



Cumberland County Agritourism Policy

Scope:

The purpose of Cumberland County's Agritourism Policy is to provide direction for residents regarding when agritourism exemptions are applicable towards local laws, ordinances, or regulations. This policy is designed to comply with the requirements under the Virginia State Code, including, but not limited to, Virginia Code Sections 3.2-6400 through 3.2-6402 and 15.2-2288.6.

Definitions:

The following definitions from Virginia Code Section 3.2-6400 are adopted for use in this policy:

Agricultural products: any livestock, aquaculture, poultry, horticultural, floricultural, viticultural, 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 considered an agritourism activity, regardless of whether the participant paid to participate in it.

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.

Participant: means any person, other than an agritourism professional, who engages in an agritourism activity.



Compliance with Federal, State, and Local Laws:

1. All agritourism activities and ancillary activities shall be conducted in accordance with all federal, state, local laws, regulations, and taxation. This includes, but is not limited to, compliance with Virginia Code Section 3.2-6402(A), requiring the posting and maintaining of certain warning signs:

§ 3.2-6402. Notice required.

A. Every agritourism professional shall post and maintain signs that contain the notice specified in subsection B. The sign shall be placed in a clearly visible location at the entrance to the agritourism location and at the site of the agritourism activity. The notice shall consist of a sign in black letters, with each letter to be a minimum of one inch in height. Every written contract entered into by an agritourism professional for the providing of professional services, instruction, or the rental of equipment to a participant, whether or not the contract involves agritourism activities on or off the location or at the site of the agritourism activity, shall contain in clearly readable print the notice specified in subsection B.

B. 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."

C. Failure to comply with the requirements concerning signs and notices provided in this section shall prevent an agritourism professional from invoking the privileges of immunity provided by this chapter.

2. All necessary federal, state, and local licenses and permits for agritourism activities and ancillary activities shall be obtained prior to beginning operation of, and shall be maintained in good standing during operation of activities.



Agritourism Activities:

The following are examples of agritourism activities that are applicable under this policy:

1. Educational activities pertaining to the agricultural operations.
2. Exhibits and museums related to farm or agricultural production.
3. Tours.
4. Farm market.
5. Farm stays.
6. Farm-to-table tasting and dining.
7. Hayrides.
8. Horseback riding.
9. Interactive Animal or Farming Exhibits
10. Outdoor mazes of agricultural origin, such as straw bales or corn.
11. Picnics, whether self-provided or purchased on-site.
12. School field trips.
13. Self-pick flower, fruit, and vegetable operation.

Agritourism Event:

An agritourism location shall obtain an event permit for large events on-site.

Uses that are Not Agritourism Activities:

The following list is a non-exclusive list of uses that shall not be permitted as agritourism because such uses are not customarily associated with agricultural operations and have a high risk of substantial impact on the health, safety, and general welfare of the public.

1. Off-road vehicle trail riding/tracks/motor vehicle competitions.
2. Rodeo.
3. Ziplines.
4. Concerts with amplified sound.
5. Festivals/Fairs with mechanical amusement devices



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AGRITOURISM POLICY EXHIBIT A

AGRITOURISM DECLARATION

Cumberland County, in accordance with the Code of Virginia 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.” In order to guide that determination, certain factors of consideration and a set of specific questions have been developed by the Planning and Zoning Department, 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 wedding 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 a substantial impact, but such determination would further depend on other factors such as crowd size 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 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, could very well be determined to have a substantial impact.
- **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 an Agritourism event will be heavily considered in any finding of no substantial impact.
- **Access:** As noted above under “Vehicles 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 to a private road will often dictate that there may be a substantial impact.

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, horseback riding, 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 OR RANCH: one of more areas of land used for the production, cultivation, growing, harvesting or processing of agricultural products.

AGRICULTURAL PRODUCTS: any livestock, aquaculture, poultry, horticultural, floricultural, viticultural, silvicultural or other farm crops.

Name or Company Name:

Property Owner or Primary Contact (if different from above):

Property Address, City, State and Zip Code

Tax Map Number	Acreage	Zoning
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What Agritourism Activity is being declared? Please summarize below and add as many attachments with details as necessary to fully describe the activity.

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

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

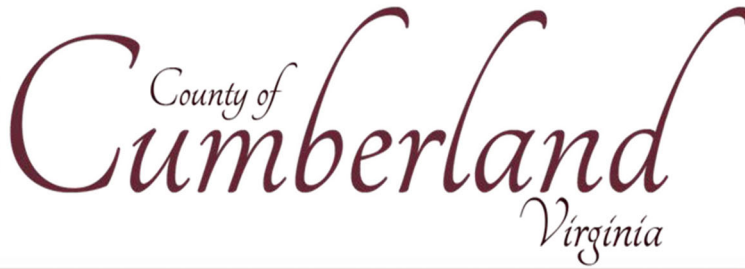
Will any services or products be provided by an outside source? If so, please explain:

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 your property.

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



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AGRITOURISM POLICY EXHIBIT B

AGRITOURISM ACTIVITY FACTORS OF CONSIDERATION

Objectives:

1. Determine whether the property qualifies for Agritourism.
2. If the 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?

What is your property Zoned?

What is the primary agricultural use of your property? (crops, livestock, aquaculture, horticulture, etc.)

How does the proposed agritourism activity meet the definition found in Virginia Code Section 3.2-6400?

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 vehicle trips associated with any normal day-to-day operations of the farm)

Will the activity use outdoor amplified music? (Please also refer to Chapter 34, Article IV for the Noise Ordinance, and Chapter 6, Article II for the Ordinance regarding Festivals, where applicable)

Will the activity use any special outdoor lighting?

Property Specific Questions

How many acres does the property contain?

How far will activities be from the nearest property boundary?

Does your entrance meet the 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 or private road? (If yes, do you have an active Road Maintenance Agreement?)

How do you plan to accommodate anticipated parking for your activity?

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?

How do you plan to accommodate the minimum sanitation standards and/or adequate sewage disposal for your activity? (Restrooms, permanent or portable. A permit from the Virginia Department of Health may be necessary.)

Will this activity potentially have an adverse impact on adjacent or neighboring properties?

***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.**

Property Owner Signature

Date

To be completed by the Zoning Administrator:

This property _____ does / _____ does not create a substantial impact on the health, safety or the general welfare of the public.

Planning Director | Zoning Administrator Signature

Date