

FARM / AGRICULTURAL STRUCTURE EXEMPTION AFFIDAVIT

Farm / agricultural buildings and structures are exempt from the Virginia Uniform Statewide Building Code (USBC) and in many cases from zoning permit requirements of the Orange County Zoning Ordinance. To qualify for the USBC exemption, the structure must be used for the specific purpose that is directly related to farming / agricultural operations. The Code of Virginia § 36-97 and the Virginia USBC defines a “farm building or structure” as follows:

Farm building or structure: A building or structure not used for residential purposes, located on property where farming operations take place, and is used primarily for any of the following uses or combinations thereof:

1. *Storage, handling, production, display, sampling, or sale of agricultural, horticultural, floricultural or silvicultural products produced on the property;*
2. *Sheltering, raising, handling, processing, or sale of agricultural animals or animal products;*
3. *Business or office uses related to the agricultural operations;*
4. *Use of, maintenance of, or storage of vehicles, machinery, or equipment used in conjunction with the agricultural use of the property;*
5. *Storage of use of supplies and materials used to support the agricultural use; or*
6. *Implementation of best management practices [terracing, shoreline stabilization, stream exclusion buffers, sediment retention ponds, composting, animal waste control facilities, etc.] associated with agricultural operations.*

Such buildings or structures lying within floodplain or in a mudslide-prone area are subject to flood proofing/mudslide regulations. The exemption does not apply to any building or portion thereof which is:

- A. Used as a restaurant, whether or not it is “agritourism”.
- B. Used in conjunction with a farm brewery, farm winery, or farm distillery (not exempt for zoning).
- C. Within the 100-year floodplain (not exempt for zoning).
- D. A permanent structure used as a “farm stand” or for other retail sales (not exempt for zoning).
- E. Lies within the approach zones of either the Orange County Airport or the Gordonsville Municipal Airport (not exempt for zoning).
- F. Used for intensive livestock, dairy, and/or poultry production, as defined in the Zoning Ordinance (not exempt for zoning).

Please answer the following questions to verify the identified structure qualifies as exempt:

1. Is the property currently an agricultural operation? ☐ Yes ☐ No Initial: _____

“Agricultural operation” means any operation devoted to the bona fide production of crops, 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. (VA Code § 3.2-300)

2. Is the identified structure used for any of the uses #1-6 identified above?

☐ Yes ☐ No Initial: _____

3. Is the identified structure included in the non-exempt list (A-F above)?

☐ Yes ☐ No Initial: _____

If you answered "No" to either question 1 or question 2, or "Yes" to question 3, the identified structure is not exempt from the requirements of the USBC and/or zoning permit requirements of the Orange County Zoning Ordinance. Please apply for the appropriate permits.

If you answered "Yes" to both questions 1 and 2, and "No" to question 3, please complete the remainder of the affidavit below and provide:

- Documentation showing the property is currently a farm / agricultural operation (IRS Schedule C or Schedule F, confirmation the property is enrolled in the Use Value Assessment Program, receipts for the sale of agricultural products produced on-site or purchase of supplies to support the agricultural use on-site, or photos clearly showing an active agricultural use on-site) and
- A sketch plan showing the location of the identified farm / agricultural structure with distances from property lines labeled.

NOTE: Agricultural structures, even if approved as farm / agricultural exempt, are not exempt from erosion and sediment control and stormwater management permit, plan, and bond requirements.

Owner Information:

Applicant Name: _____ Phone: _____

Property Address: _____

Mailing Address: _____

Email Address: _____ ☐ N/A

Structure Information:

Size/dimensions: _____ Electrical service: ☐ Yes ☐ No Provider: _____

Proposed use: _____

Owner Certification:

I, _____, have read and understand the above and affirm and attest the identified structure qualifies for a farm / agricultural exemption. Further, I consent to County staff performing inspections to ensure compliance.

Owner signature: _____ Date: _____

STATE OF _____

CITY/COUNTY OF _____

Subscribed and sworn to me this _____ day of _____, 20____.

Notary Public

SEAL

My Commission Expires: _____

OFFICIAL USE ONLY

☐ N/A Building Official Approval: _____ Date: _____

Zoning Administrator Approval: _____ Date: _____

E&S Program Administrator Approval: _____ Date: _____