

Agritourism Event Structure Technical Advisory Committee

September 22, 2022 Meeting Summary

Committee Members Present

- Chris Barry, VA Fire Services Board
- Skip Causey, VA Wineries Association
- Heidi Hertz, Agribusiness Council
- Joe Lerch, VA Association of Counties
- Shawn Maddox, VA Fire Prevention Association
- Martha Moore, VA Farm Bureau
- Jimmy Moss, VA Building and Code Officials Association
- Paige Wernig, VA Craft Brewers Guild
- Janell Zurschmeide, Craft Beverage Manufacturer

Other Attendees

- David Blount, VA Association of Planning District Commissions
- Jeff Brown, Dept. of Housing and Community Development
- Cindy Davis, Dept. of Housing and Community Development
- Sean Farrell, Board of Housing and Community Development
- Kyle Flanders, Dept. of Housing and Community Development
- George Hodson, VA Wineries Association
- Keith Johnson, Board of Housing and Community Development
- Chase Sawyer, Dept. of Housing and Community Development

Key Takeaways

- General agreement that new regulations should be focused on establishing minimum safety standards with minimal impact to business operations
- Clear definitions would allow for more consistent enforcement statewide
- It is unclear if existing provisions in SB400 would have unintended consequences

Note: Please note the summary and notes included do not include specific endorsement or opinion of the committee or any one-committee member

Summary

Department of Housing and Community Development (DHCD) staff presented a virtual meeting policy that was approved by the committee. DHCD staff then proceeded to provide an overview of the work of the committee thus far and provided an outline of the regulatory process and its various components. Discussion revolved around the administrative and enforcement mechanisms necessary to regulate any potential new requirements. It was stated that the 2021 Uniform Statewide Building Code (USBC) update is nearly complete and any new proposed changes would have to be considered during the next update cycle. It was noted by staff and committee members that the committee's charge was not to rewrite the policy/regulations listed in [SB400](#), but rather to advise the Board of Housing and Community Development.

The committee generally agreed that if SB 400 were to be changed or if the General Assembly wanted to consider further refinement, any new regulations should be focused on establishing minimum safety standards that have the least amount of impact on the operations of the businesses being regulated. A common recommendation from committee members was to consider tiers or a scalability factor within the 300 persons threshold suggested by SB400. It was also acknowledged by some committee members that the six safety considerations listed in SB400 primarily focus on fire safety and the safe exit of individuals from a structure and do not take into account structural and other safety elements. Additionally, there was consensus that restroom requirements (Item 3 of SB400) may not need to be included in any new regulations. The restroom requirement was included as a byproduct of the COVID-19 pandemic and including restroom requirements could involve additional agencies in the regulatory process.

The committee also generally agreed that there should be uniform application and enforcement of the law/regulations/requirements across the entire Commonwealth. It was agreed that a major point of concern was a small percentage of bad actors misusing existing exemptions. Each locality is interpreting laws pertaining to agritourism event structures differently, with varying approaches to key terms such as “agritourism,” “event structure,” “farming operations,” and “primarily.” State code currently defines similar terms such as “agritourism activities” ([§ 3.2-6400](#)) and “farm building or structure” ([§ 36-97](#)). There appears to be uncertainty as to which agritourism buildings/structures are currently exempt from regulation, as well as uncertainty as to which agritourism buildings/structures may be exempt under the proposed regulations of SB400. There are concerns from some committee members that if SB400 were to be enacted as currently written, it could create a conflict with the building code. It was also noted that more industries may be impacted by these proposed regulations than those represented by this committee. Committee members noted that the legislation was originally intended to address events held at breweries, wineries, and cideries, however, there may be other types of farms and agricultural operations that choose to hold events. However, committee members seemed generally in agreement that provisions of any regulation should not be retroactive

Future Considerations

- Continued need for clarity on existing exemptions and key terms such as agritoursim and “primarily” as related to farm buildings.
- Include additional stakeholders (i.e. wedding industry) in future conversations
- Consider mechanisms to ensure consistency across all localities