

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



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Date: Mon, Jun 9, 2025 at 8:50 AM

Subject: LT Questions

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

Good morning Maura, Can you help me with three items?

1. Deep dive on agricultural structure and “reasonable and customary.” Does state code give any specifics?

WCC Finding of Fact:

Generally, yes, but not as directly related to “Agricultural Structure.”

As other county regulations show in the [Comparative Summary](#) matrix, “by-right” production and sales are outlined in Code of VA:

[§ 15.2-2288.3](#) Licensed farm wineries; local regulation of certain activities

[§ 15.2-2288.3:1](#) Limited brewery license; local regulation of certain activities

[§ 15.2-2288.3:2](#) Limited distiller's license; local regulation of certain activities

All three basically have the same/similar language that outline “reasonable and customary” activities:

E. No locality shall regulate any of the following activities of a [farm winery, Brewery, Distillery] licensed in accordance with subdivision 6 of [§ 4.1-206.1](#):

- 1. The production and harvesting of fruit and other agricultural products and the manufacturing of [wine or beer];**
- 2. The on-premises sale, tasting, or consumption of wine during regular business hours within the normal course of business of the licensed [farm winery, Brewery, Distillery];**
- 3. The direct sale and shipment of [wine or beer] by common carrier to consumers in accordance with Title 4.1 and regulations of the Board of Directors of the Virginia Alcoholic Beverage Control Authority;**
- 4. The sale and shipment of [wine or beer] to the Virginia Alcoholic Beverage Control Authority, licensed wholesalers, and out-of-state purchasers in accordance with Title 4.1, regulations of the Board of Directors of the Virginia Alcoholic Beverage Control Authority, and federal law;**
- 5. The storage, warehousing, and wholesaling of [wine or beer] in accordance with Title 4.1, regulations of the Board of Directors of the Virginia Alcoholic Beverage Control Authority, and federal law; or**
- 6. The sale of [wine or beer]-related items that are incidental to the sale of [wine or beer].**

C. Any locality may exempt any [farm winery, Brewery, Distillery] licensed in accordance with subdivision 2 of [§ 4.1-206.1](#) on land zoned agricultural from any local regulation of minimum parking, road access, or road upgrade requirements.



Size of tasting room, agricultural production, activities, events? What is the threshold?

WCC Findings of Fact

- **Size of Tasting Room:** No regulations
- **Ag Production:** Yes for Farm Wineries only, not Limited Breweries or Limited Distilleries
- **Activities:** only the description of the “by-right” events in [§ 15.2-2288.3](#) and .1, .2
- **Events:** Not for “events” as described by Loudoun Zoning
- **Threshold?** Not defined in Code of VA, but IS defined in other county zoning ordinances.

I think not having safety inspections at the larger venues has an impact on health, safety and welfare of the public. Any ideas on a tiered approach—less to more intense a use.

WCC Findings of Fact

A Tiered approach was recommended by the full REDC vote in July 2022, after REDC ZOR Adhoc committee review, and discussed by the Planning Commission in April 2023.

Implementation through Zoning would require separate of a business based on the size of operation (determined not only by acres, but intensity of activity/events. See input to event question).

- **Size of Operation.** REDC comments for [3.05.08.04 Limited Breweries](#) and [Farm Wineries](#) that use-specific standards should **apply three or four "Levels" or "tiers" for various size operations**, as is done for a number of other rural economy uses and use-specific standards. This would accommodate small to large operations while managing impacts.

2. Is a sketch plan vs a hand drawing required with a zoning permit? I believe the 1993 ordinance requires a sketch plan of the entire property.

WCC Findings of Fact

This was an original requirement for Limited Breweries as recommended by Staff in 2014 and enacted in Jan. 2015.

However, the sketch plan requirement was removed during ZOR. I don't recall the rationale for this removal, but it was objected to during ZOR Public Input by organization and residential stakeholders.

3. New state law that came into effect July 1, 2023. What did that change?

WCC Findings of Fact

On March 27, 2023 VA Legislative Session Approved Chapter 731, that went into effect July 1, 2023. This legislation ONLY impacted Farm Winery Code of VA; there were NO CHANGES to Brewery or Distillery Code in 2023, as incorrectly stated by stakeholders to the Planning Commission in March/April 2023:



Code of Virginia SB 983 [LIS > Bill Tracking > SB983 > 2023 session](#)

Chapter 731: An Act to amend and reenact §§ [4.1-100](#), [4.1-206.1](#), as it is currently effective and as it shall become effective, [4.1-219](#), and [4.1-231.1](#) of the Code of Virginia, **relating to alcoholic beverage control; winery and farm winery licenses; requirements and privileges.** [S 983]

Approved March 27, 2023.

The primary changes were:

SUMMARY AS PASSED: ([all summaries](#))

Alcoholic beverage control; winery and farm winery licenses; requirements and privileges. Makes numerous 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.

[Review here the strike-out version of impacts to farm winery regulations:](#)

Any other state laws (pertaining to VABC Uses) since then?

WCC Finding of Fact: No

Larger venues should not get exemption from building code and safety inspection. How do we do this?

WCC Finding of Fact:

Other Counties (e.g., Albemarle, Clarke, Fauquier, others) have enacted regulation to identify the actual Agricultural Operation requirements for by-right activities versus agritourism or special events BEFORE approval of non-VABC by-right events are approved. (See Comparative Summary of Other County Zoning).

Loudoun could do the same: A business would prove Ag Operations first, and then have the ability to apply for structures claimed as “Agriculture” according to clear criteria. Only true Ag Operation Structures would be approved for USBC exemption.

All VABC Uses would have separate use standards and licenses.

WCC Finding of Fact:

This would be consistent with other counties that have separate Uses and standards for Farm Wineries, Limited Breweries, Limited Distilleries, as each is already separately licensed by Virginia ABC.

However—Other counties have not totally separated VABC use regulations for EVENTS.

An event is an event regardless of what type of ABC venue OR Rural Use it is held at.

Think of the analogy— swap ABC alcohol product for “Loudoun’s Best Lemonade” that draws hundreds of patrons/visitors to a location. If there is high traffic or there are EVENTS the evaluation should be based on the impacts of the location, not the product that is served.