



# **STAFF REPORT**

<b>PC Meeting Date:</b>	January 27, 2021
<b>Agenda Title:</b>	Agricultural and Forestal District #AFD2017-00001, 2017 Review of Agricultural and Forestal Districts (AFD)
<b>District Impact:</b>	Brentsville Magisterial District
<b>Requested Action:</b>	Recommend, as part of the periodic review of Agricultural and Forestal District #AFD2017-00001, 2017 Review of Agricultural and Forestal Districts (AFD), the modification of AFD91-1 and termination of AFD79-1 and AFD80-1.
<b>Department:</b>	Planning
<b>Case Planner:</b>	Connie M. Dalton, AICP

## **EXECUTIVE SUMMARY**

The periodic review of the existing three Agriculture and Forestal Districts, AFD79-1, AFD80-1, and AFD91-1 is required, by state law to occur every 4 to 10 years. Initiated in April 2017, this has been an ongoing process with numerous changes throughout this review process. The Periodic Review of the districts must be completed by March 20, 2021.

Following the Planning Commission acting on this case on April 18, 2018 and prior to this review being heard by the Board, two applications were submitted to the Planning Office. Both cases were subsequently reviewed and approved by both the Planning Commission and the Board of County Supervisors. This action allows for the creation of a viable 200-acre core in AFD91-1, which is one of the requirements for establishing and maintaining an agricultural and forestal district.

As such, Staff is bringing this 2017 Periodic Review back to the Planning Commission to identify the changed circumstances to determine if the Planning Commission desires to alter the previous recommendation to terminate the three districts. The Planning Commission's recommendation was based on previous recommendations of the AFD Committee and Staff based on the fact that a viable 200-acre core no longer existed in any of the three AFDs due to the number of requested written withdrawals submitted to the Planning Office.

It is Staff's recommendation that the Planning Commission recommend modification of AFD91-1 and the termination of AFD79-1 and AFD80-1 to allow for the withdrawal of the parcels that requested to do so, removal of properties that have not responded to requests to confirm their desire to remain or withdraw (this is a voluntary program) and allow for the properties, that requested in writing to remain, to be permitted to do so as part of AFD91-1, which now has a viable core of 200 acres. This recommendation is based on Virginia Code §15.2-4305 that further provides that a parcel not part of the core may be included in a district "... (iii) if the local governing body finds, in consultation with the 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."

## BACKGROUND

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- A. Agricultural and Forestal Districts Established: The Board of County Supervisors approved and established, pursuant to the provisions of the Agricultural and Forestal Districts Act ("the Act"), Section 15-2-4300 et seq., Code of Virginia, three (3) Agricultural and Forestal Districts (AFDs) currently constituting approximately 2,560 acres in the Brentsville Magisterial District and referenced as AFD79-1, AFD80-1, and AFD91-1. The Board established its first district in 1979. The existing three Agricultural and Forestal Districts are generally located east of the Fauquier County Line, north of the Marine Corp Base, and south of Route 28 in the Rural Area of the County. (See Attachments)
- B. Agricultural and Forestal District Purpose: The purpose of an Agricultural and Forestal District under Virginia Code §15-2-4300 et seq., is to provide a means for a mutual undertaking by landowners and localities to "conserve and protect and to encourage the development and improvement of the Commonwealth's agricultural and forestal lands for the production of food and other agricultural and forestal products. It is also the policy of the Commonwealth 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. It is the purpose of this chapter to provide a means for a mutual undertaking by landowners and localities to protect and enhance agricultural and forestal land as a viable segment of the Commonwealth's economy and as an economic and environmental resource of major importance." Virginia Code §15.2-4301.
- C. Agricultural and Forestal Districts Area Requirements: The Act authorizes localities to establish one or more districts. Each district shall have a core of no less than 200 acres in one parcel or in contiguous parcels. Virginia Code §15.2-4305 further provides that "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 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."
- D. Benefits of Agricultural and Forestal Districts:
1. Use-Value Assessment – Properties included in the Agricultural and Forestal District may qualify for an agricultural or forestal use-value assessment as long as the requirements for the Use Value Assessment Program are satisfied. Virginia Code § 15.2-4312(A)
  2. Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance within AFDs – Virginia Code § 15.2-4312(B) states, "No local government shall exercise any of its powers to enact local laws or ordinances within a district in a manner which would unreasonably restrict or regulate farm structures or farming and forestry practices in contravention of the purposes of this chapter unless such restrictions or regulations

bear a direct relationship to public health and safety. The comprehensive plan and zoning and subdivision ordinances shall be applicable within said districts, to the extent that such ordinances are not in conflict with the conditions to creation or continuation of the district set forth in the ordinance creating or continuing the district or the purposes of this chapter. Nothing in this chapter shall affect the authority of the locality to regulate the processing or retail sales of agricultural or forestal products, or structures therefor, in accordance with the local comprehensive plan or any local ordinances. Local ordinances, comprehensive plans, land use planning decisions, administrative decisions and procedures affecting parcels of land adjacent to any district shall take into account the existence of such district and the purposes of this chapter."

3. Commonwealth Encouragement – "It shall be the policy of all agencies of the Commonwealth to encourage the maintenance of farming and forestry in districts and all administrative regulations and procedures of such agencies shall be modified to this end insofar as is consistent with the promotion of public health and safety and with the provisions of any federal statutes, standards, criteria, rules, regulations, or policies, and any other requirements of federal agencies, including provisions applicable only to obtaining federal grants, loans or other funding." Virginia Code §15.2-4312(C).
4. Special Tax Districts within AFDs – Special tax districts for sewer, water, or electricity are limited in the AFDs. "No special district for sewer, water or electricity or for nonfarm or nonforest drainage may impose benefit assessments or special tax levies on the basis of frontage, acreage or value on land used for primarily agricultural or forestal production within a district, except a lot not exceeding one-half acre surrounding any dwelling or nonfarm structure located on such land. However, such benefit assessment or special ad valorem levies may continue if imposed prior to the formation of the district." Virginia Code §15.2-42312(D).
5. Routes for New Infrastructure (e.g., roads, transmission lines) – Virginia Code § 15.2-4313(A) provides that, "Any agency of the Commonwealth or any political subdivision which intends to acquire land or any interest therein other than by gift, devise, bequest or grant, or any public service corporation which intends to: (i) acquire land or any interest therein for public utility facilities not subject to approval by the State Corporation Commission, provided that the proposed acquisition from any one farm or forestry operation within the district is in excess of one acre or that the total proposed acquisition within the district is in excess of ten acres or (ii) advance a grant, loan, interest subsidy or other funds within a district for the construction of dwellings, commercial or industrial facilities, or water or sewer facilities to serve nonfarm structures, shall at least ninety days prior to such action notify the local governing body and all of the owners of land within the district. Notice to landowners shall be sent by first-class or registered mail and shall state that further information on the proposed action is on file with the local governing body."

- E. Use Value Assessment – The Use Value Assessment Program (Program) was established under Virginia Code §58.1-3231 to preserve real estate for agricultural, horticultural, forestal and open space use. Under the Program, properties are assessed based on the value for their agricultural, horticultural, forest, or open space use, allowing qualifying land to be taxed according to its use value, rather than its market value. This results in a lower assessment and therefore, lower property tax for participants in the Program. The Program is a voluntary County-wide program; qualifying properties do not need to be in an AFD to participate.
- F. Voluntary Program – Property owners must request to be included in an AFD and have the right to remain or withdraw from an AFD during its periodic review. When each AFD is reviewed, land within the AFD may be withdrawn at the owner's discretion by filing a written notice with the Board at any time before it acts to continue, modify, or terminate the AFD. At any other time, a property owner can make a written request for removal from an AFD for a good and reasonable cause. Requests for removal outside of the Periodic Review process entails meeting with the AFD Advisory Committee, and public hearings before the Planning Commission and the BOCS.
- G. Fees Reduced – BOCS Ord. No 18-05 adopted on January 23, 2018, reduced the fee for the formation and extension of an AFD from \$500.00 to \$50.00. There is no fee to be removed from an AFD.
- H. Periodic Review – Virginia Code §15.2-4311 authorizes the Board of County Supervisors to complete a review of districts created under the Act, if deemed necessary, no less than four years but no more than ten years after the date of creation and every four to ten years thereafter, to determine whether the districts should be continued, modified or terminated. As part of the review process, the Board may stipulate conditions for continuation of the district, establish a periodic review before the next review of the district, modify the district, terminate the district, or allow the district to continue as originally constituted with the same condition and the period before the next review was established when the district was created.
- I. Last Review – Prince William County last reviewed the existing AFDs on March 20, 2001. On December 7, 2010, Res. No. 10-896, the Board of County Supervisors determined a review of the AFDs was not necessary. The Resolution stated that the next review shall be initiated no later than December 7, 2020 and shall be completed on or before March 20, 2021.
- J. Initiation – The Board of County Supervisors initiated this review through Res. No. 17-150 dated April 4, 2017. (see Attachment)

## **CURRENT SITUATION**

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### **A. AFD Activity During the On-going AFD Periodic Review –**

1. On-going Periodic Review Process – As stated above the 2017 Periodic Review was initiated by the Board on April 4, 2017. As part of the periodic review process AFD members were contacted, meetings were held with the AFD Committee and a Public Hearing was held with the Planning Commission on April 18, 2018. The Planning Commission recommended the termination of AFD79-1, AFD 80-1, and AFD91-1 based on the information provided at the time of review. At that time, due to the number of requested withdrawals from the AFD, which is at the owner's discretion during a periodic review, a core of 200 acres no longer existed in any of the three existing AFD districts.
2. Awaiting BOCS Action – Following the Planning Commission public hearing and recommendation several Board of County Supervisor public hearing meetings were scheduled and advertised (May 15, 2018, January 22, 2019, and February 12, 2019). For a variety of reasons, the periodic review case was not heard and therefore this AFD Periodic Review case has not been acted upon by the Board at this time.
3. Changed Circumstances – In the meantime, the Planning office received two applications, in 2019, for properties to be added to AFD91-1. These cases AFD2019-00002 Farmview LLC (± 4.05 acres) and AFD2019-00003, TCB Land Management ( ± 80.17 acres) were reviewed by the AFD Advisory Committee, and was heard and recommended for approval by both the Planning Commission and the Board. On April 28, 2020, the BOCS approved both of these applications,
4. Viable Core in AFD91-1 - Approval of these cases, together with an existing 125 acre AFD parcel allows for the establishment of a new 200 acre core for AFD 91-1 thereby potentially impacting the previous recommendation by the Planning Commission. Staff is therefore bringing the 2017 Periodic Review back to the Planning Commission for review based on the changed circumstances.

### **B. Action of the Planning Office – Throughout the Periodic Review process the Planning Office has taken the following actions:**

1. Provided Citizen Notification – All owners of land within the current AFDs received written notification of the periodic review of the AFDs, the public meetings and requests to provide a written response regarding their desire to have their property remain in the AFD or request to have their property removed from the AFD as part of the Periodic Review Process.
2. Public Meetings with the AFD Advisory Committee – The Planning Office held three public meetings regarding the Periodic Review with the AFD Advisory Committee. The first was held on November 16, 2017, and the second was held on February 8, 2018, to provide for citizen participation and a recommendation from the AFD

Advisory Committee. Due to additional requests by property owners to be removed, following the February 8, 2018 AFD Advisory Committee meeting, an additional meeting was held on April 11, 2018, to provide an update to the Advisory Committee and the community. The requested withdrawals impacted the ability of the AFDs to maintain the statutorily required core of a minimum of 200 acres in one parcel or in contiguous parcels, thereby impacting the viability of all three AFDs.

3. Subsequent Public Meetings with the AFD Advisory Committee – In July 2019 the Planning Office received two applications for properties to be added to AFD91-1. These applications were processed and the required public meetings were held. As a result of the AFD Advisory Committee's recommendation to approve the two additions to AFD91-1, the AFD also rescinded their previous resolution for termination and recommended reinstating the original resolution from the February 8, 2018 meeting which recommended that all parcels, except those specifically requesting to be removed, remain in the AFD. (AFD Res. No. 19-005, Attached)
  4. Analysis Provided – The Planning Office provided the AFD Advisory Committee with a comprehensive analysis of each AFD during the Periodic Review process. This analysis included both maps and spreadsheets identifying all property owners in the AFD, a report of all responses received (if any) indicating the owner's desire to remain in the AFD or be removed, and a list of all properties currently participating in the Use Value Assessment Program and/or if a Farm Conservation Plan existed for the property. (See Attachment).
  5. Requested the Reduction of AFD Application Fees – The Board approved a reduction of the fee for the formation and extension of an AFD from \$500 to \$50 through Ord. No. 18-05, adopted on January 23, 2018. The fee to withdraw from an AFD has been removed. Staff provided this request to the Board based on a recommendation from the AFD Advisory Committee to find measures to further incentivize the AFD and based on the analysis conducted regarding the fee schedules of surrounding jurisdictions.
- C. Recommendation of the AFD Advisory Committee – The AFD Advisory Committee, on February 8, 2018, recommended that all parcels, except those specifically requesting to be removed, remain in the AFD. At the time that this recommendation was made, AFD91-1, was a viable AFD with a 200-acre core. The AFD Advisory Committee voted to allow the remaining interested parcels to remain in the AFD utilizing the section of the Virginia Code that states, "(iii) if the local governing body finds, in consultation with the 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." There were numerous resolutions made to reach this recommendation. (RES 18-002 through RES 18-011)
- D. Additional Requests Received for Removal – Following the AFD Advisory Committee meeting on February 8, 2018, the Planning Office received 12 additional requests from property owners to withdraw from the AFD, including a request from the owner of a 331 acre parcel

that was the core parcel for AFD91-1. As a result of the additional requests for removal, there was no longer the required statutory core of 200 acres in one parcel or in contiguous parcels in any of the AFDs.

- E. April 11, 2018 Meeting with AFD Advisory Committee – Due to receiving the additional requests to withdraw from the AFDs, an additional AFD Committee meeting was held on April 11, 2018. At that time an update was provided to the AFD Advisory Committee and the community regarding the lack of required core areas. Lacking the required core, the AFD Advisory Committee changed its recommendation and adopted a new resolution recommending the termination of AFD79-1, AFD80-1, and AFD91-1. (Res. No. 18-013). This recommendation was provided to the Planning Commission prior to its public hearing on April 18, 2018.
- F. Comprehensive Analysis of the Three Existing AFD – A parcel-by-parcel analysis of the properties located in each AFD has been maintained and updated throughout this review process. The spreadsheet identifies the parcel, parcel address, acreage, response provided (if any), and whether the property is in the Use Value Assessment Program and/or has a Farm Conservation Plan. This information, current at the time of the meeting, was provided to the AFD Advisory Committee and Planning Commission, to aid in making their respective recommendation. The attached analysis has been updated to reflect the most accurate information available to staff at the time of this report (see Attachment).
- G. The Comprehensive Plan – Parcels included in the AFDs are generally designated AE, Agricultural or Estate (one dwelling per 10 acres), and ER, Environmental Resource; and two parcels are designated as County Registered Historic Sites (see Attachment). A decision by the BOCS to continue, modify, or terminate the AFDs will not change the properties' Comprehensive Plan designation.
- H. Zoning – All parcels included in the AFDs are zoned A-1, Agricultural. In addition to agricultural uses, the A-1 zoning allows for the creation of 10-acre residential lots (see Attachment ). A decision by the BOCS to continue, modify, or terminate the AFDs will not change the properties' zoning.
- I. Increased Subdivision Activity – There has been an increase in both family subdivisions and 10-acre subdivision activity in the general area and specifically in the AFDs, resulting in an increase in the number of parcels that are 15 acres or less.
- J. Planning Commission Recommendation – At the April 18, 2018, public hearing, the Planning Commission recommended as part of the Agricultural and Forestal District #AFD2017-00001, 2017 Review of Agricultural and Forestal Districts, terminating all three existing Agricultural and Forestal Districts, AFD79-1, AFD80-1, and AFD91-1. This recommendation was based on the fact that a 200-acre core no longer existed in any of the three AFD. (PC Res. No 18-042).
- K. Two Additonal Parcels Added to AFD91-1 – On February 5, 2020, the Planning Commission recommended approval of the addition of two parcels (80.17acre and 4.05 acres) to AFD91-1. The addition of the ±80.17-acre parcel, added to the existing ±125-acre Madera Farm

would increase the likelihood of #AFD91-1 remaining a viable Agricultural and Forestal District by establishing and maintaining a required 200-acre core. These applications were received prior to the completion of the required formal Periodic Review of Districts by the BOCS.

- L. BOCS Action on Two AFD Applications – On April 28, 2020, BOCS approved the addition of two parcels (80.17 acres and 4.05 acres) to AFD91-1.
- M. New 200-acre Viable Core in AFD91-1 – As a result of the additions to AFD91-1 together with the existing 125.84 acres (Madera Farm) a new 200 acre core was established.  $(80.17 + 125.84 = 206.1 \text{ acres})$  sustaining the viability of AFD91-1. This core will allow for interested property owners within one mile of the core to request to be added to AFD91-1. (See Attachment)
- N. Updated Planning Commission Recommendation Requested– Based on the fact that a viable 200-acre core exists in AFD91-1 Staff scheduled a meeting for the Planning Commission to review the changed circumstances and to provide an opportunity to provide an updated recommendation to the Board.
- O. Current Planning Office Recommendation – Staff recommends, as part of the Agricultural and Forestal District, #AFD2017-00001, 2017 Review of Agricultural and Forestal Districts (AFD), modifications to AFD91-1 and the termination of AFD79-1 and AFD80-1, providing that all parcels requesting to be removed and parcels that did not provide a written response be removed, and all parcels requesting to remain, remain as provided in the attachment for the following reasons:
  - 1. Written Requests to Withdraw or Remain – When each AFD is reviewed, land within the AFD may be withdrawn at the owner's discretion by filing a written notice with the Board at any time before it acts to continue, modify, or terminate the AFD. At the time of this staff report, twenty-eight (28) property owners have requested that their property be removed from the AFDs. This represents six additional requests since the time of the Planning Commission public hearing on April 18, 2018. Two additional parcels have been purchased by the County for the expansion of the training facilities and as such are also now recommended for removal, for a total of 30 parcels to be removed. These written requests for removal ( $\pm 1,444$  acres) represent approximately 56% of the total acreage ( $\pm 2,560$  acres) of the AFDs. Thirty-four property owners requested to remain in the AFD for a total of 759.65 acres. The chart below reflects the responses submitted to the Planning Office.



#### AFD Summary Analysis for 2017 Periodic Review

Existing AFD District	Existing Acreage (acreage/#of parcels)	Requested to be Removed (acreage/#of parcels)	No Response Received (acreage/#of parcels)  Recommend Removal due to voluntary nature of program	Requested to Remain in AFD
<b>AFD79-1</b>	554.97 29 parcels	24.4 acres 2 parcels	140.67 13 parcels	389.9 14 parcels
<b>AFD80-1</b>	1325.44 60 parcels	950.27 25 parcels	215.44 18 parcels	159.73 17 parcels
<b>AFD91-1</b>	679.03 6 parcels	469.01 3 parcels	0 0 parcels	210.02 3 parcels
<b>Totals</b>	2,559.44 95 parcels	1,443.68 30 parcels	356.11 31 parcels	<b>759.65</b> <b>34 parcels</b>

2. Required 200-Acre Core – The requirement under Virginia Code § 15.2-4305 to establish and maintain an AFD requires that there be core of at least 200 acres in one parcel or in contiguous parcels. Due to the requested removals, two AFD districts, AFD79-1 and AFD80-1, no longer meet the minimum 200-acre core requirements for an AFD. AFD80-1 the 200-acre core area has been reduced to 114 acres which no longer meets the statutory requirement. In AFD79-1, the previous (2005) withdrawal of Merrimac Farm eliminated a viable core for this district. The map in the Attachment depicts all of the parcels requesting to be removed and the resulting impact on AFD79-1 and AFD80-1. The recent addition of two new parcels to AFD91-1 has established the required 200-acre core for AFD91-1. The residual parcels in AFD79-1 and AFD80-1 do not contain the necessary acreage to maintain the statutorily-required core. It should be noted that under current Virginia law, parcels divided by public streets are not considered contiguous (see Attachment).
3. Alternative Option to Allow Residual Parcels in AFD79-1 and AFD80-1 to Remain in the AFD – Virginia Code § 15.2-4305 further provides that a parcel not part of the core may be included in a district “... (iii) if the local governing body finds, in consultation with the 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.” This is an option can for properties that have requested to remain as highlighted in the last column of the chart above.

4. Recommendation of the AFD Advisory Committee – Three public meetings with the AFD Advisory Committee were held and recommendations were provided to the Planning Commission. The recommendation, based on the current situation, was to allow AFD91-1 to continue with modifications and provided for the termination of AFD79-1 and AFD80-1 since these districts lacked the required core. The AFD Advisory Committee recommended allowing property owners who wished to remain to be permitted to do so as part of the AFD91-1.

- P. Planning Commission Public Hearing – A public hearing before the Planning Commission has been properly advertised for January 27, 2021.

#### **STAFF RECOMMENDATION**

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Staff recommends, as part of the Agricultural and Forestal District, #AFD2017-00001, 2017 Review of Agricultural and Forestal Districts (AFD), modifications to AFD91-1 and the termination of AFD79-1 and AFD80-1, providing that all parcels requesting to be removed and parcels that did not provide a written response, be removed, and all parcels requesting to remain, remain, as identified in the chart below, which will reflect the modified AFD91-1. Additionally, staff recommends that the periodic review period be changed to every four years for the modified AFD91-1.

7591-59-0389	7591-55-7774	7592-36-4052
7492-78-9292	7591-56-2799	7592-63-4122
7492-87-6880	7591-56-5723	7592-74-3371
7492-88-2267	7591-56-6474	7592-74-5221
7492-88-4841	7591-74-8042	7592-75-7419
7492-97-1120	7591-75-4887	7593-22-7641
7492-97-7568	7591-83-9207	7593-24-4640
7493-17-8304	7592-06-3045	7593-27-5251
7493-24-4694	7592-19-2066	7593-27-8289
7493-35-9065	7592-26-1259	7593-52-7325
7591-28-4223	7592-30-1306	7593-61-9933
		7593-70-1574

The following reasons are provided:

1. Policy – The impact on the following policies, with respect to the modification of the existing AFD91-1 and the termination of AFD79-1 and AFD80-1 have been reviewed. The review considers the option to allow the interested residual parcels from AFD79-1 and AFD80-1 to allow to remain in the AFD as part of AFD91-1. The policy options reviewed include the Act together with the policies that support both the AFD as well as the goals of the Rural Area.
  - a) Agricultural and Forestal Districts (AFD) – Section 15.2-4300 et. seq. of the Code of Virginia grants localities the power to establish AFDs. The Board began utilizing this tool to protect the Rural Area and support agricultural and forestal production when it established AFD79-1 in 1979. The Board later established two more AFDs, AFD80-1 and AFD91-1.
  - b) Time Frame for Review of Districts – As part of the Periodic Review Process the section of the code allows the BOCS to establish an alternative review of districts time frame. If the BOCS modifies any of the AFDs, the recommendation would be to provide for a periodic review every four years to ensure that this preservation tool is fully utilized on a more regular basis.
  - c) Allows for Interested Property Owners to Remain in the AFD – The modification of AFD91-1, allows for the creation of a district with 34 parcels and ±759.65 acres.
  - d) Provides Opportunity for Additions to AFD91-1 – The reinstatement of a modified AFD91-1 with a viable 200-acre core allows for property owners within 1-mile radius of the core to file an application requesting to be added to this AFD. Applications filed prior to November 1<sup>st</sup> are reviewed annually.
  - e) Comprehensive Plan – The individual parcels whether they are removed or if they remain in the AFD will continue to be consistent with the Comprehensive Plan. The properties are designated AE, Agricultural or Estate (one dwelling per ten acres); and ER, Environmental Resource; and two parcels are designated as CHRS, County Registered Historic Site.
  - f) Zoning Ordinance – All parcels will remain zoned A-1, Agricultural. Property owners will be permitted to develop their property in accordance with the A-1 zoning district regulations which supports agricultural uses and permits for the subdivision of properties at a density of one dwelling unit per ten acres.
  - g) Use Value Assessment Program – There is no impact on the Use Value Assessment Program. The Program is separate from and does not depend on the AFDs. Property owners wishing to continue in the Program or wishing to join the Program may continue to do so if the AFDs are continued, modified, or terminated.
  - h) Preservation and Conservation Easements – There are no implications for existing or proposed preservation or conservation easements. Property owners could continue

to pursue this tool to protect, preserve, and/or conserve their property if they wish to do so, and are able to meet the respective requirements for establishing such easements.

### **Community Input**

Community input and comments were received at three public meetings with the AFD Advisory Committee. A public hearing was duly advertised and held by the Planning Commission on April 18, 2018. Additionally, the Planning Office received emails, telephone calls, and received the "2017 Review of Agricultural & Forestal Districts (AFD)" forms signed by the property owners to indicate their desire to remain in the AFDs or withdraw from the AFDs. Out of the 95 parcels, currently 30 property owners have requested to be removed and 34 have requested to remain. The overall written response rate was 67% from the property owners. A third request for verification was mailed to the 32 property owners who have not previously responded requesting that a confirmation be provided regarding their intent to remain or request to be withdrawn from the AFD.

### **Legal**

Section 15.2-4311 of the Code of Virginia authorizes the Board of County Supervisors to conduct a review of districts created under the Act, if deemed necessary, no less than four years but no more than ten years after the date of creation and every four to ten years thereafter, to determine whether the districts should be continued, modified, or terminated.

- a) Required 200-Acre Core – Virginia Code §15.2-4305 requires that each AFD shall have a core of no less than 200 acres in one parcel or in contiguous parcels.
- b) Withdrawal Requests – Virginia Code §15.2-4311 further provides that during a review period, "land within the district[s] may be withdrawn at the owner's discretion by filing a written notice with the governing body at any time before it acts to continue, modify or terminate the district." If property owners request removal of their property outside of a Virginia Code §15.2-4311 review cycle, Virginia Code §15.2-4314(A) requires the owners to show good and reasonable cause for the removal. Good and reasonable cause are not required for withdrawal during a review cycle. The County must accept the property owners' withdrawal requests during the periodic review. (Virginia Code §15.2-4311)
- c) Property Status– The properties, that have requested to be withdrawn, would remain zoned A-1, Agricultural and can be developed with uses allowed in A-1. Parcels could be subdivided into 10-acre parcels for single-family residential uses and/or agricultural uses. Those parcels that would remain in the AFD would continue to realize benefits of the AFD.
- d) Use Value Assessment Program – All Property owners, both within and outside of the AFD, are eligible to continue to participate in the Use Value Assessment Program if property owners meet Program requirements.

- e) Other Legal Issues – Legal issues are appropriately addressed by the County Attorney's Office.

**Timing**

Action by the Board of County Supervisors must be taken no later than March 20, 2021.

**STAFF CONTACT INFORMATION**

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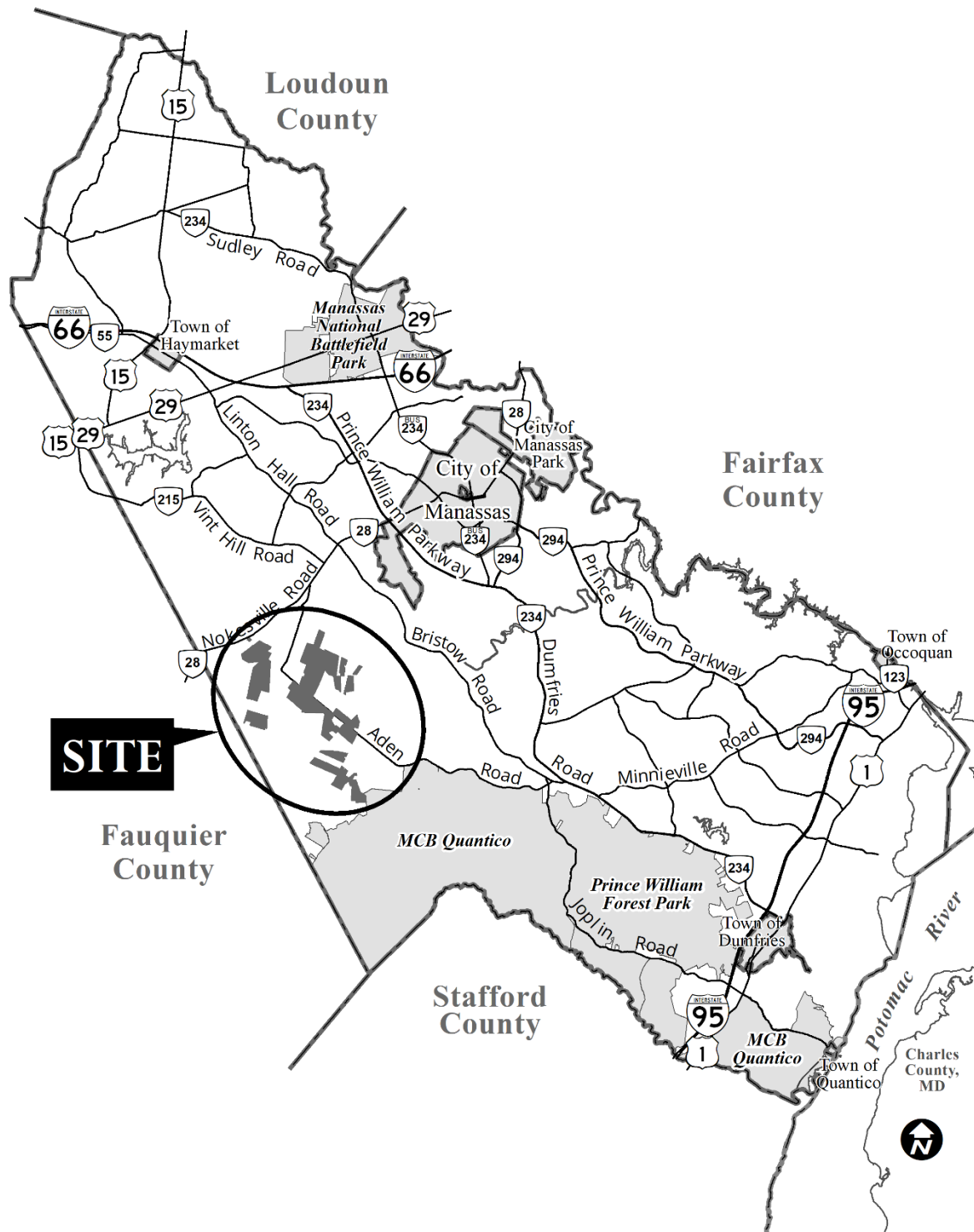
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cdalton@pwcgov.org

**ATTACHMENTS**

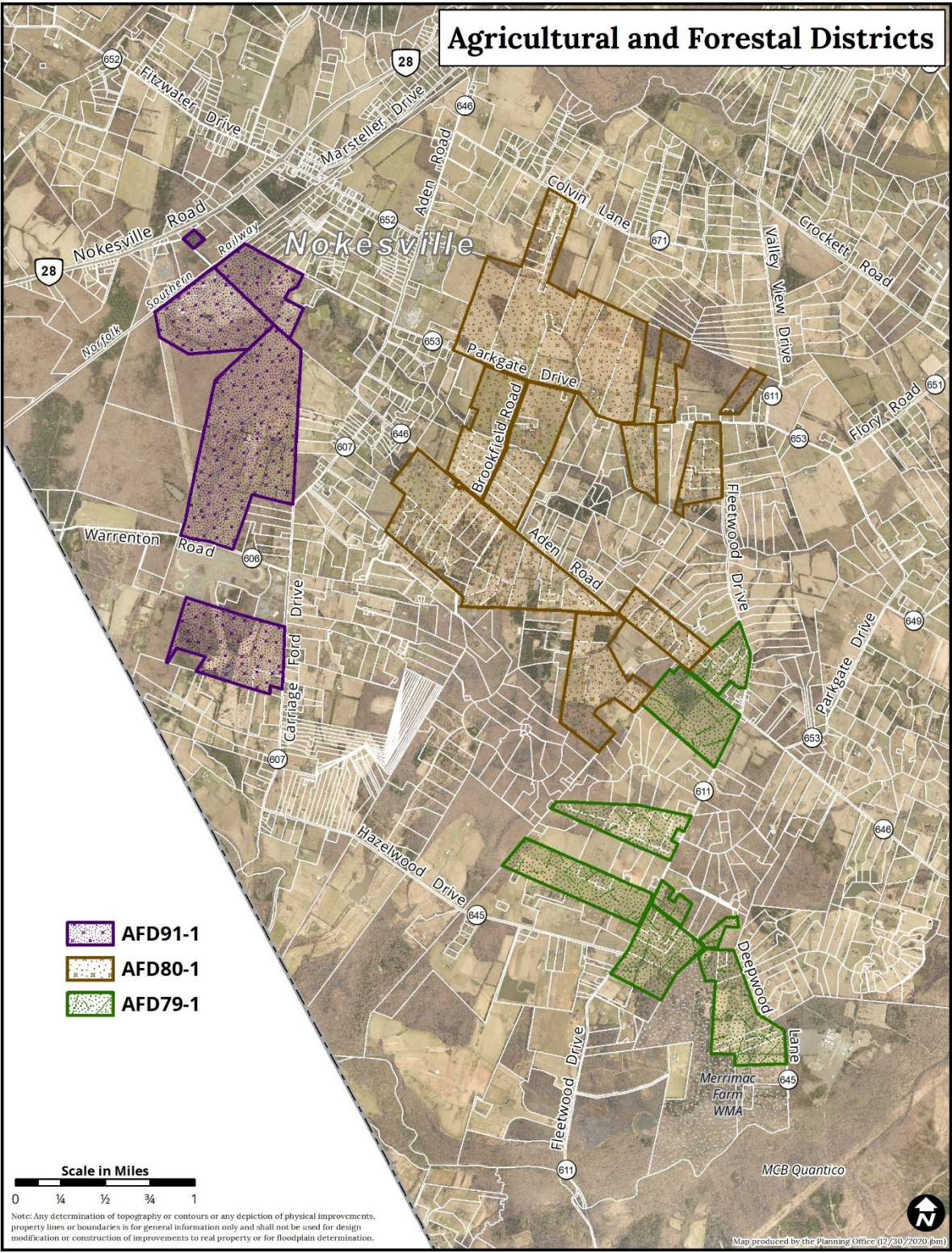
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Area Maps  
BOCS Initiating Resolution 17-150  
AFD Advisory Committee Resolution 19-005  
AFD Property Response Chart  
Map – Impact On AFD after Removal Requests  
Map – AFD91-1, New Core with 1-mile Radius

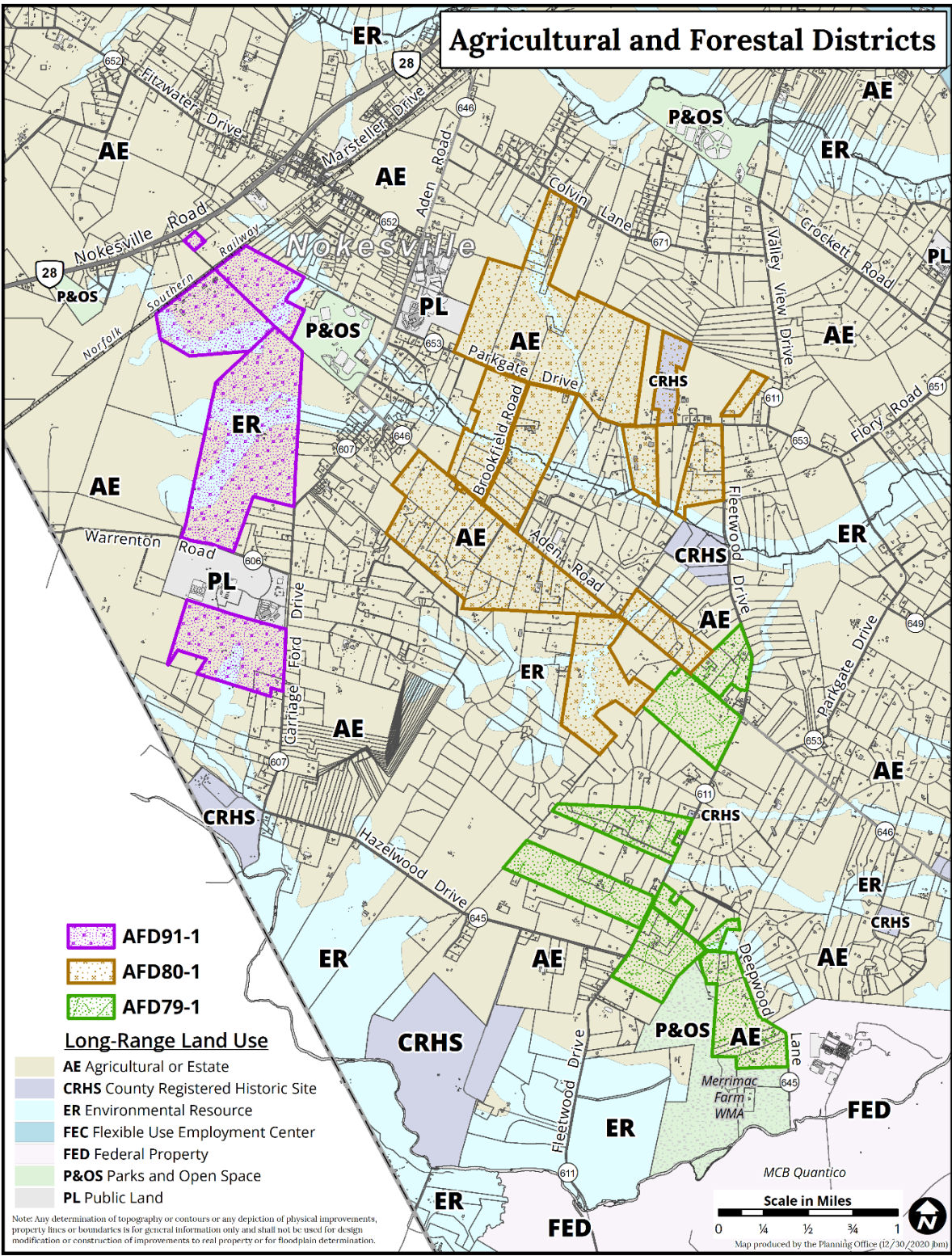
## Vicinity Map



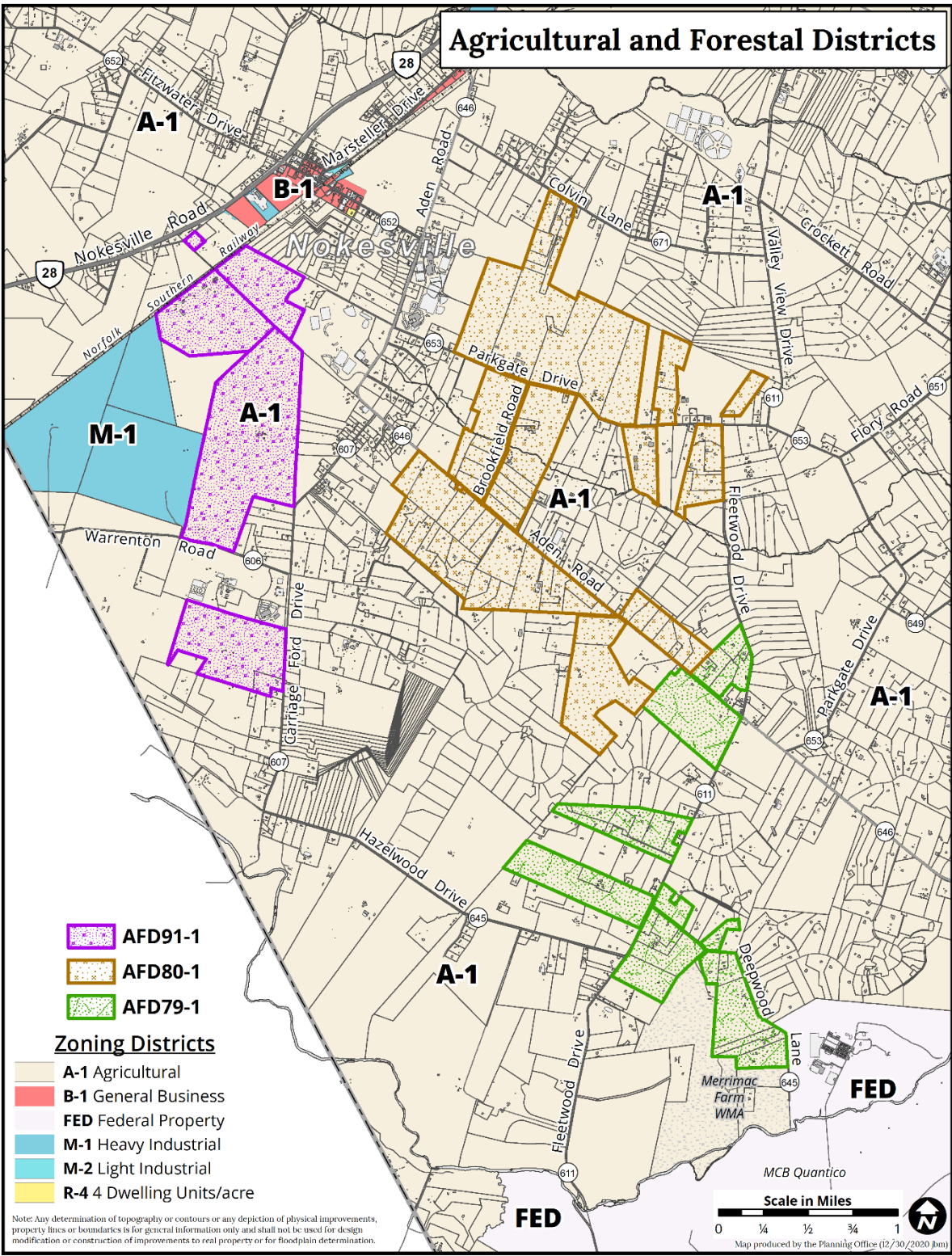












## BOCS Initiating Resolution

**MOTION: LAWSON**

**April 4, 2017  
Regular Meeting  
Res. No. 17-150**

**SECOND: CANDLAND**

**RE: AUTHORIZE – INITIATION OF PERIODIC REVIEW OF EXISTING  
AGRICULTURAL AND FORESTAL DISTRICTS – BRENTSVILLE  
MAGISTERIAL DISTRICT**

**ACTION: APPROVED**

**WHEREAS**, the Prince William County Board of County Supervisors did approve and establish, pursuant to the provisions of the Virginia Agricultural/Forestal Districts Act (“the Act”), three Agricultural/Forestal Districts currently constituting approximately 2356 acres in the Brentsville Magisterial District and referenced as AFD#79-1, AFD#80-1 and AFD#91-1; and

**WHEREAS**, provisions of the Act also authorize the Board of County Supervisors to complete a review of districts created under the Act, if deemed necessary, no less than four years but no more than ten years after the date of creation and every four to ten years thereafter, to determine whether the districts should be continued, modified or terminated; and

**WHEREAS**, the Board of County Supervisors on December 7, 2010, last reviewed and determined that no review of the three Agricultural and Forestal Districts was necessary, by RES 10-896; and

**WHEREAS**, March 20, 2021, will be the expiration date of the ten-year period since the last review of the Districts, and Section 15.2-4311, VA Code Ann, provides that if the local governing body determines a review is necessary, it shall begin the review at least 90 days before the expiration date;

**NOW, THEREFORE, BE IT RESOLVED** that the Prince William Board of County Supervisors has determined a review of the three Agricultural/Forestal Districts in the Brentsville Magisterial District and referenced as AFD#79-1, AFD#80-1 and AFD#91-1 is appropriate at this time and does hereby authorize a review.

**Votes:**

**Ayes:** Anderson, Caddigan, Candland, Jenkins, Lawson, Nohe, Principi, Stewart

**Nays:** None

**Absent from Vote:** None

**Absent from Meeting:** None

**ATTEST:** \_\_\_\_\_

  
Clerk to the Board

## AFD Parcel Analysis Chart

### AGRICULTURAL AND FORESTAL DISTRICTS ADVISORY COMMITTEE

**MOTION:** CRONAUER **October 24, 2019**  
**Regular Meeting**  
**Res. No. 19-005**

**SECOND:** HENDLEY

**RE:** RECOMMEND AMENDING AGRICULTURAL AND FORESTAL DISTRICTS ADVISORY COMMITTEE RES. NO. 18-013, WHICH RECOMMENDED THE TERMINATION OF AFD#79-1, AFD#80-1 AND AFD#91-1, TO ALLOW FOR THE CONTINUATION OF AFD#91-1 DUE TO THE SUBMITTAL OF TWO NEW APPLICATIONS WHICH, IF APPROVED BY THE PRINCE WILLIAM BOARD OF COUNTY SUPERVISORS, COULD ESTABLISH A VIABLE 200-ACRE CORE FOR AFD#91-1 - BRENTSVILLE MAGISTERIAL DISTRICT

**ACTION:** APPROVED

**WHEREAS**, this is a motion to amend Agricultural and Forestal Districts Advisory Committee Res. No. 18-013; and

**WHEREAS**, as part of the periodic review of the districts, the Agricultural and Forestal Districts Advisory Committee, at their meeting on April 11, 2018, made a recommendation to terminate all three Agricultural and Forestal Districts, Res. No. 18-013; and

**WHEREAS**, Section 15.2-4306 of the Code of Virginia establishes the criteria for land being considered for inclusion in an Agricultural and Forestal District; and

**WHEREAS**, the Prince William County Agricultural and Forestal Districts Advisory Committee (AFD Advisory Committee) is appointed by the Prince William Board of County Supervisors (BOCS) to advise the Planning Commission and the BOCS and assist in creating, reviewing, modifying, continuing or terminating Agricultural and Forestal Districts in the County; and

**WHEREAS**, the AFD Advisory Committee reviewed two applications at its meeting of October 24, 2019, and determined that both requests meet the criteria for acceptance into an Agricultural and Forestal District; and

**WHEREAS**, the AFD Advisory Committee has determined that the addition of this acreage into an Agricultural and Forestal District furthers the purpose of the AFD Advisory Committee as stated in Virginia Law Section 15.2-4301; and

**WHEREAS**, the AFD Advisory Committee has further determined that the addition of this acreage into AFD#91-1 would allow for the re-establishment of a 200-acre core by modifying AFD#91-1 to add the acreage from the two applications (80.17 acres and 4.05 acres) to the contiguous ±125.84-acre tract thereby allowing for the re-establishment of AFD#91-1 as an Agricultural and Forestal District; and

**WHEREAS**, the AFD Advisory Committee shall render expert advice as to the nature of farming and forestry and agricultural and forestal resources within the district and their relation to the entire County; and

## AFD Parcel Analysis Chart

October 24, 2019  
Regular Meeting  
Res. No. 19-005  
Page 2

**WHEREAS**, the AFD Advisory Committee considers this relevant to its position to advise in the creation, review, modification, continuation or termination of Agricultural and Forestal Districts in the County;

**NOW, THEREFORE, BE IT RESOLVED**, that the Prince William County Agricultural and Forestal Districts Advisory Committee does hereby recommend amending Agricultural and Forestal Districts Advisory Committee Res. No. 18-013, which recommended the termination of AFD#79-1, AFD#80-1 and AFD#91-1, to allow for the continuation of AFD#91-1 due to the submittal of two new applications which, if approved by the Prince William Board of County Supervisors, could establish a viable 200-acre core for AFD#91-1.

**Votes:**

**Ayes:** Cornnell, Cronauer, Gorham, Hendley, Yankey, Attreed

**Nays:** None

**Absent from Vote:** None

**Absent from Meeting:** House, Tirrell, Lawson

**MOTION CARRIED**

ATTEST:



Secretary to the Committee

## AFD Parcel Analysis Chart

### AFD79-1 – REQUEST TO REMOVE

GPIN	DISTRICT	ST NO	ST NAME	ACREAGE	RESPONSE	USE VALUE
7591-59-5571	AFD79-1	11700	MEADOW GREEN	14.40	REMOVE	NO
7591-75-5040	AFD79-1	14900	DEEPWOOD	10.00	REMOVE	NO

### AFD79-1 – REQUEST TO REMAIN

GPIN	DISTRICT	ST NO	ST NAME	ACREAGE	RESPONSE	USE VALUE
7591-28-4223	AFD79-1	14550	FLEETWOOD	90.00	REMAIN	YES
7591-55-7774	AFD79-1	14650	DEEPWOOD	48.76	REMAIN	YES
7591-56-2799	AFD79-1	14501	FLEETWOOD	5.00	REMAIN	YES
7591-56-5723	AFD79-1	14505	FLEETWOOD	10.00	REMAIN	YES
7591-56-6474	AFD79-1	14610	DEEPWOOD	10.00	REMAIN	YES
7591-74-8042	AFD79-1	14920	DEEPWOOD	49.88	REMAIN	YES
7591-75-4887	AFD79-1	14714	DEEPWOOD	3.07	REMAIN	NO
7591-83-9207	AFD79-1	15008	DEEPWOOD	20.00	REMAIN	YES
7592-30-1306	AFD79-1	11851	MEADOW GREEN	10.00	REMAIN	NO
7592-63-4122	AFD79-1	13710	ADEN	99.38	REMAIN	YES
7592-74-3371	AFD79-1	13605	ADEN	13.75	REMAIN	YES
7592-74-5221	AFD79-1	13655	ADEN	10.00	REMAIN	NO
7592-75-7419	AFD79-1	13500	FLEETWOOD	10.07	REMAIN	NO
7591-38-6428	AFD79-1	14506	FLEETWOOD	10	REMAIN	YES

### AFD79-1 – NO REPLY

GPIN	DISTRICT	ST NO	ST NAME	ACREAGE	RESPONSE	USE VALUE
7591-55-1139	AFD79-1	14701	FLEETWOOD	31.65	NONE	YES
7591-59-0121	AFD79-1	14240	FLEETWOOD	10.26	NONE	NO*
7591-59-0389	AFD79-1	11750	MEADOW GREEN	11.93	NONE	YES
7591-59-9760	AFD79-1	14198	FLEETWOOD	11.73	NONE	NO
7591-75-0470	AFD79-1	14712	DEEPWOOD	10.00	NONE	NO
7591-76-2858	AFD79-1	14671	DEEPWOOD	10.00	NONE	NO
7591-83-1024	AFD79-1	14980	DEEPWOOD	10.00	NONE	NO
7591-83-1950	AFD79-1	14970	DEEPWOOD	10.00	NONE	NO
7592-30-6419	AFD79-1	11850	MEADOW GREEN	10.06	NONE	NO
7592-40-4802	AFD79-1	11800	MEADOW GREEN	10.66	NONE	NO

### AFD Parcel Analysis Chart

GPIN	DISTRICT	ST NO	ST NAME	ACREAGE	RESPONSE	USE VALUE
7592-64-9758	AFD79-1	13595	ADEN	2.19	NONE	NO
7592-84-0592	AFD79-1	13550	FLEETWOOD	2.19	NONE	NO
7592-84-0746	AFD79-1	13580	FLEETWOOD	10.00	NONE	NO

\*Farm Plan on File

### AFD80-1 – REQUEST TO REMOVE

GPIN	DISTRICT	ST NO	ST NAME	ACREAGE	RESPONSE	USE VALUE
7492-89-7636	AFD80-1	12808	ADEN	48.34	REMOVE	YES
7492-98-9273*	AFD80-1	13006	ADEN	46.83	REMOVE	YES
7492-99-4883	AFD80-1	12958	ADEN	1.01	REMOVE	NO
7592-09-1695*	AFD80-1	12805	BROOKFIELD	78.49	REMOVE	NO
7592-17-0368	AFD80-1	13104	ADEN	36.40	REMOVE	YES
7592-17-7006	AFD80-1	13118	ADEN	31.21	REMOVE	NO
7592-33-3270	AFD80-1	13350	HERSHEY	106.52	REMOVE	YES
7592-35-8165	AFD80-1	13320	HERSHEY	26.39	REMOVE	YES
7592-55-1199	AFD80-1	13425	ADEN	9.01	REMOVE	NO
7592-55-4574	AFD80-1	13435	ADEN	8.87	REMOVE	NO
7592-55-7436	AFD80-1	13465	ADEN	9.68	REMOVE	NO
7592-57-7342	AFD80-1	13401	ADEN	8.67	REMOVE	NO
7592-64-6283	AFD80-1	13585	ADEN	10.01	REMOVE	NO
7592-65-2214	AFD80-1	13525	ADEN	10.02	REMOVE	NO
7593-02-6112	AFD80-1	12602	BROOKFIELD	122.21	REMOVE	YES
7593-05-5532	AFD80-1	12212	PARKGATE	71.28	REMOVE	YES
7593-11-0435	AFD80-1	12710	BROOKFIELD	1.00	REMOVE	NO
7593-11-1974	AFD80-1	12604	BROOKFIELD	1.10	REMOVE	NO
7593-14-8572	AFD80-1	12206	PARKGATE	96.16	REMOVE	YES
7593-27-1412	AFD80-1	12011	COLVIN	10.00	REMOVE	NO
7593-27-3093	AFD80-1	12097	COLVIN	10.00	REMOVE	NO
7593-33-8669	AFD80-1	11904	PARKGATE	63.00	REMOVE	YES
7593-34-2014	AFD80-1	12106	PARKGATE	69.00	REMOVE	YES
7593-42-5994	AFD80-1	11704	PARKGATE	59.31	REMOVE	YES
7593-82-0646	AFD80-1	11350	PARKGATE	15.76	REMOVE	NO

\*GPINS RETIRED

## AFD Parcel Analysis Chart

### AFD80-1 – REQUEST TO REMAIN

GPIN	LEGEND	ST_NO	ST_NAME	ACREAGE	RESPONSE	USE VALUE
7592-26-1259	AFD80-1	13204	ADEN	13.02	REMAIN	YES
7593-52-7325	AFD80-1	11508	PARKGATE	14.84	REMAIN	YES
7592-36-4052	AFD80-1	13000	ADEN	8.00	REMAIN	YES
7492-97-1120	AFD80-1	12796	ADEN	10.06	REMAIN	NO
7593-61-9933	AFD80-1	11409	PARKGATE	10.02	REMAIN	NO
7492-88-4841	AFD80-1	12784	ADEN	10.02	REMAIN	NO
7492-87-6880	AFD80-1	12788	ADEN	10.01	REMAIN	NO
7593-70-1574	AFD80-1	12800	FLEETWOOD	10.01	REMAIN	NO
7492-88-2267	AFD80-1	12780	ADEN	10.00	REMAIN	NO
7492-78-9292	AFD80-1	12776	ADEN	10.00	REMAIN	NO
7593-27-5251	AFD80-1	11969	COLVIN	10.00	REMAIN	NO
7593-27-8289	AFD80-1	11949	COLVIN	10.00	REMAIN	NO
7593-22-7641	AFD80-1	12001	PARKGATE	1.03	REMAIN	NO
7592-06-3045	AFD80-1	13060	ADEN	10.01	REMAIN	NO
7492-97-7568	AFD80-1	12804	ADEN	10.00	REMAIN	NO
7592-19-2066	AFD80-1	12901	BROOKFIELD	10.00	REMAIN	NO
7593-24-4640	AFD80-1	12150	PARKGATE	2.71	REMAIN	NO

### AFD80-1 – NO REPLY

GPIN	LEGEND	ST_NO	ST_NAME	ACREAGE	RESPONSE	USE VALUE
7492-97-6828	AFD80-1	12800	ADEN	10.46	NONE	NO
7492-98-1113	AFD80-1	12792	ADEN	10.01	NONE	NO
7592-06-4096	AFD80-1	13050	ADEN	10.01	NONE	NO
7592-06-7437	AFD80-1	13070	ADEN	10.01	NONE	NO
7592-17-9702	AFD80-1	13160	ADEN	10.43	NONE	YES
7592-19-0535	AFD80-1	12951	BROOKFIELD	10.00	NONE	NO
7592-36-5613	AFD80-1	13020	ADEN	12.90	NONE	YES
7592-54-9996	AFD80-1	13509	ADEN	10.00	NONE	NO
7592-69-3845	AFD80-1	12950	FLEETWOOD	17.00	NONE	NO



## AFD Parcel Analysis Chart

GPIN	LEGEND	ST_NO	ST_NAME	ACREAGE	RESPONSE	USE VALUE
7592-69-7488	AFD80-1	12900	FLEETWOOD	10.70	NONE	NO
7593-00-3362	AFD80-1	12850	BROOKEFIELD	10.00	NONE	NO
7593-03-7246	AFD80-1	12210	PARKGATE	4.00	NONE	NO
7593-11-5868	AFD80-1	12705	BROOKFIELD	3.25	NONE	NO
7593-26-4959	AFD80-1	11929	COLVIN	10.00	NONE	NO
7593-50-0379	AFD80-1	11605	PARKGATE	40.00	NONE	YES
7593-53-9460	AFD80-1	11520	PARKGATE	25.64	NONE	NO
7593-60-6752	AFD80-1	12850	FLEETWOOD	10.03	NONE	NO
7593-71-5983	AFD80-1	11312	PARKGATE	1.00	NONE	NO

### AFD91-1 – REQUEST TO REMOVE

GPIN	DISTRICT	ST_NO	ST_NAME	ACREAGE	RESPONSE	USE VALUE
7493-31-5998	AFD91-1	13204	WARRENTON	331.01	REMOVE	YES
7492-25-8724	AFD91-1	13520	CARRIAGE FORD	128.00	COUNTY OWNED	NO
7492-34-8902	AFD91-1	13600	CARRIAGE FORD	10.00	COUNTY OWNED	NO

### AFD91-1 – REQUEST TO REMAIN

GPIN	DISTRICT	ST_NO	ST_NAME	ACREAGE	RESPONSE	USE VALUE
7493-24-4694	AFD91-1	13250	WARRENTON	125.84	REMAIN	YES

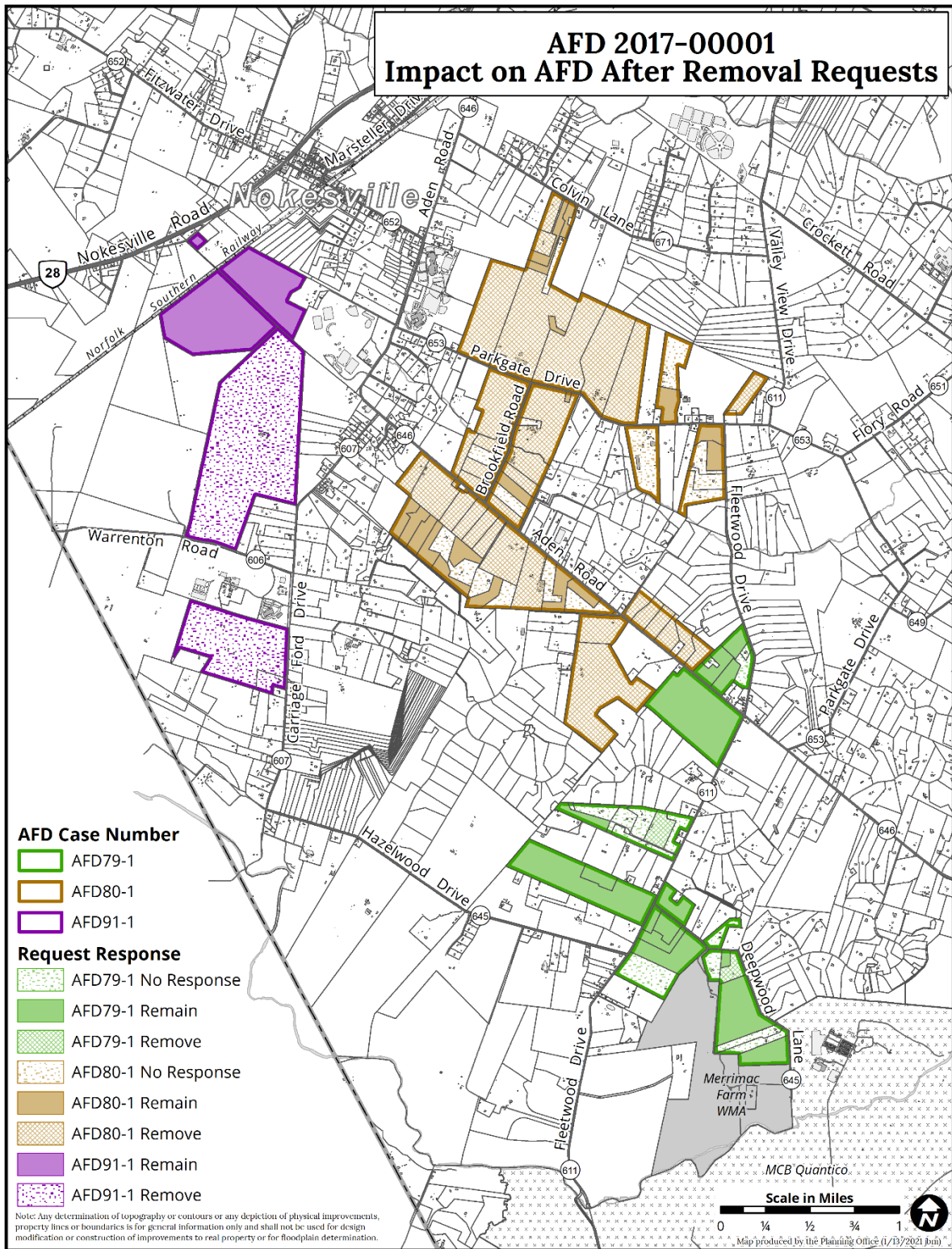
### AFD91-1 – ADDITIONS

GPIN	DISTRICT	ST_NO	ST_NAME	ACREAGE	ADDITION	USE VALUE
7493-35-9065	AFD91-2	13063	HICKERSON LN	80.17	NEW	YES
7493-17-8304	AFD91-3	13209	FARMVIEW RD	4.01	NEW	NO

UPDATED 1-14-21



## Map - Impact on AFD after Removal Requests



# Potential New Agricultural and Forestal District

