

JAMES CITY COUNTY'S AGRICULTURAL AND FORESTAL DISTRICTS: Information for Landowners

Q. WHAT IS AN AGRICULTURAL AND FORESTAL DISTRICT?

A. An Agricultural and Forestal District (AFD) is a distinct segment of land holdings that total at least 200 acres in one parcel or several contiguous parcels that will be used purely for agricultural and/or forestal purposes.

Q. WHAT ARE SOME EXAMPLES OF THESE PURPOSES?

A. Agricultural production includes all land involved in the production of crops, orchards, horticulture, livestock and related products for commercial purposes. It excludes land segments that are used for processing or the retail merchandising of these items. Lumber, pulpwood, posts, Christmas trees, or other wood products for farm use or sale are considered forestal products.

Q. WHAT IS THE LEGAL BASIS FOR THESE DISTRICTS?

A. It is the result of the Agricultural and Forestal Districts Act of 1977 (AFDA). It is found in Title 15.1., Chapter 36, Sections 15.1-1506 through 15.1-1513 of the Code of Virginia.

Q. WHY WAS IT CREATED?

A. The General Assembly created the Act to encourage local governments and landowners to unite in protecting and enhancing agricultural and forestal land as environmental and economic resources.

Q. HOW MUCH COUNTY LAND IS INVOLVED?

A. The first district in James City County was created in 1986 and contained 1494 acres. As of June 31, 2003 the amount of County land in Agricultural and Forestal Districts is 17,935 acres.

Q. HOW ARE AFD's VIEWED BY JAMES CITY COUNTY?

A. These districts are viewed as a way to encourage and maintain a strong agricultural and forestal economy. Although not specifically referenced in the Code, these districts are viewed by James City County as tools that help promote and protect agricultural land and the County's agricultural heritage.

Q. WHAT ARE THE BENEFITS TO THE LANDOWNER?

A. There are several distinct benefits for landowners:

- ❖ Assurance that most AFD land qualifies for use-value taxation
- ❖ Protection of land against developmental pressure
- ❖ Protection against nuisance ordinances

For forestal land, receipt of use-value taxation use is dependent on membership within an AFD. However, use-value taxation for agricultural or horticultural purposes can be received for lands that are not in these special districts.

Q. HOW DO I INITIATE THE PROCESS?

A. Any interested landowner can obtain an Application for the Creation of or Addition to Agricultural and Forestal District from the Planning Division. The completed application and a General County Highway Map should be submitted to the Planning Division.

Q. IS THERE A FEE?

A. There is a \$100 fee charged at the time of application for the creation of or addition to an Agricultural and Forestal District. This fee is used for administrative purposes and for the legally required advertising involved.

Q. HOW LONG DOES IT TAKE TO PROCESS AN APPLICATION?

A. The Act specifies that the process from the completed landowner application to the final decision must not exceed 180 days. The process typically takes about 90 days in James City County and involves three meetings.

Q. WHAT IS THE PROCESS AFTER AN APPLICATION IS SUBMITTED?

A. To ensure that each matter is handled equitably, the Agricultural and Forestal Districts Act has requirements for reviews and public hearings. Once a landowner submits a completed application a meeting is called of the Agricultural and Forestal District Advisory Committee. This committee evaluates the application and the significance of the land parcel involved, and then they make a recommendation to the Planning Commission. At this point a public hearing is held, proposed changes are published, and a recommendation is made to the Board of Supervisors. After a final public hearing and subsequent modifications, the application is approved or denied.

Q. HOW IS THE DISTRICT CREATED?

A. Once approved, the Board must enact an ordinance that stipulates the conditions within the district and the time period, from four to ten years, until the first review. At that time the Board can modify, terminate or allow the district to continue as it has. Periodic reevaluation is required as long as a district exists.

Q. WHO IS ON THE AFD ADVISORY COMMITTEE?

A. The AFD Advisory Committee consists of landowners who are actively farming, four other County landowners, the Commissioner of Revenue, and one member of the Board of Supervisors.

Q. WHY WAS IT FORMED?

A. It serves to advise the Board of Supervisors on the establishment, modification and termination of districts. The committee utilizes the provisions of the Act to ensure objective decision-making.

Q. ONCE APPROVED, HOW CAN I HAVE MY LAND REASSESSED FOR TAX PURPOSES?

A. Landowners should contact the Commissioner of Revenue to file the appropriate forms to have land reassessed at use-value.

Q. CAN PARCELS BE ADDED?

A. Once the core 200 acres have been established, there is a minimum requirement for additional acreage. The minimums are 5 acres for cultivated agricultural land, and 20 acres for qualified timberland. These supplementary parcels can be contiguous parcels, parcels within one mile of the perimeter line and parcels contiguous to those within one mile of the perimeter.

Q. WHAT IF I WANT TO WITHDRAWAL BEFORE REVIEW?

A. Landowners should submit a written request for withdrawal to the Planning Division. The Act specifies that a withdrawal can be done if "good and reasonable cause exists. The case will be evaluated against criteria established to meet the Act's requirements, and the final decision is made by the Board of Supervisors.

Q. WHAT IF MY REQUEST FOR WITHDRAWAL IS DENIED?

A. Any landowner whose withdrawal request is denied can appeal it to the circuit court.

Q. WHAT FEES ARE INVOLVED IN THE WITHDRAWAL PROCESS?

A. There is a \$50 withdrawal fee, and if there is a change in land use the owner is responsible for roll back taxes for 5 years plus penalties and interest. Additionally, a landowner is subject to any local laws that previously could not be enforced on the land because of the existence of or inclusion within the district.