

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

March 12, 2014

The Fauquier County Agricultural and Forestal District Advisory Committee held a meeting on March 12, 2014, at 7:00 p.m. in the Warren Green Building, Second Floor Conference Room, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. John Schied, Chairperson; Mr. William Worrall, Vice-Chairperson Elect; Mr. William W. Gulick, Jr.; Mrs. Mildred Riddell; Mr. Peter Schwartz; and Ms. Katherine Strother. Also present were Ms. Holly Meade, Assistant Chief of Planning; Mr. Don Del Rosso, Planner II; and Mrs. Fran Williams, Administrative Manager. Members absent were Mr. Ross D'Urso; Mrs. Patty Leonard; Mr. Ken Smith; and Dr. Kitty Smith.

ELECTION OF OFFICERS:

On motion made by Mr. Schwartz and seconded by Mr. Worrall, it was moved to appoint Mr. Schied as Chairperson.

The motion carried unanimously.

Mr. Schwartz moved to appoint Mrs. Riddell as Vice-Chairperson. Mrs. Riddell declined the nomination.

On motion made by Mr. Schwartz and seconded by Mr. Schied, it was moved to appoint Mr. Worrall as Vice-Chairperson.

The motion carried unanimously.

MINUTES:

On motion made by Mr. Schwartz and seconded by Mrs. Riddell, it was moved to approve the March 11, 2013 minutes.

The motion carried unanimously.

AGENDA ITEMS:

9th ADDITION TO THE COBBLER MOUNTAIN AGRICULTURAL & FORESTAL DISTRICT

- **AGFD14-MA-003** – Viveca S. Morris, Trustee of the Viveca S. Morris Trust (Owner/Applicant) – Piedmont Farm, PIN 6949-65-2312-000, located at 4315 Alta Vista Lane, Marshall, Virginia.

Mr. Del Rosso reviewed the staff report, a copy of which is attached to and made a part of these official minutes.

After discussion, on motion made by Mr. Schwartz and seconded by Mr. Worrall, it was moved to forward the 9th Addition to the Cobbler Mountain 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.
 - 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 removed from 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 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.

17th ADDITION TO THE ORLEAN/HUME AGRICULTURAL AND FORESTAL DISTRICT

- **AGFD14-MA-002 – H. Dudley Payne, Jr. (Owner/Applicant), PIN 6937-50-5822-000, located at 10618 Warland Road, Marshall, Virginia.**

Mr. Del Rosso reviewed the staff report, a copy of which is attached to and made a part of these official minutes.

After discussion, on motion made by Mr. Schwartz and seconded by Ms. Strother, it was moved to forward the 17th Addition to the Orlean/Hume 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.
 - 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 removed from 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 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.

19th ADDITION TO THE MARSHALL/WARRENTON AGRICULTURAL & FORESTAL DISTRICT

- **AGFD14-MA-001 – Edward M. (III) & Lisa D. Sager (Owners/Applicants), PIN 6978-22-5373-000, located on Mountain Field Farm Road, The Plains, Virginia.**

Mr. Del Rosso reviewed the staff report, a copy of which is attached to and made a part of these official minutes.

After discussion, on motion made by Mr. Schwartz and seconded by Mrs. Riddell, it was moved to forward the 19th 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. 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.
 - 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 removed from 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 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.

3rd RENEWAL OF THE PARIS VALLEY AGRICULTURAL & FORESTAL DISTRICT (AGFO-14-000686)

Mr. Del Rosso reviewed the staff report, a copy of which is attached to and made a part of these official minutes.

After discussion, on motion made by Mr. Schwartz and seconded by Mr. Worrall, it was moved to forward the 3rd Renewal of the Paris Valley 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.
 - 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 removed from 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 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.

4th RENEWAL OF THE COBBLER MOUNTAIN AGRICULTURAL & FORESTAL DISTRICT (AGFO-14-000695)

Mr. Del Rosso reviewed the staff report, a copy of which is attached to and made a part of these official minutes.

After discussion, on motion made by Mr. Schwartz and seconded by Mrs. Riddell, it was moved to forward the 4th Renewal of the Cobbler Mountain 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.
 - 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 removed from 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 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.

4th RENEWAL OF THE MIDDLEBURG/MARSHALL AGRICULTURAL & FORESTAL DISTRICT (AGFO-14-000697)

Mr. Del Rosso reviewed the staff report, a copy of which is attached to and made a part of these official minutes.

After discussion, on motion made by Mr. Schwartz and seconded by Mr. Gulick, it was moved to forward the 4th Renewal of the Middleburg/Marshall 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.

- 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 removed from 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 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.

4th RENEWAL OF THE SOUTHERN FAUQUIER AGRICULTURAL & FORESTAL DISTRICT (AGFO-14-000698)

Mr. Del Rosso reviewed the staff report, a copy of which is attached to and made a part of these official minutes.

After discussion, on motion made by Mr. Schwartz and seconded by Mr. Gulick, it was moved to forward the 4th Renewal of the Southern Fauquier 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.
 - 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 removed from 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 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 MATTERS:

- The Committee requested that staff review the Paris Valley Agricultural and Forestal District to determine why the acreage has dropped from 1,250 at its inception in 1990 to a current total of 351.2511. In addition, the Committee requested that staff review the Southern Fauquier Agricultural and Forestal District to determine why, at its inception in 1982, there were only 184 parcels totaling 16,776 acres but currently there are more parcels (256) with a total of only 16,314.9114 acres. Staff will research these issues and follow up with an email to Committee members. Staff will also include this type of information in future staff reports.
- Mr. Schied expressed appreciation to staff for the informative and beautifully illustrated *Agricultural and Forestal Districts* brochure that has been prepared. Mr. Schied suggested that copies be given to other agencies (i.e., John Marshall Soil and Water Conservation District; Department of Parks and Recreation; Libraries; Farm Credit, etc.) for display.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:30 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.