



# Fluvanna County

## Agricultural/Forestral Districts

### **PURPOSE OF THE VIRGINIA AGRICULTURAL /FORESTAL DISTRICT ACT**

*“...to conserve and protect and to encourage the development and improvement of the Commonwealth’s agricultural/forestral lands for the production of food and other agricultural/ forestal products., and to conserve and protect agricultural/forestral lands as valued natural and ecological resources which provide essential open space for clean air sheds, watershed protection, wildlife habitat, as well as for aesthetic purposes.”*  
(Virginia Code)

### **EFFECTS OF A DISTRICT**

- Provides a community benefit. It is considered the best method to protect the County’s rural areas, including its agricultural and forest lands, water supplies and other natural and scenic resources.
- Provides the landowner with certain tax benefits and restrictions on public utilities and government actions to protect the agricultural/forestral use of the land. In exchange, the landowner voluntarily agrees to conditions which limit development of the property during the specified number of years the district is in effect. Districts may only be initiated by landowners.

### **Tax Benefits to the Landowner:**

1. Land in an agricultural/forestral district which otherwise meets the requirements for agricultural, forestal, horticultural and/or open space use value assessment will qualify for use value assessment whether or not a local ordinance is in effect which permits land use value assessment. Fluvanna County currently has an ordinance permitting these types of use value assessment. However, if the County chose to rescind its land use valuation program, then only qualifying land in an agricultural/forestral district could continue to receive this tax benefit.
2. No special assessments or taxes for sewer, water or electricity may be imposed on land within the district on the basis of acreage or value except for the two acres surrounding a dwelling or non-farm structure.

### **Restrictions on the Landowner:**

1. Landowners within a district are restricted by a condition that no parcel may be developed to a more intensive use during the period which it remains within the district without prior approval of the Board of Supervisors. In Fluvanna County, a “more intensive use” is defined as: *“No parcel shall be developed to a more intensive use, other than uses resulting in more intensive agricultural or forestal production, with three exceptions:*

- a) *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*
  - b) *divisions of parcels for such family members as provided in Section 19-2-1 of the County Code, or*
  - c) *divisions of land into two or more lots any one of which is 22 acres or more in area.”*
2. Adjacent landowners to the district may be restricted from developing land uses which are not permitted by right or which are in conflict with adjacent agricultural or forestal uses. For example, if a rezoning or special use permit is requested for a parcel adjacent to a district, the Planning Commission and Board of Supervisors must consider the existence of the district in its decision.

**Restrictions on Government and Public Utilities:**

- 1. Local government shall not enact nuisance ordinances to unreasonably restrict or regulate farm structures, farming or forestry practices within a district, except for health or safety reasons.
- 2. Local government shall consider the existence of a district and the purposes of the Act in local ordinances, comprehensive plans, land use planning decisions, administrative decisions and procedures affecting parcels of land adjacent to a district.
- 3. State agencies shall modify their regulations and procedures to encourage the maintenance of farming and forestry in districts.
- 4. Any state agency, political subdivision or public service corporation which intends to acquire land or easements in excess of one acre from any one parcel or in excess of ten acres from the district shall notify the Board of Supervisors prior to such action. The Board shall determine the effect of the proposed action on state and local policy and may hold a public hearing there for.

**ESTABLISHING OR JOINING A DISTRICT**

**Qualifications:**

- 1. Any landowner may submit an application. Each district shall have a “core” of no less than 200 acres in one or more contiguous parcels owned by one or more landowners. A parcel not part of the core may be included if its nearest boundary is within one mile (map distance) of any boundary of the core, or if it contiguous to such a parcel. There are no minimum or maximum size requirements for individual parcels.
- 2. Additions may be made to an existing district following the same procedures as for the creation of a new district.

**Making Application:**

- 1. Application forms are available in the Department of Planning and Community Development. Completed applications are to be submitted to this office or mailed to P. O. Box 540, Palmyra, VA 22963.

2. Each application must be accompanied by a USGS topographic map that shows the boundaries of the district, a VDOT Fluvanna County highway map that shows the general location of the district, and the Fluvanna County Land Map(s) that show the parcels within the district.
3. The application shall also be accompanied with a fee of \$500.

### **Procedure for Approving a District:**

1. The County Planner checks the application to see if all requirements thereon are complete, and then refers it to the Board of Supervisors.
2. The Board of Supervisors refers the application to the Planning Commission.
3. The Planning Commission refers the application to the Agricultural/Forestral Advisory Committee for its recommendations back to the Planning Commission.
4. The Planning Commission holds a public hearing and makes a recommendation to the Board of Supervisors.
5. The Board of Supervisors holds a public hearing and takes action on the proposed district, specifying any conditions and approving the length of time before the first review (4 to 10 years). After this time period, the landowners are notified, and the Board determines if a review is necessary to modify or terminate the district. Otherwise, the district continues unchanged, and the Board, by resolution, sets the year in which the next review will occur. If there are additions to the district or modifications of its contract requested by the landowners, a fee of \$500 is required. If there are no changes requested by the landowners, or modifications are made by the County, there is no fee.

## **WITHDRAWAL FROM A DISTRICT**

### **By-right Withdrawal:**

1. A property owner may withdraw by written notice at any time before the Board of Supervisors acts 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 required 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.
  - e) Such petition for withdrawal is referred to the Advisory Committee for recommendation to the Planning Commission.
  - f) The Planning Commission holds a public hearing and makes a recommendation to the Board of Supervisors.
  - g) The Board of Supervisors holds a public hearing and makes a determination.
  - h) If denied favorable action, the applicant may appeal the Board's decision to the Circuit Court.