

FLUVANNA COUNTY, VIRGINIA

AGRICULTURAL & FORESTAL DISTRICTS



DEPARTMENT OF
PLANNING & COMMUNITY DEVELOPMENT

June 2012

FLUVANNA COUNTY, VIRGINIA

AGRICULTURAL & FORESTAL DISTRICTS

Like many of localities across Virginia, Fluvanna County has an Agricultural and Forestal Districts (AFD) program. The program is intended to encourage the conservation of Fluvanna County's farms and forestlands, which contribute to the area's rural character and scenic beauty. Guidelines for the local AFD Program are described in Chapter 3.1 (Agricultural and Forestal Districts) of the Fluvanna County Code.

Purpose of Virginia's Agricultural & Forestal Districts Act

Fluvanna County's AFD program conforms with state guidelines. Virginia passed the Agricultural and Forestal Districts Act in 1977, which allowed localities statewide to create their own AFD programs.

The purpose of the Agricultural and Forestal Districts Act is "to conserve and protect and to encourage the development and improvement of the Commonwealth's agricultural/forestal lands for the production of food and other agricultural/forestal products, . . . and to conserve and protect agricultural/forestal 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" (VA Code §15.2-4301).

Effects of an AFD District

Fluvanna County's AFD program provides participating landowners with certain tax benefits and limits certain government actions that may negatively impact agricultural and forestry operations. In exchanges for these benefits, the landowner voluntarily agrees to limit development of the property while enrolled within the AFD program.

Tax Benefits to Participating Landowner

- *Land Use Taxation*

Properties enrolled within an AFD that otherwise meet the requirements for agricultural, forestal, horticultural, and/or open space use value assessment will qualify for use value assessment whether or not the locality has a land use valuation program. Fluvanna County currently has a land use valuation program; however, if the program is discontinued, then only qualifying land in an AFD could continue to receive land use taxation.

- *No Special Tax Assessments for Utilities*

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 (2) acres surround-

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ing a dwelling or non-farm structure.

Development Restrictions

Participating landowners may not develop their properties to a “more intensive use” while enrolled within the AFD program without the prior approval of the Board of Supervisors. There are three exceptions:

- *Construction of Dwellings for Farm Operators and Family Members*

Dwellings may be constructed for those who earn a substantial part of their income from on-site farm or forestry operations, or for immediate family members of the property owner.

- *Family Subdivisions*

Properties enrolled in the AFD program may be divided under the Family Subdivision provisions of the Fluvanna County Subdivision Ordinance.

- *Large-Lot Subdivisions*

Properties enrolled in the AFD program may be divided into lots that are at least 22 acres in size.

Landowners adjacent to an existing AFD may be restricted from developing uses that are not permitted by-right or are in conflict with neighboring agricultural or forestry uses. For example, if a rezoning or special use permit is requested for a parcel adjacent to an AFD, the Planning Commission and the Board of Supervisors must consider the existence of the AFD in any land-use decisions.

Restrictions on Government Activities

- *No Unreasonable Restrictions on Agricultural or Forestry Operations*

Local governments may not enact laws or ordinances that would unreasonably restrict or regulate farm structures, farming, or forestry practices within AFDs.

- *Consideration of Impacts of Government Decisions on AFDs*

Local governments must consider the existence of AFDs when reviewing local ordinances; developing comprehensive plans; making land use decisions; and when developing administrative policies and procedures.

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- *Protection Against Eminent Domain*

Any state agency, political subdivision, or public service corporation intending to acquire more than one (1) acre from any one (1) parcel enrolled in the AFD program, or more than ten (10) acres located within an AFD, must notify the Board of Supervisors prior to purchasing the land. The Board of Supervisors must determine the effect the proposed project or policy will have on the AFD.

Creating or Joining an Agricultural and Forestal District

Landowners interested in creating a new AFD, or joining an existing AFD, must submit an application to the Department of Planning & Community Development.

District Requirements

All districts must have a core that contains **at least 200 acres within one (1) or more contiguous parcels**. A parcel that is not part of the core may be included within the district if **its nearest boundary is within one (1) mile of the core**.

Additions may be made to an existing district. Landowners interested in incorporating their properties into an existing AFD follow the same process used to create a new district.



Vendor at the Fluvanna County Farmers' Market

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PROCEDURE FOR ESTABLISHING OR JOINING AN AGRICULTURAL & FORESTAL DISTRICT

Application Submission

Landowners interested in creating a new AFD or joining an existing AFD must submit an application to the Fluvanna County Department of Planning and Community Development. Each application must include the following:

- A United States Geological Survey (USGS) topographic map that shows the boundaries of the district;
- A Virginia Department of Transportation (VDOT) Fluvanna County highway map that shows the general location of the district;
- A Fluvanna County Land Map that shows the parcels within the district; and
- A \$500 application fee.

Once the application is deemed complete by the County Planner, the review process begins.

Agricultural and Forestal District (AFD) Advisory Committee

The Agricultural and Forestal District (AFD) Advisory Committee reviews the application and makes a recommendation to the Planning Commission as to whether or not the new district or proposed addition should be approved.

Planning Commission

The Planning Commission holds a public hearing and makes a recommendation to the Board of Supervisors as to whether or not the new district or proposed addition should be approved.

Board of Supervisors

The Board of Supervisors holds a public hearing and makes a final decision on the proposed district or addition, specifying any conditions and approving the length of time before the first review (four to ten years).

At the time of the first review, participating landowners are notified, and the Board of Supervisors 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 additions or modifications to the district are requested by the landowners, a fee of \$500 is required. If there are no changes requested, there is no fee.

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PROCEDURE FOR WITHDRAWAL FROM AN AGRICULTURAL & FORESTAL DISTRICT

By-Right Withdrawal

Landowners interested in removing their properties from an AFD may, in the following instances, do so without paying a fee:

- A landowner may withdraw his property by written notice at any time before the Board of Supervisors acts on an application;
- A landowner may withdraw his property by written notice during the time of review; or
- 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. A written notice must be submitted to Fluvanna County within two years of the death of the owner.

Petition to Withdrawal

Landowners not eligible to remove their properties from a district by-right may submit an application to the Department of Planning & Community Development requesting that their property be withdrawn from the district. There is a \$500 fee that must be submitted with the application. The Board of Supervisors must approve the removal of the property from the AFD program. Any petition to withdraw property from the district must meet the following criteria:

- The proposed new land use will not have an adverse effect upon farming and forestry operations in the remaining portion of the district;
- The proposed new land use is in compliance with the most recently approved Comprehensive Plan;
- The proposed land use is consistent with the public interest and not solely to serve the proprietary interests of the landowner requesting the withdrawal; and
- 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.

The procedure for withdrawal from an existing AFD is described on the following page.

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PROCEDURE FOR WITHDRAWAL FROM AN AGRICULTURAL & FORESTAL DISTRICT

Application Submission

Landowners interested in removing their properties from an existing AFD must submit an application to the Fluvanna County Department of Planning & Community Development. A \$500 fee must be submitted with each application.

Once the application is deemed complete by the County Planner, the review process begins.



Agricultural and Forestal District (AFD) Advisory Committee

The Agricultural and Forestal District (AFD) Advisory Committee reviews the application and makes a recommendation to the Planning Commission as to whether or not the property should be removed from the AFD program.



Planning Commission

The Planning Commission holds a public hearing and makes a recommendation to the Board of Supervisors as to whether or not the property should be removed from the AFD program.



Board of Supervisors

The Board of Supervisors holds a public hearing and makes a final decision on the proposed withdrawal.

If denied favorable action, the applicant may appeal the Board's decision to the Circuit Court.