



302 N. Main Street
Culpeper, Virginia 22701

AGRITOURISM POLICY

WHEREAS, the Code of Virginia (1950), as amended, at Title 15.2, Section 15.2-2288.6. Agricultural Operations; Local Regulation of Certain Activities addresses the regulatory arrangement in the Commonwealth of Virginia as to Agritourism; and

WHEREAS, Culpeper County continues to recognize that agricultural activities including agritourism are an integral component of the County's economy and maintaining the continued vitality of agriculture is necessary to achieve and preserve a balanced tax base and a diverse, healthy economy benefiting all of the citizens of the County; and

WHEREAS, the General Assembly of the Commonwealth of Virginia has enacted statutes that limit a locality's ability to regulate the following activities at an agricultural operation¹ unless there is a substantial impact on the health, safety, or general welfare of the public:

1. Agritourism activities as defined in Sec. 3.2-6400 of the Code of Virginia. "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, 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;
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 A 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. "Agricultural operation" means any operation devoted to the bona fide production of crops, or 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

WHEREAS, the General Assembly of the Commonwealth of Virginia by statute also

¹ "Agricultural operation" means any operation devoted to the bona fide production of crops, or 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.

mandates that any local restriction placed on an activity listed above 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; and

WHEREAS, the General Assembly of the Commonwealth of Virginia by statute also mandates that no locality shall require a special exception or special use permit for any activity listed above 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; and

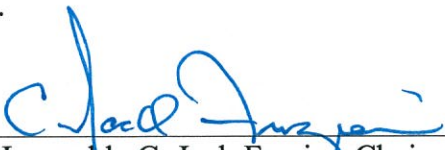
WHEREAS, the General Assembly of the Commonwealth of Virginia by statute also mandates that no local ordinance regulating the sound generated by any activity listed above shall be more restrictive than the general noise ordinance of the locality, however in permitting outdoor amplified music at an agricultural operation, the locality shall consider the effect on adjoining property owners and nearby residents; and

WHEREAS, presently there are no written factors, mechanism, or procedures for the County to evaluate whether a specific activity as described above as engaged in by an individual or entity imposes a substantial impact on the health, safety, or general welfare of the public;

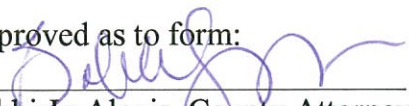
NOW THEREFORE BE IT FURTHER RESOLVED that Culpeper County will request those engaging in agritourism activities to declare the intent to do so by filing the attached Determination Form, found at Exhibit A attached to this Resolution; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Culpeper County Zoning Administrator will review these matters administratively on a case-by-case, individual basis as is contemplated in accordance with the factors and criteria set forth on the Determination Form, found at Exhibit B attached to this Resolution. Agritourism activities found to have a substantial impact on the health, safety or welfare of the general public shall require approval of a conditional use permit in accordance with Article 17 of the Culpeper County Zoning Ordinance prior to commencing the activity. Within the course of that process, the economic impact of any conditions considered, attendant to the conditional use permit, to be imposed upon the agricultural operation and the agricultural nature of the activity.

This Policy is adopted effective Sept. 5, 2017.


The Honorable C. Jack Frazier, Chairman
Culpeper County Board of Supervisor

ATTEST: 
John C. Egertson, Clerk to the Board

Approved as to form: 
Bobbi Jo Alexis, County Attorney

PLEASE REVIEW AND ANSWER THE QUESTIONS WHICH FOLLOW:

Agritourism Activity Factors of Consideration

Objectives:

- 1.) Determine whether property qualifies for Agritourism.
- 2.) If property qualifies for Agritourism, does the Agritourism activity create a substantial impact on the health, safety, or general welfare of the public?

OBJECTIVE 1

Basic Qualifying Questions

- **Where is your property located and what is your property zoned?** (Agritourism is generally allowed as a permitted or conditional use in the A-1 (Agricultural) and RA (Rural Area) Zoning Districts.)

- **What is the primary agricultural use of your property?** (Crops, Livestock, aquaculture, etc.)

To be completed by the Zoning Administrator: This property ___does / ___does not qualify for Agritourism activities

OBJECTIVE 2

Activity Specific Questions

- **What type of activity is being proposed?** (Farm sales, harvest-your-own activities, farm tours, educational programs, agricultural festivals, livestock shows, wedding or other related events, etc.)_____
- **What is the frequency and/or hours of operation for your proposed activity?** (Daily, weekly, seasonal, hours of operation)_____
- **How many vehicle trips per day (VTPD) are expected from your proposed activity?** (This number should not include vehicles trips associated with any normal day-to-day operations of the farm)_____
- **Will the activity use outdoor amplified music?** (Please also refer to Chapter 10A – Nuisances for more information related to noise control and to Chapter 3, Article II – Outdoor Musical or Entertainment Festivals where applicable)_____
- **Will the activity use outdoor lighting?** (If yes, please review Article 32 – Outdoor Lighting Standards for compliance)_____

- Will structures be used in conjunction with any proposed Agritourism activity? (Barns, sheds, etc.) If yes, you should consult with the Building Official to determine whether the structure is safe for occupancy for the planned activity. Such structures must be used generally for farm purposes but can be occupied for Agritourism activities on an infrequent basis. _____

Property Specific Questions

- How many acres does the property contain? _____
 - How far will activities be from the nearest property boundary? _____
 - Does your entrance meet minimum entrance standards as required by the Virginia Department of Transportation (VDOT) for your planned activity? (A VDOT land use permit may be necessary for your activity) _____
 - Is your driveway constructed and maintained to a standard that will accommodate emergency vehicles? (Items to consider: Width of driveway, visibility associated with curves and/or hills, surface of driveway) _____
 - Is the property located on a shared private road? (If yes, do you have an active Road Maintenance Agreement?) _____
 - How do you plan on accommodate anticipated parking for your activity? _____
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- Are there any open waterways (ponds, lakes, rivers, streams, etc.) located on the property and how do you plan to ensure the environmental integrity of these waterways as well as the safety of your activity patrons? _____
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- How do you plan on accommodating minimum sanitation standards and/or adequate sewage disposal for your activity? (Restrooms, permanent or portable. A permit from the Virginia Department of Health (VDH) may be necessary.) _____
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- Will this activity potentially have an adverse impact upon adjacent or neighboring properties? _____
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To be completed by the Zoning Administrator: This property ___ does / ___ does not create a substantial impact on the health, safety, or general welfare of the public?

***Note: Within the course of any conditional use permit process, conditions of approval may be imposed. Consideration must be given to the economic impact of any conditions to be imposed upon the agricultural operation.**

AGRITOURISM DECLARATION

AGRITOURISM: ANY ACTIVITY CARRIED OUT ON A FARM OR RANCH THAT ALLOWS MEMBERS OF THE GENERAL PUBLIC, FOR RECREATIONAL, ENTERTAINMENT, OR EDUCATIONAL PURPOSES, TO VIEW OR ENJOY RURAL ACTIVITIES, INCLUDING FARMING, WINERIES, RANCHING, HISTORICAL, CULTURAL, HARVEST-YOUR-OWN ACTIVITIES, OR NATURAL ACTIVITIES AND ATTRACTIONS. SUCH ACTIVITY CAN BE CONSIDERED AN AGRITOURISM ACTIVITY WHETHER OR NOT THE PARTICIPANTS PAY TO PARTICIPATE IN THE ACTIVITY.

FARM: LAND USED FOR THE TILLAGE OF SOIL AND THE GROWING OF VEGETABLES, FRUITS, GRAINS AND OTHER STAPLE CROPS INCLUDING THE RAISING OF LIVESTOCK OR DAIRYING.

Name or Company Name: _____
Property owner or primary contact (if different from above): _____
Phone: (____) _____
Property address: _____ City: _____ State: _____ Zip: _____
Tax Map/ Parcel No.: _____ Zoning: _____ Acreage: _____
Magisterial District: _____

What Agritourism Activity is being declared? Please summarize briefly below and add as many attachments and/or details as deemed necessary to fully describe the activity.

What type of farming activity is regularly done on the property? _____

What services/products will be provided by the farm or ranch as a result of the proposed agritourism activity? _____

Will any services or products be provided by an outside source? If so, explain:

Will anyone be employed who does not reside on the premises, and who is employed solely for agritourism purposes? _____

If yes, what is the estimated number of outside employees to be employed for the agritourism activity? _____

This application and the answers to the questions above constitute your DECLARATION of intent to conduct agritourism activities on you property.

In order that a DETERMINATION can be made regarding the activity and its potential to substantially impact public health, safety and welfare, please complete the attached form entitled Agritourism Activities Factors of Consideration.

Other offices and departments you may wish to consult: The Culpeper County Building Dept., the Virginia Dept. of Health, the Virginia Dept. of Environmental Quality (DEQ), USDA, VDACS, Office of Meat and Poultry Services, Office of Dairy and Foods, Virginia Tourism Corporation, VDOT

AGRITOURISM DETERMINATION

Culpeper County, in accordance with the Code of VA, Section 15.2-2288.6, is authorized to make a determination whether certain Agritourism activities would have a “substantial impact on the health, safety, or general welfare of the public.” The Board of Supervisors authorizes that this determination shall be made administratively, by the Zoning Administrator, on a case by case basis. In order to guide that determination, certain factors of consideration and a set of specific questions have been developed and are set forth on the pages which follow.

The following examples are intended to inform applicants of the types of impacts that may be found to have a substantial impact on the health, safety, or general welfare of the public:

- **Frequency and hours of operation:** Agritourism events which are sporadic, such as occasional weddings or large events which only occur a few times per year are not likely to have a substantial impact. Conversely, events occurring on a daily or weekly basis would be more likely to have substantial impact, but such a determination would further depend other factors such as crowd size and or traffic generation.
- **Vehicle trips per day:** Activities that generate large volumes of traffic may be found to have a substantial impact if such traffic would pose a safety hazard to the travelling public. The number of trips would need to be considered in relation to the access available to the subject site, such as existing or proposed entrance improvements and what type of road is being accessed (primary road or secondary road, paved or unpaved, public or private).
- **Amplified music (or other noise generated):** The County has a Noise/Nuisance Ordinance that it may rely upon to address this issue, however where there is an expectation of frequent noise that could be audible from adjacent and neighboring properties, that could very well be determined to have a substantial impact.
- **Structures:** In instances where farm structures will be regularly used for assembly purposes, ingress and egress, structural integrity, fire protection, etc. will be considered strongly in determining whether there is a substantial impact on public safety from a proposed Agritourism activity.
- **Size of the subject property and location of activity on the property:** A large parcel which provides a significant buffer to neighbors is much less likely to be found to have a substantial impact.
- **Sanitation:** A clear plan for providing adequate water and wastewater services during Agritourism events will be important in any finding of no substantial impact.
- **Access:** As noted above under “Vehicle trips per day” substantial impact may be clear when driveway access is inadequate to handle the volume of traffic. Also, introducing large volumes of traffic onto a private road will often dictate that there is a substantial impact.