



Recent Changes to the Virginia Agricultural and Forestal District Act

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July 13, 2011



*VIRGINIA DEPARTMENT
OF AGRICULTURE AND
CONSUMER SERVICES*



Office of Farmland Preservation

- Established in 2001 by General Assembly
- Officially opened in January 2007
- Code of Virginia charges with five missions:
 - Establish and support local PDR programs
 - Educate public about farmland preservation
 - Help farmers with farmland preservation efforts
 - Assist local governments with additional efforts
 - Administer Virginia Farm Link program
- Administers Virginia Century Farm Program (as of October 2010)



Agricultural and Forestal Districts

- Areas where landowners join together to encourage and protect agriculture
- Criteria include the following:
 - Landowners must ask local governments to create
 - District must contain at least 200 acres
 - Locality must establish an ag district advisory committee
 - Applicants can propose district creation requirements
 - Applicants suggest term for district from 4-10 years



Agricultural and Forestal Districts

- Landowner benefits include:
 - Use value taxation (even if not approved in the locality)
 - Local government cannot unreasonably restrict agriculture or forestry in district, and must take districts into account in planning decisions
 - State agencies shall encourage agricultural and forestal districts, and regulations and procedures shall support this
 - No special district may impose assessments or special tax levies
 - Additional protection from eminent domain
 - Localities may adopt other incentives as well
- Withdrawal limited to “good and reasonable cause”
 - 338 districts in 30 localities covering 731,414 acres



Rural Enterprise Opportunity Task Force

- 2010 General Assembly directed the Center for Rural Virginia to create a “rural enterprise opportunity task force”
- Task Force held five meetings between June and October 2010, and final report was released in November 2010
- One of the three recommendations was that the Virginia Agricultural and Forestal District Act should be streamlined, and made less complex to implement and continue once in place
- Resulted in the passage of Chapter 344 of the 2011 Acts of the Assembly



Chapter 344 (2011 Acts of the Assembly)

- Adds in definition of “program administrator”
- Provides options for allowable maps
- Eliminates form as detailed in the Code of Virginia
- Streamlines application process as required
- Allows for planning commission to serve as advisory committee
- Gives local governing body more flexibility in including additional land to an existing core
- Clarifies that additional parcels can be added to existing districts at any time



Program Changes

- Adds in definition of “program administrator”
 - Local governing body or local official appointed by the local governing body to administer the agricultural and forestal districts program
- Provides options for allowable maps
 - Removes requirements for USGS 7.5 minute topo map
 - Allows “maps or aerial photographs, or both, prescribed by the locality that” shows boundaries, “and any other features as prescribed by the locality”
 - Removes requirements for a VDOT general highway map for the locality that shows the general location of the proposed district
- Eliminates sample form as detailed in the Code of Virginia



Streamlines Review Process

- Program administrator refers applications to advisory committee, which makes recommendation to planning commission
- Planning commission shall:
 - Notify adjacent property owners by first class mail
 - Hold a public hearing as prescribed in law
 - Report recommendations to local governing body
- Local government still has to hold a public meeting as required by law once it receives planning commission recommendations
- Similar process for requests for landowner withdrawal from a district



Additional Changes

- Allows for planning commission to serve as advisory committee
 - If commission includes at least four landowners who are engaged in agricultural or forestal production
- Gives local governing body more flexibility in including additional land to an existing core
 - If local governing body finds, in consultation with the advisory committee or planning commission, that parcel contains agriculturally and forestally significant land
- Clarifies that additional parcels can be added to existing districts at any time
 - Additional parcels of land may be added to an existing district at any time by following the process and application deadlines for creation of a new district



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