

# VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

## CHAPTER 431

*An Act to amend and reenact § 15.1-1513.6 of the Code of Virginia, relating to local agricultural and forestal districts.*

[S 284]

Approved April 8, 1994

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.1-1513.6 of the Code of Virginia is amended and reenacted as follows:**

§ 15.1-1513.6. Creation of districts of local significance.

A. The local governing body shall have the authority to create agricultural, forestal, or agricultural and forestal districts of local significance by the adoption of a general ordinance establishing a local districts program according to the provisions of this chapter.

B. In localities where such an ordinance has been adopted by the local governing body, any owner or owners of land may submit an application pursuant to § 15.1-1513.4 to the local governing body for the creation of an agricultural, forestal, or an agricultural and forestal district of local significance within such locality. No application for an individual district of local significance shall be comprised of less than the minimum acreage specified in the general ordinance, which minimum acreage in no case shall be less than ~~twenty-five~~ *twenty* acres. No owner of land shall be included in any agricultural, forestal, or agricultural and forestal district of local significance without such owner's written approval. A separate application may be made by any owner or owners of land for additional contiguous qualifying lands to be included in an already created district at any time following such creation.

C. Upon receipt of a proposal for a district of local significance, it shall be referred by the local governing body to the planning commission which shall:

1. Provide notice of such proposal by publishing a notice in a newspaper having general circulation within the proposed district and by posting such notice in three conspicuous places within the jurisdiction in which the proposed district is located. The notice shall state that an application for an agricultural, forestal, or agricultural and forestal district of local significance has been submitted to the local governing body, that a copy of the application is on file open to public inspection in the office of the clerk, that any proposals for modifications of the district shall be filed within thirty days, that any owner included in the proposal may withdraw his land, in whole or in part, at any time until the local governing body makes a final decision as to the constitution of the district pursuant to subsection D hereof, and hearing dates of the planning commission and local governing body shall be published and posted within thirty days.

2. Refer such proposal and modifications to the advisory committee.

D. Within one year of the date of filing of the application for such original proposal, the proposal: (i) shall be reviewed by the advisory committee, which shall report to the local planning commission its recommendations concerning the proposal and proposed modifications; (ii) shall be reviewed by the planning commission, which, after receiving the report of the advisory committee, shall hold a public hearing as prescribed below, and shall report its recommendations concerning the proposal and proposed modifications to the local governing body; (iii) shall be reviewed by the local governing body, which, after receiving the report of the local planning commission and the advisory committee, shall hold a public hearing as prescribed below, and may create the district or any modification of the district by the adoption of a district ordinance as described below, or reject the creation of a district as it deems appropriate. All districts shall meet the minimum requirements set forth in the locality's general ordinance for the creation of districts of local significance.

E. Public hearings required to be held by the planning commission and local governing body shall be conducted in the following manner:

1. The hearing as prescribed by law shall be held where the local governing body usually meets or at a place otherwise readily accessible to the proposed district;

2. The notice of the public hearing as prescribed by law shall contain a description of the proposed district, any proposed modifications and any recommendations of the local planning commission or the advisory committee; and

3. The notice shall be published in a newspaper having a general circulation within the proposed district and shall be given in writing complete with proposed modifications to those municipalities whose territory encompasses or is part of the proposed district.

F. The general ordinance establishing the program to create agricultural, forestal, or agricultural and forestal districts of local significance shall state the criteria which shall be considered by the advisory committee and the local planning commission in advising the local governing body and by the local governing body in making its decision on whether or not to create a district. These criteria shall be based on and consistent with the following factors:

1. The agricultural and forestal significance within the proposed district and in areas adjacent thereto;
2. The presence of any significant agricultural lands or significant forestal lands within the proposed district and adjacent thereto that are not now in active farming or production;
3. The nature and extent of land uses other than active farming or forestry within the proposed district and adjacent thereto;
4. Local developmental patterns and needs including zoning and the comprehensive plan;
5. The scenic and historic features of land uses within the proposed district and adjacent thereto;
6. The environmental benefits of preserving the lands in the district in their existing use; and
7. Any other matter which may be relevant.

In judging significance, any relevant agricultural and forest maps may be considered as well as soil, climate, topography, quality of tree cover, other natural factors, markets for farm and forest products, the extent and nature of farm and forest improvements, evidence of commitment to long-term farm and forest use, anticipated trends in agricultural and forest economic conditions and technology, and such other factors as may be relevant. Criteria for judging the significance of lands in local agricultural and forestal districts to be created pursuant to this chapter may differ from those for judging the significance of lands in statewide districts to be created pursuant to Chapter 36 (§ 15.1-1506 et seq.).