We will be talking about 15.2-2288.6

What to call it?
- Someone’s name?
- Farm Bill?
- Agribusiness Bill?
- Agritourism Bill?
- 2288.6

Zoning regulations can be obstructions to what you want to do.

Rights of the property owner
Versus
Rights of government

We’re from the government, we’re here to help you.
What does 15.2-2288.6 mean to farmers and landowners?

It does not mean you may do ANYTHING you like on your ag zoned land.

§ 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 § 3.2-400, unless there is a substantial impact on the health, safety, or general welfare of the public:

1. Agritourism activities as defined in § 3.2-400;
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;
4. Other activities or events that are usual and customary at Virginia agricultural operations.

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. Any 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 ordinances of the locality. Operating 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 (§ 3.2-200 et seq.) of Title 6.1. Nothing in this section shall be construed to affect the provisions of Chapter 2 (§ 3.2-200 et seq.) of Title 6.1 to alter the provisions of § 15.2-2288.6, or to restrict the authority of any locality under Title 58.1.

§ 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 § 3.2-400, unless there is a substantial impact on the health, safety, or general welfare of the public:

1. Agritourism activities as defined in § 3.2-400;
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;
4. Other activities or events that are usual and customary at Virginia agricultural operations.

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. Any 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 ordinances of the locality. Operating 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 (§ 3.2-200 et seq.) of Title 6.1. Nothing in this section shall be construed to affect the provisions of Chapter 2 (§ 3.2-200 et seq.) of Title 6.1 to alter the provisions of § 15.2-2288.6, or to restrict the authority of any locality under Title 58.1.

If a property owner is conducting an agritourism activity on her property, then she may conduct certain specified activities of right, so long as those activities do not have a substantial impact on the health, safety or general welfare of other people and property owners.

Agribusiness - Agritourism
The 2288.6 House

Terms to Define
- agricultural operation (and bona fide production)
- substantial impact on the health, safety, or general welfare of the public
- Agritourism activities as defined in § 3.2-6400
- incidental to the agricultural operation
- usual and customary
- sound generated by any activity

§ 15.2-2288.6. Agricultural operations; local regulation of certain activities

A. No locality shall regulate conducting of any of the following activities at an agricultural operation, as defined in § 3.2-6400, 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, or the sale of agricultural related or silvicultural related items incidental to the agricultural operation;

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, B, C, and D of § 3.2-6400 or related state laws and regulations;

4. Any other activities or events that are usual and customary at Virginia agricultural operations.

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 agricultural 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 or harvest of products from silviculture activity.

Agricultural operation

The term agricultural operation is understood by the Board of Supervisors to mean 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 or harvest of products from silviculture activity.

Agricultural operations can only occur on a parcel located in one of the designated agricultural districts, or a parcel with a legal continuing pre-existing non-conforming agricultural use. Though often used in the singular, the phrase agricultural operation shall include an operation that has more than one qualifying activity. For example, land that is used in part for the production of crops, in part as pasture and in part for hay production, shall be considered an agricultural operation, including for the consideration of whether the operation satisfies the definition of bona fide production. This understanding of agricultural operation is principally derived from Section 3.2-300 of the Code of Virginia (1950).

§ 3.2-300. Definitions

"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.

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The term agricultural operation is understood by the Board of Supervisors to mean 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 or harvest of products from silviculture activity.

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Terms to Define

- **agricultural operation** (and *bona fide production*)
- **substantial impact** on the health, safety, or general welfare of the public
- **Agritourism activities** as defined in § 3.2-6400
- **incidental to** the agricultural operation
- **usual and customary**
- **sound generated by any activity**

§ 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, 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.

§ 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. *agricultural operation* as defined in § 3.2-300.
2. **substantial impact** on the health, safety, or general welfare of the public
3. **Agritourism activities** as defined in § 3.2-6400
4. **incidental to** the agricultural operation
5. **usual and customary**
6. **sound generated by any activity**

Bona fide production

The term *bona fide production* is understood by the Board of Supervisors to mean:

A. the agricultural operation is the primary use on the land. This section, as used in § 3.2-300, shall be interpreted to mean: if the agricultural operation is the primary use on the land, the agricultural operation is the primary use on the land. If the agricultural operation is not the primary use on the land, then such agricultural operation is a primary use on the land if it is intended to be the primary use on the land, and if such agricultural operation is the primary use on the land, the agricultural operation is the primary use on the land.

B. and incidental to the agricultural operation and the agricultural nature of the activity.

C. the agricultural operation qualifies for land use taxation treatment, whether or not land use taxation treatment is applied for in any given calendar year.

Substantial impact

The term *substantial impact* is understood by the Board of Supervisors to mean that a land use, begun or proposed after July 1, 2014, in an agricultural district, or on land that is in agricultural use because of illegal pre-existing non-conforming use rights, of such a nature as to change the character of the area in the vicinity of the new land use from that of a rural and agricultural area, to one that more resembles a business, commercial or industrial area, so as to never be construed as having a substantial impact on the health, safety, or general welfare of any person or property in the area.
§ 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 § 3.2-6400, 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 an agritourism activity.

3. The preparation, processing, or sale of foods in compliance with subdivisions A 3, 4, and 5 of § 3.2-6400 or related state laws and regulations.

4. Other activities or events that are usual and customary at Virginia agricultural operations.

Any local regulation placed on an activity listed in the 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. A locality shall require a special exception, administrative permit not required by state law, or special use permit for any activity listed in subdivision A 1 of this section if it is reasonably determined that the restriction on the agricultural operation shall never be construed as having a substantial impact on a nearby parcel, which agritourism activity or is or will be partially dependent upon a view of traditionally rural and agricultural landscapes. Similarly, a new or proposed use that would cause sounds to emanate off property which are not usual and customary in Jonesville agricultural operations are likely to be construed as having a substantial impact on the public or large. Sounds caused by farm equipment, farm machinery, animals, or other usual and customary activity on a bona fide agricultural operation shall never be construed as having a substantial impact.

3.2-6400 Agritourism defined

“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.

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

Terms to Define

- agricultural operation (and bona fide production)
- substantial impact on the health, safety, or general welfare of the public
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1. Agritourism activities as defined in § 3.2-6400;

2. The sale of agricultural or silvicultural products, or the sale of agricultural-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 § 3.2-6400 or related state laws and regulations;

4. Other activities or events that are usual and customary at agritourism operations.

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.

Incidental to

The term "incidental" is understood by the Board of Supervisors to mean any event or activity that happens by chance, or occurs as a minor part of, or subordinate to, another activity, or as a result of, a primary event or activity;

Minor part of, or subordinate to, or as a result of, a primary event or activity;

or occurs in conjunction with, in addition to, or as subordinate to, any activity, whether regular or unusual; or as a result of, or in conjunction with, or in addition to, any activity, whether regular or unusual.

In the case of certain activities, such as the sale of agricultural or silvicultural products, or the sale of agricultural-related items incidental to the agricultural operation, the term "incidental" may be either incidental to the agricultural operation or the agricultural nature of the activity.

Terms to Define

- agricultural operation (and bona fide production)
- substantial impact on the health, safety, or general welfare of the public
- Agritourism activities as defined in § 3.2-6400
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1. Agritourism activities as defined in § 3.2-6400;

2. The sale of agricultural or silvicultural products, or the sale of agricultural-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 § 3.2-6400 or related state laws and regulations;

4. Other activities or events that are usual and customary at agritourism operations.

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.

For example, when the Board of Supervisors finds that an agricultural or agricultural-related activity is incidental to the agricultural operation, the Board of Supervisors may determine that the sale of agricultural or agricultural-related products, or the sale of agricultural-related items incidental to the agricultural operation, may not be considered incidental to the agricultural operation, but rather, as a primary event or activity, or shall be subordinate to, or in conjunction with, or in addition to, the primary event or activity, or shall be considered incidental to the agricultural operation, but not the main activity on that property, or shall be subordinate to, or in addition to, the primary event or activity.

The sale of agricultural or agricultural-related items incidental to the agricultural operation shall not be considered incidental to the agricultural operation, but rather, as a primary event or activity, or shall be subordinate to, or in conjunction with, or in addition to, the primary event or activity, or shall be considered incidental to the agricultural operation, but not the main activity on that property, or shall be subordinate to, or in addition to, the primary event or activity.

In the case of certain activities, such as the sale of agricultural or silvicultural products, or the sale of agricultural-related items incidental to the agricultural operation, the term "incidental" may be either incidental to the agricultural operation or the agricultural nature of the activity.
Usual and customary

The term *usual and customary* is understood by the Board of Supervisors to mean those activities or events permitted of right in the A-1 or the A-2 zoning district, as applicable.

§ 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 § 3.2-6400, unless there is a substantial impact on the health, safety, or general welfare of the public.

1. Agricultural operations, as defined in § 3.2-6400.
2. The sale of agricultural or silvicultural products, or the sale of agricultural or related or silvicultural products.
3. The preparation, processing, or sale of food products in compliance with subdivisions A 3, 4, and 5 of § 3.2-6400.
4. Agritourism activities as defined in § 3.2-6400.

B. 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.

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.

The Board’s Intro

1. The Board of Supervisors is wholeheartedly in favor of the mutually supportive and compatible objectives of maintaining the rural and agricultural nature of agriculturally zoned districts, and facilitating the efforts of owners of bona fide agricultural operations in striving to make their farms successful and prosperous. Successful and prosperous farms are essential to maintaining rural lands.
2. The Board of Supervisors recognizes that the owners of bona fide agricultural operations need to explore creative alternative income generators that are incidental to, arise out of, and enhance, their traditional farming operations.
3. The Board of Supervisors also recognizes that the creative alternative income generators on agricultural operations must not be permitted to significantly impact the agricultural and rural character of the area, other agricultural operations, or creative alteratons for supplemental income generation on other agricultural operations.
4. The Board of Supervisors further recognizes its duty to protect County taxpayers from being inequitably burdened in the provision of infrastructure and services.