

**Regular Meeting Agenda
Staunton City Council
Rita S. Wilson Council Chambers
September 12, 2024
7:00 p.m.**

Call to Order

1. Consideration of Regular Meeting Agenda

Pledge of Allegiance

Invocation/Moment of Silence – Campbell

Vice Mayor's Report

Additional Items by Members of Council

REGULAR MEETING

A. Consent Agenda

A.1. Approval of Minutes

Work Session and Regular Meeting of August 22, 2024

All items will be voted on in one (1) motion. If so requested by any member of Council, an item placed on the consent agenda shall be removed and taken up as a separate matter at the end of the Regular Meeting.

B. Update on Queen City Mischief and Magic Festival

C. Consideration of Resolution Establishing the Percentage of Relief at 33% for Purposes of the Personal Property Tax Relief Act (PPTRA)

D. Consideration of Resolution Directing the Planning Commission to Consider Amending the *City of Staunton, Virginia Comprehensive Plan 2018-2040* by Adding the West End Revitalization Strategies Plan as an Addendum

E. Consideration of Request by William Lee Hereford to Withdraw a 2.343 Acre Portion of 1350 Commerce Road from the Merrifield Agricultural-Forestal District

Matters from the City Manager

Matters from the Public*

Adjournment

***Public Participation** For instructions on how to participate in a Public Hearing and Matters from the Public portions of the City Council meeting visit www.staunton.va.us/council.

Per **Council Procedure Memorandum No. 5, Grant Applications**, grants that do not require City funds or property to be contributed as a matching share do not require City Council approval. However, Council's procedure requires that the City Manager report all such grants to Council no later than the second meeting of City Council following their approval and submittal by the City Manager. Recently approved and submitted grants include:

- 1. Police Department:** *Department of Motor Vehicles National Highway Traffic Safety Administration Grant: \$12,000.* This grant affords the agency the opportunity to increase the number of patrols dedicated to highway safety enforcement. These areas and recommended enforcement times are provided by the Virginia Department of Motor Vehicles through their data collection center.

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	September 12, 2024	City Council
Item #	1	
Department:	City Council	
Alignment with Staunton Plan (Value/Strategic Area):	Values: Integrity Engagement	
Subject:	Regular Meeting Agenda	

Background: Consistent with Procedural Memorandum No. 3, attached is the draft meeting agenda for City Council's consideration and for approval as Council prefers.

Suggested Motion: I move to approve the Regular Meeting agenda [as presented] [with the following changes: as to the Regular Meeting, the addition/deletion of _____].

City Manager: Leslie Beauregard

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	September 12, 2024	City Council
Item #:	A	
Department:	City Council	
Alignment with Staunton Plan (Value/Strategic Area):	Strategic Area: Responsive, Efficient Government	
Subject:	Consent Agenda	

Background: As provided in [Council Procedure Memorandum No. 14](#), it is the policy of City Council to have the City Manager place routine, noncontroversial items on a Consent Agenda. Briefings for each item included on the Consent Agenda have been prepared in the manner and format of regular business items on the agenda, with each item described in sufficient detail to provide the public with an appropriate understanding of such item. All matters listed on the Consent Agenda will be enacted by one motion and as a single item. There will be no separate discussion of an item. If discussion is desired, the item may be removed from the Consent Agenda at the request of a member of City Council and considered separately at the end of the regular meeting agenda.

The Mayor will inquire whether any member of City Council desires to remove any item from the Consent Agenda and to place such item on the regular meeting agenda for separate consideration.

Suggested Motion (if no items removed): I move to approve the Consent Agenda, as presented.

Suggestion Motion (if one or more items removed): I move to approve the Consent Agenda with the exception of item(s) _____, and that item(s)_____ be moved to the end of the regular agenda for discussion and a separate vote.

City Manager: Leslie Beauregard

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	September 12, 2024	City Council
Item #	A.1	
Department:	City Council	
Alignment with Staunton Plan (Value/Strategic Area):	Values: Integrity Engagement	
Subject:	Approval of Minutes	

Background: Draft meeting minutes are attached for City Council's consideration and for approval as Council prefers.

Attachment:

Attachment 1 – Work Session and Regular Meeting Minutes of August 22, 2024

Suggested Motion: I move to approve the work session and regular meeting minutes of August 22, 2024 [as presented] [with the following changes: _____].

City Manager: Leslie Beauregard



City Council
WORK SESSION
August 22, 2024
5:00 p.m.

Council Members present: Mayor Claffey, Vice Mayor Darby and Councilors Arrowood, Campbell, Edwards, Robertson, and Woods.

Mayor Claffey called the meeting to order: Mayor Claffey called this meeting of Staunton City Council to order.

1. Consideration of Work Session and Regular Meeting Agendas

Consistent with Procedural Memorandum No. 3, the agendas were presented for Council consideration.

Mr. Arrowood moved to approve the work session and regular meeting agendas as presented.

The motion was seconded by Ms. Woods and carried as follows:

Ms. Edwards	aye	Mr. Arrowood	aye
Mr. Robertson	absent	Vice Mayor Darby	aye
Ms. Woods	aye	Mayor Claffey	aye
Mr. Campbell	aye		

2. Joint Work Session City Council and Planning Commission: Presentation on Draft West End Revitalization Strategies Plan

*Mr. Robertson arrived at 5:07 p.m.

All members of the Planning Commission were in attendance.

Director of Community Development Rodney Rhodes introduced Will Cockrell from EPR, PC presented the final draft of the West End Revitalization Strategies plan, highlighting the importance of community feedback in shaping the vision statement, goals, and objectives of the plan.

A discussion took place during which the need for public spaces, lighting, streetscaping, and affordability were emphasized.

Commissioner Joe Mills spoke on behalf of the West End Business Association on the importance of walkability to West End businesses.

Ms. Woods stated that there are serious gaps in the city's walkable networks, especially in regard to accessing Gypsy Hill and Montgomery Hall Parks for nearby residents.

Mr. Cockerell also noted that the West End Revitalization Strategies Plan will be a useful tool when completing applications for grant funding.

Mr. Rhodes stated that the next step will be for the West End plan to be formally adopted into the city's Comprehensive Plan.

3. Joint Work Session City Council and Planning Commission: Comprehensive Plan Review and Update

The joint work session kicked off the update process with the Staunton Planning Commission, City Council, and Will Cockerell from EPR, PC.

Mayor Claffey stated the importance of growth, both residential and commercial, to sustain the city in meeting its strategic goals.

The Commission emphasized the importance of making the Comprehensive Plan concise and user-friendly.

Commission Chair Judith Wiegand stated that the Plan can be used as an effective marketing tool for attracting businesses to the area.

Vice Mayor Darby stated that the guidelines and restrictions laid out in the Plan must be adaptable.

Ms. Edwards stated that attracting younger families and residents will be vital to the growth and development of the city.

Councilmembers agreed on the need for continued collaboration with the Planning Commission and community engagement to ensure the Plan reflects the needs and priorities of the city.

4. Update from General Registrar Christi Linhoss Regarding the November General Election

Ms. Beauregard introduced General Registrar Christi Linhoss, who provided an update to Council regarding the November general election.

Councilmembers had no questions.

5. Update from City Assessor Doug Flinn Regarding the Upcoming Reassessment Process

Ms. Beauregard introduced City Assessor Doug Flinn, who provided an update to Council on the upcoming reassessment process.

Councilmembers had no questions.

6. Closed Meeting for the Discussion of the Performance of the City Manager and the City Attorney Pursuant to Virginia Code Section 2.2-3711 (A)(1)

Mr. Campbell moved to enter a closed meeting for the discussion of the performance of the City Manager and the City Attorney pursuant to Virginia Code Section 2.2-3711(A)(1).

The motion was seconded by Mr. Robertson and carried as follows:

Mr. Robertson	aye	Ms. Woods	aye
Ms. Edwards	aye	Vice Mayor Darby	aye
Mr. Arrowood	aye	Mayor Claffey	aye
Mr. Campbell	aye		

Ms. Woods moved that Council reconvene in an open meeting and certify to the best of each member's knowledge that only lawfully exempted public business matters were discussed and that only public business matters as identified in the closed meeting motion were heard, discussed, or considered in the meeting.

The motion was seconded by Mr. Robertson and carried as follows:

Mr. Arrowood	aye	Ms. Edwards	aye
Ms. Woods	aye	Vice Mayor Darby	aye
Mr. Robertson	aye	Mayor Claffey	aye
Mr. Campbell	aye		

The work session adjourned at 7:00 p.m.

Kiley A. Kesecker
Clerk of Council

**REGULAR MEETING OF STAUNTON CITY COUNCIL****Thursday, August 22, 2024****7:00 p.m.****Rita S. Wilson Council Chambers**

PRESENT: Mayor Stephen W. Claffey
Vice Mayor Amy G. Darby
Brad D. Arrowood
Adam F. Campbell
Michele D. Edwards
Mark A. Robertson
Alice L. Woods

ALSO PRESENT: Leslie Beauregard, City Manager
Amanda Kaufman, Assistant City Manager
John Blair, City Attorney
Kiley Kesecker, Clerk of Council

Mayor Claffey called the meeting to order: Mayor Claffey called this meeting of Staunton City Council to order.

The Pledge of Allegiance was recited in unison.

The invocation/moment of silence was given by Mr. Arrowood.

Mayor Claffey presented a certificate of recognition to Caleb Gilbert for winning the 2024 All-American Soapbox Derby World Championship.

MAYOR'S REPORT

Mayor Claffey stated that he had attended a reunion of the 29th Infantry Division at the museum in Verona.

ADDITIONAL ITEMS BY MEMBERS OF COUNCIL

Ms. Edwards gave updates on the Valley Program for Aging Services, School Board, Valley Alliance for Education, and the Staunton Library.

Mr. Robertson provided dates and information on Medicare open enrollment.

Mr. Campbell stated that he attended the “This is Home” photo project at the library presented by the Community Foundation.

REGULAR MEETING

A. Consent Agenda

Mayor Claffey made the following statement:

“Per Procedure Memorandum No. 14, it is the policy of City Council to have routine, non-controversial items placed on a Consent Agenda. All items on the Consent Agenda will be voted on in one motion. If separate discussion of an item is requested by any member of Council, that item shall be removed and considered separately at the end of the regular meeting agenda.”

A.1 Approval of Meeting Minutes Work Session and Regular Meeting of August 8, 2024

Mayor Claffey asked if any Councilmembers desired to remove any item from the Consent Agenda to be placed on the regular meeting agenda for separate consideration.

Mr. Robertson moved to approve the Consent Agenda as presented.

The motion was seconded by Mr. Campbell and carried as follows:

Ms. Woods	aye	Ms. Edwards	aye
Mr. Arrowood	aye	Vice Mayor Darby	abstain
Mr. Campbell	aye	Mayor Claffey	aye
Mr. Robertson	aye		

B. Discussion of Request by City Schools for City Council Authorization of Virginia Public School Authority Fall 2024 Application for Shelburne Renovation Phase II

City Manager Leslie Beauregard stated that at their August 12, 2024 regular meeting, the Staunton City School Board passed a “Resolution Requesting the City Council to Issue General Obligations School Bonds for School Purposes and Consenting to the Issuance Thereof”. The principal amount requested is set not to exceed \$6,982,500. Proceeds would be used to fund the construction of a new collaborative learning space at Shelburne Middle School. The application deadline to participate in the Virginia Public School Authority Fall Bond Pool is August 26, 2024. If the City Manager is authorized by City Council to sign the application, then a public hearing would be held September 12, 2024 and the bond resolution would be considered at the September 26, 2024 Council meeting.

Schools Superintendent Garrett Smith presented the request being made by the School Board. Shelburne Principal Lisa Warren gave a presentation on the potential uses for the new space.

Chief Finance Officer Jessie Moyers presented information on the fiscal impacts to the city, outlining the two options for moving forward as follows: increasing the real estate tax rate, or reallocating funds for other projects in the Capital Improvement Plan.

Mayor Claffey stated that the city is facing tight budget constraints due to development at Staunton Crossing, potential increases in property assessments, the mandated courthouse construction, and future funding needs for the Sheriff's Department.

Ms. Edwards stated that schools and the city must work to foster a more collaborative and holistic approach to funding school construction projects, as schools rely on city appropriations for revenue.

Dr. Smith asked why there are not any new revenue streams coming in that could potentially improve the situation. Mayor Claffey stated that while city revenue continues to increase, Staunton Crossing has yet to provide a financial return.

Mr. Arrowood stated that while he fully supports the project, now may not be the best time to proceed given the current construction climate, inflated bids, the impact of ARPA funding, fluctuating costs, and potential changes in borrowing rates.

Mr. Campbell stated that a project with such a significant financial impact must go through the budget process and emphasized the importance of improving collaboration between city and school officials.

Dr. Smith stated that City Council cut the real estate tax shortly after the revenue sharing agreement was signed, which negatively impacted revenue for both the schools and the city.

Mr. Robertson stated that as Councilmembers, it is their job to manage resources effectively while supporting community needs and moving forward with the project now could restrict future decisions for new council members. He added that the project has to go through the budget process to evaluate all factors.

Vice Mayor Darby stated that the timing of the request is the main issue preventing immediate action on the project.

Ms. Woods stated that there is an obvious need for more collaboration between City Council and the School Board, as there are many competing funding needs within the community.

Councilmembers agreed that the request for funding will not be granted at that time.

MATTERS FROM THE CITY MANAGER

Ms. Beauregard presented information on changes to the city's schedule for the upcoming Labor Day holiday.

MATTERS FROM THE PUBLIC

Mayor Claffey read the following statement:

“This part of City Council’s agenda is entitled matters from the public. It is a time that Council sets aside to hear from citizens and others about a wide variety of subjects. A copy of the Staunton City Council’s ‘Matters from the Public’ rules is available in paper form at the Clerk’s desk and online at the City of Staunton webpage. You are asked to familiarize yourself with those rules before commenting. Please come to the podium or begin your call, identify yourself, and complete your remarks within five minutes.”

Dan Funk, representing Staunton Makerspace, gave some information on the services they provide and requested a property tax exemption.

Rene Clark, also representing Staunton Makerspace, gave some additional information on the makerspace.

Cindy Connors, 106A Skyline Drive, spoke in support of West End revitalization, better regulations, a more concrete assessment process, and a more collaborative effort in the next budget cycle to secure community support for necessary investments.

Joanne Jeter, 221 Sunnyside Street, expressed support for the Shelburne renovation and noted the mutual dependence between schools and the city, stating that both bodies must collaborate and proactively find solutions to avoid similar situations in the future.

Ken Venable, 306 Ann Street, stated that the city should engage community partners and corporations to support education funding that could provide significant financial support beyond the city’s budget constraints.

There was no one else present wishing to speak.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 9:11 p.m.

Kiley A. Kesecker
Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	September 12, 2024	Leslie Beauregard City Manager
Item #	B	
Department:	City Manager’s Office	
Alignment with Staunton Plan (Value/Strategic Area):	Values: Excellence; Engagement	
Subject:	Update on Queen City Mischief and Magic Festival	

Background: Sarah Lynch will provide an update on and information about the upcoming [Queen City Mischief and Magic](#) festival that will take place September 28 and 29, 2024. This is the ninth year of the festival.

Attachment: Not applicable.

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Leslie Beauregard

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	September 12, 2024	Maggie Ragon Commissioner of Revenue
Item #	C	
Department:	Commissioner of Revenue	
Alignment with Staunton Plan (Value/Strategic Area):	Value: Excellence Strategic Area: Responsive, Efficient Government	
Subject:	Consideration of Resolution Establishing the Percentage of Relief at 33% for Purposes of the Personal Property Tax Relief Act (PPTRA)	

Background: The Personal Property Tax Relief Act of 1998 (PPTRA) was modified by legislative action taken during the 2004 and 2005 General Assembly sessions. The legislative enactments required the City to take affirmative steps to implement changes and to provide for computation and allocation of relief. The legislative enactments also provided for an appropriation to the City, commencing in 2006, for a fixed sum to be used exclusively for the provision of tax relief to owners of vehicles subject to the City's personal property tax, and to provide the opportunity for the City to fashion a program of tax relief that best serves the citizens.

On April 13, 2006, Council adopted an ordinance that defined procedures and responsibilities for implementing the changes to the PPTRA, including the method of computing the tax relief and allocation of tax relief, plus transitional provisions. The ordinance requires that Council shall set the percentage of tax relief at such a level that is anticipated to fully exhaust PPTRA relief funds provided to the City by the Commonwealth. The Commissioner of Revenue recommends the rate of 33 percent for calendar year 2024. The Commissioner of Revenue, the City Treasurer, and the Chief Financial Officer have worked as a team to bring this matter to Council so as to implement Council's April 13, 2006 ordinance.

Attached is a copy of the April 13, 2006 ordinance, codified as Section 3.10.015 of the Staunton City Code, and a proposed resolution setting the PPTRA rate at 33 percent, as recommended by the Commissioner of Revenue.

Attachments:

Attachment 1—Personal Property Tax Relief Code

Attachment 2—Proposed Resolution

City Manager's Recommendation: I concur with the Commissioner of Revenue's recommendation and also recommend that the percentage be established at 33 percent.

Suggested Motion: I move that a resolution, as proposed, be adopted, establishing the Personal Property Tax Relief Act (PPTRA) percentage at 33 percent.

City Manager: Leslie Beauregard

3.10.015 Personal property tax relief.

(1) Purpose – Definitions – Relation to Other Ordinances.

(a) The purpose of this section is to provide for the implementation of the changes to the Personal Property Tax Relief Act of 1998 (PPTRA) effected by legislation adopted during the 2004 Special Session I and the 2005 Regular Session of the General Assembly of Virginia.

(b) Terms used in this section that have defined meanings set forth in PPTRA shall have the same meanings as set forth in the Code of Virginia Section 58.1-3523, as amended.

(c) To the extent that the provisions of this section conflict with any prior ordinance or provision of the city code, this section shall control.

(2) Method of Computing and Reflecting Tax Relief.

(a) For tax years commencing in 2006, the City adopts the provisions of Item 503.E of the 2005 Appropriations Act, providing for the computation of tax relief as a specific dollar amount to be offset against the total taxes that would otherwise be due but for PPTRA and the reporting of such specific dollar relief on the tax bill.

(b) The city council shall, by resolution, set the percentage of tax relief at such level that is anticipated to fully exhaust PPTRA relief funds provided to the city by the Commonwealth of Virginia.

(c) Personal property tax bills shall set forth on their face the specific dollar amount of relief credited with respect to each qualifying vehicle, together with an explanation of the general manner in which relief is allocated.

(3) Allocation of Relief Among Taxpayers.

(a) Allocation of PPTRA relief shall be provided in accordance with the general provisions of this section, as implemented by the specific provisions of a resolution adopted annually, after the personal property tax book is certified by the commissioner of revenue and delivered to the treasurer.

(b) Relief shall be allocated in such a manner as to eliminate personal property taxation of each qualifying vehicle with an assessed value of \$1,000 or less.

(c) Relief with respect to qualifying vehicles with assessed values of more than \$1,000 shall be provided at a percentage, annually fixed and applied to the first \$20,000 in value of each such qualifying vehicle, that is estimated fully to use all available state PPTRA relief.

(4) Transitional Provisions.

(a) Pursuant to authority conferred in Item 503.D of the 2005 Appropriations Act, the city treasurer is authorized to issue a supplemental personal property tax bill, in the amount of 100 percent of tax due without regard to any former entitlement to state PPTRA relief, plus applicable penalties and interest, to any taxpayer whose taxes with respect to a qualifying vehicle for tax year 2005 or any prior tax year remain unpaid on September 1, 2006, or such date as state funds for reimbursement of the state share of such bill have become unavailable, whichever earlier occurs.

(b) Penalty and interest with respect to bills issued pursuant to subsection (4)(a) of this section shall be computed on the entire amount of tax owed. Interest shall be computed at the rate provided in SCC [3.10.040](#). (Ord. 2006-05).

**RESOLUTION
IMPLEMENTING ORDINANCE 2006-05, CODIFIED AS SECTION 3.10.015 OF THE
STAUNTON CITY CODE,
TO FURTHER IMPLEMENT THE 2004-2005 CHANGES
TO THE PERSONAL PROPERTY TAX RELIEF ACT OF 1998**

WHEREAS, by Ordinance 2006-05, adopted April 13, 2006, and codified as Section 3.10.015 of the Staunton City Code, the Council of the City of Staunton fashioned a local program of tax relief that serves the best interests of the citizenry regarding personal property tax on qualifying use vehicles, pursuant to modifications made by the General Assembly of Virginia to the Personal Property Tax Relief Act of 1998 (PPTRA);

WHEREAS, the City's program of tax relief contemplates the allocation of PPTRA relief provided by the Commonwealth of Virginia pursuant to the provisions of Ordinance 2006-05, codified as Section 3.10.015 of the Staunton City Code, as further implemented by resolution adopted annually after the personal property tax book is certified by the Commissioner of Revenue and delivered to the Treasurer;

WHEREAS, on August 30, 2024, the Commissioner of Revenue delivered to the Treasurer a certified personal property tax book; and

WHEREAS, the Commissioner of Revenue has recommended to the Council of the City of Staunton, Virginia, that with respect to qualifying vehicles with assessed values of more than \$1,000 the percentage of relief to be applied to the first \$20,000 in value of each such qualifying vehicle should be 33%, which the Commissioner of Revenue estimates will fully use all available state PPTRA relief.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Staunton, Virginia, that 33% shall be the percentage of relief to be applied to the first \$20,000 in value of each qualifying vehicle with an assessed value of more than \$1,000, pursuant to and in accordance with the provisions of Section 3.10.015 of the Staunton City Code.

Adopted this 12^h day of September, 2024.

Approved: _____
Stephen W. Claffey
Mayor

Attest: _____
Kiley Kesecker
Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	September 12, 2024	Staff Members: John C. Blair, II Rodney Rhodes Tim Hartless
Item #	D	
Department:	Community Development— Planning and Zoning	
Alignment with Staunton Plan (Value/Strategic Area):	Strategic Areas: West End; Infrastructure; Responsive, Efficient Government	
Subject:	Consideration of Resolution Directing the Planning Commission to Consider Amending the <i>City of Staunton, Virginia Comprehensive Plan 2018-2040</i> by Adding the West End Revitalization Strategies Plan as an Addendum	

Background: On August 22, 2024, the Staunton City Council and the Staunton Planning Commission conducted a joint work session. One of the items discussed in the joint work session was a proposed West End Revitalization Strategies Plan authored by EPR. EPR's Will Cockrell received and answered questions about the plan during the joint work session.

At the conclusion of the joint work session, Mayor Claffey and Council indicated their desire to amend the *City of Staunton, Virginia Comprehensive Plan 2018-2040* by making the West End Revitalization Strategies Plan an addendum to the Comprehensive Plan.

The attached Resolution directs the Planning Commission to conduct a public hearing and make a recommendation about adding the West End Revitalization Strategies Plan to the City's Comprehensive Plan within seventy days.

This would permit the Council to vote on this Comprehensive Plan amendment at its December

12, 2024 meeting.

Attachment: Proposed Resolution

Suggested Motion: I move that Council adopt the resolution as presented.

City Manager: Leslie Beauregard

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	September 12, 2024	Staff Members: Rodney Rhodes Tim Hartless
Item #	E	
Department:	Community Development— Planning and Zoning	
Alignment with Staunton Plan (Value/Strategic Area):	Strategic Areas: Infrastructure; Responsive, Efficient Government	
Subject:	Consideration of Request by William Lee Hereford to Withdraw a 2.343 Acre Portion of 1350 Commerce Road from the Merrifield Agricultural-Forestal District	

Background: In May, 2024, William Lee Hereford submitted a request to withdraw a 2.343 acre portion of 1350 Commerce Road from the Merrifield Agricultural-Forestal District. If approved, Dr. Hereford will divide the 2.343 acres through a Minor Subdivision Plat and create a lot to be sold for the construction of a single-family dwelling. Land within the Agricultural-Forestal overlay district shall be used solely for agricultural and forestal products and production. Single-family homes may only be permitted for immediate family members of the owner of the property or for individuals who earn a substantial portion of their livelihood from agricultural operations on the same property. The potential purchaser of the property is not a member of the Hereford family nor an employee of the Merrifield Farm; therefore, removal of the property from the agricultural District is a requirement for constructing a single-family home on the 2.343 acre parcel.

The Merrifield Agricultural-Forestal District consists of approximately 562 acres, bounded generally on north by VA Rt 262 (Woodrow Wilson Parkway), on the east by US Rt 11 (Commerce Road), on the south by the Baldwin Place and Baldwin Acres single-family residential developments, and on the west by undeveloped land which is part of the Carrsbrook Planned Residential Development.

The Merrifield Agricultural-Forestal District was established by City Council on January 1, 1997, and was most recently renewed, for a 10-year period, in 2020. The district will be eligible for renewal in 2030.

The request to withdraw the property from the district was considered by the Staunton Agricultural-Forestal Advisory Committee on June 26, 2024. The committee noted in its report (Attachment 2): The City Ordinance, Chapter 18.95 of the Staunton City Code, which establishes Ag/Forestal Districts, does not give a purpose statement or general description which could help guide the Committee in its determination. However, language in the Code of Virginia does lay out state policy that specifies considerations in establishing and maintaining Ag/Forestal Districts. Code section 15.2-4401 states, "It is state policy to encourage localities of the Commonwealth to conserve and protect and to encourage the development and improvement of their agricultural and forestall lands for the production of food and other agricultural and forestal products. It is also a state policy to encourage localities of the Commonwealth to conserve and protect agricultural and forestall lands as valued natural ecological resources which provide essential open spaces for clean air sheds, watershed protection, wildlife habitat, aesthetic quality, and other environmental purposes. It is the purpose of this chapter to provide a means by which localities may protect and enhance agricultural and forestal lands of local significance as a viable segment of the local economy and as an important economic and environmental resource." Section 18.095.060(2) of the City Zoning Code states, "No land within a district shall be removed except with the approval of the Council of the City of Staunton, upon a showing of good and reasonable cause." Neither the City Code, Code of Virginia, nor case law defines good and reasonable cause explicitly. It only says that a good and reasonable cause cannot be arbitrary or capricious and cannot be willfully unreasonable. The general purpose of Land Use Taxation in Virginia is to preserve agricultural, horticulture, forestry, and open space lands and to allow for the timely development of land.

After careful deliberations on the matter, the Committee on a 5-0 vote, recommended denial of the applicant's request to remove the property from the Merrifield Agricultural District.

After receiving notification of the recommendation of the Agricultural-Forestal Advisory Committee to deny the request, Dr. Hereford has submitted a letter (attachment 4) which outlines the reasons for the request and why he believe it meets the threshold for good and reasonable cause. In the letter, he states that this specific part of the farm is so steep that it is not suitable for crop land nor for grazing of cattle and that he no longer uses it for hay after a mishap that nearly resulted in a round bail rolling onto North Augusta Street. This letter was submitted after the Agricultural-Forestal Advisory Committee had already made its recommendation; so, this is information that the Advisory Committee did not have and therefore could not consider in its deliberation.

Section 18.95.040 of the Zoning Code of the City of Staunton notes: These districts are overlay districts and upon termination of any of the districts or withdrawal of any parcel from a district, when permitted, the underlying zoning with its rules and regulations shall continue to be in effect. The underlying zoning of the property is R-1, Low Density Residential District, and is therefore subject to all the regulations and restrictions of the R-1 District.

Planning Commission Recommendation:

At its August 15, 2024 meeting, the Planning Commission conducted a public hearing. During the public hearing no one spoke in opposition to the request. On a 4-0 vote, the Commission unanimously voted to recommend approval of the withdrawal.

Attachments:

Attachment 1—Meeting Agenda Packet from the Agricultural-Forestal Advisory Committee

Attachment 2—Report from the Agricultural-Forestal Advisory Committee

Attachment 3—Minor Subdivision Plat to Create a 2.343 Acre Lot - approved by city staff on August 5, 2024 but not yet recorded

Attachment 4—Letter from William Lee Hereford – received after the Agricultural-Forestal Advisory Committee meeting, explaining the reasons for the requested withdrawal

Attachment 5—Map of the Merrifield Agricultural-Forestal District

Attachment 6—Map of the Underlying Zoning

Attachment 7—Comprehensive Plan, 2018 Future Land Use Map

Attachment 8—Letter from the Agricultural-Forestal Advisory Committee Chair in Response to the Hereford Letter and Planning Commission Action

Suggested Motion: I move that Council approve the withdrawal as recommended by the Planning Commission.

City Manager: Leslie Beauregard

Attachment 1

Agricultural-Forestal Advisory Committee Meeting Packet

June 26, 2024 Meeting

OFFICE OF THE CITY ASSESSOR

MEMORANDUM

To: Agricultural-Forestal Advisory Committee

From: Douglas Flinn, City Assessor

Date: June 21, 2024

RE: June 26, 2024, Agricultural-Forestal Committee Meeting

The Staunton Agricultural-Forestal Advisory Committee will hold a meeting on **Wednesday, June 26, at 5:30 P.M.** The meeting will be held in the Caucus Room located on the first floor of City Hall, 116 W Beverley Street.

AGENDA

		Action Taken
1.	Call to Order	
2.	New Business A. Consideration of a Request by William Lee Hereford to withdraw 2.343 acres from the Merrifield Agricultural-Forestal District. PID # 10329	
3.	Old Business	
4.	Other Business	
5.	Adjournment	

Attachment 1

5/24/20

Jim,

Enclosed is a plat. I will get a better one without the dotted line we were looking at regarding. Also enclosed applocation & fee request.

The lot is adjacent to Baldwin Place on Commerce Road just North of the ravine behind Goke's Davis Smith house (now Herb Godkhalok).

Would like to pass this thru ASP since sub-septic approved (passed perk test since no city sewer access). He wants to begin building. Also has to find good water supply from well. No city water available.

Thab
L. L. L.



**Application for the Creation of/Addition to/or Withdrawal
from an Agricultural, Forestal, or Agricultural and Forestal
District:**

Date of Application: 5/20/2024

Application Fee: \$300.00

5-2024/ck# 6602 Paid (initial) D

To Be Completed by Applicant

1. Name of Applicant: William L. Acryford

2. Address of Applicant: 1350 Commerce Road
Staunton Virginia 24401

3. Telephone Number of Applicant: (H) _____

(C) 540-414-4320 (W) _____

4. Email Address: Merrifield Farms@gmail.com

5. General Location of the District: _____

Merrifield District located on Commerce Road
and VA Rt 262

6. Type of District: (Check One)

☒ Agricultural

☐ Forestal

☐ Agricultural and Forestal

7. Proposed/Current Name of District:

Merrifield District Withdrawal

8. Total Acreage in the District or Addition: 562 less 2.34 proposed withdrawal

9. Proposed Period Before First Review: N/A

10. Required Exhibits that MUST be furnished with the application:

A. A United States Geological Survey 7.5 Minute Topographic Map showing clearly the boundaries of the district or addition and the boundaries of properties owned by each applicant.

B. A City of Staunton Real Property Map showing boundaries of the district or addition and the boundaries of properties owned by each applicant.

C. A tabular listing of all parcels of land to be included in the district or addition showing the owner's name, address, telephone number, acreage of the parcel and the parcel number and current assessed value of the land, improvements and uses value.

D. A tabular listing of all parcels, with the signature of each landowner applying for creation of the district or addition.

E. All proposed conditions to create of the district pursuant to subsection D of Section 15.1-1511 of the Code of Virginia.

Signature of Applicant: 

Date: 7/20/2011

Attachment 2

11:18

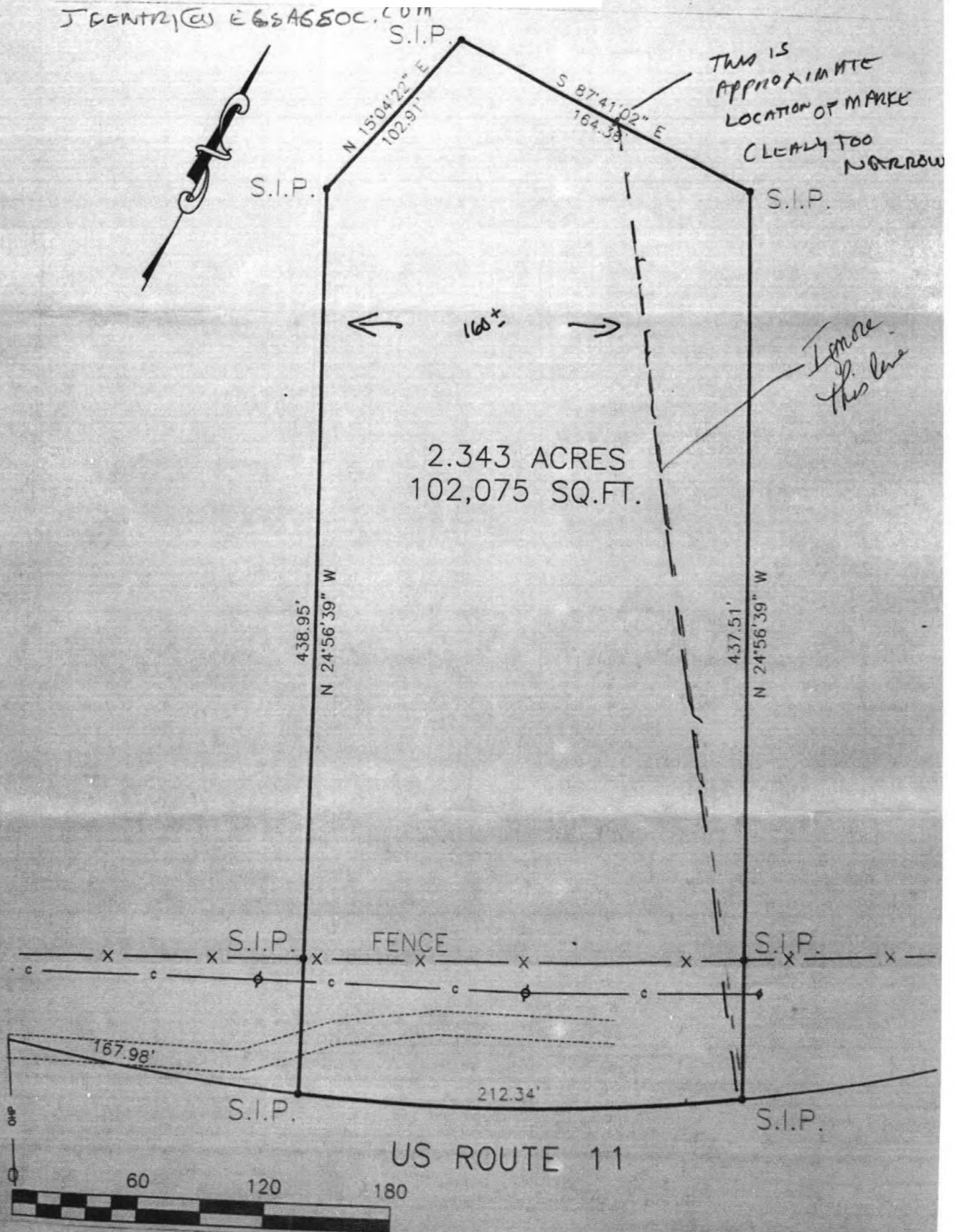


2.343 acre tract.pdf ▾

Done



Attachment 3



THE BOUNDARY SURVEY SHOWN HEREON IS BASED ON A CURRENT FIELD SURVEY.

THIS SURVEY WAS PERFORMED WITHOUT A TITLE REPORT AND MAY NOT INDICATE ALL ENCUMBRANCES UPON THE PROPERTY.

NO GRAVES OR PLACES OF BURIAL WERE NOTED DURING THIS SURVEY.

THE RESIDUAL PARCEL, NOT SHOWN, IS IN COMPLIANCE WITH PROVISIONS APPLICABLE TO FRONTAGE, WIDTH AND AREA.

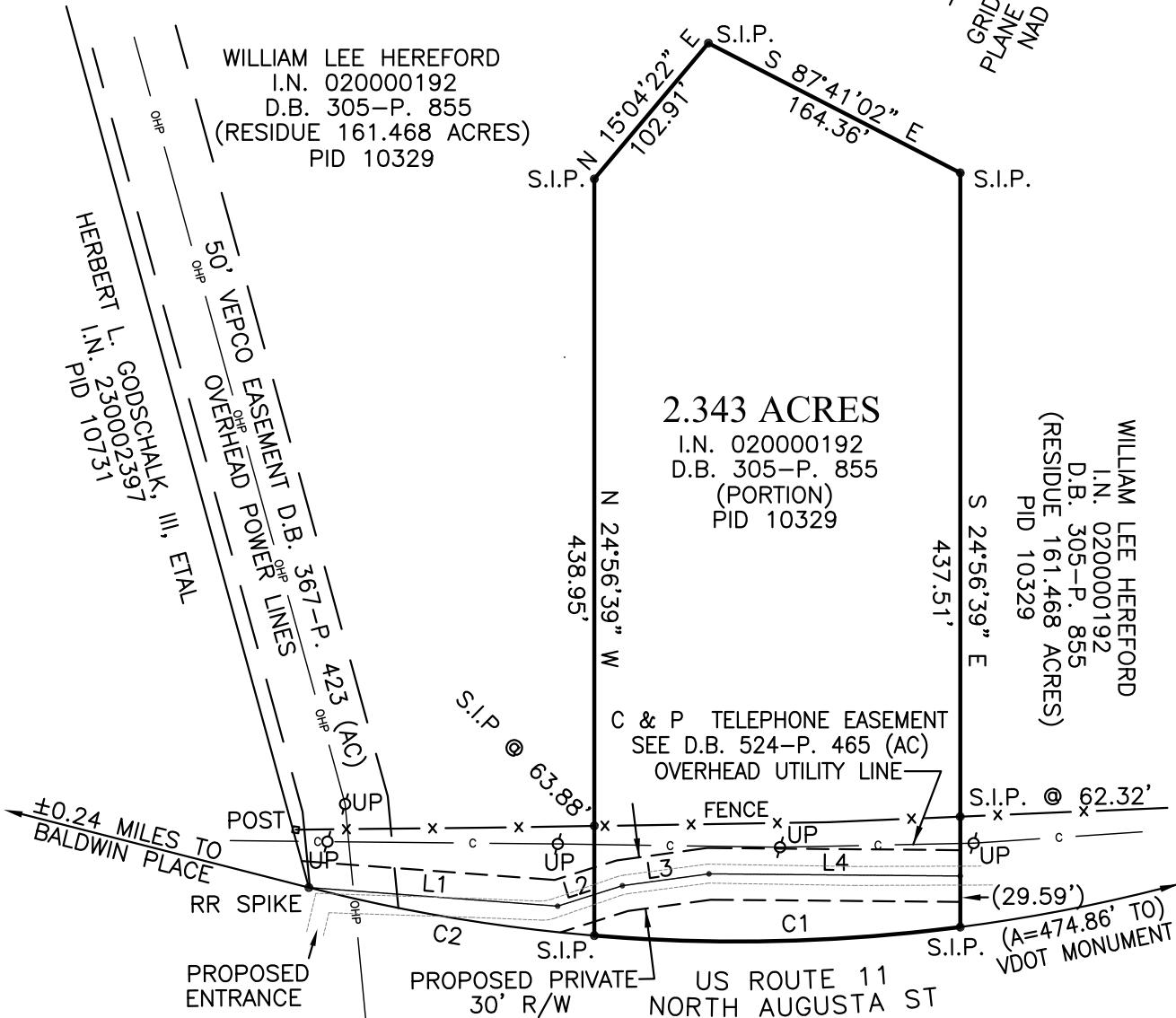
THE RESIDUE LOT, NOT SHOWN, HAS AN EXISTING DWELLING, SEPTIC SYSTEM AND HIGHWAY ENTRANCE PERMIT WHICH IS NOT AFFECTED BY THIS DIVISION.

THE SURVEY PREMISES IS LOCATED IN ZONE X (OTHER AREAS, DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN) ACCORDING TO FIRM FOR THE COUNTY OF AUGUSTA, VIRGINIA, COMMUNITY #510013 AND THE CITY OF STAUNTON, VIRGINIA, COMMUNITY #510155, MAP NUMBER 51015C0341D, EFFECTIVE DATE SEPTEMBER 28, 2007.

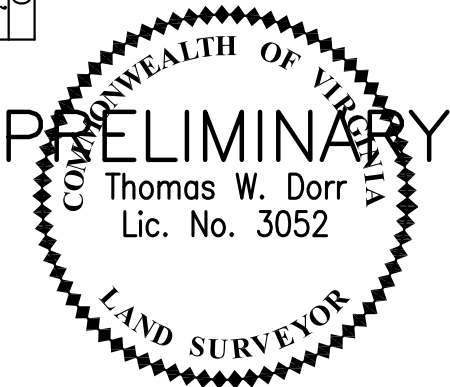
S.I.P. = SET IRON PIN
UP = UTILITY POLE
(AC) = AUGUSTA COUNTY

GRID NORTH, VA STATE
PLANE COORDINATE SYSTEM
NAD 83, NORTH ZONE

CURVE	DELTA	RADIUS	ARC	TAN	CHORD BRG.	CHORD
C1	12°10'08"	1001.65'	212.74'	106.77'	S 63°42'54" W	212.34'
C2	9°37'11"	1001.65'	168.17'	84.28'	S 74°36'33" W	167.98'



LINE	BEARING	DISTANCE
L1	N 69°20'04" E	144.77'
L2	N 47°30'53" E	39.38'
L3	N 57°16'31" E	50.72'
L4	N 65°33'02" E	145.76'



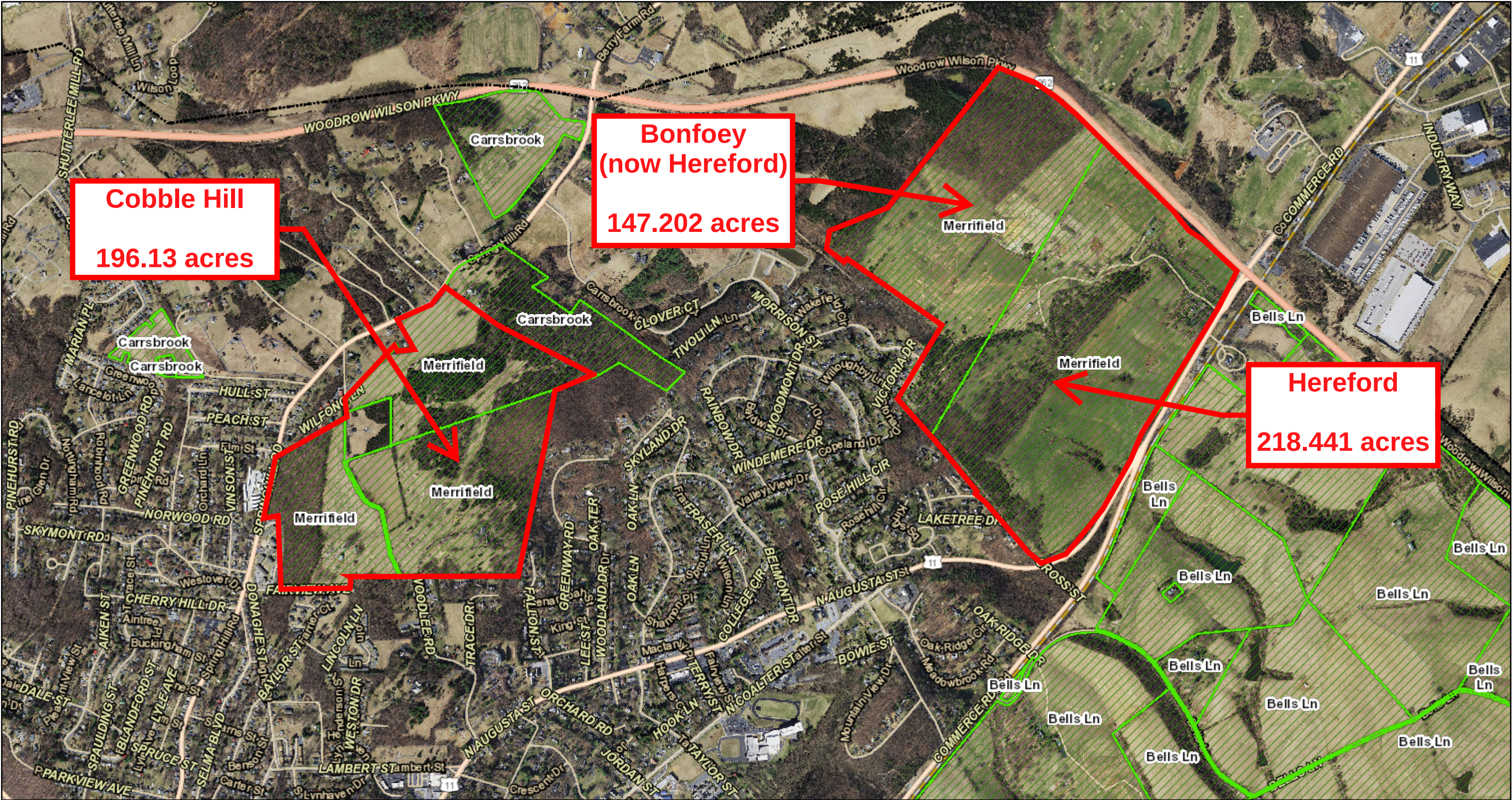
DIVISION PLAT OF A PORTION OF THE
WILLIAM LEE HEREFORD PROPERTY
STAUNTON, VA.

SCALE 1" = 100' MAY 6, 2024

EGS & ASSOCIATES, INC.
15 TERRY ST., STAUNTON, VA

IF THIS PLAT IS NOT RECORDED WITHIN 6 MONTHS
THE SUBDIVISION AGENT APPROVAL IS VOID.
SUBDIVISION AGENT





5/23/2024, 8:28:03 AM

1:18,056

World Transportation

City Limits

Ag Forestal District

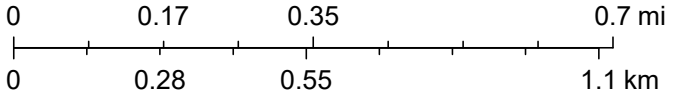
Road Centerline

2022 Imagery

Red: Band_1

Green: Band_2

Blue: Band_3



VITA, Esri, HERE, iPC, Maxar

Attachment 6

2.34 acres to be withdrawn from the below City of Staunton tax parcel within the Merrifield Agricultural-Forestal District

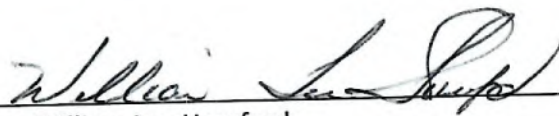
PARCEL #	NAME	ADDRESS	PHONE #	ACERAGE	ASSED VALUE OF LAND	ASSESSED VALUE OF IMPROVMENTS	TOTAL ASSESSED VALUE
10329	William Lee Hereford	1350 Commerce Rd	(540) 414-4320	163.811	\$111,400	\$0	\$111,411

Signature of Applicant: _____
William Lee Hereford Date

2.34 acres to be withdrawn from the below City of Staunton tax parcel within the Merrifield Agricultural-Forestal District

PARCEL #	NAME	ADDRESS	PHONE #	ACERAGE	ASSED VALUE OF LAND	ASSESSED VALUE OF IMPROVMENTS	TOTAL ASSESSED VALUE
10329	William Lee Hereford	1350 Commerce Rd	(540) 414-4320	163.811	\$111,400	\$0	\$111,411

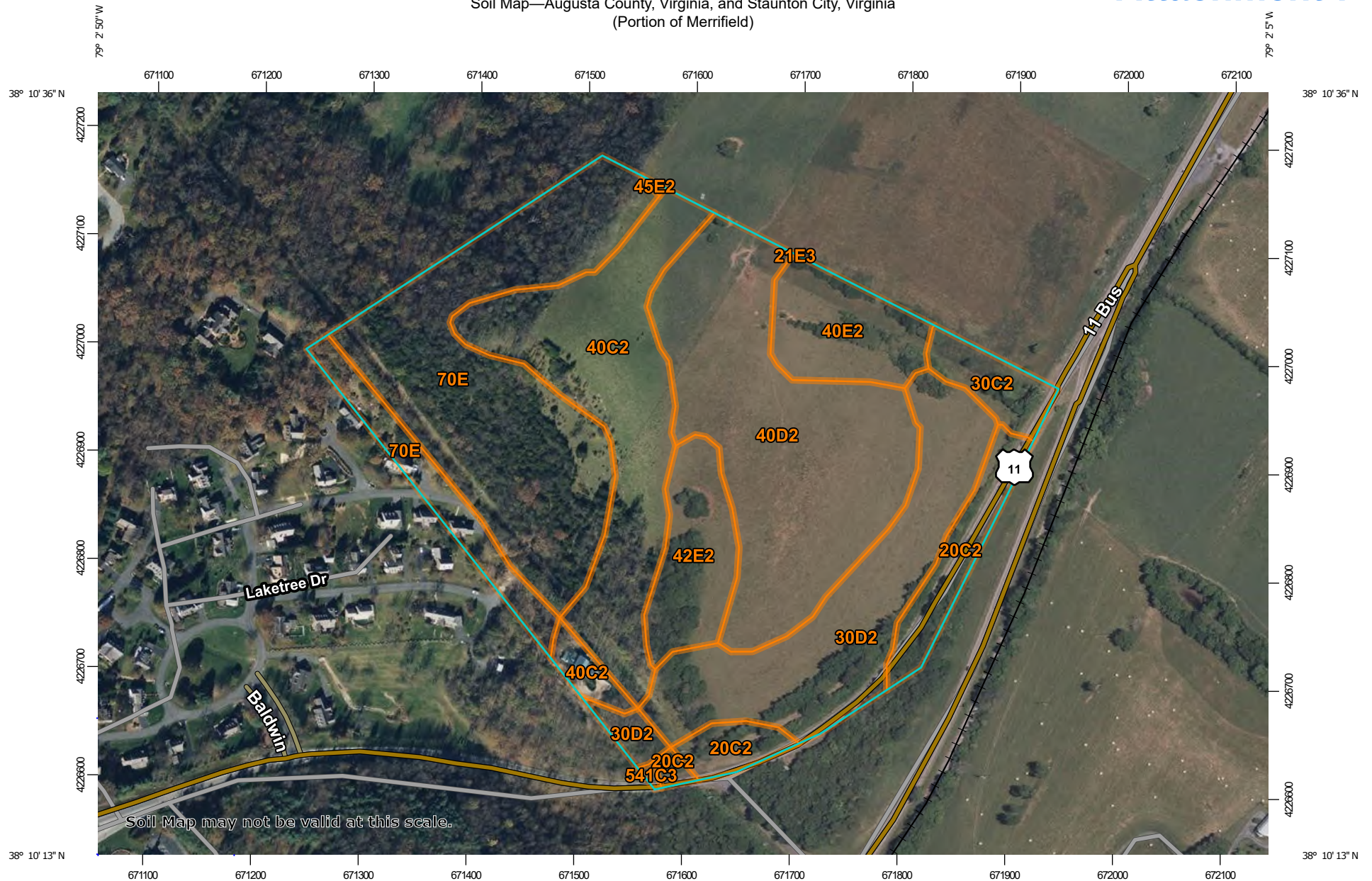
Signature of Applicant:


William Lee Hereford



Date

Soil Map—Augusta County, Virginia, and Staunton City, Virginia (Portion of Merrifield)



Map Scale: 1:4,970 if printed on A landscape (11" x 8.5") sheet.

0 50 100 200 300 Meters

0 200 400 800 1200 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 17N WGS84



**Natural Resources
Conservation Service**

Web Soil Survey
National Cooperative Soil Survey

6/24/2024
Page 1 of 4

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
20C2	Chilhowie silty clay loam, 7 to 15 percent slopes, eroded	3.0	5.2%
21E3	Chilhowie channery silty clay loam, 25 to 45 percent slopes, severely eroded	0.0	0.0%
30C2	Edom silt loam, 7 to 15 percent slopes, eroded	1.4	2.5%
30D2	Edom silt loam, 15 to 25 percent slopes, eroded	8.2	14.3%
40C2	Frederick-Christian silt loams, 7 to 15 percent slopes, eroded	9.3	16.1%
40D2	Frederick-Christian silt loams, 15 to 25 percent slopes, eroded	12.7	22.2%
40E2	Frederick-Christian silt loams, 25 to 45 percent slopes, eroded	3.1	5.5%
42E2	Frederick-Christian gravelly silt loams, 25 to 45 percent slopes	3.1	5.4%
45E2	Frederick-Rock outcrop complex, 15 to 45 percent slopes, eroded	0.0	0.1%
70E	Rock outcrop-Frederick complex, steep	12.7	22.1%
Subtotals for Soil Survey Area		53.6	93.4%
Totals for Area of Interest		57.4	100.0%

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
20C2	Chilhowie silty clay loam, 7 to 15 percent slopes, eroded	0.2	0.4%
30D2	Edom silt loam, 15 to 25 percent slopes, eroded	0.5	0.9%
40C2	Frederick-Christian silt loams, 7 to 15 percent slopes, eroded	0.7	1.2%
70E	Rock outcrop-Frederick complex, steep	2.3	4.0%
541C3	Frederick-Christian-Urban land complex, 15 to 25 percent slopes, severely eroded	0.1	0.1%
Subtotals for Soil Survey Area		3.8	6.6%
Totals for Area of Interest		57.4	100.0%

Chapter 18.95

A-1 AGRICULTURAL-FORESTAL DISTRICT

Sections:

- 18.95.005 Definitions.
- 18.95.010 Districts continued.
- 18.95.020 Districts designated and described – Additions to districts.
- 18.95.030 Required and permitted uses.
- 18.95.040 Overlay.
- 18.95.050 Private roads.
- 18.95.060 Other conditions.
- 18.95.070 Term review.
- 18.95.080 Severability.

18.95.005 Definitions.

For purposes of this chapter, the following definitions apply unless otherwise provided herein:

“Agricultural production” means the production for commercial purposes of crops, livestock and livestock products, and other agricultural products, including the processing or retail sales by the producer of such products which are produced on the parcel or in the district.

“Agricultural products” means crops, livestock and livestock products, including but not limited to: field crops, fruits, vegetables, horticultural specialties, cattle, sheep, hogs, goats, horses, poultry, furbearing animals, milk, eggs and furs.

“Application” means the set of items an owner of land or owners of land, landowner or landowners must submit to the local governing body when applying for the creation of a district or an addition to an existing district.

“District” means an agricultural-forestal area comprised of one or more parcels as designated for inclusion in a district as specified herein.

“Forestal production” means the production for commercial purposes of forestal products and includes the processing or retail sales, by the producer, of forestal products which are produced on the parcel or in the district.

“Forestal products” means, but is not limited to, saw timber, pulpwood, posts, firewood, Christmas trees and other tree and wood products for sale or for farm use.

“Intensive agriculture facility” means any building or structure housing more than 10 animals or any dead animal disposal facility.

“Owner or owners of land” means any person who holds a direct or indirect fee simple interest in property or a direct or indirect controlling or other interest in an entity that holds a direct or indirect fee simple interest in land and other property but does not include the holder of an easement.

“Person” means any individual, corporation, limited liability company, partnership, association, cooperative, trust, business trust, joint venture, or any other entity and any successor, representative, agent, agency, or instrumentality thereof. (Ord. 2010-29).

18.95.010 Districts continued.

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, there are hereby continued agricultural-forestal districts, subject to the terms, conditions, and restrictions set forth in this chapter and as otherwise provided by Sections 15.2-4300 through and including 15.2-4314 of the Code of Virginia, as amended, the provisions of which, except as specifically modified herein, to the extent permitted by law, are adopted and incorporated herein by reference. (Ord. 2010-29; Ord. 2004-38. Zoning ordinance Art. 4, § 16).

18.95.020 Districts designated and described – Additions to districts.

(1) Districts. The agricultural, or sometimes referred to as agricultural and forestal or agricultural-forestal, districts designated and the land included within the districts are the following:

(a) The Bell's Lane Agricultural and Forestal District shall consist of the following land, to wit:

(i) 1,662.34 acres of land, more or less, situated in the city of Staunton, Virginia, bounded generally on the west by Commerce Road, on the north by State Route 262 (formerly State Route 275), on the east by Interstate 81, and on the south by Route 254, which includes the land identified by the city of Staunton assessor as parcel numbers 10140, 10143, 10146, 10149, 10152, 10169, 10176, 10182, 10187, 10369, 10375, 10410, 10413, 10418, 10420, 10423, 10430, 10438, 10442 and 11121, and as further shown on the map entitled "Ag-Forestal Districts" made by the engineering department of the city of Staunton, dated October 25, 2004, a copy of which map shall be on file with the department of planning and inspection and the city assessor's office.

(ii) 26.19 acres of land, more or less, situated in the city of Staunton, Virginia, bounded generally on the east by Interstate 81 and on the south, west and north by the land of Lewis W. Moore, lying along the southeastern margin of Lewis Creek and encompassing the land identified by the city of Staunton as parcel number 10484.

(b) The Merrifield Agricultural and Forestal District shall consist of the following land, to wit:

(i) 218.441 acres of land, more or less, situated in the city of Staunton, Virginia, at the northwest quadrant of the intersection of U.S. Route 11 and State Route 262 (formerly State Route 275), and identified by the city of Staunton assessor as parcel number 10329 and shown on the aforementioned map as "Hereford," and more particularly shown and described as Parcel A-2 on the "Survey Plat of Property of E. Monroe Bonfoey and Sarah D. Witz Bonfoey," a copy of which plat is recorded in the clerk's office of the circuit court of the city of Staunton, Virginia, in Deed Book 305, Page 858.

(ii) 147.202 acres of land, more or less, situated in the city of Staunton, Virginia, adjoining the land described in subsection (1)(b)(i) of this section and shown on the map aforementioned as "Bonfoey," and more particularly shown and described on the plat, aforesaid, as Parcel A-1 (excluding 2.999 acres shown on said plat as Parcel B) and identified by the city of Staunton assessor as parcel number 10881.

(iii) 196.13 acres of land, more or less, situated in the city of Staunton, Virginia, known as "Cobble Hill," identified by the city of Staunton assessor as parcel numbers 10007, 10008 and 10010 and shown on the map aforementioned as "Craske."

(c) The M.O. Carr Agricultural and Forestal District shall consist of the following land, to wit:

(i) 40.67 acres of land, more or less, and shown on the map aforementioned as "Hardy" and identified by the city of Staunton assessor as parcel number 10012.

(ii) 35.167 acres of land, more or less, and shown on the map aforementioned as "Johnson" and identified by the city of Staunton assessor as parcel number 10472.

(iii) 10.54 acres of land, more or less, known as the "Thompson" property and consisting of two parcels identified and shown by the city as parcel number 9996, containing approximately 0.950 acres, and parcel number 10824, containing approximately 9.404 acres.

(iv) 45.56 acres of land, more or less, known as the "Labrehab at Windy Oaks, LLC" property and consisting of six parcels identified and shown by the city as parcel identification numbers 11544, containing approximately 0.931 acres, parcel number 10046, containing approximately 10.869 acres, parcel number 10047, containing approximately 13.389 acres, parcel number 9975, containing approximately 7.464 acres, parcel number 101897, containing approximately 8.715 acres, and parcel number 101898, containing approximately 4.19 acres.

(d) The Middlebrook Agricultural and Forestal District shall consist of the following land, to wit:

221.266 acres of land, more or less, situated in the city of Staunton, Virginia, fronting approximately 6,500 feet along the southwestern city limits at the northwest corner of the intersection of Middlebrook Avenue and State Route 262 (formerly State Route 275), adjoining Montgomery Hall Park on the northeast, Augusta County on the southwest, CSX Railroad on the northwest and Middlebrook Avenue on the southeast, which includes the lands identified by the city of Staunton assessor as parcel numbers 10098, 10126, 10311, 10099, 10103, 10510 and 10097, and as further shown on the map entitled "Exhibit D.1. – Boundary Map," a copy of which map shall be on file with the department of planning and inspection and the city assessor's office.

(2) Additions to Districts. Additional parcels of land may be added to an existing district at any time by following the process and application deadlines prescribed for the creation of a new district. The assessor for the city of Staunton shall specify an application form and, as necessary, other forms related to any proposed additional district and for proposed land to be added to a district consistent with the provisions of this chapter. (Ord. 2023-39; Ord. 2023-37; Ord. 2020-16; Ord. 2020-01; Ord. 2015-02; Ord. 2010-29; Ord. 2009-06; Ord. 2009-05; Ord. 2004-38. Zoning ordinance Art. 4, § 16).

18.95.030 Required and permitted uses.

(1) Required Uses. Land included within the districts under this chapter shall be used solely for agricultural products, agricultural productions, forestal products, and forestal production, except as otherwise specifically limited or permitted, and shall continuously be so used to manifest active, bona fide agricultural and forestal production of a significant nature and degree. Not later than July 1st of each year, each owner of land in a district shall file with the assessor for the city of Staunton a fully complete affidavit as to each such parcel of land as identified separately within the district in SCC 18.95.020, in a form specified by the assessor, that verifies the use of the land within the district satisfies these conditions. Owners shall be permitted a 30-day period extension to file the affidavit as to each such parcel as identified separately within the district in SCC 18.95.020 upon satisfactory proof of payment within such 30-day extension period to the Staunton city treasurer of a late filing fee of \$100.00 or 10 percent of the tax savings, whichever is greater, as to each separately identified parcel within the district. Owners shall be permitted an immediately successive 30-day period filing extension as to each such separately identified parcel within the district upon satisfactory proof of payment within such 30-day extension period to the Staunton city treasurer of a late filing fee of an additional \$100.00 or 10 percent of the tax savings, whichever is greater, as to each. In no event, however, shall the total extension exceed two immediately successive 30-day periods, totaling 60 days. Absent timely filing of a properly completed affidavit and timely payment of late filing fee(s), if applicable, land included in a district shall be regarded as suspended from inclusion in the district for the following calendar year for purposes of qualification for an agricultural or forestal use-value assessment pursuant to Article 4 (Section 58.1-3229 et seq.) of Chapter 32 of Title 58.1 of the Code of Virginia.

(2) Other Permitted Uses. Construction and placement of dwellings for persons who earn a substantial part of their livelihood from farm or forestry operations on the same property, or for members of the immediate family of the owner, and divisions of parcels for dwellings of such immediate family members shall be permitted subject to the following limitations and regulations:

- (a) Any new dwelling permitted hereunder must be located on a platted lot approved in accordance with the provisions of SCC 17.10.070, Minor subdivision plats.
- (b) Minimum lot area: one acre.
- (c) Maximum lot coverage: 10 percent.
- (d) Lots must abut at least 30 feet on a public or private street.
- (e) All buildings on a lot must be set back at least 100 feet from the front lot line, 50 feet from the rear lot line, and 50 feet from the side lot lines.
- (f) Dwellings shall not exceed 35 feet or two and one-half stories, whichever is greater. All other buildings or structures, unless exempted by Chapter 18.115 SCC, shall not exceed one story or 15 feet, whichever is greater.

(3) Nothing herein shall prohibit the carrying out of agritourism activities, as defined in Section 3.2-6400 of the Code of Virginia, or other activities in accordance with Section 15.2-2288.6 of the Code of Virginia, on the land

within these districts, except to the extent such activities substantially impact the health, safety, or general welfare of the public as further identified by the city council in this code, or constitute a nuisance as defined in this code or in Section 15.2-900 of the Code of Virginia. (Ord. 2020-01; Ord. 2018-26; Ord. 2010-29; Ord. 2004-38. Zoning ordinance Art. 4, § 16).

18.95.040 Overlay.

These districts are overlay districts and upon termination of any of the districts or withdrawal of any parcel from a district, when permitted, the underlying zoning with its rules and regulations shall continue to be in effect. (Ord. 2020-01; Ord. 2010-29; Ord. 2004-38. Zoning ordinance Art. 4, § 16).

18.95.050 Private roads.

If, in the creation of a lot pursuant to SCC 18.95.030(2)(a), a private road is created, no city services such as, but not limited to, snow and ice removal and trash collection will be provided to such lot. In addition, emergency services such as fire and rescue may be limited. (Ord. 2020-01; Ord. 2010-29; Ord. 2004-38. Zoning ordinance Art. 4, § 16).

18.95.060 Other conditions.

(1) Land included in a district shall be regarded as suspended from inclusion in the district for the following calendar year for purposes of qualification for agricultural or forestal use-value assessment pursuant to Article 4 (Section 58.1-3229 et seq.) of Chapter 32 of Title 58.1 of the Code of Virginia if, as of June 30th or December 31st, any owner of land is delinquent as to any amounts, including but not limited to taxes, fees, and charges, or any other sum for which the person has been determined to be liable to the city of Staunton even though the matter may be in contest. The city director of finance, treasurer, and commissioner of revenue shall certify to the assessor the name of any such person and shall, together with the city assessor, regard the land as suspended from inclusion in the corresponding district for the following calendar year for this purpose, to the fullest extent permitted by law.

(2) No land within a district shall be removed from the district except with the approval of the council of the city of Staunton, upon a showing of good and reasonable cause.

(3) During the term of the districts, no parcel of land within the districts shall, without the prior approval of the council of the city of Staunton, be developed to any more intensive use than existed at the date of the creation of these districts, other than uses resulting in more intensive agricultural or forestal production, and no parcel of common or related ownership within the districts may have thereon, at any particular time, more than 10 turkeys, 10 hogs, and 20 chickens.

(4) By having land in an existing or in an added district, any owner of land in a district accordingly deems and stipulates that the value of such land shall, for all purposes related to the acquisition of any easement interest in the land for a public use for water and/or sewer utility facilities or ingress and egress right-of-way to such facilities by the city of Staunton or its authorities as authorized by law, be the same value used for assessment pursuant to Article 4 (Section 58.1-3229 et seq.) of Chapter 32 of Title 58.1 of the Code of Virginia, to the fullest extent permitted by law.

(5) No intensive agriculture facility shall be closer than 500 feet from a nonagricultural district and 100 feet from any property line or street right-of-way line. (Ord. 2020-01; Ord. 2010-29; Ord. 2004-38. Zoning ordinance Art. 4, § 16).

18.95.070 Term review.

(1) A review of the Bell's Lane Agricultural and Forestal District, the Merrifield Agricultural and Forestal District, the M. O. Carr Agricultural and Forestal District, and the Middlebrook Agricultural and Forestal District as identified in SCC 18.95.020, including any additions to any district, may be made by the council of the city of Staunton on the date 10 years measured from the effective date of the continuation of those districts as provided by, and in accordance with, Section 15.2-4311 of the Code of Virginia, as amended; except, however, a review is and shall be unnecessary prior to a new 10-year period which shall commence January 1, 2021, and expire December 31, 2030, with the next review, therefore, to occur in the year 2030 consistent with Section 15.2-4311 of the Code of Virginia.

(2) *Repealed by Ord. 2020-16.*

(3) Each district created hereunder shall be so reviewed on an individual basis, and the continuation of one or its termination shall not automatically continue or terminate any other district. (Ord. 2020-16; Ord. 2015-03; Ord. 2010-29; Ord. 2009-05; Ord. 2004-38. Zoning ordinance Art. 4, § 16).

18.95.080 Severability.

If any of the provisions of any subsection, paragraph, subdivision or clause of this chapter shall be judged invalid by a court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any subsection, paragraph, subdivision or clause of the chapter. (Ord. 2010-29).

Code of Virginia

Title 15.2. Counties, Cities and Towns

Subtitle IV. Other Governmental Entities

Chapter 43. Agricultural and Forestal Districts Act

§ 15.2-4300. Short title

This chapter shall be known and may be cited as the "Agricultural and Forestal Districts Act."

1977, c. 681, § 15.1-1506; 1997, c. 587.

§ 15.2-4301. Declaration of policy findings and purpose

It is the policy of the Commonwealth 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.

1977, c. 681, § 15.1-1507; 1987, c. 552; 1997, c. 587.

§ 15.2-4302. Definitions

As used in this chapter, unless the context requires a different meaning:

"Advisory committee" means the agricultural and forestal districts advisory committee.

"Agricultural products" means crops, livestock and livestock products, including but not limited to: field crops, fruits, vegetables, horticultural specialties, cattle, sheep, hogs, goats, horses, poultry, furbearing animals, milk, eggs and furs.

"Agricultural production" means the production for commercial purposes of crops, livestock and livestock products, and includes the processing or retail sales by the producer of crops, livestock or livestock products which are produced on the parcel or in the district.

"Agriculturally and forestally significant land" means land that has recently or historically produced agricultural and forestal products, is suitable for agricultural or forestal production or is considered appropriate to be retained for agricultural and forestal production as determined by such factors as soil quality, topography, climate, markets, farm structures, and other relevant factors.

"Application" means the set of items a landowner or landowners must submit to the local governing body when applying for the creation of a district or an addition to an existing district.

"District" means an agricultural, forestal, or agricultural and forestal district.

"Forestal production" means the production for commercial purposes of forestal products and includes the processing or retail sales, by the producer, of forestal products which are produced on the parcel or in the district. "Forestal products" includes, but is not limited to, saw timber, pulpwood, posts, firewood, Christmas trees and other tree and wood products for sale or for farm

use.

"Landowner" or "owner of land" means any person holding a fee simple interest in property but does not mean the holder of an easement.

"Program administrator" means the local governing body or local official appointed by the local governing body to administer the agricultural and forestal districts program.

1977, c. 681, § 15.1-1508; 1979, c. 377; 1981, c. 54; 1987, c. 552; 1997, c. 587; 2011, cc. [344](#), [355](#).

§ 15.2-4303. Power of localities to enact ordinances; application form and fees; maps; sample form

A. Each locality shall have the authority to promulgate forms and to enact ordinances to effectuate this chapter. The locality may charge a reasonable fee for each application submitted pursuant to this chapter; such fee shall not exceed \$500 or the costs of processing and reviewing an application, whichever is less.

B. The locality shall prescribe application forms for districts that include but need not be limited to the following information:

1. The general location of the district;
2. The total acreage in the district or acreage to be added to an existing district;
3. The name, address, and signature of each landowner applying for creation of a district or an addition to an existing district and the acreage each owner owns within the district or addition;
4. The conditions proposed by the applicant pursuant to § [15.2-4309](#);
5. The period before first review proposed by the applicant pursuant to § [15.2-4309](#); and
6. The date of application, date of final action by the local governing body and whether approved, modified or rejected.

C. The application form shall be accompanied by maps or aerial photographs, or both, prescribed by the locality that clearly show the boundaries of the proposed district and each addition and boundaries of properties owned by each applicant, and any other features as prescribed by the locality.

D. For each notice required by this chapter to be sent to a landowner, notice shall be sent by first-class mail to the last known address of such owner as shown on the application hereunder or on the current real estate tax assessment books or maps. A representative of the local planning commission or local governing body shall make affidavit that such mailing has been made and file such affidavit with the papers in the case.

1977, c. 681, § 15.1-1509; 1978, c. 604; 1979, c. 377; 1984, c. 20; 1987, c. 552; 1997, c. 587; 2005, c. [667](#); 2011, cc. [344](#), [355](#).

§ 15.2-4304. Agricultural and forestal districts advisory committee

A. Upon receipt of the first agricultural and forestal districts application, the local governing body shall establish an advisory committee which shall consist of four landowners who are engaged in agricultural or forestal production, four other landowners of the locality, the commissioner of revenue or the local government's chief property assessment officer, and a

member of the local governing body. The members of the committee shall be appointed by and serve at the pleasure of the local governing body. The advisory committee shall elect a chairman and a vice-chairman and elect or appoint a secretary who need not be a member of the committee. The advisory committee shall serve without pay but the locality may reimburse each member for actual and necessary expenses incurred in the performance of his duties. Any expenditures of the committee shall be within the amounts appropriated for such purpose by the local governing body. The committee shall advise the local planning commission and the local governing body and assist in creating, reviewing, modifying, continuing or terminating districts within the locality. In particular, the 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 locality.

B. The local governing body may designate the planning commission to act for and in lieu of an agricultural and forestal districts advisory committee if the membership of the planning commission includes at least four landowners who are engaged in agricultural or forestal production.

1977, c. 681, § 15.1-1510; 1987, c. 552; 1989, c. 52; 1997, c. 587; 2011, cc. [344](#), [355](#).

§ 15.2-4305. Application for creation of district in one or more localities; size and location of parcels

On or before November 1 of each year or any other annual date selected by the locality, any owner or owners of land may submit an application to the locality for the creation of a district or addition of land to an existing district within the locality. Each district shall have a core of no less than 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 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. No land shall be included in any district without the signature on the application, or the written approval of all owners thereof. A district may be located in more than one locality, provided that (i) separate application is made to each locality involved, (ii) each local governing body approves the district, and (iii) the district meets the size requirements of this section. In the event that one of the local governing bodies disapproves the creation of a district within its boundaries, the creation of the district within the adjacent localities' boundaries shall not be affected, provided that the district otherwise meets the requirements set out in this chapter. In no event shall the act of creating a single district located in two localities pursuant to this subsection be construed to create two districts.

1977, c. 681, § 15.1-1511; 1979, c. 377; 1981, c. 546; 1984, c. 20; 1985, c. 13; 1987, c. 552; 1993, cc. 745, 761; 1997, c. 587; 1998, c. [833](#); 2011, cc. [344](#), [355](#).

§ 15.2-4306. Criteria for evaluating application

Land being considered for inclusion in a district may be evaluated by the advisory committee and the planning commission through the Virginia Land Evaluation and Site Assessment (LESA) System or, if one has been developed, a local LESA System. The following factors should be considered by the local planning commission and the advisory committee, and at any public hearing at which an application that has been filed pursuant to § [15.2-4303](#) is being considered:

1. The agricultural and forestal significance of land within the district or addition and in areas adjacent thereto;
2. The presence of any significant agricultural lands or significant forestal lands within the district and in areas adjacent thereto that are not now in active agricultural or forestal production;
3. The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto;
4. Local developmental patterns and needs;
5. The comprehensive plan and, if applicable, the zoning regulations;
6. The environmental benefits of retaining the lands in the district for agricultural and forestal uses; and
7. Any other matter which may be relevant.

In judging the agricultural and forestal significance of land, any relevant agricultural or forestal maps may be considered, as well as soil, climate, topography, other natural factors, markets for agricultural and forestal products, the extent and nature of farm structures, the present status of agriculture and forestry, anticipated trends in agricultural economic conditions and such other factors as may be relevant.

1977, c. 681, § 15.1-1511; 1979, c. 377; 1981, c. 546; 1984, c. 20; 1985, c. 13; 1987, c. 552; 1993, cc. 745, 761; 1997, c. 587.

§ 15.2-4307. Review of application; notice; hearing

Upon the receipt of an application for a district or for an addition to an existing district, the program administrator shall refer such application to the advisory committee.

The advisory committee shall review and make recommendations concerning the application or modification thereof to the local planning commission, which shall:

1. Notify, by first-class mail, adjacent property owners, as shown on the maps of the locality used for tax assessment purposes, 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 pursuant to this chapter; (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 local 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 thirty days from the date of the notice or, with the consent of the local governing body, at any time before the public hearing the local governing body must hold on the application; (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 local governing body, at any time before the local governing body acts pursuant to § 15.2-4309; and (vi) a statement that additional qualifying lands may be added to an already created district at any time upon separate application pursuant to this chapter;

2. Hold a public hearing as prescribed by law; and

3. Report its recommendations to the local governing body including but not limited to the potential effect of the district and proposed modifications upon the locality's planning policies and objectives.

1977, c. 681, § 15.1-1511; 1979, c. 377; 1981, c. 546; 1984, c. 20; 1985, c. 13; 1987, c. 552; 1993, cc. 745, 761; 1997, c. 587; 1998, c. [833](#); 2011, cc. [344](#), [355](#).

§ 15.2-4308. Repealed

Repealed by Acts 2011, cc. [344](#) and [355](#), cl. 2.

§ 15.2-4309. Hearing; creation of district; conditions; notice

A. The local governing body, after receiving the report of the local planning commission and the advisory committee, shall hold a public hearing as provided by law, and after such public hearing, may by ordinance create the district or add land to an existing district as applied for, or with any modifications it deems appropriate.

B. The governing body may require, as a condition to creation of the district, that any parcel in the district shall not, without the prior approval of the governing body, be developed to any more intensive use or to certain more intensive uses, other than uses resulting in more intensive agricultural or forestal production, during the period which the parcel remains within the district. Local governing bodies shall not prohibit as a more intensive use, construction and placement of dwellings for persons who earn a substantial part of their livelihood from a farm or forestry operation on the same property, or for members of the immediate family of the owner, or divisions of parcels for such family members, unless the governing body finds that such use in the particular case would be incompatible with farming or forestry in the district. To further the purposes of this chapter and to promote agriculture and forestry and the creation of districts, the local governing body may adopt programs offering incentives to landowners to impose land use and conservation restrictions on their land within the district. Programs offering such incentives shall not be permitted unless authorized by law. Any conditions to creation of the district and the period before the review of the district shall be described, either in the application or in a notice sent by first-class mail to all landowners in the district and published in a newspaper having a general circulation within the district at least seven days prior to adoption of the ordinance creating the district. The ordinance shall state any conditions to creation of the district and shall prescribe the period before the first review of the district, which shall be no less than four years but not more than ten years from the date of its creation. In prescribing the period before the first review, the local governing body shall consider the period proposed in the application. The ordinance shall remain in effect at least until such time as the district is to be reviewed. In the event of annexation by a city or town of any land within a district, the district shall continue until the time prescribed for review.

C. The local governing body shall act to adopt or reject the application, or any modification of it, no later than 180 days from (i) November 1 or (ii) the other date selected by the locality as provided in § [15.2-4305](#). Upon the adoption of an ordinance creating a district or adding land to an existing district, the local governing body shall submit a copy of the ordinance with maps to the local commissioner of the revenue, and the State Forester, and the Commissioner of Agriculture and Consumer Services for information purposes. The commissioner of the revenue shall identify the parcels of land in the district in the land book and on the tax map, and the local governing body shall identify such parcels on the zoning map, where applicable and shall

designate the districts on the official comprehensive plan map each time the comprehensive plan map is updated.

1977, c. 681, § 15.1-1511; 1979, c. 377; 1981, c. 546; 1984, c. 20; 1985, c. 13; 1987, c. 552; 1993, cc. 745, 761; 1997, c. 587; 1998, c. 833; 2011, cc. 344, 355; 2023, cc. 506, 507.

§ 15.2-4310. Additions to a district

Additional parcels of land may be added to an existing district at any time by following the process and application deadlines prescribed for the creation of a new district.

1977, c. 681, § 15.1-1511; 1979, c. 377; 1981, c. 546; 1984, c. 20; 1985, c. 13; 1987, c. 552; 1993, cc. 745, 761; 1997, c. 587; 2011, cc. 344, 355.

§ 15.2-4311. Review of districts

The local governing body may complete a review of any district created under this section, together with additions to such district, no less than four years but no more than ten years after the date of its creation and every four to ten years thereafter. If the local governing body determines that a review is necessary, it shall begin such review at least ninety days before the expiration date of the period established when the district was created. In conducting such review, the local governing body shall ask for the recommendations of the local advisory committee and the planning commission in order to determine whether to terminate, modify or continue the district. When each district is reviewed, land within the district may be withdrawn at the owner's discretion by filing a written notice with the local governing body at any time before it acts to continue, modify or terminate the district. The local planning commission or the advisory committee shall schedule as part of the review a public meeting with the owners of land within the district, and shall send by first-class mail a written notice of the meeting and review to all such owners. The notice shall state the time and place for the meeting; that the district is being reviewed by the local governing body; that the local governing body may continue, modify, or terminate the district; and that land may be withdrawn from the district at the owner's discretion by filing a written notice with the local governing body at any time before it acts to continue, modify or terminate the district. The local governing body shall hold a public hearing as provided by law. The governing body 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. Unless the district is modified or terminated by the local governing body, the district shall continue as originally constituted, with the same conditions and period before the next review as that established when the district was created.

If the local governing body determines that a review is unnecessary, it shall set the year in which the next review shall occur.

1977, c. 681, § 15.1-1511; 1979, c. 377; 1981, c. 546; 1984, c. 20; 1985, c. 13; 1987, c. 552; 1993, cc. 745, 761; 1997, c. 587.

§ 15.2-4312. Effects of districts

A. Land lying within a district and used in agricultural or forestal production shall automatically qualify for an agricultural or forestal use-value assessment pursuant to Article 4 (§ 58.1-3229 et

seq.) of Chapter 32 of Title 58.1, if the requirements for such assessment contained therein are satisfied. Any ordinance adopted pursuant to § 15.2-4303 shall extend such use-value assessment and taxation to eligible real property within such district whether or not a local ordinance pursuant to § 58.1-3231 has been adopted.

B. 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.

C. 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.

D. 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.

1977, c. 681, § 15.1-1512; 1979, c. 377; 1987, c. 552; 1997, c. 587.

§ 15.2-4313. Proposals as to land acquisition or construction within district

A. 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. Notice to the local governing body shall be filed in the form of a report containing the following information:

1. A detailed description of the proposed action, including a proposed construction schedule;

2. All the reasons for the proposed action;
3. A map indicating the land proposed to be acquired or on which the proposed dwellings, commercial or industrial facilities, or water or sewer facilities to serve nonfarm structures are to be constructed;
4. An evaluation of anticipated short-term and long-term adverse impacts on agricultural and forestal operations within the district and how such impacts are proposed to be minimized;
5. An evaluation of alternatives which would not require action within the district; and
6. Any other relevant information required by the local governing body.

B. Upon receipt of a notice filed pursuant to subsection A, the local governing body, in consultation with the local planning commission and the advisory committee, shall review the proposed action and make written findings as to (i) the effect the action would have upon the preservation and enhancement of agriculture and forestry and agricultural and forestal resources within the district and the policy of this chapter; (ii) the necessity of the proposed action to provide service to the public in the most economical and practical manner; and (iii) whether reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impacts on agricultural and forestal resources within the district. If requested to do so by any owner of land that will be directly affected by the proposed action of the agency, corporation, or political subdivision, the Director of the Department of Conservation and Recreation, or his designee, may advise the local governing body on the issues listed in clauses (i), (ii) and (iii) of this subsection.

C. If the local governing body finds that the proposed action might have an unreasonably adverse effect upon either state or local policy, it shall (i) issue an order within ninety days from the date the notice was filed directing the agency, corporation or political subdivision not to take the proposed action for a period of 150 days from the date the notice was filed and (ii) hold a public hearing, as prescribed by law, concerning the proposed action. The hearing shall be held where the local governing body usually meets or at a place otherwise easily accessible to the district. The locality shall publish notice in a newspaper having a general circulation within the district, and mail individual notice of the hearing to the political subdivisions whose territory encompasses or is part of the district, and the agency, corporation or political subdivision proposing to take the action. Before the conclusion of the 150-day period, the local governing body shall issue a final order on the proposed action. Unless the local governing body, by an affirmative vote of a majority of all the members elected to it, determines that the proposed action is necessary to provide service to the public in the most economic and practical manner and will not have an unreasonably adverse effect upon state or local policy, the order shall prohibit the agency, corporation or political subdivision from proceeding with the proposed action. If the agency, corporation or political subdivision is aggrieved by the final order of the local governing body, an appeal shall lie to the circuit court having jurisdiction of the territory wherein a majority of the land affected by the acquisition is located. However, if such public service corporation is regulated by the State Corporation Commission, an appeal shall be to the State Corporation Commission.

1977, c. 681, § 15.1-1512; 1979, c. 377; 1987, c. 552; 1997, c. 587; 1998, c. [833](#); 2000, c. [1069](#).

§ 15.2-4314. Withdrawal of land from a district; termination of a district

A. At any time after the creation of a district within any locality, any owner of land lying in such district 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 program administrator shall refer the request to the advisory committee for its recommendation. The advisory committee shall make recommendations concerning the request to withdraw to the local planning commission, which shall hold a public hearing and make recommendations to the local governing body. Land proposed to be withdrawn may be reevaluated through the Virginia or local Land Evaluation and Site Assessment (LESA) System. The landowner seeking to withdraw land from a district, if denied favorable action by the governing body, shall have an immediate right of appeal de novo to the circuit court serving the territory wherein the district is located. This section shall in no way affect the ability of an owner to withdraw an application for a proposed district or withdraw from a district pursuant to clause (v) of subdivision 1 of § 15.2-4307 or § 15.2-4311.

B. Upon termination of a district or withdrawal or removal of any land from a district created pursuant to this chapter, land that is no longer part of a district shall be subject to and liable for roll-back taxes as are provided in § 58.1-3237. Sale or gift of a portion of land in a district to a member of the immediate family as defined in § 15.2-2244 shall not in and of itself constitute a withdrawal or removal of any of the land from a district.

C. Upon termination of a district or upon withdrawal or removal of any land from a district, land that is no longer part of a district shall be subject to those local laws and ordinances prohibited by the provisions of subsection B of § 15.2-4312.

D. Upon the death of a property owner, any heir at law, devisee, surviving cotenant or personal representative of a sole owner of any fee simple interest in land lying within a district shall, as a matter of right, be entitled to withdraw such land from such district upon the inheritance or descent of such land provided that such heir at law, devisee, surviving cotenant or personal representative files written notice of withdrawal with the local governing body and the local commissioner of the revenue within two years of the date of death of the owner.

E. Upon termination or modification of a district, or upon withdrawal or removal of any parcel of land from a district, the local governing body shall submit a copy of the ordinance or notice of withdrawal to the local commissioner of revenue, the State Forester and the State Commissioner of Agriculture and Consumer Services for information purposes. The commissioner of revenue shall delete the identification of such parcel from the land book and the tax map, and the local governing body shall delete the identification of such parcel from the zoning map, where applicable.

F. The withdrawal or removal of any parcel of land from a lawfully constituted district shall not in itself serve to terminate the existence of the district. The district shall continue in effect and be subject to review as to whether it should be terminated, modified or continued pursuant to § 15.2-4311 of this chapter.

1977, c. 681, § 15.1-1513; 1979, c. 377; 1985, c. 13; 1987, c. 552; 1997, c. 587; 2000, c. 521; 2011, cc. 344, 355.

REPORT OF THE AGRICULTURAL & FORESTAL ADVISORY COMMITTEE
on the
PROPOSED WITHDRAWAL OF 2.343 ACRES OF LAND
FROM 1350 COMMERCE ROAD, PID 10329
OWNED BY
WILLIAM LEE HEREFORD
FROM THE
MERRIFIELD AGRICULTURAL DISTRICT

The Agricultural & Forestal Advisory Committee

of

The City of Staunton, Virginia

Stephen Talley, Chairman

Faye C. Cooper, Vice-Chairman

Stephen Beam

Presley W. Moore, III

Douglas C. Flinn, Staunton City Assessor

Mark Robertson, Council Liaison

Background

- A. On May 20, 2024, Dr. William Lee Hereford applied to remove a 2.343-acre tract from 1350 Commerce Road in the Merrifield Agricultural District. The total property is currently 163.834 acres.
- B. The owner requests that the 2.343 acres be removed from the District to sell the parcel to a new owner who desires to build a residence.

Salient Points

- A. The applicant submitted a plat and a handwritten letter stating, "Would like to pass this through ASAP since [word in application illegible] septic approved (passed perk test since no city sewer access), and he wants to begin building."
- B. A section of Staunton City code 18.95.030 Required and Permitted Uses states: (2) Other Permitted Uses. Construction and placement of dwellings for persons who earn a substantial part of their livelihood from farm or forestry operations on the same property or for members of the immediate family of the owner and divisions of parcels for dwellings of such immediate family members shall be permitted subject to the following limitations and regulations:
- C. Individual intent on purchasing and building a home on the proposed parcel is not a family member.
- D. 18.095.060(2) of the City zoning code states, "No land within a district shall be removed from the district except with the approval of the council of the city of Staunton upon a showing of good and reasonable cause."
- E. The general purpose of Land Use Taxation in Virginia is to preserve agricultural, horticulture, forestry, and open space lands and to allow for the timely development of land. There is a minimum of five acres to get into the land use program for agricultural or horticultural purposes. There is a minimum of twenty acres to participate in land use for forestall purposes.
- F. Generally, the Virginia Code or Case law does not explicitly define "good and reasonable cause." It only defines "good and reasonable" as not arbitrary and/or capricious. Decisions to remove lands from a District cannot be willfully unreasonable.
- G. The site's topography is relatively steep; see attached map for the approximate location of the proposed parcel and topography of five-foot increments.

Committee Action

On Wednesday, June 26, 2024, the Committee met to discuss the request. Mr. Talley asked if Mr. Hereford had sold the parcel to the prospective person planning to build a single-family home and whether it was a family member. Mr. Hartless stated there was no sale yet and that the prospective purchaser is not a member of the Hereford family.

Though it was apparent due to the application, plat being submitted, and information that the intent of the parcel creation for a new owner to build a home, it was believed by the committee

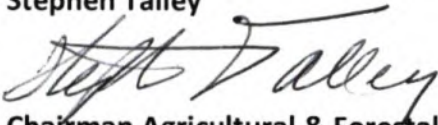
members that a "good and reasonable" cause had not been explained, Ms. Cooper stated that the state code says that land can be withdrawn for a "good and reasonable cause"; she didn't see that addressed in the application that was submitted. Mr. Moore stated that a "good and reasonable cause" has not been addressed in the application, and that was something the Committee liked to have before making its decision. Mr. Talley stated he was concerned about interpretations of good and reasonable cause and that, in his view, original intent, as expressed in the Agricultural and Forestal Districts Act, is what the Committee needs to deliberate on in these matters. As stated in the code, the original intent is about conservation.

There was considerable concern about setting a precedent for carving out a small parcel of land from a District for the purpose intended in the application. That precedent could lead to the continual removal of parcels from any District for piecemeal development. The Agricultural Forestal District legislation intends to preserve and promote agricultural & forestal production and products.

After much discussion among the committee members and consultation with the city planning manager, Tim Hartless, Mr. Beam motioned to deny the application because they did not have a good and reasonable cause other than the applicant wanted to build a home.

Mr. Talley seconded the motion, and the Committee unanimously voted to recommend denial of the application.

Stephen Talley



Chairman Agricultural & Forestal Advisory Committee

Addendum to Agricultural /Forestal Committee Meeting, June 6, 2024

The Committee based its unanimous decision to recommend to the Planning Commission to deny the applicant's request for withdrawal of the parcel under consideration on the following considerations:

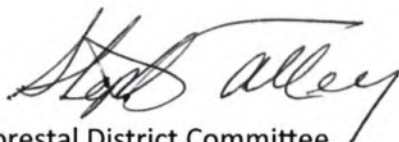
The Committee concluded that the applicant had not adequately addressed a "good and reasonable" justification for withdrawal, as laid out in Virginia Code Section § 15.2-4314 - Withdrawal of land from a district; termination of a district. In their decision, the Committee members agreed that "good and reasonable cause" should be based on the intent for constituting an Agricultural/Forestal District articulated in the Agricultural and Forestal District Act - § 15.2-4301 - Declaration of policy findings and purpose.

The Committee was concerned that approving this withdrawal would set a precedent and encourage landowners in a District to carve out small parcels for residential development;

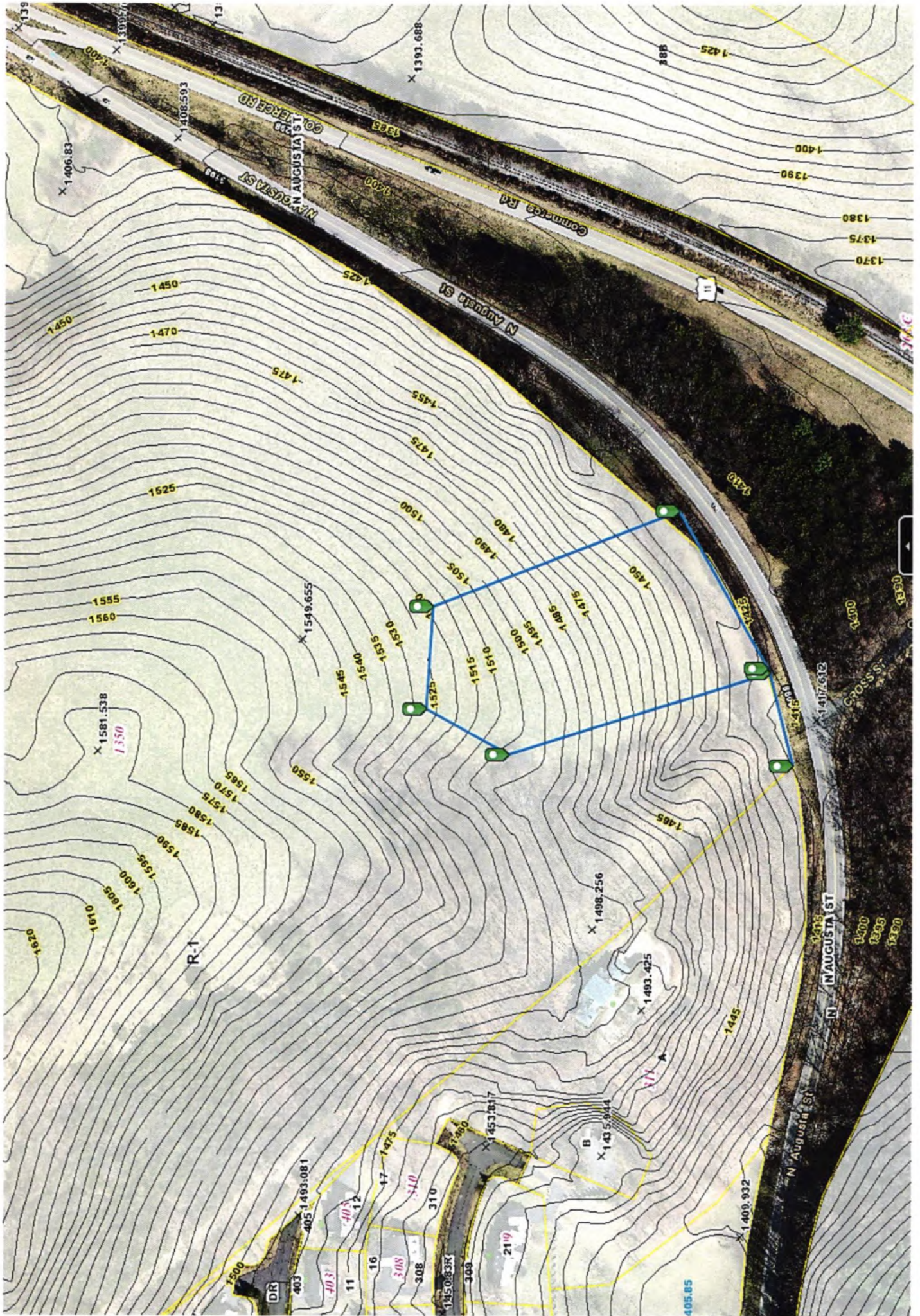
essentially, there would be nothing to prevent someone, whether next week or next year, from carving out another small parcel for residential development.

Finally, the Committee noted that when the local governing body reviews Districts under Code § 15.2-4311. Review of districts: a landowner may withdraw land within a District at the owner's discretion.

Steve Talley, Chair

A handwritten signature in black ink, appearing to read "Steve Talley", with a stylized flourish at the end.

Agricultural and Forestal District Committee.



THE BOUNDARY SURVEY SHOWN HEREON IS BASED ON A CURRENT FIELD SURVEY.

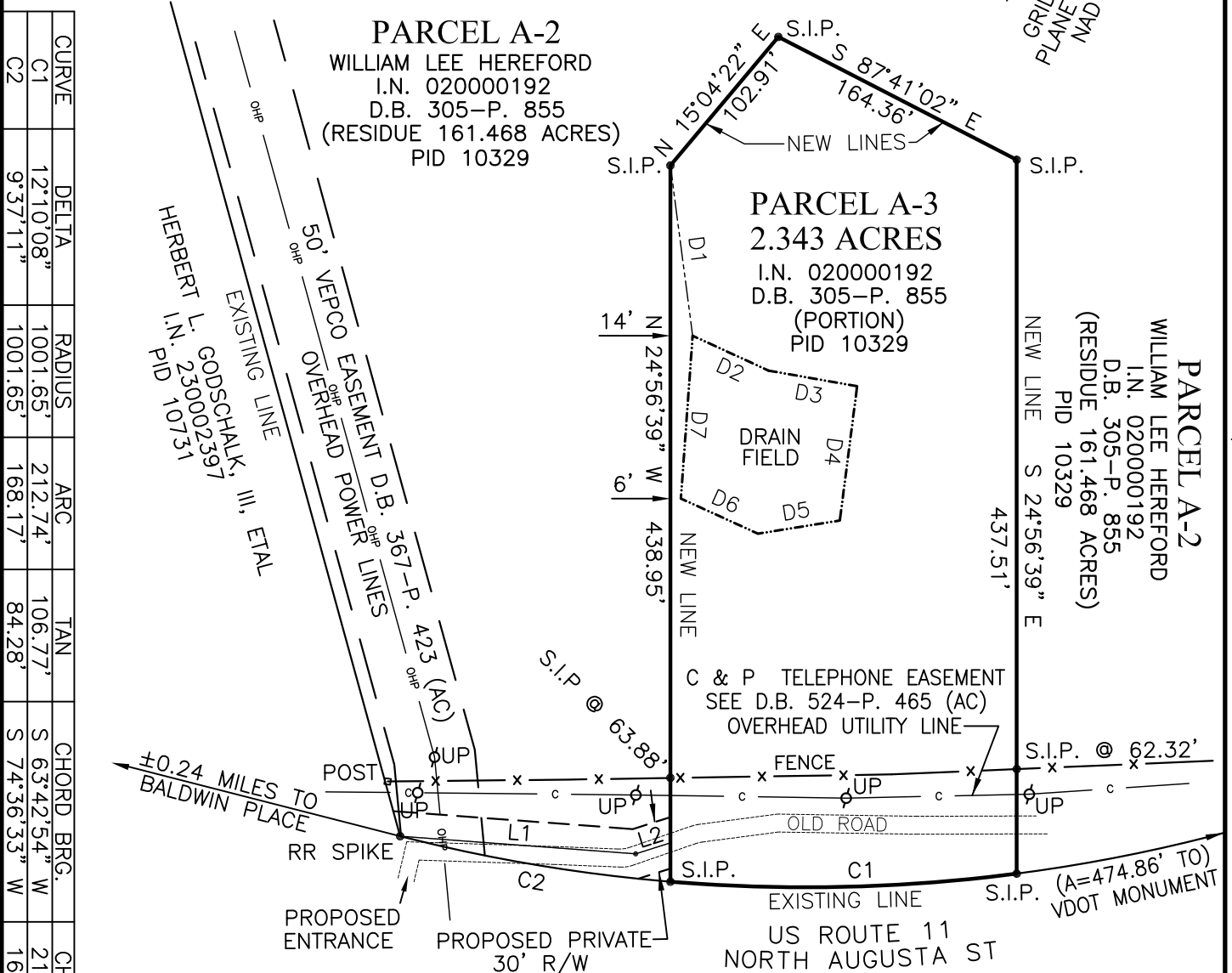
THIS SURVEY WAS PERFORMED WITHOUT A TITLE REPORT AND MAY NOT INDICATE ALL ENCUMBRANCES UPON THE PROPERTY.

NO GRAVES OR PLACES OF BURIAL WERE NOTED DURING THIS SURVEY.

THE RESIDUAL PARCEL, NOT SHOWN, IS IN COMPLIANCE WITH PROVISIONS APPLICABLE TO FRONTAGE, WIDTH AND AREA.

THE SURVEY PREMISES IS LOCATED IN ZONE X (OTHER AREAS, DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN) ACCORDING TO FIRM FOR THE COUNTY OF AUGUSTA, VIRGINIA, COMMUNITY #510013 AND THE CITY OF STAUNTON, VIRGINIA, COMMUNITY #510155, MAP NUMBER 51015C0341D, EFFECTIVE DATE SEPTEMBER 28, 2007.

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
D1	S 32°23'08" E	105.20'	D5	S 55°55'54" W	50.84'
D2	N 89°44'34" E	51.24'	D6	S 89°31'34" W	51.90'
D3	N 75°02'32" E	55.11'	D7	N 20°49'08" W	100.09'
D4	S 17°36'36" E	82.99'			



S.I.P. = SET IRON PIN
UP = UTILITY POLE
(AC) = AUGUSTA COUNTY

LINE	BEARING	DISTANCE
L1	N 69°20'04" E	144.77'
12	N 47°30'53" E	22.32'

DIVISION PLAT OF A PORTION OF THE
WILLIAM LEE HEREFORD PROPERTY
STAUNTON, VA.

SCALE 1" = 100' JUNE 13, 2024
REVISED JULY 31, 2024

EGS & ASSOCIATES, INC.
15 TERRY ST., STAUNTON, VA



SHEET 1 OF 2

JOB # A44481223

IF THIS PLAT IS NOT RECORDED WITHIN 6 MONTHS
THE SUBDIVISION AGENT APPROVAL IS VOID.
SUBDIVISION AGENT

SUBDIVISION AGENT

PRELIMINARY

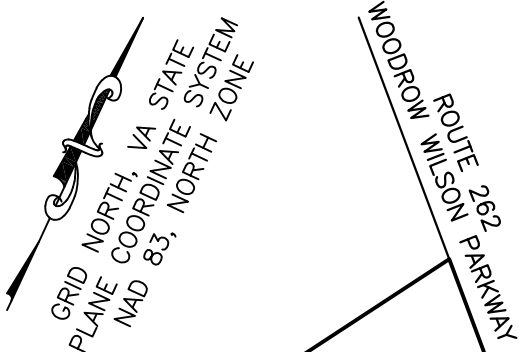
Thomas W. Dorr
Lic. No. 3052

COPY

THE BOUNDARY SHOWN THIS SHEET IS BASED ON PLATS
RECORDED AT D.B. 305, PG. 855 AND I.N. 120001954.

THIS SURVEY WAS PERFORMED WITHOUT A TITLE REPORT
AND MAY NOT INDICATE ALL ENCUMBRANCES UPON THE
PROPERTY.

NO GRAVES OR PLACES OF BURIAL WERE NOTED DURING
THIS SURVEY.



PARCEL A-1
WILLIAM LEE HEREFORD
I.N. 060001019
PID 10881

WILLIAM LEE HEREFORD
I.N. 020000192
D.B. 305-P. 855
PLAT I.N. 120001954
PID 100461

PARCEL A-2
WILLIAM LEE HEREFORD
I.N. 020000192
D.B. 305-P. 855
(RESIDUE 161.468 ACRES)
PID 10329

US ROUTE 11
COMMERCE ROAD

HERBERT L. GODSCHALK, III, ETAL
I.N. 230002397
PID 10731

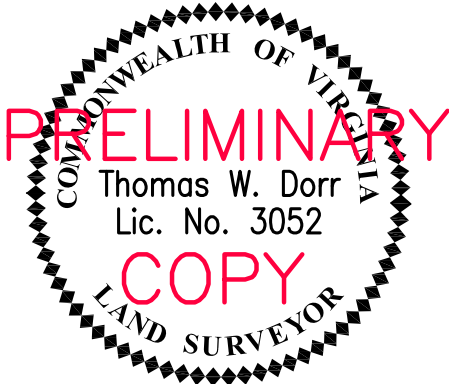
PARCEL A-3
2.343 ACRES
PROPOSED

US ROUTE 11
NORTH AUGUSTA ST

DIVISION PLAT OF A PORTION OF THE
WILLIAM LEE HEREFORD PROPERTY
STAUNTON, VA.

SCALE 1" = 500' JUNE 13, 2024
REVISED JULY 31, 2024

EGS & ASSOCIATES, INC.
15 TERRY ST., STAUNTON, VA



Attachment 4

*MERRIFIELD FARMS
1050 COMMERCE ROAD
STAUNTON, VIRGINIA*

August 3, 2024

To the members of the Planning Commission:

I want to first apologize for not appearing at the Agricultural-Forestal Advisory meeting on June 26th. I did receive the email notice but, unfortunately, I did not see it until long after the hearing. Certainly not a valid excuse, but I have a frantic schedule as an orthopedic surgeon with the VA in Salem and then come home on the weekends and manage my farm and don't pay the attention I should to my personal emails. In completing the application there was no question asking the reason for the requested withdrawal or even a space for comments so I believed (incorrectly) that this was a simple administrative matter. Even the email invited, but did not require me to attend. With that said, had I known the importance of appearing I would have certainly attended the meeting.

I now know that a withdrawal requires a showing of "good and reasonable" grounds for the withdrawal. And I would respectfully ask to address those grounds.

Over the years, I acquired 370 acres that comprise Merrifield Farms and I have never sold any lot or parcel off of the farm. The south end of the farm that abuts Baldwin Place has a fifty foot easement along the roughly southern boundary for a main power line (two three phase lines) and adjacent to the easement is a substantial ravine that is bordered by low quality trees. This portion obviously cannot be farmed but does pose a nuisance for cattle. The 2.33 acres I am requesting being withdrawn from the Ag-Forestal designation borders the ravine which curves to north at the top of the lot and is a steep hill. Because of its steepness I have never cropped it and I stopped making hay in that immediate area as it posed to much of a risk to the farm group I contract with. Several years ago, one of the round bales (approximately 1,000 pounds), came loose, rolled down the hill, broke through the fence and would have rolled on to Augusta Street had it not been stopped by a tree. Although I have pastured cattle there from time to time it became a chore to get them back up the hill especially if they entered the ravine or were calving. Accordingly, I avoid running cattle on that on that portion of the farm unless I absolutely have to. The value of the lot, frankly, is in its magnificent, panoramic view of the Blue Ridge mountains and not as farm land.

When I was approached by Victor Santos asking about selling he and his wife a small parcel of land to build a home I thought about it and realized that given this area was not farmable as practical matter, and would be more suitable (although a challenge) for a single family residence, I agreed. We met on the property and finally settled on 2.33 acres because it took the lot to a ridge on the north side where I have consistently been making hay. I agreed to build a fence along that line which would then allow the farm to more easily graze cattle when

MERRIFIELD FARMS

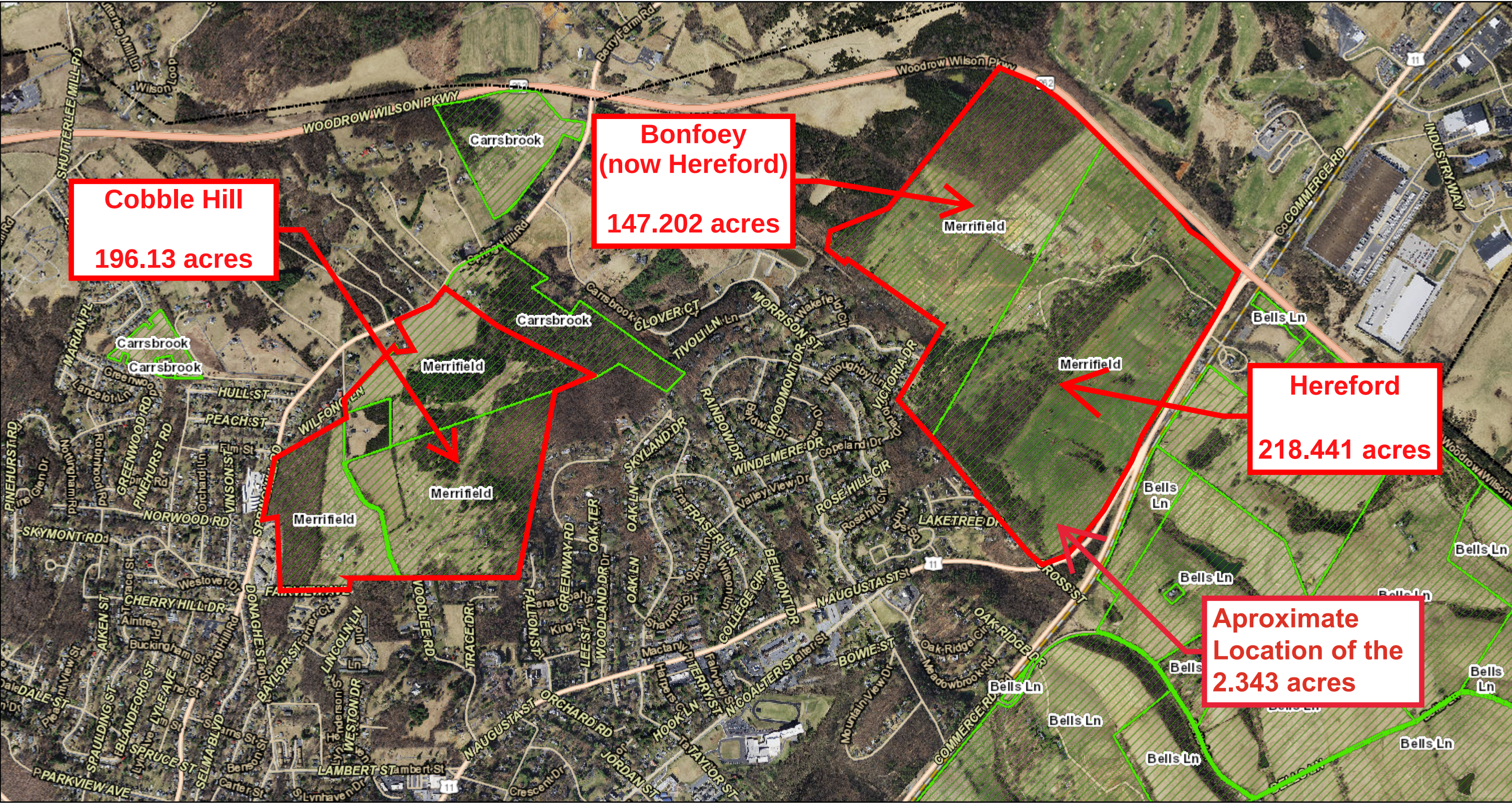
needed. As part of the contract I and my family will retain a right of first refusal and there will be restrictions on the residence limiting it to one story and a maximum square footage.

The acreage I am requesting to be withdrawn from the Ag-Forestal District comprises slightly more than one-half of one percent of my farm. I am not a developer and have more interest in acquiring land, not selling it, but I believe this is the best use for that acreage. I respectfully submit that this is a good, reasonable cause for withdrawing it from the Ag-Forestal District.

Sincerely,

A handwritten signature in cursive script that reads "William Lee Hereford". The signature is written in black ink and is positioned below the word "Sincerely,".

William "Lee" Hereford.



5/23/2024, 8:28:03 AM

1:18,056

World Transportation

City Limits

Ag Forestal District

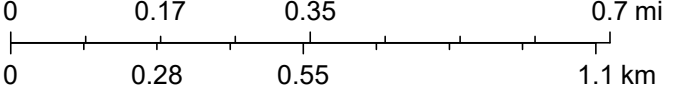
Road Centerline

2022 Imagery

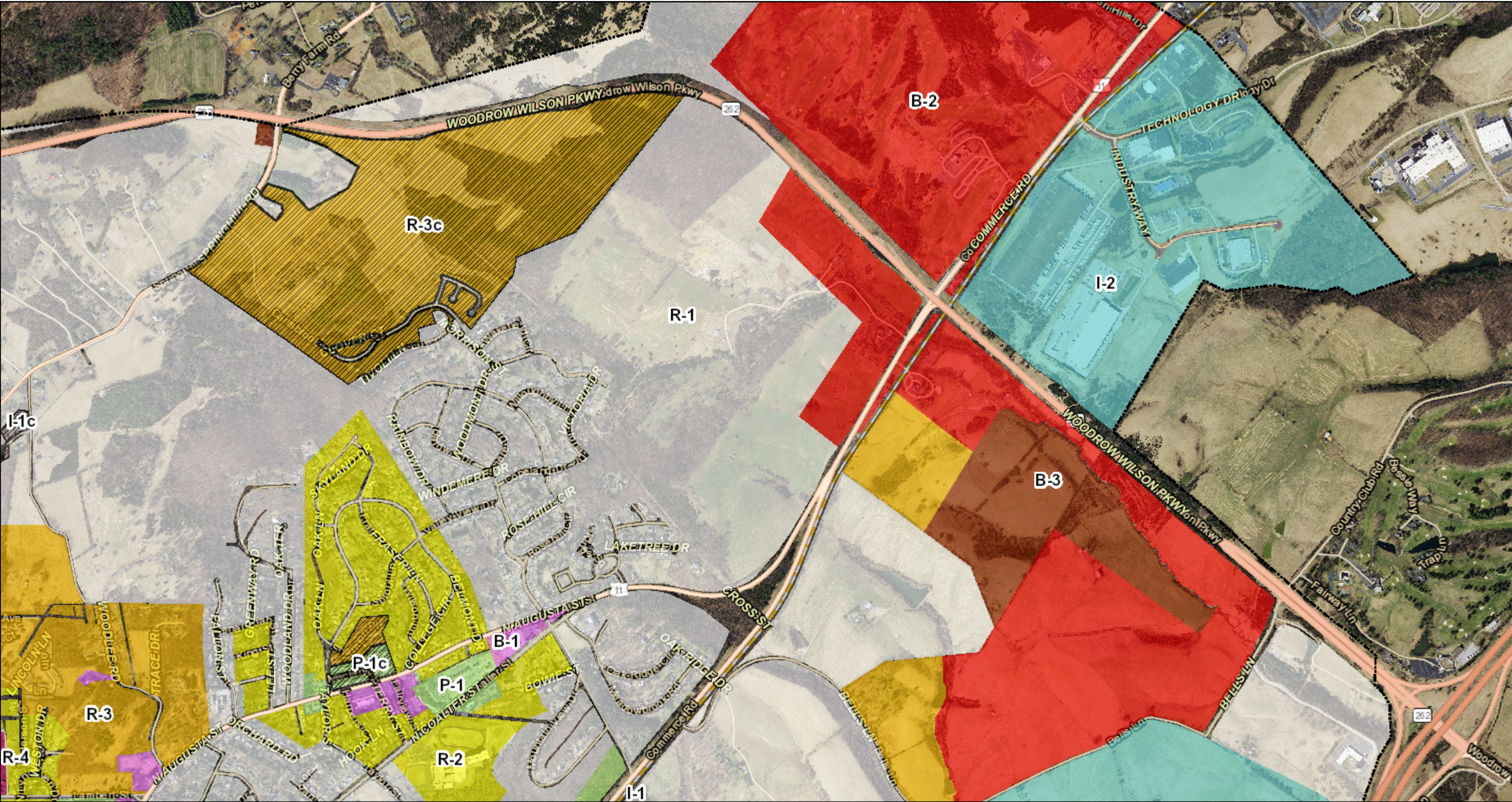
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World Transportation

City Limits

Zoning Map

B-1

B-1(conditional)

B-2

B-2(conditional)

B-3

B-5 outline

HE-1

I-1

I-1(conditional)

I-2

I-2(conditional)

I-3(conditional)

P-1

P-1(conditional)

R-1

R-2

R-2(conditional)

R-3

R-3(conditional)

R-4

R-4(conditional)

TND-I (conditional) outline

Traditional Residential Development District

Road Centerline

2022 Imagery

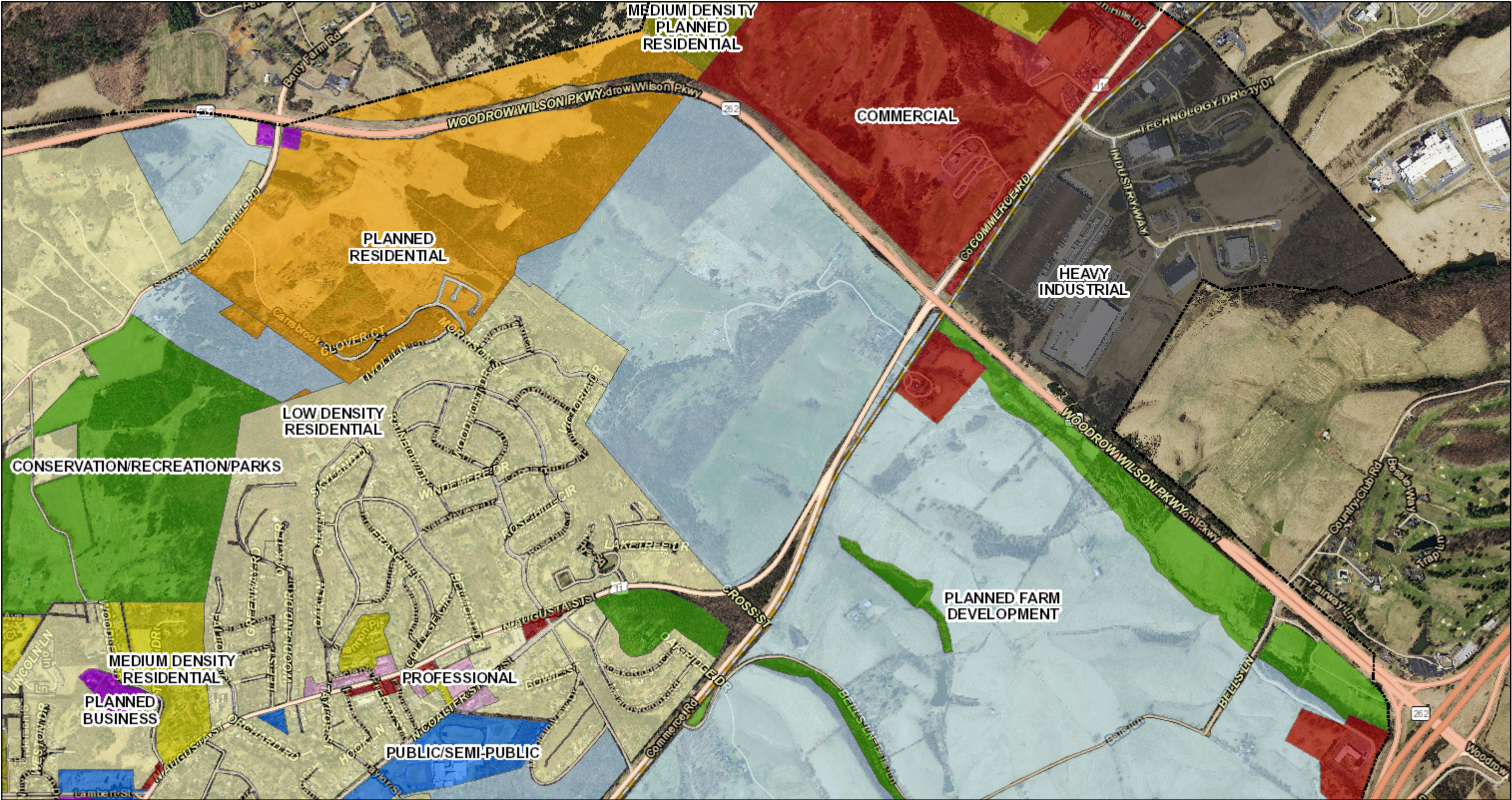
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For Information Purposes Only. Data owned by the City of Staunton and ESRI.



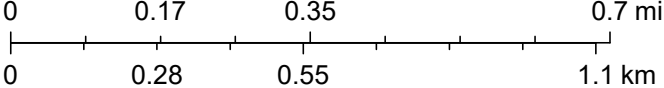
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- World Transportation
- City Limits
- 2018 Future Land Use
- CONSERVATION/RECREATION/OPEN SPACE
- PLANNED FARM DEVELOPMENT
- PUBLIC/SEMI-PUBLIC

- LOW DENSITY RESIDENTIAL
- LOW DENSITY PLANNED RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- MEDIUM DENSITY PLANNED RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- TRADITIONAL NEIGHBORHOOD DEVELOPMENT
- LOW DENSITY PLANNED RESIDENTIAL
- NEIGHBORHOOD RESIDENTIAL
- PROFESSIONAL
- PLANNED BUSINESS
- BUSINESS
- PLANNED INDUSTRIAL

- LIGHT INDUSTRIAL
- HEAVY INDUSTRIAL
- Road Centerline
- 2022 Imagery
- Red: Band_1
- Green: Band_2
- Blue: Band_3



VITA, Esri, HERE, iPC, Maxar

Attachment 8

Date: September 4, 2024

To Members of Staunton City Council

Ladies and Gentlemen:

I respectfully ask that the Council carefully consider the information I provide below as you deliberate about Dr. Lee Hereford's application to withdraw a 2.343-acre parcel from the Merrifield Ag Forestal District.

On June 26, the Ag Forestal District Advisory Committee ("The Committee") considered Dr. Hereford's application. While invited, he did not attend.

At that meeting, City staff told us that the applicant had a sales contract with a prospective buyer contingent upon City Council approval of the withdrawal and subdivision plat, that the Health Department had performed a perk test on the parcel, and that the prospective buyer was working with the City Engineer on road access. A portion of a handwritten letter Dr. Hereford attached to the application reads as follows, "Would like to pass this through ASAP, since septic (next word illegible) approved (passed perk test since no city sewer access) he wants to begin building. Also has to find good water supply from well. No city water available." These comments and others in the audio recording from the August 15 Planning Commission meeting indicate that Dr. Hereford and the prospective buyer had been working on plans for developing the parcel before our June 26 meeting.

About forty days after the Committee meeting, Dr. Hereford sent a letter to the Planning Commission, which included new information and a rationale for removing the parcel from the District. He stated that he believed the removal process was a simple administrative matter. It is not. The Agricultural Forestal Districts Act proscribes a purposefully deliberative process to consider land removal from a District.

The City Assessor sent the Committee a copy of Dr. Hereford's letter ten days before the August 15 Planning Commission meeting. Ten days was insufficient time for the Committee to respond to Dr. Hereford's new information.

Dr. Hereford and a prospective property buyer attended the Planning Commission meeting. Chair Judith Wiegand acknowledged the Committee's expertise and suggested they refer the matter back to the Committee for reconsideration or table it for further discussion. Dr. Hereford and the prospective buyer asked how that would impact the final decision schedule. Tim Hartless, Staunton Planning Manager, explained that that could add at least a month or maybe two. Dr. Hereford replied, "That is not going to work for this." On three occasions, the audio recording reveals the prospective buyer

saying, "I can't keep putting this off," "I don't want this dragged out forever," and "I can't keep postponing this."

The Agricultural Forestal Districts Act says an owner may withdraw land from a District for "good and reasonable cause." In the Commission meeting, Mr. Hartless explained that the Code of Virginia does not explicitly define "good and reasonable cause" and only says it cannot be "arbitrary or capricious." Absent a precise definition, the AG Forestal Advisory Committee, for their part in this process, must decide whether the removal is for a good and reasonable cause and, in doing so, taking into account land use in the District, as proscribed in the Act.

In his letter to the Commission, Dr. Hereford described the parcel and an adjacent steep ravine as "not farmable as a practical matter." We would have strongly disagreed if the Committee had known of this assertion at our June 26 meeting. The ravine is not part of the parcel under review and was not and would not have been relevant to our deliberations. Several agricultural, forestal, and wildlife enhancement programs and management strategies are available to Dr. Hereford for the parcel and ravine. All these options would support the desired outcomes in the Ag/Forestal District Act.

Participants at the Commission meeting discussed the Staunton City Code, which explicitly outlines how lands included within the Districts "shall be used." It also ties those lands to an accounting system that annually requires landowners to submit affidavits verifying that a landowner uses land within a District solely for agricultural products, agricultural production, forestal products, and forestal production. Dr. Hereford's yearly land use revalidation submission for the past three years for tax map parcel 10329, which includes the 2.343-acre parcel under consideration for removal from the District and the ravine, verifies that he is using the land in that manner.

Staunton's Ag/Forestal Districts all have examples of steep ravines and marginal lands that, by Dr. Hereford's definition, are not usable for farming. If his assertion were true, all those areas, as pointed out by one of the Planning Commissioners, should not be in the Districts in the first place. But they are, and each year, District landowners submit affidavits describing parcels with similar "marginal" lands, requesting land use revalidation. I am unaware of anyone who has reported certain sections of their lands unfarmable or lost land-use taxation status because the City has deemed these areas unqualified.

All land in all Staunton Ag/Forestal Districts contributes to the goals enumerated in the Agricultural Forestal Districts Act's declarations and purpose, regardless of whether they are cropland, high-quality hay ground, pasture, open space, poor woodland, or steep ravines. When the City constituted the existing Districts, each landowner agreed to the

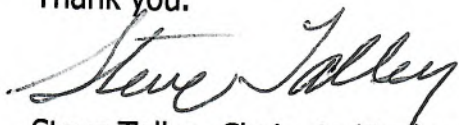
same rules, use limitations, and benefits (e.g., land use taxation), all laid out in the Code of Virginia and Staunton's City Code.

In that context, the Committee concluded that the parcel under consideration has many potential agricultural, forestal, and open space uses and that removing it from the District to build a single-family residence does not constitute a good and reasonable cause. We unanimously recommended the Planning Commission deny the applicant's request.

We also noted in the report our concern that approval for the reason brought forward by the applicant sets an undesirable precedent. Given this approval, it would be difficult to justify denying an application from anyone else in any District, whether next week or next year, from carving out another small "unfarmable" parcel for similar proposes, potentially resulting in piecemeal development of lands that should remain in the District as valuable ecological assets.

Finally, we noted that the City undergoes regular mandated reviews of all Districts under Code 5 15.2-4311. The next one will occur in 2030. At that time, landowners in any District may withdraw at the owner's discretion without requiring justification.

Thank you.

A handwritten signature in cursive script that reads "Steve Talley".

Steve Talley, Chair, Ag/Forestal Advisory Committee.