

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

April 1, 2015

The Fauquier County Agricultural and Forestal District Advisory Committee held a meeting on April 1, 2015, 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; Ms. Patty Leonard, Vice-Chairperson Elect; Mr. William W. Gulick, Jr. Mr. Peter Schwartz; Mr. Ken Smith; Ms. Katherine Strother; and Mr. Tom Weber. Also present were Mr. Andrew Hopewell, Assistant Chief of Planning; Mr. Ben Holt, Planner I; and Mrs. Fran Williams, Administrative Manager. Guest present was Ms. Jolly de Give. Members absent were Mr. Ross D'Urso and Mr. William Worrall. Staff absent was Mr. Don Del Rosso, Planner II.

**ELECTION OF OFFICERS:**

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

The motion carried unanimously.

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

The motion carried unanimously.

**MINUTES:**

On motion made by Mr. Schwartz and seconded by Mr. Weber, it was moved to approve the March 12, 2014 minutes.

The motion carried unanimously.

**AGENDA ITEMS:**

**20<sup>th</sup> ADDITION TO THE MARSHALL/WARRENTON AGRICULTURAL & FORESTAL DISTRICT (DON DEL ROSSO, STAFF)**

- **AGFO-15-002536** – Edwin C. & Kimberly L. Jackson (Owners/Applicants), PIN 6955-11-7012-000, located at 7312 Oak Lane, Marshall, Virginia, Marshall District.

Mr. Hopewell 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 20<sup>th</sup> 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.

**22<sup>nd</sup> ADDITION TO THE SOUTHERN FAUQUIER AGRICULTURAL AND FORESTAL DISTRICT (DON DEL ROSSO, STAFF)**

- **AGFO-15-002575 – Michael & Brenda Morgan (Owners/Applicants), PIN 7849-11-3813, located at 2356 Cromwell Road, Catlett, Virginia, Cedar Run District.**

Mr. Hopewell 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. Weber and seconded by Mr. Gulick, it was moved to forward the 22<sup>nd</sup> 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. 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.

**3<sup>rd</sup> RENEWAL OF THE FIERY RUN AGRICULTURAL & FORESTAL DISTRICT  
(AGFO-15-002737) (BEN HOLT, STAFF)**

Mr. Holt 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. Smith, it was moved to forward the 3<sup>rd</sup> Renewal of the Fiery Run 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.

**4<sup>th</sup> RENEWAL OF THE ROUTTS HILL AGRICULTURAL & FORESTAL DISTRICT (AGFO-15-002738) (BEN HOLT, STAFF)**

Mr. Holt 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. Smith and seconded by Mr. Schwartz, it was moved to forward the 4<sup>th</sup> Renewal of the Routts Hill 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.

**3<sup>rd</sup> RENEWAL OF THE THUMB RUN AGRICULTURAL & FORESTAL DISTRICT  
(AGFO-15-002739) (BEN HOLT, STAFF)**

Mr. Holt 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 3<sup>rd</sup> Renewal of the Thumb Run 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.

**2<sup>nd</sup> RENEWAL OF THE TRUMBO HOLLOW AGRICULTURAL & FORESTAL DISTRICT (AGFO-15-002740) (BEN HOLT, STAFF)**

Mr. Holt 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. Weber and seconded by Mr. Schwartz, it was moved to forward the 2<sup>nd</sup> Renewal of the Trumbo Hollow 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:**

- Mr. Hopewell stated that an application was received earlier in the day requesting withdrawal from The Plains Agricultural and Forestal District and requested that it be considered at this Committee meeting. The Committee agreed to hear the following request:

**WITHDRAWAL FROM THE PLAINS AGRICULTURAL AND FORESTAL DISTRICT (ANDREW HOPEWELL, STAFF)**

- AGFO-15-002902 – Belvoir Farm, Inc., PIN 6979-45-2599-000, located on Winchester Road, Marshall, Virginia, Scott District.

Mr. Hopewell reviewed the request.

Ms. Strother recused herself from any discussion or vote on this matter.

After discussion, on motion made by Mr. Smith and seconded by Mr. Schwartz, it was moved to forward this request to the Board of Supervisors with a recommendation of approval.

The motion carried 6 – 0, with one abstention, as follows:

AYES: Mr. Smith, Mr. Schwartz, Ms. Leonard, Mr. Gulick,  
Mr. Schied, Mr. Weber

NAYS: None

ABSTENTION: Ms. Strother

ABSENT: Mr. D'Urso, Mr. Worrall

- The Committee determined that all owners of property between 5 acres and 25 acres in a district scheduled for renewal shall be notified by Certified Mail/Return Receipt Requested to ensure they are afforded the opportunity to request that their parcels remain in the Agricultural and Forestal District.
- The Committee requested that language in future renewal staff reports regarding parcels between 5 acres and 25 acres be revised for clarity.
- The Committee thanked staff for an excellent job in preparing the materials for review.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 7:45 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.*