

**ORDINANCE NO. 2005-6
GUNTON PARK
AGRICULTURAL AND FORESTAL DISTRICT ORDINANCE
OF WYTHE COUNTY, VIRGINIA**

- 1.1 Title. This ordinance shall hereinafter be known as the “Gunton Park Agricultural and Forestal District Ordinance of Wythe County, Virginia”, Ordinance No. 2005-6.
- 1.2 Authority. It is adopted pursuant to Section 15.2, Chapter 43 of the Code of Virginia of 1950, as amended.
- 1.3 Jurisdiction. The provisions of this ordinance shall apply to all land specified herein that lies within the Fort Chiswell Magisterial District of Wythe County and which does not lie within the jurisdiction of an incorporated municipality.

ARTICLE II - Purpose

- 2.1 It is the policy of Wythe County to conserve and protect as well as encourage the development and improvement of its agricultural and forestal lands for the production of agricultural and forest products. It is also the policy of Wythe County to conserve and protect agricultural and forestal land as valued natural and ecological resources. It is the purpose of this ordinance to provide a means by which agricultural and forestal lands may be protected and enhanced as a viable segment of the economy.

ARTICLE III - Rules

- 3.1 In the construction of this ordinance, the rules contained in this section shall be observed and applied, except when the context clearly indicates otherwise.
- 3.1-1 Words used in the present tense shall include the future, and words used in the singular form shall include the plural form, and the plural the singular;
- 3.1-2 The word “lot” includes the words “plat” and “parcel”;
- 3.1-3 The word “shall” is mandatory and not discretionary;
- 3.1-4 The word “may” is permissive and not mandatory;
- 3.1-5 The word “approve” shall be considered to be followed by the word “disapprove”;
- 3.1-6 The masculine gender includes the feminine and neuter; and

- 3.1-7 Any reference to this ordinance includes all ordinances amending or supplementing the same.

ARTICLE IV - Definitions

- 4.1 For the purpose of this ordinance, certain words or terms used herein shall be defined as follows:
- 4.1-1 Administrator. The representative of the Board of Supervisors appointed to serve as the agent of the Board in administering all provisions of this ordinance shall be the Commissioner of the Revenue.
- 4.1-2 Agricultural Products. Shall mean crops, livestock and livestock products which shall include, but not be limited to, the following:
- 4.1-2a Field crops, including corn, wheat, oats, rye, barley, hay, tobacco, peanuts, potatoes and soybeans.
- 4.1-2b Fruits, including apples, peaches, grapes, cherries and berries.
- 4.1-2c Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
- 4.1-2d Horticultural specialties including commercial flowers, nursery stock, ornamental shrubs, ornamental trees and Christmas trees.
- 4.1-2e Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, fur-bearing animals, milk, eggs and furs.
- 4.1-3 Agricultural Production. Shall mean the production for commercial purposes of crops, livestock and livestock products, and shall include the processing on retail sales by the producer of crops, livestock or livestock products which are produced on the parcel or in the district. This shall not be deemed to expand the area of land eligible for land use assessment.
- 4.1-4 Agriculturally and Forestally Significant Land. Shall mean land that has recently or historically produced agricultural or forestal products, is suitable for agricultural or forestal production as determined by such factors as soil quality, topography, climate, markets, farm structures and other relevant factors.
- 4.1-5 Board. The Wythe County Board of Supervisors.
- 4.1-6 District. An agricultural, forestal or agricultural and forestal district.

- 4.1-7 Forestal Production. The production for commercial purposes of forestal products and shall include the processing or retail sales by the producer of forestal products which are produced on the parcel or in the district. This shall not be deemed to expand the area of land eligible for use value assessment and taxation.
- 4.1-8 Forestal Products. Shall include, but are not limited to, saw timber, pulpwood, posts, firewood, Christmas trees and other tree and wood products.
- 4.1-9 Landowner or Owner of Land. Any person holding a fee simple interest in property but shall not include the holder of an easement.
- 4.1-10 Person. Any person, partnership, association, corporation or other legal entity.

ARTICLE V - Administration

- 5.1 Administrator. The Commissioner of the Revenue is hereby delegated to administer this ordinance. The Commissioner of the Revenue shall be considered the agent of the governing body.
- 5.1-1 Additional Authority. In addition to the regulations herein contained, the Administrator may, from time to time, establish any reasonable administrative procedures deemed necessary for the proper administration of this ordinance or such other authority as the Board might delegate.

ARTICLE VI - Requirements and Procedures

- 6.1 The Gunton Park Agricultural and Forestal District is hereby established for a period of four (4) years beginning on the 13th day of April, 2005 and shall continue in effect until it is reviewed in 2009. Said review of the districts is to be completed in accordance with Section 15.2 of the Code of Virginia, and amendments thereto.
- 6.2 The Gunton Park Agricultural and Forestal District shall consist of 202.77 acres. The district shall be located in the Fort Chiswell Magisterial District and shall include the following parcels:

Maxwell, David V. & Cheryl S.	17-47D; 31-1
Martin, Roger G. & Glenda F.	30-33D
- 6.3 A map showing the exact location of the Gunton Park Agricultural and Forestal District is attached and made a part hereof.

- 6.4 The owners of the land within the Gunton Park District shall not terminate the district except in accordance with Section 15.2, Chapter 43 of the Code of Virginia of 1950, and amendments.
- 6.5 The withdrawal of any property owner from a district shall not serve to terminate the existence of such district.
- 6.6 All County ordinances and regulations shall remain applicable within said district; provided, such ordinances and regulations are not in conflict with the Agricultural and Forestal Districts Act. Further, it is the intention of the Board of Supervisors that land use planning decisions or ordinances enacted to implement same shall take into account the special status of land within the district.
- 6.7 An exception for secondary roads, either within or along the boundary of said district is hereby created, and consequently there is hereby excepted from said district a strip of land extending twenty-five (25) feet from both sides of the center line of all existing secondary roads within or along of said district from the terms of this ordinance.
- 6.8 Ninety (90) days prior to the renewal of the District each property owner shall submit a renewal application to the Commissioner of the Revenue which can be obtained at this office. A fee shall be charged upon each renewal and the fee shall be set annually by the Board of Supervisors.
- 6.9 In order to qualify for land use incentives, each property owner within the district shall comply with Wythe County Ordinance No. 2001-1, entitled, "Special Assessments for Agricultural or Horticultural Real Estate Ordinance of Wythe County, Virginia".
- 6.10 The property owner shall notify the Commissioner of the Revenue prior to selling or transferring any of the property which is a part of this district.
- 6.11 The values for forestal use shall be the same as for agricultural use.

ARTICLE VII - Legal Status Provisions

- 7.1 Certified Copies of Ordinances. Certified copies of this ordinance, and all amendments thereto shall be filed in the offices of the Commissioner of the Revenue, Planning Commission, County Administrator, and the Clerk of the Circuit Court of Wythe County, Virginia.
- 7.2 Validity. Should any article, section, subsection or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not effect the validity or constitutionality of this ordinance as a

whole or any part thereof other than the part so declared to be invalid or unconstitutional.

7.3 Conflicting Ordinances. All ordinances or portions thereof in conflict with this ordinance are hereby repealed to the extent of their conflict.

7.4 Effective Date. This ordinance was duly considered following a required public hearing held on April 12, 2005, and was adopted by the Board of Supervisors of Wythe County, Virginia, at its regular meeting held on April 12, 2005, the members voting as follows:

<u>NAME</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSENT</u>
Wythe B. Sharitz			X
James E. Hagee	X		
Charles S. Dix	X		
Danny C. McDaniel	X		
Anne B. Crockett-Stark	X		
Lisa R. Eaton	X		
Susan R. Crigger	X		

This ordinance shall become effective at 12:01 a.m. on April 13, 2005.

I certify this to be a true and correct copy taken from the April 12, 2005 minutes of the Wythe County Board of Supervisors meeting.

R. Cellell Dalton, Clerk