

MEMORANDUM

To: Agricultural-Forestal Advisory Committee

From: Douglas Flinn, City Assessor

Date: May 22, 2026

RE: Tuesday, June 2, 2026 Agricultural-Forestal Advisory Committee Meeting

The Staunton Agricultural-Forestal Advisory Committee will hold a meeting on **Tuesday, June 2, at 5:30 P.M.** The meeting will be held in the Planning Conference Room located in the Community Development Department on the third floor of City Hall, 116 W Beverley Street.

The meeting agenda and materials are available online at:
<https://www.ci.staunton.va.us/government/city-council-/board-commissions/agendas-minutes-for-boards-commissions> or by contacting the City Assessor's Office at 540-332-3827.

AGENDA

		Action Taken
1.	Call to Order	_____
2.	Election of Officers for 2026 Chair Vice Chair	_____ _____ _____
2.	New Business	

	A. Consideration of a Request by Thomas W. Bowen for addition of two parcels to the Middlebrook Agricultural-Forestal District. 1209 Middlebrook Ave - PID # 10530 and 1211 Middlebrook Ave – PID #11048	
3.	Old Business	
4.	Other Business	
5.	Adjournment	



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

Date of Application: _____

Application Fee: \$300.00

_____ **Paid (initial)**

To Be Completed by Applicant

1. Name of Applicant: Thomas William Bowen

2. Address of Applicant: 1209 Middlebrook Ave, Staunton VA, 24401

3. Telephone Number of Applicant: (H) _____

(M) 540-840-1142 (W) _____

4. Email Address: thomas.bowen@fulbrightmail.org

4. General Location of the District: _____

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

5. Type of District: (Check One)

_____ Agricultural

_____ Forestal

 x Agricultural and Forestal

6. Proposed Name or Current Name of the District:

Middlebrook Agricultural and Forestal District

7. Total Acreage in the District or Addition: 4.89 acres addition

8. Proposed Period Before First Review: _____

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

- A. A United States Geological Survey 7.5 Minute Topographic Map showing clearly the boundaries or 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 the Agricultural and Forestal Districts Act Sections 15.2-4300 through 15.2-4313 of the Code of Virginia.
- F. Review and abide by all provisions of Chapter 18.95 A-1 Agricultural – Forestal District of the Staunton City Code

Signature of Applicant: Thomas Bowen

Date: April 14th, 2026

E. & F. Provisions & Conditions according to Code

Dear Agricultural Forestal District Committee,

Our names are Thomas and Rabea and we are writing to you today as part of our general application to add two parcels (1207 & 1209 Middlebrook Ave, parcel ID 11048 & 10530) to the Middlebrook Agricultural and Forestal District. We sincerely hope you find our case compelling and recommend its inclusion to City Council, and we believe we have a strong case for the following reasons, which we outline in additional detail below:

1. Our property is immediately surrounded by two other, larger parcels which are (or have been in the very recent past) part of the Middlebrook Agricultural and Forestal District.
2. Our property, or portions thereof, has excellent soil, conducive to agricultural uses.
3. Our intentions with the property align with the original intent of the Agricultural and Forestal Districts Act.

1. Our neighbors are already within the “Middlebrook District”

In the City of Staunton Code Chapter 18.95, the Middlebrook Agricultural and Forestal District is described as following:

“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.”

Our parcels are perfectly encased by two other properties of the district: 1205 Middlebrook Ave (parcel ID 10097) and 1211 Middlebrook Ave (parcel ID 10510). We believe that according to the “Code of Virginia § 15.2-4305 Application for creation of district in one or more localities; size and location of parcels” our properties qualify to be added to the existing district because they are contiguous to a parcel in the district the nearest boundary of which is within one mile of the boundary of the core. One of our neighbors, the Pucketts, maintain an active and fairly large cattle operation, and we feel that our intended use of our land under the Agricultural-Forestal designation would be well within the general character of our corner of Staunton, if on a smaller scale. We also believe adding our properties to the District would also make the future land use as outlined in the Staunton comprehensive plan 2018 – 2040 more consistent, as part of the general area set aside for “PLANNED FARM DEVELOPMENT” (see I. Map 10-6 - Future Land Use).

Therefore we believe that adding our parcels makes sense from both a ‘planning’ and ‘character’ perspective in light of the neighboring properties, and its addition to the Middlebrook District is allowed under state and city codes.

E. & F. Provisions & Conditions according to Code

2. Our soil is conducive to agricultural purposes

The Code of Virginia refers to "Agriculturally and forestally significant land" as

"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." (Emphasis ours)

Based on this definition, we believe that our property qualifies as agriculturally significant, in particular in the front of the lots given its superb soil quality, the excellent sunlight and climate, and its flat topography. For the soil quality, the front of the lots is classified as soil 39 fluvaquents (floodplain soil) and offers deep soil that is fertile from occasional deposits sediment (see G. Soil Map included in application). According to the USDA Illustrated Guide to Soil Taxonomy, "fluvaquents have a relatively high content of organic carbon at a considerable depth when compared with many other wet, mineral soils ... some have been cleared and protected from flooding and are used as cropland or pasture." The topography can be seen in the map A1. 1207 1209 Topography, showing the relatively flat area in the front. The land has historically been used for turf grass (see included maps H1. – H3. Land Cover/Land Use 2014, 2016, 2021), but has the potential to be used as farm land, potentially increasing its environmental value.

3. Our intentions with the property align with the original intent of the districts

Chapter 43 of the Code of Virginia opens with a central tension that the Agricultural Forestal District is designed to address:

"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." (Emphasis ours.)

The Agricultural Forestal District is a way then to support landowners in developing and maintaining good stewardship of their land, balancing both its economic and environmental potential.

Currently, for the economic uses of our land, we maintain a garden in the front of parcel 10530, and have recently added a small orchard of fruit trees, nuts, and berries on parcel 11048 (see map A2. 1207 1209 Topography with areas marked). These areas provide enough food for our family's needs, as well as enough to share with friends and family, and to bribe our neighbors to clear our driveway of snow

E. & F. Provisions & Conditions according to Code

with their skid steer. In addition to these economic additions, we have also sought to improve the general aesthetic and ecological value of the land by replacing some areas of the original turf grass:

- Between the (nonnative) Forsythia at the front of the property that have been here prior to our arrival, we have planted native redbuds which (according to Shenandoah Chapter of the Virginia Native Plant Society) provide food for myriad bird, butterfly, and bee species. These plants will also serve to help obscure the view of our orchard from the road, helping mitigate any ‘viewshed’ concerns from passerbys on Middlebrook Avenue.
- Opposite our driveway from the redbuds and Forsythia, we have planted several rows of flowering native perennials, as well as regular plantings of annuals such as various types of sunflowers, which similarly help several species and generally obscure the view of the garden and improve the impression from the road.
- Throughout the rest of the front of the lots we have interspersed the original monocultural turfgrass with a mix of native flowers, sedges and grasses which provide birds, bees, butterflies and other species with shelter and food.
- Throughout the rest of the property we have added shrubs and small native trees that, with time, will continue to improve the ecological health of the property.

We provide the above list to demonstrate that we are committed to balancing the ecological and economic functions of our property. While we have managed these changes under the current zoning of our property, being accepted into the Agricultural Forestal District will allow us to take steps currently incompatible with R-1 uses. Our primary interest in being a part of the district is that we would be allowed to install a structure, in this case a ‘hoop house’, in the front of the property (although we would also enjoy being able to raise more chickens, which would also be enabled by the district). Our R-1 zoning would technically allow a hoop house to be installed in the rear of the property, as defined by anything behind the house (which is situated several hundred feet from Middlebrook Avenue). However, given the slope of the land, the predominating forest cover, extant structures, less sunlight and poorer soil quality (and rocks), the only portion of the property suitable for a hoop house would be in front of the house. This has been confirmed by the Natural Resource Conservation Service, which evaluated our property based on a site visit and topographic and soil maps.

The Agricultural Forestal District would allow this hoop house in the only area that is appropriate for it, so long as the structure is no closer than 100 ft to property line. This hoop house in turn will allow us to increase the production of agricultural goods, increase the duration of the year in which we can grow those goods, and allow us to better rotate crops to allow the soil to recover. This will facilitate the jump from largely self-consumption to selling our production to the community, allowing us to “manifest active, bona fide agricultural production of a significant nature and degree,” without overtaxing the land. We understand that we do not qualify for special agricultural taxation for the property, based on lot size, and are not interested in this part of the district rules and regulations. We want to be integrated in the district solely to acquire broader land use opportunities in our front yard.

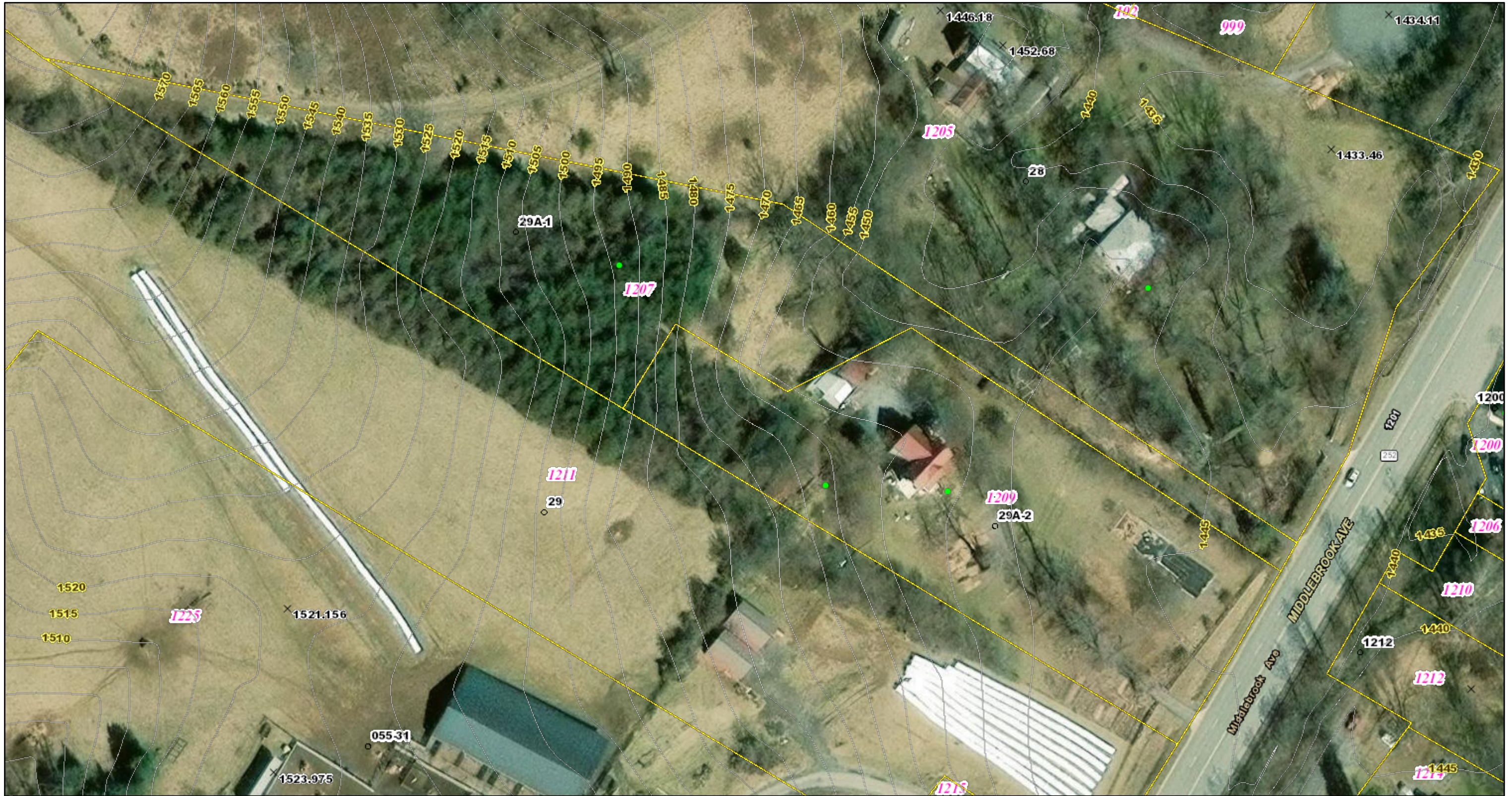
E. & F. Provisions & Conditions according to Code

We have reviewed and are committed to abide by all the rules and regulations outlined in the Code of Virginia § 15.2-43 and the Staunton City Code Chapter 18.95 A-1 Agricultural – Forestal District.

A handwritten signature in cursive script, appearing to read "Thomas Bowen". The signature is written in dark ink and is positioned above a horizontal line.

Signature

A1.1209 1207 Topography



3/25/2026, 9:13:16 PM

1:1,337

- Address Points
- Water Elevation
- Spot Elevation
- Contours
- Lot_Numbers
- Lot_Lines
- Tax Parcels
- City Limits

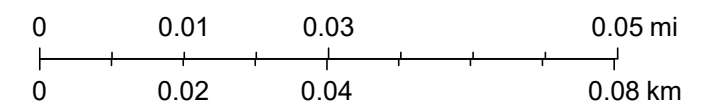
- Road Centerline
- World_Transportation
- World Imagery
- Low Resolution 15m Imagery

High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

30cm Resolution Metadata



Microsoft, Vantor, VITA, Esri, HERE, iPC

A2.1209 1207 Topography with areas marked



3/25/2026, 9:13:16 PM

1:1,337

- Address Points
- Water Elevation
- Spot Elevation
- Contours
- Lot_Numbers
- Lot_Lines
- Tax Parcels
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High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

30cm Resolution Metadata

A number line with two scales. The top scale is labeled in miles (mi) and has major tick marks at 0, 0.01, 0.03, and 0.05. The bottom scale is labeled in kilometers (km) and has major tick marks at 0, 0.02, 0.04, and 0.08. There are also minor tick marks between the major ones: between 0 and 0.01 mi there are two minor ticks; between 0.01 and 0.03 mi there are two minor ticks; between 0.03 and 0.05 mi there are two minor ticks. Similarly, between 0 and 0.02 km there are two minor ticks; between 0.02 and 0.04 km there are two minor ticks; and between 0.04 and 0.08 km there are two minor ticks. The scales are aligned such that 0.01 mi corresponds to 0.02 km, 0.03 mi corresponds to 0.04 km, and 0.05 mi corresponds to 0.08 km.

Microsoft, Vantor, VITA, Esri, HERE, iPC

open garden area in pink
orchard and proposed hoop house
pollinator spaces in green

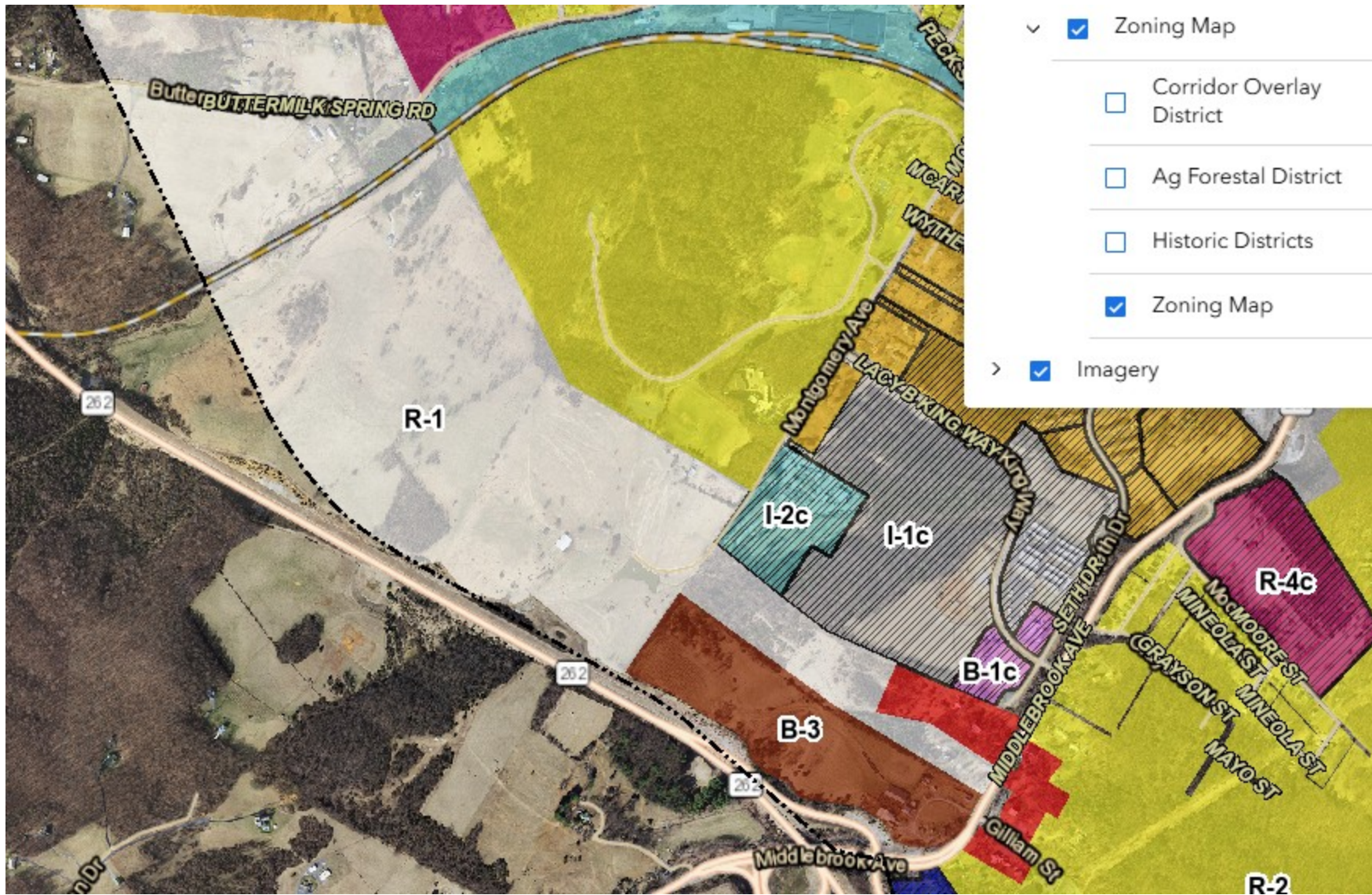
B1. Middlebrook Distict Map



B2. close up of 11048 & 10530 in district



B3. Zoning Map



C. & D. Tabular listing of proposed addition w signature

Sheet1

Parcel	Owner's name	Owner's address	Owner's telephone number	Acreage	Parcel #	current assessed value			
						Valuation Year	Improvements	Land	Total
1209 Middlebrook Ave	Thomas William Bowen	1209 Middlebrook Ave	540-847-1132	2.41	10530	2025	\$423,700	\$74,100	\$497,800
1207 Middlebrook Ave	Thomas William Bowen	1209 Middlebrook Ave	540-847-1132	2.48	11048	2025	\$0	\$24,800	\$24,800

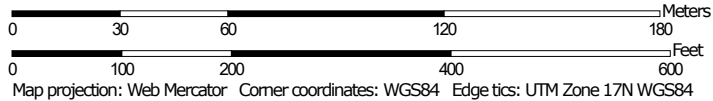
Signature

Thomas Bowen

G. Soil Map—Augusta County, Virginia, and Staunton City, Virginia
(1209 1207 Middlebrook Ave)



Map Scale: 1:2,100 if printed on A landscape (11" x 8.5") sheet.



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



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

39 Fluvaquents, nearly level

41C3 Frederick-Christian silty clay loams, 7 to 15 percent slopes, severely eroded

41D3 Frederick-Christian silty clay loams, 15 to 25 percent slopes, severely eroded

44E2 Frederick-Christian silt loams, rocky, 25 to 45 percent slopes, eroded

45C2 Frederick-Rock outcrop complex, 0 to 15 percent slopes, eroded

3/25/2026

Page 1 of 4

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at scales ranging from 1:12,000 to 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Augusta County, Virginia

Survey Area Data: Version 22, Sep 5, 2025

Soil Survey Area: Staunton City, Virginia

Survey Area Data: Version 10, Sep 5, 2025

Your area of interest (AOI) includes more than one soil survey area. These survey areas may have been mapped at different scales, with a different land use in mind, at different times, or at different levels of detail. This may result in map unit symbols, soil properties, and interpretations that do not completely agree across soil survey area boundaries.

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Sep 2, 2023—Oct 24, 2023

MAP LEGEND

MAP INFORMATION

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
39	Fluvaquents, nearly level	0.5	8.7%
41C3	Frederick-Christian silty clay loams, 7 to 15 percent slopes, severely eroded	0.7	13.4%
41D3	Frederick-Christian silty clay loams, 15 to 25 percent slopes, severely eroded	2.2	41.4%
44E2	Frederick-Christian silt loams, rocky, 25 to 45 percent slopes, eroded	0.0	0.3%
45C2	Frederick-Rock outcrop complex, 0 to 15 percent slopes, eroded	1.5	27.3%
Subtotals for Soil Survey Area		4.9	91.1%
Totals for Area of Interest		5.4	100.0%

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
39	Fluvaquents, nearly level	0.5	8.9%
Subtotals for Soil Survey Area		0.5	8.9%
Totals for Area of Interest		5.4	100.0%

Virginia Land Cover/Land Use



Map Layers & Legend

Land Cover Land Use 2014

Label

-  Water
-  Impervious Roads
-  Impervious Structures
-  Impervious Other
-  Tree Canopy over Impervious
-  Tree Canopy over Turf Grass
-  Turf Grass
-  Pervious Developed Other
-  Extractive
-  Forest

Virginia Land Cover/Land Use



Map Layers & Legend

-  11 - Hydro
-  21 - Impervious (extracted)
-  22 - Impervious (Local datasets)
- 31 - Barren
-  41 - Forest
-  42 - Tree
-  51 - Scrub/Shrub
-  61 - Harvested/Disturbed
-  71 - TurfGrass
-  81 - Pasture
-  82 - Cropland



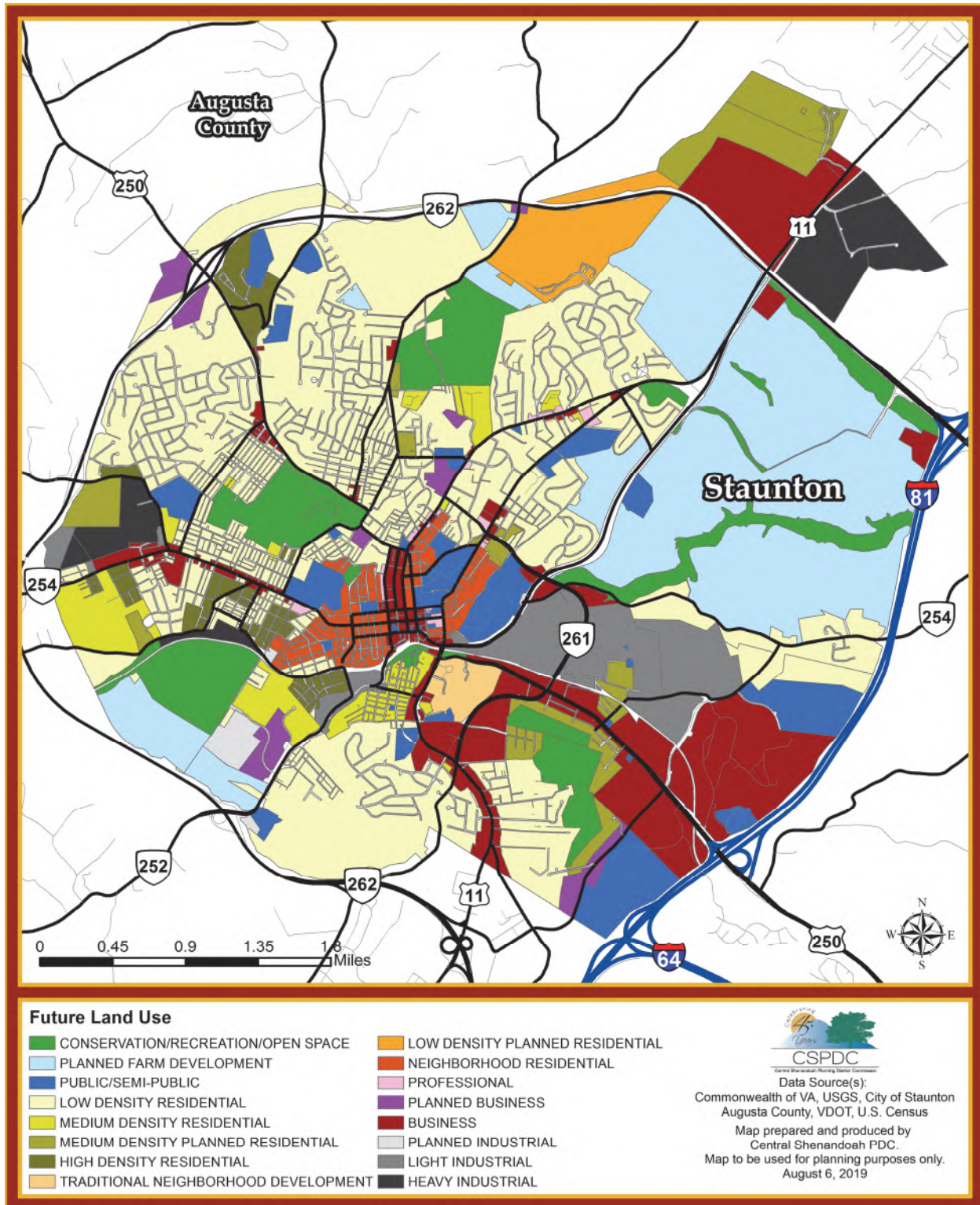
Virginia Land Cover/Land Use



Map Layers & Legend

- Impervious Roads
- Impervious Structures
- Impervious Other
- Tree Canopy over Impervious
- Tree Canopy over Turf Grass
- Turf Grass
- Pervious Developed Other
- Extractive
- Forest
- Forested Other
- Natural Succession
- Harvested Forest

I. Map 10-6 - Future Land Use



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 no less than seven days 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; 2024, cc. 225, 242.

§ 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 no less than seven days before the hearing, 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](#); 2024, cc. [225](#), [242](#).

§ 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.

Chapter 18.95
A-1 AGRICULTURAL-FORESTAL DISTRICT

Sections:

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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).