Recent Changes to the Virginia Agricultural and Forestal District Act

Kevin Schmidt
Coordinator, Office of Farmland Preservation
Virginia Department of Agriculture and Consumer Services

July 13, 2011
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
For Additional Information

- (804) 786-1346
- Kevin.Schmidt@vdacs.virginia.gov
- www.vdacs.virginia.gov/preservation
- www.vafarmlink.org