



Westmoreland County, Virginia
LAND USE ADMINISTRATION
PO Box 1000
Montross, VA 22520
804-493-0120

Building Official
Zoning Official
Planning Commission
Board of Zoning Appeals
Board of Building Appeals
Wetlands Board

FARM BUILDING AFFIDAVIT

Last updated July 11, 2024

In accordance with Section 102.3 effective July 1, 2021 of the 2018 Virginia Uniform Statewide Building Code (VA USBC) and §36-99 of the Code of Virginia, most farm buildings or structures are exempt from regulation by the VA USBC. In such cases, the Building Department requires no inspections, and none will be performed. Also, issuance of a Certificate of Occupancy is not required, and none will be issued.

Please note that qualifying farm buildings may be exempt from building permits but **ZONING PERMITS ARE STILL REQUIRED** by Westmoreland County, as well as land disturbing permits, stormwater management permits, and electrical permits, etc. as applicable.

To qualify for this exemption, the proposed structure and use of the property must conform to the following definition related to farm buildings or structures from the Code of Virginia:

“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.
6. Implementation of best management practices associated with farm operations.

Please also note the following conditions/exceptions to this exemption:

- Any farm building or structure (i) where the public is invited to enter for an agritourism activity, as that term is defined in §3.2-6400, for recreational, entertainment, or educational purposes and (ii) that is used for display, sampling, or sale of agricultural, horticultural, floricultural, or silvicultural products produced on the farm or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation can be considered exempt from VA USBC but must comply with certain other requirements found in §36-99B of the Code of Virginia.
- Also, a building or a portion of a building located on a farm that is **operated as a restaurant** as defined in §35.1-1 of the Code of Virginia and licensed as such by the

Virginia Board of Health pursuant to Chapter 2 (§35.1-11 et seq.) of Title 35.1 is **not exempt** from regulation by the VA USBC.

By my signature below, I am signifying that I have read and understand the above and affirm that the structure proposed to be built qualifies as a farm building or structure.

OWNER'S SIGNATURE: _____

OWNER'S NAME (PRINTED): _____

DATE: _____

TAX MAP # _____

PROPERTY ADDRESS: _____

PERMIT # _____

to-wit:

STATE/COMMONWEALTH OF _____

CITY/COUNTY OF _____

I, the undersigned Notary Public, certify that _____, whose name is signed to the foregoing Farm Building Affidavit form, appeared and acknowledged the same before me this _____ day of _____, 20____.

Notary Public Signature

Printed Name

My commission expires: _____