” building code exemption to request a “*farm plan*” from LSWCD, even for plans or operations when it is stated (and obvious) there is no agriculture or “*farming operation*” involved.

This has put LSWCD in a quasi-regulatory position of approving or denying a “farm plan” with no apparent “farming” or “ag operation” requested for the sole purpose to enable an exemption for building codes that are in place to ensure the health, safety and welfare of the public.

- c. A definition of “farm” would enable LSWCD to provide equitable determinations. A definition would also deter individuals or operations who have cleared or graded steep slopes or other sensitive areas for development/creating a view, etc. *without proper permits* from requesting LSWCD provide a conservation farm plan, and knowingly signing the form that states,

I, the undersigned:

- *do understand that any changes to the primary use of this structure or status of my farming operations, as stated above, shall be reported to the Building Official and may nullify this exemption.*
- *do hereby certify that I have read and understand the above definitions from the USBC.*
- ***do hereby certify under penalty of perjury that all statements provided by me on this application are true and accurate.***

⁴¹ LSWCD respondent: Chris Van Vlack, Urban/Ag Conservationist

⁴² <https://biz.loudoun.gov/rural-uses/>

- d. Agricultural Structure (a.k.a. tasting room) building issue. Currently property or business owners are approaching the LSWCD for “farm plans” that are required for building agricultural structures when the property is not enrolled in the Agriculture Land Use Program or have any definable agricultural operations. This is most often for equine operations that are not earning income, or small acreage properties building run in sheds or chicken coops that are too small to qualify for land use. These are reasonable and normal and a good way for property owners to get some advice and consultation on conservation practices from the LSWCD.

The problem becomes when a VaABC licensed business, (primarily Limited Breweries) approaches the LSWCD with no stated or confirmed intention of conducting any farming operation, or staff with knowledge of agriculture. These requestors are told they, “need a farm plan” in order to obtain a zoning permit for an “agricultural structure” exemption for the building so they do not have to obtain building permits or build it to USB Code. These are structures where there are large assemblies of people, that violates the intent of the exemption and the declaration required on the exemption form.

- e. LSWCD has also encountered situations where site engineers and architects have asked for a “farm plan,” not the owner or person who will actually be doing any “farming.” A farm definition would make it clear that farm plans are for agricultural uses, not solely for “making a place a farm.” This would allow LSWCD to not be placed in the position of arbiter or being coerced to provide a “farm plan” without “farming operation” or “agricultural operation” verification.

26. Self-Declaration of “Farm” – Farm Bureau Input

Farm Bureau officers provided input for a definition of “farm,” that is consistent with Zoning Ordinance Rewrite Public Input.⁴³ A summary of input includes:

- a. Properties and/or new businesses should not be allowed to “self-declare” that they are a “farm.” Likewise, VaABC licensing for “manufacturing” is a separate use, and not part of the direct “farming operation.” Code of VA requires some VaABC “manufacturing” licensed businesses to be located “on a farm,” as a county regulation requirement. Defining “farm” would therefore *ASSIST* County zoning staff properly evaluate a property location for compliance before a zoning permit is provided.
- b. “Processing” of agricultural products grown on site or from within Loudoun are legitimate parts of an agricultural processing and/or farming operation, but only obtaining a VaABC manufacturing license for a business use should not, in and of itself, qualify a location as a “farm.”
- c. Property owner complaints about concert noise, event center traffic or other issues have increased from 2015 through 2023.⁴⁴ While these activities might be allowed on a farm, they shouldn’t be what defines a “farm.” Property owners should be made aware that these are not “farm” uses, but instead are separate zoning issues so they aren’t attacking legitimate farming operations. A definition of farm would make sure that it is clear what a “farm” is and what it is not, to ensure there will not eventually be an effort to chip away at Virginia’s Right to Farm Law over issues that are not agriculturally related.

⁴³ <https://www.loudoun.gov/5720/Comment-on-the-Draft-Zoning-Ordinance>

⁴⁴ [2023 ZOR Public Input Survey as of 6-2-2023](#)

- d. A farm definition would also help to clearly define what is an agricultural structure for purposes of tax assessment. If the property is not a farm, whether or not a structure resembles a barn, it should not be considered an agricultural structure. Likewise, if the structure is on a farm and used as part of a farming operation it should be classified as such.

REAL ESTATE, FINANCE, AND INSURANCE CONSIDERATIONS FOR “FARMS”

REDC representatives with background in Real Estate, financial lending and insurance⁴⁵ for “farms” provided input for a definition of “farm.” A summary of the input includes:

27. Real Estate Implications for “Farms”

- a. Review of a number of vacant parcel real estate listings show promotion of properties on mountainside and steep slopes stating, *“Current AR1 zoning allows by-right for a vineyard or brewery to be built on the entire property . . . among other potential agricultural uses.”* No reference is being made of requiring a “Conservation Farm Plan” to comply with zoning, which misleads the sale and purchase of the property.

A definition of “farm” included in the zoning ordinance would provide a clearer understanding of allowable uses along with their minimum lot sizes. This could be useful for the public when purchasing a property and could affect a farm's and/or farmer's relationship with the Internal Revenue Code (IRC), as well as possibly affecting types of lending options.

28. Internal Revenue Code compliance

- a. The IRC requires a producer (farmer) to raise or grow a product and sell that product and qualify as “farm income.” Per the IRC, there is a difference between considering a vineyard versus a winery as a farm. Vineyards and groves are not included in IRC Section 2032A(e)(4) and would fall under *“agricultural and horticultural commodities.”* The grapes are the product of vineyards and an agricultural commodity, thus the vineyard is a farm. A winery that produces and sells wine would not be considered a farm.
- b. A definition of “farm” versus “agritourism” may offer clarity for future owners of agriculturally based properties for possible avenues of use. Agritourism is not defined in the IRC for income tax purposes. However, Agritourism is generally considered a non-farming activity that derives income if those activities include touring, education, entertainment and retail markets (selling things not produced on that farm) which could affect a farmer’s income, local, and state tax requirements.

29. Financial and Insurance impacts for “farm”

- a. Different mortgage loans may vary widely depending upon the use, size, and improvements on an agricultural property and require the lenders to do a deep dive into what the property’s purpose is and its improvements.

⁴⁵ REDC Vice Chair, Jan Kernan, Realtor Virginia Homes & Farms, Rural Business owner of Bleu Frog Vineyards

- Fannie Mae (government entity offering a purchase mortgage security program to lenders) does not purchase or securitize mortgages for “farms or ranches” if designated as agricultural property. It will allow larger acreages into the program depending upon its intended use, which is verified by the lender.
 - Freddie Mac will purchase mortgages in rural locations if the subject property has collateral for the full transaction based on value, condition and marketability of the property. If the *primary* use of the property is *residential*, but has agricultural outbuildings, then the property is eligible for Freddie Mac program. If the property is used *primarily for farming* or ranching, then the property is not eligible.
- b. Conventional loans, based on lender requirements, put the emphasis on the residential area of a property and may stipulate a max acreage amount to consider, no matter the size of the “farm.” They may only look at the area surrounding the main residence (i.e., “curtilage”).
- c. USDA uses acres of crops and head of livestock to determine if a place is a “farm” that can normally produce and sell at least \$1000 per year and be offered loan programs. Most farms must seek alternative funding sources such as those offered by Farm Credit.

SECTION 3: FOLLOW-ON REVIEW ACTIONS

30. Identification of Conflicts

- a. In their June 8 and July 26, 2023, Staff reports for County ZOR Staff summarized a list of activities for review for consideration and/or implementation of a definition of “farm” for the Zoning Ordinance Rewrite.
 - *Staff recommends an Agriculture/Rural Economy use ZOAM after adoption of the New Zoning Ordinance, to accommodate forthcoming Code of Virginia amendments to some Virginia Farm Winery and agritourism uses.*
 - *Staff and the County Attorney’s Office need time to verify that any definition of “farm” does not affect or contradict definitions and other provisions within the Code of Virginia concerning farms and related terms or uses.*
 - *Staff needs time to ensure there are no conflicts with other definitions and standards or no unintended consequences associated with adding the term “farm.”*
 - *Staff recommend that any future CPAM and/or ZOAM include targeted public education regarding the interplay between the Code of Virginia and local zoning regulations and permitting requirements.*
- b. At the August 8th meeting, County Administrator, Joe Kroboth, requested assistance from REDC to assist in the identification of “conflicts” for legal review.

31. Primary follow-on review actions

The following actions are proposed to complete the Findings of Fact and Substantial Reasons or a Definition of Farm, with the primary goal to 1) assist the CAO office and Staff to reduce staff time constraints, and 2) expedite review for the possible inclusion of a definition in ZOR, or in the alternative, complete review for a prioritized ZOAM in 2024 after adoption of ZOR.

- a. Confirm that the Findings of Fact sufficiently confirm the limit of impacts of the July 1, 2023, Virginia Farm Winery new legislation, and address the CAO concerns of impacts from the pending SB 1305 agritourism event building code proposed USBC changes.
- b. Confirm whether the Findings of Fact sufficiently address the CAO verification that a definition of “farm” does not affect or contradict definitions and other provisions of the Code of Virginia concerning farms and related terms or uses. If not, identify the remaining sections of the Code of Virginia for review.
- c. A preliminary review of the uses of the word “farm” in the ZOR draft text has been performed. Next steps are to obtain Senior County Administration and CAO approval for a second meeting with County Attorney Office representatives (J. Hobbie, C. Sydnor) to obtain and clarify the specific requests and areas of review to confirm “conflicts with other definitions and standards” associated with adding the term “farm.” Such a review would be conducted in conjunction with REDC ZOR Ad hoc Committee and other stakeholder reviews with the goal of presenting consolidated input.



TOPIC:

Consider a setback waiver to allow “agriculture structures” to be rebuilt within the same footprint.



TOPIC:

Consider a setback waiver to allow “agriculture structures” to be rebuilt within the same footprint.

DISCUSSION ON THIS TOPIC SHOULD INCLUDE

- Review of "true" agricultural structures originally applied and built for *bona fide agriculture* and agricultural uses,
versus
- “Ag barns/structures” applied for, permitted and built with a different or undeclared use than the current actual use.
 - Historically, construction of “Ag Barns” bypassed Uniform State Building Code (USBC).
 - Subsequent application for change of use were made (e.g., to B&B, banquet event facility, VaABC use tasting room, etc.), and/or change of classification by P&Z/B&D/COR.
 - Application of USBC is not retroactive to ag structures built with change of use.
 - Code of VA added a signage requirement in 2023; Loudoun has since required inspections for some facilities reclassified as “banquet event” uses.

BACKGROUND

- **LOUDOUN COUNTY:**
 - Prior to ~2021 permit applications to Zoning and B&D would state “**Agricultural Building**,” “**ag barn**,” “**barn**,” making the structure exempt from Uniform State Building Code (USBC).
 - Not disclosed on permits: Some buildings were constructed with bathrooms, water connections, planned occupancy greater than 50 people and in some cases, residential apartments for B&B use.
 - The Building & Zoning Permit Application was REVISED in ~2021 to be more clear requiring:
 - If an **Ag Building** is applied for, a second form, “**Farm Building or Structure Attachment**,” is required to be submitted -- *under penalty of perjury* -- for a **Farm Structure Exemption Request**. The Form clauses state:
*A Zoning Permit is required for **all new farm building(s) or structure(s) or any change of use** of an existing building or structure, regardless if the Building Official deems the building or structure exempt from the USBC.*
- **VIRGINIA STATE CODE – Uniform Statewide Building Code Exemption**
 - A Bill was initiated in 2018 to add exemption of winery and brewery tasting rooms to the list of EXEMPT “farm buildings and structures” under Code of VA § 36-99 – Uniform Statewide Building Code (USBC).
 - The Bill was indefinitely postponed (failed). A 2018 study resulted was initiated with state-wide stakeholders, including Loudoun County representatives.
 - VA Bills were highlighted in 2019 and 2023 during Zoning Ordinance Rewrite with stakeholders, indicating in April 2023 that Loudoun “*could not*” finalize any zoning ordinance changes until the VA Code review was final and approved, which was approved a month earlier in March 2023.



- **FINAL RESULT: Changes were enacted in 2023 Session: [APPROVED MARCH 26, 2023](#):**

Final Bill required “farm building or structure where the public is invited” for agritourism activity, recreation, entertainment or educational purpose and used for “display, sampling or sale of” ag, horticulture etc. for “*products produced on the farm* **SHALL HAVE:**”

Portable fire extinguishers, written emergency plan, and a sign posted stating,
“*This building is EXEMPT from the Uniform Statewide Building Code. Be alert to exits in the event of a fire or other emergencies.*”

Existing Setback Regulations:

- Per the former Zoning Administrator, an “ag barn” without separate Use Specific Standards specifying setbacks, allows a **default 25’ setback** (base density) from residential property line (35” cluster option).⁶
- ZOR Public input indicated this was not sufficient for ag structure “*change of use*” to B&Bs, VaABC uses with outdoor music, large quantities of patrons, or banquet/event facilities.⁷

KEY QUESTION FOR WLRUS MEETINGS:

- **Should a setback waiver to allow “agriculture structures” to be rebuilt within the same footprint ONLY apply to actual “Farm” or “Ag operation” structures?**
 - *Review attached table for actual current structures originally applied as “Ag” barn or structure with a change of use and revised classification.*
- **FOR WHAT USE(S) do/does the Farm Building or Structure Attachment and Farm Structure Exemption Request apply?**
 - Does it **only** apply for “**Farm**” or “**Ag operations**,” if so, how defined?
 - Does it apply to **VABC Uses, Event Centers and/or B&B Uses** that occupy 50 people or more, contain bathrooms/kitchen or residential apartments without a Farm plan or other health department, VA Department requirements?
 - How would an exemption apply to **EXISTING FARM BUILDING/BARN** structure for a change of primary use (i.e., with no retroactive USBC requirements)?

AGRICULTURAL STRUCTURE CLASSIFICATIONS SUMMARY

“**Ag Barns**” were originally classified in a number of ways by P&Z, B&D, Commissioner of Revenue and on Loudoun Mapping for a variety of business operations:

- **Types of structures originally identified in Loudoun Mapping as:** 1 Sty Loft Barn, Bank Barn, Misc Comm Structure, Banquet Hall, Light Utility Building, Storage Warehouse, etc.
- **Actual USE of operations:** Events/Weddings, Winery/Events, Brewery Events/Music, B&B, Rentals/Airbnb.
- **Structure type classifications updated** (zoning use, COR revenue tracking, etc.)
- **LandMARC Inspections:** Indicate full inspections (e.g., for SPEX banquet facility) versus partial or no inspections for Ag barn/structures with assemblies (Code of VA: more than 50 people).

⁶ [Chapter 2, Table 2.04.01-1, AR-1 Zoning District Dimensional Standards](#)

⁷ <https://www.loudoun.gov/5720/Review-Comments-on-the-Draft-Zoning-Ord>



**Listing of Actual Businesses⁸ as of 2018-2020
UPDATED to 2025 RECLASSIFICATION of Business Operations**

Applied For	Structure Type: ~2018	Size	Yr Built	Actual Structure Use (2025)	2025 Comm of Rev / Weblogis Classification & LandMARC (LM) Inspection
Existing Barn	Bank Barn	3,456	1800	Events/Weddings	Bank Barn / LM Inspe for B&B/Tents only (not ag structure)
(unknown)	1 STY Loft Barn	2,340	1807	Events/Weddings	Bank Barn / LM Inspe for Tents only (not ag structure)
Existing Barn	1 STY Loft Barn	1,200	1890	Events/Weddings	1 STY WD/MET GEN BARN (LM Inspec: B&B 2014)
Rehab barn	1 STY WD/MET GEN BARN	2,360	1900	Events/Weddings	Structure Occupancy: Winery, Brewery, Events, Commercial: Banquet Hall (LM Inspections: No)
"Ag barn"/ building	WD/CB MILKHSE/PARLOR	2,016	1900	Events/Weddings	Structure Occupancy: Winery, Brewery, Events, Banquet Hall / LM inspec for temporary amp
"Pole barn" w/ restroom		8,708	1997	Brewery/Music	Structure Occupancy: Winery, Brewery, Events, Commercial: Winery Shop
"Ag barn"/ building	Barn/residential	3,160	2006	Farm labor	Apartment over barn
"Ag barn"/ building	Light Utility Build	1,380	2007	Winery/events	Structure Occupancy: Winery, Brewery, Events, Commercial: Winery Shop
"Ag Barn, Pole Barn"	Misc Comm Structure (15K sqft)	5,676	2011	Winery/events	Structure Occupancy: Winery, Brewery, Events, Commercial: Winery Shop
"Ag barn"/ building	Misc Comm Structure	13,016	2012	Winery/events	Banquet Hall (LM Inspections: Fire Marshal, gas: Yes)
Com. Wedding Facility	Banquet Hall SPEX	7,200	2014	Events/Weddings	Banquet Hall (LM Inspections: Fire Marshal, plumb, bldg: Y)
"Ag barn"/ building	Light Utility Build	2,240	2014	Brewery/Events	Commercial: Winery Shop
"Agricultural Structure"	Cape/Bungalow	2,480	2014	Winery/events	Structure Occupancy: Winery, Brewery, Events, Commercial: Winery Shop
"Ag barn"/ building		11,550	2015	Brewery/Music	Comm: Winery Shop/Banquet Hall / LM Inspec - electrical for Ag Building
"Ag barn"/ building	Storage Warehouse	2,800	2015	Brewery/Events	Structure Occupancy: Winery, Brewery, Events / LM inspec grading only.
"Ag barn"/ building / Events	Light Utility Build, Storage Warehouse	9,600	2015	Brewery/Music	Winery Shop, Banquet Hall (LM Inspec: Jun 2024 Fire Mar)
"Ag barn"/ building	Banquet Hall	6,950	2017	Events/Weddings/B&B	Structure Occupancy: Winery, Brewery, Events, Banquet Hall / LM inspec grading. "assembly use", "no data - legacy"
B&B (2017)	4 Residences+ Pavillion	7,275	2018	B&B / Brewery	Structure Occupancy: Winery, Brewery, Events / LM inspec for food truck
"Ag barn"/ building		8,740	2018	Brewery/Events	Structure Occupancy: Winery, Brewery, Events, Commercial: Winery Shop
Zoning only/ Country Inn	Micro house (7)	?	?	Rentals/AirBnB	Occupancy: "Misc Improvements" (Residences)

⁸ List includes actual business structures with business names removed. Names available by request only.

Conservation Farm Plan
Loudoun Soil and Water Conservation District

I, _____ intend to maintain my land in a planned program of soil and water management and conservation as per the Virginia Land Use Assessment Law.

Best Management Practices (specific examples on following pages) shall be utilized to improve water quality and reduce soil erosion.

Soil fertility shall be maintained by the application of nutrients both organic and inorganic at the rates recommended by a soil test through Virginia Cooperative Extension Service or another reputable provider.

Care should be taken to control invasive plants. A list of Virginia Invasive plants can be found at <http://www.dcr.virginia.gov/natural-heritage/document/nh-invasive-plant-list-2014.pdf> Control measures can include chemical, cultural, or mechanical measures.

This plan describes my intentions to maintain the fields contained in parcel PIN number _____ as outlined on the attached maps.

Total acreage: _____

I submit the attached conservation plan to the Loudoun Soil and Water Conservation District for their approval. I understand that this planned program of land management and conservation practices is in compliance with the Virginia Land Use Assessment Law.

Cooperator (Landowner)

_____ Date: _____

Loudoun Soil and Water Conservation District

_____ Date: _____



TOPIC:

Discuss whether conservation easement acreage should count toward residential cluster subdivision density yield.

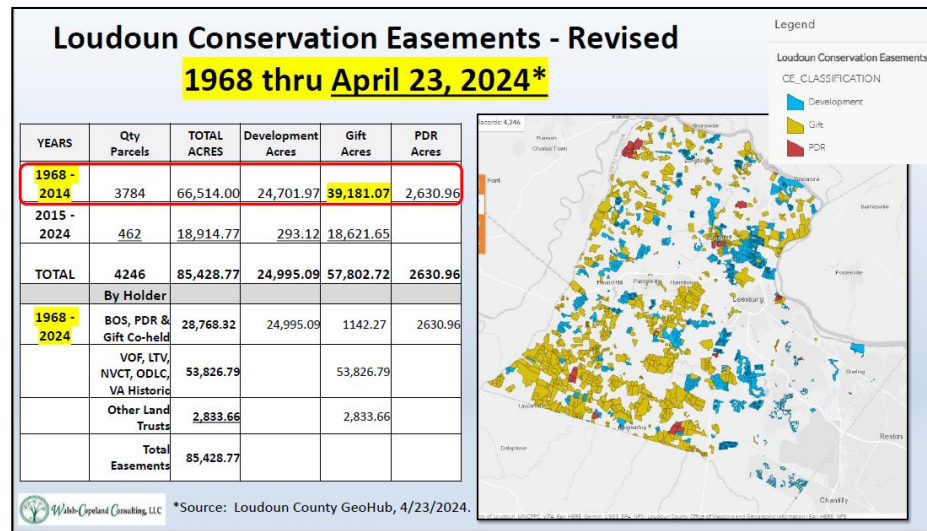


TOPIC:

Discuss whether conservation easement acreage should count toward residential cluster subdivision density yield.

ISSUE SUMMARY

- Attempts have been made⁹ to include existing conservation easement parcels as part of an Originating Tract for a cluster subdivision option to be included in the cluster density calculation.
- Conservation easement contracts control the development rights permitted, therefore the total acreage cannot be used toward a cluster subdivision originating tract density calculation. Land trusts are on record objecting to the inclusion of conservation easement acres in a cluster subdivision density calculation application.¹⁰
- Loudoun County easement contracts signed after approximately 2014 contain specific language prohibiting the use of easement land in cluster density calculation. *However, contracts signed between 1968 and 2014 do not contain the language and therefore place over 39,000 conservation easement acres at risk if the regulation is not tightened.*



PROPOSED CORRECTIONS

- PROPOSAL 1:** Land Trust stakeholders proposed clarification to the Originating Tract definition. However, Staff rejected this proposal (June 2024) as they have eliminated regulatory language from definition throughout ZOR text.

⁹ PMTG-2023-0077, ZCOR-2023-0010

¹⁰ Land Trust of Virginia, Northern Virginia Conservation Trust, Virginia Outdoors Foundation, Piedmont Environmental Council, among others.



- **PROPOSAL 2:** A table clarification to Chapter 2 Lot Yield was proposed to add a footnote for Lot Yield to be consistent with Code of VA §15.2-2286.1. This would effectively exclude conservation easement land in the calculation of lot yield.

Table 2.04.01-1. AR-1 Zoning District Dimensional Standards				
	Standard	Base Density Division Option	Principal/Subordinate Subdivision Option	Cluster Subdivision Option
Density Requirements				
1	Lot Yield (max)	1 lot per 20 acres	1 lot per 10 acres	1 lot per 5 acres

TABLE KEY: ft = feet, sf = square feet, min = minimum, and max = maximum
TABLE NOTES:
¹Except when a greater Road Corridor Setback or Buffer is required by Section 7.04.02.
²Setback and yard requirements may be modified in accordance with Section 10.03.
³All dwelling units within the Cluster Subdivision must be set back a minimum of 100 feet from any lot line adjoining parcels not located within the subdivision.
⁴Except when building height is exempt pursuant to Section 7.01.06.B.3.

ADD: ⁵ In compliance with Code of Virginia Section 15.2-2286.1

WLRUS DISCUSSION POINTS FOR PROPOSAL 2

- County Staff do not believe this would accomplish the intended purpose stating, “There is no clear prohibition in Section 15.2-2286.1 against including land in a conservation easement as part of the density calculation for a cluster subdivision.”¹¹
- Based on review of Section 15.2-2286.1, and consultation with Land Trust Attorney, Stephen Price, Staff’s comment does not appear to be correct. Section B, clearly states, “unimproved land” shall not include . . . land subject to a conservation easement.”

B. Any such locality shall provide in its zoning or subdivision ordinances, applicable to a minimum of 40% of the unimproved land contained in residential and agricultural zoning district classifications, standards, conditions, and criteria for the clustering of single-family dwellings and the preservation of open space developments.

The **density calculation of the cluster development** shall be based upon the same criteria for the property as would otherwise be permitted by applicable land use ordinances. **As a locality provides for the clustering of single-family dwellings and the preservation of open space developments, it may vary provisions for such developments for each different residential zoning classification within the locality. For purposes of this section, “unimproved land” shall not include land owned or controlled by the locality, the Commonwealth or the federal government, or any instrumentality thereof or land subject to a conservation easement.**

- If Proposal 2 is not accepted by the WLRUS Stakeholder committee, then what is the Loudoun CAO’s recommendation to fix this loophole, and by when?
 - As this is a legal matter of proper application of easement acres in cluster density (versus a policy decision), this should be corrected via the most expedient ZOAM option (WLRUS or the “Clean Up” ZOAM).

¹¹ ZOAM-2020-0002 Staff Report, June 12, 2024, page 20.



APPENDIX V: FULL DEFINITION TEXT

CODE OF VIRGINIA § 15.2-2286.1. Provisions for clustering of single-family dwellings so as to preserve open space.

A. The provisions of this section shall apply to any county or city that had a population growth rate of 10% or more from the next-to-latest to latest decennial census year, based on population reported by the United States Bureau of the Census. However, the requirements of this section shall not apply to any such county or city that has a population density of more than 2,000 people per square mile, according to the most recent report of the United States Bureau of the Census.

B. Any such locality shall provide in its zoning or subdivision ordinances, applicable to a minimum of 40% of the unimproved land contained in residential and agricultural zoning district classifications, standards, conditions, and criteria for the clustering of single-family dwellings and the preservation of open space developments. In establishing such standards, conditions, and criteria, the governing body may, in its discretion, include any provisions it determines appropriate to ensure quality development, preservation of open space, and compliance with its comprehensive plan and land use ordinances. A cluster development is otherwise subject to applicable land use ordinances of the locality; however, the locality shall not impose more stringent land use requirements for such cluster development.

The locality shall not prohibit extension of water or sewer from an adjacent property to a cluster development provided the cluster development is located within an area designated for water and sewer service by a county, city, or town or public service authority.

For any "open space" or "conservation areas" established in a cluster development, the locality shall not (i) require in such areas identification of slopes, species of woodlands or vegetation and whether any of such species are diseased, the locations of species listed as endangered, threatened, or of special concern, or riparian zones or require the applicant to provide a property resource map showing such matters in any conservation areas, other than that which may be required to comply with an ordinance adopted pursuant to § 15.2-961 or 15.2-961.1 or applicable state law; (ii) require such areas be excluded from the calculation of density in a cluster development or exclude land in such areas because of prior land-disturbing activities; (iii) prohibit roads from being located in such areas for purposes of access to the cluster development, but the locality may require such roads be designed to mitigate the impact on such areas; (iv) prohibit stormwater management areas from being located in such areas; or (v) require that lots in the cluster development directly abut such areas or a developed pathway providing direct access to such areas.

For purposes of this section, "open space" or "conservation areas" shall mean the same as "open-space land" in § 10.1-1700.

The **density calculation of the cluster development** shall be based upon the same criteria for the property as would otherwise be permitted by applicable land use ordinances. **As a locality provides for the clustering of single-family dwellings and the preservation of open space developments, it may vary provisions for such developments for each different residential zoning classification within the locality.** For purposes of this section, **"unimproved land" shall not include land owned or controlled by the locality, the Commonwealth or the federal government, or any instrumentality thereof or land subject to a conservation easement.**

If proposals for the clustering of single-family dwellings and the preservation of open space developments comply with the locality's adopted standards, conditions, and criteria, the development and open space preservation shall be permitted by right under the local subdivision ordinance. The implementation and approval of the cluster development and open space preservation shall be done administratively by the locality's staff and without a public hearing. No local ordinance shall require that a special exception, special use, or conditional use permit be obtained for such developments. However, any such ordinance may exempt (a) developments of two acres or less and (b) property located in an Air Installation Compatible Use Zone from the provisions of this subdivision.



C. Additionally, a locality may, at its option, provide for the clustering of single-family dwellings and the preservation of open space at a density calculation greater than the density permitted in the applicable land use ordinance. To implement and approve such increased density development, the locality may, at its option, (i) establish and provide, in its zoning or subdivision ordinances, standards, conditions, and criteria for such development, and if the proposed development complies with those standards, conditions, and criteria, it shall be permitted by right and approved administratively by the locality's staff in the same manner provided in subsection A, or (ii) approve the increased density development upon approval of a special exception, special use permit, conditional use permit, or rezoning.

D. Notwithstanding any of the requirements of this section to the contrary, any local government land use ordinance in effect as of June 1, 2004, that provides for the clustering of single-family dwellings and preservation of open space development by right in at least one residential zoning classification without requiring either a special exception, special use permit, conditional use permit, or other discretionary approval may remain in effect at the option of the locality and will be deemed to be in compliance with this section. Any other locality may adopt provisions for the clustering of single-family dwellings, following the procedures set out in this section, in its discretion.

2006, c. [903](#); 2011, cc. [519](#), [549](#).



NOT FOUND IN WLRUS TOPICS (to date)
AND/OR “CLEAN UP” CPAM/ZOAM LIST



NOT FOUND IN WLRUS TOPICS (to date) AND/OR “CLEAN UP” CPAM/ZOAM LIST

OCTOBER 12, 2023, BOS COMMITTEE OF THE WHOLE

CHAPTER 10: Clarification Of Terms “Agriculture” and “Agricultural Operation” as they pertain to Exemptions

Draft Motion	Staff Background	STAKEHOLDER 5 & 6 COMMENTS
Chapter 10: Procedures		
<p>23. Section 10.06.A.2. Site Plan. (Turner)</p> <p>I move that the Board direct staff to revise Section 10.06.A.2. to list the “Agricultural Uses” in Section 3.02 that do not involve access by the public as part of such use that are eligible for exemption from a site plan, and that they be listed in the same fashion as the other uses listed in Section 10.06.A.2.b. through n. to avoid future zoning enforcement confusion or issues.</p>	<p>The Zoning Administrator determines whether the public accesses agricultural uses. The list being requested in the motion is not determinative because it depends on how the particular establishment is operated. Staff recommend this revision be addressed during the future rural uses Comprehensive Plan Amendment (CPAM) and Zoning Ordinance Amendment (ZOAM).</p> <p>Staff do not support this motion.</p>	<p>Disagree.</p> <ol style="list-style-type: none"> Exemptions for Agricultural Uses are clearly defined for county-wide application of noise, light and vibration in Chapter 7. Not clearly defining for Chapter 10 site plans is INCONSISTENT regulation between chapters for the same uses. ZOR removed “Sketch Plan” requirements from several Use Standards. Lack of CLARITY for Ag Use exemptions in Chapter 10, &/OR requiring Zoning Admin determinations for all Site Plans, will not permit businesses and residents to know when Site Plans are or are not required for “agricultural uses that do not involve access by the public.”

Draft Motion	Staff Background
Chapter 10: Procedures	
<p>23. Section 10.06.A.2. Site Plan. (Turner)</p> <p>I move that the Board direct staff to revise Section 10.06.A.2. to list the “Agricultural Uses” in Section 3.02 that do not involve access by the public as part of such use that are eligible for exemption from a site plan, and that they be listed in the same fashion as the other uses listed in Section 10.06.A.2.b. through n. to avoid future zoning enforcement confusion or issues.</p> <p>6 to 3 TABLE TO FUTURE ZOAM</p>	<p>The Zoning Administrator determines whether the public accesses agricultural uses. The list being requested in the motion is not determinative because it depends on how the particular establishment is operated. Staff recommend this revision be addressed during the future rural uses Comprehensive Plan Amendment (CPAM) and Zoning Ordinance Amendment (ZOAM).</p> <p>Staff do not support this motion.</p>



INITIAL REQUEST TO STAFF, JULY 2023

From: **Wegener, Brian** <Brian.Wegener@loudoun.gov>
Date: Wed, Jul 19, 2023 at 8:43 AM
Subject: ZOR questions
To: Maura Walsh-Copeland <maura@walsh-copelandconsulting.com>

Maura,

We are away attending a conference. Thank you for your patience.

The exterior lighting standards in Section 7.05.02.C.2 only apply to uses when specifically referenced in Chapter 4. These alternate standards do not apply when not referenced in Chapter 4.

Section 10.06 exempts certain uses from the requirement for a site plan. One exemption is for "*agriculture uses identified in 3.02 that do not involve access by the public as part of such use.*" This exemption applies to all agriculture uses referenced. **Staff will make the Board aware during its work sessions that this provision may need further clarification when the Board discusses Chapter 10.**

I'm aware of your other email asking more questions and we will respond as soon as we can.

Best,
Brian Wegener, AICP, CZA
Program Manager | Customer Service Center

----- Forwarded message -----

From: **Maura Walsh-Copeland** <Maura@walsh-copelandconsulting.com>
Date: Mon, Jul 10, 2023 at 4:03 PM
Subject: Follow-up Requests for Information and Stakeholder Meeting Status
To: Birkitt, Judi <Judi.Birkitt@loudoun.gov>

Judi,

Thank you for your update at the ZOC meeting on Friday July 7th. As mentioned briefly, I have the following questions/requests:

1. **Lighting 7.05.02.C.2** states, "*2. Use-Specific Standards. The following exterior lighting referenced by the Use-Specific Standards of Chapter 4.*"

Is this regulation applicable to uses that do NOT have use-specific standards in Ch. 4?

2. **Site Plan 10.06.A.2.a exemptions for Agricultural Operations** states,

"The following do not require a site plan and are exempt from the requirements of Section 10.06.

a. Agriculture uses identified in Section 3.02 that do not involve access by the public as part of such use."

To which of the following Chapter 3 Agriculture category of Uses is section 10.06.A.2.a applicable?

Agriculture; Agricultural Processing; Animal Husbandry; Horticulture; Feedlot; Nursery Production; Farm Distribution hub; Mill, Feed and Grain; Agritainment; Auction Facility Livestock; Pet Farm; Equestrian Event Facility; Community Garden; Wayside Stand; Farm Co-ops; Winery, Commercial; Winery, Virginia Farm; Brewery Limited; Distillery, Limited.

As always, thank you for your assistance,

Maura



Walsh-Copeland Consulting, LLC





Ag Education or Research Use in Chapters 3 & 4

From: Maura Walsh-Copeland <Maura@walsh-copelandconsulting.com>

Sent: Thursday, March 13, 2025 3:43 PM

To: Wilson, Brian R <Brian.R.Wilson@loudoun.gov>; Miller, Teresa <Teresa.Miller@loudoun.gov>

Cc: Birkitt, Judi <Judi.Birkitt@loudoun.gov>

Subject: [EXTERNAL] Ag Education or Research -- USS in Chapter 4?

Brian & Teresa,

I found an anomaly regarding "Ag Education or Research Facility" while reviewing information by request. I thought I would send the info below for your next pass at Chapter 4 "clean up" review:

- Ag Education or Research is currently under **Public/Civic** in the Ch. 3 Use Tables, and Ch.4 USS (**4.05.03**.)
- However, it also still appears in the **Agriculture** section of Ch 4 USS under **Ag Support Uses (Standalone)** in tables 4.08.04-1, -3 and -4.
- If this is intended to be in both places, then it likely will need to be explained at the April meeting.

Public/Civic/Institutional

Table 3.02.03-1. Principal Use Table for Transition, Rural, and Joint Land Management Area (JLMA) Zoning Districts Note: P = Permitted S = Special Exception M = Minor Special Exception blank cell = Prohibited											
Use-Specific Standard	Transition ¹					Rural ¹		JLMA ⁴			
	TR-10	TR-3	TR-1	TSN	TCN	TCC	AR-1	AR-2	JLMA-1	JLMA-2	JLMA-3
Education											
72 Agricultural Education or Research	4.05.03	S	S	S	S	S	P/M	P/M			

4.05.03 Agricultural Education or Research AR-1 AR-2

- A. **Applicability.** Section 4.05.03 applies to any Agricultural Education or Research use in the AR-1, AR-2, and JLMA-20 Zoning Districts.
- B. **Size of Use Standards.**
1. **Site Size.** The minimum lot area is 25 acres.
 2. **Visitors/Customers/Parking Spaces.** No more than 100 vehicles are allowed on site at any 1 time. Additional vehicles are permitted, subject to an increase in minimum site size at a rate of 1 acre per 5 vehicles in excess of 25 acres.
 3. **Structure.** The maximum floor area ratio is 0.04.
 4. **Storage Yards.** The maximum total area of storage yards must not exceed 10% of the total area of the principal structure(s).

4.08.04 Agriculture Support Uses (Standalone)

- A. **Applicability.** Section 4.08.04. applies to agricultural support and service uses that do not have a direct association with agriculture, horticulture or animal husbandry, on-site.
- B. **Intensity/Character.**
1. **Site Size.** The minimum lot area for an agriculture support use (standalone) is 5 acres. **Exceptions.** See Table 4.08.04-1.

Table 4.08.04-1. Intensity/Character Site Size Exceptions	
Use	Minimum Lot Area
1 Agricultural education or research	25 acres
2 Equestrian event facility	25 acres
3 Farm distribution hub	25 acres

Table 4.08.04-3. Structure		
Use	Minimum Lot Area	Maximum Size of Structures
1 Agricultural education or research facility	25 acres	FAR: 0.02
2 Farm distribution hub	25 acres	FAR: 0.02

Table 4.08.04-4. Site/Dimensional Standards		
Use	Maximum Size of Structures	Minimum Setback from Lot Lines
1 Agricultural education or research facility	FAR (all structures): 0.02	150 ft
2 Farm distribution Hub	FAR (all structures): 0.02	150 ft

TLUC Work Session Prep for CPAM/ZOAM 2024-0002 Western Loudoun Rural Uses & Standards (WLRUS)



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From: **Schniegenberg, David** <David.Schniegenberg@loudoun.gov>
Date: Mon, Mar 17, 2025 at 2:04 PM
Subject: RE: [EXTERNAL] Ag Education or Research -- USS in Chapter 4?
To: Miller, Teresa <Teresa.Miller@loudoun.gov>
Cc: Birkitt, Judi <Judi.Birkitt@loudoun.gov>, Wilson, Brian R <Brian.R.Wilson@loudoun.gov>, Maura Walsh-Copeland <maura@walsh-copelandconsulting.com>

Hi Teresa,

This conflict in regulations can be added to WLRUS. I've added it to the list to be discussed at a future TLUC special meeting.

Thank you,
Dave Schniegenberg, CZA
Planner | Zoning Administration
Loudoun County Department of Planning and Zoning
1 Harrison Street SE, 3rd Floor | PO Box 7000 | Leesburg, VA 20177
(571) 258-3959

From: Miller, Teresa <Teresa.Miller@loudoun.gov>
Sent: Monday, March 17, 2025 12:40 PM
To: Maura Walsh-Copeland <maura@walsh-copelandconsulting.com>
Cc: Birkitt, Judi <Judi.Birkitt@loudoun.gov>; Schniegenberg, David <David.Schniegenberg@loudoun.gov>; Wilson, Brian R <Brian.R.Wilson@loudoun.gov>
Subject: RE: [EXTERNAL] Ag Education or Research -- USS in Chapter 4?

Maura –

Thank you for letting us know about this conflict in the regulations. There does appear to be overlap and an inconsistency in the allowable FAR for such uses. I believe this is an item that may be added to the WLRUS project, or I can notate it for a future Zoning Ordinance review ZOAM.

Dave/Brian – please let me know if this can be included in the WLRUS or if I need to add this to a future ZOAM list.

Best,

Teresa

Teresa H. Miller, CZA, CTM
Deputy Zoning Administrator/Acting Zoning Administrator
Loudoun County Department of Planning and Zoning