



**DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING - BUILDING INSPECTIONS – ZONING**



What is a Voluntary Agriculture and Forestal District (VAFD)?

In 1977, the Virginia General Assembly adopted the Agriculture and Forestal Districts Act. This Act, adopted by the Southampton County Board of Supervisors in June, 2017, allows for the creation of such districts to, “encourage the development and improvement of the Commonwealth’s agriculture and forestal lands for the production of food and other agriculture and forestal products... and to conserve and protect agriculture and forestal lands as valued natural and ecological resources...”.

A VAFD, also known as a “district”, is a rural conservation zone reserved for the production of agricultural products, timber, and the maintenance of open space as an important economic and environmental resource. A VAFD is voluntary – it is initiated by a landowner or a group of landowners as a mutual undertaking with Southampton County.

By establishing a VAFD, property owners agree not to convert their farm, forestland, and other open space to more intense commercial, industrial, or residential use for the term of the district, limited by law to a period of four (4) to ten (10) years. In return, Southampton County and the Commonwealth agree not to take actions or make infrastructure investments that will place increased pressure on landowners to convert land in the VAFD to more intense land uses for the term of the district.

Why would a community have Voluntary Agriculture and Forestal Districts?

A VAFD provides much stronger protection from development pressures for farmers and others open space landowners than does agricultural zoning. Unlike agricultural zoning that can encourage sprawl, a VAFD discourages land uses not in keeping with agricultural, forestal or other open space land uses. A VAFD provides a higher level of certainty that farms and forests and other open space land uses will be maintained because they restrict the powers of local, state, and federal government to make decisions detrimental to agricultural and rural land uses in the district.

What are benefits to landowners in a VAFD?

A VAFD ensures land use taxation, provided the landowner continues to meet the eligibility requirements, even if Southampton County rescinds its land use program.

A VAFD offers some protection from eminent domain. Acquisition of land or easements for power lines, roadways, and other infrastructure within a VAFD is subject to special review by the Board of Supervisors to determine whether the proposed taking will adversely affect the district. Additionally, the expenditure of public funds for non-farm related purposes in a VAFD is subject to higher scrutiny.

A VAFD safeguards the rural character of a community by preserving agricultural and forestal land. A VAFD helps maintain the critical mass of farms necessary to maintain farming infrastructure such as repair facilities and feed stores for agricultural uses.

A VAFD offers assurances that such districts will be taken into account in local planning decisions, such as zoning map amendments. Land use decisions that may affect land adjacent to a VAFD must take into account the existence of a district so as to not negatively impact the agriculture and forestry use of the land in a VAFD.

A VAFD offers protection from nuisance ordinances that might limit customary farm structures, farming and forestry practices unless the restrictions are directly related to health, safety, and welfare.

What are benefits to the community?

A VAFD helps protect productive farm, forest, and other open spaces that contribute to Southampton's rural character.

A VAFD helps protect natural resources such as surface and ground water as well as wildlife and air quality.

VAFDs promote efficient community development patterns by helping to concentrate new development in and around Planning Areas and Community Areas where services can be provided in the most efficient manner

VAFDs promote the implementation of various strategies outlined in the 2015 Southampton County Comprehensive Plan, including:

- Identify productive land that could be classified as economically productive with regard to agriculture and forestry so as to direct impactful non-agricultural development elsewhere.
- Seek means to limit the encroachment of uses that may hinder the continued agricultural uses.
- Support programs and initiatives designed to provide a positive environment for the continuation of the family farm institution.
- Support programs and initiatives to educate current and potential residents about the importance of agriculture to Southampton County and Virginia.

How do I create a VAFD?

Landowners who wish to create a VAFD must file an application between April 1 and July 1 of each year, accompanied by a filing fee of \$500 for the creation of each district. Each VAFD must begin with a "core" of 200 acres of contiguous land, owned by one or more property owners who each submit an application. Additionally, any land within one (1) mile of the "core" may be included in the original application. Included with each application must be a list of Tax Parcel numbers and acreage of each parcel in the proposed district, and a map showing the "core" and all of the other tracts within the one-mile radius that are to be included in the original application. The application calls for a narrative describing the current and proposed use of the property, and the requested term of the district, a period at least four (4) and no longer than ten (10) years. If an application is submitted by a representative of the owner, a power of attorney form signed by the owner is required as well.

The required map may be created using the County's GIS material on-line, or other means. The map must depict the entire proposed district including the "core" and the other related tracts. Individual tax map pages for each tax parcel are not accepted. Examples follow. The "core" tract of at least 200 acres must be noted. The distance from the "core" of the additional tracts must be noted as well.

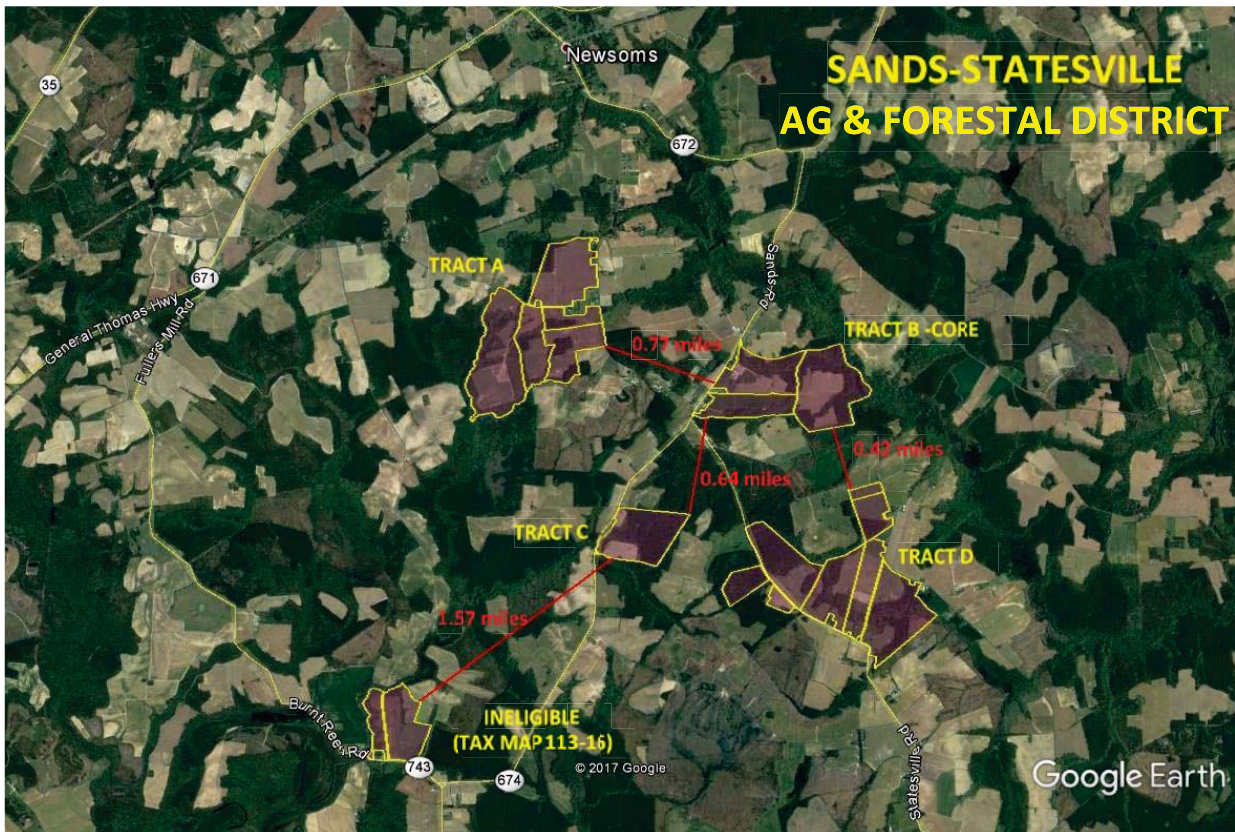
Next steps

Once a complete application is submitted, the request is reviewed by staff and submitted to the Advisory Committee for review. The Board of Supervisors appointed the Southampton County Planning Commission as the Advisory Committee. The Committee reviews the application at a public meeting to determine if the requirements for inclusion as a VAFD are met, and provides a recommendation to the Planning Commission. The Planning Commission holds a duly-advertised public hearing regarding the

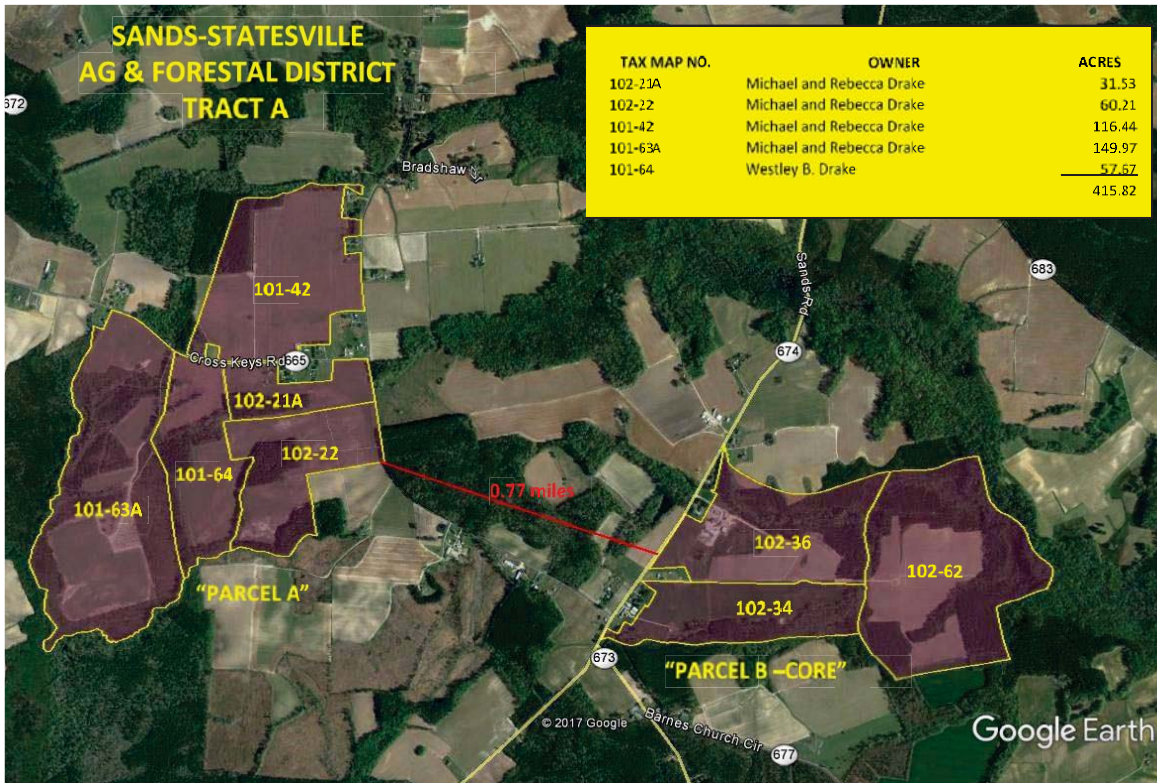
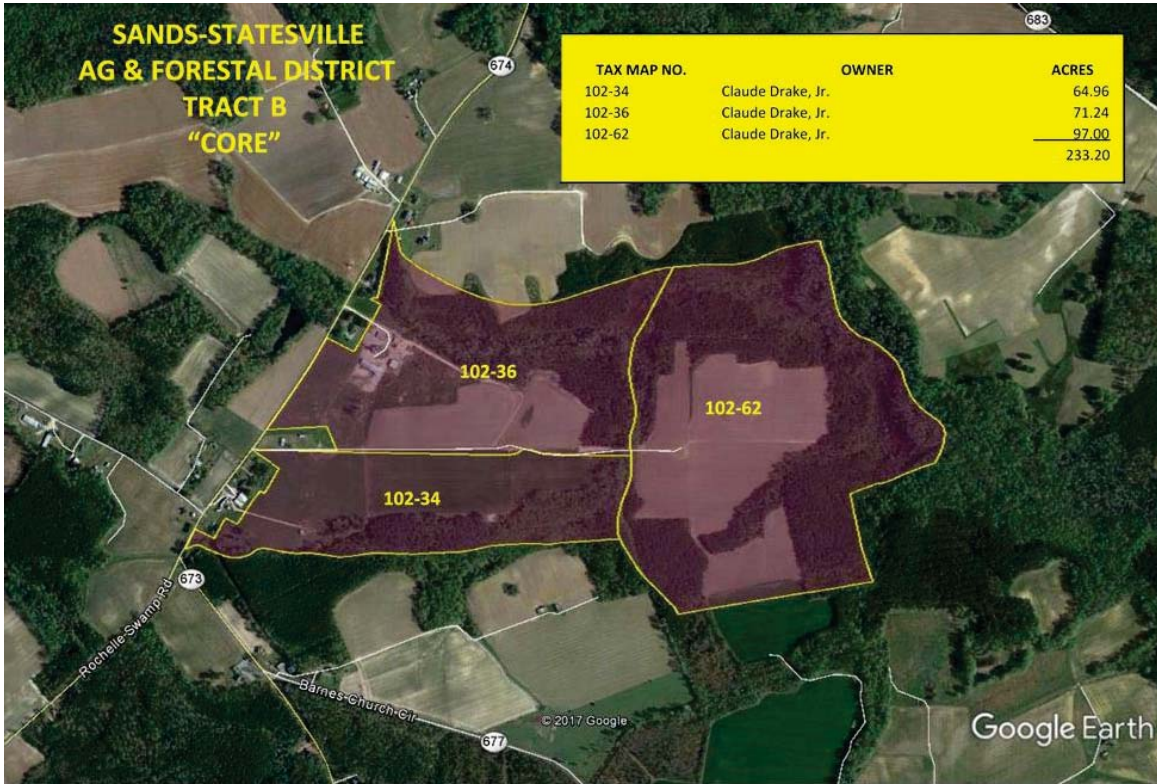
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application, and forwards a recommendation to the Board of Supervisors. The Board of Supervisors then holds a duly-advertised public hearing and makes the decision as to whether to create a VAFD of the submitted properties through the adoption of an ordinance which sets the term of the district and the date for the next review. The district is then mapped on the County's on-line GIS system.

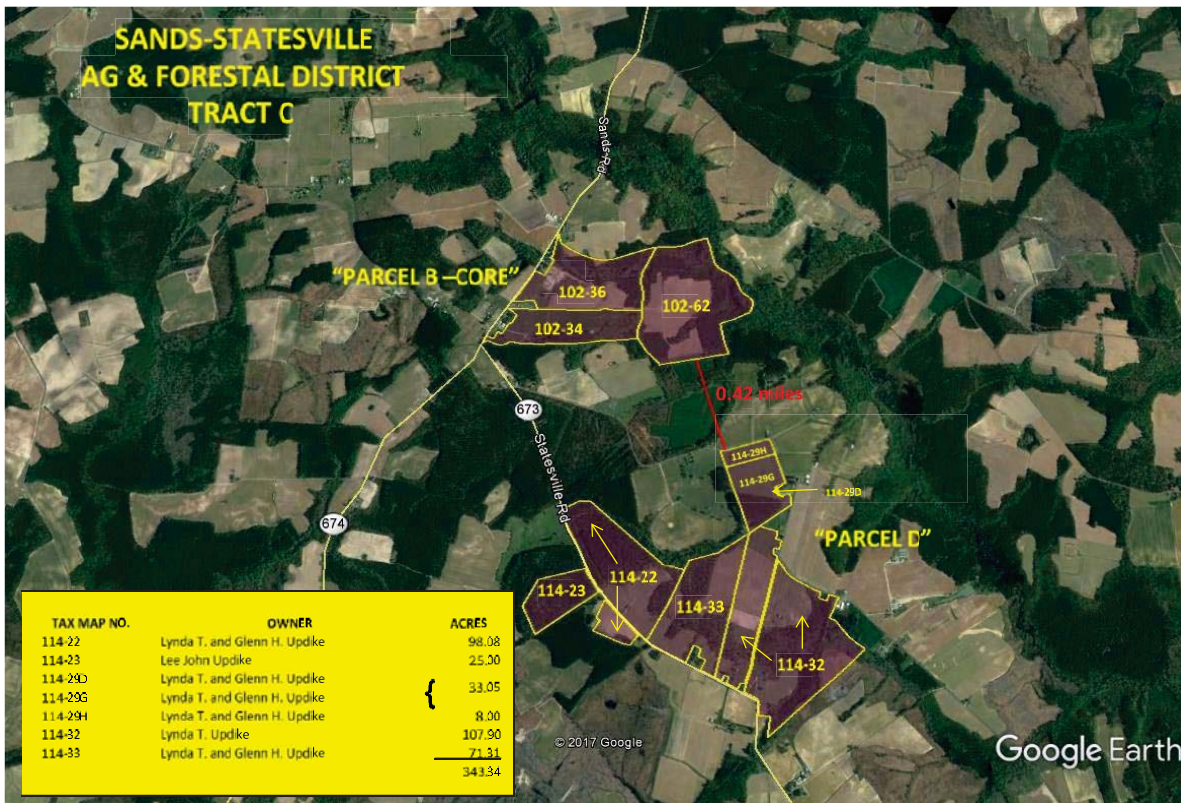
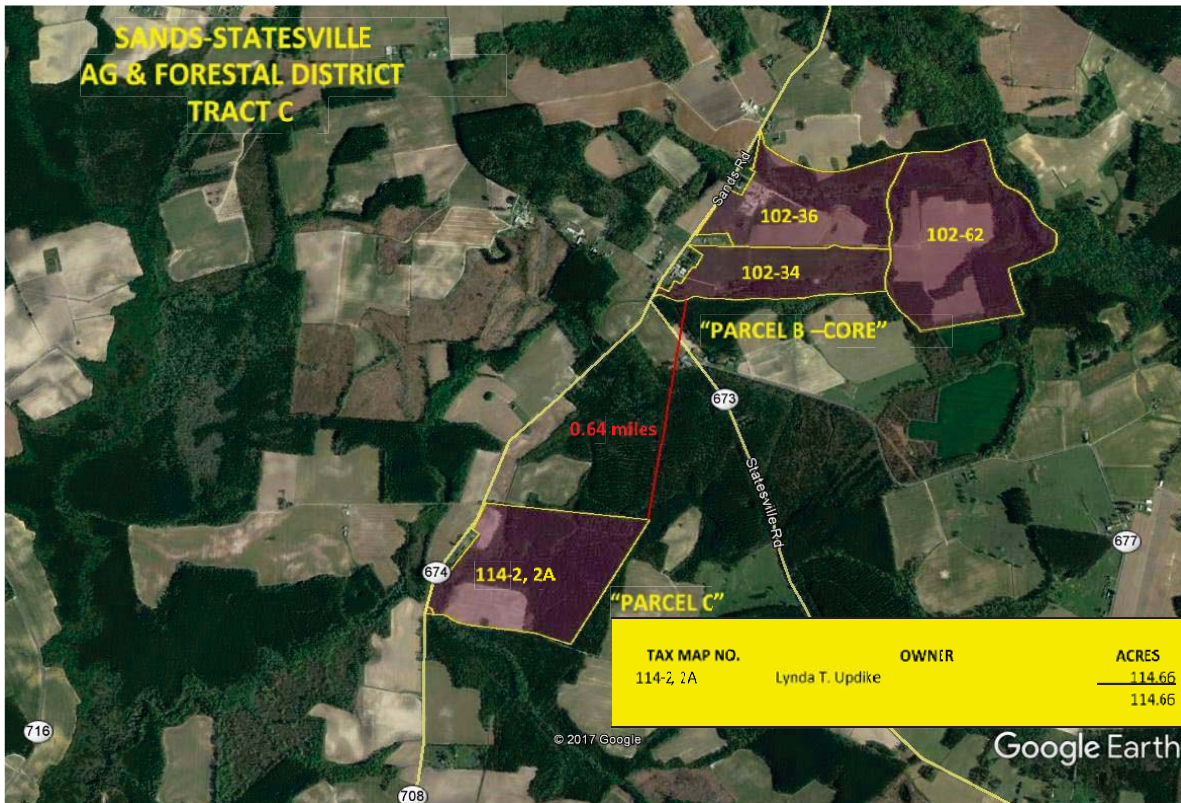
Mapping Examples



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How do I add property to an existing VAFD?

The process to add property to an existing VAFD follows the same procedure as for the creation of such a district, except there is no 200-acre minimum to add property; property in agriculture and forestry use of any size may be added to an existing district if it is within one (1) mile of the perimeter of an existing district. The same application and filing fee are required, as well as the same mapping. The submitted map needs to indicate the distance from the existing VAFD to the proposed addition. The same review process is followed by the Advisory Committee, the Planning Commission, and the Board of Supervisors. The application period to add to a VAFD is April 1 to July 1 of each year as well.

How does inclusion in a VAFD affect my real estate tax?

The VAFD program is not a tax program, it is a rural conservation program. Southampton County's land use program is administered by the Commissioner of the Revenue's office separately from the VAFD program. All questions regarding the land use program should be directed to the Commissioner of the Revenue's office. However, should Southampton County's Board of Supervisors rescind the land use program, those properties in a VAFD will be eligible for land use assessment under the Commonwealth's program, provided the parcel meets land eligibility requirements.

I am an abutting property owner. How does a VAFD affect my property?

A VAFD has no effect on your property. It does not affect your property value; it does not affect your real estate taxes. You will receive notices in the mail of the required public hearings as required by law during the creation of or addition to a VAFD. Should you wish to change the zoning of your property to a use that may have a negative effect on property in a VAFD, the Board of Supervisors is required take into consideration the existence of a VAFD in making land use decisions.

My land is in a VAFD. May I sell it?

Yes, you may sell your agriculture or forestry land for continued agriculture and forestry use. A VAFD encumbers the land and the new owners are bound by the same terms and conditions.

Can land be withdrawn from a VAFD?

There are three ways for land to be withdrawn from a VAFD. First, land may be withdrawn from a district at the end of a term during the required review by the Board of Supervisors, the adopted period between four (4) and ten (10) years. A written request may be submitted prior to the completion of the review. Secondly, if the original applicant dies, the heirs may, within two (2) years of the death, ask to have the land withdrawn from a district. Finally, property may be withdrawn from a district during the term of the district using the same application, filing fee, and mapping required to join a district. The Advisory Committee will review the request, the Planning Commission will hold a public hearing, and the Board of Supervisors will hold a public hearing and make a decision as to whether the property may be withdrawn for reasonable cause submitted by the property owner.

Can property within a VAFD be subdivided?

Family transfers may be created during the term of a VAFD, as outlined in the Southampton County Subdivision Ordinance.