

Northampton County Agricultural and Forestal Districts (AFDs) Policy

Reviewed: August 11, 2009
Adopted: August 11, 2009
Amended: August 25, 2009
Amended: April 10, 2012
Amended: Dec. 9, 2014

- I. Declaration of policy findings and purpose. It is the policy of the Commonwealth of Virginia and Northampton County to conserve and protect and to encourage the development and improvement of agricultural and forestal lands for the production of food and other agricultural and forestal products. It is also the policy of the Commonwealth of Virginia and Northampton County 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. Agricultural and forestal lands are recognized as economic and environmental resources of major importance.
- II. Procedure.
(A) Creation of new districts and additions to existing districts.

Northampton County AFDs shall be established through the enactment of ordinances following the application and review process set forth in §15.2-4300 *et seq.*, the Agricultural and Forestal Districts Act, of the Code of Virginia as amended.

- (1) Applications may be submitted each year between January 15 and February 15 on forms supplied by the Northampton County Department of Planning and Zoning. No application will be accepted for land for which any applicable taxes are delinquent.
- (2) At a minimum each district shall consist of a core at least 200 acres in one parcel or in contiguous parcels. A parcel not part of the core may be included in a district (i) if the nearest boundary of the parcel is within one mile of the boundary of the core, (ii) if it is contiguous to a parcel in the district the nearest boundary of which is within one mile of the boundary of the core, or (iii) if the local governing body finds, in consultation with the AFD Advisory Committee or Planning Commission, that the parcel not part of the core or within one mile of the boundary of the core contains agriculturally and forestally significant land.

Real estate devoted solely to (i) agricultural or horticultural use and consisting of five acres or less; or (ii) forestal use consisting of 20 acres or less, may not receive the tax exemption benefit herein provided but may be included within the boundaries of an agricultural-forestal district.

- (3) Upon receipt of an application for creation of a new district or an addition to an existing district, the program administrator shall refer such application to the AFD Advisory Committee which shall review and make recommendations concerning the application or modification thereof to the Northampton County Planning Commission. The Planning Commission shall -notify by first-class mail all adjacent property owners and where applicable, any political subdivision whose territory encompasses or is part of the district, of the application. The notice shall contain: (i) a statement that an application for a district has been filed with the program administrator; (ii) a statement that the application will be on file open to public inspection in the office of the clerk of the local governing body; (iii) where applicable a statement that any political subdivision whose territory encompasses or is part of the district may propose a modification which must be filed with the Planning Commission within thirty days of the date of the notice; (iv) a statement that any owner of additional qualifying land may join the application-within 30 days from the date of the notice or, with the consent of the Board, at any time before the required public hearing before the Board; (v) a statement that any owner who joined in the application may withdraw his land, in whole or in part, by written notice filed with the Board of Supervisors, at any time before the Board acts; and (vi) a statement that additional qualifying lands may be added to an already created district any time by following the process and application deadlines prescribed for the creation of a new district. The Northampton County Planning Commission will conduct a public hearing and forward recommendation on the application to the Board of Supervisors. The Board, after receiving the report of the Planning Commission and the AFD Advisory Committee, will conduct a public hearing on the application and act to adopt, modify, or reject the application.
- (4) The Northampton County Board of Supervisors may direct that a second application period be offered in any given year. Notice of any supplementary application period shall be posted at least one (1) week prior to the beginning of the application period and a press release shall be published in the local newspaper. The Board shall act to adopt or reject applications or any modifications thereof no later than 180 days from February 15 and the other application deadline as may be selected in a given year.

(B) Criteria for review of applications.

Applications shall be reviewed by the AFD Advisory Committee based upon certain criteria as stipulated in § 15.2-4306 of the Code of Virginia of 1950 as amended, and to include the use of Best Management Practices (BMPs).

(C) Withdrawal of land from an AFD.

At any time any owner of land lying within an AFD may file with the program administrator a written request to withdraw all or part of his land from the district for good and reasonable cause. The request should detail the reason for the request, and if development of the land is contemplated, a description of the proposed development should be included. The withdrawal request shall be referred to the AFD Advisory Committee for its recommendation to the Planning Commission, which shall hold a public hearing and make recommendations to the Board of Supervisors. If the request is approved by the Board of Supervisors, land which is no longer part of an AFD will be subject to the assessment of roll-back taxes as determined by the Commissioner of the Revenue in accordance with Virginia tax law.

Upon the death of the owner of property within an AFD, any heirs have the right to withdraw the land from the AFD provided that written notice of withdrawal is filed with the Board of Supervisors and the Commissioner of the Revenue within two (2) years of the date of death of the owner.

(D) Fees.

The fee for any application to create a new district or to add land to an existing district shall be \$500.00 as provided in Virginia Code §15.2-4303. Owners of qualifying property wishing to join an application following initial publication of the required notice of application will be assessed a fee based on actual costs of processing the modification of the application, not to exceed \$500.00.

III. Effects of AFDs; review of AFDs.

(A) Taxes.

Land lying within an AFD automatically qualifies for agricultural or forestal use-value assessment by the Commissioner of the Revenue in accordance with Virginia tax law.

Pursuant to Code of Virginia §58.1-3235, if property receiving special land use assessment through an AFD is delinquent in taxes at June 1, the Commissioner of the Revenue shall remove such property from the land use program.

(B) Land use within an AFD.

The Northampton County Comprehensive Plan will be updated to reflect adopted AFDs, and the plan, zoning ordinance, and subdivision ordinance will continue to apply to land within an AFD to the extent that such ordinances are not in conflict with conditions to the creation or continuation of the district set forth in the ordinance creating or continuing the district. In addition, land use planning and

administrative decisions and procedures affecting parcels of land adjacent to any district shall take into account the existence of the AFD.

(C) Review of districts.

The ordinance creating a district shall specify a time period for review of the district of not less than four (4) years nor more than ten (10) years from the date of its creation and every four (4) to ten (10) years thereafter. Historically, Northampton County AFDs have been established for a period of ten (10) years. The review shall begin at least ninety (90) days prior to the expiration of the period established when the district was created. Both the AFD Advisory Committee and the Planning Commission shall provide recommendations to the Board of Supervisors concerning the continuation, modification, or termination of a district. Either the AFD Advisory Committee OR the Planning Commission shall conduct a public meeting with owners of land within the district under review. The Board of Supervisors shall conduct a public hearing prior to action to continue, modify, or terminate a district. The Board of Supervisors may stipulate conditions to continuation of the district and may establish a period before the next review of the district, which may be different from the conditions or period established when the district was created. Any such different conditions or period shall be described in a notice sent by first-class mail to all owners of land within the district and published in a newspaper having a general circulation within the district at least two weeks prior to adoption of the ordinance continuing the district. At any time during the review process up until the time of the Board's action, land may be withdrawn from the AFD at the owner's discretion by filing a written notice with the Board.

If the Board determines that a review of an AFD is unnecessary, it shall set the year in which the next review shall occur.