Agribusiness - Agritourism

We will be talking about 15.2-2288.6

Agribusiness - Agritourism

What to call it?

Someone's name?
Farm Bill?
Agribusiness Bill?
Agritourism Bill?
2288.6

Agribusiness - Agritourism

Some Disclaimers and Disclosures

Disclaimers and Disclosures

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

Disclaimers and Disclosures

Rights of the property owner Versus Rights of government Disclaimers and Disclosures

We're from the government, we're here to help you.

Agribusiness - Agritourism

What does 15.2-2288.6 mean to farmers and landowners? Agribusiness - Agritourism

What 15.2-2288.6 does <u>not</u> mean.

Agribusiness - Agritourism

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 § 3.2-300, 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 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.

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 lited 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 Ohapter 2 (§ 4.1-200 et seq.) of Title 4.1. Nothing in this section shall be construed to affect the provisions of Ohapter 3 (§ 3.2-300 et seq.) of Title 3.2, to alter the provisions of § 15.2-228.8, or to restrict the authority of any locality under Title 5.4.

§ 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;

 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.

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 initial in subsection A on property that is ander as an agricultural district or destification 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** lated in subaction 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.

§ 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**:

If a property owner is conducting an agricultural operation 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.

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 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;

 The sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation:

 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.

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 anned as an agricultural district or classification unless there is a substantial impact on the basility. Safety or general welfare of the public.

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 district, or a parcel what a legal continuing per solution and operation shall include an operation that include an operation that includes an operation that some than one aparticultural depending statutions, including to the transmission of crops, in parts a parture and in part for the production, shall be got that considered an approximatel operation, shall be got the considered and an approximatel operation, shall be got the considered and an approximatel operation, shall be got the considered and approximatel operation. This understanding of the state shall be desting to the s

§ 3.2-300. Definitions

"Agricultural operation" means

any operation devoted to the bona fide production of

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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

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 *bong lide production*. This understanding of *agricultural operation* is principally derived from Section 3.2.300 of the Code of Vignila (1950).

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.

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. Factors such as the proportion of capital investment, coversing expenses, bloor, screage, and similar considerations, allocated to agricultural activities, shall be taken into account where determining where the agricultural operations is the primary allocate to agricultural agricultural operations in the primary allow. Earlies, the analysis shall be a total facts and furnamistras enables, the owner, and agricultural operation may rever be deemed the primary use on the land if a reasonable perior could concide that the agricultural operation may rever be deemed the primary use on the land if a reasonable perior could concide that then agricultural operation of the states.

B. the agricultural operation is managed in good faith as a business activity, and;

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

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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§ 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;

The sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidential to the agricultural operation;
 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;

Other activities or events that are usual and customary at Vireinia 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 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 enarry residents.

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 legal pre-existing non-conforming use rights, is 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

one that more resembles a business, commercial or industrial area, as those terms are generally understood. Factors to be considered when determining whether a substantial impact will, or has, occurred include, but are not limited to, sight distance and traffic loading on ublicky maintained roads, or privately maintained roads that are shared by others; adequate swage disposal and drinking water; artificial light emanating from the property in a manner not typical in agricultural or runal areas; inguine and nature of sound emanating from the property in a manner not typical in agricultural or runal areas; inguine and nature of sound emanating from the property in a manner not typical in agricultural or runal areas; inguine and nature of sound emanating from the property in a manner not typical in agricultural or runal areas; inguine and nature of sound emanating from the property in a manner not typical in agricultural or runal areas; inguine and nature of sound emanating from the property in a more or proposed use that would generate a need for a agriculturian activity located on a nearby parcel, which agricultural activity is or will be partially dependent upon a view of traditionally runal and agricultural indicacepse. Similarly, a new or proposed use that would cause sounds to emanate as ubstantial impact on the public a large. Sounds caused by fam equipment, fam machinery, animals, or other usual and caustomy activity on a long first production, agricultural or promotion shall never be construed as having a substantial impact.

Substantial impact

The term substantial impact is understood by the Board of Supervisors to mean that a land use begin or proposed after ban 1, 2014, in an approducing direct, or on land that is in approducing use backness of leggl pre-enditing one-conforming use rights, is of such a nature as to change the character of the area in the vicinity of the new land use from that of a runal and agricultural atteries, to one start has the insufficient of indicating the substantial generally understood. Factors to be considered when determining whether a substantial impact will, or has, occurred include, but are not limited to sight distance and traffic loading on publicly maintained roads, or privately maintained trads, or privately maintained transfer and the substantial modes. The site of the substantial modes of the site in the vicinity of the new land use the maintained trads, or privately maintained trads or privately maintained trads, or privately maintained trads. The site of the site of the site site of the s

roads that are shared by others; adequate sewage disposal and drinking water; antificial light emanating from the property in a manner not typical in agricultural or rural areas; volume and nature of sounds emanating from the property not typical in agricultural or nucl areas; impact on the view of radiotands) rural and agricultural landscapes seen by the public, including but not limited to, the type of structures utilized or to be utilized by the new hand use. For example, a user or proposed use that would generate a need for a large pathing area often filled with non-fame the two difference of the two difference and the rule of the two difference to the set of the two difference to the two difference to the set of the two difference to two difference to the two difference to two diff

vehicles could Constitute a substantial impact on an existing or future agritourism activity located on a nearby parcel, which

agritourism activity 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 customory in bana fide agricultural operations are likely to be construed a having a substantial impact on the public at large. Sounds caused by fam equipment, farm machinery, animals, or stand and impact. The public at large. Sounds caused by fam operation stall even be construed as having a substantial impact.

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 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:

The sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural constition:

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

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 anned as an agricultural district or classification unless there is a substantial impact on the basity. Jackby 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 autociton. 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.

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-yourown 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.

Agritourism activities

The term agritourism activity is understood by the Board of Supervisors to mean 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-yourown activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity. The words "farm" and "ranch" shall be construed in a manner wholly consistent with the definition of agricultural operation. Both are understood to mean one or more areas of land used for the poduction, cultivation, growing, harvesting or processing of agricultural products. This understanding of *agritourism activity* and the words "farm" and "ranch" is principally derived from Section 3.2-6400 of the Code of Virginia (1950).

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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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, sofery, or general welfare of the public: 1. Agricultura activities as defined in § 3.2-600;

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.

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 an

event or activity

that happens or OCCUTS as a

minor part of, or subordinate to, or as a result of,

a primary event or activity;

or as subordinate to, in conjunction with, or in addition to, the primary or regular activity, but is nort the main activity, or is of accordary importance to, a minor accompanient. By, or retained, spectraling (i), the minar activity. For example, when the Statute provides that the sile of apportant or products sold on apportant spectraling (iii), the minar activity. For example, when the Statute provides that the sile of apportant or products sold on apportant spectraling (iii), the minar activity. For example, when the Statute provides (iii) and approximate the products sold on apportant spectraling (iii), the minar activity of the minar activity on that property, or it hall be invadid to an apportant spectraling (iii) and in the priority apportant products and in the property and the invadid to the provide product in activity on apportant generation and in a construct to mean that products which might be considered applicature in a share the products of a sold and approximate of the product spectraling of the approximation of the property and the product approximation products and the product spectral spectral spectrum and the product spectrum of the pro

Incidental to

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

.as subordinate to,

in conjunction with,

or in addition to,

the primary or regular activity,

but is not the main activity, or is discontary importance to, a minor accompaniement to, or naturally appertaining the main activity. For example, when the Statute provides that the kiel of approximation or agriculture existed products in obtained to the approximation greater of the statute and the statute of the statute activity of the statute activity and approximation greater of the statute activity of the statute of the statute activity and the statute activity and approximation greater of the statute activity of the statute activity of the statute activity and approximation activity of the statute activity of the statute activity of the statute activity and approximation activity of the statute activity of the statute activity of the statute activity appertaining the statute activity and approximation activity and activity and activity and activity and activity and activity appertaining the statute activity and and activity and activity activity and activity activity activity and activity and activity and activity and activity a

Incidental

The term **incidental** is understood by the Board of Supervisors to mean an event or activity that happens or occurs as a minor part of, or subordinates to, or as a result of, a primary event or activity; or as subordinate to, in conjunction with, or in addition to, the primary or regular activity; but is not the mini activity or

is of secondary importance to,

a minor accompaniment to,

or naturally appertaining to,

the main activity.

For catalysis, when the standar provides that the side of approximation or approximate relations are explored in specifical management approximate processing and approximate approximate and approximate approximate and approximate appr

Terms to Define

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§ 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 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.

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.

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.

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

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8. 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.

Sounds generated

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 legal pre-existing non-conforming use rights, is of such nature as to change the character of the area in the visionity of the new land use from that of a rural and agricultural area, to one that more resembles a business, commercial or industrial area, as those terms are generally understood. Factors to be considered when determining whether a substantial impact will, or has, occurred include, but are not limited to, sight distance and traffic loading on publicly maintained roads, or privately maintained

roads that are shared by others; adequate sewage disposal and dinking water; artificial light emanating from the property in a manner not typical in agricultural or rural areas; inclume and nature of sounds emanating from the property not typical in agricultural or rural areas; inclume and nature of sounds emanating from the property not typical in agricultural or rural areas; inclume and nature of sounds emanating from the property not typical in agricultural that would generate a need for a large parking area often dilled with non-ham whicks could constitute a substontial impact on an existing or future agritourism activity located on a nearby parel, which agritourism activity is or will be partially dependent upon a view of traditionally rural and agricultural landscapes. Similarly, a new or proposed use that would generate upon a view of rudinovally rural and agricultural landscapes. Similarly, a new or proposed use that would generate upon a view of rudinovally rural agricultural property which are not usual and customary in bona fide agricultural operations are likely to be construed as having a substantial impact on the public at large. Sounds caused by farm equipment, farm machinery, animals, or other usual and customary activity on a bona fide production, agricultural operation shall never be construed as having a substantial impact.

The Board's Intro

 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 *hoon fide agricultural operations* in striving to make therif farms successful and prosperous.
 Successful and prosperous farms are essential to maintaining rural lands.

 The Board of Supervisors recognizes that the owners of *bono fide agricultural operations* need to explore creative alternative income generators that are *incidental* to, arise out of, and enhance, their traditional farming operations.

 The Board of Supervisors also recognizes that the creative alternative income generators on agricultural operations must not be permitted to significantly import the agricultural and rural character of the area, other agricultural operations, or creative alternatives for supplemental income generation on other agricultural operations.

 The Board of Supervisors further recognizes its duty to protect County taxpayers from being inequitably burdened in the provision of infrastructure and services.