



# 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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## For Additional Information

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