



2018 Virginia Agritourism & Building Codes Review

Prepared at the request of the
Virginia House and Senate General Laws Committees

by
Martha A. Walker, Ph.D., Virginia Tech / Virginia Cooperative Extension
*In collaboration with **Megan M. Seibel, Ph.D.**, Virginia Tech / Virginia Cooperative Extension
and the **Agritourism & Building Codes Review Team***

Submitted to
Senator Frank M. Ruff, Chair
Senate General Laws Committee

Delegate Chris Peace, Chair
House General Laws Committee

Senator Mark D. Obenshain, Delegate Dickie Bell, and Delegate Tim Hugo

Susan Clarke Schaar, Clerk of the Senate

November 1, 2018

AAEC-166NP

Table of Contents

- **Executive Summary** 5

- **Agritourism in Virginia** 7
 - The Definition..... 7
 - Agritourism Activities..... 8
 - Virginia Agritourism Fiscal Impact..... 8

- **Background for the Review** 9

- **Process for the Review** 11
 - Interviews..... 12
 - Questionnaire 12
 - Stakeholder Discussions..... 12

- **Defining an Agritourism Building** 13
- **Identifying Building Safety Attributes** 13
 - Financial Impact of Building Safety Attributes..... 14
- **Expanding Education for Virginia’s Agritourism Network**..... 15

- **Conclusion**..... 15

- **Appendix**
 - Appendix A: 2018 Virginia Agritourism & Building Codes: Current Impacts and Potential Responses Interview Responses 18
 - Appendix B: 2018 Virginia Agritourism & Building Codes: Current Impacts and Potential Responses Questionnaire Responses 56
 - Appendix C: Agritourism & Building Codes Review Team..... 86
 - Appendix D: Albemarle & Loudoun Counties’ Proposals..... 87
 - Appendix E: Projected Cost of Discussed Safety Attributes 89
 - Appendix F: Virginia Wineries Association Study on Code Compliance Retrofit Costs..... 94

A special thank you is extended to each person who responded to the questionnaire, to those who contributed information through the interviews, and to each of the following members who served on the Agritourism & Building Code Review Team.

Laurie Aldrich, Cideries Association & Virginia Wineries Association Executive Director
Mitzi Batterson, Wine Industry Legislative Chair, James River Cellars Winery
Jeff Brown, Virginia Department of Housing & Community Development
Shelby Bruguiera, Dickie Brothers Orchard
Cindy Davis, Virginia Department of Housing & Community Development
Michael Dellinger, Albemarle County Building Official
Joe Dombroski, New Kent Winery
Phyllis Errico, Virginia Association of Counties
Gregg Fields, Virginia Building & Code Officials Association - Alexandria
Jeff Flippo, Virginia State Firefighters Association
Katie Frazier, Farm Credit of the Virginias
Linda Hale, Virginia Fire Prevention Association
Lee Hartman, Bluestone Winery
Kellie Hinkle, Loudoun County - Agriculture Development Officer
Stan Joynes, Valley Road Vineyards LLC
Gwen Kennedy, Loudoun County
Anne Leigh Kerr, Kerr Government Strategies
David King, King Family Vineyards
Joe Lerch, Virginia Association of Counties
Amelia McCulley, Albemarle County Director of Zoning / Zoning Administrator
Thomas Miller, County Attorney - Rockingham County
Jimmy Moss, Virginia Building & Code Officials Association - Grayson County
Stephanie Pence, Brix and Columns Vineyards
Buddy Rizer, Loudoun County CECD, Executive Director
Justin Rose, Rosemont Winery
Kyle Shreve, Virginia Agribusiness Council
Susan Sink, Sinkland Farms
Andrew Smith, Virginia Farm Bureau
Jim Turpin, Virginia Wineries Association
Stephen Versen, Virginia Department of Agriculture & Consumer Services
Heather Wheeler, Virginia Department of Agriculture & Consumer Services
Mary Beth Williams, Williams Compliance
Kenny Young, Loudoun County Assistant County Administrator

Gratitude is expressed to members of Virginia Cooperative Extension's Agritourism Program Leadership Team who assisted in analyzing the collected responses. Team members include Livvy Preisser, Kelli Scott, Sarah Sharpe, and Rebekah Slabach.



Executive Summary

Following the 2018 General Assembly session, the Virginia House and Senate General Laws Committees requested a review of agritourism enterprises and building code application “in order to better understand the issue and its potential negative impact on rural economic development.” The Committees asked four questions:

1. Is there a legitimate need to undertake the development of this type of specialized building code?
2. What would be the economic impacts on agritourism and rural businesses?
3. What groups could be impacted by such a change?
4. If necessary what items should be considered in such a building code?

Throughout the discussion, the four review questions were always under consideration. Pulling from data collected and discussion comments, the questions were addressed.

- *Is there a legitimate need to undertake the development of this type of specialized building code?* Virginia agritourism operations are diverse and complex. At this time, it appears to be premature to legislate the application of existing building codes or to develop legislation for any specialized building codes.
- *What would be the economic impacts on agritourism and rural businesses?* Requirements for commercial building code compliance for farm buildings hosting agritourism activities may be prohibitive for the majority of Virginia farms and result in the end of agritourism functions and/or the closure of small farms. Ultimately, the termination of one farm revenue source negatively impacts the entire farming operation especially during years of production instability.
- *What groups could be impacted by such a change?* The major group impacted by any change in building code application would be the Virginia farmer who is using agritourism events and activities to generate alternative farm revenue.
- *If necessary, what items should be considered in such a building code?* No new items should be considered as part of the Virginia USBC. However, the group requested that discussion on this issue continue to held with agritourism stakeholders.

Because of the conversations held during this review, critical outcomes were realized. Agritourism stakeholders engaged in discussions on significant agritourism issues in an environment where decision-makers listened to the concerns and potential impacts proposed changes would have on Virginia agritourism. Rapport and partnerships were established between agritourism owners and local officials with the hope that conversations would continue. Stakeholders agreed that educational materials would increase the awareness and engagement of agritourism stakeholders in continuing to offer the highest level of safety for agritourism visitors and workers and to build trust and collaborative relationships between agritourism operators and officials.

The highly engaged group was invested in uncovering any opportunity for strengthening the agritourism industry and continuing to provide safe conditions for guests who are seeking a memorable experience on a farm. The stakeholder group asked that discussions continue to be held with an inclusive group of representative stakeholders who would be charged with:

- Developing a definition for an agritourism gathering space that is separate from the current Code of Virginia farm structure or building definition. It would be only this defined farm space, venue, and/or assembly area and not the entire farm that would be considered for compliance with any agreed upon public safety standards.
- Clarifying the specific safety attributes; how the safety attributes would apply to a) existing agritourism business/buildings, b) new agritourism business/construction, and/or c) new use or a change in use for buildings not previously under the building code; and the process for incorporating any recommended attributes within the Virginia USBC.
- Supporting the work of Virginia agritourism stakeholders as the group designs educational materials on a) fire safety practices, b) safe building attributes, and c) general building code resources and the building code appeals process.

Virginia Agritourism & Building Codes: 2018 Review

Agritourism in Virginia

Virginia farms face a constant struggle to increase revenue; and in most all cases, that revenue is tied directly to what the land can produce and the farm's ability to generate sales. Virginia agriculture has proven its ability to flourish and is still ranked as the number one state industry. One resource that local farms are finding to be highly successful in generating supplemental revenue is the development of agricultural programs, events, and attractions that invite local residents and tourists onto their land to experience the peaceful but energized farm environment.

Agritourism is recreation at its finest! Visitors to local farms might tour a vineyard or discuss the process of transforming grapes into high quality Virginia wines. Younger guests (as well as many adults) may discover that goats are not dogs with horns, donkeys are different than horses, and milk does not actually originate in a plastic container in the grocery store. The tour of farm fields has enabled many people to realize that peanuts grow underground and cotton grows on a plant and not in a bale. People are hunting in the deer-filled forests and fishing in the well-stocked ponds. Pumpkins, apples, cherries, and other produce are being picked. Classes are being taught on artisan breads and cheeses. Corn mazes are being navigated. Wedding parties are enjoying the beautiful scenery and are filled with the sense of serenity that comes from gazing at the open landscape. Hayrides, animal barnyard visits, and ice cream treats made from the local dairy's milk are being added to the top of the "fun-to-do" list of many Virginians.

The Definition

The Code of Virginia defines agritourism as

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 (Code of Virginia § 3.2-6400).

<https://law.lis.virginia.gov/vacode/title3.2/chapter64/section3.2-6400/>

In most all cases, agricultural tourism refers to a visit to a working farm or any agricultural, horticultural or agribusiness operation in order to enjoy, be educated, or become actively involved in the activities of the farm operation. However, before the label agritourism is applied to a Virginia operation, the enterprise must first be a farm. In Virginia, a farm is defined in § 3.2-300 of the Code of Virginia as an "agricultural operation" and 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.

Agritourism Activities

Results from both the 2013 and 2016 Virginia agritourism studies found that Virginia farms were incorporating an array of events and activities into the farms' business plans in order to generate new revenue streams. The following list identifies most but not all of what Virginia farms are doing.

Agricultural museum & displays	Flow Honey (Educational programming and direct sales)	<i>Preparing for an Agritourism Event: A Checklist</i>
Archery	Flower arranging workshops	Orchards & Pick-Your-Own (picking, sitting, picnics under the trees)
Barn dance	Food trucks with live music and other events	Pancake breakfasts
Bed & Breakfast accommodations	Haunted barns	Plant a garden
Biking trails	Hay/wagon rides	Pony & horse-back riding
Bird watching	Heirloom plant & animal exhibits	Pumpkin patch (picking, painting, carving, & buying)
Birthday parties	Herb walks	Pumpkin Chuckin
Brewery	Heritage Trails	Quilting/weaving exhibitions
Cabin living/camping	Hiking paths (walking, identifying the vegetation, determining the age of a tree, picnicking)	Restaurants/Dining (farm food, slow dining, Sunday brunches, farm meals, or local foods)
Campfires (add the marshmallows)	Historic re-enactments	Rodeo
Camping	"How to" clinics	Snow sledding
Canning produce	Hunting	Sorghum milling
Canoeing	Ice cream/bakery	Sports in the pasture
Corn maze	Jam & jelly making	Star gazing & moonlight activities
Corporate & group events	Log cabin rentals	Storytelling/story swaps
Cut flowers (picking, arranging, & planting)	Meeting the barnyard animals (educational programs on each animal; shearing the sheep, milking the "demonstration" cow, or participating in "cattle college")	Straw bale maze
Cut your own Christmas tree & evergreens	Music events (Banjo & guitar training), concerts, & festivals (refer to Extension Publication 448-501,	Tours for children & families
Farm cooking classes and contests		Vegetable contests
Farm scavenger hunts		Virginia Standards of Learning & the farm
Farm stores & markets		Weddings
Farm vacations - A day/week on the farm (living, working, enjoying)		Winemaking & tasting
Fee fishing pond (Fishing, cleaning, & cooking)		Winery

Farmers are investing not only in crops and animals but also in on-farm experiences that bring paying guests to the farm and generate another source of revenue from their farm land.

Virginia Agritourism Fiscal Impact

Virginia agritourism represents a \$2.2 billion economic impact based on a 2016 study conducted by Virginia Tech's professor Vincent Magnini, making a substantial contribution to the economic health and well-being of the Commonwealth. A summary of key findings are as follows:¹

- There are approximately 1,400 establishments in Virginia that classify into the agritourism sector. Roughly 56% of these venues are open to the public throughout the year.

¹ Within the context of this study, the terms "establishments," "farm businesses," and "venues" can be used interchangeably to refer to individual entities that classify into the agritourism sector according to Virginia state code.

- While visitation levels vary widely among venues, on average 5,356 visitors patronize each establishment per year.
- In 2015 visitors to Virginia's agritourism farm businesses spent an estimated \$1.5B throughout the state. Approximately, 17% of this total was spent at the agritourism venues; the remaining 83% was spent outside the venues (e.g. hotels, restaurants), but inside the Commonwealth.
- The total economic activity stimulated by Virginia's agritourism sector during 2015 was approximately \$2.2B.
- Economic activity created by the agritourism sector was associated with approximately \$1.2B in value-added effects in 2015 which is a measure of the sector's contribution to the gross domestic product of the state.
- Regarding employment, the economic activity attributed to Virginia's agritourism sector supported approximately 22,151 full-time equivalent jobs in the state in 2015.
- In terms of wages and income, the economic activity spawned by Virginia's agritourism sector was responsible for roughly \$839.1M in wage and salary income in 2015.
- Economic activity stimulated by Virginia's agritourism sector generated approximately \$134.7M in state and local tax revenues during 2015.
- The *economic impact from tourists* [defined as those traveling 50 miles or more (one way) to an agritourism venue] was approximately \$1.0B during 2015. This *economic impact from tourists* represents the 'fresh money' infused into an area economy and is a subset of the total economic activity attributed to agritourism venues.
- When agritourism farm business revenues deriving from off-farm markets, off-farm restaurants, and off-farm festivals are also included in the economic modeling, the amount of economic activity produced by Virginia's agritourism sector increases by approximately 40% to a total of \$3.0B.
- The top motivations for Virginia's farm businesses to operate in the agritourism sector are to:
 - Generate additional income
 - Market farm products
 - Share a lifestyle or way of living with others

Reference http://pubs.ext.vt.edu/content/dam/pubs_ext_vt_edu/AAEC/aaec-157/AAEC-157.pdf

Background for the Review

During 2017, local and state officials expressed concern regarding the public's safety when participating in events hosted in farm structures that were not designed for activities. Furthermore, policy makers and the agritourism industry were concerned about local officials' determination of which structures qualify for the farm building exemption. In response to these

concerns, Senate Bill No.784 / House Bill No.714 and House Bill No.1224 were introduced during the 2018 General Assembly session.

Following the 2018 General Assembly session, the Virginia House and Senate General Laws Committees requested a review of agritourism facilities and building code application “in order to better understand the issue and its potential negative impact on rural economic development.”

The Committees asked four questions:

1. Is there a legitimate need to undertake the development of this type of specialized building code?
2. What would be the economic impacts on agritourism and rural businesses?
3. What groups could be impacted by such a change?
4. If necessary what items should be considered in such a building code?

Members of the Committees asked that the 2018 review expand the understanding of its membership on agritourism public safety and welfare concerns and the impact of building codes applied to agritourism facilities.

Farm Building/Structure & the Virginia Uniform Statewide Building Code (USBC)

It is vital that the definitions of a farm building or structure be clearly established before any discussion can take place on the Virginia Uniform Statewide Building Code (USBC) and its impact on agritourism structures.

The Virginia Code §36-97 and Virginia Administrative Code (VAC) 13VAC5-63-200 Chapter 2 define the meaning of the farm building or structure.

"Farm building or structure" means a building or structure not used for residential purposes, located on property where farming operations take place, and used primarily for any of the following uses or combination thereof:

1. Storage, handling, production, display, sampling or sale of agricultural, horticultural, floricultural or silvicultural products produced on the farm;
2. Sheltering, raising, handling, processing or sale of agricultural animals or agricultural animal products;
3. Business or office uses relating to the farm operations;
4. Use of farm machinery or equipment or maintenance or storage of vehicles, machinery or equipment on the farm;
5. Storage or use of supplies and materials used on the farm; or
6. Implementation of best management practices associated with farm operations.

Code of Virginia <https://law.lis.virginia.gov/vacode/title36/chapter6/section36-97/>

Virginia Administrative Code

<https://law.lis.virginia.gov/admincode/title13/agency5/chapter63/section200/>

The Virginia Code §36-99 defines Virginia farm buildings and structures as exempt from any application of the Virginia Uniform Statewide Building Code.

§ 36-99. Provisions of Code; modifications.

A. The Building Code shall prescribe building regulations to be complied with in the construction and rehabilitation of buildings and structures, and the equipment therein as defined in § 36-97, and shall prescribe regulations to ensure that such buildings and structures are properly maintained, and shall also prescribe procedures for the administration and enforcement of such regulations, including procedures to be used by the local building department in the evaluation and granting of modifications for any provision of the Building Code, provided the spirit and functional intent of the Building Code are observed and public health, welfare and safety are

assured. The provisions of the Building Code and modifications thereof shall be such as to protect the health, safety and welfare of the residents of the Commonwealth, provided that buildings and structures should be permitted to be constructed, rehabilitated and maintained at the least possible cost consistent with recognized standards of health, safety, energy conservation and water conservation, including provisions necessary to prevent overcrowding, rodent or insect infestation, and garbage accumulation; and barrier-free provisions for the physically handicapped and aged. Such regulations shall be reasonable and appropriate to the objectives of this chapter.

B. In formulating the Code provisions, the Board shall have due regard for generally accepted standards as recommended by nationally recognized organizations, including, but not limited to, the standards of the International Code Council and the National Fire Protection Association.

Notwithstanding the provisions of this section, farm buildings and structures shall be exempt from the provisions of the Building Code, except for a building or a portion of a building located on a farm that is operated as a restaurant as defined in § 35.1-1 and licensed as such by the Board of Health pursuant to Chapter 2 (§ 35.1-11 et seq.) of Title 35.1. However, farm buildings and structures lying within a flood plain or in a mudslide-prone area shall be subject to flood-proofing regulations or mudslide regulations, as applicable.

<https://law.lis.virginia.gov/vacode/title36/chapter6/section36-99/>

On August 23, 2010, Virginia Attorney General Kenneth T. Cuccinelli issued an advisory opinion to Fauquier County's request on "*whether the use of a farm building or structure for the purposes of hosting events like concerts, dances, and wedding receptions constitutes a change in the occupancy classification of the structure sufficient to require the owner of such a structure to obtain an occupancy permit for such events.*"

The opinion stated "*that the occasional use of a farm building or structure to host a concert, dance, or other social gathering does not constitute a change in occupancy classification and, therefore, does not require the owner to obtain an occupancy permit for the new use.*"

<https://www.oag.state.va.us/citizen-resources/opinions/official-opinions?id=65>

Process for the Review

The process for the review of agritourism facilities and building code application was built on the values of inclusion, transparency, and evidence. Three components were built into the process: 1) interviews with key informants (Appendix A), 2) a questionnaire distributed to agritourism stakeholders (Appendix B), and 3) a workgroup of agritourism stakeholders (Appendix C).

1. A sampling of agritourism stakeholders representing 22 groups was identified, interviews were scheduled, and comments were compiled and analyzed.
2. The 2018 agritourism and building codes questionnaire was distributed three times during the week of May 14 – May 21, 2018, to the Virginia agritourism listserv. Of the 922 listserv members approximately 60% (n=553) are directly related to farms with agritourism enterprises. Responses were received from 53 listserv members (not all respondents completed every question) representing 9.5% of those directly involved with agritourism.
3. The discussion continued with the formation of a workgroup composed of 45 stakeholders who formed the Agritourism and Building Code Review Team.

Interviews

Interviews of 39 agritourism stakeholders representing 22 groups began on Monday, May 14, and continuing through the first week of June. Although 43% of the questionnaire respondents indicated a public safety concern, 100% of those interviewed identified public safety as an issue and proposed an array of public welfare and safety concerns. The majority of comments related to:

- Fire hazards.
- Building ingress and egress including the number of exits and lighted exit signage,
- Road access for emergency vehicles.
- Fire suppression that will allow people to self-evacuate the building and protect the emergency personnel.
- Structural integrity of the building and the building's capacity for large crowds when "occupancy loads are not calculated."

Questionnaire

Information was needed from agritourism stakeholders related to public safety issues and farm structures used for agritourism activities. To gather these responses, an electronic questionnaire was distributed between May 14 and May 21, 2018, to the Virginia agritourism listserv.

Among the questionnaire responses captured, 57% (n=25) indicated that either "no public safety concerns" existed or they were "unsure". Others reported safety and access concerns that were categorized into five themes including:

- Fire safety modifications to the interior including fire suppression, lighted and designated exits to accommodate rapid exit should a fire occur.
- Ingress and egress designed to accommodate emergency management vehicles.
- Handicapped accessibility.
- Structural integrity with a load bearing capacity to accommodate maximum people.
- Safe flooring to prevent tripping.

Stakeholder Discussions

The Agritourism and Building Code Review Team (workgroup) began its work with its first meeting on June 12, 2018. Equipped with the results of findings from both the interviews and the questionnaire, agritourism leaders engaged in a robust discussion and agreed that 1) Virginia's agritourism industry incorporates multiple types of operations and 2) there are some differences in how building codes are enforced throughout the Commonwealth. The ultimate goal of the workgroup's discussions is 1) to ensure a safe environment for everyone enjoying a rural activity and 2) to engage agritourism operations in reviewing and securing input on any proposed changes.

The team continued its conversations at its July 20, September 11, and October 18 meetings. Between the face-to-face conversations, subgroups worked on identifying appropriate wording for defining an agritourism gathering space and reviewing suggested building attributes in relationship to existing building code requirements. The review process was intensely deliberate with each team member mindful of the ultimate impact any decision would have on Virginia's agritourism industry.

Defining an Agritourism Building

The stakeholders realized at their June 2018 meeting that there was no clear operational definition of a farm structure that is used for gatherings of the general public. It became obvious that before any building code discussion could occur or any assessment of the cost of applying safety attributes to a farm structure be calculated, a definition for this type of farm gathering space must be defined and the definition be included in the Code of Virginia.

With a “farm building or structure” currently defined in the Code of Virginia §36-97, the workgroup recognized the need to create a new term to classify the buildings that would comply with certain safety standards to protect public safety during events, while also preserving the farm building exemption for production agriculture.

During the subsequent meetings, numerous terms and definitions were discussed. The goal was to design a new definition that would include the proper facilities without causing unintended consequences for commercial agriculture buildings or adding confusion for local and state regulators to enforce such standards.

The workgroup was unable to reach consensus on an agritourism gathering space definition and suggested that the discussions should be continued for the purpose of developing a definition for an agritourism gathering space that is separate from the current Code of Virginia farm structure or building definition. It would be only this defined farm space, venue, and/or assembly area and not the entire farm that would be considered for compliance with any agreed upon public safety standards.

Identifying Building Safety Attributes

The stakeholder group discussed a variety of building safety attributes for an agritourism structure and considered if any changes would be needed in the Virginia Uniform Statewide Building Code (USBC).

For months the group discussed appropriate safety attributes and affirmed that each Virginia agritourism operation is unique. Most importantly, the group placed a high value on public safety and invested themselves in analyzing the best tools to address the prevention of mishaps and the protection of life should a mishap occur.

A proposal from Albemarle County (Appendix D) was considered which outlined seven minimum public safety attributes for agritourism facilities. There were some concerns that some of the proposed features may be more stringent than the current requirements of the USBC.

Although these suggested safety features were discussed as effective guidelines, no consensus was reached on the appropriate attributes and how the attributes should be applied.

The workgroup suggested that discussions continue to be held on agritourism gathering space safety attributes with an inclusive group of representative stakeholders who would be charged with

- clarifying the specific attributes;
- defining how the safety attributes would apply to
 - existing agritourism business/buildings,
 - new agritourism business/construction, and/or

- new use or a change in use for buildings not previously under the building code; and
- outlining the process for incorporating any recommended attributes within the Virginia USBC.

Financial Impact of Building Safety Attributes.

Three approaches were used to gather the financial impact of applying building safety attributes to agritourism facilities: 1) comments gathered from agritourism operators, b) estimates provided by three engineering firms (Appendix E), and 3) a study conducted by the Virginia Wineries Association (Appendix F). Overall, it is important to understand that construction costs are influenced by the region of the Commonwealth where the farm is located and a building retrofit has the potential to double the cost.

1. Comments gathered through the reviewer’s interviews and the electronic survey indicated that if agritourism operations were required to meet the current building code requirements, the cost would range between \$50,000 and \$100,000 creating an unrealistic financial burden on agritourism farms. During the stakeholder discussions, a winery owner reported that installing a sprinkler system as defined by the Virginia USBC within the public area of the winery would exceed \$1 million. Expenditures were based on experience and reports received from farms within the stakeholders’ region. Furthermore, farms were reported to face additional costs for building and zoning permits including site plans, inspections, and change of use applications ranging up to \$15,000 in some areas.
2. Using the Albemarle County proposed building safety attributes, three engineering and architectural firms were recruited to offer insight on the projected costs for each attribute (Appendix E). Information collected from these firms suggested that if the Albemarle County proposed safety attributes were required, the cost for a small agritourism space may reach approximately \$86,000 in hardware costs. This reflects only the cost of the hardware and does not include the cost of labor, loss of business, or structure retrofits to accommodate the safety attribute.
3. The Virginia Wineries Association conducted a study (Appendix F) on cost projections for retrofitting or equipping an agritourism space with safety features as published in the Virginia Uniform Statewide Building Code along with the addition of the attributes proposed by Albemarle County. Cost projections for agritourism facilities to be equipped to comply with the existing USBC requirements would range from \$53,000 to \$993,000 (not including ADA compliance costs). Should the Albemarle attributes be the only requirements, the study found that the cost would be between \$45,000 and \$113,000 (not including ADA compliance costs). Appendix F includes itemized pricing and details for a sample of six wine producing and tasting facilities of varying capacity and patronage across the state.

Expanding Education for Virginia's Agritourism Network

Throughout the discussions, stakeholders recognized the value of providing educational materials to local officials and agritourism operations on building safety and safety management practices.

Of the questionnaire responses, 30.5% expressed concern over not knowing enough about the codes or that the codes were being applied differently from locality to locality causing confusion among agritourism operators. Over 65% of the respondents did not know if the current building code requirements addressed the safety concerns for their agritourism facilities. One respondent wanted agritourism operations to operate in a manner that is “conducive to the public using it without fear of injury or damage to them or their property.” Of those who were interviewed during this review, 100% of the interviewees expressed concern for the public welfare related to fire, building egress, and structural integrity.

Both the data sets compiled from the questionnaire and interview responses indicated ingress, egress, structural integrity of the building, and mitigation of fire hazards as safety concerns for agritourism facilities. In order to begin the process of creating conditional change, the workgroup discussed the importance of broadening the industry's awareness of the issue and expanding agritourism operators' knowledge and understanding of the best practices.

The workgroup reached consensus on using educational materials to increase the awareness and engagement of agritourism stakeholders in continuing to offer the highest level of safety for agritourism visitors and workers and to build trust and collaborative relationships between agritourism operators and officials. Members of the workgroup agreed to design educational materials on a) fire safety practices, b) safe building attributes, and c) general building code resources and the building code appeals process.

Conclusion

A dedicated group of individuals gathered between May and October 2018 to review, discuss, analyze, and build a responsive proposal to the four questions posed by the Virginia House and Senate General Laws Committees:

1. Is there a legitimate need to undertake the development of this type of specialized building code?
2. What would be the economic impacts on agritourism and rural businesses?
3. What groups could be impacted by such a change?
4. If necessary, what items should be considered in such a building code?

The group examined agritourism issues impacting public safety and welfare and the impact of building codes applied to agritourism facilities, discussed possible definitions for farm structures used for gathering people, explored potential building attributes for agritourism facilities, and considered a process for revisions to the Virginia Uniform Statewide Building Code that would require agritourism facilities to incorporate specific building features.

Throughout the discussion, the four review questions were always under consideration. Pulling from data collected and discussion comments, the questions were addressed.

- *Is there a legitimate need to undertake the development of this type of specialized building code?* Virginia agritourism operations are diverse and complex. At this time, it appears to be premature to legislate the application of existing building codes or to develop legislation for any specialized building codes.

- *What would be the economic impacts on agritourism and rural businesses?* Requirements for commercial building code compliance for farm buildings hosting agritourism activities may be prohibitive for the majority of Virginia farms and result in the end of agritourism functions and/or the closure of small farms. Ultimately, the termination of one farm revenue source may negatively impact the entire farming operation especially during years of production instability.
- *What groups could be impacted by such a change?* The major group impacted by any change in building code application would be the Virginia farmer who is using agritourism events and activities to generate alternative farm revenue.
- *If necessary, what items should be considered in such a building code?* No new items should be considered as part of the Virginia USBC. However, the group requested that discussions between agritourism stakeholders continue to be held.

Because of the conversations generated during this review, critical outcomes were realized. Agritourism stakeholders engaged in discussions on significant agritourism issues in an environment where decision-makers listened to the concerns and potential impacts proposed changes would have on Virginia agritourism. Rapport and partnerships were established between agritourism owners and local officials with the hope that conversations would continue. An educational process promoting farm safety practices was defined that will increase knowledge of agritourism entrepreneurs and improve the practices on Virginia farms thereby continuing to protect farm guests from possible hazards.

The highly engaged group was invested in uncovering any opportunity for strengthening the agritourism industry and continuing to provide safe conditions for guests who are seeking a memorable experience on a farm. The stakeholder group asked that discussions continue to be held with an inclusive group of representative stakeholders who would be charged with:

- Developing a definition for an agritourism gathering space that is separate from the current Code of Virginia farm structure or building definition. It would be only this defined farm space, venue, and/or assembly area and not the entire farm that would be considered for compliance with any agreed upon public safety standards.
- Clarifying the specific safety attributes; how the safety attributes would apply to a) existing agritourism business/buildings, b) new agritourism business/construction, and/or c) new use or a change in use for buildings not previously under the building code; and the process for incorporating any recommended attributes within the Virginia USBC.
- Supporting the work of Virginia agritourism stakeholders as the group designs educational materials on a) fire safety practices, b) safe building attributes, and c) general building code resources and the building code appeals process.

Appendix

2018 Virginia Agritourism & Building Codes: Current Impacts and Potential Responses

Interview Responses

Compiled & Analyzed June 6, 2018
Interviews were conducted by Martha A. Walker, Ph.D.

In order to enrich the findings from the electronic questionnaire, a sampling of agritourism stakeholders was identified, interviews were scheduled, and comments were compiled and analyzed. Beginning on Monday, May 14, and continuing through the first week of June, 22 stakeholder groups involving 39 individuals were interviewed.

The interview groups included:

- Virginia agritourism operations
- Albemarle County
- Blue Stone Vineyard
- Cideries Association & Virginia Wineries Association
- Farm Credit
- James River Cellars Winery
- King Family Vineyards
- Loudoun County
- New Kent Winery
- Rockingham County
- Rosemont Winery
- Rural Volunteer Fire & Safety - volunteer organization
- Virginia Agribusiness Council
- Virginia Association of Counties
- Virginia Building & Code Officials Association - Alexandria & Grayson County
- Virginia Department of Agriculture & Consumer Services
- Virginia Department of Housing & Community Development
- Virginia Farm Bureau
- Virginia Farm Bureau - Insurance
- Virginia Fire Prevention Association
- Virginia State Firefighters Association
- Virginia Winery Association

Every interviewee did not provide a comment to every question. Therefore, the number of responses per question will vary.

Comments from each interview were transcribed and returned to the interviewee for review and editing. Interviewees revised the document and returned the revised summary to the principal researcher who completed the process of merging all the responses and analyzing each comment to identify categories of thought.

Current Situation

Q1 - Describe the types of farm buildings which are currently being used for agritourism events and activities.

Building types were generally classified as existing, new, or temporary. Comments indicated traditional farm buildings, no longer used for managing agricultural operations, have been converted for use with agritourism activities and, in some cases, new buildings were constructed. Respondents also reported that some facilities were used solely for agritourism while others have mixed uses.

Types of farm buildings currently being used include, but are not limited to:

- assembly (large groups)
- barns (animals, hay, equipment)
- bed & breakfast
- commercial / industrial
- event space
- farm
- greenhouses
- historic
- metal
- milk parlors
- multi-use (production, tasting, storage)
- new construction
- open areas
- pavilions
- poultry house
- processing
- production
- range of size (1000+ to 20,000+sq.ft.)
- retail space
- sheds (tractor and other types)
- silos
- storage / warehouse
- tasting
- tent

Category	Comments
Event space	So many variations of buildings exists on agritourism operations. We have: Warehouse space for storage, processing, tasting room, and event rooms.
Tasting	Have completed an expansion to the building
Processing	
Warehouse	We always remember to keep things to code but also knowing that it is a farm structure with processing in the basement, tasting on main floor, and event rooms on the upper level.
Storage	No local challenges from the county. We are in the process of transitioning to our new processing space. Have a separate structure for storage away from the public area.
Historic	Wineries and breweries operate in a new construction agriculture building, a residential home or in historic agriculture structures.
Event space	
Barn	A working farm can host special events in a working agriculture structure; new, existing or historic agriculture structures.
Bed & Breakfast	
New construction	In Loudoun, any property may have 10 temporary special events a year – these events may be held in an agriculture structure as long as the agricultural structure is being used for agriculture the remaining time. (A barn is used for ag 355 days and only 10 days for special events)
Storage	Most of these buildings are existing barns. In Loudoun, a bed and breakfast on the farm can have 20 temporary special events in an agricultural structure. In Loudoun, a building code official looks at the structure to ensure it is an agricultural structure prior to issuing the permit for temporary special events If the barn has been renovated and is only used for the sole purpose of events, there are more requirements; the building must comply with UCBC, even if it is on a farm and the farm is zoned as agriculture. Wineries and breweries operate in a new construction agriculture building with little to no agricultural use for the facility, particularly in respect to Breweries where the use is basically a bar not Wineries, a residential home or in historic agriculture structures. Barns which were built in 1900's to current and are in a variety of conditions and/or maintenance situations. Some are

old hay barns, cow barns or storage structures. And some are new construction built without any permits or inspections, beyond zoning, as none are required. If the barn has been renovated and is only used for the sole purpose of events, Loudoun County has not required the building to comply with the USBC, as long as it meets the definition of a farm structure.

Pavilions
Shops
Barns

Pavilions, shops, pole barns that may have been converted, or a facility that is no longer used for managing large quantities of agricultural operations

Attorney General's 2010 opinion

In an August 2010 letter from Virginia's Attorney General, the issue of farm buildings was addressed. The following is text from the letter . . .

It is my opinion that the infrequent use of a "farm building or structure" to host a concert, dance or other social gathering does not constitute a change in occupancy classification and, therefore, does not require the owner to obtain an occupancy permit for the new uses.

Accordingly, it is my opinion that the occasional use of a "farm building or structure" to host a concert, dance or other social gathering does not constitute a change in occupancy classification and, therefore, does not require the owner to obtain an occupancy permit for the new use.

(see August 23, 2010 Attorney General Letter)

Barns
Milk parlors
Tasting
Processing

A variety of structures are used for agritourism activities. The main structures are barns. Other buildings have been transformed for wine tastings and tours including portions of processing facilities, fermentation rooms, and milk parlors.

One of the dairies produces cheese, gave tours of the milking parlors, and uses the room off the milk parlor for tastings (the dairy has outgrown this component of their operation)

Silos
Tractor shed
Poultry house

Existing structures would include any type of farm building has been used in some way. Parts of silos, tractor sheds, maybe even a poultry house.

Barns
Historic
New

Horse barns have been converted or using the horse building for purposes other than housing animals.
Using 100 year old structures that have been repurposed.

New purpose built structures

Barns
Sheds
Event space

The agritourism industry supports a variety of activities from pick-your own to farm wineries and farm breweries.

The buildings are used for farmers markets, to house inside events and to provide for the flow of people coming to the farm for instance for restrooms, etc. Agritourism is a way for farms to create new revenue streams to diversify their operations, to educate the public and to utilize their farm products in different and productive ways.

Types of structures include barns, reconfigured barns and other buildings to use as event venues and support areas such as sheds and other structures for farmers' markets, etc.

Barns
Event space
Sheds

A wide variety but typically they are barns and some smaller animal confinement structures where animal petting/viewing attractions are located.

Many barns have been remodeled/renovated to serve as event venues and farm stores/markets.

Barns
Storage
Commercial /
industrial

Open sided sheds (i.e. equipment sheds) are also being used for agritourism activities. Everything from the hay barn that is used to store hay to big commercial-like buildings that are being built on agricultural land for the sole or primary purpose of having events or inviting the public to do something . . . and everything in between.

Animal barns, storage farm buildings where equipment is stored, hay barns and commercial-like or industrial like buildings.

Barns

Shipping containers joined together with cut outs.

Event space Tasting New	Storage facilities We have seen everything from tents used in an on-going business Barns Event space Tasting rooms New construction
Barns Sheds Tasting New	Barns and sheds Use adjacent farm building and turned those buildings into storage facilities to supplement what is being done in the public area (for the processing of wine or holding barrels) Tasting rooms New construction Facilities that are turned into haunted houses and/or petting zoos
Barn Tent Retail space Tasting Sheds Greenhouses Open areas	It can be anything from a new barn to an old barn. It could be a specific event space that has been converted for their agritourism operation or an existing structure. Tents, small retail spaces, tasting rooms, sheds for check in, greenhouses for any training Or it could be outside in an open area.
Farm Assembly Tasting	We are seeing two types – those that are farm buildings and those that are, by the Building Code, assembly buildings. The termination of which category a building falls into is based on the actual intended use and the design of the building. For example, if the buildings store farm equipment and/or supplies or it holds processing equipment for a product produced on the farm, such as wine making equipment, it is a farm building. And a proprietor can market, sell, and display their farm product in a farm building. However, when a building is built to accommodate a large number of people and the activities in the building fit the Code description of an assembly building; it is an assembly building. The issue is having lots of people come into the building and having dancing, social events, large groups, and the drinking of alcoholic beverages. Structures that are being called “tasting rooms” are being built that can accommodate hundreds of people.
Barn New Metal	Barns that are built in the 1900s. New construction that are built without permits or inspections beyond zoning permitting A metal building A pole barn Some barns have been rehabbed/converted to other usages – they could have been used for corn, cow, storage structures where diesel fuel, pesticides, and even dynamite has been stored in these facilities
Tasting Assembly	Farmers are industrious and are reliant on their own innovation the ag exemption was intended to allow farmers to do their work. But not to hold concerts Tasting rooms Large assembly areas where they host weddings or entertain
Multi-use (production and tasting)	The large wineries and cideries might separate the usage into different buildings. However, this type of use is probably the minority.
Range of size (1000+ to 20,000+sq.ft.)	The majority of the operations have one building that houses all of these usages. For example, my winery has production on the lower level and tasting rooms for the public on the upper level. We have production with little or no public access with tasting rooms that host all of our public access.

The majority of the building are multi use – ranging in size from a couple thousand sq.ft. to 20,000+ sq.ft.

<p>Assembly Tasting</p>	<p>We work with county officials to review our structures and work to comply with agriculture and agritourism buildings requirements.</p> <p>A variety of buildings are being constructed on farms. The most calls into our office are about buildings being constructed for a large venue – particularly weddings. Although, these are not a restaurant that requires a Health Department license where there would be some code application, some are still very large structures that, from a building code prospective, has no oversight.</p>
<p>Multi-use (production and tasting) Tasting Assembly Multi-use (storage and tasting) Production</p>	<p>We do get some questions on wineries, where there is tasting and food service, regarding whether or not the operations are regulated. Many times these questions are pointed to the health department regulations for a restaurant.</p> <p>Combined farm production and tasting room in modern building.</p> <p>Tasting room</p> <p>Meeting space for 288 - private gatherings, weddings, and industry meetings</p> <p>We built a large tasting room with multiple rooms with some room for storage, display and some limited manufacturing potential. A larger production area and storage area is planned to be built.</p>

Q2 - What are the current Uniform Commercial Building codes being applied to these agritourism structures?

Of the 20 responses to the question on the application of building codes to agritourism structures, 50% (n=10) reported no codes were being applied as defined by the Virginia Uniform Statewide Building Code and suggested that there is a broadening interpretation of agriculture.

Although no codes were applied, buildings were equipped with appropriate door openings, lighted signage, and permits for water source and septic. One respondent stated that the local government insisted commercial standards be used for the farm structure.

Interview respondents (n=3) believed building codes are being applied if the building is used for assembly (large group equaling 50 or more), tent structures, and portions of a multi-use facility. Any farm building used as a restaurant is required to be licensed by the Virginia Board of Health.

In addition, interviewees indicated that farms consulted with fire and building officials and worked with engineers and architects to construct safe buildings for public use.

Category	Comments
None	While not required, we asked the builder to build to code; always focusing on creating safe space for the public
Lighted signage	Lighted entrance/exit signs Outward door openings
Door openings	We are on a well for our water– we cannot do a sprinkler system, so this was the one main place we did not conform to code.
Water source	County has water across the street but we would be required to pay to have a major road shut down and pay for the cost to run the water lines to our side of a 4 lane road.
	Recently, We had the county approve our well as a water source.
None	The county recognizes that it is not reasonable to pay to have the run water to the building, they support our current work. For an agricultural use, or a temporary use in a bona fide agriculture structure, no building codes are applied.

Consult with
fire & building
officials

There is a clause in the Loudoun zoning ordinance for farm brewery use and for temporary events in bed and breakfasts' that requests (but does not require) applicants to meet with the fire marshal and building code official for input on how make the building safe

None

Any building that is used as a place of assembly on a farm that is not determined (per VA State Code and Attorney General opinion) to be an agriculture structure must comply with UCBC. The Uniform Statewide Building Code (USBC) exempts farm buildings and structures located on property where farming operations take place, and used primarily for any of the following uses or combination thereof:

Restaurants -
yes

1. Storage, handling, production, display, sampling or sale of agricultural, horticultural, floricultural or silvicultural products produced in the farm.
2. Sheltering, raising, handling, processing or sale of agricultural animals or agricultural animal products.
3. Business or office uses relating to the farm operations.
4. Use of farm machinery or equipment or maintenance or storage of vehicles, machinery or equipment on the farm.
5. Storage or use of supplies and materials used on the farm.
6. Implementation of best management practices associated with farm operations.

If the structure is used as residential or if a building or a portion of a building located on a farm that is operated as a restaurant as defined in Section 35.1-1 of the Code of Virginia and licensed as such by the Virginia Board of Health pursuant to Chapter 2 (Section 35.1-11 et. seq.) of Title 35.1 of the Code of Virginia then the structure/barn is no longer exempt from the USBC. In some instances if the venue wishes to serve restaurant style food beyond finger food the current practice is for these venues to hire mobile food trucks/trailers to either park on a temporary, semi-permanent or permanent basis to provide restaurant style food without becoming a restaurant.

By the structure/barn being exempt from the USBC, then the structure, contents and operational practice is then exempt from the Statewide Fire Prevention code as farm structures not used for residential purposes are exempt from the SFPC except when the inspection and enforcement provisions of the code are exercised by a warrant issued under the authority of Sections 27-98.2 through 27-98.5 of the Code of Virginia.

This exemption does not carry to the grounds around the structure. For an agricultural use, or a temporary use in a bona fide agriculture structure, no building codes are applied. There is a clause in the Loudoun zoning ordinance for farm brewery use and for temporary events in bed and breakfasts' that requests (but does not require) applicants to meet with the fire marshal and building code official for input on how make the building safe. The problem is since it is not required most owners choose not to do it. As Agriculture structures go, from a Health Department perspective there is not a lot that can be added to the building code that is not already covered in health requirement. Currently, the Loudoun Health Department requires that they have safe adequate water and sewage disposal. This already covers the well and septic.

However, we would like to include that Agriculture structures have adequate hand washing facilities. By requiring hand washing facilities in the code this would trigger local Building and Development offices to get us involved to verify source of water and sewer.

Since these structures are exempted from building permit (It would be nice to have these air conditioned barns permitted), health requirements are sometimes overlooked.

Any building that is used as a place of assembly on a farm that is not determined (per VA State Code and Attorney General opinion) to be an agriculture structure must comply with USBC. The problem is that these properties are being exempted if they meet the definition of farm structure so you end up with a large assembly of people in non-permitted structures, with no fire safety measures in most cases.

None

There is a broadening interpretation of what is defined as agriculture. Some are claiming that the area is a farm but the operation is a business that is simply on rural land.

Need to consider the use of the building – is the building used for agriculture or is it used for events and other use.

There is an issue of safety when we are bringing people into the space.

When the building is used for agriculture, it has exemptions. When it is used for people, then the use changes. There is a different liability.

Rockingham has gone through a process as well as Albemarle & Fauquier.

Most people do not want farmers to have more regulations – if it is a farm. There must be a distinction. It is the use to produce a product.

None

Farming structures are defined by many other entities including the USBC.

Assembly

As the USBC reads Farm buildings or structures not used for residential purposes, located on the property where farming operation takes place, and used primarily for any of the following uses or combination thereof:

- *Storage, handling, production, display, sampling, or sale of agricultural, horticultural, floricultural, or silvicultural products produced in the farm.*
- *Sheltering, raising, handling, processing or sale of agricultural animals or agricultural animal products.*
- *Business or office uses relating to the farming operation.*
- *Use of farm machinery or equipment or maintenance or storage of vehicles, machinery or equipment on the farm.*
- *Implementation of best management practices associated with farming operations.*

Such buildings or structures lying within a flood plain or in a mudslide-prone area are subject to flood proofing and/or mudslide regulations. This exemption does not apply to any building or portion thereof used or operated as a restaurant and licensed by the Board of Health.

When a farm building or structure falls outside the exemption, either because it's no longer used for one of the specified purposes, or is no longer located on the property where a farming operation takes place, or because it is used for residential purposes, the strictures of 13 VA ADMIN. Code 5-63-30 would require the owner to obtain a new occupancy permit.

A building or structure located on the property where the farming operation takes place and is not a residential structure, and its use complies with the above listed items then such structure would be exempt.

In most cases the agritourism structure is an extended element of the farming operation located on the parcel of property where the agricultural operation takes place – making the structure exempt from building codes application.

If the structure is used for restaurants or residential purposes . . . it is not exempt.

Farm Buildings and Structures are exempt from the Virginia Construction Code in accordance with Section 102.3. as defined in the Code of Virginia Section 36-97

When the building is only used for events located on the farm as its primary purpose, the building may not be exempt. It is important to assess the practical effect the agritourism activity would have on the safety of those who participate – but the primary use of the structure must be directly related to agricultural operation as well.

None

There has been a lot of discussion on what should be applied and what should not. There is concern that liability issues are happening under their watch

Concerns for a structure with the number of people, sprinklers, door openings. There are questions on how things should be handled.

You have an entire rainbow of actors. Those who are building new structures who are building structures using the farm exemption and others who are using the building codes for the safety of their patrons.

Others might be building new structures and are inspired by the building code but not getting it inspected.

There is some confusion in the localities because they don't know how to deal with the new structure and retrofits.

The concern is with liability and the county could be because they didn't intervene.

None All farm structures as defined in the Code of Virginia are exempt from uniform building codes.

Working with engineers and architects Generally as an industry our members understand and abide by some best practices.

There is definitely an industry standard that people are working with engineers, architects, etc. to ensure they are putting up safe buildings.

There are a few counties that have had discussions on whether or not the a farm structure hosting a large quantity of people regularly should be abiding by the building code. The counties are curious as to the end purpose of the building and whether it fits to the definition of a farm structure or if it would better reside in a commercial building category.

None Currently, farm structures are exempt from building code requirements in Virginia unless they are being used as a restaurant. However, some counties may have requirements that are applied to agritourism structures but these can vary by county /jurisdiction. I don't believe there are established building code requirements in Virginia for agritourism structures.

Restaurants - yes Since counties may have different requirements, we concentrate on identifying structural hazards that may pose a danger. The building must be properly maintained and in sound condition. The property/building must be as safe as possible if the public is going to be invited on premises to utilize it. We want it to be "ultra safe".

Assembly I believe building codes are being applied by some localities when a building is being built for or used for assembly purposes.

Assembly In some counties, they are saying it is an assembly building (13vac5-63-200a) if it is over 50 people and are applying the assembly code out of the Virginia Construction Code (USBC) with the Virginia Administrative supplement.

In our county, we do not apply this code. We do not allow any sleeping occupancy in the farm building because this is the definition.

The definition of farm buildings is being looked at by all counties and they are interpreting it as they see fit allowing for multiple opinions because the language is not specific enough.

We need clearer language.

Three reviews have been done by the Virginia DHCD State Technical Review Board, and the findings have been in favor of the applicant.

The original intent was to allow the farmer to have buildings for animals and equipment but not people. The definition has left it up to interpretation and not enforcing the code as it was intended.

Some of these buildings are not constructed with the safety of people as the primary concern.

New structure I believe that in one county they have attempted to apply a portion of the building code to farm structures. I'm not sure if they have grandfathered existing structure . . .or if it is only being applied on new structures.

Tents

Multi-use Tent structures are being required to be inspected.

If it is a multi-use facilities some portions of the building code are being applied

We have heard some people claiming a building code exemption when the structure was being used for other purposes than farm use (for example storing a boat in a shed that was claimed for agriculture use).

We need to better define “a farm” in Virginia and what allows you to be exempt from building codes.

Assembly

We see the discussion of buildings on agritourism properties as a very significant public safety discussion. Rockingham County does not understand the state of the law to be that any building or structure built on a farm property is a farm building under the Building Code, and therefore exempt from the Building and Fire Prevention Codes. Rather, Rockingham County looks at the particulars of the building and the use for which it is being built, then applies longstanding Building Code interpretation principals.

As the agri-tourism segment of the economy has developed, and particularly the farm winery portion of that segment, the nature, scope and, possibly most importantly, the number of members of the consuming public invited into buildings and structures, has changed. For instance, Rockingham County has one building on a farm winery that was built in such a manner that it could accommodate more than 900 customers on the main floor and over 400 on a secondary level. A description of the activities planned for the building read very much like any hospitality facility, such as a ballroom in a hotel, including, of course, the consumption of alcoholic beverages. All the public safety concerns attendant with any hospitality, or in the language of the Building Code, assembly, building are present with such a building on a farm winery; with one major difference. Because of the remote location of agri-tourism businesses, public safety resources such as fire-fighting water are beyond easy reach.

None

Ag structures are exempt – so building codes themselves are not applied.

Fire codes

I have heard people say that the “fire code” does not apply to the farm. But this is not 100% true.

The fire code may not apply to the structure but it does not mean that the fire code does not apply to the external part of the structure . . . like having a fuel tank outside of the structure.

The fire code has no influence inside the structure for operational and maintenance

None

I am not aware of any codes that are being applied to the agritourism structures because they fall under the farm exemption.

None

Some are connected to the local building official and are inviting a review.

We are farm structures and are not subject to the UCB. The only permit that our buildings need is the health department permit for septic and well. All facilities are built without building permits.

Health permit for septic and well

It doesn't affect us.

If you build a building and want your property insured, you have to meet certain guidelines. The building must be sound in the mind of the insurer. Insurers will not insure us without a safe structure.

None

No building codes are being applied to the agritourism structure. By state law the Uniform Statewide Building Code (USBC) exempts all farm building (if it is related to the farm operation) except residential structures on the farm or a building used as a restaurant that requires a license from the health department.

None

None, formally. We've constructed our buildings to commercial building codes.

None

We approached the County with the idea for a tasting room and meeting space that would be constructed as a farm structure. Knowing the implications of building code and what it would mean, they agreed that it was a farm building and that they would not interfere because we would "sample, store and sell agricultural product" in the building

Commercial

Rockingham County has insisted that this follow commercial standards despite the building being a farm structure that clearly meets the state code definition of a farm structure. This building is used daily for displaying, storing, sampling and selling our wine.

(Question 3 – See Questionnaire responses. It is a Yes, Maybe, No question.)

Q4 - Have the code requirements affected the ability to operate an agritourism enterprise?

Among the 16 responses, 62.5% (n=10) indicated there was “no” or “little” effect on operations because “the Code is so loose,” and there is an agricultural exemption. One responder proposed that there was little effect or resistance to constructing buildings according to code. Another interviewee proposed that there would be no negative economic impact caused by code compliance with more cost incurred long-term because of “liability, operational issues, and other considerations.”

- 43.7% (n=7) reported that enterprises would see increased construction time and increased costs for the retrofit or during the initial building phase with estimated additional permitting, engineering, and performance standards costing between \$20,000 and \$50,000.
- Tax on commercial buildings is higher than on farm buildings creating a financial burden for the farm operation. Commercial codes are seen as “extremely costly and burdensome.”
- Code compliance was cited (n=3) as a deterrent for business development and loss of revenue. Officials were seen as aggressive and harsh with threats of legal involvement (n=3).
- Interviewees commented that fire codes may not apply to the structure, but the codes do apply to the external part of the structure.
- Two respondents proactively work with the local fire chief and emergency services groups to review the venue before and during events.

Other comments were generated during the interview that better inform other questions and have been included in that question’s summary.

Category	Comments
No effect	No, because of our Agricultural exemption. However, with our new construction, we instructed the builder to build to code. The new structure is a farm structure and as such, was not inspected by the county. The bank did do periodic inspections throughout the construction process. Fortunately, We did not require a certificate of occupancy. Which allowed us to use the newer areas of the building, while we then rehabbed the original areas I really do not know all the specifics of the uniform building code, but understand that fire safety is the biggest issue. Our focus was to keep the public safe. Some of which is also controlling where the public is allowed. So accessibility and making public areas safe were priorities. Keeping it open making it easy for people to move around.
No effect	Loudoun is not requiring code compliance on structures determined to be agriculture structures per VA State Code and Attorney General opinion.
Farm markets = Assembly	In Loudoun County, a structure that is a farm market must comply with building codes. It is considered a place of assembly and nothing in State Code or by an AG opinion indicates that it should not comply with code and have a site plan.
Increased cost estimated at \$50,000	Many farms in Loudoun are holding a “wayside” stand and are not putting up a building.
Engineered site plan	In Loudoun County, a structure on a farm that must comply with building code and requires a fully engineered site plan and additional performances standards. The cost of farmland in Loudoun is high, and by adding additional cost in the permitting and development process, in many instances it becomes cost prohibitive for new construction. The county application fee is \$20,000+ and engineering costs are \$30,000+.
Performance standards	

No effect	The code is so loose that there is no impact to agritourism beyond the lack of access for participants or in the case of emergency. There are numerous instances of neighboring citizen complaints of the increase in traffic and noise on what would otherwise be a rural, and quite road and/or setting. Many farms in Loudoun are holding a “wayside” stand and are not putting up a building.
Protect farm from negative impact	<p>Make sure that there are no negative impact on general farming</p> <p>When people come onto farms it’s not just for agritourism it is also for direct sales. We don’t want to get the two operations wrapped into one.</p> <p>It also includes direct marketing.</p> <p>We have fought very strongly to keep agriculture buildings as a fine line between agriculture operations and other uses</p>
Increased initial cost	The biggest affect will be the initial capital outlay for the structure. After this, it should not be additional expenses.
Use & Occupancy classification	For example, a brewery gathers a large crowd into a structure and you do not know if the minimum life safety standards are in place. Was the building built properly, do the doors swing in the path of egress, are the egress elements sizes correctly.
Be rationale – avoid knee jerk reaction	<p>In most cases barns have large openings – then it is not really as of a confined space.</p> <p>The Uniform Statewide Building Code classifies Structures and Portions thereof with respect to occupancy providing all structures a Use and Occupancy classification (Assembly Structure – A Groups 1-4. Buildings and structures used for assembly purposes with an occupant load of less than 50 is classified as a Group B occupancy– less than 50 persons. Most wine tasting rooms generally do not have large groups within the buildings thus decreasing the amount of hazard in an emergency.</p> <p>In the B Group there are very few sprinkler requirements.</p> <p>We need to look at things rationally and not take a knee jerk reaction to a problem that is does not exist.</p>
Increased cost estimated at \$20,000 - \$40,000	There is an impact . . . it prevents the businesses from getting started. The agritourism projects are small and when there is a significant or even a modest increase in building costs, it will discourage them from doing the project. Especially if the farmer wants the business to be a part time operation. The building code is creating the need for the business to become a more intensive operation.
Prevents business development	<p>The cost to bring to code will be \$20-\$40,000.</p> <p>When farmers see people making decision that are arbitrary and capricious the farmers get so ticked off and they believe that the county is out to get them. The fight on the building code will kill the project before it gets started.</p> <p>If a building is brought up to the commercial building code, a lender may be more comfortable lending on the property.</p>
Increased costs	The impact of the code requirements requires more cost and adds more time for the approval process.
Increased time for development	It impacts your tax status. If it is a commercial use building, then the county could change its taxation and that would be extremely costly to our agribusinesses.
Impacts tax status	There are also differing regulations that might apply to a commercial vs a farm structure. Some of these would not be appropriate for the building; others would simply be extremely costly and burdensome.

Difference between commercial and farm codes

No effect	Not currently aware of any impact.
Unsure	I'm not sure, I don't have that information.
Increased costs	It is very expensive process for the farms increasing the expense. For example, the 50-member assembly application requires automatic sprinkler systems, water source, structural analysis, fire doors, and other items requires in the code.
No effect	No – but I have heard a lot of angst and concern regarding how far the code requirement will go. But, I have not heard that “I am not allowed to operate because I do not meeting the building code.”
Little effect	The vast majority of agri business proprietors in Rockingham County have exhibited little difficulty in, or even resistance to, building their buildings in consultation with the County's Fire Marshal and Building Official. These businesses include most of the County's wineries and orchards, as well as the event centers which, for Building Code and Fire Code purposes are altogether similar. Furthermore, Rockingham County's churches have been complying with Building Code and Fire Code requirements for decades. No one has a tighter building budget than a little country church. The Code issues, and expenses, are essentially identical.
No effect	There is no code. There has been no impact on agritourism enterprise. We get a lot of complaints about traffic and noise.
No effect	Our county has had no issue with this. We have not had any problems for all these years since the farm winery act was enacted. The fire safety is the one that is of most concern because people don't want a disastrous event to occur – not because something has happen.
Proactive in working with fire chief and EMS groups	The winery group has been proactive and, in some cases, has had the local fire chief complete a walk-through indicated that the chief was very comfortable with the building for the public as well as in the production room.
No impact	Our winery has the fire department on hand when we have an event and pay for the services of the fire crew, EMS, and sheriff. There should not be any economic impact on the negative side – the positive economic impacts results in less cost on the front end to open an operation for the general public. It also depends on what is meant by economic impact – it could be upfront costs but it could be liability or operational costs that impacts future economic impact. Avoiding code requirement costs would be a cost savings at the beginning of the operation (during construction). However, long-term, there may be more costs because of liability, operational issues and other considerations.
Work with fire marshal	I talk to the fire marshal and asked for the maximum requirements in each area and built a strong relationship with the fire marshal.
Prevents business development	This is not applicable to us. But, it's clear to us that adding unnecessary layers of additional regulation (not required IMO, as we build to commercial standards) would definitely put a damper on agricultural businesses. What problem are they trying to solve. I know of no serious problems with winery tasting rooms and have asked a dozen people if they've heard of any serious injuries in agritourism facilities. Nothing.
Harsh public relations County seen as aggressive	The County began going after "the farm winery problem." Another winery built a similar structure, but without working closely with the County on how it would be done and what the end result would be. This seemed to infuriate the county attorney, as well as the staff, and without working with the wineries on what can be done to improve the situation, the Board of Supervisors took up the issue without notifying those most impacted by it. The County Attorney seemed to take the buildings personally and not only seems to have weaponized building code against an industry for which he has open disdain, but also publicly screamed at me during a

	Board of Supervisors hearing. He has also publicly stated that if they are going over the line with their restrictions then they'll hear about it from Richmond. Until then, it must not be over the line.
Increased costs	We have been made to put in a dry hydrant and alter building and have fire marshal inspection with threat of shut down if we don't comply. We were told it more about safety of visitors which would have no trouble with exiting our building that is surrounded by French doors. We had designed building to be compliant and asked our builder to build to be compliant, but didn't want have to have county in and out. We had to delay bookings out of fear of shutdown which cost us significant income. We don't have the freedom that agritourism regulations would have allowed us. We have to second guess our choices to make sure our operations won't be viewed in some unusual way to give the county a reason to shut us down and then disappoint someone who has rented our building. The threat of legal involvement also is an unnecessary concern we have to consider when we are doing something that has been encouraged by the state.
Lost revenue	
Threat of legal involvement	

Q5 - What are the local public welfare and safety concerns regarding agritourism structures?

100% of the 20 respondents reported an array of public welfare and safety concerns.

The majority of comments related to fire, building ingress and egress including the number of exits and lighted exit signage, road access for emergency vehicles, and fire suppression that will allow people to self-evacuate the building and protect the emergency personnel.

Concern was also expressed related to the structural integrity of the building and the building's capacity for large crowds when "occupancy loads are not calculated."

A summary of the concerns included:

- Handicapped/ ADA accessibility (3)
- Aisle and walkway space with appropriate flooring and floor covering, Open space to manage the flow of people (3)
- Appropriate railings and steps to protect children (1)
- Construction oversight (1)
- Electrical safety (2)
- Fire risk (18) – the potential of a massive disaster that will end Virginia agritourism with request for modifications such as a smoking policy, smoke alarms, extinguishers, fire lanes for emergency equipment access, fire stops between floors, and fire suppression provided by sprinkler.
- Food safety (1)
- Human death/safety (6)
- Ingress & Egress (24) for both the building (number of exits with lighted signage) and road access to the building for emergency vehicles.
- Lighted signage and walk areas (5)
- Mechanical systems (1)
- Panic doors and hardware (5)
- Restrooms and Septic (2)
- Size of property and use (1)
- Structural type, size, and integrity (5)
 - Occupancy levels (4) related to the number of people in a building that was not designed for people or for a large number.
 - Load bearing capacity (4)
- Unsafe equipment (1)
- Unsure of real problem (1)
- Water quality systems (3)

Other comments were generated during the interview that better inform other questions and have been included in that question's summary.

Category

Comments

Handicapped accessibility	Our locality has not expressed concerns, but we want to focus on our customers' needs. So, Handicapped accessibility
Children safety – railings and steps	keeping children safe – railings, steps – creating an area for the children Look at the flow for people
Flow of people	Creating open space so that people can see what is going on
Open space	We made sure we had lighted exits signs, having lots of exits – confirming the hallways have lights
Lighted signage	
Lighted walk areas	
Sprinklers	Public safety officials are sensitive to this issue and have concerns that there are no sprinklers in the tasting rooms, lack of proper egress, etc.
Egress	
Human safety	Human safety is everyone's concern. While we are aware of some antidotal safety concerns, we are unaware of current examples of an accident/issue.
Human safety	Life Safety, Road conditions, impacts on neighbors, size of property and use, lack of construction oversight, loss of life
Road conditions	
Size of property and use	
Construction oversight	
Ingress & Egress	Ability of a large group of people to safely exit a building. If there is a large group of people, a small stair case, or door will not work.
Food safety	If there is food, how does the department of health regulate the farm?
Occupancy	The issue is mainly the "in and out" of the people
Load capacity	Sprinklers are an overkill for a farm operation. It really comes down to people being able to safely exit the building. Should not have to be required to put a sprinkler system into the building. The landowner must make the decision on the line they are willing to cross regarding liability. There are some areas that set a maximum number for people coming onto the property. Some communities are using the same number as what VDOT has used for set (including on farm road). It is also includes the load capacity – especially if it is a multiple story building. How many people can be safely be in the building?
Egress	A lot of farmers are afraid that the building codes are trying to prevent them from doing the things they want to do – codes are in place to keep people safe at the minimum expense necessary.
Structural integrity	Citizens could have worried about how the structure would react in an emergency or in the event of a manmade or natural disaster. Every structure should allow people to egress safely.

A lot of concern is that if the structure is totally exempt from the building codes which means these minimum safety elements could be missing from the building.

Agricultural concerns carry a heavy load on the mind of those operating those operations and those who visit them.

We need to educate everyone on both sides.

Human death/safety	The localities are afraid of people dying while in an agritourism structure. The fire concerns seem to outweigh the structural concerns. Can the people exit in time to be safe.
Fire	
Human safety	The premises/structures must be operated in a manner that is conducive to the public using it without fear of injury or damage to them or their property. The operation must have the safety and well-being of the customer as its top priority.
Egress	
Number of exits	We look at the means of egress, a sufficient number of exits (front and back) and exit signs as well as panic hardware on doors. Most of the converted barns we see have large sliding doors on each end that are left open and offer egress options.
Signage	
Panic hardware	In addition, we evaluate the condition of the floors and floor covering and make sure aisles and walkways are adequately spaced and unobstructed. Steps and the need for railings are also considered. We also consider the size of the building and the number of people that may occupy it at any one time.
Floor and floor covering	
Aisle and walkway space	We have a program in place where every three years certain agritourism operations are inspected by company personnel to identify safety and liability concerns that may exist with the premises and buildings. Any identified issues must be corrected to maintain insurance coverage.
Occupancy	
Ingress and egress	Ingress and egress.
Fire	Fire -- If you are in a barn full of hay and you have your wedding, someone lights a match, and there is a fire – there is only one way in and out – there is a disaster.
Load capacity	Multi-level structure are being built – there is concern with weight bearing / load capacity.
Unsafe equipment	Equipment that might be dangerous in the same place where people are assembling.
Restrooms	Restroom facilities are inadequate
Road access	Ability of fire and rescue to get where the building are – road access
Human safety	The goal is to get people out of the building and having the right equipment to move people away from a hazardous situation.
Egress	
Signage	Buildings need egress options, signage, emergency lighting, proper door hardware, a smoke alarm, ADA requirements.
Lighting	
Door hardware	
Smoke alarm	Load bearing in farm buildings will probably be better than what the code call for.
ADA	
Load bearing	
Occupancy	Have never had a real issue with farms and agriculture.
Exit lighting	Once the situation with wineries and breweries began to grow, our concern is on the number of people going into these establishments that were not regulated for this situation. For example people going into the barn for a concert is different than the barn being used for milking.
Sprinkler protection	
Water supplies	There were 200-250 in a barn that had not been renovated. There was not exit lighting, no fire extinguishers, and the building had only one decent exit. This facility started being a barn then

Ingress and egress	a winery and then a music venue. I was uncomfortable sitting in the venue and realizing that the only exit was through this one door.
Fire – smoking policy	Also the lack of sprinkler protection for the people. There is some creative tension between officials and farms that needs to be resolved. In many cases, it sounds like the building is being grandfather in for purposes that were not part of the original building intent. If it is a new building being built on a farm, would the permit address the agricultural use but does not address the future use of the structure for hosting people. Must address water supplies and sprinkler protection. Another concern is the number of cars entering the property and parking next to the facilities. In a perfect world, there would be sprinklers and multiple exits. But there is a practical side. Our concerns are accessibility and being about to get out of the building and far enough away from the building for the firefighters and equipment to do their work. Is smoking allowed in an agritourism facility? Smoking in a farm building offers a chance for a fire and others are breathing secondhand smoke. I need to do more research on whether there are regulations on smoking in a public place.
Fire	Emergency situations such as fire and building collapse.
Structural integrity	What happens if you need to evacuate a large number of people from the agritourism facilities and there is no fire suppression –
Fire suppression	Ingress and egress issues
Ingress and egress	Collapse of a temporary structure – high winds or other conditions may impact tents and older structures
Occupancy	More people in the structure than the occupancy will support.
Septic	Septic systems related to water quality and that the septic system is adequate to support the number of people that will be at the facility at any point in time.
Water quality	
Fire	Fire - Having enough time for the building to self-evacuate while Fire and Rescue are on their way, and having enough time for Fire and Rescue to verify the building is in fact evacuated.
Evacuation	This requires that the building be constructed in a manner most conducive to slowing the spread of fire, ample fire exits are available, and there is at least enough water available for Fire and Rescue to protect itself and civilians while checking the building is empty.
Fire lanes for equipment	Lack of water for the building when there is a fire. A farm is too far from a fire hydrant.
Road access	Concerns around the outside – there are no fire lanes and is unable to move equipment close to the building. There are no adequate driveways or parking lots close to the building and the fire equipment is unable to get close.
Structural integrity	Structural adequacy – will the building support the number of people coming into the building . . . the building has not yet been inspected.
Human safety	The law that exempts agricultural structures was designed to limit the red tape for farmers who are building working farms and ensure that the farmer does not experience any negative impact. It is related to animals. It was not intended to address an assembly of people for a large event.
Exits	
Signage	
Panic hardware	When we went beyond the S, U, or B use . . .we went past the assembly level with no codes. The life risk has increased exponentially

Fire stops between floors	No requirement for the number of exits No signage for exits
Ingress and egress	No installation of panic hardware – doors open the wrong way. If someone falls in front of the door – then people will step on the people – they become a human blockage
Load bearing	We do not have fire stops between the floors. Places have second floors with only one way in and one way out. Many fire chimneys are in these structures that will allow fire to quickly spread from one floor to another.
Electrical safety	There are no requirements for electrical work, no limit on open flames Occupant loads are not calculated or limited
Sprinkler – water supply	The structure is not evaluated for stability No electrical codes are used to assure it follows a safe practice
Road access	No sprinkler requirements No water supply to assure firefighter and citizen life safety No fire apparatus access road requirements when a structure changes from an agricultural use to a place of assembly with 50 or more persons
Egress	You have structures that have not been inspected with no safety features such as: Egress package as required in the building code, Smoke alarms and other safety systems, Electrical inspections
Smoke alarms	
Electrical safety	People are not familiar with the structure and may need egress – there are no signage
Signage	
Fire	Fire is the only concern that we have heard.
Structure size	An exempt farm building can be constructed in any manner, without oversight, inspections, consideration on the size of structure, no review of water systems, electrical systems, exits, or
Water systems	Mechanical systems. No requirement for sprinkler suppression systems, panic hardware, adequate number of exits, emergency lighting, type of construction, etc
Exits	
Mechanical systems	
Sprinkler suppression	
Panic hardware	
Lighting	
Type of construction	
Unsure of real problem	IMO, this is a red herring, used all the time by government trying to implement regulations and more control over the populace. “Public health, safety and welfare” is code to me for regulatory rationalization. Again, what real problem is trying to be solved here? It’s not injuries or deaths in Virginia’s tasting rooms. Frankly, it’s county and local governments wanting to control everything in their jurisdictions.
Ada compliant	Our building is built to code with the exceptions of an ADA compliant elevator between the two floors (though every door to the outside is wheelchair accessible) and a sprinkler system. As we are hooked up to a well, and have no space on our property for a pond, we cannot meet the requirement of 2,000 gallons a minute, for 2 hours. It’s not that we aren’t concerned for safety. We have an entire wall of panic doors that will allow the large room to be emptied in 2 minutes. We built a fire lane around the building and have more fire extinguishers than needed.
Panic doors	
Fire lanes	
Fire extinguishers	

Fire	The county reports that fire is a major concern, but when I look at our structure and other wineries there seem to be plenty of inherent safety features. In fact when I go to nearly any restaurant or bar there appear to be many fewer exits, lower lighting and use later at night which make them comparatively more dangerous than the wineries.
Exits	
Lighting	It appears that building code is a way to make it more difficult to start a business without adding significant safety. The cost and particularly the threat appears to be excessive and stifling to reasonable farm sustainability. Certainly smaller operations will not be able to afford additional costs initially or as a retrofit.

(Question 6 – See Questionnaire responses. It is a Yes, Maybe, No question.)

(Question 7 – See Questionnaire responses. It is a Yes, Maybe, No question.)

Q8 - Do the current local building code requirements for agritourism structures address these identified safety concerns?

When asked if the current local building code requirements addressed the safety concerns related to agritourism structures, 18 respondent replies ranged from “no” (n=3) asking for more legal authority to enforce stringent codes to “yes, when properly applied” (n=6). Four (4) respondents were “unsure” if safety concerns were addressed because of the agricultural exemption.

Other interviewees offered responses that proposed the codes are too narrow requiring everyone to do the same thing, suggested the definition of USBC terms related to change of use was unclear, and expressed a need to address concerns about assembly in farm structures.

Other comments were generated during the interview that better inform other questions and have been included in that question’s summary.

Category	Comments
Unsure	I do not know the details of other local areas. Our locality has not had any concerns.
Remaining concerns	Building code officials and the fire marshal remain concerned about events in barns.
Remaining concerns	In the most recent zoning ordinance amendments, Loudoun included the request (but not the requirement) to talk to the building code official and fire marshal about safety issues before use. The law was established to assure that the governmental red tape was not encountered when a farmer was attempting to sell his farms produce and/or they wished to build a barn to store their hay or milk their cows. It was a small populations of human life that was entering these structures, and predominately crop and/or livestock at risk. They were not intended to provide a destination location for a public assembly to gather for a wedding, music concert, party, or any other large event that is open to the public. When we went beyond the threshold of a business use of 49 persons and entered into an assembly use of 50 or more people, the life risk increased exponentially without the fire and life safety considerations. Considerations such as required number of exits, exit signs identifying exits, panic hardware so a door does not become blocked if someone should fall attempting to get out, fire stops between floors, requirements for electrical work, open flame in an assembly setting, required fire extinguishers, structural evaluation for soundness, occupant load calculations, sprinklers for 300 or more occupants, etc. At some point in the process there is a change in use from the original intent. The USBC is not specific in defining the term “primarily for any of the following”. Does storing a tractor in a part of the structure which houses 20 wedding events per year qualify as “primarily”? A structure that is 100% utilized as a tasting room would appear to be more of an assembly use although the USBC permits sampling to be part of a Farm Structure. Is this really the intent? Public safety officials are sensitive to this issue and have concerns that there are no sprinklers in the tasting rooms, lack of proper egress, etc. The General public should have a reasonable expectation that each structure in which there is an assembly of people that at least the minimal level of building safety is being met (exit signs, panic hardware doors, more than one point of ingress/egress to the exterior of the building from any room. Human safety is everyone’s
Change of use	

	<p>concern. Building code officials and the fire marshal remain concerned about events in barns and new facilities that have not been inspected nor have proper life safety hardware. No they do not. The current laws do not allow a locality to adopt a more stringent building code (USBC) as it is a min/max code for all of Virginia. And by suit the State Fire Prevention Code (SFPC) cannot address this increased fire and life safety risk. This is especially true when the original application meets the definition of Farm Structure.</p>
Yes, when properly applied	Yes, when the codes are applied correctly.
Narrow reading of the Code	The current code requires everyone to do the same thing. Some of the requirements make a lot of sense . . . others make no sense at all. It make an onerous process.
Buildings should be safe with quick exits.	There is a narrow reading of the code that creates a hardship on these operations. Everyone in the industry wants participants to be safe when taking part in agri-tourism. Certainly no one wants to see a tragedy.
ADA compliant	Buildings should be safe, well-built and capable of accommodating its volume of people. Examples: Traffic can be managed safely, people can exit the building quickly in case of emergency, and these farm structures may accommodate people with disabilities. ADA compliance is important and is the law for any building open to the public.
Create a mid-level standard for farm structure	It might not be necessary for these structures to meet the current commercial building codes. Each structure is different depending on its use, volume, seasonality, etc.
	There might be room to create a mid-level of standards for farm structures that are used more for agritourism and less for processing.
	You need to include some basic features that get people in and out and support the basic needs.
	It is critical to use common sense and think about the different situations that you may have and work to put in only the simplest requirements that are not financially burdensome to agribusinesses across the Commonwealth.
Unsure	Because there are no uniform code requirements applied to agricultural buildings, I wouldn't know. However, in one county there was requirement that the building inspector had to inspect the farm before any event was held on the premises.
Unsure	I don't know the answer.
	What I would say is that there are localities that do not apply the building code because of the farm building exception. Others will inquire further to determine if the building meets the criteria for a farm building exemption.
No – need legal authority to enforce	The current code mostly does not address the current safety concerns. It is not a requirement – it is a suggestion. We do not have the legal authority to tell them they have to do this.
	Although items are exempt from the building permit they have to meet code requirements for items that are used in the building such as carpet. (USBC Section 108)
Unsure	There are some items that are exempt from the code completely. (USBC Section 102)
Yes, when properly applied	I do not know. Yes – when properly applied.
No, need more stringent Codes	No. The current laws do not allow a locality to adopt a more stringent building code.
Yes, when properly applied	The current code requirements would address the concerns if they were applied.
Yes, when properly applied	The codes do not apply to our agricultural building and there is no history of this being an issue. We are looking to address a potential issue and not a current issue.

Wineries are usually large open spaces allowing easy egress with no long corridors for people to travel.

There are a growing number of localities that have taken it upon themselves creating an inconsistent application of building codes putting people at an economic disadvantage.

No	No.
Yes with exemption	What identified safety concerns? We don't believe that additional regulation is needed. There's a reason that agricultural buildings and structures were exempted from the Uniform Statewide Building Codes.
Yes, when properly applied	The previous local code noted farm building and agritourism should have applied, but our county took it upon itself to ignore the definition from the state code and simply label any building with 50 or more people as a commercial building or at least stated it had to meet commercial standards as an assembly building. This occurred even if the building was to clearly be used for agritourism. This has created unnecessary uncertainty, legal costs and a lack of trust even when trying to follow state code.

Recommendations for Change

Q9 - What, if any, changes should be made to the current commercial building codes for agritourism structures?

Each of the 22 respondents offered suggestions for code application. These suggestions included multiple actions related to improving a structure's basic safety elements, clarifying definitions and policy, educating the farmers and the public, taking specific actions, considering existing models, and modifying the USBC.

Changes proposed for consideration included:

- Clarity, flexibility, common sense, consistency in policy and definition applying balance and standard expectation to ensure public safety (5)
- Educate farmers and the public on building codes and Connect building and agritourism professionals (2)
- ADA compliant for accessibility (3)

Install basic safety elements (39) including:

- Alarms
- Door hardware
- Ingress and egress from building and property including number and size of exits
- Signage with lighted exits
- Fire extinguishers
- Liability notification before entering property
- Load bearing / Occupant loads
- Minimal standards based on occupancy and use
- Location of farm equipment
- Smoke alarm, open flame and smoking polices
- Structural changes
- Steps and railings that protect children
- Proactive response to safety concerns without negative impact on wineries

Actions (13)

- No changes when properly applied (3)
- Retrofit options (1)
- Fire marshal inspection (1)
- Follow 2000 recommendation of VBCOA (1)
- Safety review (1)
- Review Statute 15.2-2288.3 (1)
- Site plan for "change of use" (1)
- Sliding scale for compliance (1)
- Water and sprinkler systems including dry hydrants (3)

USBC Suggestions (11)

- Keep farm building language maintaining farm building exemption
- USBC needs to address agritourism
- Create new tier in Code
- Add “no intended for the public use”
- Add “public use agricultural building”
- Allow a two-year compliance
- Assembly level removes agricultural exemption
- Assembly standards
- Clarity on acceptable use (weddings and events)
- Clarity on use (production and entertainment)

Models of Code (4)

- Consider Albemarle proposal
- Use “nonprofit structures” code
- Use State fire code as model
- Use Virginia Rehabilitation Code

Category	Comments
Use common sense	We take great care and concern, to make sure people are safe.
Lighted exits	I have gone to other structures – they don’t always have the safety features in place. The wine industry is doing due diligence to make sure things are right
Size of exit doors	Create a balance between what is safe and common sense versus what is prohibitive for a farm
Railings to protect children	Have lighted exits Size of exit doors Provide railings that will protect children from falls
Egress from building	Focus on how to get people safely out of the building Provide handicapped accessibility
Handicapped accessibility Clear and consistent policy and definitions	The Loudoun Department of Economic Development encourages business friendly regulations and encourage policymakers to take a measured approach to additional regulations balancing the business reality with potential problems.
Occupant loads	We suggest the State have more clear and consistent policy and definitions. Currently, different localities are regulating under different interpretations and assumptions. Occupant loads of 50 or more (which defines a public assembly) should not be exempt from the USBC and the SFPC and must meet current building codes. An honest discussion needs to be had regarding Farm Structures. There will be occasions where a Farm Structure that is primarily used for farming activities will hold limited events. In these cases, it may be acceptable to simply provide basic safety features such as panic hardware, exit lighting, etc. In cases where the intent is to utilize structures as where certain percentage consists of tasting rooms and primarily places of assembly, current building codes should be met. There is no difference between a limited breweries located in the rural area vs one located in an industrial park. Encourage policymakers to take a measured approach to additional regulations balancing the business reality with potential problems. There needs to be clarification provided on what is considered “sampling and tasting” of agricultural products in the Building Code, which is one of the criteria for a farm structure to be exempt from the Building Code. Primarily, The question is whether “sampling and sale” was intended to include a structure that is exclusively used for the on-site public consumption of wines and beers produced on the farm that functions most similar to a bar or restaurant? If these structure are considered exempt from the Building Code, they are not required to meet the codes intended to ensure public safety, although they are open to the public on a frequent basis. The winery and limited brewery uses often involve large gatherings of the public for events in “farm structures” with live entertainment with no limits on the hours of operation, which can generate traffic impacts and safety
Clarity on acceptable use (weddings and events)	

concerns on roads that are not designed to accommodate the amount of traffic generated by the use on a frequent basis, as well as noise impacts on nearby residential uses. This problem is compounded when you have multiple venues operating in the same vicinity in the rural area.

The State Code should provide additional clarity that events associated with wineries and limited breweries are limited to events for tasting/sampling and sale of the products produced on the farm and do not include weddings and other similar events, which makes the use most similar to an event facility.

The State Code definition of “Agritourism” should also include this clarification. If it was the legislative intent to allow weddings and similar events it should also then clarify this in the definition of “Agritourism”. We suggest the State have more clear and consistent policy and definitions. Currently, different localities are regulating under different interpretations and assumptions.

Clarity on use (production and entertainment)

If agriculture is going to keep the overall exemption, there has to be a *line* created when you go to a different use. You should tie in what is produced on the farm with the event.

Maintain farm building exemption

Our policy is to maintain the farm building exemption currently in place. That said, I do think there is room to clarify between production and just entertainment.

Just make sure there are no changes for farm buildings

Education on building codes

Provide education on the building codes to the public/agritourism operations which would relieve some of the undue stress of the application of building codes.

Egress and human safety elements of structures

Need to examine egress and life safety elements of agritourism structures.

Work with the building professionals and the agritourism operators encouraging them to work together creating safe structures for the public.

Connect building and agritourism professionals

Retrofitted structures would use the Virginia Rehabilitation Code – this code is designed to promote the use of existing structures.

Use Virginia Rehabilitation Code

Use the Virginia Rehabilitation Code (Virginia Existing Building Code) for buildings that are not exempt (or potentially becoming non-exempt) structures

<https://codes.iccsafe.org/public/document/VRHC2012> The Virginia Rehabilitation code offers several options on how to utilize the code making reuse of existing buildings less expensive by reducing the amount of costly and time consuming requirements resulting in a significant reduction in the amount of rehabilitation activity required, all the while maintaining the safety expectations of a structure.

Retrofit options

I do not know the details of the code and how it works, but if you renovate part of the building, then the whole building is subject to the code which makes the project impossible. Is there a way to incrementally apply to the portion of the building being renovated?

Sliding scale for compliance

There should be a sliding scale for compliance to the building code based on intensity of use. Consideration should be given to the difference . . . for example -- Someone who is hosting weddings as compared to having an on-farm market will create a different liability level.

Create new tier in Code

There might be a new tier in the current system/building code. You need to look at what's involved in other similarly used buildings and then discuss finding a middle ground and allow for flexibility since there is such diversity among farm structures.

Enforce basic safety elements: signage, fire extinguishers,

Be sure you include the basic elements of safety that can be enforced . . . like safety signage, fire extinguishers, and other changes that would make a difference while having a smaller price tag.

Balance with flexibility	We must find a happy medium with flexibility. We cannot recommend anything that will put agribusinesses out of business by requiring millions of dollars of retrofitting and/or new requirements. We need to focus on the simple question of how to ensure, in a case of emergency, people are able to exit quickly and to make sure that fire safety is top of mind. It could be as simple as exit signs, fire extinguishers and ensuring these farm structures are ADA compliant.
Ensure human egress	
Signage	
Fire extinguishers	
ADA compliant	
Railings	Our agritourism insurance program does a lot with event venues. For those operations, the code should address railings, steps, means of egress, number of exits, exit signs, fire extinguishers, use of open flames, maximum occupancy, alarms (fire & smoke) and smoking policies. Agritourism operations that prepare food (i.e. farm stores) should also be subject to the same code requirements as other businesses that utilize commercial cooking equipment (i.e. deep fryers, grills, etc.). The above being said, common sense must also be utilized in applying the codes. Factors such as the size, type and duration of the specific agritourism activity must be taken into account.
Steps	
Egress	
Exits	
Signage	
Fire extinguishers	
Open flames	
Occupancy	
Alarms	
Smoking polices	
Assembly standards	Someone buys a piece of agricultural land and puts a big, beautiful building on the land and wants to hold weddings (events) . . . but is this operation a farm? This is occurring because it is a money-maker . . . a rural setting . . . but they feel they don't have to do the same things and meet the same standards as a building in a less rural location. It will be cheaper and I will make money.
Balance and standard expectation to ensure public safety	
Water and sprinkler systems	I have wondered – I believe that on a legitimate farm when the use of a building on the farm is primarily used for meeting space – we must keep the public safe and have some sort of assurance. The public never thinks that the balcony might fall, or that they will have trouble getting out is there is a fire. I believe they think the structure meets some kind of code or that their safety is taken into consideration.
Load bearing	
Road access	There should be a middle ground for the public to know that there are some safety measures in place.
Location of farm equipment	There are some real concerns related to water and sprinkler systems installed as you would in a commercial building.
Ingress and egress	Need to apply some codes related to load bearing, road access, location of farm equipment, ingress/egress – put some balance in effect when you are having the public in the building on a regular basis. It is important not to overburden the operation.
	We cannot say we will “not” enforce the building code – or we will enforce the building code on every building on your farm – we need a balance and standard of expectations that the public can operate safely and have what it needs to have the agricultural experience – but a safe experience
Balance and standard expectation to ensure public safety	There needs to be a balance that addresses the safety concerns and have farm buildings subject to some of the code requirements for safety concerns.
	Need to keep the farm building language as it was originally intended.
Keep farm building language	We want to add the words “not intended for the public use”.
Add “not intended for the public use”	Add language for a “public use agriculture building” with an occupancy of 200 where the public is involved creating a safe building for the public to use including egress from buildings, signage, emergency lighting, proper door hardware, a smoke alarm, ADA requirements.
Add “public use agricultural building”	

Egress Signage Lighting Door hardware Smoke alarm ADA requirements	This does not make the building a commercial building but includes it as an agricultural building. It allows the public to have a farm experience as described in the Code of Virginia.
Minimal standards based on occupancy and use	If there were some minimal standards that were set related to facility occupancy and/or frequency of occupancy – design Minimum requirements on inspections for a certificate of occupancy.
Fire marshal inspection	Pass a fire marshal inspection.
Liability notification	Could you have some type of liability notification posted on the building – a “buyer beware” warning
Use “nonprofit structures” code	Could we use a code applied to <i>nonprofit structures</i> . . . those facilities that are used for occasional events. Be sure it addresses ingress and egress.
Ingress and egress	
No changes when properly applied	No changes are needed when current Codes are properly applied. The current building code protects the public. If it is an assembly building in the middle of town or out in the country, the building codes should be applied the same. The big line in the building code is 50 or more people in a building.
Use State fire code as model	Throughout Virginia there are different cultures and types of operations. It is difficult to have one size fits all.
USBC needs to address agritourism	A state fire code is a good model by allowing the localities to address the regional issues in order to make our citizens safe.
Flexibility	At a minimum, the statewide USBC needs to be able to address agritourism and should have flexibility.
Assembly level removes agricultural exemption	We need to be able to remove the agricultural exemption once we have an occupancy that goes into the assembly numbers (50 or more). Once it reaches this level, the risk to our citizens is too high.
Road access	
Site plan for “change of use”	Must have road access to the facility for emergency services if the structure is used as a venue.
Safety review	Need a way to know when the “change of use” occurs and have a site plan review. This will ensure the access road will accommodate the potential traffic and emergency service vehicles.
Water supply	There must be a process that offers a “safety” review for the agritourism operations. Add a water supply and insure that we have appropriate water supply for the large building – This will allow fire fighters to keep the fire in check until we get the people out.
Follow 2000 recommendation of VBCOA	I would recommend at a minimum what the Virginia Building Code Officials Association recommended in the report for farm buildings and structures in 2000 – If there is an assembly space with 75 or more person present at one time – or a place for retain sales – greater than 1500 square feet that they would be subject to the requirements.

No changes	We do not think there need to be changes. There have been no incidents to necessitate the changing of the way the buildings are currently classified.
Proactive response to safety concerns without negative impact on wineries	However, the counties are interrupting the codes in different ways and it makes it difficult for the wineries.
Consider Albemarle proposal	We are trying to figure out how to acknowledge the fire safety concerns without putting the wineries out of business. By nature, the wineries are off the beaten path and are on well water making it difficult to get the water flow to meet the sprinkler requirements. Forcing the wineries to be in compliant with all the Commercial Building Codes would put them in the position of being in a non-conforming use.
Review Statute 15.2-2288.3	We are trying to be proactive and figure out how to address the safety and local concerns without putting wineries out of business.
Allow a two-year compliance	We talked with Michael Dillinger in the Albemarle Building Office. There was question regarding traffic and noise where the players came together to figure out a way to address this. Michael was involved in this and wanted to work with him to figure out a way to address the current concern of public safety. Because of our unique types of buildings, the building officials focused on the public safety piece and not on property which has led to a proposal from Albemarle County.
	<p>This proposal is reasonable with a few changes including the definition of farm building and the public use agricultural building. We would like for there to be an acknowledgement that there may be multiple definitions for the same building. In addition, there needs to be a review of the statute 15.2-2288.3</p> <p>https://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2288.3/</p> <p>The industry doesn't think that a change to the existing law is necessary, but if a determination is made be made that a change to the law is required, we would support the proposal made by Mr. Dellinger of Albemarle County, with the following changes:</p>
	<ol style="list-style-type: none"> <li data-bbox="496 1066 1386 1213">1. Dellinger's definition of Farm Building or Structure should be amended to read, (amendments in red): <p style="margin-left: 40px;">"A building or structure, or a portion of such building or structure, not for residential purposes....."</p> <li data-bbox="496 1234 1386 1486">2. Dellinger's definition of Public Use Agricultural Building should be amended to read, (amendments in red): <p style="margin-left: 40px;">"A building or structure not used for residential purposes, or a portion of such building or structure, located on property where farming operations take place, that allows the public to experience activities and purchase items normally associated with farming operations and attend events sponsored on the farm, including the usual and customary activities and events at farm wineries anticipated by Virginia Code 15.2-2288.3."</p> <li data-bbox="496 1507 1386 1612">3. All wineries, whether fitting the definition of Public Use Agricultural Building or not, would have two (2) years after these changes are finalized in the VUSBC to become compliant with the VUSBC.
	For example, there may be incidental usages where there is a tour of a production facility that would change the entire classification of the building.
Inclusive process	We need at least a two-year compliance period with any change. It will be expensive and time is needed to accommodate a business schedule in order not lose revenue. In Virginia, this is a decision that is best made by the stakeholders who have a vested interest. Bring the impacted persons to the table to come up with a collaborative resolutions.

No change	None
Implement safety changes	I feel that the original intent of agritourism should be upheld with regards to definition of a farm building. I do feel that simple changes can accomplish any additional safety concerns a reasonable person may consider. Primarily having enough exits. However, sprinkling, dry hydrants, other structural changes would have limited impact on life safety such as actually saving of lives and may only serve to save/partially save the structure or supplies. By the time rescue personnel arrive everyone would already be out of the building.
Sufficient exits	
Sprinkling / dry hydrants	
Structural changes	

Q10 - What would be the impact (opportunities and/or barriers) on the agritourism operation if these recommendations were implemented?

If the recommendations proposed in Question 9 were implemented, the 19 respondents outlined the potential impacts including:

- Safer buildings (n=6) was the theme of responses to this question
- Education, technical assistance, and communication for farmers and the public (3)
- ADA compliant, fire extinguishers, multiple exits in case of fire, exit signage for public structures (5)
- Financial and bureaucracy burden (13) would exist through increased retrofit or construction costs ranging from \$50,000 to \$100,000 along with increased taxes, additional time required for building construction, loss of events, loss of agritourism operation, and ultimately the loss of farm land
- Flexibility in Code application but ensuring people are able to exit a building quickly and safety (1)
- Facility review of location and design plan with permitting process and determination of venue or agriculture (3)
- Limited occupancy based on space and other basic safety elements (1)
- Incremental application as business expands (1)
- Relief from lenders and insurance providers (3)
- Alternative fire suppression instead of required sprinkler systems (1)
- Environmental regulations consistently applied (1)
- Modified Code that meets everyone’s needs built by an inclusive process (2)

Category	Comments
Additional time	Time would be required and would be a barrier. It is not easy to retrofit or to find the right person to do the job.
Financial burden	As part of its strategic plan, the Loudoun Board of Supervisors has the stated goal “Identify and pursue opportunities to enhance rural economic development. A balanced and thoughtful approach to any additional regulations is necessary as additional requirements will make doing business more expensive and impede the growth of the rural economy. Significant increases in expense will mean fewer farms will be able to sustain a successful business, which may result in the loss of farmland to residential development.
Loss of farm land	
Discourages agritourism operations	Unintended consequences may extend beyond the cost of complying with additional regulation. Businesses that must comply with building codes also potentially become subject to additional tax, because as the category of the structure changes, so does the tax category.
Additional tax	The number of persons allowed into these structures may be limited in accordance with required space, means of egress, ability to exit safely in the event of an emergency, etc. And some structures that are in use today may be found to not be safe for the 50 or more members of the public, if at all. There also will be a cost to bring these structures up to a required code that all other non-exempt structures must currently meet. Primarily the cost associated with bringing these structures up to code or constructing new structures to code. There will be some additional delay due to plan review and inspections, additional fees associated these reviews and inspections. The opportunity is that the public is assured that the structure is compliant, possible insurance reductions, and should a change of use happen, inspections and code compliance have been completed. A balanced and thoughtful approach to any additional regulations is necessary as additional requirements will make doing business more expensive and impede the growth of the rural economy. Significant increases in expense will mean fewer farms will be able to sustain a successful business, which may result in the loss of farmland to
Limited occupancy	
Financial burden	

Financial burden (\$50,000-\$100,000)	residential development. Unintended consequences may extend beyond the cost of complying with additional regulation. landowners may have to resort to selling their property to build more homes if they cannot make ends meet to maintain the farm and its operations. If we went to the full extent of the building codes, it can increase the cost by \$50,000 to \$100,000. This is unreasonable.
Determination of venue or agriculture	We have to be careful when someone is considered a venue or agriculture. Need to consider the size of the building. Even farm buildings are not exempt from environmental regulations.
Environmental regulations	A lot of counties are having pay for the <i>Erosion & Sediment Control</i> (ESC) program through building fees. ESC authority is delegated from DEQ to the counties there is no consistency from one locality to the other. DEQ does have a website for the locality.
Educate and communicate	http://www.deq.virginia.gov/Programs/Water/StormwaterManagement/Publications/ESCHandbook.aspx and http://www.deq.virginia.gov/MyDEQ/ForLocalities.aspx
	There is a need for more education and communication on this regulations. Perhaps we need to create a manual of guidelines with ESC – zoning – building codes as the content. Inform people that there are different “buckets” – people do not understand the complexities – there needs to be a centralized hyperlink.
Financial burden (capital outlay)	The only expense would be the initial capital outlay. It then depends on how the codes were applied – there would be more expense in construction.
Alternative fire suppression	There are so many exemptions to sprinklers in the building code and usually only required when certain conditions exist. They are most certainly not required all applications. Sprinklers will probably not be required in most of these applications.
	Sprinklers are often utilized to keep from having to do other things in a structure, but not all structures would require a system. Alternatives are available.
Incremental application	Proposed changes of allowing a sliding scale or incremental application would invite operators to expand their business.
Implement Permitting process	The danger is that the farm might start at one level and move beyond it . . . without complying with the code application process.
	Farms start small and then it grows with more people coming on the farm and the number of people increased from 50 to 200 without the county knowing.
	Need to add an additional step to make sure people are not applying for one thing and doing something else. If people are going to be exempt from compliance, maybe put a dollar figure (a permit fee) tied to the level of intensity of use. If people are going to get reprieved from the building code, maybe there should a system (performance bonds) for them to demonstrate compliance and pay for that validating.
Flexibility	A permitting process might make a locality feel more comfortable in reviewing the project and “certifying” a “ <i>farm first enterprise program</i> ” what the farm intended use is. Offers some level of local control.
Multiple exits in case of fire	We must find a happy medium with flexibility. We cannot recommend anything that will put agribusinesses out of business by requiring millions of dollars of retrofitting and/or new requirements. We need to focus on the simple question of how to ensure in a case of emergency people are able to exit quickly and to make sure that fire safety is top of mind. It could be as simple as exit signs, fire extinguishers and ensuring these farm structures are ADA compliant.
Exit signage Fire extinguishers ADA compliant	

Safer buildings	Impact would be positive from a safety perspective if the code were applied in a common sense manner. If this were the case, I believe agritourism professionals would view the code in a positive light since the safety of their customers is important to them.
Financial	Financial, technical
Technical Relief from lenders and insurance providers	You might get some relief when working with lenders and insurance providers. Distinguishing between uses in farm buildings allows farms to open farm buildings for public use in a responsible and safe manner. It opens the door for a greater economic development of the farm.
Safer buildings	Most people who are visiting the sites do not know that it is exempt from the building code. It is a preventative action because all it takes is one catastrophe that will scare people away from the unregulated structures. Ethically we need to expand some regulations and will help to prevent the catastrophe. The perception of the general public is that you are going into a building that is safe. They assume they are going into a building that has been inspected. Need some avenue for the building officials to review the location and design a plan where the public areas are going to be – as well as where other events will be held.
Facility review	
Modified Code	Need an opportunity for review and relate function to building and fire codes.
Safer buildings	Allow fire officials to review exits . . . do you have enough, are there fire extinguishers, are the exits marked? We need to see the farming community and the building/fire officials get together and come up with a modified code compliance that would meet everyone's needs. Access to water such as a pond with a dry hydrant might work for a small venue. If it is a large venue (500-1000 people) we need to look at sprinkler protection. It depends on the size of the number of people at a venue and the design of the venue. For larger venues, the building and fire officials need authority to conduct a review for compliance and are allowed to apply the appropriate codes to the venue (enforcement backing).
Loss of events	There could be some impact. If members of the public become aware that the facility has not been inspected, there could be a potential loss of events.
Insurance riders	I wonder if lenders or insurance companies could place caveats on the usage – would you have to have additional riders on the property.
Reduced liability costs	Building an assembly building to Building Code and Fire Prevention Code standards is the best and least expensive protection against liability the proprietor can buy. Not sure what insurance companies are thinking about whether these buildings are being built to Code, but suspect they assume they are. Not having built to Code will likely cause problems with coverage should a bad thing happen with a high dollar value.
Safer buildings	The greatest negative impact will be when our history repeats itself and we have a fatality involving a farm structure. In the 1900s, our fire codes recognized that we were killing people/children in school fires. We made changes to these places of assembly and the number has been reduced.
Reduced potential for disaster	We have allowed another place of assembly to circumvent these codes and the public is not aware. When something happens, it will end agritourism in Virginia. After a fire, most businesses do not reopen or do not remain in business.

Safer buildings	You would have a structure that was safe for occupancy. It would meet the Virginia standard. There may be some cost savings through insurance companies.
	I would not see any barriers because you would have folks familiar with the process doing the work.
Increased burden	No one sees this as an opportunity. It will create additional challenges. The wineries will need to ensure that the equipment is installed and operating correctly. The wineries will be subject to the building inspector review.
Increased burden	Unless there is a lot of collaboration and buy-in by the agricultural community, they will feel that there is a significant impact on them.
Education	In some states, farm buildings are exempt from the USBC, unless it is open to the public. There must be other states that have similar codes.
Increased bureaucracy burden	Provide more education on the building code for agritourism operations. Just another hoop to jump through and regulatory/bureaucratic intrusion into local small business, mostly of which are small farming operations.
Exits	If exits were all that were needed, then impact could be positive and not prohibitive. Full or even partial commercial compliance might significantly limit future innovation and startups so vital to maintain Virginia's strong agricultural economy. The costs may seem small on the face in some people's eyes, but these costs are significant and delays can be considerable.
Discourage agritourism operations	

Q11 - What business/economic impacts would the suggested building code changes have on agritourism operations?

Nineteen (19) interviewees recognized the business / economic impacts of building code changes. Not one respondent suggested “no impacts” with 18 comments related to the financial burden that would be incurred and 4 comments offering a positive impact on competition and profitability. The list of suggested impacts included:

- Financial burden (18) for compliance with both retrofit and new construction (although new construction may not see a significant increase) with expected costs ranging between \$10,000 - \$20,000 for one model. Permits may increase from \$210 for an agricultural zoning permit to \$15,000 when classified as a commercial building discouraging growth and creating a sense that there is “over control” and it’s time to “throw in the towel”
- Implement minimum code standards for ADA accessibility, drinking water, electrical systems, and energy consumption (1)
- Establish financial support and technical assistance farm with safety issues from General Assembly (3)
- Need clarity and a model ordinance that is State led (3)
- Increased flexibility in competing with other agritourism operations (1)
- Increased profitability and positive insurance impacts (2)
- Occupancy should limit number of people per event unless Code compliant (1)
- Maintain sprinkler requirement for 300 person occupancy (1)
- New partnerships between building officials and agricultural operations (1)
- No change to farm building definition (1)
- Potential for mass fatality unless standards are applied to assembly buildings (1)
- Structure use (1) reviewed when there is a change in use.

Category	Comments
Less financial burden for new construction	For new construction, there may not be as much fiscal impact because it can be incorporated into your plans from the beginning. Such as having the electrician adding the wires for the lighted signs at the same time as running the wires for the lights. So the fiscal burden is not a great when during construction.
Financial burden	

On a retrofit, there will be some things that are reasonable fixes and some things that are cost prohibited. It is may also be more reasonable to fix things incrementally.

You can get battery operated lights; change hardware on doors; it will be expensive to change the shape and size of the door.

There are groups of people who want to take this to another level especially with fire suppression systems. This would be more than a farm on a well could absorb.

Financial burden (permits, engineered plans – change from \$210 to \$15,000)

It has been a long held strategy of the rural economy that we assist in providing farmers and landowners additional ways to make money. Additional regulations have the potential of adding significant additional cost, which works against our strategy of supporting the viability of rural businesses.

In Loudoun, an agricultural structure requires a \$210 zoning permit. Should regulations require it to be classified as a commercial building, the application fee is then \$15,000. This also triggers the need for engineered plans as well as other requirements that will increase the cost of doing business.

Potential for mass fatality

In order to recoup these additional costs, businesses would have to increase income by increasing the scale and intensity of the business, charging more to the customer, hosting more events or some combination of all three.

The greatest negative impact to the agritourism industry will be when our history repeats itself and we have another mass fatality that involves a farm structure that could have been prevented. As a fact: From 1908-1952 there were 785 school related deaths as a result of fire. Events such as Consolidated School in 1937 (294 deaths), The Lake View School in 1908 (175 deaths) and Our Lady of Angles School in 1957 (95 deaths). We learned our lesson and implemented building, fire and life safety codes in these places of assembly. Since that on-going implementation practice began the number of school related fire deaths has dramatically decreased, because of these efforts. We have now allowed another place of assembly to circumvent the building, fire and life safety codes. The public is not aware that they are at risk. The positive impact would be public safety. The public would be assured that the plans have been reviewed and proper inspections occurred. It has been a long held strategy of the rural economy that we assist in providing farmers and landowner's additional ways to make money. Additional regulations have the potential of adding significant additional cost, which works against our strategy of supporting the viability of rural businesses. In Loudoun, an agricultural structure requires a \$210 zoning permit. Should regulations require it to be classified as a commercial building, the application fee is then \$15,000. This also triggers the need for engineered plans as well as other requirements that will increase the cost of doing business. In order to recoup these additional costs, businesses would have to increase income by increasing the scale and intensity of the business, charging more to the customer, hosting more events or some combination of all three.

Structure use

If agriculture is going to keep the overall exemption, there has to be a line created when you go to a different use for the structure.

Need clarity and a model ordinance

Also, if you are not using what you produce for the event, you can tie in what is produced on the farm with the event.

State led

Having some type of overall clarity – get a model ordinance in working with VACo and Counties to provide some consistency in understanding the laws. Doesn't mean counties have to follow it – but it will bring some more information

Assist farm with safety issues

Any local regulations can only be based off what is allowed from the state. We do not want a patch work of building regulations for farm buildings across the state.

A building professional's goal is to assist the resident or business to do what they desire safely and not to deter the business from expanding or creating a new entity.

Increased profitability.

Greater profitability and greater flexibility. Increased agritourism options and tourism tax revenues for the locality and Commonwealth.

Increased flexibility

Agritourism activity on state borders would become more competitive because the cost of operation has been lowered.

	Allows opportunity for greater innovation in agritourism . . . encourages offering new experiences and activities to customers.
Cost of compliance	We must keep in mind the cost of the requirements and the impact of the decisions that are being made to ensure we are not putting anyone out of business or into financial hardship. We need to support our agribusinesses while also working in the best interest of the health, safety and welfare of the public.
Cost of compliance	Depending on the code requirements and the associated expense to comply with them, there may be situations where agritourism operations would cease to exist.
Discourage growth	This is a fine line that must be considered since it might discourage the growth and continuation of agritourism ventures
Financial burden	There would be financial expenditures. Some farms may need help with business planning so that they can transfer these cost into their business model.
Technical assistance	They may need to have some technical assistance on how to meet some of the codes. Farms may not know how or what to do.
New partnerships	This is a perfect opportunity to build a partnership between building officials and agricultural operations within each locality. What can we do together to meet in the middle.
Financial burden (\$10,000 - \$20,000)	Requiring buildings to meet the full Bldg Code would create a financial burden. The proposed changes in a particular example would cost between \$10,000 and \$20,000 for building retrofit. The actual cost depends on the size of the building and its construction.
	New construction would cost around the same or slightly less than retrofit.
Financial burden	Expenses for installation may increase.
Cost of compliance	It could require significant financial investment depending on the age of the facility and the requirements –
	Cost would be driven by the requirements – for example, fire suppression vs. clearly designated exits signs – the cost depends on the solution.
Cost of compliance	When made at the design phase, many floor plan and material selections can be made that comply with the Codes, reduce the fire flow calculations and cost no more than selections that do not comply. For example, we have seen a building built with doors that open in, making them a fire trap, rather than out, making them a fire exit. The same door, ordered to open out, typically costs no more than the version that opens in. Steel framing costs more for the material than wood, but reduces labor costs throughout the construction process, making the overall cost about the same. But steel studs have a very beneficial effect on fire flow calculations.
Cost for adequate fire flow	
Establish financial support from General Assembly	And again, most agritourism proprietors have found a way to afford Code compliance.
	However, if the proprietor must retrofit to achieve compliance, it will be costly.
	The real financial issue is providing for adequate fire flow. There can certainly be significant cost involved in creating a reservoir. However, sometimes the fire flow is provided by a dry hydrant in a nearby stream. Or by constructing a pond or other water source. Again, many have worked with the Fire Marshall and found a way to do it affordably. Especially when the proprietor talks with the Fire Marshall at the beginning of the process.
	It might be that the General Assembly should consider assisting proprietors of agritourism enterprises, through local government, to help solve the fire flow problem. The buildings need to be designed and constructed in a way that the fire flow is the lowest possible.

Cost of retrofit	There will be costs to retrofit the structures for large assembly.
Limited number of people per event	If the structure is not code compliant, then the operation would be limited to a smaller number of people.
Financial burden	There would be some financial impact but I would not know what it would be. It would not be significant relevant to the structure.
Financial burden	The average cost of installing sprinkler system in a facility will be between \$1 and \$2 million. The cost for wineries will be manageable but the wineries will need time to spread the cost out in order to have the needed funds.
Retrofit vs. new construction	Other items such as fire alarms and other changes might be easier to install. It will be easier to incorporate changes in a new building rather than a retrofit.
Safer building with minimum code standards	Buildings constructed to minimum code standards could have a positive impact by addressing issues such as ADA/Accessibility issues, energy consumption, safe drinking water, safe electrical systems and possibly insurance impacts.
ADA accessibility	
Energy consumption	
Drinking water	
Electrical systems	
Insurance impacts	
Throw in the towel	There is a point where folks just throw in the towel. It's hard enough trying to earn a living in agriculture without having to add additional costs and time and energy to satisfy local government's interest in controlling everything in their county or city borders.
Over control	
No change to farm building definition	I think the suggested changes have some good points, but realistically the definition of a farm building should not be changed to exclude display, sampling or sale. The sample I saw from Albemarle County Building Official of a 200 person limit is too low and the 300 person limit as already is in use for sprinkling requirements should be maintained. I have in good faith relied upon standards and built accordingly a space for up to 300 people. This would seriously impact my profitability without any clear evidence of increased safety.
Maintain 300 person occupancy	

Q12 - What guidelines would you suggest for developing local building codes that better serve the needs of the public and agritourism operations?

In almost every response, the 19 interviewees responding to this question offered guidelines for working with agritourism operations and the building codes. Respondents asked that decision-makers acknowledge the uniqueness of agritourism buildings; be rational/practical, consistent, considerate of cost; and "avoid a knee jerk reaction," protecting the farm from negative impacts.

In addition, the following guidelines were proposed:

- Be practical, flexible but consistent (9) – considerate of fiscal cost and safety perspective along with limiting retrofit requirements, no impact on small venues
- Negotiate, reach consensus using an inclusive process (3)
- Prioritize public safety and getting people out of structure (3)
- Implement basic safety elements and provide for emergency road access (4)

- Statewide codes for agritourism (3)
 - Clarify definition of a farm building (1)
 - Revise current definition to include “public use agriculture building” (1)
 - Put a lid on unnecessary regulation and over control (1)
 - Keep the farm building language (1)
 - Allow time for compliance, provide a method of partitioning and an appeal process (2)
 - Focus on new structures and grandfather existing facilities (2)
 - Assembly buildings treated the same (1)
- Balance public safety with preservation of structure allowing historic structures to have the same exemption offered to historic downtowns (2)
- Annual review of farms (1)
- Define the real problem (1)
- Include an education component (1)
- Establish financial assistance fund for safe farm buildings (1)

Category	Comments
Be practical – fiscal and safety perspective	Identify the practical both from a fiscal and a safety perspective for getting people out of the building.
Flexibility	One size does not fit all. Another building may have a different set of challenges.
Grandfathered	Guideline must be flexible. A locality should have the ability to be flexibility but not be more rigid than the state codes.
Allow time for compliance	Grandfathering on certain issues (a set of core items) is important especially for those farms that have not had any problems. Give people time to address the issues.
Implement basic safety	Doors that open out with panic hardware (when possible); Lighted exit signs. While sprinkler systems may be desirable, they are not possible on well and septic, which is the case for most of our rural enterprises.
Allow historic structures	Allow for historic farm structures and agriculture structures in the county the same exemption that historic down towns are given – especially allow for reuse of historic structures. Current policy allow historic structures in every small town in Virginia to be exempt from building code guidelines, the doors do not open out, there are no sprinkler systems, the structures are very close to each other, if not in “row home” style.
Assembly buildings treated the same	Places of assembly should be treated the same as far as fire and life safety is concerned. The public should be made safe before a catastrophe occurs that could have been prevented.
Basic safety	Doors that open out with panic hardware (when possible); Lighted exit signs. While sprinkler systems may be desirable, they are not possible on well and septic, which is the case for most of our rural enterprises.
Negotiate	In the development and in the case by case application, there is an opportunity for negotiation. There needs to be a method for partitioning / an appeal process . . . possibility to an <i>agritourism subcommittee</i> of the building code development group.
Provide a method of partitioning and an appeal process	Remember the greater the intensity of use the greater the compliance with building codes.
Annual review of farms	There might be an annual review of the farm operation – and consider the use of a permitting process offering the locality some type of communication between the farm and the local government.
Flexibility	Flexibility is important because we have so many sizes of operations and purposes of these farm structures.
Be considerate of cost	Be considerate of the cost. Take caution in retrofitting requirements unless they are very limited in scope.

Limit retrofit requirements	Stay forward looking in working with new farm structures and ensure the recommendations are limited in scope.
Focus on new structures	Work with agribusinesses to be sure they have an understanding of what is going on and be sure they know why the changes are being made.
Common sense in application	Common sense must be used in applying the code. It must be remembered that we live in a gray world. Very few things are black and white, especially as it pertains to agritourism activities. When it comes to code compliance, there must be some flexibility to distinguish good gray from bad gray. It is also important to recognize differences between agritourism operations. All are different.
Implement basic safety	Address ingress and egress, load bearing, road access, sanitary facilities, without overburdening the operation and providing a source of technical assistance (who do I go to, where do I get the information).
Establish financial assistance fund for safe farm buildings	A separation of the public from the equipment that would be dangerous Have an emergency plan readily available.
Education	Establish a fund that if you had an operation that needed financial assistance in retrofitting the farm building to meet safety codes. Let's not make a million exemptions from the building code. Let's figure out the parameters and let people know what they are. Let's educate people on the code.
Be consistent	Farm breweries and farm distilleries must be treated the same as farm wineries.
Keep the farm building language	The proposal keeps the "farm building language" as it was originally intended and revises the current definition to include the "public use agriculture building" which separates the buildings used for the public from the farm-based operations. Allowing this heightens the level of public safety.
Revise current definition to include "public use agriculture building"	Prioritize life safety conditions allowing occupants to exit the structure. Do not put the emphasis on saving building – but getting the people out.
Prioritize getting people out of structure	
Prioritize getting people out of structure	Most concerned with indoor activities with a lot of people attending. Consider regulations for those activities being conducted underroof and in confined areas. Keep roadways wide enough to accommodate emergency equipment.
Road access	
Consistency	This has to be consistent throughout the Commonwealth. Regardless of where you are, you need to meet these certain requirements and be approved by the officials to do this. Trying to break it down by region will not work.
Statewide codes for agritourism	Need guidelines for developing statewide building and fire codes for agritourism development. Build a review process by the code officials (building & fire). As a result, a new building must meet minimum building and fire requirements.
Grandfathered existing facilities	Grandfathering in existing facilities. Lots of people have been living under one set of requirements and have made business plans and financial models based on the current requirements. Additional costs may not be reasonable.

Statewide codes for agritourism	<p>If it is a renovation or expansion or a new, the additional requirements must be known to you.</p> <p>Standards must be based on a statewide basis and not on a county by county interpretation. Must let the ag industry know the standards.</p>
Statewide codes for agritourism	<p>A state-wide building code makes the most sense for the overall economic development picture. It is a good thing that developers and entrepreneurs can go from locality to locality within the Commonwealth and have a pretty good idea what to expect in terms of Building Code requirements.</p> <p>Rather than local building codes, continue to work to make the statewide Code sensible and reasonable. And apply it the same way to all business entities doing similar activities in their buildings. Encourage a level economic playing field between businesses whether they are on-farm or off-farm.</p>
Assembly buildings treated the same	<p>The places of assembly (50 or more people) should be treated the same in relationship to building and fire codes.</p>
No impact on small venues	<p>If you have 300 people, you have to meet the fire and life safety code requirement for sprinklers.</p> <p>My concern is not to impact the small venues, these venues are low risk.</p>
Public safety	<p>It is the places of assembly that need to be addressed.</p> <p>Life safety is the primary consideration – it is for the benefit of the public.</p>
Inclusive process	<p>We want the decision-making process is an inclusive process.</p>
Reach consensus	<p>The goal is to reach consensus.</p>
Balance public safety with preservation of structure	<p>It does have to be a balancing act between public safety and preservation of a structural.</p> <p>Remember, farm wineries have a unique nature – they are not on city water and do not have ready access to resources. The nature of the businesses is different and have a positive financial impact on Virginia’s economy.</p>
Acknowledge uniqueness of agritourism buildings	<p>Farm wineries are not like all other business, and a one-size-fits-all does not work.</p> <p>Having a different category and acknowledging the uniqueness of these buildings will be important in providing best practices and good guidelines as we go forward.</p>
Clarify definition of a farm building	<p>A sticking point that confuses the public is the definition of a farm building and its uses. The definition is currently vague and needs clarification.</p>
Define the real problem.	<p>“To better serve”... to what end? More regulations don’t serve us, and I don’t believe the public needs this either. Again, what is the real problem that this solves? From my perspective the counties’ building and development departments have an innate purpose and tendency (like any other organization) to grow. AND GROW. Who puts a lid on this unnecessary regulatory intrusion?</p>
Put a lid on unnecessary regulation and over control	<p>I’ll tell you what problem is trying to be solved here, and it’s is not really public health, safety and welfare. It’s more control, more regulations, more regulators... to survive and grow! Bureaucracies have inertia and will keep growing if they can. Where does it end? It doesn’t if we don’t say “no”.</p>
Be practical	<p>The state requirements and definition were sufficient, but a matter of reasonableness and not taking the most extreme situation as a means of increasing requirements.</p>

Q13 - What would you like to tell us that we have not yet asked?

From the 22 interviews, 19 respondents offered additional thoughts to support the discussion on agritourism and building codes. These comments continued to support many of the themes identified throughout the interviews including clarifying the definition of “farm building,” educate the agritourism community and the public on building codes, clarify the “can” and “cannot” options for agritourism operations, and consider the context of the structure. The decision-makers were challenged to remember that change affects the entire agritourism industry and one solution may not be appropriate for every operation.

Comments included:

- Look at the whole industry, one size does not fit all, and all agricultural buildings would be impacted (6)
- Inclusive process with farms as part of conversation, use a measured and thoughtful approach, Work together (3)
- Focus on building codes and build a solution that meets needs (2)
- Amend or change USBC
 - Address assembly level
 - Clarify agritourism “can” and “cannot” options
 - Clarify definition of farm building
 - Define the types of activities
- Support the entrepreneurship of farming
 - Assist farmers in complying with new regulations and costs
 - Educate the farms and public
- Avoid local building codes
 - Local officials stifle entrepreneurial efforts
- Is this an over-protective government or safe government
 - Be alarmed with government intervention and control
- Be specific
- Consider the context of the structures – farm vs commercial
- Examine change from competing interest remembering that families have invested everything (2)
- Focus on public safety and least financial impact on operation
 - Keep the public safe by creating safer buildings

Category	Comments
Look at the whole industry	We need to make sure we are constantly looking at the whole industry and not isolate one group. One size does not fit all. There should be some basic principles for agritourism.
One size does not fit all	There is a difference between a public structure and areas where the public would not be allowed. These non-public portions of the buildings should not be at the same standards.
Use a measured & thoughtful approach	The Loudoun Department of Economic Development would encourage a measured and thoughtful approach to this process. Additional regulations could lead to burdensome requirements for our rural enterprises.
Assist farmers in complying with new regulations and costs.	We would recommend that any additional requirements be accompanied by a companion process that provides farmers and landowners with assistance in complying with new regulations and costs. Perhaps any new standards could be paired with a grant program that can assist in retrofits needed to meet new requirements.
All agricultural buildings would be impacted.	If we are going to require people to retrofit it may mean they are going out of business. But if there are nominal standards (perhaps with a grant program) that people can do to retrofit, than let’s help them. This affects more than just the wineries – Additional regulations would impact the cut flower business who would like to hold events, the dairies and others that are searching for new revenue streams to remain viable. It would impact the pumpkin patch that is open 4 weeks in October but stores pumpkins in an agriculture structure to allow customers to enter the barn to pick out a pumpkin. All agricultural business would be impacted by additional regulation.
Inclusive process with farms as part of conversation	What has been the impact to neighboring properties, particularly those operating breweries in essentially rural residential neighborhoods? What do they see as issues? Are there others that should be included in this conversation? As noted above, this discussion has a

wide impact beyond farm wineries and farm breweries. We believe it critical that all agriculture based businesses that invite customers to the farm are part of the conversation. Neighboring property owners should be part of the conversation Piedmont Environmental Council Loudoun County Preservation and Conservation Coalition VDOT. Most of these activities are affecting VDOT roads and most of the time VDOT never has a chance to weigh in on the commercial activity on roads that are designed and maintained for residential purposes. Also entrances should be looked at when activity goes beyond a residential or farm use and introduces commercial activities.

Educate the farms and public	This is an educational issue – to help people understand
Avoid local building codes	There should never be a local building code, with that statement in mind, the USBC supersedes the building codes and regulations of counties, municipalities and other political subdivisions and state agencies. The best avenue to amend or change the code is to work within the code development process.
Amend or change USBC	The code is sound. A lot of thought and work goes into a code that works for everyone. Any changes should be made to the code itself. So let's look at the code and see where revisions are needed.
All agricultural buildings would be impacted.	Keep in mind that all the agricultural structures that are part of the agriculture operation are exempt. We are just talking about a few structures.
Clarify agritourism "can" and cannot" options	There is nothing written on what agritourism can and cannot do. Something needs to be offered that will provide clarity.
All agricultural buildings would be impacted.	Any little changes you make may and most likely will have significant effects on other areas that are not being considered.
Be specific	Always consider the changes and make them specific. Any changes made to a model code must be in the public's interest and have the least impact financially on the operation.
Focus on public safety and least financial impact on operation	
Examine change from competing interest	One of the things that was a concern was that the purpose was to just look at this from the perspective of agritourism. I think it should be looked at from all the competing interest – and try to come up with a solution that meets all the needs. The other stakeholders such as building and fire and localities – EMS, public safety people have concerns that need to be included. Now that I know who is included, it makes me more comfortable.
Build a solution that meets needs	
Consider the context of the structures – farm vs commercial	We have to consider the context of the structures. They are in a rural area remote from fire hydrants and hospitals. They don't always have access roads meeting fire apparatus requirements. These are focused on farm locations as compared to industrial or commercial locations.
	We have to consider people who are starting up a smaller business and using existing structures and remember the cost of fully meeting the building code would be cost exorbitant.
Work together	First step in working together with the agritourism industry and fire officials to address the safety concerns and will continue to support the agritourism industry allowing the industry to continue to be safe.
Define the types of activities	The definition of the types of activities is very important. If it is agritourism can be defined in different ways. What portions within a farm structure create the health and safety concerns?
Address assembly level	Is it a small number of people who visit your farm or is it 200 people that come onto the farm that causes the concern

Keep the public safe by creating safer buildings	I am happy that the review is being done. At least there is an initiative to have this discussion and talk about how to make the public safe. We may take for granted that the building is safe – we just do not pay attention to the safety feature of the building. Any structure that host events are very concerning because these have a higher risk of incident. However, because of the farm exemption these issues may not be address.
Focus on building codes	The focus is on the building code and not on zoning, events, traffic and/or noise.
Clarify definition of farm building.	A sticking point that confuses the public is the definition of a farm building and its uses. The definition is currently vague and needs clarification.
All agricultural buildings would be impacted	<p>You have to be careful with what you put in. It might impact more than you intend.</p> <p>What you are doing with the building is important. You also have to first be a real farm and what people are calling a farm.</p> <p>A country-based farming operation with an agritourism operation will bring people in and create economic development.</p>
Be alarmed with government intervention and control	From a philosophical standpoint, it should alarm us when more and more of our lives are beholden to government intervention and control.
Is this an over-protective government or safe government	<p>“The American Revolution was not only a struggle for independence but a fundamental rethinking of the nature of political authority.” – from http://www.siue.edu/~dhostet/classes/501/assign/wilson.htm</p> <p>This is worth reading. To me, Virginians have historically been wise to guard against the erosion of individual rights... and responsibilities. So, is this an action of over-protective government or safe government? I believe it's the former, and not really about safer places. Government “absorbs” every area of life when we fail to take responsibility ourselves.</p> <p>From a general perspective, government regulations can be considered as <i>the aggregate irresponsibility of the people</i>. Let's not give up even more of our responsibilities to an ever-increasing bureaucracy.</p>
Families have invested everything	My family has invested everything into this business, and burned the ship behind us. There is no going back.
Support the entrepreneurship of farming	<p>With uncertainty for our future it is difficult to make the investments into our business needed to thrive. Our County Attorney would like to “level the playing field” between farm wineries and event centers, but event centers do not face the great requirement of farming. It has been customary in this industry to host events and gatherings as a way of moving our agricultural products, and buying our agricultural product is also a requirement of every event we host.</p> <p>If a locality believes that a business is getting a farm winery license in bad faith, in order to circumvent building code requirements, the onus is on the locality to stop them during the notice period before the ABC gives the license.</p>
Local officials stifles entrepreneurial efforts	Please contact me to have an in depth discussion about the approach our local officials have taken. It has been a painful, threatening process that stifles entrepreneurial efforts that makes Virginia and farmers so successful.

Appendix B

2018 Virginia Agritourism & Building Codes: Current Impacts & Potential Responses

Questionnaire Responses

Retrieved May 22, 2018
Analyzed May 30, 2018

The 2018 agritourism and building codes questionnaire was distributed three times during the week of May 14 – May 21, 2018, to the Virginia agritourism listserv.

Of the 922 listserv members approximately 60% (n=553) are directly related to farms with agritourism enterprises. Responses were received from 53 listserv members (not all respondents completed every question) representing 9.5% of those directly involved with agritourism.

Current Situation

Q1 - Describe the types of farm buildings that are currently being used for your operation and/or in your community for agritourism events and activities? (Building types might include barns, tasting rooms, historical structures, and other facilities.)

Among the 48 responses to this question about building type and use, there was indication that building types could generally be classified as existing, new, or temporary. More specifically, these fell into existing buildings traditionally used for agriculture and converted for public use (some historic), existing living structures converted for public use (often historic), new “farm” style structures for agritourism, or a combination of existing and new structures. Additionally, some buildings are used solely for agritourism activity, where others are used only occasionally as such. There are also instances of temporary structures, such as tents, used for events.

Types of buildings used for agritourism include, but are not limited to:

- sheds
- barns
- patio
- gazebo/pavilion/picnic shelter
- tents
- tasting rooms
- production facilities
- cabins
- yurt

Uses include, but are not limited to:

- retail
- events/receptions
- restroom
- office
- cafe
- greenhouse
- guest space
- bridal party space

Theme	Category	Comments
Traditional working structures converted for public	Sheds, barns, patio, gazebo/pavilion, restroom, retail	Lean-to, 3-sided open shed, drying barn, pole barn, garage converted to a shop, pavilion, outdoor bathroom facilities, covered patio, gazebo, horse stalls converted to a retail shop.
Traditional working structures converted for public Operating farm nearby	Historic barn renovated for events Agritourism diversification necessary b/c economy	We own and operate an event center in an 105 year old bank barn that we renovated. We went through all the proper procedures required by Rockingham County and do have our Occupancy Permit. Our family operates a dairy farm adjacent to the event center. We renovated the barn to diversify because of the economic downfalls of the dairy industry.
Operating farm buildings	Barns, storage, riding/horse	barns, horse run-ins, storage buildings, riding arenas
New “farm” style structures for agritourism	New commercially built barn for venue Farm establishment secondary to venue	I work for a locality and we just approved a barn wedding event, but the barn was built as a commercial building for assembly based on the application as a commercial venue. The farm is just being established.
Combo- renovated farm buildings and new structures	Barns, tasting room, permanent tent	Barns, Tasting rooms Permanent Tents.
Traditional rural living structures converted for public	Historic cabin with detached kitchen (now tasting room)	Our Farm winery buildings consist of late 1700's log structure (Cabin) and associated detached kitchen as the tasting room.

Traditional rural living structures converted for public	Pole barns, log cabins, 2 deck pavilion and cottage	Three pole barns - Two Log Cabins with a common fireplace dating back to the 1700's. A double deck pavilion with cottage house attached
Traditional working structures converted for public Combo- renovated farm buildings and new structures	Apply packing now tasting/retail, barns as picnic shelters. County wide, combo of converted farm buildings and new "farm" builds for agritourism	Wine tasting --- our tasting and farm sales room is in our original apple packing house, built in 1941. We have many barns, pole sheds for picnic shelters etc. that are also available to use in our agri-tourism operation. Other than us, In Bedford County 2 of the 6 wineries that have tasting rooms, are in the old dwellings on their farms. The other three were built to be used as tasting rooms.
Traditional working structures converted for public	Barn, home into retail/café, potting sheds/greenhouse	Barn (Backdrop for wedding ceremonies), Farm Market Building (old home transformed into garden center and cafe), Potting sheds and greenhouse
New "farm" style structures for agritourism	Tents, custom built farm stand	Tents, custom built farm stand
New "farm" style structures for agritourism	Winery building, tasting room, retail, guest space, office space, restroom, kitchen, pavilion Working barn for vineyard	Winery Building which includes areas for processing wine, tank storage, barrel storage, bottled wine storage, equipment storage, Tasting Room, Gift shop, Open rooms for winery guests, Offices, bathrooms for employees & guests, and a kitchen being leased out. We also have a Barn for equipment & vineyard storage. A Pavilion for guests
Traditional rural living structures converted for public Traditional working structures converted for public	Plantation house for weddings and guest prep Barn for receptions	We have a historic plantation that we were using to host events like weddings. We would allow a few of the guest to get ready inside the house. We would use a old barn for receptions.
New "farm" style structures for agritourism	2016 winery build, banquet hall, wine storage, tasting room	We have a building completed in 2016 that is used for winery events, dinners, weddings, fundraisers, etc. on the main level. The banquet hall is capable of seating 288 persons. The lower level (2 sides below grade and two sides ground level) is used for wine storage and is being finished for the tasting room. The focus of this building in all cases is to help us sell our wine produced on our farm.
Community development	Series of historic areas and related projects in community area centered on agritourism	Rushmere Community Development Corporation dba Mathomank Village Tribe Agri-Tourism Events and Activities are located on the Surry Side of the James River and encompasses the Historical Areas of Rushmere and Surry County. The Hughes Heritage and Waterman Conservation Project Initiative is the source of our Agritourism endeavors, which also includes the aquaculture Heritage of the Powhatan Native American Heritage, and the Virginia Oyster legacy that has been documented since the 1571 by Robert Poole, 1607 by Captain John Smith, and 1620 by Thomas Hughes. Daycare training Center and Corporate Headquarters in Rushmere, VA, the residential home and yard space, Tyler's beach harbor of refuge,, oyster grounds, and surrounding Historical Hughes family parcel needed for the Rivers, Trails, and Conservation Act biking and walking trails that will connect Ferguson's Wharf, Burwell's Bay, Bailey's/Tyler's Beach, Ft. Huger, and the future Henry Bradby Park in support of our Agri-tourism project. Also, in the Town of Claremont, the Circle area at Mancha and Bailey Avenues, the Bluff at Claremont Beach, Claremont Beach public landing that crosses from Claremont to Chickahominy. Also the 3.6 sq. miles in Claremont which includes the Claremont African American School, John Elliott Funeral Home, and other historical structures in Historic Southwark Parish (i.e. Cabin Point, Swann's Point, Cobham Wharf (Olde

		Town at 3-Sisters Community), Pleasant Point, and Mt. Ivy. Historical Structures in the Guildford District are also included. In the Town of Dendron, the Historic Mussell Fork Farm and other historical structures in the Town of Dendron, Bacon's Castle, and Carsley District are also included.
New "farm" style structures for agritourism Traditional rural living structures converted for public	New tasting room and production room Historic home, old kitchen and outbuilding	New Tasting Room and Production Room. Historic Home, Old Kitchen outbuilding.
New "farm" style structures for agritourism Traditional rural living structures converted for public Regulatory/Code considerations	Winery/tasting room Historic building re-constructed on site Change to design to meet conflicting regulations	We currently use our 40 X 60 winery metal building as our tasting room. It was constructed in 2013 without significant interference from local building inspection. We are now in the process of constructing a timber frame building purchased from New York that was originally constructed in the 1700s, which will be used as an event center and tasting room. The reconfiguration that has been recommended by local building inspectors has completely changed our original design. The major difficulty has been cooperation with the health department regulations. Those people need to get their act together
Traditional rural living structures converted for public New "farm" style structures for agritourism	2015 new build historic brick home	We use a 1819 solid brick historic home and a concrete/timber-frame cellar/ building built in 2015.
New "farm" style structures for agritourism	Tasting room	Tasting room.
Traditional working structures converted for public	Farm store/equipment storage	farm store/equipment storage
Combo- renovated farm buildings and new structures	Converted barns, houses, engineered spaces, complex multi-level w/o engineering or architectural involvement	I own a winery. In our community the structures include: converted barns and houses, engineered structures, and complex multi-level buildings without engineering or architectural involvement.
New "farm" style structures for agritourism	Storage warehouse, barn, winery production, tasting room	warehouse for wine storage, barn, production building and tasting room, - 3 buildings
Traditional working structures converted for public	Historic home renovated (not public) Barn became winery and tasting room Neighbors supportive	An old log home and barn were on the property we purchased. Had most recently been a cattle farm but has lots of history. We slowly restored the land, renovated the log home and turned the barn into our wine making area and recently a tasting room with a small deck. Our farm neighbors welcomed us and were very helpful. They were happy we were keeping the land agricultural.

Buildings planned	Plan for commercial events, but no buildings currently	No buildings currently but hope to expand and build a building for family/commercial for events. We are looking at Sand Creek Post and Beam.
New "farm" style structures for agritourism	Building now, new build and pole barns	Currently building an on-farm brewery. Stud wall on foundation. Also have 3 pole barn on site.
New "farm" style structures for agritourism	Retail, tasting room, office, storage. Barn-like ag building with now local building inspection	We have a 3 year old building that was specifically built to have a tasting room, gift shop, and function space, as well as some administrative offices and a large temperature controlled storage room. It has a barn-like design built without local building inspection because it was deemed an agricultural building providing value-added products (i.e. wine from grapes)
Combo- renovated farm buildings and new structures	Barns, farm store	Barns, farm store
Combo- renovated farm buildings and new structures	Winery building, tasting room 2-story barn vineyard/farm use	We have a 40 x 60 building with basement for our winery. The downstairs includes the wine production, wine storage, barrel room, wine laboratory, case storage and utility rooms. The upstairs includes the tasting room and pantry areas. The building was constructed in 2004. We also have a 30 x 25 Morton Building for storage. There is also a 2 story barn used for the vineyard operations. This barn is used to store farm implements, harvest lugs, mowers, etc.
Combo- renovated farm buildings and new structures	Barns, tasting room, farm structures	Barns, tasting rooms, misc. farm structures
	none	none
Combo- renovated farm buildings and new structures	Historic corncrib, studio, greenhouse	Historical corncrib, studio, greenhouse
New "farm" style structures for agritourism	Tasting room, tent	Tasting Room and tent
New "farm" style structures for agritourism	Barn, solar home, yurt, airstream (?)	Morton Barn- Solar Home- Yurt- 1986 Airstream.
Community development	Plant related operation only (non-public) Community has agritourism and markets	for my operation: a 15 ft x 30 ft shed for seeding propagation and potting. in our community, there are several agritourism farms; the farmers market is located on local fairgrounds under a large open structure
Combo- renovated farm buildings and new structures	Barn events, tasting room, pick-your-own	Barns for weddings, tastings rooms, pick-your-own facilities
Combo- renovated farm buildings and new structures	Tasting room, barn, pool house	tasting room, barn, poolhouse,
Combo- renovated farm buildings and new structures	New and renovated barns and buildings	Barn built in 1870, renovated in 2008 outbuildings, built in 1910 and 1943, renovated in 2008. production building, built new in 2004, expanded in 2010 bonded warehouse, built in 2007
New "farm" style structures for agritourism	New build with commercial builder with no permits/inspections, no occupancy permit	New post and beam facility Designed by an architect and constructed by a commercial builder with no building permits or inspections required by Fauquier county. This saved us cost but everything was photographed and filed if down the road questions are asked. No occupancy permit was issued either.
Traditional rural living structures converted for public	Tent, inside house	Tent and inside the house.

Traditional working structures converted for public	Barns, historical structures	barns and historical structures
New "farm" style structures for agritourism	New space with many regulations and building requirements	We built an " event" center and had to jump through all sorts of hoops because we could not use any agricultural specs. They made us get an architect and follow every reg for a commercial building in town. We are so rural we do not even get mail delivery here. Our Building is used for weddings, classes, teas and anything else you can imagine. The building is board and batten, drywalled with two stories, an HVAC system, a commercial kitchen and bathrooms, carpeted upstairs for a brides changing area and offices. It is 2,700' square foot building.
Traditional working structures converted for public	Renovated barn (dairy), store, greenhouse	Barn that houses our 1942 carousel and country store Greenhouse structure
New "farm" style structures for agritourism	Pole barn on slab	pole barn on slab
Combo- renovated farm buildings and new structures Regulatory/Code considerations	Crops, animal tourism, brewery, aquaculture/aquaponics fabrication Different information coming from locality related to permits, allowances for use, and events/activities	Evening Where do we start, we live within Prince William County in Northern VA region on 10 acres of A1 zoned property. We are green in the crop production and/or the Agritourism industry. We have faced one hurdle after another with regards to local county's lack of knowledge about the State Agritourism program. We have several building and was told that we could only be exempt from building permits if the accessory building where only used for agricultural use. We were given a bogus explanation that all of the accessory buildings where to adhere to a 75%-25% rule. When asked where the code was listed in the county's municipal codes and regulations. They respond by saying it's an unwritten rule. So we were told that we were allowed to have 6 functions per year. We had prepared for a Animal Winter Wonderland last December. And was told by a county employee we could not do so as we needed a Temporary Activity Permit (TAP). Well the event was canceled based upon the lack of knowledge by the county employee. With a loss of money spent to market the event and items for the lighted displays. We summoned to meet with the Neighborhood Compliance specialist and Building Code Manager, and the Zoning Administrator. We walked into a conference room full of the entire county board of directors and a representative from every division of the county. At this meeting we were informed by the Zoning Administrator that we actually could have held the event without a TAP. We have several buildings to include a barn, a grow/germination building, a building for fabricating various hydro, Aqua, Areoponic systems. Several buildings to house each type Controlled Environment Agricultural (CEA) systems. We finally got a person in our county's Planning and Land Development position who understands the State of Virginia's Agritourism program. Prior to this we were being told we could only have 6 events and it had to be related to a particular product and/or involvement of our animals to host an activity or event. Again a lack knowledge about Agritourism but quick to interpret the program as they see fit. Instead of what the program has been initiated to accomplish with giving farmers the option to supplement traditional farming. Our county (PWC) zoning Administrator approved 5 of our farm exempt accessory buildings. Which they created 6 different drawings/property plays. They than asked if we could obtain a new plat with all buildings, fences, chicken Coop, horse run, wood fence, several other buildings and 2 sheds. So we incurred the cost to have an engineering firm create a new plat. And the plat still didn't show sheds and/or chicken coops. We were told that we could not have any events until we become a licensed farm brewery. So we spent an enormous amount of money to obtain a Nano Brewing System. Our zoning officials have advised us not to promote and/or host any events until we have received a Farm Brewery License. The money that was spent to become a Farm Brewery was all for not. Based upon the PWC

		Land and Development Director, spelled out the exemption of a farm that is a participant in the Agritourism program. We have registered as a participant of the program with an FSA issued farm number. We feel that we were being discriminated against. As there are 2 additional farms in the county who offer various activities/events on their farms. The rules in PWC states over A1 zoned 3 or more have a by-right use to become a farm brewery or winery. When all actuality we did not have to be some a brewery or winery to host the type of events we wanted perform. So the one building that we wanted to hold events has not been approved for use for Agritourism activities. Which according to (PWC) Land and Development division we are free to put on events. P
New "farm" style structures for agritourism	Tasting room, winery, gazebo, storage for events	Tasting room, and winery buildings when toured. Also, we have a gazebo and covered stage used for events.
Traditional working structures converted for public	Grist mill now tasting room	Our tasting room is in a 125 year old grist mill. Try that for building codes!!!
Combo- renovated farm buildings and new structures	Tasting room, production barn, farm buildings	We have a Tasting Room, a Wine production barn, and two additional farm buildings
	barns	Barns
Traditional working structures converted for public	Barns now tasting rooms and production areas	Barns are being used as tasting rooms for wineries and breweries. Farm buildings are also being use for production facilities for wineries.

Q2 - What are the Uniform Commercial Building codes currently being applied to these agritourism structures?

Of the 44 responses to the question regarding the application of building codes to agritourism structures, 56.8% indicated that either none of the Uniform Commercial Building Codes were applied (31.8%, n=14) to agritourism structures or that they were unsure (25%, n=11) whether or not codes were being applied.

However, 38.6% (n=17) replied that codes were used with only one respondent using the term "Uniform Building Code". Others simply described the codes in more general terms with some respondents mentioning more than one type of code/regulation. Of the 17 respondents that reported "CODES USED," the following is the breakdown of the types of codes mentioned:

- Uniform Building Code (1)
- Renovations (1)
- Commercial (7)
- Residential (2)
- Special Use Permit (2)
- ADA Approved/Accessible (3)
- Inspected by Building Dept (2)
- Inspected by Health Dept (3)
- Fire Safety (4)
- Electrical Codes (1)
- Assembly Code (1)
- Wind & Snow Provisions (1)

Two (4.54%) of the respondents stated that they were *exempt* as an agriculture operation.

Two respondents directly mentioned that agritourism operations need support from the General Assembly asking for consistent state rules and regulations concerning agritourism and building codes.

Theme	Category	Comments
Unsure	Unsure	I'm not entirely sure.
Codes Used	Renovations Event Centers Need Consistent State Rules & Regs.	It seems that we were required to follow strict guidelines in the process of renovations which added a lot of additional cost to our project. We were told that we were the first "old barn" to become an Event center and we would be the "role model" for everyone to follow. It was costly but do realize that most of it was for the public's safety. However, other Event centers that have opened since ours have not been required to follow the "strict guidelines" that were required of us. In adjoining counties there are very few rules and regulations for event centers which gives them an economic advantage. I wish the rules and regulations were consistent throughout the state. By not making everyone follow the same guidelines and rules it creates an uneven business advantage. Due to Rockingham County requirements, it added an additional \$100,000.00 to our cost of renovations.
Unsure	Unsure	I don't know, we must have a building permit with sign off from the health department that septic system/sewer connection is not affected. Also call miss utility to have lines marked. The buildings must meet building codes that meet hurricane/storm codes with hurricane ties in the roof.
Codes Used	Commercial Place of Assembly	Commercial place of assembly
Exempted	Exempted	From a Health Perspective, they are exempted since they are considered Agriculture structures.
Codes Used	Residential VDACS (not sure if this applied to food production?)	Residential building code and VDACS codes
Codes Used	Commercial Building Codes	The log cabins that are rented out had to have the commercial building codes applied
None	None	None that i know of. They were built as farm buildings.
Codes Used	Special Use Permit (market & cafe) ADA Approved Inspected by Building and Health Dept.	We obtained a special use permit to operate the farm market and cafe; we were limited to maximum of 4,000 sq. ft of retail sales space; everything had to be ada approved and inspected by building department and health department
None	None	None In Virginia Beach, agriculture buildings are exempt from permits etc., so no codes were used in construction
Codes Used	Health Dept	The kitchen was installed under local codes & Health department. All these buildings were built to applicable codes and engineered for safety
None	None Zoning Issues	There are no UCB codes being applied to but we ran into zoning problems. I work as a firefighter for a county and the fire marshals for that county claim that if the building is used primarily for agricultural use the UCB dose not apply.
Codes Used	Commercial Code Fire Safety	The building was built as a farm building in our vineyard for the purpose of selling the products grown on our farm. The building was designed by a local architectural firm, built by a reputable building company and meets commercial code in all respects except we cannot get enough water for fire regulations. As a part of the design the building has 13 sets of double doors to the outside and could be cleared in minutes. In 2014 when presented with the uses of the building the county agreed that it would meet the classification as a farm building.
Codes Used	Site Layout	Site layout, Residential (RBC) and Commercial (CBC) codes regulated by DPOR and the Regulatory Statutes set by the Indian Treaty of 1646, the Articles of Peace 1677-

	Residential (RBC) Commercial (CBC) Native American Reservation	1680, Act of Cohabitation of 1680 ratified by the Pamunkey Queen Chief Cockacoeske on behalf of the Powhatan Tribes and her relatives within the Indian Treaty Boundary Lines, the Virginia General Assembly, and the Tyler's Beach Free Harbor of Refuge DEED/Agreement of 1965 between the United States of America and the Thomas Hughes family descendants.
Unsure	Unsure	I do not know.
Codes Used	Commercial Building Codes Need State Support	We assume the Uniform Commercial Building codes are the International Building codes but we have been told by our building inspector that actually small farm wineries are not required to follow any particular codes. We are trying to cooperate with the International codes in case we decide to use the structure for a different purpose in the future since we expect the continued support of agritourism by our Commonwealth to disappear in the future.
Codes Used	Smoke Detectors Emergency Lighting Lighted Exits Signs	The 1819 home has smoke detectors and seats 32 guests. the 2015 cellar/tasting seats up to 50 guests. Smoke, emergency lighting and lighted exits signs above exits. Both bathrooms have a handicapped stalls but probably do not comply w/ handicapped regs.
Unsure	Unsure	Not aware.
None	None	none
None	None	None.
None	None	none, but we build to code with professionals
None	None Zoned AG Building	We were zoned agricultural building.
Unsure	Unsure	Not sure. Don't know.
Codes Used	Yes, but no list	yes
Codes Used	Commercial Building Codes None Verified or inspected	We used all up-to-date commercial building codes possible, though none were verified by the local building inspector (see note above). The application was in a farm setting, and excluded those requirements normally followed by a purely commercial retail store enterprise that were considered absurd in our application.
Unsure	Unsure	No idea
Codes Used	AG Codes	As far as I know, all are built under agriculture/farm codes.
Exempt	Exempt	Farm structures are exempt from the Uniform Statewide Building Code unless they have a restaurant as defined by section 35.1-1 of the Code of Virginia or are in a floodplain. In those cases only the building or portion of the building defined as a restaurant is regulated by the code or in the case of a floodplain, the floodproofing regulations would apply.
None	None	n/a
Codes Used	Uniform Building Code (UBC)	Studio built under current UBC regulations. Crib dates to 1940s, greenhouse current but not under code
Unsure	Unsure	Not sure

Codes Used	Building Codes Health Codes Fire & Safety Code Special Use Permit Building Permits w Inspections	Morton Barn- built 1980, Residences:(all conform to building codes, Health Department Codes, Fire and Safety Code- operating under a Special Use Permit) Solar Home- built 1984; Yurt- built 2010; 1986 Airstream. All had building permits and completion inspections.
Unsure	Unsure	Don't know
None	None	None are allowed per state code
Codes Used	Electrical Codes ADA Requirements (ramps & bathrooms)	During renovation, the tasting barn complies with electrical codes, and disability act requirements for ramps and bathroom access. The other historical structures complies with electrical and fire codes. The production and bonded warehouse comply with Loudoun County building codes.
None	None	No of none.
None	None	None
None	None	Currently none. However, we just rebuilt a log barn and plan to install electrical power IAW building codes.
Unsure	Unsure	No clue, I do not remember.
Codes Used	Fire & Safety Codes ADA Accessibility Commercial Building Codes Assembly Code Non-permitted retail building Wind & Snow Load Provisions (Building Code)	The barn was required to meet fire and safety codes, handicap accessibility, had to meet commercial building codes for an assembly code. Greenhouse is a non permanent retail building. We were required to get a building permit, and meet wind and snow load provisions of the building code. No issues on handicap accessibility and fire codes (dry hydrant, etc.) were already in place from the requirements of the barn
Unsure	Unsure	we needed to get certificate of occupancy for the building we needed to get handicap parking and 3 handicap restrooms to operate our pizza oven for the public also needed to get pizza oven structure and other home-made furnishings engineer-approved needed to get fire exit signs for our patio, etc.
Unsure Farm Brewery Licenses	Farm Brewery Licenses Unsure	Basically we have been approved to utilize all but 1 building. The main barn accessory building which we wanted to host, social, weddings, conferences, and educational seminars. So we are continuing to pursue the Farm Brewery licensees process. But again based upon the State/local requirements we should be able to supplement our farming income via the Agritourism program. We really need some type state mandates to ensure that we as farm owners are able to earn a living via Agritourism and/or farm produced crops.
None	None	None that I know of.

None	None	none
Codes Used	Uniform Building Code (UBC)	Uniform Building code is applied to 1 building structure (Tasting Room)
Exempt	Exempt	Farm buildings such as barns are exempt from building codes and associated permits.
Unsure	Unsure	I am not aware of what Uniform Commercial Building codes are applied to these structures.

Q3 - Have the code requirements affected the ability to operate an agritourism enterprise?

#	Answer	%	Count
4	Yes	31.91%	15
5	Maybe	21.28%	10
6	No	46.81%	22
	Total	100%	47

Q4 - Please explain how the code requirements have affected the ability to operate an agritourism enterprise.

When asked what effect code requirements have had on the ability to operate an agritourism enterprises, 36 respondents offered reactions that were grouped into 3 key themes:

- 1) Profit. 38.8% (n=14) voiced distress over if requirements would now be more restrictive and cost them more time and money. If the cost/time was too high, this may not be the best avenue for them to pursue.
- 2) Code knowledge. 30.5% (n=11) expressed concern over not knowing enough about the codes or the varying codes from locality to locality that causes/caused confusion. Another area of concern was over public safety; would these codes help with ADA requirements, health and safety, lighting, electric, space, etc. If the new codes were set in place, would they address these issues or would they create more confusion?
- 3) Not applicable (N/A). 30.5% (n=11) said the new requirements would not affect them and their operation

Theme	Category	Comments
Code Knowledge	ADA compliant Drainage system Industrial overhead lighting	I'm being asked to pay extra to put in a fancy parking lot with a drainage system and industrial overhead lighting. I'm also required to add a bathroom that's ADA compliant.
Profit	Increased cost	Due to additional building requirements, renovation cost increased the loan amount, therefore leaving less room for profit.
N/A		n/a
Profit	Increased cost for Commercial Use	The cost for commercial development (E&S) were too great - modified the application as a farm and just the building designed for commercial use - not the whole site.
Code Knowledge	Health and Safety	Without proper code, Health and safety requirements are not always followed.

Profit	Increased cost	Drastically increased startup costs.
Profit	restricted use of barns	If the building codes had to be used it would have greatly restricted the use of the barns as agritourism use.
Profit	No current impact Increased cost from new codes application may require shifting of operation	Currently codes have not affected our operation. If we have to retrofit or rebuild our current structures to meet new code requirements, we would likely have to shift our operation out of the wine and agritourism business into something else. The cost would be prohibitive. Resulting in a large reduction of our current operation and loss of jobs.
Space	limitation on sales space	Would love to have more sales space
Approvals/Code Knowledge	Time requirement for approvals	The kitchen permitting and review took more time to get approvals than the construction of the whole building. Give a little here and the staff will enforce to the extreme.
N/A		n/a
Profit	Board of Supervisors interpretation of agritourism and compliance	In 2017 Rockingham County Board of Supervisors passed regulations defining buildings like ours as commercial buildings. They now see ours as out of compliance and so have refused to participate with Virginia on an AFID grant we were awarded, costing us the grant.
Profit	Interpretation for Native American land	Isle of Wight County authorized agents, the current managers of Tyler's Beach Free Harbor of refuge, are in violation of the Treaty of 1646 and the DEED/Agreement of 1965, by trying to kick the Powhatan/Hughes family descendants off of the land, charging fees in the harbor, citing non-existent policy, regulations that are crippling the Native Watermen ability to continue its aquaculture industry, and generate revenue via agritourism and historical conservation and preservation, that is threatening the economic security of these small business owners and the Mathomank Village Tribe.
Code Knowledge	Code Requirements restrict number of people at events	We are building a 34 X 38 foot timberframe and are restricted to no more than 49 people or are required to put in a "massive" septic field. The cost and requirements for that are onerous and we will only be expecting more than 49 people at one time maybe 110 time a year.
Profit	increased costs	Will seriously affect our ability to be a farm winery. At least \$300,000 improvements will be needed.
N/A	no effect	No effect.
N/A	no effect	Code is not being applied to their design or construction.
N/A	no effect	we have none for construction
N/A	no effect	None at this point.
N/A		??
Profit	Cost of Code Requirements would have stopped the construction of winery	If we had to follow all the codes(asphalt roadways, large-scale drainage, fire code applications) our winery would not have been built.
Code Knowledge	Unsure	I don't know because I have no idea what they are or if my buildings comply
N/A	no effect	currently none
N/A	no effect	No, as most are exempt

Code Knowledge	no effect - no buildings	We only provide horse trail riding for those who bring their own horse. We are considering building stables and a picnic shelter.
Profit	Impact on number of people in the building	When built there was a size restriction of 1200 sq ft. Unable to compete with newer tasting rooms
N/A		n/a
Profit	Increased costs	If in place would add to cost.
Code Knowledge	Unaware of codes	Didn't even know there were codes I had to follow
Profit	Increased costs	We had to get an architect, a PE for our bathrooms it was a long expensive process.
Code Knowledge	Unaware of codes Increased costs Inconsistency in application with other farms	Trying to find out what codes affected our structures. Defining the purpose of the building resulted in different codes being applied at a tremendous expense. Definitely affected our profitability. Original permit for other venues in the area did not require health permits, etc., but we had to jump through all the hoops. Wineries definitely have exemptions and advantages over other agritourism venues by virtue of State legislation.
Profit	Increased costs Increased time for approval	took lost more time and money than expected. pushed our on-farm eatery back multiple years
Code Knowledge	Stopped operation	We were being told not advertise or use the event building/brewery until a federal and state license is issued
Code Knowledge	Permits for electrical	Expansion to host RV will require permits for electrical installation
Code Knowledge	Focused on safety of the people and built building to protect people	We built the buildings with public safety in mind. The only thing we did not do is sprinkler system because we felt it was not needed - because that protects the building - not the people.
N/A		N/A

Q5 - What are the local public safety concerns regarding agritourism structures?

Among the 44 responses to this questions, 57% (n=25) indicated that “no public safety concerns” existed or they were “unsure”. Others reported issues that were categorized into five themes including:

- Fire safety modifications to the interior including fire suppression, lighted and designated exits to accommodate rapid exit should a fire occur.
- Ingress and Egress designed to accommodate emergency management vehicles.
- Handicapped accessibility
- Structural integrity with a load bearing capacity to accommodate maximum people
- Safe flooring to prevent tripping.

Theme	Category	Comments
Fire Safety	Exits	I'm new to this so I'm not sure. I'm assuming properly designated exits, safe flooring, climate control, and fire safety.
Interior Modifications	Flooring	
	Climate control	
	Fire safety	
Fire safety	Fire safety	Fire prevention, handicap accessibility, safety of roadway entrances, falling/tripping hazards

Ingress / egress - EMS Access	Handicapped accessibility Ingress / egress - EMS Access Tripping hazards	
	Unsure	I don't know
Ingress / egress - EMS Access	Ingress / egress - EMS Access Storm water	Access for emergency vehicles; storm water
	Safety	Public Health and Public Safety.
Interior Modification	Tripping	tripping hazards
Ingress / egress - EMS Access	Ingress / egress - EMS Access	With the large groups they have required the local ems services.
	None	None that we know of. None that have ever been brought to our attention by anyone visiting our farm.
	unsure	Not Sure, Only issues we run into are Noise concerns (weddings) and additional vehicular traffic generated by our events
	None	None
	None	n/a
Fire safety	Fire safety	Ours seems to be fire.
		The need for skilled labor specializing in Historical Preservation of existing structures and landmarks. The lack of respect and disregard from the local Isle of Wight County government, for the Powhatan Nation at Mathomank Village in Historic Rushmere, VA and its valuable contributions its people (the Warraskoyack Indians at (Mathomank Village) and the Quiyoughcohannock on the Surry Side of Lawnes Creek). The County's disregard is empowering others to raze the historical structures and use some as Rushmere Volunteer Fire Department's fire drills causing the structures to be burned down.
	Unsure	I don't know. I think it is a power issues with our local and state government trying to show some benefit of their position. And I'm not paranoid
Fire safety	Fire	Fire, rescue.
Ingress / egress - EMS Access	Ingress / egress - EMS Access	
	None	Not aware
	None	none built to code any way
		failure.
	None	None
	None	None
	Unsure	Don't know at this point. Still planning and looking.

	Unsure	Don't know.
	Safety	Having a safe environment for the general public.
	Unsure	No idea
Handicapped accessibility	Accessibility	we do not accommodate handicapped in that we don't have ramps
Structure integrity	Load bearing Safety	There has been some concern with the structural capacity of the structures as well as life/ safety concerns.
	Unsure	I don't know.
	None	I have heard no local discussion of these issues.
	None	None
On-farm rental consideration	None Air B&B / on-farm rental consideration	The issue has not come up. The main concern our BOS has addressed is short term rental/vacation lodging. We rent through Airbnb, provide guided farm tours, hiking trails, farm products.
	Unsure	Don't know
Fire safety Interior Modifications Ingress / egress - EMS Access	Safety Exit signage Ingress / egress - EMS Access Accessibility Fire safety	safety of the attendees - insufficient means of egress, non-existent Exit signs, accessibility for the disabled, lack of fire safety plans
Interior Modifications Structure integrity Ingress / egress - EMS Access	Fire doors Lighting Load bearing Ingress / egress - EMS Access	fire doors and lighting, building capacity, ingress and egress.
	None	Have not heard of any.
	None	Since only 2 people have been here and it's outside it's not s concern.
Structure integrity	Safe structures	structures are safe for people unfamiliar with farm life
Interior Modifications	Fire suppression Restroom Water quality	It's more than just the structure. Fire suppression systems in place, and health critical. Rest room availability, water quality, food venue inspections. BUT, also need to consider the safety of general public entering and leaving the venue - VDOT involvement, and also parking availability.

Ingress / egress - EMS Access	Ingress / egress - EMS Access Parking	
Structure integrity Fire safety	Structural integrity Fire safety	? general concerns for any structure are structural integrity and fire safety
	None	There are not any, as we only intend to host 150 max. Over 150 guest require VDOT, and fire
	None	Not aware of any.
	None	none. The structure is sound.
Structure exits	Structure exits	being able to get out of a structure in <0.5 minutes. We run safety tests on this annually and we can in our mock emergency situations
	None	None
	None	I am not aware of any local public safety concerns.

Q6 - Has your farm experienced any public safety issues/concerns regarding your building structures?

#	Answer	%	Count
1	yes	4.26%	2
2	Maybe	4.26%	2
3	No	91.49%	43
	Total	100%	47

Q7 - Do the current local building code requirements for agritourism structures address these identified safety concerns?

#	Answer	%	Count
1	Yes	15.22%	7
2	I do not know	65.22%	30
3	No	19.57%	9
	Total	100%	46

Q8 - Please explain how the local building code requirements for agritourism structures address these identified safety concerns.

Among the 28 responses to this questions, 50% (n=14) indicated that they “don’t know” how local building code requirements for agritourism structures address safety concerns, or that it was not applicable to their operation. Others reported issues that were categorized into seven themes including:

- followed code guidelines
- there are no guidelines
- there are differing levels of code enforcement
- current code ok for wine and retail
- building code should apply to inside and large events
- building codes are important for insurance
- locality should follow state regulations

Theme	Category	Comments
Don't Know	New to process	I'm just beginning the process of opening my farm to agritourism, so I don't know yet.
Followed Code	Followed so no issues	Yes as we did follow strict codes of Rockingham County so we do not have any safety issues. However, Event centers in adjoining counties and some that were approved in Rockingham County after we received our permit, have not been required to follow the same safety rules/codes.
Differing enforcement of code	Later event spaces not required to follow same rules/codes	
N/A	N/A	n/a
N/A	No ag buildings apply	Not applicable - haven't had any existing ag buildings apply.
No guidelines	No written guidelines, inspector opinion	There are no written guidelines for describing hazards, just inspector opinion
Don't Know	unknown	unknown
N/A	N/A	N/A
Commercial structure definition	Buildings that hold 50+ people	They have defined all buildings that hold in excess of 50 people as commercial structures.
Non-exemption in code	No exemption for native lands for agritourism	The current Local Building Code Requirements for agritourism structures "Does Not" provide for State and Federal Sovereign exemptions for Native American farmlands, or existing lands located within the Historical blended Indian Towns of Rushmere, Rescue, Claremont, Swann's Point, and the Town of Dendron. However, this is greatly needed in order for the Agritourism Initiative of Rushmere Community Development Corporation dba Mathomank Village Tribe to be successful and serve as an asset to the agritourism program in the Commonwealth of Virginia.
Code guidelines	Smoke detectors	Smoke detectors.
N/A	N/A	NA
Code guidelines	Current codes work for wine, retail Should apply for events and weddings	for wine production, storage, and sales, current codes are perfect. for inside weddings, large events, other than wine sales, building codes should apply
N/A	No identified safety concerns	There have been no identified safety concerns.
Don't Know	Don't Know	Don't know.

Don't Know	Don't Know	Don't know what you're talking about
		Local building code requirements do not separate normal building codes from those that can be applied to agritourism.
Don't Know	Don't Know	No idea
		We have had no safety issues since opening in 2004. In fact, handicapped folks who can walk (i.e. crutches, help from others, etc) have made it in for a tasting with no problems
N/A	N/A	N/A
Don't Know	Don't Know	?
		placement of buildings relative to public roads and other structures; safe structure; safe access.
N/A	N/A	n/a
		At the time of construction (2014) the building inspector said he considered it a barn and no inspections were required.
Don't Know	Don't Know	Don't know
Building code waiver	Waiver obtained for event and farms use combo space, but is liability of risk with public	We have obtained a building code waiver for our new barn as we intend to use it for farm to table events as well as farm operations. Having a new building not built to code but then allowed to have off-farm people utilize it introduces a level of liability of risk which may be unacceptable.
Differing enforcement of code	Differ between localities and not clear how to best apply for public in once farm only buildings	Interpretation of building codes are not consistent from county to county - leaving a competitor 20 minutes away with fewer regulations to meet. Only public safety concerns about our building were during the construction process and those rules kept changing as the country tried to figure out how to best apply codes that were virtually non-existent for farm buildings.
Code guidelines	Building codes good for safety, insurance companies want it	I feel that building codes should apply for safety reason. There has to be some type of oversight for the safety of patrons visiting utilizing the accessory buildings As most insurance companies would like to know that they are insuring a safe building and/or any structures on property
Code guidelines	County follows state	the county code follows the building code for the state.

Recommendations for Change

Q9 - Please explain what changes should be made to the current commercial building codes for agritourism structures.

Thirty-five (n=35) respondents offered a perspective on changes to the commercial building code. Six respondents asked for no changes, 3 were either unsure or not familiar with the code requirements, 3 defined the challenges code application imposed on the farmers, and 24 (69%) offered suggestions for changes including:

- Clarity in the requirements for a structure
- Be consistent in code application
- Focus on assembly buildings
- Consider alternative fire flow systems
- Allow for flexibility based on building use . . . seldom to continuous
- Respect the values of an agritourism entity
- Educate farmers and simplify paperwork requirements
- Grandfather existing buildings
- Offer an arbitration system when there are conflicts
- Apply all codes

- Apply only electrical and plumbing codes for new construction

Theme	Category	Comments
	Challenge	All I know is that farmers don't have the income level to build super-reinforced industrial style buildings like large corporations or restaurant chains do. If those building codes were forced on us we couldn't open to the public. The very reason most farmers delve into agritourism is to supplement their meager income in order to keep their farms and continue to produce America's food. One of the prime reasons that agritourism is successful at bringing revenue streams to farmers and their local economies is that tourists want to see how things were done in the olden days. People yearn for the simplicity of farm life, not the over-engineered structures that hem them into their city and suburban lives. If farmers are forced into non-agricultural building code compliance the result will be vanishing agritourism and disappearing farms.
Consistency	Consistency for assembly buildings	I am not familiar with ALL the current commercial building codes for agritourism structures are but mainly familiar with Event Centers. I would like to see all Event Centers rules/regulations be the same instead of different for each county. I truly don't think that an Event Center should be classified as an "agritourism business"
Simplify	Simplify online paperwork	I recommend being able to do the paperwork, or some of it online.
Clarity	Clarity Building Use	Make clear what the General Assembly wants - very confusing based on the attorney general's opinion about occasional use versus full use for places of assembly.
Consistency	Consistency	Many places do not need to conform to the requirements of commercial code. Also, there is too much discrepancy in inspectors, complying with one does not save you against the next inspector.
Grandfathered	Grandfathered	All current agri-tourism operations or structures should be grandfathered in if any code requirements are changed.
	Unfamiliar	Not familiar with state code... just Orange County code which limits our total sales area
	No change	Since no permit is required, no change is needed in Virginia Beach
	Challenge	The current exemptions allow for the quicker release to market. The time and upfront expenses are the biggest deterrent of applying any new codes to these structures. It already takes an extreme amount of capital and years of planning for these operations to start up and thrive. Adding another 6 months to a year would kill the businesses.
Flexibility	Flexibility based on use from seldom to continuous	I see this as a complex issue, agritourism is different from farm to farm and each have they own unique concerns with public safety. While my farm hosted a few events a year, we have to deal with large amounts of people. While other only have small amounts of people many times a year. I feel if you build a building for a agritourism venue that will be used for that on a day to day bases that would require more over site than a existing structure being used a few times on a season.
Alternative	Alternative Fire flow requirements	Because buildings on farm land are generally not near a water source there needs to be alternatives to traditional fire flow requirements.
Exemption	Exemptions for Native American operations	The current Local Building Code Requirements for agritourism structures "Does Not" provide for State and Federal Sovereign exemptions for Native American farmlands, or existing lands located within the Historical blended Indian Towns of Rushmere, Rescue, Claremont, Swann's Point, and the Town of Dendron. However, this is greatly needed in order for the Agritourism Initiative of Rushmere Community Development

		Corporation dba Mathomank Village Tribe to be successful and serve as an asset to the agritourism program in the Commonwealth of Virginia.
Arbitration systems	Arbitration systems	I think there needs to be some common sense structure that possibly could be referred to a committee if arbitration is needed to help with conflicts. For example, we wanted to put some bedrooms on the second floor of our new timberframe building and that would require sprinkler system and fire doors. How long do you think the sprinkler system would work off the well that is receiving electricity from the electrical panel in the building? Not too long.
Fire system	Fire system	Smoke detectors
	Unsure	NA
Private sector inspections	Private sector inspections for structural components only	<p>Wineries are commercials/industrial structures on rural land. They are built using a combination of residential, commercial, and industrial design components. There is no uniform code for their construction. Industrial criteria will not work in the tasting rooms (if we want those spaces to be attractive and authentic for the public), commercial codes will not work in the production areas, and residential is appropriate only in the tasting room areas.</p> <p>The question is how do we reconcile this fact and enhance public safety without creating capricious and contentious county oversight and inspection of these facilities.</p> <p>Such inspections will create conflict and confusion and without completely rewriting state building codes for these commercial agricultural buildings, such codes will not provide any uniform solutions for winery construction. The result will be to provide counties with the tools to prevent winery development if they wish. Power to drive up costs will be placed in the hands of inspectors who will be the interpreters of code applications. This is an undesirable result. Here is an example: sprinklers required? Yet the facility operates off a well and the pressure does not exist. Overhead outdoor lights in a country setting? Paved parking and curbs on agricultural lands? etc.</p> <p>Suggestion: A private sector engineer is required to design and sign off on winery drain fields. I strongly recommend that new winery builders be required to get structural specs and inspections performed by private sector engineers who then review and sign off on structural design components for all wineries being built going forward. While County building departments would not be involved in inspections, the planning and zoning departments could require engineered design specs as part of the application. I propose that such engineering only be required for structural components - the area where catastrophic failure is greatest. In all other aspects of construction - plumbing, electrical, framing, roofing, etc - the owner would build as appropriate for ag use as is now the case.</p>
	No change	for wine production, storage, and sales, current codes are perfect. for inside weddings, large events, other than wine sales, building codes should apply
	No change	We are not aware of any changes needed.
	Unsure	Don't know.
	Unsure	Not enough information.
Grandfathered	Grandfathered	No new commercial building codes should retroactively be applied to existing agritourism structures.
	Challenge	Many, if not the majority of farm wineries, are operating on a "shoestring" - changes requiring money would negatively affect the amount of Farm

		Wineries that operate in Virginia....which would, negatively impact the money the state raises from Farm Wineries.
	No change	I do not see the need to change the code requirements for these structures. They are limited use and have not had any major problems. Applying the building code to these structures will elevate cost considerably and greatly affect the cost of operations for the agriculture industry.
		?
		N/A
	No change	We have not been affected by the commercial building codes.
	Safe buildings	If the public is allowed into buildings, they should expect those buildings to be safe.
Simplify	Ease for existing buildings	It should be made easier for the farmers to use existing buildings.
Code application Flexible	Code for electrical and plumbing Flexible structural requirements	Electrical and plumbing should be required to be to code for new construction. Leave structural requirements waiverable.
	(no change) Apply agricultural regulations for agritourism entities	Allow agritourism entities to follow the same regs as a plain old ag building. You would have thought we were building a Walmart building, same regs for a bathroom in a Walmart. We had our congressman intervene with the health department in Richmond.
Code application	Apply all codes	Safety is paramount - all agritourism venues need to meet same codes for buildings, VDOT regulations, fire and safety, health codes. Period. Specific regulations in place for changes in use of buildings ex. tasting room doesn't become a restaurant and wedding venue without re-evaluation of codes.
Flexible	Flexibility	should be more lax
Education Fee structure	Educate farmers Design flat fee structure	I would like to see the building code departments participate and educate farmers. Maybe pay a flat fee for an safety of each structure, in which a flat service fee charged for each accessory build. This would keep the facilities and owners on similar journey for a fee
Code application	Apply building codes	Exactly what I said above. Building code except sprinklers. Ability for anyone to get out of the building in <0.5 minutes. ADA compliant in public space
	No change	None

Q10 - What would be the impact (opportunities and/or barriers) on the agritourism operation if these recommendations were implemented?

When asked what the impact would be on an agritourism operation if the recommended changes were implemented, the responses fell into three groups:

- 1) Making the operation more efficient. Over 37% (n=13) reported that proposed changes would create a more efficient operation. People who recorded this response felt that it would make the operation safer and would boost the economy overall.

- 2) Creating a financial burden. Respondents (34%, n=12) indicated that continually changing the code would result in increased costs creating a financial burden on the agritourism operation especially cost to implement the new code requirements.
- 3) Discouraging agritourism operations. Some respondents (17%, n=6) reported that agritourism operations may be discouraged by the changes. The operations who were proposed to be at a disadvantage are farms that rely solely on the agribusiness income or smaller and beginning businesses.

The remaining 11% (n=4) were unsure of the impact.

Theme	Category	Comments
Financial burden	Continually Changing codes	Farmers can't devote their limited time and resources to unnecessary renovations to suit ever-changing codes compliance issues. If forced to make the choice between beefing up buildings and going elsewhere to earn a living, you'll soon see more for sale signs on prime farm land.
More Efficient	Less local paperwork/ regulations	Make things move faster, with less running around to get paperwork signed off.
Financial burden More Efficient	Safer	Would make it more costly, but also safer.
More Efficient	Cost effective	It would be easier and more cost effective for the business. Saves time and money.
Discourages agritourism operations	Farms that rely only on farm income	If the code is changed to require current operations to retrofit or rebuild, many operations will give up or turn into building lots or small "Farmettes". I heard on NPR the other day that Farmers have the highest rate of suicide of any occupation in the nation, higher than vets returning from war even. This is extra stress on an already difficult job. There will be some winners if the codes change, those with farming operations that are more hobby operations or that are funded from off the farm money would see less competition from those who rely solely on farming. People wishing to start a farm winery, with non-farm money to burn, that are just after the status of having a winery would also benefit. They wouldn't mind purchasing bankrupt farms and updating to new codes, just to have that status symbol of having a winery.
More Efficient	Increased revenue	Allow for more product to be sold
Discourages agritourism operations	Small businesses	If we were to be required to build based on a permit or code, I am not sure the impact since I have never looked into that and are not aware. For sure if handicap parking, curb and gutter, and public plumbed bathrooms were required then only the largest of scale agritourism operations would exist, there would be no options for a small farm looking to diversify and grow.
Discourages agritourism operations	Fewer beginning operations	Less businesses opening up. More consolidation around the bigger farms or current businesses.
Financial burden	Too much Money needed	Depending on the operation, the building being used and the amount of money that would be required to meet the new codes.
More Efficient	Safer	We could improve safety by standardizing on an achievable, realistic standard rather than making life difficult on those investing in new construction vs. getting a special use permit for an old barn.

More Efficient	Boost economy	An Administrative State and Federal Recognition of the Mathomank Village Tribe located in Historic Rushmere, VA and includes the remnant Powhatan Descendants of the Warraskoyack at (Mathomank Village) and the Quiyoughcohannock (Surry County) Indians. \$12 Million Annually in Federal Dollars being allocated to the Tribe, Correction of over 50 years of paper genocide that began with Walter Plecker of the Virginia Vital Records leadership, the boost to economic security for small Native American business owners, farmers, boat owners, and Watermen who are a part of the Mathomank Village Tribe for generations to come.
Financial burden	Too much Money needed	We have worked with our local building inspection team and health department to resolve our differences. We have taken the bedrooms out of the second floor and will construct an external kitchen or use a food truck. We will limit our occupancy to 49 people as instructed, which potentially could affect our ability to provide adequate income but I'm sure the Commonwealth is not concerned about that.
More Efficient	Safer	Smoke detectors would have some impact
Financial burden	Too much Money needed	Capital cost may prevent construction.
More Efficient	Less local paperwork/ regulations Safer Boost economy	I think we would be able to continue to grow the industry, but introduce a greater level of safety for the public. Meanwhile, counties would not acquire the power to use capricious interpretation and application of conflicting construction standards to undermine the development of these agritourism businesses.
Can be interpreted in 2 ways		Heavy if grandfathered.
Financial burden	Too much Money needed	The impact would be financial burdens we may not be able to meet and the community would lose a safe family friendly place to visit and enjoy a picnic.
Unsure		Don't know at this point.
Unsure		Not enough information
Discourages agritourism operations		If commercial code was applied to our building retroactively, we would not be able to continue in business. And I am saying this with a relatively new building built using commercial code specifications!
Unsure		No idea
Discourages agritourism operations		I feel you will see many farm wineries close up shop...thus the state revenues will be reduced and the wine and grape industry decline.
Unsure		?
Financial burden	Too much Money needed	Barriers to small businesses meeting code: accessibility, restroom facilities. Cost would be a big factor.
Financial burden	Too much Money needed	Requiring an overhead sprinkler system would be a financial barrier to agritourism operators

More Efficient	Boost economy	I think it would be good for business.
Financial burden	Too much Money needed	Added cost might mean corners cut to stay in financial boundaries.
More Efficient	Safer	It might make it easier on the tourists.
More Efficient	Cost effective	If it is grandfathered, it will allow people planning new construction to plan for it as part of construction costs. Should not be retroactive.
More Efficient	Boost economy	More folks would be willing to invest in agritourism.
Financial burden	Too much Money needed	We were required to meet code. It hits agritourism operations in the pocket book. But safety should not be compromised. Another concern is the impact on neighbors as agritourism businesses continue to grow and develop. They normally start out small - and then grow - local government needs to consider those potential problems and develop codes accordingly.
More Efficient	Boost economy	more opportunities
More Efficient	Safer	It would allow a safe environment first all, the other would be a good resource for industry insurance m the
Discourages agritourism operations		We would go out of business.
Financial burden	Too much Money needed	Cost prohibitive. The barn used has been in existence for close to 20 years and has withstood rain, snow and 80mph winds. I might stop agritourism activities if implemented. Changes are unnecessary.
Financial burden	Too much Money needed	It would put a difficult financial burden on farm operations.

Q11 - What business/economic impacts (financial) would the suggested building code changes have on agritourism operations?

Thirty four respondents gave their thoughts on what types of business/economic impacts the suggested building code changes would have on agritourism operations. Of the 34 answers, 44% (n=15) said that the proposed changes would have some type of financial burden on agritourism operations. However, 41% (n=14) indicated that they either needed more information or were not suggesting any changes.

Others commented that code changes would be a negative impact on jobs and would lead to some type of economic decline for their farms or for the agritourism industry.

Two of the survey participants indicated that they felt that that there would be a positive impact from the changes on their total gross sales and they would lead to job creation.

Theme	Category	Comments
Financial Burden	Decreased general farm viability/upkeep	The farmers would be forced to neglect some aspect of farm maintenance or operations to fund codes compliance issues. The cost would be passed to his tourist guests, thereby decreasing the number of yearly visitors and revenue. Ultimately it would force yet more farmers out of agriculture.

Financial Burden	Financial burden of permits	We paid \$100.50 to get a horse run in building permit. It seems a bit much.
Financial Burden	Finance	Financial
		Un-necessary installation of commercial level requirements would save money for the business.
Financial Burden Job Loss	Decreased farm viability/decreased jobs in the community	In our operation we would likely scale back our farm size, switch to not as profitable methods of farming that do not include the public or agri-tourism operations and reduce the number of our employees by at least 60% as well as look for off farm jobs or sources of income to attempt to keep our operation going if possible.
Income growth	Increase farm gross income	Increase sales
		I am not suggesting any changes, so N/A
Economic Decline	Decrease in farm/Agritourism viability	The growth of these industries would slow to a crawl.
Financial Burden	Financial burden of permits/code requirements	If existing structures are going to be required to to meet UBC many farms may not be able to afford the upgrades.
Financial Burden	Decrease in Farm viability/decrease in public access	We sell nearly 75% of our product on our farm. If regulations make it more difficult to bring the public here the farm would not be financially viable.
Job Creation Income Growth	Increase job creation/increase communication between local groups	It would create at least 50 new jobs in agritourism in Rushmere and in Surry County. It will enable continued negotiations between the private sector in Energy, Science, Technology, Historical Preservation, Agriculture, and Aquaculture, that will generate up to \$1.8 Million annually in payroll and retail tax revenue for local and state government.
		I have not seen any of the building code changes either by the state or county and we are in the building process now.
		See response above
Financial Burden	Decreased farm viability	We would likely close our farm winery because of heavy economic impact of compliance.
Financial Burden	Financial burden of code requirements	Capital cost may prevent construction.
Financial Burden	Logistical burden of new code for existing buildings	I have been a builder. IMHO, the codes cannot be changed to address this situation short of requiring all such ag buildings be built to commercial and industrial code which simply cannot be done under the existing physical constraints of placing such structures upon residential ag parcels. Melding the various codes is simply impossible under the law and will create huge liability headaches. Those seeking to open such businesses will be discouraged from building and opening wineries etc.
		light
		See above
		Don't know at this point.
		Not enough information
Financial Burden Job Loss Economic Decline	Decrease in farm viability	Shut us down.

Financial Burden	Financial burden of permits and code	Changes cost \$\$\$\$ of course!
		see above
		?
		None.
Economic Decline	Limit growth	Might limit new start ups.
Financial Burden		The money saved could be used elsewhere.
Financial Burden	Increase costs but decrease liability	may increase startup costs but would reduce liability.
		Make it affordable.
		See Above
		positive
		Well I feel that for a small fee, it would help with G&A cost.
Financial Burden Economic Decline	Decrease in farm viability	they would all go out of business
Financial Burden		Extreme

Q12 - What guidelines would you suggest for developing local building codes that better serve the needs of the public and agritourism operations?

Among the 33 responses to this question, 21% (n=7) indicated that they were “unsure,” “don’t know,” or did not think the question was applicable (n/a). Others offered suggestion around six themes including:

- the status quo is sufficient
- no code is needed for agritourism
- codes are insurance industry standards
- there is a need for clear, consistent, streamlined guidelines
- codes may apply differently based on type of agritourism
- there is opportunity for education on this issue

Theme	Category	Comments
Status Quo	Common sense	Common sense. If it ain't broke, don't fix it.
Don't know, unsure, N/A	Don't know	I don't know
Don't know, unsure, N/A	middle	I'm not sure - maybe somewhere in the middle
Status Quo	Reasonable for food and structure, residential good enough	Reasonable safety, both in food and structure. Residential code is good enough for most applications.
No code needed for agritourism	Not needed for “real” farms doing agritourism	If this is for agritourism on a real farm and qualifies as agritourism then building codes should not be required.

Limit Codes	Grandfather Limit new Codes for farms	Grandfather current structures being safely used, and minimize new codes for new farms on safety issues that have not been an issue that we know of.
No code needed for agritourism	Exempt agriculture	Exempting agriculture operations from permit requirements are a good thing, insurance companies are strict enough in my mind that no large level concern would exist from no permitting/code requirements
Clear, consistent, streamlined codes		Maybe a separate set of streamlined guidelines. What are the biggest concerns and address them. This slipper slope could put us back to where we were and be a hindrance for any new businesses.
		There needs to be some guidelines set up to insure that the public is safe and it needs to be looked at on a case by case bases. The local officials will be the best to deal with this, the problem is that some of these people are over zealous and do not take in account the big picture.
Clear, consistent, streamlined codes		We need clear and consistent definitions of what is required. We need an understanding that to create a farm business we deal with some limitations that businesses in populated areas don't have. And we need a code that allows for those limitations.
Clear, consistent, streamlined codes		Create an Agritourism Task Force that includes the stakeholders representing Virginia Agritourism Operations.
Education		Make all agritourism operations aware of the local building code changes. For that matter, all code changes affecting the businesses and the public.
No Code for agritourism		I would first start with the Health Department regulations and fire all the employees. "drain the swamp". As best we can tell, currently there are only two entity, no kitchen or commercial kitchen. We don't understand how food trucks and catering facilities " cooking outside" are somehow different but at least there are options to not having a commercial kitchen but being able to provide food for customers. Next, I would have someone review International Building codes and see how they could be structured to provide safety to customers and staff without being onerous to the farm. Maybe an arbitration committee would be a possibility although I hate to recommend more government.
Education		If there are real existing public health and welfare issues in agritourism, we should know what these issues are.
Don't know, unsure, N/A	N/A	NA
		Please see above.
Status Quo Events only	Current for production good, events should have building codes	for wine production, storage, and sales, current codes are perfect. for inside weddings, large events, other than wine sales, building codes should apply
Don't know, unsure, N/A	Don't know	Don't know at this point.
Don't know, unsure, N/A		Better than what?
No code needed for agritourism	No retroactive application	No retroactive application on established agritourism buildings.
No code needed for agritourism		Don't overburden your farmers with a bunch of red tape BS
	grandfather	I would seriously think that "Grandfathering" be considered

No code needed for agritourism	Not for horse	Some of the requirements, such as handicap accessible, should not apply to horse riding structures and gathering areas after rides. Those who ride horses do not need handicap accessible.
Industry consultation	Gather info from others	contacting agritourism associations for guidance; meeting with current and perspective owners of local agritourism operations. For consideration of review of local codes, recommend local authorities plan a tour (maybe with other localities) of existing agritourism businesses.
None	none	None
Insurance standard		Codes that meet the needs of the insurance industry.
Don't know, unsure, N/A	Don't know	Don't know.
Code applicability	Liability reduction	focus on liability reduction
No code needed for agritourism	State cannot determine locality	Our county codes were developed by a committee of agritourism businesses and ready to be put into place when state laws took precedence. State codes can NOT determine what is best for rural localities that deal with these code and safety issues.
Code applicability	Fee based	As small fee and
		what I said above
Code applicability	Restaurants and stores	Applicable to full time restaurants and stores.
Code applicability	Delineate between agritourism only and true production/agribusiness	A separation in definition between true production / tasting agribusinesses, and those which are primarily used for tourism operations but not production purposes.

Q13 - What would you like to tell us that we have not yet asked?

From the 53 responses, 40% (n=21) offered an array of additional comments related to agritourism structures and building codes.

These comments repeated themes identified throughout the survey such as be consistent in the application of the codes and avoid classifying farm buildings as commercial. In addition, requests were recorded asking for respect for the values of the agritourism farm and for an inclusive decision-making process. Others asked that the code be matched to the activity, applied only to event/assembly centers including indoor spaces, and invest the counties with decision-making authority.

Theme	Category	Comments
Avoid more codes	Limit burden of building codes	Farming is hard enough. Please don't add more building codes to the burden.
Apply to assembly buildings	Apply building codes to assembly buildings	Concerning Event Centers, would like to see rules and regulations be followed State wide. I was told that Rockingham County had the set of rules/regulations that VA was going to go by.
Nothing		n/a
Consistency	Consistency in application	There is no standard of enforcement across the state and within the locality. There is no understanding with in the departments who has jurisdiction, Building Office, VDACS, Health Department. In my experience, VDACS is a bigger detriment than the building code enforcement. Agritourism/Farm Winery is a rustic, rural experience for most. It is not a urban cultural structure - need to be reasonable in the approach and not place a one size fits all solution.

Respect Values	Respect the values of agritourism farmers	There is a lot more to farming and agri-tourism than what the general public and lawmakers see. There is heart, soul, body and mind involved in operations that go back most of the time for generations.
Avoid Commercial Codes	Address the existing concerns without a commercial review	Why the push now? If there are a few specific concerns, let's address them, not revert back to a commercial review. The county originally wanted us to install the same roads and parking standards that the local Walmart has. We had to pay for a waiver for a Farm Winery.
Consistency	Consistency in application	After Rockingham County told us that our building qualified as a farm build we invested \$2 million in the project. By the time it was done they had changed their mind. I can't undo it. I spent all of my available funds building it so I don't have a lot to make changes. I want to get back to being a good citizen of Rockingham County but they can't seem to get past this building. We need consistency.
Inclusive Process	Include Native American community in the process	Please continue to include Rushmere Community Development Corporation and the Mathomank Village Tribe in the planning and implementation process regarding Agritourism and to always include aquaculture, as well.
Respect Values	Value the unique qualities of farm-based tourism	The unique qualities of farm based tourism are the qualities which would be lost if farm wineries were made to comply with codes designed for urban commerce.
Avoid Commercial Codes	Existing commercial building codes create financial burden	The existing commercial building codes, if applied to my winery, would have prevented construction due to the extra cost. The big item was fire barriers between storage areas and tasting room.
Will Assist	Willing to assist	As both a former builder and a winery owner who successfully sued my county over their efforts to use a new local ordinance to force my business out of business, I have unique experience in this area and I am happy to assist with discussing this matter and informing members of the legislature on this issue. I have done this on other such matters in the past.
Apply to indoor spaces	Apply building codes to indoor space	public designed indoor space should have building codes
No issue	Why is this an issue?	Why is agricultural buildings an issue? We have not heard of any problems in our area.
Unsure	Unsure	Don't know at this point.
Poor survey	Stupid survey	I would like to tell you this is a stupid survey. I've worked 35 years as a class "A" licensed contractor and don't know what the hell you're talking about.
No issue	Why is this an issue	I would love to know why this is even being brought up. What problems have occurred that this is trying to fix? What big operation winery is trying to shut out the up and coming little guy?
Match code to activity	Match building code to activity on each farm	Agritourism takes in many different activities and levels of physical participation. Build codes should match the type of activity on each farm operation.
County decision-making authority	Offer counties decision-making authority	We were the first official agritourism business in the county. If you had told us we would be where we are 15 years ago, we'd have laughed. Luckily, and painfully, we have survived all the codes thrown at us. We operate under a special use permit and state laws have not been concerned about a level playing field, particularly for wineries at first. Now, newer laws give farm owners "by right" the opportunity to permanently change the scope of farming communities without concern to comprehensive plans carefully developed with the well being of the entire community in mind. It's wrong. State should defer to counties.
Poor survey	Survey is confusing and vague	This survey seems somewhat confusing and vague.
Education	Educate counties	We need a county rep from the state whom could educate the various counties about in addition to educate
Too much regulation	Too much regulations	we have too much government. Too much regulation. and too many people who think they know better.

Nothing		None
---------	--	------

Q14 - I am

#	Answer	%	Count
1	a farmer with an agritourism operation that is not a winery or brewery	45.8%	16 + 6*
3	a winery operation	37.5%	17+1**
5	a brewery operation	0.00%	0
2	A state or nonprofit agency	2.0%	1
6	a county/city representative	4.17%	2
4	Other	10.0%	5***
	Total	100%	48

Other

*Farmer	Farmer w/ Event Center
*Farmer	horseback riding facility
*Farmer	a farmer with multiple operations, Orchard, School Field trips, Vacation Rental, Camping, Weddings, Festivals, AND but not only a winery.
***Other	The President of a Nonprofit Organization and the Chief of the Mathomank Village Tribe
***Other	Planning based on what we can find out.
*Farmer	A farmer with an agritourism operation and a brewery.
**Winery	winery and vineyard
***Other	nursery / extension volunteer
***Other	farm market
*Farmer	I own an herb farm/ lavender farm we have a butterfly house , an event center
*Farmer	Farm in process to become a Daily q
***Other	No response

Appendix C

Agritourism & Building Codes Review Team

first	last	agency/company
Laurie	Aldrich	Cideries Association & Virginia Wineries Association Executive Director
Mitzi	Batterson	Wine Industry Legislative Chair & James River Cellars Winery
Jeff	Brown	Virginia Department of Housing & Community Development
Shelby	Bruguiere	Dickie Brothers Orchard
Cindy	Davis	Virginia Department of Housing & Community Development
Michael	Dellinger	Albemarle County Building Official
Joe	Dombroski	New Kent Winery
Phyllis	Errico	Virginia Association of Counties
Gregg	Fields	Virginia Building & Code Officials Association - Alexandria
Jeff	Flippo	Virginia State Firefighters Association
Katie	Frazier	Farm Credit of the Virginias
Linda	Hale	Virginia Fire Prevention Association
Lee	Hartman	Bluestone Winery
Kellie	Hinkle	Loudoun County - Agriculture Development Officer
Stan	Joynes	Valley Road Vineyards LLC
Gwen	Kennedy	Loudoun County
Anne Leigh	Kerr	Kerr Government Strategies
David	King	King Family Vineyards
Joe	Lerch	Virginia Association of Counties
Amelia	McCulley	Albemarle County Director of Zoning / Zoning Administrator
Thomas	Miller	County Attorney - Rockingham County
Jimmy	Moss	Virginia Building & Code Officials Association - Grayson County
Stephanie	Pence	Brix and Columns Vineyards
Buddy	Rizer	Loudoun County, CEcD, Executive Director
Justin	Rose	Rosemont Winery
Kyle	Shreve	Virginia Agribusiness Council
Susan	Sink	Sinkland Farms
Andrew	Smith	Virginia Farm Bureau
Jim	Turpin	Virginia Wineries Association
Stephen	Versen	Virginia Department of Agriculture & Consumer Services
Heather	Wheeler	Virginia Department of Agriculture & Consumer Services
Mary Beth	Williams	Williams Compliance
Kenny	Young	Loudoun County Assistant County Administrator

Appendix D

Albemarle & Loudoun Counties' Proposals

Albemarle County Proposed VUSBC Amendment

June 2018

312.2 Public Use Agricultural Building

Public use agricultural buildings shall be classified as Group U structures and shall contain the following items:

1. Must contain an automatic fire alarm system throughout the structure with pull stations located at the emergency exits. This system is not required to have off site monitoring capabilities.
2. Must contain emergency lights at exits and provide emergency lighting.
3. All required exit doors must be provided with panic hardware.
4. Must contain at least one accessible restroom with hand washing facilities.
5. Must provide some type of potable water for patron use.
6. Must contain an accessible route to the structure.
7. Must contain portable fire extinguishers per the building code.

Loudoun County Proposal for Local Application

October 2018

Assistant County Administrator

Office of the County Administrator – Loudoun County

Loudoun County is proposing that the following safety features be incorporated under VA Code to promote minimum fire and life safety standards that would assist in getting patrons out of the building or structure quickly.

- Local non-monitored fire alarm system
- Two remote exits, each equipped with emergency lighting, exit lights, and panic hardware on hinged exit doors that swing out
- Emergency lighting
- Portable fire extinguisher

Loudoun County also proposes that the following operational components be considered for any occupied structure for agritourism for educational purposes.



Fire and Life Safety Codes Topics for Agritourism Education

The bulleted items are current fire and life safety code topics that are enforced in any structure or facility which has received a certificate of occupancy from the building official. As such they are enforceable items to remain in compliance with the Statewide Fire prevention Code (SFPC). The typical fire and life safety code compliance concerns are encountered with the operations of a facility, and not the construction of the facility. Because the average agritourism structure is considered a farm structure it is provided an exemption to the building and fire codes.

I have provided a few general construction related items such as door swing, exit location, exit signs, and means of egress illumination. These items are addressed in the Uniform Statewide Building Code (USBC) before a certificate of occupancy is granted. Because these structures do not receive a certificate of occupancy, I have included them as extremely elementary building safety features that should be considered for their own liability and the safety of their patrons, when educating persons desiring to use a farm structure for agritourism.

- **Means of Egress**
 - General Means of Egress and remaining open and accessible
 - Occupant Loads
 - Means of Egress Illumination (different than exit signs)
 - Door Swing(s)
 - Exit Signs
 - Aisles
 - Number of Exits and Exit Configuration (remoteness)
- **Openness**, and vertical shafts, and fire spread
- **Interior Finish**, decorative materials and furnishings
- **Vacant premises** (seasonal or permanent)
- **Candles/Open flame/Pyrotechnics** and other ignition sources
- **Lighting** (free of dust, cobwebs, lumens, no bare halogen bulbs, etc.)
- **Distance to exit** No more than 100' from all points to an exit
- **Maintenance of means of egress** Anchorage must not cross egress
- **Exit signs** 1 for 1-49 people and 2 for 50-299 people. Clearly marked and illuminated at doorways
- **Combustible materials** hay, straw, shavings not within assembly tent, except for the daily feeding of animals. Sawdust and shavings utilized for a public performance or exhibit allowed provided they are kept damp
- **Location of LPG.** Outside/safety release valves pointed away $\leq 500\text{ gal}$ 10' away $> 500\text{ gal}$ 25' away
- **Separation of generators** Minimum of 20'
- **Flammable and combustible liquids Use.** No Flammable-liquid-fueled equipment inside unless specific safety requirements are met.
- **Flammable and combustible liquid storage.** Stored outside at least 50' away
- **Extension cord** safe usage and not in lieu of permanent wiring
 - Ampacity. Can't string extension cords together.... "The ampacity of the extension cords shall not be less than the rated capacity of the portable appliance supplied by the cord"
- **Listed Residential vs. Commercial appliances** such as fans, cooking, and heating equipment
- **Smoking** No smoking signs conspicuously posted
- **Portable fire extinguishers** Portable Fire Extinguisher-mounted
- **Open or exposed flame** No Open flame unless approved (hurricane type container that is several inches taller than flame to prevent catching fire if something falls on top or tips over)
- **Aisles**
 - Serving = 24". Public egress = 44" and increased to provide not less than 1 foot of aisle width for each 50 persons served by such aisle at that point.
- **Combustible and General Storage practice**
- **Hazardous material storage** (such as pesticides, linseed oil, etc.)
- **Hazards to Firefighters** (such as trap doors or floor openings)
- **Special amusement building** (haunted houses, inflatables, etc.)
- **Stages and Platforms** not blocking exits or means of egress, weigh distribution, construction
- **Food Truck** SFPC regulations in effect 10/16/18
- **Emergency Planning and Preparedness**
 - Fire Safety and Evacuation Plans
 - Employee Training and Response Procedures
 - Hazard Communications
- **Fire Service Features**
 - Fire Apparatus Access Roads
 - Access to building openings and roofs
 - Premises identification
 - Identify Fire Protection water supply if available
 - Fire protection and utility equipment Identification and access
 - Emergency Responder radio identification
- **Tent requirements**
 - Location 20 '(includes support rope/guide wire) to lot lines, structures (if tent >10,000 ft²), vehicles and combustion engines
 - Cooking tents. Cooking tents must be 20' away from other tents
 - Flame propagation performance treatment label must have size and fabric or material type
 - Exit openings from tents. Exit openings from tents shall remain open unless covered by a flame resistant curtain.
- **Building Services and systems**
 - Fuel Fired Appliances
 - Electrical Equipment, wiring, hazards, and load
 - Mechanical Refrigeration
 - Commercial Kitchen Requirements
 - Hoods
 - Cooking Oil Storage

Appendix E

Projected Cost of Discussed Safety Attributes

Using the Albemarle County proposed building safety attributes, three engineering and architectural firms were recruited to offer insight on the projected costs for each attribute. The firms were:

- **Reynolds-Clark Development Inc.**, Gretchen Clark. Gretna, Virginia. Reynolds-Clark specializes in Civil Engineering-site design, waterline design, and sewer-line design is a civil engineer and an agricultural producer.
- **Moseley Architects**, Kenney Payne, Virginia Beach, Virginia
- **Art & Architecture** Rick Haynie, Petersburg, Virginia

Information collected from these firms suggested that if the Albemarle County proposed safety attributes were required, the cost for a small agritourism facility may reach approximately \$86,000. This reflects only the cost of the hardware and does not include the cost of labor, loss of business, or structure retrofits to accommodate the safety attribute.

Safety Attributes & Project Cost (Reflects only hardware and does not include other associated expenses)

Safety Attribute: A fire alarm system throughout the structure with pull stations located at the emergency exits. This system is not required to have off site monitoring capabilities.



- Assume \$2 to \$3 per square foot (**\$2-3/SF**) which would include a basic system that includes smoke and heat detectors and alarms that have both visual and audio alerts and manual pull station in accordance with VEBC 704.3 where such system is required where a change of occupancy occurs and that occupancy is required to have such system per the 2015 Virginia Construction Code (VCC) Section 907.
- Such alarm systems must operate in the event of an emergency. This is usually handled one of two ways:
 1. Batteries (the above cost assumes battery-operated).
 2. Emergency automatic generator (depending on size/load and fuel type, these can range between \$2,000 to \$6,000).



Safety Attribute: Emergency lighting and EXIT signs.

- Assume \$100 to \$300 per fixture which would include a basic battery-powered emergency light fixture and EXIT sign.
- Depending on the size of the “farm building” assume at least two (2) emergency lights and one (1) or two (2) EXIT signs.



Safety Attribute: Portable fire extinguishers as defined by the Virginia Uniform Statewide Building Code.

- It would depend on the “Class,” hazard, and size but let’s assume Class A extra high fire hazard 40 lbs or less – 4-A which has a maximum coverage of 11,250 SF.
 - Assume \$100 per extinguisher mounted on a bracket (glass case is not required).

When our company estimates or sets budgets for a sprinkler system, we use a minimum of \$1.50 per square foot. If fire water is not available to the site or if the water pressure is not sufficient to support a sprinkler system, a holding tank and fire pump may be required. This additional equipment will require additional cost and would start at \$10,000.

If there is a kitchen associated with the facility, as typically found at wineries or vineyards that cater to wedding events, then special extinguishers will be required. We budget a minimum of \$250 per extinguisher, which included the labor associated with the installation.

Safety Attribute: Panic hardware on all hinged exit doors.

- Hardware may range between \$100 to over \$400 per door. If the doors have to be reworked, the additional cost would be unknown.
- **Panic or fire exit hardware:** Most farm buildings (let's say a barn) have large doors or at least larger than 48" wide. If so, such large doors could NOT serve as egress doors as they would most likely not have been tested beyond 48" and latching could be a concern (i.e., you cannot just stick panic hardware on a 6'-0" wide barn door and assume it will operate properly). Most such buildings would require a completely NEW door – but working under the assumption we can adapt such hardware to existing larger doors and they swing in the direction of egress travel (out of the barn) without exceeding the opening force (15 lbs) . . . and the wider the door, the more costly the hardware will be.
- Assume \$750 per device per door leaf (so, if there are two door leaves – which most barns have – that would cost \$1,500).



Consider allowing a “fire watch” or designated person to open the door(s) in the event of an emergency – similar to a person sitting next to the exit on an airplane.

If the building is more than one story or if the area that is available to the public is to be separated from the production or other areas of the building, the separate uses may need to be separated with fire rated partitions or barriers or walls. Assuming that the construction is correct (built in accordance with code), the hardware and the door will need to be fire rated.

That type of hardware (using an inexpensive door) will start at \$450 per door. Our firm typically budgets \$650 per opening. However, if the walls are not rated properly, the cost will include the construction or re-construction of the walls.

Safety Attribute: At least one accessible* restroom with hand washing facilities.

- Accessible Porta-johns can be rented.
- The proposed definition is to accommodate between 50 and 300 people. The 2015 VEBC would require minimum plumbing fixtures to account for the increased occupant load – equating to up to two (2) water closets (toilets) and one (1) lavatory (sink) for males and three (3) water closets and one (1) lavatory (sink) for females if 300 occupants are allowed. The one (1) accessible bathroom only addresses accessibility – it would not overrule the need to provide fixtures for both males and females. But, working under the assumption that only one can be provided, construction cost (concrete, electrical, air system) may range from \$30,000 to \$40,000. This is just the cost of the “space” and fixtures and does NOT include septic.



- In lieu of requiring “permanent” bathroom(s), port-a-potties might be allowed. They are allowed now for major “assembly” events and can be added as required based on the number of occupants. They even have units that are accessible. They would avoid the need to drill a well and/or provide a septic system and drain field. They even offer trailers if they so desire. The Code and the Federal Regulation, under the Civil Rights Act and ADA - require access for the handicap. Gates and trails would need to be made accessible.



Based on an occupancy of 51 or more the Code will require handicap accessible toilet facility for each sex. Therefore, there will be a minimum of 2 handicap accessible toilet rooms. In addition, the Code requires a service sink and two drinking fountains (one high / one low) per ADA and ANSI requirements.

The Plumbing Code states that for assembly use like auditoriums without permanent seating, art galleries, exhibition halls, museums, lecture halls, libraries, arcades and gymnasiums there shall be 1 toilet fixture per 125 men and 1 toilet fixture per 65 women. If the use is to be more like a nightclub, bars, taverns, dance halls, or any similar purposes – then there shall be 1 toilet fixture per 40 men and 1 toilet fixture per 40 women. Normally, our firm budgets a minimum of \$6,000 per toilet facility.

Safety Attribute: Some type of potable water for patron use.

- Drilling a well would cost between \$5,000 - \$10,000 plus plumbing, pressure tank, and a structure for the pressure tank that must be heated and insulated
- Assuming a well . . . of course it depends on the existing soils and potential for hitting bedrock, and the depth of the groundwater source, and distance of well from the building, but let's assume . . .
 - **Well:** \$6,000 would get you to about 150 feet – but perhaps consider giving the price in “per foot of depth”
 1. \$10-\$25 per foot of depth for shallow depths
 2. \$15-\$30 per foot of depth for “normal” soils and “deep” wells
 3. \$50 per foot of depth for “difficult” terrain
- **Septic/sewer:** The potable water used must be returned to a permitted septic system. Conventional drainfields cost \$4,000 - \$8,000 if good soils are available.
 - This assumes the land perks and the code usually requires a “reserve” field – which could double the cost (\$8,000 to \$16,000)
- While drilling a well would be a more permanent solution, would renting a water truck be allowed?



Base on projects where our firm had to install wells and/or a septic system, the amounts listed above are low. A budget amount for a well at a commercial facility that accommodates the public will be a minimum of \$10,000 and the cost for the septic system shall depending on the size of the facility and the number of fixtures. My best guess would be starting at \$9,000

**For the purpose of clarifying “accessible” above, the meaning follows the building code requirement that indicates the site, buildings, structures, facilities, elements and spaces, temporary or permanent, shall be accessible to persons with physical disabilities.*

Virginia Wineries Association Code Compliance Retrofit Costs

October 2018

Structr Advisors (SA) was retained by the Virginia Wineries Association to provide rough-order-of-magnitude (ROM) construction cost estimates for design-build solutions to issues detected in building code compliance assessments conducted by J.D. Catlett Consulting Services (JDCCS) for the Virginia Wineries Association (VWA).

Objectives

- Estimate rough-order-of-magnitude (ROM) costs for retrofitting design-build solutions for *fire safety* components and systems identified in Virginia Building Code compliance reports (henceforth, “Compliance Report”) developed by J.D. Catlett Consulting Services.
- ROM costs are provided for two (2) compliance scenarios:
 - VEBC: full compliance for the A2 user group as it stands
 - Alternative Proposal: a less intensive set of requirements than VEBC as contained in the *Proposed Standards for Public Use Agricultural Buildings* drafted by Mr. Michael Dellinger.
- Please note, the items in this report are confined only to fire safety systems identified in the Compliance Report. *Overall structural, mechanical, electrical, and plumbing building code requirements are NOT included in this cost report.*

Winery Evaluation Procedure

- VWA conducted a code compliance inventory of a sample set of six (6) wine producing and tasting facilities of varying capacities and patronage across the state to appraise the potential scope and cost impacts of the regulatory scenarios indicated above.
- Existing site condition and degree of compliance evaluations of onsite public-use structures were conducted by JDCCS. Compliance evaluation commentaries and recommendations were provided to SA in summary report format (Compliance Reports).
- SA used the Compliance Reports to extrapolate scope and select quantities for use in ROM cost models reflecting the retrofitting structures to remedy building code compliance issues as discovered and discussed in the reports

Source Data

The following documents were provided by JDCCS through VWA for review:

- Six (6) *Reports of Findings based of 2015 Virginia Existing Building Code and Alternative Compliance Proposal* for winery locations distributed around Virginia.
- The Compliance Reports presented evaluations and commentary on the compliance of the select wineries along with recommended resolutions for elements deemed problematic.
- The reports included basic photographic perspectives of exteriors, interior spaces, and site elements.
- Photographs of partial plans were included for Sites 1, 2, and 3 only. Levels of Detail (LOD), percent accuracies, plan/construction dates, dimensions, and specifications could not be discerned from the plan images as provided.
- Copy of *Proposed Standards for Public Use Agricultural Buildings* by Michael Dellinger, Albemarle County Building Official; version unknown.
- 2015 International Existing Building Code, Chapter 14: Performance Compliance Methods; for reference.

Assumptions

- Any and all building data and metrics were provided to SA via the Compliance Reports; SA did not conduct onsite assessments.
- Full system replacement/upgrade when the need for fire safety and/or suppression systems is indicated, to err on the side of safety, not economics. Fire alarm and detection systems are highly integrated and specific and should not be spliced in to (added on) existing, possibly dated components.
- Some locations are indicated in the Compliance Report as not qualifying for the Alternate Proposal due to occupancy loads (with recommendations to negotiate occupancies). The cost structures for these “unqualified” locations are treated here as if the occupancies *have been negotiated and accepted* for application of Alternate Proposal parameters (e.g. no sprinklers, fire walls and barriers, etc.) to show the difference between highest (Code) and lowest (Alternate) case retrofit costs.
- As there are no plans or specifications for the work required by the Compliance Reports, nor detailed plans of existing buildings or systems, the recommended scopes of work have been ROM priced parametrically using unit pricing at the building system level. Quantities were derived for the required scopes of work and appropriate construction methods, materials and systems were selected for the design and construction solutions. Experiential, historic or budgetary allowance unit prices were applied to the derived quantities to set preliminary costs.
- The proposed scopes of work are to be implemented under a design-build contract method. Historical mark-ups for the services required under this contract arrangement were generated and applied to the costs-of-the-work to create overall market pricing values for the work.
- The sources, quantities, types and conditions of power and water utilities required for the described compliance solutions are assumed to be available to each site and are viable to supply the required systems.

Scenario ROM Costs

Table 1 provides a summary of the range of construction costs across the compliance spectrum as determined by (1) the scenarios and (2) respective intensity of modifications necessary according to the characteristic existing conditions of the sites.

Table 1. ROM Cost Ranges	Min	Max	Avg
Element			
Code	\$53,236	\$993,648	\$577,533
Alternate	\$45,770	\$113,371	\$70,107

Project Costs

- Table 1 presents least (MIN) and highest (MAX) cases as well as a measure of intermediate level retrofit costs.
- Cost magnitudes are directly correlated to construction type, size, and intensity of requisite retrofits of the specific winery. Movements (up or down) along the estimate spectrum are not due to cost saving or value engineering adjustments.
- Pricing was conducted by general systems or grouped elements for ease of identification. Specific construction activities and components (e.g. CSI Divisions and Items) can be assumed to be included in the cost of each line item as presented.

- Indicated cost estimates capture only the Compliance Report recommendations for the respective facilities; retrofit needs vary from site to site.

Primary Cost Drivers

- Fire suppression
- Fire alarm, detection
- Structural and/or envelope modifications associated to compliance
- Fire barriers/walls
- Fire/emergency response access

Other relevant factors/considerations: 5B construction (stick frame, low fire protection)

Markups and Escalations

- This document has been prepared as if each project would be managed by a design-build General Contractor (GC) with certain attendant costs.
- The cost factors are presented for each site; the specific percentages for each are also isolated on the “Markup Matrix” worksheet.
- Markups and escalations included in this ROM estimate are those associated with:
 - Design
 - Taxes, G&L insurance
 - Contractor-related costs: fees, general conditions, insurance and bonds, and contingencies
 - Escalation: fluctuations—typically increases—in the price of labor, material, and equipment that occur due to inflation and market changes over time; this effect is important to consider when there are measurable time differences between project cost estimation and commencement of construction
- Markups and escalations are applied using the typical industry approach of percent of cost of work; the applied percentages are interpolated from rough measures of current costs of services and may deviate according to local market rates, contractors, perceptions of risk (contingency), and other location factors for materials, labor, and/or equipment.
- Building permit fees are loosely based on fee schedules for the respective localities for Occupancy Group A2 and fire protection permits. As some are derived by GSF and others by estimated project costs—and these values are largely conceptual at this stage—they should be taken with the same degree of accuracy as a ROM estimate.

Scope of Work - Modify, add, or remove building components and systems in structures intended for Public Use Agricultural Buildings located on facilities currently classified as Licensed Farm Wineries by the Code of Virginia to achieve end state compliance with: (1) 2015 IEBC Life and Fire Safety requirements; or (2) alternate standards proposed for Public Use Agricultural Buildings by Albemarle County, VA.

SITE INFO		2015 IEBC	ALTERNATE PROP
Existing Conditions		Extension	Extension
SITE 1			
Construction Type	5B	\$936,117	\$113,371
Use Group	A2, B, F1, S1		
GSF	33,760		
Basic fire alarm/detect, access	Y		
SITE 2			
Construction Type	5B	\$737,126	\$48,354
Use Group	A2, S1		
GSF	15,950		
Basic fire alarm/detect, access	Y		
SITE 3			
Construction Type	5B	\$580,363	\$52,100
Use Group	A2, M		
GSF	5,889		
Basic fire alarm/detect, access	N		
SITE 4			
Construction Type	5B	\$164,710	\$49,657
Use Group	A2, F1, S1, M, B		
GSF	7,348		
Basic fire alarm/detect, access	N		
SITE 5			
Construction Type	B1 = 5B; B2 = 3B	\$993,648	\$111,389
Use Group	A2, F1, S1, B, M		
GSF	31,910		
Basic fire alarm/detect, access	N		
SITE 6			
Construction Type	5B All	\$53,236	\$45,770

Use Group	A2, F2, S2, M		
GSF	10,960		
Basic fire alarm/detect, access	N		

MIN	\$53,236	\$45,770
MAX	\$993,648	\$113,371
AVG	\$577,533	\$70,107

CAUTIONARY NOTES

The following are CLARIFICATIONS to the ROM cost model:

This model represents construction costs in today's dollars and makes no allowance for variations in pricing based on future market conditions or inflation.

The pricing shown is indicative of probable construction costs. Given the absence of design, the costs should be used as high-altitude planning data for use in budgetary pro forma modeling. It does not represent the outcome of a low bid pricing effort with 100% construction documents.

Actual costs will vary from SA opinions of prices depending on multiple variables, including but not limited to: type and design of the suggested construction, quality of contractor, quality of project management exercised, market conditions, and the delivery method used to solicit and contract the work.

The costs include contractor mark ups, general conditions, fee and permits.

The following items are EXCLUDED from the ROM cost model:

Moving or re-installing any tenant furniture, fixtures, equipment or merchandise.

Costs for scheduled overtime or work outside 7:30AM to 3:30PM, Monday through Friday.

Wineries: Summaries of Cost Assessments

The following sections offer synopses of each winery with notable information encountered during the SA pricing process. Each section presents general structural and usage characteristics and the compliance issues affecting the location.

Site 1 General Information

GSF	33,670
Buildings and Levels	B1: 2; B2: 2
Construction Type	5B
Use Group	A2, B, F1, S1

Site Specific Issues:

- Compliance Report notes:
 - Installing sprinklers is the only way to resolve the occupancy load issue for this layout
 - Has basic alarm and detection

- Fire suppression: The exterior covered porch would need fire suppression due to attachment to the main structure.
- Site improvements: Installation of fire lane and signage for Building 2 for marked fire and emergency access ways.

Site 2 General Information

GSF	15,950
Buildings and Levels	B1 (only): 2
Construction Type	5B
Use Group	A2, S1

Site Specific Issues:

- Compliance Report notes:
 - Building was designed to meet building codes except fire suppression
 - Has basic alarm and detection
 - As noted in Assumptions, even with basic fire alarm components, the fire safety pricing reflects a complete overhaul for the reasons stated
- Reports states that double-door assemblies have been installed on the lower and upper levels which differ from the plans. The locations and number of double-doors was not made clear; 1 double-door assembly per floor has been assumed.

Site 3 General Information

GSF	5,889
Buildings and Levels	B1 (only): 3
Construction Type	5B
Use Group	A2, M

Site Specific Issues:

- Compliance Report notes:
 - No alarm or detection in place
- Compliance Report states 1,963 SF per floor which would yield a total GSF of approximately 5,889 SF. SA estimates show GSF at approximately 2,463 SF per floor and 7,389 SF total, a 20 percent difference from the Report. SA dimensions were applied to err on the side of conservatism (higher cost of work).
- New opening (single-leaf door) and egress stair installation from second floor to grade.
- Staircase rework between first floor and basement requires complete removal and replacement. Without having specific dimensions and structural data on the adjacent building components, and with the information on hand, achieving compliance would be technically infeasible.

Site 4 General Information

GSF	7,348
Buildings and Levels	B1 (only): 2
Construction Type	5B
Use Group	A2, F1, S1, M, B

- Compliance Report notes:
 - “The building construction type, height, and area would not require sprinklers.”
 - No alarm or detection in place
- Interior firewalls/barriers: Installation of fire-rated partition between storage and event areas requires full extension to roof; includes fire-rated door assembly.

Site 5 General Information

GSF	27,386
Buildings and Levels	B1: 2 levels + Attic; B2: 1 level + Attic
Construction Type	5B
Use Group	A2, F1, S1, M, B

Site Specific Issues:

- Compliance Report notes:
 - Need for improving firewall between B1 and B2 can be absolved with suppression system
 - No alarm or detection in place
- Insulation in flooring between first and second levels needs to be reversed (flipped) and/or covered.

Site 6 General Information

GSF	10,960
Buildings and Levels	B1: Tasting; B2: Barn (2 levels); B3: N Processing; B4: E wood Production + E metal storage
Construction Type	5B
Use Group	A2, F2, S2, M

Site Specific Issues:

- Compliance Report notes:
 - Improve fire integrity of CMU partition between tasting room and production/storage area versus fire suppression
 - Fire alarm/detection system install in tasting room area only (3,060 SF out of 10,960 SF)
 - No alarm or detection in place

Cautionary Notes

- Due to wineries being exempt from building codes and regulations, the construction types and materials vary dramatically from one project to the next. As such, uniformly applicable costs of remedying code compliance cannot be defined—a single “silver bullet” cost and/or fix is unavailable and would not be appropriate for use in the required compliance resolution.
- The estimates represent probable construction costs. Construction scopes rely on the information provided to SA. Given the absence of advanced design, the costs should be used as high-altitude planning data for use in budgetary analyses.
- SA did not visit the sites and directly observe the facilities; the estimates are composite costs for typical components, materials, labor, and equipment for the building item(s) identified in the Compliance Reports.
- Actual costs will vary from SA opinions of prices depending on multiple variables including, but not limited to: type and design of the suggested construction, quality of contractor, quality of project management exercised, market conditions, and the delivery method used to solicit and contract the work.
- The commentary and data provided by SA is specific to costs of construction for systems and components only as identified in the compliance reports provided and do not presume to address recommendations toward or achievement of building code compliance.
- Per Compliance Report, “While it is technically infeasible to comply with new construction standards for any of these requirements of a change of occupancy, the above items shall conform to the requirements to the maximum extent technically feasible.”

Conclusion

This ROM cost analysis is intended to provide high-altitude examples of potential retrofit construction costs for the selected sites for budgetary modeling purposes. In developing the report, SA attended to construction and market factors as much as the information provided allowed. As mentioned, with the scale, scope, and quality of the structures being extremely variable, deriving a discrete, universally applicable retrofit cost factor is not viable. Construction estimates of higher degrees of accuracy will require comprehensive evaluations of the affected building systems on a site-by-site basis.

Generally, the costs of compliance depend largely on the size of the structure, the design of the building systems, and the suitability of existing construction materials used. These case studies should be used as conceptual tools to consider economic feasibilities of code compliance issues.



CONCEPTUAL ROM COST MODEL SUMMARY

Scope of Work - Modify, add, or remove building components and systems in structures intended for Public Use Agricultural Buildings located on facilities currently classified as Licensed Farm Wineries by the Code of Virginia to achieve end state compliance with: (1) 2015 IEBC Life and Fire Safety requirements; or (2) alternate standards proposed for Public Use Agricultural Buildings by Albemarle County.

SITE INFO		2015 IEBC	ALTERNATE PROP
Existing Conditions		Extension	Extension
SITE 1			
Construction Type	5B	\$936,117	\$113,371
Use Group	A2, B, F1, S1		
GSF	33,760		
Basic fire alarm/detect, access	Y		
SITE 2			
Construction Type	5B	\$737,126	\$48,354
Use Group	A2, S1		
GSF	15,950		
Basic fire alarm/detect, access	Y		
SITE 3			
Construction Type	5B	\$580,363	\$52,100
Use Group	A2, M		
GSF	5,889		
Basic fire alarm/detect, access	N		
SITE 4			
Construction Type	5B	\$164,710	\$49,657
Use Group	A2, F1, S1, M, B		
GSF	7,348		
Basic fire alarm/detect, access	N		
SITE 5			
Construction Type	B1 = 5B; B2 = 3B	\$993,648	\$111,389
Use Group	A2, F1, S1, B, M		
GSF	31,910		
Basic fire alarm/detect, access	N		
SITE 6			
Construction Type	5B All	\$53,236	\$45,770
Use Group	A2, F2, S2, M		
GSF	10,960		
Basic fire alarm/detect, access	N		

MIN	\$53,236	\$45,770
MAX	\$993,648	\$113,371
AVG	\$577,533	\$70,107

CAUTIONARY NOTES

The following are CLARIFICATIONS to the ROM cost model:

This model represents construction costs in today's dollars and makes no allowance for variations in pricing based on future market conditions or inflation.

The pricing shown is indicative of probable construction costs. Given the absence of design, the costs should be used as high-altitude planning data for use in budgetary pro forma modeling. It does not represent the outcome of a low bid pricing effort with 100% construction documents.

Actual costs will vary from SA opinions of prices depending on multiple variables, including but not limited to: type and design of the suggested construction, quality of contractor, quality of project management exercised, market conditions, and the delivery method used to solicit and contract the work.

The costs include contractor mark ups, general conditions, fee and permits.

The following items are EXCLUDED from the ROM cost model:

Moving or re-installing any tenant furniture, fixtures, equipment or merchandise. Costs for scheduled

overtime or work outside 7:30AM to 3:30PM, Monday through Friday. 10/30/2018 1 of 1



ROUGH ORDER OF MAGNITUDE ESTIMATE

SITE 1

Scope of Work - Modify, add, or remove building components and systems in structures intended for Public Use Agricultural Buildings located on facilities currently classified as Licensed Farm Wineries by the Code of Virginia to achieve end state compliance with: (1) 2015 IEBC Life and Fire Safety requirements; or (2) standards proposed for Public Use Agricultural Buildings by Albemarle County, VA.

PER 2015 IEBC						
Description	Quantity	Units	Unit Price	Mark Ups	Extension	
Item 1: Interior						\$ 62,769
Walls (incl. carpentry)	NA					
Ceilings patch (sprinkler install)	9,550	SF	\$3.00	1.38	\$	39,537
Finishes						
Paint (sprinkler install)	33,670	SF	\$0.50	1.38	\$	23,232
Item 2: Egress & Fire Doors						\$ 8,124
Doors/Frames/Hardware						
DL HM Fr/Wd Dr/PHW (into mtg room; replace)	1	EA	\$2,282.00	1.38	\$	3,149
DL PHW	3	EA	\$555.00	1.38	\$	2,298
DLHW/SIGNAGE(Main;key-oper., "remain unlocked" signage)	1	EA	\$239.00	1.38	\$	330
SL HM Fr/Wd Dr/PHW (corridor, replace)	1	EA	\$1,143.00	1.38	\$	1,577
SL PHW	2	EA	\$279.00	1.38	\$	770
Item 3: Fire Protection Specialties						\$ 1,130
10 lb ABC in surface cabinet	3	EA	\$273.00	1.38	\$	1,130
Item 4: Emergency and Exit Signage/Lighting						\$ 3,511
Exit signs	13	EA	\$73	1.38	\$	1,310
Emergency wall light	15	EA	\$73	1.38	\$	1,511
Emergency wall light with exit sign	4	EA	\$125	1.38	\$	690
Item 5: Fire Alarm and Detection						\$ 106,869
Fire alarm system (panel, detection, horn/strobe, local comm.)	33,670	SF	\$2.30	1.38	\$	106,869
Item 6: Fire Suppression						\$ 702,765
Wet system	31,150	SF	\$7.00	1.38	\$	300,909
Dry system (roofed porch)	2,520	SF	\$10.00	1.38	\$	34,776
Water storage tank	60,000	GAL	\$2.00	1.38	\$	165,600
Concrete pad, yard piping to well fill	1	EA	\$25,000.00	1.38	\$	34,500
Controls	1	EA	\$5,000.00	1.38	\$	6,900
Fire pump	1	EA	\$46,000.00	1.38	\$	63,480
Electrical power	1	LS	\$70,000.00	1.38	\$	96,600
Fire alarm interface	1	LS	included			
Emergency generator/transfer switch	1	EA	included			

Item 7: Site Improvements					\$ 50,950
Fire lane (Bldg 2), compacted stone	8,800	SF	\$3.50	1.38	\$ 42,504
Fire lane signs	20	EA	\$102.00	1.38	\$ 2,815
Exterior egress pad (W Mtg Rm; 3' x 6')	18	SF	\$10.00	1.38	\$ 248
Discharge Route (W=3.5', L=60', incl. cut/grade, paving)	260	SF	\$15.00	1.38	\$ 5,382
PER CODE					TOTAL
					\$ 936,117

PER ALTERNATE PROPOSAL					
Description	Quantity	Units	Unit Price	Mark Ups	Extension
Item 1: Egress Doors					\$ 1,862
Doors/Frames/Hardware					
DL HM Fr/Wd Dr/PHW	0	EA	\$2,282.00	1.38	\$ -
DL PHW	2	EA	\$555.00	1.38	\$ 1,532
DL PHW/SIGNAGE (Main; key-oper., "remain unlocked" signage)	1	EA	\$239.00	1.38	\$ 330
SL HM Fr/Wd Dr/PHW	0	EA	\$1,143.00	1.38	\$ -
SL PHW	0	EA	\$279.00	1.38	\$ -
Item 2: Fire Protection Specialties					\$ 1,130
10 lb ABC in surface cabinet	3	EA	\$273.00	1.38	\$ 1,130
Item 3: Emergency and Exit Signage/Lighting					\$ 3,511
Exit signs	13	EA	\$73.00	1.38	\$ 1,310
Emergency wall light	15	EA	\$73.00	1.38	\$ 1,511
Emergency wall light with exit sign	4	EA	\$125.00	1.38	\$ 690
Item 4: Fire Alarm and Detection					\$ 106,869
Fire alarm system (panel, detection, horn/strobe, local comm.)	33,670	SF	\$2.30	1.38	\$ 106,869
Item 5: Fire Suppression					\$ -
Item 6: Site Improvements					\$ -
PER ALTERNATE					TOTAL
					\$ 113,371

ROUGH ORDER OF MAGNITUDE ESTIMATE



SITE 2

Scope of Work - Modify, add, or remove building components and systems in structures intended for Public Use Agricultural Buildings located on facilities currently classified as Licensed Farm Wineries by the Code of Virginia to achieve end state compliance with: (1) 2015 IEBC Life and Fire Safety requirements; or (2) standards proposed for Public Use Agricultural Buildings by Albemarle County, VA.

PER 2015 IEBC					
Description	Quantity	Units	Unit Price	Mark Ups	Extension
Item 1: Interior					\$ 79,357
Ceilings patch (sprinkler install)	15,950	SF	\$3.00	1.38	\$ 66,033
Stairway handrails added to existing stair	48	LF	\$35	1.38	\$ 2,318
Finishes					
Paint (sprinkler install)	15,950	SF	\$0.50	1.38	\$ 11,006
Item 2: Egress & Fire Doors					\$ 20,492
Doors/Frames/Hardware					
DL HM Fr/Wd Dr/PHW (L1 and L2; replace)	2	EA	\$2,281	1.38	\$ 6,296
SL HM Fr/Wd Dr/PHW (to foyer; replace)	9	EA	\$1,143	1.38	\$ 14,196
Item 3: Fire Protection Specialties					\$ 2,260
10 lb ABC in surface cabinet	6	EA	\$273.00	1.38	\$ 2,260
Item 4: Emergency and Exit Signage/Lighting					\$ 2,071
Exit signs	0	EA	\$73	1.38	\$ -
Emergency wall light with exit sign	5	EA	\$125	1.38	\$ 863
Emergency wall light	12	EA	\$73	1.38	\$ 1,209
Item 5: Fire Alarm and Detection					\$ 44,022
Fire alarm system (panel, detection, horn/strobe, local comm.)	15,950	SF	\$2.00	1.38	\$ 44,022
Item 6: Fire Suppression					\$ 588,923
Wet system	14,436	SF	\$6.00	1.38	\$ 119,530
Dry system (roofed porch)	1,514	SF	\$10.00	1.38	\$ 20,893
Water storage tank	90,000	GAL	\$2.00	1.38	\$ 248,400
Concrete pad, yard piping to well fill	1	LS	\$25,000.00	1.38	\$ 34,500
Controls	1	SET	\$5,000.00	1.38	\$ 6,900
Fire pump	1	EA	\$45,000.00	1.38	\$ 62,100
Electrical power	1	LS	\$70,000.00	1.38	\$ 96,600
Fire alarm interface	1	LS	included		
Emergency generator/transfer switch	1	EA	included		
PER CODE					TOTAL
					\$ 737,126

PER ALTERNATE PROPOSAL

Description	Quantity	Units	Unit Price	Mark Ups	Extension
Item 1: Egress Doors					
Doors/Frames/Hardware	0	0	\$0.00	1.38	\$ -
Item 2: Fire Protection Specialties					
10 lb ABC in surface cabinet	6	EA	\$273.00	1.38	\$ 2,260
Item 3: Emergency and Exit Signage/Lighting					
Exit signs	0	EA	\$0.00	1.38	\$ -
Emergency wall light	12	EA	\$73.00	1.38	\$ 1,209
Emergency wall light with exit sign	5	EA	\$125.00	1.38	\$ 863
Item 4: Fire Alarm and Detection					
Fire alarm system (panel, detection, horn/strobe, local comm.)	15,950	SF	\$2.00	1.38	\$ 44,022
Item 5: Fire Suppression					
Item 6: Site Improvements					
PER ALTERNATE					TOTAL
					\$ 48,354

CAUTIONARY NOTES

The following are **CLARIFICATIONS** to the ROM cost model:
 This model represents construction costs in today's dollars and makes no allowance for variations in pricing based
 The pricing shown is indicative of probable construction costs. Given the absence of advanced design, the costs
 Actual costs will vary from SA opinions of prices depending on multiple variables, including but not limited to: type
 The following items are **EXCLUDED** from the ROM cost model:
 Providing or installing any tenant furniture, fixtures, equipment or merchandise.
 Costs for scheduled overtime or work outside 7:30AM to 3:30PM, Monday through Friday.



ROUGH ORDER OF MAGNITUDE ESTIMATE

SITE 3

Scope of Work - Modify, add, or remove building components and systems in structures intended for Public Use Agricultural Buildings located on facilities currently classified as Licensed Farm Wineries by the Code of Virginia to achieve end state compliance with: (1) 2015 IEBC Life and Fire Safety requirements; or (2) standards proposed for Public Use Agricultural Buildings by Albemarle County, VA.

PER 2015 IEBC					
Description	Quantity	Units	Unit Price	Mark Ups	Extension
Item 1: Interior					\$ 89,319
Ceiling patch (Sprinkler install)	7,389	SF	\$3.00	1.38	\$ 30,590
GWB					
Basement wall finish ("sawn board" cover/replace), painted	1,936	SF	\$3.00	1.38	\$ 8,015
Egress staircase (2nd flr exit to grnd flr, structural, landing, handrail)					
Steel, single run, painted, stair and wall/handrails	18	RSR	\$900.00	1.38	\$ 22,356
Concrete footing	1	EA	\$450.00	1.38	\$ 621
SL DR/FR/PHW (install, delete window)	1	EA	\$1,349.00	1.38	\$ 1,862
Paint/signs	1	LS	\$2,800.00	1.38	\$ 3,864
Outdoor egress light	1	EA	\$1,500.00	1.38	\$ 2,070
Staircase (basemnt to first)					
Widening (6", demo, carpentry)	18	RSR	\$500.00	1.38	\$ 12,420
GWB (incl. finishes)	750	SF	\$5.00	1.38	\$ 5,175
SL DR/FR/HW (comp. install)	2	EA	\$850.00	1.38	\$ 2,346
Item 2: Egress & Fire Doors					\$ 11,309
Door/Frames/Hardware					
DL HM Fr/Wd Dr/PHW (2 1st flr, 1 bsmt; replace)	3	EA	\$2,282.00	1.38	\$ 9,447
SL HM Fr/Wd Dr/PHW (2nd flr exit stairs, opening/install)	1	EA	\$1,349.00	1.38	\$ 1,862
Item 3: Fire Protection Specialties					\$ 2,260
10 lb ABC in surface cabinet	6	EA	\$273.00	1.38	\$ 2,260
Item 4: Emergency and Exit Signage/Lighting					\$ 2,158
Exit signs	8	EA	\$73.00	1.38	\$ 806
Emergency wall light	10	EA	\$73.00	1.38	\$ 1,007
Emergency wall light with exit sign	2	EA	\$125.00	1.38	\$ 345
Item 5: Fire Alarm and Detection					\$ 38,238
Fire alarm system (panel, detection, horn/strobe, local comm.)	7,389	SF	\$3.75	1.38	\$ 38,238



ROUGH ORDER OF MAGNITUDE ESTIMATE

SITE 4

Scope of Work - Modify, add, or remove building components and systems in structures intended for Public Use Agricultural Buildings located on facilities currently classified as Licensed Farm Wineries by the Code of Virginia to achieve end state compliance with: (1) 2015 IEBC Life and Fire Safety requirements; or (2) standards proposed for Public Use Agricultural Buildings by Albemarle County, VA.

PER 2015 IEBC					
Description	Quantity	Units	Unit Price	Mark Ups	Extension
Item 1: Interior					\$ 115,053
Walls (incl. carpentry)					
GWB (Event Center)	3,492	SF	\$9.00	1.38	\$ 43,371
GWB (Install storage partition)	2,936	SF	\$12.00	1.38	\$ 48,620
Finishes					
Paint (Event Center and storage part.)	16,712	SF	\$1.00	1.38	\$ 23,063
Item 2: Egress & Fire Doors					\$ 7,509
Doors/Frames/Hardware					
SL HM Fr/Wd Dr/PHW (Event Ctr; replace)	1	EA	\$1,143.00	1.38	\$ 1,577
SL HM Fr/Wd Dr/PHW (Event Ctr; opening/install)	1	EA	\$1,349.00	1.38	\$ 1,862
Ext. landing (Event Center egress doors; 4' x 4')	32	SF	\$20.00	1.38	\$ 883
Tread/Riser (Event Center egress doors)	2	EA	\$200.00	1.38	\$ 552
SL HM Fr/Wd Dr/PHW (stor. part.; opening/install)	1	EA	\$1,349.00	1.38	\$ 1,862
SL PHW (Existing Tasting Rm)	2	EA	\$280.00	1.38	\$ 773
Item 3: Fire Protection Specialties					\$ 3,014
10 lb ABC in surface cabinet	8	EA	\$273.00	1.38	\$ 3,014
Item 4: Emergency and Exit Signage/Lighting					\$ 1,108
Exit signs	3	EA	\$73.00	1.38	\$ 302
Emergency wall light	8	EA	\$73.00	1.38	\$ 806
Item 5: Fire Alarm and Detection					\$ 38,026
Fire alarm system (panel, detection, horn/strobe, local comm.)	7,348	SF	\$3.75	1.38	\$ 38,026
Item 6: Fire Suppression					\$ -
ASSUMED AS NOT SPRINKLERED BY COMP. REPORT					
			PER CODE	TOTAL	\$ 164,710

PER ALTERNATE PROPOSAL

Description	Quantity	Units	Unit Price	Mark Ups	Extension
Item 1: Egress Doors					\$ 7,509
Doors/Frames/Hardware					
SL HM Fr/Wd Dr/PHW (Event Ctr; replace)	1	EA	\$1,143.00	1.38	\$ 1,577
SL HM Fr/Wd Dr/PHW (Event Ctr; opening/install)	1	EA	\$1,349.00	1.38	\$ 1,862
Ext. landing (Event Center egress doors; 4' x 4')	32	SF	\$20.00	1.38	\$ 883
Tread/Riser (Event Center egress doors)	2	EA	\$200.00	1.38	\$ 552
SL HM Fr/Wd Dr/PHW (stor. part.; opening/install)	1	EA	\$1,349.00	1.38	\$ 1,862
SL PHW (Existing Tasting Rm)	2	EA	\$280.00	1.38	\$ 773
Item 2: Fire Protection Specialties					\$ 3,014
10 lb ABC in surface cabinet	8	EA	\$273.00	1.38	\$ 3,014
Item 3: Emergency and Exit Signage/Lighting					\$ 1,108
Exit signs	3	EA	\$73.00	1.38	\$ 302
Emergency wall light	8	EA	\$73.00	1.38	\$ 806
Item 4: Fire Alarm and Detection					\$ 38,026
Fire alarm system (panel, detection, horn/strobe, local comm.)	7,348	SF	\$3.75	1.38	\$ 38,026
Item 5: Fire Suppression					\$ -
Item 6: Site Improvements					\$ -
PER ALTERNATE					\$ 49,657
TOTAL					\$ 49,657

ROUGH ORDER OF MAGNITUDE ESTIMATE



SITE 5

Scope of Work - Modify, add, or remove building components and systems in structures intended for Public Use Agricultural Buildings located on facilities currently classified as Licensed Farm Wineries by the Code of Virginia to achieve end state compliance with: (1) 2015 IEBC Life and Fire Safety requirements; or (2) standards proposed for Public Use Agricultural Buildings by Albemarle County, VA.

PER 2015 IEBC					
Description	Quantity	Units	Unit Price	Mark Ups	Extension
Item 1: Interior					\$ 155,136
Walls (incl. carpentry)					
GWB	0	SF	\$0.00	1.38	\$ -
Ceilings (sprinkler install)					
Lower level (B1; cover or reverse insulation)	22,550	SF	\$0.35	1.38	\$ 10,892
B1, patch	22,220	SF	\$2.25	1.38	\$ 68,993
B2, patch	9,048	SF	\$2.50	1.38	\$ 31,216
Finishes					
Paint	31,910	SF	\$1.00	1.38	\$ 44,036
Item 2: Egress & Fire Doors					\$ 10,460
Doors/Frames/Hardware					
SL PHW	4	EA	\$280.00	1.38	\$ 1,546
DL PHW	2	EA	\$555.00	1.38	\$ 1,532
DR ("barn-style", sliding)	1	EA	\$1,850.00	1.38	\$ 2,553
Fire shutter (W = 4')	1	EA	\$3,500.00	1.38	\$ 4,830
Item 3: Fire Protection Specialties					\$ 6,028
10 lb ABC in surface cabinet	16	EA	\$273.00	1.38	\$ 6,028
Item 4: Emergency and Exit Signage/Lighting					\$ 3,596
Exit signs	14	EA	\$73.00	1.38	\$ 1,410
Emergency wall light	8	EA	\$73.00	1.38	\$ 806
Emergency wall light with exit sign	8	EA	\$125.00	1.38	\$ 1,380
Item 5: Fire Alarm and Detection					\$ 101,282
Fire alarm system (panel, detection, horn/strobe, local comm.)	31,910	SF	\$2.30	1.38	\$ 101,282
Item 6: Fire Suppression					\$ 717,145
Wet system	31,268	SF	\$6.00	1.38	\$ 258,899
Dry system (roofed porch)	642	SF	\$11.00	1.38	\$ 9,746
Water storage tank	90,000	GAL	\$2.00	1.38	\$ 248,400
Concrete pad, yard piping to well fill	1	LS	\$25,000.00	1.38	\$ 34,500
Controls	1	SET	\$5,000.00	1.38	\$ 6,900
Fire pump	1	EA	\$45,000.00	1.38	\$ 62,100
Electrical power	1	LS	\$70,000.00	1.38	\$ 96,600
Fire alarm interface	1	LS	included		
Emergency generator/transfer switch	1	EA	included		
			PER CODE	TOTAL	\$ 993,648

ROUGH ORDER OF MAGNITUDE ESTIMATE



SITE 6

Scope of Work - Modify, add, or remove building components and systems in structures intended for Public Use Agricultural Buildings located on facilities currently classified as Licensed Farm Wineries by the Code of Virginia to achieve end state compliance with: (1) 2015 IEBC Life and Fire Safety requirements; or (2) standards proposed for Public Use Agricultural Buildings by Albemarle County, VA.

PER 2015 IEBC						
Description	Quantity	Units	Unit Price	Mark Ups	Extension	
Item 1: Interior						\$ 7,466
Walls (incl. carpentry)						
Fire safing and caulk CMU wall (Btw Tast. Rm and Prod. & Stor.)	470	SF	\$5.00	1.38	\$ 3,243	
Finishes						
Paint (Event Center and storage part.)	3,060	SF	\$1.00	1.38	\$ 4,223	
Item 2: Egress & Fire Doors						\$ 11,164
Doors/Frames/Hardware						
SL HM Fr/Wd Dr/PHW (Prod. & Stor.; replace)	1	EA	\$1,143.00	1.38	\$ 1,577	
SL HM Fr/Wd Dr/PHW (W=42"; Prod. & Stor.; replace)	1	EA	\$1,243.00	2.38	\$ 2,958	
DL HM Fr/Wd Dr/PHW (Tast. Rm; replace)	2	EA	\$2,282.00	1.38	\$ 6,298	
DL HW/SIGNAGE (Main; key-oper., "remain unlocked" signage)	1	EA	\$239.00	1.38	\$ 330	
Item 3: Fire Protection Specialties						\$ 3,014
10 lb ABC in surface cabinet	8	EA	\$273.00	1.38	\$ 3,014	
Item 4: Emergency and Exit Signage/Lighting						\$ 5,163
Exit signs	0	EA	\$73.00	1.38	\$ -	
Emergency wall light (Tast. Rm)	4	EA	\$73.00	1.38	\$ 403	
Emergency wall light w/exit sign (Tast. Rm x 6; Prod. & Stor. x 10)	16	EA	\$125.00	2.38	\$ 4,760	
Item 5: Fire Alarm and Detection						\$ 26,181
Fire alarm system (panel, detection, horn/strobe, local comm.)	3,060	SF	\$6.20	1.38	\$ 26,181	
For Tasting Rm						
Item 6: Fire Suppression						\$ -
NOT SPRINKLERED BY COMP. REPORT (FIREWALL INSTEAD)						
Item 7: Site Improvements						\$ 248
Exterior egress pad (Tast. Rm x 2; 3' x 3')	18	SF	\$10.00	1.38	\$ 248	
			PER CODE	TOTAL	\$ 53,236	

PER ALTERNATE PROPOSAL						
Description	Quantity	Units	Unit Price	Mark Ups	Extension	
Item 1: Egress Doors						\$ 11,164
Doors/Frames/Hardware						

