

**MINUTES OF
FAUQUIER COUNTY AGRICULTURAL & FORESTAL
DISTRICT ADVISORY COMMITTEE**

March 27, 2018

The Fauquier County Agricultural and Forestal District Advisory Committee held a meeting on March 27, 2018, at 6:30 p.m. in the Warren Green Building, Second Floor Conference Room, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. John Schied, Chairperson; Mr. Chris Butler, Lee District Supervisor; Mr. Ross D'Urso; Mr. David Gibson; Ms. Jolly de Give; Mr. William W. Gulick, Jr.; Mr. Ken Smith; Ms. Katherine Strother; and Mr. Tom Weber. Also present were Mr. Andrew Hopewell, Assistant Chief of Planning; Mr. Ben Holt, Planner II; and Mrs. Fran Williams, Administrative Manager. Member absent was Ms. Patty Leonard, Vice-Chairperson.

ELECTION OF OFFICERS:

On motion made by Ms. de Give and seconded by Mr. Weber, it was moved to appoint Mr. Schied as Chairperson.

The motion carried unanimously.

On motion made by Mr. Gulick and seconded by Mr. Weber, it was moved to appoint Ms. Leonard as Vice-Chairperson.

The motion carried unanimously.

MINUTES:

On motion made by Mr. Smith and seconded by Mr. Weber, it was moved to approve the September 6, 2017 minutes.

The motion carried unanimously.

OLD BUSINESS:

- Mr. Smith inquired if staff has contacted the John Marshall Soil and Water Conservation District and Natural Resources Conservation Service to verify they would have the necessary resources and staff to provide Conservation Plans for property owners who request them.

Mr. Holt responded that he has contacted Natural Resources Conservation Service and they have confirmed that they would be happy to work with any property owners needing assistance. He also stated that he has contacted the John Marshall Soil and Water Conservation District but it is in a transition period with the recent retirement of

its District Manager, Ms. Jennifer Hoysa. Mr. Holt stated that staff will follow up with the new contact person.

Mr. Smith stated that it would be best to speak with the new staff person prior to revising the language in any of the informational materials.

- Mr. Hopewell stated that the possibility of renewing all districts concurrently has been considered. However, he stated that staff is not proposing to move forward with this since there are numerous concerns about such a large undertaking. Mr. Hopewell stated that staff would like to propose moving forward with 10 year renewals instead of the current eight year cycles to ensure one consistent Ordinance that applies to all districts.

After discussion, on motion made by Mr. Smith and seconded by Mr. Butler, it was moved to extend future renewals for all Agricultural and Forestal Districts for 10 year terms.

The motion carried unanimously.

- Board members discussed the possibility of beginning any necessary meetings during the spring and summer months at 7:00 p.m. However, meetings scheduled for the February/March time frame would continue to start at 6:30 p.m.

AGENDA ITEMS:

14TH ADDITION TO THE UPPERVILLE AGRICULTURAL & FORESTAL DISTRICT (Ben Holt, Staff)

- AGFO-17-008394 – Smith Atoka, LLC (Owner/Applicant), PIN 6073-88-4395-000, located on Atoka Road and Rectors Lane, Scott District, Marshall, Virginia.

Mr. Holt reviewed the staff report.

After discussion, on motion made by Mr. Weber and seconded by Mr. Gibson, it was moved to forward the 14th Addition to the Upperville Agricultural and Forestal District to the Board of Supervisors with a recommendation of approval, subject to the following conditions:

1. Pursuant to Title 15.2, Chapter 43, Section 15.2-4312 of the *Code of Virginia* (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. These modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
 - a. For properties in the Agricultural and Forestal District, uses listed in Zoning Ordinance Sections 3-301 through 3-317 and Sections 3-319 through 3-332 that require a Special Permit shall instead require a Special Exception. Agricultural

or forestal production and construction of dwellings for persons who earn a substantial part of their livelihood from a farm operation on the property or for members of their immediate family shall be allowed as permitted under the Zoning Ordinance. No Special Exception permit shall be in conflict with the purposes for which the district was created.

- b. Only the following divisions of land are allowed within an Agricultural and Forestal District:
 - i. Family transfers.
 - ii. Large Lot divisions.
 - c. Boundary Line Adjustments are allowed between other Agricultural and Forestal Districts. If a boundary line adjustment occurs between different Districts, the area boundary line adjusted would not be allowed to withdraw from the District any sooner than the first opportunity under the District created.
2. These parcels shall qualify for land use value assessment provided that the parcels meet the criteria of Article 4 of Section 58.1-3229 *et seq.* of Chapter 32 of Title 58.1 of the *Code of Virginia*.
 3. The owners of land within the District shall not terminate the District except as provided for in Section 15.2-4314 of the *Code of Virginia*.
 4. That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4311 of the *Code of Virginia*.
 5. If a parcel is divided or boundary line adjusted to less than 5 acres, the parcel shall be removed from the District.
 6. If any parcel is boundary adjusted or divided such that a newly created parcel contains less than 25 acres, then the parcel containing less than 25 acres shall be removed from the District. An exception to this rule shall be where such property is part of a working farm that is comprised of a contiguous collection of parcels under the same ownership; in such a case, any parcel containing less than 25 acres that is *sold* shall be removed from the District. Furthermore, if the contiguous collection of parcels under the same ownership is decreased to less than 25 acres, then all of the parcels in that collection shall be removed from the District.

The motion carried unanimously.

23RD ADDITION TO THE MIDDLEBURG/MARSHALL AGRICULTURAL & FORESTAL DISTRICT (Ben Holt, Staff)

- AGFO-17-008493 – Bethany Powell Brower & John Vincent Brower (Owners/Applicants), PIN 6070-52-6016-000, located at 7435 Stoney Hill Lane, Scott District, The Plains, Virginia.

Mr. Holt reviewed the staff report.

After discussion, on motion made by Mr. Smith and seconded by Mr. Weber, it was moved to forward the 23rd Addition to the Middleburg/Marshall Agricultural and Forestal District to the Board of Supervisors with a recommendation of approval, subject to the following conditions:

1. Pursuant to Title 15.2, Chapter 43, Section 15.2-4312 of the *Code of Virginia* (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. These modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
 - a. For properties in the Agricultural and Forestal District, uses listed in Zoning Ordinance Sections 3-301 through 3-317 and Sections 3-319 through 3-332 that require a Special Permit shall instead require a Special Exception. Agricultural or forestal production and construction of dwellings for persons who earn a substantial part of their livelihood from a farm operation on the property or for members of their immediate family shall be allowed as permitted under the Zoning Ordinance. No Special Exception permit shall be in conflict with the purposes for which the district was created.
 - b. Only the following divisions of land are allowed within an Agricultural and Forestal District:
 - i. Family transfers.
 - ii. Large Lot divisions.
 - c. Boundary Line Adjustments are allowed between other Agricultural and Forestal Districts. If a boundary line adjustment occurs between different Districts, the area boundary line adjusted would not be allowed to withdraw from the District any sooner than the first opportunity under the District created.
2. These parcels shall qualify for land use value assessment provided that the parcels meet the criteria of Article 4 of Section 58.1-3229 *et seq.* of Chapter 32 of Title 58.1 of the *Code of Virginia*.
3. The owners of land within the District shall not terminate the District except as provided for in Section 15.2-4314 of the *Code of Virginia*.
4. That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4311 of the *Code of Virginia*.
5. If a parcel is divided or boundary line adjusted to less than 5 acres, the parcel shall be removed from the District.
6. If any parcel is boundary adjusted or divided such that a newly created parcel contains less than 25 acres, then the parcel containing less than 25 acres shall be removed from the District. An exception to this rule shall be where such property is

part of a working farm that is comprised of a contiguous collection of parcels under the same ownership; in such a case, any parcel containing less than 25 acres that is *sold* shall be removed from the District. Furthermore, if the contiguous collection of parcels under the same ownership is decreased to less than 25 acres, then all of the parcels in that collection shall be removed from the District.

The motion carried unanimously.

21ST ADDITION TO THE MARSHALL/WARRENTON AGRICULTURAL & FORESTAL DISTRICT (Ben Holt, Staff)

- AGFO-18-008648 – Lisa S. Brown & Mark A. Kile (Owners/Applicants), PIN 6955-42-9365-000, located at 7330 Dudie Road, Marshall District, Marshall, Virginia.

Mr. Holt reviewed the staff report.

After discussion, on motion made by Ms. de Give and seconded by Mr. Gibson, it was moved to forward the 21st Addition to the Marshall/Warrenton Agricultural and Forestal District to the Board of Supervisors with a recommendation of approval, subject to the following conditions:

1. Pursuant to Title 15.2, Chapter 43, Section 15.2-4312 of the *Code of Virginia* (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. These modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
 - a. For properties in the Agricultural and Forestal District, uses listed in Zoning Ordinance Sections 3-301 through 3-317 and Sections 3-319 through 3-332 that require a Special Permit shall instead require a Special Exception. Agricultural or forestal production and construction of dwellings for persons who earn a substantial part of their livelihood from a farm operation on the property or for members of their immediate family shall be allowed as permitted under the Zoning Ordinance. No Special Exception permit shall be in conflict with the purposes for which the district was created.
 - b. Only the following divisions of land are allowed within an Agricultural and Forestal District:
 - i. Family transfers.
 - ii. Large Lot divisions.
 - c. Boundary Line Adjustments are allowed between other Agricultural and Forestal Districts. If a boundary line adjustment occurs between different Districts, the area boundary line adjusted would not be allowed to withdraw from the District any sooner than the first opportunity under the District created.

2. These parcels shall qualify for land use value assessment provided that the parcels meet the criteria of Article 4 of Section 58.1-3229 *et seq.* of Chapter 32 of Title 58.1 of the *Code of Virginia*.
3. The owners of land within the District shall not terminate the District except as provided for in Section 15.2-4314 of the *Code of Virginia*.
4. That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4311 of the *Code of Virginia*.
5. If a parcel is divided or boundary line adjusted to less than 5 acres, the parcel shall be removed from the District.
6. If any parcel is boundary adjusted or divided such that a newly created parcel contains less than 25 acres, then the parcel containing less than 25 acres shall be removed from the District. An exception to this rule shall be where such property is part of a working farm that is comprised of a contiguous collection of parcels under the same ownership; in such a case, any parcel containing less than 25 acres that is *sold* shall be removed from the District. Furthermore, if the contiguous collection of parcels under the same ownership is decreased to less than 25 acres, then all of the parcels in that collection shall be removed from the District.

The motion carried unanimously.

13TH ADDITION TO THE SPRINGS VALLEY AGRICULTURAL & FORESTAL DISTRICT (Ben Holt, Staff)

- AGFO-18-008649 – Steven M. & Susan W. Lewis (Owners/Applicants), PIN 6953-83-1239-000 and 6953-73-3444-000, located at 9255 Harts Mill Road, Marshall District, Warrenton, Virginia.

Mr. Holt reviewed the staff report.

After discussion, on motion made by Mr. Smith and seconded by Ms. de Give, it was moved to forward the 13th Addition to the Springs Valley Agricultural and Forestal District to the Board of Supervisors with a recommendation of approval, subject to the following conditions:

1. Pursuant to Title 15.2, Chapter 43, Section 15.2-4312 of the *Code of Virginia* (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. These modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
 - a. For properties in the Agricultural and Forestal District, uses listed in Zoning Ordinance Sections 3-301 through 3-317 and Sections 3-319 through 3-332 that require a Special Permit shall instead require a Special Exception. Agricultural or forestal production and construction of dwellings for persons who earn a

substantial part of their livelihood from a farm operation on the property or for members of their immediate family shall be allowed as permitted under the Zoning Ordinance. No Special Exception permit shall be in conflict with the purposes for which the district was created.

- b. Only the following divisions of land are allowed within an Agricultural and Forestal District:
 - i. Family transfers.
 - ii. Large Lot divisions.
 - c. Boundary Line Adjustments are allowed between other Agricultural and Forestal Districts. If a boundary line adjustment occurs between different Districts, the area boundary line adjusted would not be allowed to withdraw from the District any sooner than the first opportunity under the District created.
2. These parcels shall qualify for land use value assessment provided that the parcels meet the criteria of Article 4 of Section 58.1-3229 *et seq.* of Chapter 32 of Title 58.1 of the *Code of Virginia*.
 3. The owners of land within the District shall not terminate the District except as provided for in Section 15.2-4314 of the *Code of Virginia*.
 4. That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4311 of the *Code of Virginia*.
 5. If a parcel is divided or boundary line adjusted to less than 5 acres, the parcel shall be removed from the District.
 6. If any parcel is boundary adjusted or divided such that a newly created parcel contains less than 25 acres, then the parcel containing less than 25 acres shall be removed from the District. An exception to this rule shall be where such property is part of a working farm that is comprised of a contiguous collection of parcels under the same ownership; in such a case, any parcel containing less than 25 acres that is *sold* shall be removed from the District. Furthermore, if the contiguous collection of parcels under the same ownership is decreased to less than 25 acres, then all of the parcels in that collection shall be removed from the District.

The motion carried unanimously.

22ND ADDITION TO THE SOUTHERN FAUQUIER AGRICULTURAL & FORESTAL DISTRICT (Ben Holt, Staff)

- AGFO-18-008675 – Kane Manor Farm, LLC (Owner/Applicant), PIN 6991-31-2826-000, 6990-09-9692-000, 6990-38-2675-000, 6990-38-7197-000, 6980-88-2718-000, 6980-99-2377-000, 6990-19-5232-000, 6991-21-9662-000 and 6990-37-

4369-000, located on Green Road and Balls Mill Road, Cedar Run District, Midland, Virginia.

Mr. Holt reviewed the staff report.

After discussion, on motion made by Mr. Smith and seconded by Mr. Butler, it was moved to forward the 22nd Addition to the Southern Fauquier Agricultural and Forestal District to the Board of Supervisors with a recommendation of approval, subject to the following conditions:

1. Pursuant to Title 15.2, Chapter 43, Section 15.2-4312 of the *Code of Virginia* (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. These modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
 - a. For properties in the Agricultural and Forestal District, uses listed in Zoning Ordinance Sections 3-301 through 3-317 and Sections 3-319 through 3-332 that require a Special Permit shall instead require a Special Exception. Agricultural or forestal production and construction of dwellings for persons who earn a substantial part of their livelihood from a farm operation on the property or for members of their immediate family shall be allowed as permitted under the Zoning Ordinance. No Special Exception permit shall be in conflict with the purposes for which the district was created.
 - b. Only the following divisions of land are allowed within an Agricultural and Forestal District:
 - i. Family transfers.
 - ii. Large Lot divisions.
 - c. Boundary Line Adjustments are allowed between other Agricultural and Forestal Districts. If a boundary line adjustment occurs between different Districts, the area boundary line adjusted would not be allowed to withdraw from the District any sooner than the first opportunity under the District created.
2. These parcels shall qualify for land use value assessment provided that the parcels meet the criteria of Article 4 of Section 58.1-3229 *et seq.* of Chapter 32 of Title 58.1 of the *Code of Virginia*.
3. The owners of land within the District shall not terminate the District except as provided for in Section 15.2-4314 of the *Code of Virginia*.
4. That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4311 of the *Code of Virginia*.
5. If a parcel is divided or boundary line adjusted to less than 5 acres, the parcel shall be removed from the District.

6. If any parcel is boundary adjusted or divided such that a newly created parcel contains less than 25 acres, then the parcel containing less than 25 acres shall be removed from the District. An exception to this rule shall be where such property is part of a working farm that is comprised of a contiguous collection of parcels under the same ownership; in such a case, any parcel containing less than 25 acres that is *sold* shall be removed from the District. Furthermore, if the contiguous collection of parcels under the same ownership is decreased to less than 25 acres, then all of the parcels in that collection shall be removed from the District.

The motion carried unanimously.

OTHER BUSINESS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at approximately 7:40 p.m.

A tape recording of the meeting, as well as the associated staff reports and attachments for each agenda item, are retained on file in the Department of Community Development, Planning Office, 10 Hotel Street, Suite 305, Warrenton, Virginia, for a period of one (1) year after approval of the minutes.