

Fauquier County – Agricultural and Forestal District Policy

Each year, under the procedures established by the *Code of Virginia*, the Fauquier County Board of Supervisors considers whether or not to renew existing Agricultural and Forestal Districts facing expiration in the following year. In addition, each year, landowners may file by February 1st to create a new Agricultural and Forestal District or to add parcels to any existing Agricultural and Forestal District. In both cases, the Board considers all such applications. The Fauquier County Agricultural and Forestal Advisory Committee, as well as the Fauquier County Planning Commission, are charged under the *Code of Virginia* with providing advice to the Board relative to these decisions.

Purpose

The *Code of Virginia* sets forth the following purpose for Agricultural and Forestal Districts:

...to help conserve and protect and to encourage the development and improvement of the Commonwealth's agricultural and forestal lands for the production of food and other agricultural and forestal products. It is also the policy of the Commonwealth to conserve and protect agricultural and forestal lands as valued natural and ecological resources, which provide essential open spaces for clean air sheds, watershed protection, wildlife habitat, as well as for aesthetic purposes.

Comprehensive Plan

In addition to *Code of Virginia* goals, the Agricultural and Forestal District Program also aligns with Fauquier County objectives in its Comprehensive Plan. One of the major goals of the Comprehensive Plan is “to recognize the County’s traditional agricultural and rural character and the need for the preservation of its open space and scenic beauty.” Since adoption of the plan in 1967, the County established its policy of directing growth within town areas or *service districts*, thereby preserving the rural lands which comprise the majority of the County. The Agricultural and Forestal District program supplements preservation by providing special voluntary incentive for landowners in the preservation of large tracts of forest, pasture and farmland. Ongoing participation in the program helps ensure protection of this valuable resource.

Process

Typically, Agricultural and Forestal Districts in Fauquier County are approved for a term of eight years. During the renewal process, any landowner with property in a District may automatically withdraw their land by submitting a written request during the renewal process, with the withdrawal becoming effective upon the expiration date of the current term of the District. In addition, any landowner with qualifying lands may apply to add their property to a District being renewed throughout the renewal process.

New Districts and Additions

The *Code of Virginia* further establishes that landowners may apply to have new districts established or new parcels added to *any* of the County's existing districts once each year, with a deadline of February First. As with renewals, parcels less than 25 acres proposed to be added to districts must meet the Board of Supervisors' requirements described above.

Criteria for Evaluating Applications

The *Code of Virginia* also establishes standards to be considered in determining whether or not to include land in an agricultural and forestal district. These broad standards include:

- The agricultural and forestal significance of the land and adjacent land;
- The presence of any significant agricultural or forestal lands within the district or adjacent areas that are not now in active agricultural or forestal production;
- The nature and extent of land uses other than active farming or forestry within the district and in adjacent areas;
- Local development patterns and needs;
- The comprehensive plan and, if applicable, the zoning regulations;
- The environmental benefits of retaining the lands in agricultural and forestal uses; and
- Any other relevant matters.

The Code further states that “*in judging the agricultural and forestal significance of land . . . soil, climate, topography, other natural factors, markets for agricultural and forestal products, the extent and nature of farm structures, the present status of agriculture and forestry, anticipated trends in agricultural economic conditions and such other factors as may be relevant*” may be considered.

Recommendations

The Virginia Code provisions governing Agricultural and Forestal Districts allow the Board of Supervisors to stipulate conditions on districts. However, the Board of Supervisors may wish to recommend modification of these conditions, if it is determined that, from a policy perspective, the intent of the Agricultural and Forestal District would be better served with a revised set of conditions.

At this time, staff recommends that any districts that are renewed, and any properties added, be subject to the following:

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 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.