

COUNTY OF FLUVANNA

"Responsive & Responsible Government"

132 Main Street
P.O. Box 540
Palmyra, VA 22963
(434) 591-1910
Fax (434) 591-1911
www.fluvannacounty.org

AGENDA

**Fluvanna County Agricultural and Forestal District (AFD) Advisory Committee
October 17, 2023
2:00 PM
Morris Room
County Administration Building**

1. Call to Order
2. Election of Officers
3. Approval of Minutes for September 20, 2022 meeting
4. AFD 23:02 – Quaint Lea of Nahor – New AFD
5. Other Business
6. Adjourn

**FLUVANNA COUNTY AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADVISORY COMMITTEE
ELECTION OF OFFICERS**

MOTION: I move to elect _____ as Chairman of the Fluvanna County Agricultural and Forestal District Advisory Committee.

MOTION: I move to elect _____ as Vice Chairman of the Fluvanna County Agricultural and Forestal District Advisory Committee.

MOTION: I move to elect _ _____ as Secretary of the Fluvanna County Agricultural and Forestal District Advisory Committee.

**FLUVANNA COUNTY Agricultural and Forestal District Advisory Committee
Regular Meeting Minutes
Morris Room
132 Main Street
Palmyra, VA 22963
September 20, 2022
Regular Meeting 2:00 pm**

MEMBERS PRESENT: Andrew R. Pullen
Overton McGehee
Laura Lee
Deborah Murdock
Timothy Hodge

ABSENT: Mel Sheridan
Marc Imhoff
Richard Talley
Deborah Murdock
Chris Fairchild, Board of Supervisors Representative

STAFF PRESENT: Jason Overstreet, Senior Planner
Valencia Porter, Administrative Program Specialist

1. CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:

At 2:11 pm, Jason Overstreet, called the September 20, 2022 Organizational Meeting to order, led the Pledge of Allegiance and then conducted a Moment of Silence.

2. 2022 ORGANIZATIONAL MEETING OF THE FLUVANNA COUNTY Agricultural Forestal District Advisory Committee

Election of Chair – This action will elect a Chair to the Ag/Forrestal Advisory Committee for 2022.
- Laura Lee nominated Andrew M. Sheridan, Commissioner of Revenue, Timothy Hodge seconded.

NOMINATION: Andrew M. Sheridan

Advisory Committee	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Andrew Mel Sheridan, Chair						X
Andrew Pullen			X			
Marc Imhoff						X
Overton McGehee			X			
Laura Lee	X		X			
Richard Talley						X
Deborah Murdock						X
Kathleen Kilpatrick			X			
Timothy Hodge		X	x			
5-0 Andrew M. Sheridan, Chair						

Election of Vice-Chair – This action will elect a new Vice-Chairperson to the Ag/ Forrestal for 2022.

- Kathleen Kilpatrick nominated Andrew Pullen for Vice Chair, Laura Lee seconded

- **NOMINATION:** Andrew Pullen

Advisory Committee	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Andrew Mel Sheridan						X
Andrew Pullen, Vice Chair			X			
Marc Imhoff						X

Overton McGehee			X			
Laura Lee		X	X			
Richard Talley						X
Deborah Murdock						X
Kathleen Kilpatrick	X		X			
Timothy Hodge			X			
5-0 Andrew Pullen, Vice Chair						

- *Election of Secretary* – This action will elect a new Secretary to the Ag/ Forrestral for 2022.
- Timothy Hodge nominated Valencia Porter for Secretary. Kathleen Kilpatrick seconded the nomination.
- nominated Advisory Committee

Advisory Committee	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Andrew Mel Sheridan						X
Andrew Pullen			X			
Marc Imhoff						X
Overton McGehee			X			
Laura Lee			X			
Richard Talley						X
Deborah Murdock						X
Kathleen Kilpatrick		X	X			
Timothy Hodge	X		X			
5-0 Valencia Porter, Clerk						

3. MINUTES:

Advisory Committee	NOMINATE	SECOND	AYE	NAY	ABSTAIN	ABSENT
Andrew Mel Sheridan						X
Andrew Pullen			X			
Marc Imhoff						X
Overton McGehee			X			
Laura Lee			X			
Richard Talley						X
Deborah Murdock						X
Kathleen Kilpatrick		X	X			
Timothy Hodge	X		X			
5-0 Approved Minutes						

4. AFD 22:01 – SAH, LLC – Withdrawal from North 640 AFD

ISSUE: The Planning Department has received an application for a withdrawal of 19.628 acres from the existing North 640 Agricultural and Forestal District. The North 640 District is located in the Fork Union Election District and consists of approximately 2295.777 acres making it the largest AFD in Fluvanna. The District was renewed by the Board of Supervisors on January 22, 2020 for an additional ten (10) year period. The parcels proposed to be withdrawn are owned by SAH LLC and identified as Tax Map Parcel 29-A-37 (8.39 acres only) and Tax Map Parcel 29-A-42. The total acreage of the subject parcels is 147.201 acres. The North 640 Agricultural and Forestal District is located within both Rural Preservation and Rural Residential Planning Areas.

The applicant purchased the subject property with the intent of establishing a turkey farm. Before he was able to establish the farm the Covid pandemic began. This has resulted in significant increases to the costs of creating the farm as well as to the projected operational costs. Additionally, the applicant’s partner is no longer interested in retaining his share of the farm and the applicant is unable to establish the farm independently.

I move to recommend approval of the proposed withdrawal of Tax Map Parcel 29-

A-42 and 8.39 acres of Tax Map Parcel 29-A-37 from the North 640 Agricultural and Forestal District						
Advisory Committee	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Andrew Mel Sheridan						X
Andrew Pullen			X			
Rebecca Ragsdale						X
Overton McGehee			X			
Laura Lee			X			
Richard Talley						X
Deborah Murdock						X
Kathleen Kilpatrick	X		X			
Timothy Hodge		X	X			
5-0 Approved						

12. ADJOURNMENT:

Chair adjourned the Agricultural Forrestal District Advisory Committee meeting on September 20, 2022 at 2:45

Minutes recorded by Valencia Porter, Secretary.

Andrew M. Sheridan, Chairman
Fluvanna County Agricultural Forestal District

DRAFT



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STAFF REPORT

AGRICULTURAL AND FORESTAL DISTRICTS ADVISORY COMMITTEE

October 13, 2023

SUBJECT: AFD 23:01 Quaint Lea of Nahor – Creation of New Agricultural and Forestal District

ISSUE: The Planning Department has received an application for the creation of a new Agricultural and Forestal District (AFD). The proposed Quaint Lea of Nahor AFD is located on Nahor Manor Road in the Cunningham Election District. The proposed district consists of three parcels containing approximately 404 acres. The proposed district is located within a Rural Residential Planning Area.

FISCAL IMPLICATIONS:

POLICY IMPLICATIONS: This application has been referred to the Agricultural and Forestal District Advisory Committee in accordance with Section 3.1-13 of the County Code. The advisory committee shall review and make recommendations concerning the application to the Planning Commission who must hold a public hearing and then report its recommendations to the Board of Supervisors. The Board of Supervisors must then hold a public hearing after receiving the report of the planning commission and the advisory committee.

STAFF ANALYSIS:

The purpose of Agricultural and Forestal Districts, as outlined in the Virginia Agricultural and Forestal District Act (Virginia Code), is *"...to conserve and protect and to encourage the development and improvement of the Commonwealth's agricultural and forestal lands for the production of food and other agricultural and forestal products...and to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open space for clear air sheds, watershed protection, wildlife habitat, as well as for aesthetic purposes."*

When evaluating applications for a proposed district or for an addition to an existing district, Sec. 3.1-5 of the county code lists several criteria that are to be evaluated by the Agricultural and Forestal Districts Advisory Committee and the Planning Commission prior to making any recommendations. The criteria are as follows:

1. *The agricultural and forestal significance of land within the district or addition and in*

areas adjacent thereto.

All three of the subject parcels currently participate in the land use valuation program which encourages and promotes the preservation of real estate devoted to agricultural, horticultural, forest, and open space uses within the county. Current land use includes cattle grazing, hay and timber production. Additionally, the parcels have been identified by the USDA Natural Resources Conservation Service as containing additional farmland of statewide importance in its classification of important farmland.

- 2. The presence of any significant agricultural lands or significant forestal lands within the district and in areas adjacent thereto that are not now in active agricultural or forestal production.*

Staff is not aware of any significant agricultural lands or significant forestal lands that are currently being used for other purposes.

- 3. The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto.*

Many of the adjacent parcels of the proposed district contain either residential or agricultural uses, or they are undeveloped.

- 4. Local developmental patterns and needs.*

Local development patterns suggest that property within this area will continue to remain rural and used for agriculture and forestry. Land division has been limited to family or one lot subdivisions and there are no major subdivisions in the area. Additionally, over a thousand acres in the area are protected from development by VOF conservation easements. Increased growth has brought and will continue to bring pressure to develop agricultural and forested lands within the county.

- 5. The comprehensive plan and applicable provisions of the zoning ordinance.*

The parcels are zoned A-1 (Agricultural, General) and located within a Rural Residential Planning Area. In accordance with the 2015 Comprehensive Plan, *“Agricultural lands provide economic value and contribute to the unique character of the county. A challenge in preserving this valuable land use is the fact that land suitable for agricultural use is also suitable for development.”*

- 6. The environmental benefits of retaining the lands in the district for agricultural and forestal uses.*

The subject parcels contain an intermittent and perennial stream that contribute water to Cunningham Creek and Ruritan Lake. Conservation of this area will help maintain the environmental integrity of the county and conservation aids in the protection of ground and surface water, wildlife habitat, historic landscape, and open space.

7. *Any other matter which may be relevant.*

The application for the creation of the Quaint Leah district appears to meet the required criteria for designation as an AFD. Its creation conforms to the general requirements of the current Comprehensive Plan. AFDs were, “*established to conserve, protect, and encourage the development of agricultural and forestal lands for food and other agricultural and forestal products. The districts conserve and protect agricultural and forestal lands as valued natural and ecological resources that provide open space for watershed protection, wildlife habitat, and aesthetic purposes*”. Preservation of land through the creation of the Quaint Leah of Nahor AFD will ultimately help to maintain the rural character of the county.

DISCUSSION:

Does the land to be included in the proposed AFD meet all requirements, codified in Chapter 3 of the County Code, that are necessary for the creation of a new AFD.

MOTION: I move to recommend [approval/denial] of the creation of the Quaint Lea of Nahor Agricultural and Forestal District.

Staff: Jason Overstreet

Attachments:

- A. Application
- B. Map of Proposed Ag/For District
- C. Memo
- D. County Code, Chapter 3.1, Agricultural and Forestal Districts

Reset Form

Print Form



RECEIVED

Application for the Creation of or Addition to an

SEP 5 2023

AGRICULTURAL/FORESTAL DISTRICT

Fluvanna County
Planning Dept

FEES payable with application:	Establishment of a new district = \$500.00
	Additions and reviews to existing districts = \$500.00
	Withdrawal from district = \$500.00

A copy of this completed form and required maps shall be submitted by the applicant landowner(s) to the Planning and Zoning Department. This form shall be accompanied by:

- 1 - United States Geological Survey 7.5 minute topographic maps that clearly show the boundaries of the district or addition and boundaries of the property each applicant owns within the district or addition and
- 2 - A Department of Transportation general highway map for the locality that shows the general location of the district or addition
- 3 - Fluvanna County Land Map(s) showing the parcels or boundaries within the parcels included in the district.

Name of Existing or Proposed Agricultural/Forestal District: Quaint Lea of Nahor

General Location of the District: Nahor Manor Road

Total Acreage in the District or Addition: 404.1

Name	Address current legal address	Total Acreage owned in the District or Addition	Land Book Reference Tax Map/Parcel Number
Sandra F. Morris	6840 Thomas Jefferson Pkwy Palmyra, Va, 22963	126.0	16 A37
Robert K. Morris	6840 Thomas Jefferson Pkwy Palmyra, Va 22963	126.0	16A37
LINDIA VON OTTENBITER	2126 NAHOR MANOR RD. PALMYRA, VA 22963	120.2	16A42
Karen L. Mayry	467 North Ruritan Dr. Palmyra, VA 22963	157.9	17A27

OFFICE USE ONLY

\$500.00 Fee: Date Received: 09/05/2023 Check# 1368 AFD: 23-01 AFD Name: _____

Submitted to Board of Supervisors: _____ Referred to Planning Commission: _____

Referred to Advisory Committee: _____ Planning Commission Public Hearing Date: _____

Board of Supervisors Public Hearing Date: _____ Election District: Cunningham

Approved:

Modified:

Rejected:

Please read below the Proposed Conditions to Creation of the District
Pursuant to Section 15.2-4309 of the Code of Virginia

RECEIVED

Conditions to Creation of the District

SEP 5 2023

As a condition to creation of the district, no parcel within the district shall be developed to a use more intensive than that existing on the date of creation of the district, other than uses resulting in more intensive agricultural or forestal production, without the prior approval of the Board of Supervisors.

Fluvanna County
Planning Dept

Except as provided below, a parcel shall be deemed to be developed to a more intensive use if: The proposed development would remove any portion of a parcel from agricultural or forestal production; or the proposed development would increase the population density of the level of activity on the parcel including, but no limited to, the rental of more than one dwelling unit on the parcel.

A parcel shall not be deemed to be developed to a more intensive use if: The proposed development is permitted by right in the Agricultural General (A-1) zoning district; the proposed development is permitted by special use permit in the A-1 zoning district and the Board of Supervisors, in considering the application for a Special Use Permit, determines that the development allowed by the permit is consistent with the purposes of this chapter; the proposed development is the proposed division of the parcel by subdivision and the minimum lot size of such division is twenty-two (22) acres or greater; the proposed development is the proposed division of the parcel by family division; or the proposed development is the occupation of dwelling units on the parcel by members of the immediate family of any of the owners of such parcel or by bona fide farm employees, together with their respective families, if any.

Current agricultural or forestal use of the property: Livestock (~100 head), Hay, Timber

Total number of existing dwellings including rental units: 2

The Proposed period before the First Review (select 4 to 10 years): 10 years

Contact Person for District: James M. von Ottenritter (tel: 646-420-2165)

Owner/Applicant Must Read and Sign

We the undersigned landowners have read the information and conditions on this page and request the property described above be designated an Agricultural/Forestal District.

<u>Sandra F. Morris</u> Signature	<u>James M. von Ottenritter</u> Witness	<u>8/26/2023</u> Date
<u>Robert K. Morris</u> Signature	<u>James M. von Ottenritter</u> Witness	<u>8/26/2023</u> Date
<u>James M. von Ottenritter</u> Signature	<u>James M. von Ottenritter</u> Witness	<u>8/28/2023</u> Date
<u>Karen L. Hargry</u> Signature	<u>James M. von Ottenritter</u> Witness	<u>8/28/2023</u> Date
_____ Signature	_____ Witness	_____ Date
_____ Signature	_____ Witness	_____ Date

WITHDRAWAL FROM A DISTRICT:

By-right Withdrawal:

1. A property owner may withdraw by written notice at any time before the Board of Supervisors act on the application.
2. A property owner may withdraw by written notice during the time of review.
3. Upon the death of a property owner, any heir or devisee of an owner of land within the district may withdraw such land upon inheritance by written notice within two years of the date of death of the owner. Such a withdrawal, regardless of the acreage or location of the parcel, has no effect on the continuation of the district until the following review time.
4. No fee is require for a by-right withdrawal.

Petition for Withdrawal:

1. Withdrawal from an established district may be permitted by the Board of Supervisors for "good and reasonable cause shown".
2. The property owner requesting withdrawal must make application to the Board of Supervisors and submit a fee of \$500.
3. Any petition to withdraw property from a district must meet the following criteria:
 - a. The proposed new land use will not have an adverse effect upon farming or forestry operations in the remaining portion of the district.
 - b. The proposed new land use is in compliance with the most recently approved Comprehensive Plan.
 - c. The proposed land use is consistent with the public interest of the County and not solely to serve the proprietary interests of the landowner requesting withdrawal.
 - d. The proposed land use was not anticipated by the landowner at the time the property was placed in the district, and there has been a change in conditions or circumstances since that time.
4. Such petition for withdrawal is referred to the Advisory Committee for recommendation to the Planning Commission.
5. The Planning Commission holds a public hearing and makes a recommendation to the Board of Supervisors.
6. The Board of Supervisors holds a public hearing and makes a determination.
7. If denied favorable action, the applicant may appeal the Board's decision to the Circuit Court.

Details [hide](#)

 [Identify Adjoining Parcels](#)

Select Features by Buffer

Parcels

Map PIN: 16 A 42
Map PIN (Formatted): 16-A-42
Owner: VON OTTENRITTER, CINDIA

Mailing Address:
2126 NAHOR MANOR RD
PALMYRA VA 22963
Physical Address:
2126 NAHOR MANOR RD
PALMYRA VA 22963

Zoning: A-1
Land Use Code: 6
Occupancy Code: Dwelling
Building Value: \$97,400
Land Value: \$422,600
Total Value: \$520,000
Year Built: 1848
Year Sold: 2016
Sell Price: \$485,800
Deed Book: 960 Pg: 282
Legal Description1: DB 960-282
Legal Description2: AC 120.2

Attributes at point: N: 3855667, E: 11517671

US Congressional Districts (2021)

DISTRICTN: 5

VA Senate Districts (2021)

DISTRICTN: 10

VA House Districts (2021)

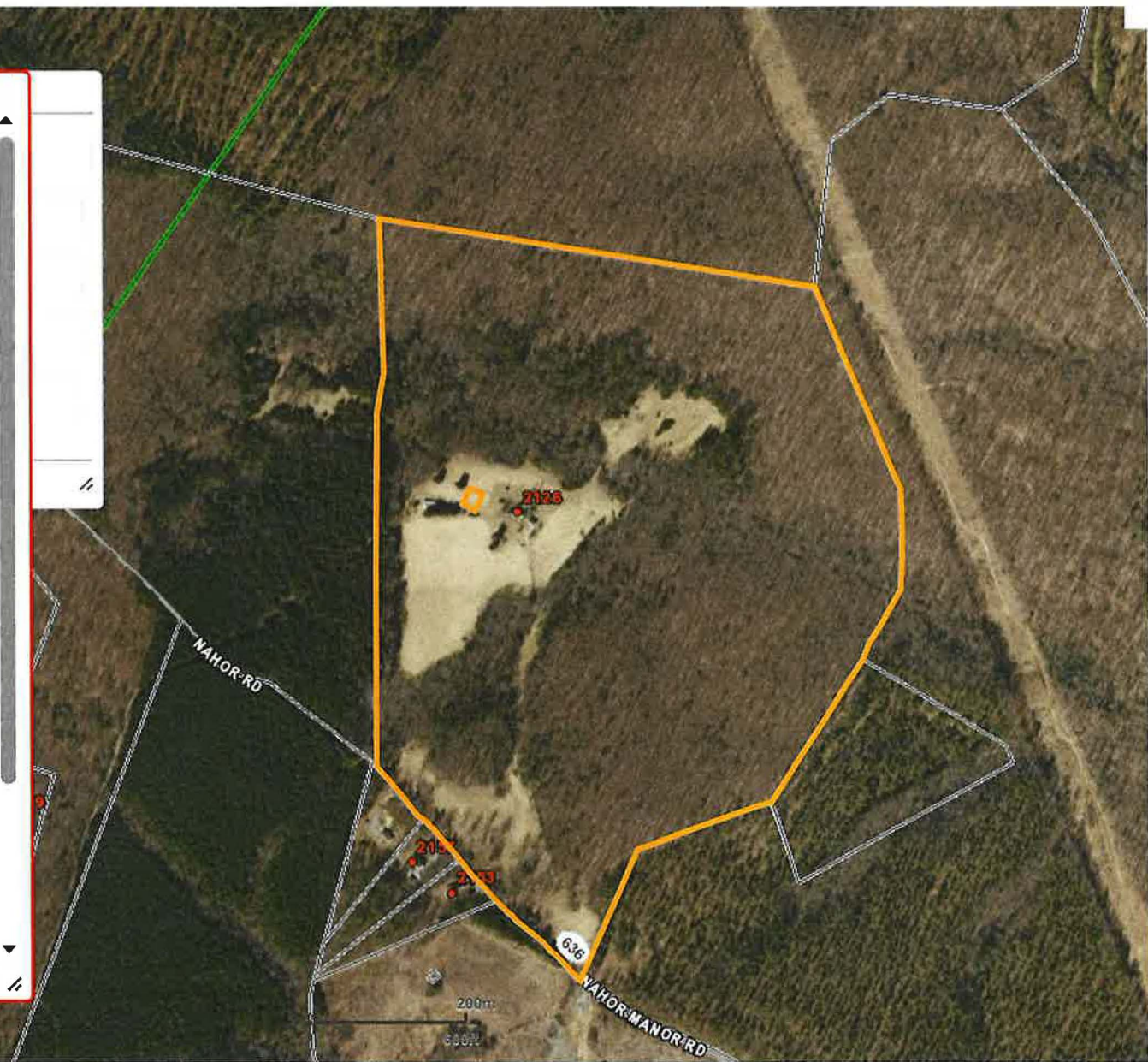
DISTRICTN: 56

Voting Districts (2021)

District ID: 5
District Name: Cunningham

N: 3855521, E: 11515110
Lat: 37°54' 41.9", Lng: -78°23' 18.3"

Results



Details [hide](#)

 [Identify Adjoining Parcels](#)

Select Features by Buffer

Parcels

Map PIN: 16 A 37
Map PIN (Formatted): 16-A-37
Owner: MORRIS IRREVOCABLE TRUST C/O ROBERT K & SANDRA F MORRIS

Mailing Address:
6840 THOMAS JEFFERSON PKWY
PALMYRA VA 22963
Physical Address:
6840 THOMAS JEFFERSON PKWY
PALMYRA VA 22963

Zoning: A-1
Land Use Code: 6
Occupancy Code: Vacant Land
Land Value: \$252,000
Total Value: \$252,000
Year Sold: 2011
Deed Book: 849 Pg: 970
Legal Description1: DB 849-970
Legal Description2: AC 126.0

Attributes at point: N: 3852573, E: 11517862

US Congressional Districts (2021)

DISTRICTN: 5

VA Senate Districts (2021)

DISTRICTN: 10

VA House Districts (2021)

DISTRICTN: 56

Voting Districts (2021)

District ID: 5

District Name: Cunningham

Precinct: 0401

Polling Location: Antioch Church

Polling Address: [4422 Antioch Rd Scottsville, VA 24590](#)

Results

N: 3852276, E: 11515352
Lat: 37°54' 09.9", Lng: -78°23' 15.3"



Swipe Left or ...

Ab... Lay... Leg...

Fluvanna County, VA
Geographic Information System

DISCLAIMER:The information contained on this site is furnished by government and private industry sources and is believed to be accurate but accuracy is not guaranteed. **Mapping information is a representation of various data sources and is not a substitute for information that would result from an accurate land survey.** The information contained hereon does not replace information that may be obtained by consulting the information's official source. In no event shall Fluvanna County, VA or the consultants of Fluvanna County, VA be liable for any damages, direct or consequential, from the use of the information contained on this site.

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 - [Fluvanna County Census Dashboard](#)

Email: [WebGIS Support](#)
Webpage: [WebGIS.net](#)

Developed by:
[Hurt & Proffitt, Inc.](#)

Details [hide](#)

[Identify Adjoining Parcels](#)

Select Features by Buffer

Parcels

Map PIN: 17 A 27
Map PIN (Formatted): 17-A-27
Owner: MAYRY, KAREN L DUNN

Mailing Address:
685 NORTH RURITAN DR
PALMYRA VA 22963
Physical Address:
467 NORTH RURITAN DR
PALMYRA VA 22963

Zoning: A-1
Land Use Code: 6
Occupancy Code: Dwelling
Building Value: \$87,600
Land Value: \$580,100
Total Value: \$667,700
Year Built: 1966
Year Sold: 2016
Will Book: 64 Pg: 723
Legal Description1: WB 64-723
Legal Description2: AC 157.9

Attributes at point: N: 3850525, E: 11520576

US Congressional Districts (2021)

DISTRICTN: 5

VA Senate Districts (2021)

DISTRICTN: 10

VA House Districts (2021)

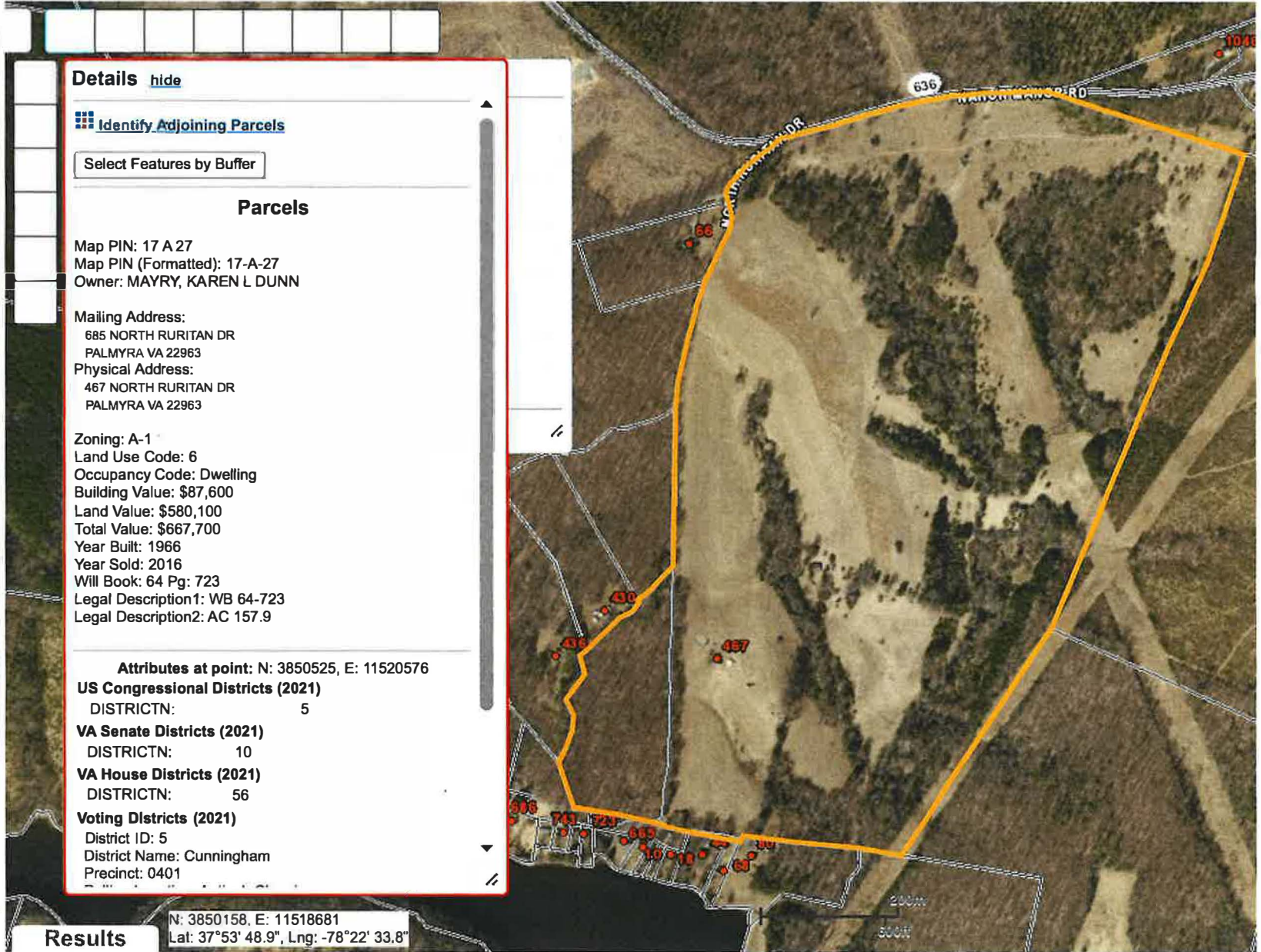
DISTRICTN: 56

Voting Districts (2021)

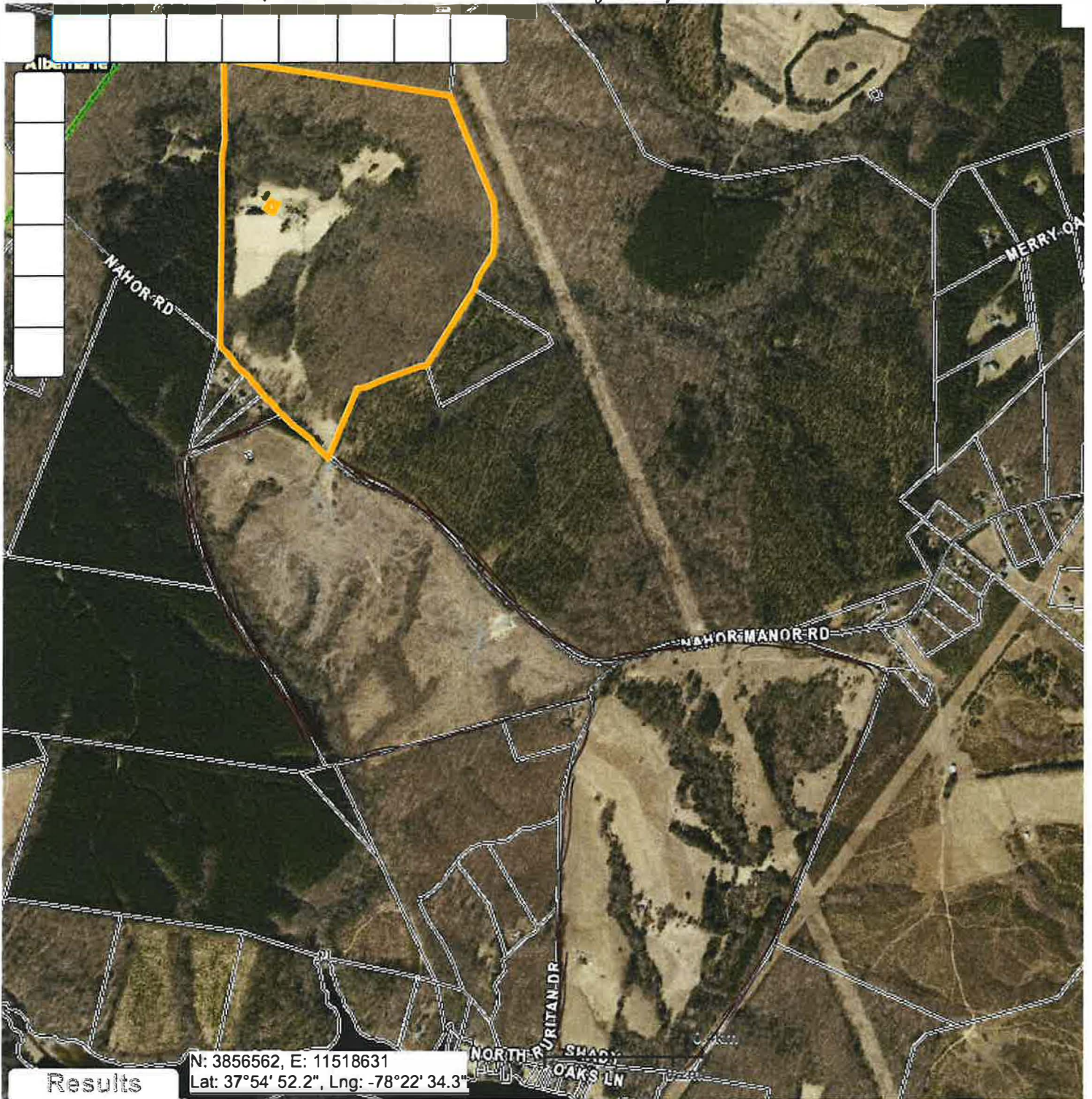
District ID: 5
District Name: Cunningham
Precinct: 0401

N: 3850158, E: 11518681
Lat: 37°53' 48.9", Lng: -78°22' 33.8"

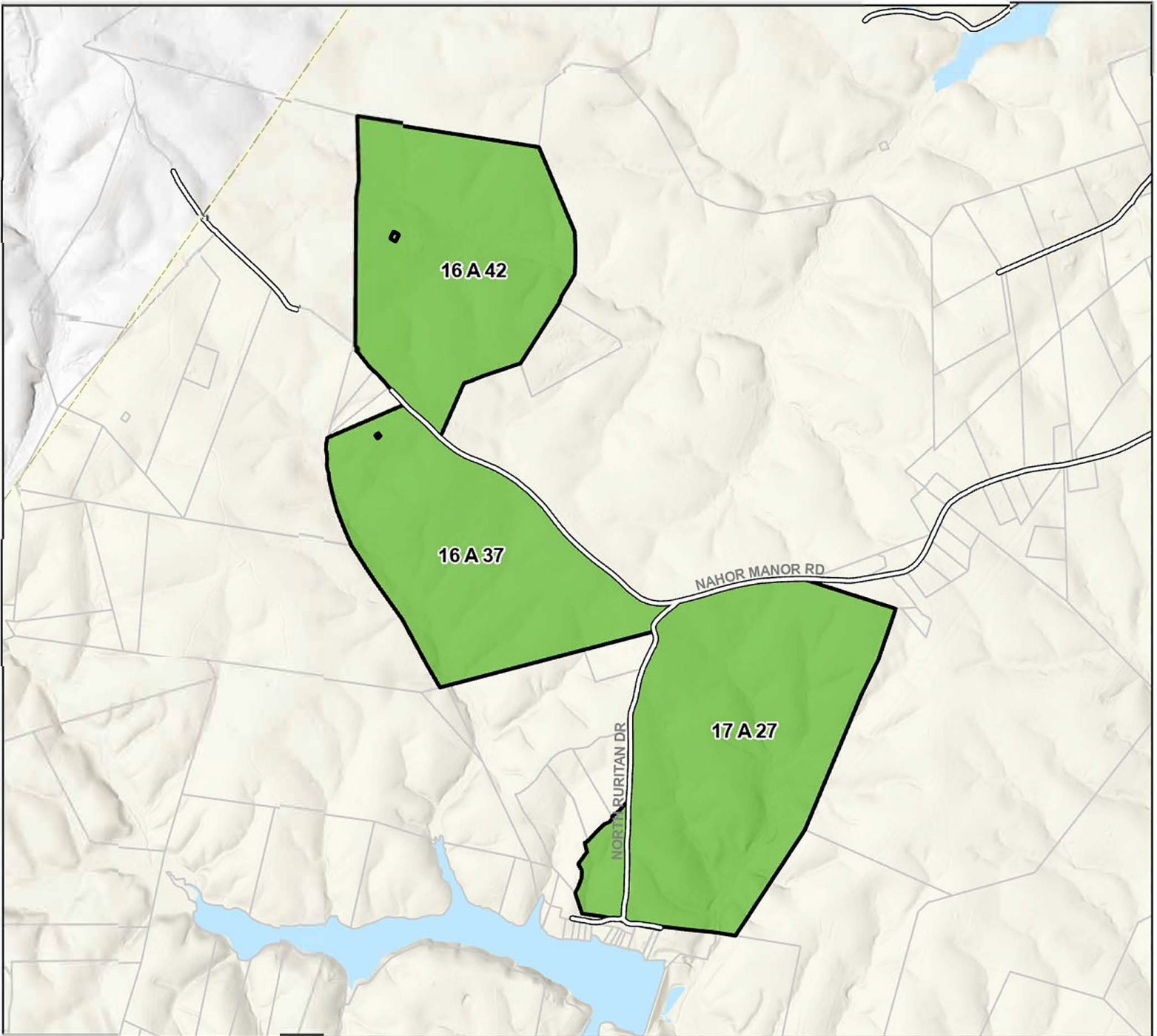
Results



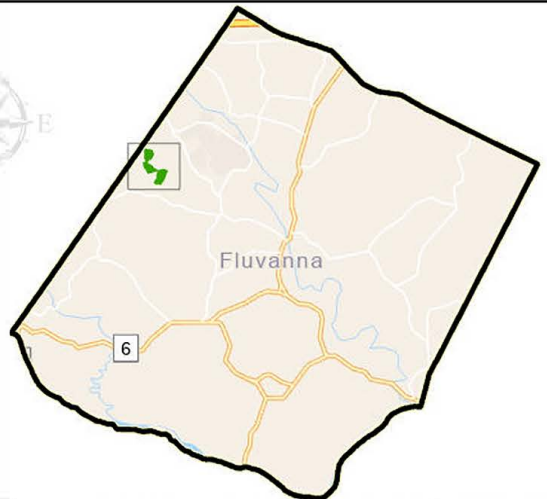
Map of all 3 properties



Proposed AFD: Quaint Lea of Nahor



Tax Parcel	Owner	Parcel Acreage
16 A 42	VON OTTENRITTER, CINDIA	120.2
16 A 37	MORRIS IRREVOCABLE TRUST	126
17 A 27	MAYRY, KAREN L DUNN	157.9





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Memorandum

To: Agricultural and Forestal Districts Advisory Committee
From: Jason Overstreet, Senior Planner
Date: October 2, 2023
Subject: Application for the creation of a new agricultural and forestal district

The Planning Department has received an application for the creation of a new agricultural and forestal district. The proposed new district, if approved, would be the twentieth district in the County.

The proposed district, Quaint Lea of Nahor, is located in the Nahor area and will be comprised of 3 parcels totaling 404.1 acres. The parcels currently support agricultural and forestal uses.

A meeting is scheduled for October 17th, 2023 in order to review and make recommendations concerning the application to the planning commission. The meeting will be held at 2:00 pm in the Morris Room of the County Administration Building

Attachment: Map of Proposed District Parcels

Chapter 3.1 - AGRICULTURAL AND FORESTAL DISTRICTS

Sec. 3.1-1. - Definitions.

As used in this chapter, unless the context requires a different meaning:

Advisory committee means the agricultural and forestal districts advisory committee.

Agricultural products means crops, livestock and livestock products, including but not limited to: field crops, fruits, vegetables, horticultural specialties, cattle, sheep, hogs, goats, horses, poultry, furbearing animals, milk, eggs and furs.

Agricultural production means the production for commercial purposes of crops, livestock and livestock products, and includes the processing or retail sales by the producer of crops, livestock or livestock products which are produced on the parcel or in the district.

Agriculturally and forestally significant land means land that has recently or historically produced agricultural and forestal products, is suitable for agricultural or forestal production or is considered appropriate to be retained for agricultural and forestal production as determined by such factors as soil quality, topography, climate, markets, farm structures, and other relevant factors.

Application means the set of items a landowner or landowners must submit to the governing body when applying for the creation of a district or an addition to an existing district.

District means an agricultural, forestal, or agricultural and forestal district.

Forestal production means the production for commercial purposes of forestal products and includes the processing or retail sales, by the producer, of forestal products which are produced on the parcel or in the district.

Forestal products includes, but is not limited to, saw timber, pulpwood, posts, firewood, Christmas trees and other tree and wood products for sale or for farm use.

Landowner or *owner of land* means any person holding a fee simple interest in property but does not mean the holder of an easement.

Program Administrator means the governing body or official appointed by the governing body to administer the agricultural and forestal districts program.

(Ord. 11-4-98; Ord. 11-18-15)

Sec. 3.1-2. - Enactment of ordinances; application form and fees; maps.

- (A) The governing body may, by ordinance, create one or more agricultural and forestal districts within the County in accordance with title 15.2, chapter 43 of the Code of Virginia. The zoning administrator shall, subject to the approval of the governing body, promulgate forms in substantially the form prescribed in section 15.2-4303 of the Code of Virginia. Each application submitted pursuant to this chapter shall be accompanied by a fee of \$500.00 or the costs of processing and reviewing an application, whichever is less.
- (B) Each application shall include but need not be limited to the following information:
- (1) The general location of the district;
 - (2) The total acreage in the district or acreage to be added to an existing district;
 - (3) The name, address, and signature of each landowner applying for creation of a district or an addition to an existing district and the acreage each owner owns within the district or addition;
 - (4) The conditions proposed by the applicant pursuant to section 15.2-4309 of the Code of Virginia;

- (5) The period before first review proposed by the applicant pursuant to section 15.2-4309 of the Code of Virginia; and
 - (6) The date of application, date of final action by the governing body and whether approved, modified or rejected.
- (C) The application form shall be accompanied by maps or aerial photographs, or both, that clearly show the boundaries of the proposed district and each addition and boundaries of properties owned by each applicant.
- (D) For each notice required by this chapter to be sent to a landowner; notice shall be sent by first-class mail to the last known address of such owner as shown on the application hereunder or on the current real estate tax assessment books or maps. A representative of the planning commission or governing body shall make an affidavit that such mailing has been made and file such affidavit with the papers in the case.

(Ord. 11-4-98; Ord. 5-19-10; Ord. 11-18-15)

Sec. 3.1-3. - Agricultural and forestal districts advisory committee.

Upon receipt of the first agricultural and forestal districts application, the governing body shall establish an advisory committee, which shall consist of four landowners who are engaged in agricultural or forestal production, four other landowners of the County, the commissioner of revenue, and a member of the governing body. The members of the committee shall be appointed by and serve at the pleasure of the governing body. The advisory committee shall elect a chairman and a vice-chairman and elect or appoint a secretary who need not be a member of the committee. The advisory committee shall serve without pay. The committee shall advise the planning commission and the governing body and assist in creating, reviewing, modifying, continuing or terminating districts within the County. In particular, the committee shall render expert advice as to the nature of farming and forestry and agricultural and forestal resources within the district and their relation to the entire County.

(Ord. 11-4-98)

Sec. 3.1-4. - Application for creation of district in one or more localities; size and location of parcels.

On or before November 1 of each year, any owner or owners of land may submit an application to the County for the creation of a district or addition of land to an existing district within the County. Each district shall have a core of no less than 200 acres in one parcel or in contiguous parcels. A parcel not part of the core may be included in a district if the nearest boundary of the parcel is within one mile of the boundary of the core, or if it is contiguous to a parcel in the district the nearest boundary of which is within one mile of the boundary of the core. No land shall be included in any district without the signature on the application, or the written approval of all owners thereof. A district may be located in more than one county, provided that (i) separate application is made to each county involved, (ii) each governing body approves the district, and (iii) the district meets the size requirements of this section. In the event that the governing bodies of one or more such counties disapproves the creation of a district within its boundaries, the creation of the district within Fluvanna County shall not be affected, provided that the district otherwise meets the requirements set out in this chapter. In no event shall the act of creating a single district located in two localities pursuant to this subsection be construed to create two districts.

(Ord. 11-4-98)

Sec. 3.1-5. - Criteria for evaluating application.

Land being considered for inclusion in a district may be evaluated by the advisory committee and the planning commission through the Virginia Land Evaluation and Site Assessment (LESA) System. The

following factors shall be considered by the planning commission and the advisory committee, and at any public hearing at which an application that has been filed pursuant to this chapter is being considered:

- (1) The agricultural and forestal significance of land within the district or addition and in areas adjacent thereto;
- (2) The presence of any significant agricultural lands or significant forestal lands within the district and in areas adjacent thereto that are not now in active agricultural or forestal production;
- (3) The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto;
- (4) Local developmental patterns and needs;
- (5) The comprehensive plan and applicable provisions of the zoning ordinance;
- (6) The environmental benefits of retaining the lands in the district for agricultural and forestal uses; and
- (7) Any other matter which may be relevant.

In judging the agricultural and forestal significance of land, any relevant agricultural or forestal maps may be considered, as well as soil, climate, topography, other natural factors, markets for agricultural and forestal products, the extent and nature of farm structures, the present status of agriculture and forestry, anticipated trends in agricultural economic conditions and such other factors as may be relevant.

(Ord. 11-4-98; Ord. 11-18-15)

State Law reference— See Code of Va., § 15.2-4303.

Sec. 3.1-6. - Review of application; notice; hearing.

Upon the receipt of an application for a district or for an addition to an existing district, the program administrator shall refer such application to the advisory committee. The advisory committee shall review and make recommendations concerning the application or modification thereof to the planning commission, which shall:

- (1) Notify, by first-class mail, adjacent property owners as shown on the maps of the County used for tax assessment purposes, and where applicable, any political subdivision whose territory encompasses or is part of the district, of the application. The notice shall contain: (i) a statement that an application for a district has been filed with the program administrator pursuant to this chapter; (ii) a statement that the application will be on file open to public inspection in the office of the County Administrator; (iii) a statement that any owner of additional qualifying land may join the application within thirty days from the date of the notice or, with the consent of the governing body, at any time before the public hearing the governing body must hold on the application; (iv) a statement that any owner who joined in the application may withdraw his land, in whole or in part, by written notice filed with the governing body, at any time before the governing body acts pursuant to Section 3.1-8 of this chapter; and (v) a statement that additional qualifying lands may be added to an already created district at any time upon separate application pursuant to this chapter;
- (2) Hold a public hearing as prescribed by law; and
- (3) Report its recommendations to the governing body including but not limited to the potential effect of the district and proposed modifications upon the County's planning policies and objectives.

(Ord. 11-4-98; Ord. 11-18-15)

State Law reference— See Code of Va., §§ 15.2-4307, 15.2-4309.

Sec. 3.1-7. - Repealed.

(Ord. 11-4-98; Ord. 11-18-15)

Sec. 3.1-8. - Hearing; creation of district; conditions; notice.

- (A) The governing body, after receiving the report of the planning commission and the advisory committee, shall hold a public hearing as provided by law, and after such public hearing, may by ordinance create the district or add land to an existing district as applied for, or with any modifications it deems appropriate.
- (B) As a condition to creation of the district, any parcel in the district shall not, without the prior approval of the governing body, be developed to any more intensive use, other than uses resulting in more intensive agricultural or forestal production, during the period which the parcel remains within the district. The following shall not be prohibited as a more intensive use, unless the governing body finds that such use in the particular case would be incompatible with farming or forestry in the district:
 - (1) Construction and placement of dwellings for persons who earn a substantial part of their livelihood from a farm or forestry operation on the same property, or for members of the immediate family of the owner; or
 - (2) Divisions of parcels for such family members as provided in Section 19-2-1 of the County Code; or
 - (3) Divisions of land into two or more lots no one of which is less than 22 acres in area.
- (C) Any conditions to creation of the district and the period before the review of the district shall be described, either in the application or in a notice sent by first-class mail to all landowners in the district and published in a newspaper having a general circulation within the district at least two weeks prior to adoption of the ordinance creating the district. The ordinance shall state any conditions to creation of the district and shall prescribe the period before the first review of the district, which shall be no less than four years but not more than ten years from the date of its creation. In prescribing the period before the first review, the governing body shall consider the period proposed in the application. The ordinance shall remain in effect at least until such time as the district is to be reviewed. In the event of annexation by a city or town of any land within a district, the district shall continue until the time prescribed for review.
- (D) The governing body shall act to adopt or reject the application, or any modification of it, no later than 180 days from November 1.
- (E) Upon the adoption of an ordinance creating a district or adding land to an existing district, the governing body shall submit a copy of the ordinance with maps to the local commissioner of the revenue, and the State Forester, and the Commissioner of Agriculture and Consumer Services for information purposes. The commissioner of the revenue shall identify the parcels of land in the district in the land book and on the tax map, and the governing body shall identify such parcels on the zoning map, where applicable and shall designate the districts on the official comprehensive plan map each time the comprehensive plan map is updated.

(Ord. 11-4-98)

Sec. 3.1-9. - Additions to a district.

Additional parcels of land may be added to an existing district at any time by following the process and application deadlines prescribed for the creation of a new district.

(Ord. 11-4-98; Ord. 11-18-15)

State Law reference— See Code of Va., § 15.2-4310.

Sec. 3.1-10. - Review of districts.

The governing body may complete a review of any district created under this section, together with additions to such district, no less than four years but no more than ten years after the date of its creation and every four to ten years thereafter. If the governing body determines that a review is necessary, it shall begin such review at least 90 days before the expiration date of the period established when the district was created. In conducting such review, the governing body shall ask for the recommendations of the advisory committee and the planning commission in order to determine whether to terminate, modify or continue the district. When each district is reviewed, land within the district may be withdrawn at the owner's discretion by filing a written notice with the governing body at any time before it acts to continue, modify or terminate the district. The planning commission or the advisory committee shall schedule as part of the review a public meeting with the owners of land within the district, and shall send by first-class mail a written notice of the meeting and review to all such owners. The notice shall state the time and place for the meeting; that the district is being reviewed by the governing body; that the governing body may continue, modify, or terminate the district; and that land may be withdrawn from the district at the owner's discretion by filing a written notice with the governing body at any time before it acts to continue, modify or terminate the district. The governing body shall hold a public hearing as provided by law. The governing body may stipulate conditions to continuation of the district and may establish a period before the next review of the district, which may be different from the conditions or period established when the district was created. Any such different conditions or period shall be described in a notice sent by first-class mail to all owners of land within the district and published in a newspaper having a general circulation within the district at least two weeks prior to adoption of the ordinance continuing the district. Unless the district is modified or terminated by the governing body, the district shall continue as originally constituted, with the same conditions and period before the next review as that established when the district was created.

If the governing body determines that a review is unnecessary, it shall set the year in which the next review shall occur.

(Ord. 11-4-98; 11-18-15)

State Law reference— See Code of Va., § 15.2-4311.

Sec. 3.1-11. - Effects of districts.

- (A) Land lying within a district and used in agricultural or forestal production shall automatically qualify for an agricultural or forestal use-value assessment pursuant to article 4 (section 58.1-3229 et seq.) of chapter 32 of title 58.1 of the Code of Virginia, if the requirements for such assessment contained therein are satisfied.
- (B) The County shall not exercise any of its powers to enact local laws or ordinances within a district in a manner which would unreasonably restrict or regulate farm structures or farming and forestry practices in contravention of the purposes of this chapter unless such restrictions or regulations bear a direct relationship to public health and safety. The comprehensive plan and zoning and subdivision ordinances shall be applicable within said districts, to the extent that such ordinances are not in conflict with the conditions to creation or continuation of the district set forth in the ordinance creating or continuing the district or the purposes of this chapter. Nothing in this chapter shall affect the authority of the County to regulate the processing or retail sales of agricultural or forestal products, or structures therefor, in accordance with the comprehensive plan or any ordinance. Ordinances, comprehensive plans, land use planning decisions, administrative decisions and procedures

affecting parcels of land adjacent to any district shall take into account the existence of such district and the purposes of this chapter.

- (C) No special district for sewer, water or electricity or for nonfarm or nonforest drainage may impose benefit assessments or special tax levies on the basis of frontage, acreage or value on land used for primarily agricultural or forestal production within a district, except a lot not exceeding one-half acre surrounding any dwelling or nonfarm structure located on such land.

(Ord. 11-4-98)

Sec. 3.1-12. - Proposals as to land acquisition or construction within district.

- (A) Any agency of the Commonwealth or any political subdivision which intends to acquire land or any interest therein other than by gift, devise, bequest or grant, or any public service corporation which intends to: (i) acquire land or any interest therein for public utility facilities not subject to approval by the State Corporation Commission, provided that the proposed acquisition from any one farm or forestry operation within the district is in excess of one acre or that the total proposed acquisition within the district is in excess of ten acres or (ii) advance a grant, loan, interest subsidy or other funds within a district for the construction of dwellings, commercial or industrial facilities, or water or sewer facilities to serve nonfarm structures, shall at least 90 days prior to such action notify the governing body and all of the owners of land within the district. Notice to landowners shall be sent by first-class or registered mail and shall state that further information on the proposed action is on file with the governing body. Notice to the governing body shall be filed in the form of a report containing the following information:
 - (1) A detailed description of the proposed action, including a proposed construction schedule;
 - (2) All the reasons for the proposed action;
 - (3) A map indicating the land proposed to be acquired or on which the proposed dwellings, commercial or industrial facilities, or water or sewer facilities to serve nonfarm structures are to be constructed;
 - (4) An evaluation of anticipated short-term and long-term adverse impacts on agricultural and forestal operations within the district and how such impacts are proposed to be minimized;
 - (5) An evaluation of alternatives which would not require action within the district; and
 - (6) Any other relevant information required by the governing body.
- (B) Upon receipt of a notice filed pursuant to subsection A, the governing body, in consultation with the planning commission and the advisory committee, shall review the proposed action and make written findings as to (i) the effect the action would have upon the preservation and enhancement of agriculture and forestry and agricultural and forestal resources within the district and the policy of the Agricultural and Forestal Districts Act; (ii) the necessity of the proposed action to provide service to the public in the most economical and practical manner; and (iii) whether reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impacts on agricultural and forestal resources within the district.
- (C) If the governing body finds that the proposed action might have an unreasonably adverse effect upon either state or local policy, it shall (i) issue an order within 90 days from the date the notice was filed directing the agency, corporation or political subdivision not to take the proposed action for a period of 150 days from the date the notice was filed and (ii) hold a public hearing, as prescribed by law, concerning the proposed action. The hearing shall be held where the governing body usually meets or at a place otherwise easily accessible to the district. The County shall publish notice in a newspaper having a general circulation within the district, and mail individual notice of the hearing to the political subdivisions whose territory encompasses or is part of the district, and the agency, corporation or political subdivision proposing to take the action. Before the conclusion of the 150-day period, the governing body shall issue a final order on the proposed action. Unless the governing

body, by an affirmative vote of a majority of all the members elected to it, determines that the proposed action is necessary to provide service to the public in the most economic and practical manner and will not have an unreasonably adverse effect upon state or local policy, the order shall prohibit the agency, corporation or political subdivision from proceeding with the proposed action. If the agency, corporation or political subdivision is aggrieved by the final order of the governing body, an appeal shall lie to the circuit court having jurisdiction of the territory wherein a majority of the land affected by the acquisition is located. However, if such public service corporation is regulated by the State Corporation Commission, an appeal shall be to the State Corporation Commission.

(Ord. 11-4-98)

Sec. 3.1-13. - Withdrawal of land from a district; termination of a district.

- (A) At any time after the creation of a district within the County, any owner of land lying in such district may file with the County a written request to withdraw all or part of his land from the district for good and reasonable cause. The program administrator shall refer the request to the advisory committee for its recommendation. The advisory committee shall make recommendations concerning the request to withdraw to the local planning commission, which shall hold a public hearing and make recommendations to the governing body. Land proposed to be withdrawn may be reevaluated through the Virginia Land Evaluation and Site Assessment (LESA) System. The landowner seeking to withdraw land from a district, if denied favorable action by the governing body, shall have an immediate right of appeal de novo to the circuit court serving the territory wherein the district is located. This section shall in no way affect the ability of an owner to withdraw an application for a proposed district or withdraw from a district pursuant to subsection (iv) of subdivision (1) of Section 3.1-6 or Section 3.1-10 of this chapter.
- (B) Upon termination of a district or withdrawal or removal of any land from a district created pursuant to this chapter, land that is no longer part of a district shall be subject to roll-back taxes as are provided in section 58.1-3237 of the Code of Virginia.
- (C) Upon termination of a district or upon withdrawal or removal of any land from a district, land that is no longer part of a district shall be subject to those local laws and ordinances prohibited by the provisions of subsection B of Section 3.1-11 of this chapter.
- (D) Upon the death of a property owner, any heir at law, devisee, surviving cotenant or personal representative of a sole owner of any fee simple interest in land lying within a district shall, as a matter of right, be entitled to withdraw such land from such district upon the inheritance or descent of such land provided that such heir at law, devisee, surviving cotenant or personal representative files written notice of withdrawal with the governing body and the commissioner of the revenue within two years of the date of death of the owner.
- (E) Upon termination or modification of a district, or upon withdrawal or removal of any parcel of land from a district, the governing body shall submit a copy of the ordinance or notice of withdrawal to the local commissioner of revenue, the State Forester and the State Commissioner of Agriculture and Consumer Services for information purposes. The commissioner of revenue shall delete the identification of such parcel from the land book and the tax map, and the governing body shall delete the identification of such parcel from the zoning map, where applicable.
- (F) The withdrawal or removal of any parcel of land from a lawfully constituted district shall not in itself serve to terminate the existence of the district. The district shall continue in effect and be subject to review as to whether it should be terminated, modified or continued pursuant to Section 3.1-10 of this chapter.

(Ord. 11-4-98; Ord. 11-18-15)