

Date of Meeting: November 27, 2018

**PLANNING COMMISSION
BRIEFING ITEM**

**Land Development Applications
November 27, 2018, Planning Commission Public Hearing**

**REVIEW AND RENEWAL, MODIFICATION OR TERMINATION OF THE NEW
OATLANDS AGRICULTURAL AND FORESTAL DISTRICT**

Election District: Catoctin
Staff Contact: Rachael Iwanczuk, Project Manager, Planning & Zoning
Kenny Young, Acting Director, Planning and Zoning
Applicant Representative: NA

Request: The purpose of this item is to seek Planning Commission (Commission) recommendation in regard to the review and renewal, modification or termination of the Oatlands Agricultural and Forestal District (District). There are 25 parcels in the District totaling 767.84 acres.

Key Issues:

Land Use: Thirteen parcels are between 5 and 20 acres in size and required to submit renewal applications and land management plans, and all landowners in the District complied. No landowners have submitted written requests to withdraw parcels from the District. Parcels within the District range in size from 1.97 acres to 250 acres.

Review Criteria: All parcels meet the locational criteria of Code of Virginia Section 15.2-4306. Parcels 1-9 in the Recommendations table are under single ownership and in active agricultural use. Parcel 21 (Oatlands) is kept in open space and is on the National Register of Historic Places. The remaining 15 parcels in the District includes 9 parcels that are in the Land Use Valuation program, 8 of which are used predominantly as open space and residential use, and 1 parcel that is in agricultural and residential use. Of the remaining 7 parcels in the District, 1 parcel contains residential and substantial agricultural use, and 6 parcels are used for residential use and contain open space. As such, all parcels in the District and recommended for renewal are either in active agricultural use or provide environmental benefits by retaining open space and using good land management

practices. All but three parcels in the District are less than the 50-acre minimum subdivision limit

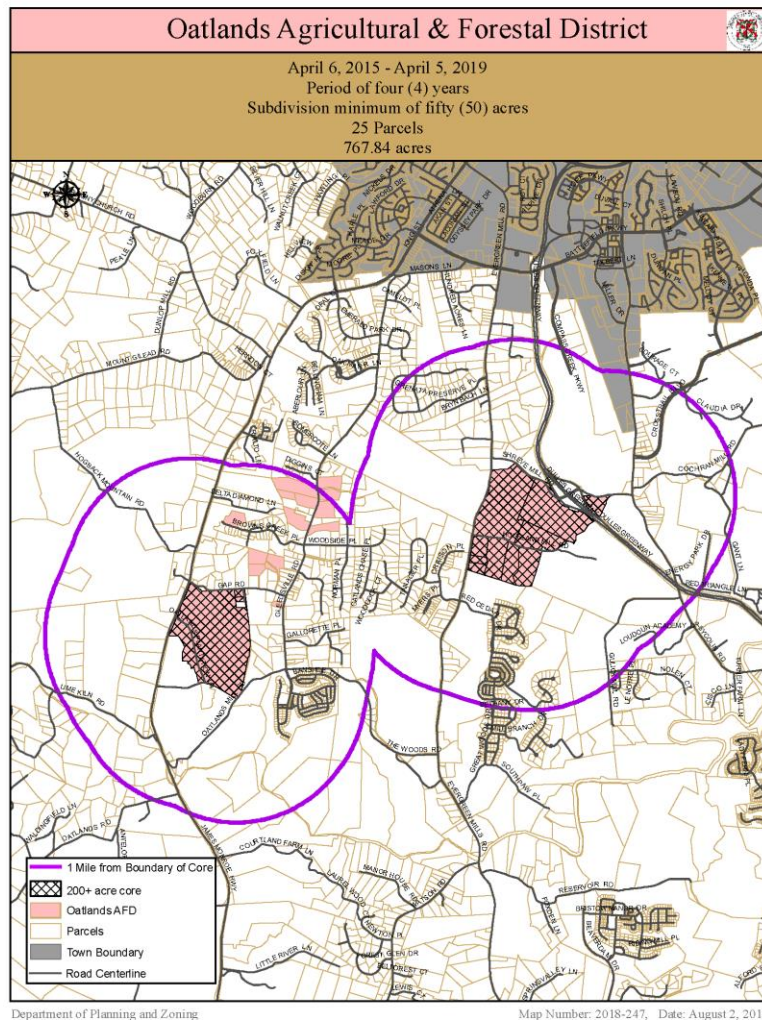
Fiscal Impacts:

Of 25 parcels in the District, 8 parcels qualify for open space designation, with a deferred assessment (fair market value land assessment minus land use program assessment) totaling \$771,150, and deferred tax of \$8,367.

Application Status:

Staff supports a Planning Commission recommendation to renew the District, including all 25 parcels, for a four-year period. There are no outstanding issues.

Vicinity Maps



OATLANDS Proposed Renewal Recommendations, August 31, 2018

	AGDT #	AGRICULTURAL DISTRICT	PARCEL PIN / MCPI NUMBER	PARCEL TAXMAP NUMBER	CURRENT OWNER NAME 1 OF 2	LEGAL ACREAGE	RECOMMENDATION
1	AGDT 2018-0066	OATLANDS	236154010000	/60///9/////2/	ORME FARM LLC	5.13	RENEWAL
2	AGDT 2018-0067	OATLANDS	236154867000	/60///10/////3/	ORME FARM LLC	12.92	RENEWAL
3	AGDT 2018-0068	OATLANDS	236162145000	/60///10/////4/	ORME FARM LLC	30.16	RENEWAL
4	AGDT 2018-0069	OATLANDS	236179638000	/60/////////67A	ORME FARM LLC	31.31	RENEWAL
5	AGDT 2018-0070	OATLANDS	236277526000	/60/////////56A	ORME FARM LLC	37.79	RENEWAL
6	AGDT 2018-0071	OATLANDS	236387331000	/60/////////56B	ORME FARM LLC	107.92	RENEWAL
7	AGDT 2018-0072	OATLANDS	236465707000	/60/////////53A	ORME FARM LLC	122.75	RENEWAL
8	AGDT 2018-0073	OATLANDS	237453679000	/60///9/////1/	ORME FARM LLC	6.63	RENEWAL
9	AGDT 2018-0074	OATLANDS	237474657000	/60/////////67B	ORME FARM LLC	21.13	RENEWAL
10	AGDT 2018-0075	OATLANDS	276351494000	/59/////////59E	KRUMWIEDE JEROLD L & LOIS	10	RENEWAL
11	AGDT 2018-0076	OATLANDS	276451343000	/59/////////59D	HOFFMAN SARAH D & LOUIS BERGERON	10.99	RENEWAL
12	AGDT 2018-0077	OATLANDS	315180319000	/59/////////26B	WESTMORELAND MARK & D MEIGHAN	10.31	RENEWAL
13	AGDT 2018-0078	OATLANDS	315187612000	/59///2/////4/	SUPER KATHERINE L TEE	11.13	RENEWAL
14	AGDT 2018-0079	OATLANDS	315208147000	/59/////////58C	GRUNER JAMES E & ADRIANNE J	10	RENEWAL
15	AGDT 2018-0080	OATLANDS	315270588000	/59//19//CON1/	GOLSTON, KEDRIC	10.02	RENEWAL
16	AGDT 2018-0081	OATLANDS	315296584000	/59//12/////1/	WRIGHT THOMAS H & CHERYL M KREIGEL	14.13	RENEWAL
17	AGDT 2018-0082	OATLANDS	315301366000	/59///4/////A/	CROWE, JOHN H & JENNIE B	10	RENEWAL
18	AGDT 2018-0083	OATLANDS	315307732000	/59/////////59/	FEITSHANS WILLIAM D & BEVERLY S	12.11	RENEWAL
19	AGDT 2018-0084	OATLANDS	315392788000	/59//18//B2-3/	CROWE JOHN H & JENNIE BELLE	4.9	RENEWAL
20	AGDT 2018-0085	OATLANDS	315496721000	/59/////////69A	WRIGHT MICHAEL J & LYNNE C TEES	22.59	RENEWAL
21	AGDT 2018-0086	OATLANDS	316163498000	/76/////////5/	NATIONAL TRUST FOR HIST PRESRVTN US	250	RENEWAL
22	AGDT 2018-0087	OATLANDS	316372474000	/59/////////22/	ROETHLEIN, JACOB D & ABIGAIL M	3.08	RENEWAL
23	AGDT 2018-0088	OATLANDS	316372749000	/59/////////23/	MORGENSTERN, MARY JO	1.97	RENEWAL
24	AGDT 2018-0089	OATLANDS	316388826000	/59/////////28A	JOHNSON, GEORGE & LIA	2.87	RENEWAL
25	AGDT 2018-0090	OATLANDS	316480176000	/59/////////26A	MARCO CARMEN & NICOLE E	8	RENEWAL

TOTAL PARCELS IN AFD

25

TOTAL ACREAGE IN AFD

767.84

AFD Review and Renewal Process Template
Attachment

Advisory Committee Review

In accordance with Virginia Code §§15.2-4304 and 15.2-4307, the ADAC shall review and advise, assist, and make recommendations to the Planning Commission and the Board in regard to the renewal of the AFD and any proposed modifications. In particular, the ADAC shall render expert advice in regard to the nature of farming and forestry and agricultural and forestal resources within the AFD and their relation to the entire County. In accordance with Virginia Code §15.2-4307, the Planning Commission shall report its recommendations to the Board including but not limited to the potential effect of the AFD and proposed modifications upon the County's planning policies and objectives.

Under Virginia Code §15.2-4306, the Planning Commission and the ADAC should consider the following factors as part of their review:

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.

Land Management Plans

Pursuant to an amendment to Chapter 1226 of the Codified Ordinances the owners of all parcels containing at least five acres but less than 20 acres must submit an application to be renewed and continue membership in an AFD. The failure of any such owner to submit an application shall render such owner's property ineligible for renewal in the AFD. However, parcels of land which contain less than five acres or greater than 20 acres will be renewed and continue membership in the AFD automatically, if no action is taken. Upon commencement of the review process for the District, all landowners currently enrolled in the District were mailed respective notices of the

District's review by certified first-class mail (Attachment 3)¹ on April 1, 2016. The notices also advised that any parcel containing at least five acres but less than 20 acres will be ineligible for renewal and inclusion within the District unless the owner submitted an application on forms provided by the Department of Planning and Zoning and submitted one or more of the following:

1. Management Plan that specifically states that the property owner(s) are accumulating the required five-year production records in order to qualify for agricultural, to include horticulture, land use tax deferral.
2. Animal Husbandry including Equine uses (commercial or non-commercial) with a Management Plan that relates the pasture carrying capacity to limit the number of animals allowed.
3. Forests and woodlands with a management plan that specifies the actions required to maintain and enhance the stands.
4. Wetlands, flood plains, streams and/or rivers that have Management Plans that set forth the terms for their maintenance and enhancement.

¹ Virginia Code §15.2-4311 requires that written notice of an AFD's review and renewal be sent to owners of land within the AFD by first-class mail. The Board adopted a resolution on January 3, 2008, that instructed Staff to send such notices by certified first-class mail.



Loudoun County, Virginia

www.loudoun.gov

Department of Planning and Zoning

1 Harrison Street, S.E., 3rd Floor, P.O. Box 7000, Leesburg, VA 20177-7000
703/777-0246 • Fax 703/777-0441

AGRICULTURAL & FORESTAL DISTRICT NOTICE
NEW RENEWAL REQUIREMENT

Renewal applications are required for parcels containing at least 5 acres but less than 20 acres and must be submitted by <insert deadline for submitting renewal application>

<insert today's date>

«OWNER_NAME»

«OWNER_STREET_ADDRESS»

«OWNER_CITY_STATE_ZIP»

Dear Landowner:

County records indicate that your land listed in the table below is enrolled in the <insert AFD name> Agricultural and Forestal District (the "District").

TAX MAP #:	PIN:	Acreage:
«PARCEL_TAXMAP_NUMBER»	«PARCEL_PIN_MCPI_NUMBER»	«LEGAL_ACREAGE»

The District's period expires on <insert expiration date of AFD>. Pursuant to Chapter 1226 of the Codified Ordinances of Loudoun County, the Board of Supervisors shall conduct a review in order to determine whether to continue, modify or terminate the District, and shall request the recommendations of the Planning Commission and the Agricultural and Forestal District Advisory Committee (ADAC) in conducting such review.

During the Board's review, pursuant to an amendment to Chapter 1226 adopted by the Board December 12, 2011, the owners of all **parcels containing at least five (5) acres but less than twenty (20) acres are now required to submit an application for renewal.** Renewal applications for parcels containing at least five (5) acres but less than twenty (20) acres must be accompanied by a signed copy of an appropriate Farm Management Plan or a Forest Management Plan, as appropriate based on the use of the property. Please contact the Loudoun Soil and Water Conservation District at (571) 918-4530 for information in regard to Farm Management Plans and please note such plans will take a minimum of approximately seven (7) to ten (10) days to complete. Please contact the Virginia Department of Forestry at (540) 347-6358 for more information in regard to Forest Management Plans and please note that such plans will take a minimum of approximately 90 to 120 days to complete.

Renewal applications and Management Plans shall be submitted to the below address by <insert deadline>. Failure of any such owner to submit an application and Management Plan for their property by <insert deadline>, shall render the property ineligible for renewal in the District. Please note that owners of parcels less than five (5) acres or twenty (20) acres or more are not required to submit a renewal application and their parcels will be renewed in the District automatically if no action is taken.

During the Board's review, land currently within the District may be withdrawn from the District. If you would like to withdraw your land from the District, please submit a written notice of withdrawal to the below address. Although, you may submit such a notice up until the time that the Board acts to continue, modify or terminate the District, we ask that you submit your written notice by <insert deadline>, to ensure adequate time to process your request.

Please submit all applications for renewal, all written notices of withdrawal, and any other associated materials, such as management plans, to:

Loudoun County Department of Planning & Zoning
ATTN: AFD Program Renewal
1 Harrison Street SE, MSC #62
P.O. Box 7000
Leesburg, VA 20177-7000

Upon receipt, Staff will review all applications for renewal, all written notices of withdrawal, and any other submitted materials, and will contact you if further information is needed. Renewal applications may be downloaded from our website at: <http://www.loudoun.gov/index.aspx?nid=2471>

To briefly describe the process for the Board’s review of the District, Staff will first review all renewing parcels to ensure that all such parcels are geographically eligible to participate in the District. These applications and the District’s current Ordinance will then be forwarded to the ADAC for review at a public meeting. Upon completion of its review, ADAC will then forward its recommendation for continuation, modification or termination to the Planning Commission and Board of Supervisors. Upon receipt of ADAC’s recommendation, the Planning Commission will review the District at a Public Hearing, after which its recommendation for continuation, modification or termination also will be forwarded to the Board of Supervisors.

After receiving recommendations from both the Planning Commission and the ADAC, the Board of Supervisors will hold a Public Hearing in regard to the continuation, modification or termination of the District. At this Public Hearing, the Board may act to continue, with any modification it deems appropriate, or terminate, the District, or it may forward this decision to a following Board of Supervisors’ Business Meeting. Please be aware that at the Board’s first Business Meeting each month, Public Input will begin at 6:30 p.m.; at the Board’s second Business Meeting each month, public comment will be included at the beginning of the agenda at 5:00 p.m. The dates of the afore-mentioned public meetings and hearings are listed in the table below:

Review	Date	Time	Location
ADAC Public Meeting	<insert date>	7:00 PM	Gov’t Center – 1 Harrison Street, S.E., 1 st Floor Purcellville Room
Planning Commission Public Hearing	<insert date>	6:00 PM	Gov’t Center – 1 Harrison Street, S.E., 1 st Floor Board of Supervisors Meeting Room
Board of Supervisors Public Hearing	<insert date>	6:00 PM	Gov’t Center – 1 Harrison Street, S.E., 1 st Floor Board of Supervisors Meeting Room
Board of Supervisors Business Meeting – Public Input	<insert date>	5:00 PM	Gov’t Center – 1 Harrison Street, S.E., 1 st Floor Board of Supervisors Meeting Room
Board of Supervisors Business Meeting – Public Input	<insert date>	6:30 PM	Gov’t Center – 1 Harrison Street, S.E., 1 st Floor Board of Supervisors Meeting Room

Should the Board of Supervisors decide to continue (renew) the District, the Board is also authorized to modify the period, subdivision minimum, or any other conditions of the District. Please note that any such modifications shall be described in a notice sent by first-class mail to you and published in a newspaper having a general circulation within the District at least two (2) weeks prior to adoption of the ordinance continuing the District.

Additionally, please note that your participation in this program is voluntary. Enrollment runs with the land, not the owner. This means that you, the current owner, might not be aware that your land is enrolled in the District. If this is the case or you think you have received this notice in error, please contact us.

If you have any questions or need more information or assistance, please do not hesitate to contact me at 703-777-0246 or via email at dpz@loudoun.gov.

Sincerely,

Rodion Iwanczuk

Rodion Iwanczuk
Senior Planner

Enclosures

cc: WebLMIS & LMIS Files

Proposed Schedule for the Review/Renewal of Oatlands AFD

Deadline to Act is April 5, 2019

July 19, 2018	Send out certified letters notifying landowners of the District's review and renewal (this is the "official" notification of a public meeting).
September 4, 2018	Deadline for Renewal Applications.
September 10, 2018	ADAC review of District and individual renewal applications; provide PC & BOS with recommendations for modification to the Districts' terms, renewal, or denial of applications based on agricultural and/or forestal significance.
November 27, 2018	Planning Commission Public Hearing.
January 15, 2019	Action Item to the Transportation and Land Use Committee
February 13, 2019*	Board of Supervisors Public Hearing (possible action unless BOS wishes to modify the period of the District).
February 14, 2019*	If the BOS decides to modify the terms of the District, letters are sent out via first class mail to landowners notifying them of the modification.
March 5, 2019*	14-Day Deadline for Notification to Landowners of District Modification by the Board of Supervisors.
March 19, 2019*	Board of Supervisors Business Meeting for Action, if needed.

*Depending upon schedule to be adopted in January 2019 by Board of Supervisors for 2019 meetings.

Oatlands AFD Land Use Deferred Tax for All Parcels and Open Space Parcels

	A	B	C	D	E	F	G	H	I	J	K	L	M
1	PIN	AFD	Use Category	2018 Legal Acreage	2018 Land Use Acreage	2018 FMV Total Assessment	2018 FMV Land Assessment	2018 Improvements Assessment	2018 Land Use Assessment	2018 Agriculture Assessment	2018 Non-qualifying Assessment (Col I minus Col J)	2018 Deferred Assessment (Col G minus Col I)	2018 Deferred Tax (Col L) Based on \$1.085/\$100
2	236154010000	OATLANDS	A, F	5.13	5.13	\$ 222,200.00	\$ 222,200.00	\$ -	\$ 1,356.00	\$ 1,356.00	\$ -	\$ 220,840.00	2,396.11
3	236154867000	OATLANDS	A	12.92	12.92	\$ 237,100.00	\$ 237,100.00	\$ -	\$ 3,602.00	\$ 3,602.00	\$ -	\$ 233,500.00	2,533.48
4	236162145000	OATLANDS	A	30.16	30.16	\$ 415,800.00	\$ 415,800.00	\$ -	\$ 11,888.00	\$ 11,888.00	\$ -	\$ 403,910.00	4,382.42
5	236179638000	OATLANDS	A, F	31.31	31.31	\$ 387,400.00	\$ 387,400.00	\$ -	\$ 9,473.00	\$ 9,473.00	\$ -	\$ 377,930.00	4,100.54
6	236277526000	OATLANDS	A	37.79	36.79	\$ 619,190.00	\$ 436,800.00	\$ 182,390.00	\$ 142,118.00	\$ 16,118.00	\$ 126,000.00	\$ 294,680.00	3,197.28
7	236387331000	OATLANDS	A, F	107.92	107.92	\$ 1,059,900.00	\$ 1,034,900.00	\$ 25,000.00	\$ 45,733.00	\$ 45,733.00	\$ -	\$ 989,170.00	10,732.49
8	236465707000	OATLANDS	A	122.75	121.75	\$ 1,724,770.00	\$ 1,160,800.00	\$ 563,970.00	\$ 194,542.00	\$ 54,542.00	\$ 140,000.00	\$ 966,260.00	10,483.92
9	237453679000	OATLANDS	A	6.63	6.63	\$ 222,700.00	\$ 222,700.00	\$ -	\$ 2,363.00	\$ 2,363.00	\$ -	\$ 220,340.00	2,390.69
10	237474657000	OATLANDS	A	21.13	21.13	\$ 302,800.00	\$ 302,800.00	\$ -	\$ 8,192.00	\$ 8,192.00	\$ -	\$ 294,610.00	3,196.52
11	276351494000	OATLANDS	O	10	9	\$ 613,750.00	\$ 253,000.00	\$ 360,750.00	\$ 155,300.00	\$ 15,300.00	\$ 140,000.00	\$ 97,700.00	1,060.05
12	276451343000	OATLANDS	-	10.99	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0.00
13	315180319000	OATLANDS	O	10.31	9	\$ 795,260.00	\$ 243,000.00	\$ 552,260.00	\$ 155,700.00	\$ 15,300.00	\$ 140,400.00	\$ 87,300.00	947.21
14	315187612000	OATLANDS	O	11.13	9.83	\$ 647,660.00	\$ 250,000.00	\$ 397,660.00	\$ 156,811.00	\$ 16,711.00	\$ 140,100.00	\$ 93,190.00	1,011.11
15	315208147000	OATLANDS	O	10	9	\$ 612,930.00	\$ 253,000.00	\$ 359,930.00	\$ 155,300.00	\$ 15,300.00	\$ 140,000.00	\$ 97,700.00	1,060.05
16	315270588000	OATLANDS	O	10.02	9.02	\$ 1,048,330.00	\$ 273,200.00	\$ 775,130.00	\$ 175,334.00	\$ 15,334.00	\$ 160,000.00	\$ 97,870.00	1,061.89
17	315296584000	OATLANDS	O	14.13	13.13	\$ 562,710.00	\$ 290,200.00	\$ 272,510.00	\$ 162,321.00	\$ 22,321.00	\$ 140,000.00	\$ 127,880.00	1,387.50
18	315301366000	OATLANDS	-	10	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0.00
19	315307732000	OATLANDS	O	12.11	11.11	\$ 515,500.00	\$ 272,000.00	\$ 243,500.00	\$ 158,887.00	\$ 18,887.00	\$ 140,000.00	\$ 113,110.00	1,227.24
20	315392788000	OATLANDS	-	4.9	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0.00
21	315496721000	OATLANDS	A, F	22.59	12	\$ 628,470.00	\$ 363,700.00	\$ 264,770.00	\$ 261,604.00	\$ 3,304.00	\$ 258,300.00	\$ 102,100.00	1,107.79
22	316163498000	OATLANDS	-	250	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0.00
23	316372474000	OATLANDS	-	3.08	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0.00
24	316372749000	OATLANDS	-	1.97	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0.00
25	316388826000	OATLANDS	-	2.87	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0.00
26	316480176000	OATLANDS	O	8	6	\$ 519,640.00	\$ 223,400.00	\$ 296,240.00	\$ 167,000.00	\$ 10,200.00	\$ 156,800.00	\$ 56,400.00	611.94
27	TOTALS for ALL PARCELS			767.84	461.83	\$ 11,136,110.00	\$ 6,842,000.00	\$ 4,294,110.00	\$ 1,967,524.00	\$ 285,924.00	\$ 1,681,600.00	\$ 4,874,490.00	52,888.22
28	TOTALS for OPEN SPACE PARCELS			85.7	76.09	\$ 5,315,780.00	\$ 2,057,800.00	\$ 3,257,980.00	\$ 1,286,653.00	\$ 129,353.00	\$ 1,157,300.00	\$ 771,150.00	\$ 8,366.98
29													
30	Use Category												
31	F = Forestry												
32	A = Agriculture												
33	O = Open Space												