

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

March 4, 2019

The Fauquier County Agricultural and Forestal District Advisory Committee held a meeting on March 4, 2019, 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; Ms. Patty Leonard, Vice-Chairperson; Mr. Chris Butler, Lee District Supervisor; Mr. Ross D’Urso; Mr. David Gibson; Ms. Jolly de Give; Mr. William W. Gulick, Jr.; Ms. Katherine Strother; and Mr. Tom Weber. Also present was Mr. Andrew Hopewell, Assistant Chief of Planning. Member absent was Mr. Ken Smith.

ELECTION OF OFFICERS:

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

The motion carried unanimously.

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

The motion carried unanimously.

MINUTES:

On motion made by Ms. de Give and seconded by Ms. Strother, it was moved to approve the March 27, 2018 minutes.

The motion carried unanimously.

AGENDA ITEMS:

22ND ADDITION TO THE MARSHALL/WARRENTON AGRICULTURAL & FORESTAL DISTRICT (Ben Holt, Staff)

- Christine A. Fox (Owner/Applicant), PIN 6966-66-4380-000, located on Sylvan Lane, Marshall District. (AGFO-18-010355)
- White Dog Farm, LLC (Owner/Applicant), PIN 6966-95-7817-000, located at 8139 Rockingham Road, Marshall District. (AGFO-19-010649)

24TH ADDITION TO THE SOUTHERN FAUQUIER AGRICULTURAL & FORESTAL DISTRICT (Ben Holt, Staff)

- Frederick & Sherrie Koch (Owners/Applicants, PIN 7901-56-2496-000, located at 9626 Rogues Road, Cedar Run District. (AGFO-19-010546)
- Michael W. & Sandra L. Cole (Owners/Applicants, PIN 7921-90-0877-000, located at 3215 Old Devils Turnpike, Cedar Run District. (AGFO-19-010576)
- Joel H. & Wanda H. Morgan (Owners/Applicants), PIN 7839-72-7190-000 and 7839-61-9909-000, located at 2522 and 2525 Cromwell Road, Cedar Run District. (AGFO-19-010617)

Mr. Hopewell reviewed the staff reports.

After discussion, on motion made by Mr. Weber and seconded by Mr. Butler, it was moved to forward the 22nd Addition to the Marshall/Warrenton Agricultural and Forestal District (Fox and White Dog Farm, LLC properties) and a portion of the 24th Addition to the Southern Fauquier Agricultural and Forestal District (Koch and Cole properties) to the Board of Supervisors with a recommendation of approval, subject to the following conditions:

1. That 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. Telecommunications towers are not considered to 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 Lots 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. That 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. That 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 considered ineligible for renewal with the District.
6. If any parcel is boundary line adjusted or divided such that a newly created parcel contains less than 25 acres, then the parcel containing less than 25 acres shall be considered ineligible for renewal with 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 considered ineligible for renewal with the District.

The motion carried unanimously.

On motion made by Ms. de Give and seconded by Mr. Weber, it was moved to forward the 24th Addition to the Southern Fauquier Agricultural and Forestal District (PIN 7839-72-7190-000, 7.7710 acres owned by Joel H. & Wanda H. Morgan) to the Board of Supervisors with a recommendation of denial due to concerns regarding its smaller size, lack of tree cover and the presence of multiple structures.

The motion further moved to forward the 24th Addition to the Southern Fauquier Agricultural and Forestal District (PIN 7839-61-9909-000, 26.4500 acres owned by Joel H. & Wanda H. Morgan) to the Board of Supervisors with a recommendation of approval, subject to the following conditions:

1. That 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. Telecommunications towers are not considered to 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 Lots 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. That 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. That 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 considered ineligible for renewal with the District.
 6. If any parcel is boundary line adjusted or divided such that a newly created parcel contains less than 25 acres, then the parcel containing less than 25 acres shall be considered ineligible for renewal with 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 considered ineligible for renewal with the District.

The motion carried unanimously.

5TH RENEWAL OF THE SPRINGS VALLEY AGRICULTURAL & FORESTAL DISTRICT – AGFO-19-010906 (Ben Holt, Staff)

5TH RENEWAL OF THE UPPERVILLE AGRICULTURAL & FORESTAL DISTRICT – AGFO-19-010907 (Ben Holt, Staff)

Mr. Hopewell reviewed the staff reports and noted that a 10-year renewal period for each Agricultural and Forestal District is now being proposed by staff.

After discussion, on motion made by Mr. Weber and seconded by Ms. Leonard, it was moved to forward the 5th Renewal of the Springs Valley Agricultural and Forestal District and the 5th Renewal of the Upperville Agricultural and Forestal District to the Board of Supervisors with a recommendation of approval, subject to the following conditions:

1. That 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. Telecommunications towers are not considered to 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 Lots 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. That 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. That 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 considered ineligible for renewal with the District.
6. If any parcel is boundary line adjusted or divided such that a newly created parcel contains less than 25 acres, then the parcel containing less than 25 acres shall be considered ineligible for renewal with 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 considered ineligible for renewal with the District.

The motion carried unanimously.

OTHER BUSINESS:

- Committee members commended staff for a job well done in providing the necessary information within the agenda packets. Mr. Gibson suggested that it might also be helpful to provide a Web address (URL) where the packets could be viewed online since the GIS mapping Website allows you to view each parcel, its soils, the neighborhood, etc.
- Mr. Gibson noted that the Commissioner of the Revenue's office has a wonderful presentation on the County's Website regarding Land Use Taxation and encouraged all Committee members to review it.

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.