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CHAPTER 3. AGRICULTURAL AND FORESTAL DISTRICTS

ARTICLE I. Middle River Agricultural & Forestal District

§ 3-1. District created.

Pursuant to the Agricultural and Forestal District Act of the Commonwealth of Virginia, there is hereby created the Middle River Agricultural and Forestal District, subject to the conditions and period before review set forth in this Article.

State law reference—Virginia Code §§ 15.2-4300 *et seq.*

§ 3-2. District described.

The Middle River Agricultural and Forestal District shall consist of the following territory:

approximately 5694.253 acres situated in the Middle River District of Augusta County, Virginia, lying east of Interstate 81; both east and west sides of Route 778 (Knightly Mill Road), Route 774 (Broad Run Road), Route 774 (Cline River Road), and Route 865 (Rockfish Road); both north and south sides of Route 608 (Battlefield Road), Route 775 (Buttermilk Road), and Route 775 (Craig Shop Road); on the north side of Route 777 (Knightly Lane); both north and south sides of Route 728 (Patterson Mill Road); on the southwest side of Route 774 (Piedmont Road) and including parcels shown on County Real Estate maps as of the effective date of this Article as parcels numbered 27-123B, 27-124, 27-127, 27-128, 27-129, 27-129A, 27-131, 27-132, 27-135, 27-136, 27-138A, 27-143, 27-153, 28-19, 28-23B, 28-35, 28-36B, 28-38, 28-38A, 28-83, 28-84, 28-85, 28-86, 28-91, 28-91A, 28-91C, 28-93A, 28-94, 28-94B, 28-95, 28-96, 28-97, 28-98, 28-99, 28-99A, 28-102, 28-105 and 28-108B, 37-54, 37-63, 37-63B, 37-91, 37-92, 37-103B, 37-114, 38-3, 38-4, 38-5A, 38-7, 38-34, 38-34A, 38-48, 38-49, 38-50, 38-53, 38-53A, 38-53B, 38-57, 38-58, 38-68, 38-68A, 38-68B, 38-68C, 38-69, 38-75H, 38-93, 38-93A, 38-93B, 38-93C, 38-93D, 38-94E, 38-97, 38-102, 38-123, 39-4, 39-5, 39-5B, 39-9, 39-9A, 39-10, 48-99, 48-100B, and 48-10.

(Ord. 11/24/98 - effective 4/22/98; Ord. 10/22/08; Ord. 4/22/09)

§ 3-3. Conditions to creation of the district.

The Middle River Agricultural and Forestal District is created subject to the following conditions:

A. Subdivision of land should only be permitted in accordance with the current zoning and subdivision ordinance provisions for family members. Only lots that are solely for the purpose of gift from a member or members of the immediate family of the grantee or grantees, as defined in such ordinance, shall be permitted.

B. No new non-agricultural or non-forestal buildings, and/or uses including dwellings, shall be permitted except that the construction of a dwelling for persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property, or for members of the immediate family of the owner is permitted.

C. All included tracts shall be shown as separate parcels on the County Real Estate records.

§ 3-4. Period before review of district.

Period before the review of the District shall be ten (10) years and shall expire on November 24, 2018. (Ord. 11/24/98; Ord. 10/22/08)

Sections 3-5 through 3-10 reserved.

ARTICLE II. Crimora-Madrid Agricultural and Forestal District

§ 3-11. District created.

Pursuant to the Agricultural and Forestal District Act of the Commonwealth of Virginia, there is hereby created the Crimora-Madrid Agricultural and Forestal District, subject to the conditions and period before review set forth in this Article.

State law reference—Virginia Code § 15.2-4300 *et seq.*

§ 3-12. District described.

The Crimora-Madrid Agricultural and Forestal District shall consist of the following territory:

648.39 acres situated in the Middle River District of Augusta County, Virginia, lying on the south side of the intersection of Route 784 (Pine Bluff Road) and Route 612 (New Hope and Crimora Road) and including parcels shown on County Real Estate maps as of the effective date of this Article as parcels numbered 48-44B, 48-60, 48-60B, 48-60C, 58-50, 58-53, 58-54, 58-56, 58-61, 58-61A, 58-62, 58-63, 58-66, 58-67, and 58-71.

(Ord. 10/22/08)

§ 3-13. Conditions to creation of the district.

The Crimora-Madrid Agricultural and Forestal District is created subject to the following conditions:

A. Subdivision of land should only be permitted in accordance with the current zoning and subdivision ordinance provisions for family members. Only lots that are solely for the purpose of gift from a member or members of the immediate family of the grantee or grantees, as defined in such ordinance, shall be permitted.

B. No new non-agricultural or non-forestal buildings, and/or uses including dwellings, shall be permitted except that the construction of a dwelling for persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property, or for members of the immediate family of the owner is permitted.

C. All included tracts shall be shown as separate parcels on the County Real Estate records.

§ 3-14. Period before the review of district.

The period before the review of the District shall be ten years (10) and shall expire on November 24, 2018.

(Ord. 11/24/98; Ord. 10/22/08)

§ 3-15 through § 3-20. Reserved.

ARTICLE III. Middlebrook Agricultural and Forestal District

§ 3-21. District created.

Pursuant to the Agricultural and Forestal District Act of the Commonwealth of Virginia, there is hereby created the Middlebrook Agricultural and Forestal District, subject to the conditions and period before review set forth in this Article.

State law reference—Virginia Code § 15.2-4300 *et seq.*

§ 3-22. District described.

The Middlebrook Agricultural and Forestal District shall generally consist of the following territory:

Approximately 2759 acres of land lying on the south side of the intersection of Middlebrook Road (Route 252) and Dutch Hollow Road (Route 726) and as far south as the Rockbridge County line and including parcels shown on County Real Estate maps as of the effective date of this Article as parcels numbered 80-24, 80-27, 80-30, 80-30B, 80-63, 80-63A, 80-64, 80-67, 81-1A, 81-2, 81-3, 81-3A, 81-4, 81-11, 81-15, 81-19, 87-3A, 87-5A, 87-7, 87-8C, 87-24, 87-24A, 87-26A, 87-29, 87-30, 87-30A, and 87-30B.

The specific boundaries of the Middlebrook Agricultural and Forestal District are established as shown on a map entitled “Middlebrook Agricultural & Forestal District,” and dated October 22, 2014. Such map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this article. A copy of the map, properly attested, shall be filed in the office of the Director of the Community Development Department and shall be available for inspection by the public.

(Ord. 12/9/98; Ord. 9/12/07; Ord. 4/22/09; Ord. 10/22/14)

§ 3-23. Conditions to creation of the district.

The Middlebrook Agricultural and Forestal District is created subject to the following conditions:

A. Subdivision of land should only be permitted in accordance with the current zoning and subdivision ordinance provisions for family members. Only lots that are solely for the purpose of gift from a member or members of the immediate family of the grantee or grantees, as defined in such ordinance, shall be permitted. As used in this subsection, the term “subdivision” shall not include boundary line adjustments, which shall also be permitted.

B. No new non-agricultural or non-forestal buildings, and/or uses including dwellings, shall be permitted except that the construction of a dwelling for persons who earn a substantial part of their livelihood from agricultural or forestal operation on the same property, or for members of the immediate family of the owner is permitted.

C. A corporation consisting of family members shall be considered the same as a family property owner under the following circumstances:

1. The membership or ownership of the corporation consists of only “one family.”
2. The corporation is the grantor and not the grantee of the purchase or gift of the lot.

3. For purposes of this provision only, the members of “one family” shall be limited to husband, wife, their children and grandchildren and their spouses.
4. The grantee may be any eligible grantee (as defined by the zoning ordinance) of a member of the corporation, and the deed or other instrument or conveyance shall indicate which member of the corporation is the “deemed” grantor for purposes of this provision.

(Ord. 12/9/98; Ord. 9/12/07)

§ 3-24. Period before the review of district.

The period before the review of the District shall be eight (8) years and shall expire on December 9, 2022.

This ordinance shall be effective December 9, 2014.

(Ord. 12/9/98; Ord. 9/12/07; Ord. 10/22/14, eff. 12/9/14)

ARTICLE IV. North River Agricultural and Forestal District

§ 3-25. District created.

Pursuant to the Agricultural and Forestal District Act of the Commonwealth of Virginia, there is hereby created the North River Agricultural and Forestal District, subject to the conditions and period before review set forth in this Article.

State law reference—Virginia Code § 15.2-4300 *et seq.*

§ 3-26. District described.

The North River Agricultural and Forestal District shall consist of the following territory:

4,321 acres situated in the North River District of Augusta County, Virginia, lying south of Reeves Road (Route 766), east of North River Road (Route 730), west of Spring Hill Road (Route 613) and north of Moffett Branch Road (Route 739) and including parcels shown on County Real Estate maps as of the effective date of this Article as parcels numbered 10-58, 10-62, 10-64, 10-72, 10-73A, 10-74A, 10-77, 10-78, 10-79, 10-80, 10-92, 10-94D, 10-97B, 10-97C, 10-98, 10-102, 10-104, 10-111, 10-112, 10-112A, 10-113, 10-113C, 10-114, 10-114A, 11-1, 11-2C, 11-2E, 11-2F, 11-3, 11-4A, 11-29, 17-2A, 17-2C, 17-6, 17-7B, 17-10, 17-10A, 17-12, 17-13A, 17-14, 17-14B, 17-15, 17-18, 17-19, 17-21, 17-24B, 17-27E, 17-28,

17-28A, 17-29, 17-29A, 17-30, 17-30A, 17-30B, 17-31, 17-32A, 17-49, 17-49A, 17-51, 17-61J, 17-62, 17-63, 17-64, 17-72, 17-72A, 18-4, 18-6, and 18-16.

(Ord. 9/11/13)

§ 3-27. Conditions to creation of district.

The North River Agricultural and Forestal District is created subject to the following conditions:

A. Subdivision of land should only be permitted in accordance with the current zoning and subdivision ordinance provisions for family members, including, without limitation, the provisions applicable to “family member exception lots.” Only lots that are solely for the purpose of sale by or gift from a member or members of the immediate family of the grantee or grantees, as defined in such ordinance, shall be permitted.

B. Included tracts may be sold to a grantee who is not a member of the immediate family of the grantor.

C. No sale, transfer or conveyance of an included tract, without more, shall establish “good and reasonable cause” for purposes of withdrawal of such included tract from the district.

D. No new non-agricultural or non-forestal buildings or uses, including dwellings, shall be permitted; provided that the construction of a dwelling for persons who earn a substantial part of their livelihood from agricultural or forestal operation on the same property, or for members of the immediate family of the owner, shall be permitted.

E. All included tracts shall be shown as separate parcels on the county real estate records.

§ 3-28. Period before the review of district.

The period before the review of the District shall be ten (10) years and shall expire on October 22, 2023.

(Ord. 10/22/03; Ord. 9/11/13)

§ 3-29 through § 3-30. Reserved.