

Excerpts from Chapter 3 Applicable to the Work Session Issues

Issue 1. Whether the uses and activities allowed on a parcel in an AFD should be further restricted.

Current Sec. 3-202 Effect of district creation. (boldface text added)

The land within an agricultural and forestal district of statewide significance shall be subject to the following upon the creation of the district:

- A. *Prohibition of development to more intensive use.* As a condition to creation of the district, no parcel within the district shall be developed to a use more intensive than that existing on the date of creation of the district, other than uses resulting in more intensive agricultural or forestal production, without the prior approval of the board of supervisors.
1. Except as provided in paragraph (2), a parcel shall be deemed to be developed to a more intensive use if:
 - (a) The proposed development would remove any portion of a parcel from agricultural or forestal production; or
 - (b) The proposed development would increase the population density or the level of activity on the parcel including, but not limited to, the rental of more than one dwelling unit on the parcel except as provided in paragraph (2)(e).
 2. A parcel shall not be deemed to be developed to a more intensive use if:
 - (a) **The proposed development is permitted by right in the rural areas (RA) zoning district;**
 - (b) **The proposed development is permitted by special use permit in the rural areas (RA) zoning district and the board of supervisors, in considering the application for a special use permit, determines that the development allowed by the permit is consistent with the purposes of this chapter;**
 - (c) The proposed development is the proposed division of the parcel either by subdivision or rural division and the minimum lot size of such division is twenty-one (21) acres or greater;
 - (d) The proposed development is the proposed division of the parcel by family division; or
 - (e) The proposed development is the occupation of dwelling units on the parcel by members of the immediate family of any of the owners of such parcel or by bona fide farm employees, together with their respective families, if any.

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Issue 2. How parcels in an AFD with no development rights should be evaluated during district review.

Draft Sec. 3-201 ~~Creation of~~ Creating a district. (boldface text added)

Each ~~agricultural and forestal~~ district of statewide significance shall be created as provided herein follows:

- A. *Application.* . .
- B. ~~Receipt and referral of~~ Referring the application. . .
- C. ~~Advisory committee~~ Committee review. . .
- D. ~~Planning commission~~ Commission review. . .
- E. *Hearing and action by* ~~board of supervisors~~ the Board of Supervisors. . .
- F. Criteria. The Advisory Committee, the Planning Commission, and the Board of Supervisors shall apply the following criteria when they review an application:
 - 1. Agricultural and forestal significance of the land. The agricultural and forestal significance of the land within the district ~~or addition~~ and in areas adjacent ~~thereto~~ to the district; in ~~judging~~ evaluating the agricultural and forestal significance of the 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 relevant factors ~~as may be relevant~~;
 - 2. Significant agricultural or forestal lands not in active production. The presence of any significant agricultural ~~lands~~ or ~~significant~~ forestal lands within the district and in areas adjacent ~~thereto~~ to the district that are not now in active agricultural or forestal production, considering the maps, factors, markets, and other information described in subsection (F)(1);
 - 3. Uses other than active farming or forestry. The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent ~~thereto~~ to the district;
 - 4. Development patterns. Local development patterns and needs;
 - 5. Comprehensive Plan and zoning regulations. The ~~comprehensive plan~~ Comprehensive Plan and the applicable zoning regulations;
 - 6. Environmental benefits. The environmental benefits of retaining the lands in the district for agricultural and forestal uses;
 - 7. Development rights. Whether any parcel has one or more development rights that would allow the creation of one or more parcels less than ~~twenty-one~~ (21) acres in size; in considering whether to include any parcel in a district, the policy of the ~~county~~ County is to not include any parcel determined to have no development rights and cannot be further divided to create one or more parcels less than ~~twenty-one~~ (21) acres in size; and

8. Other. Any other relevant matter ~~which may be relevant.~~

Draft Sec. 3-204 Review of Reviewing a district; continuation, modification or termination.
(boldface text added)

Each agricultural and forestal district of statewide significance shall be reviewed as provided herein follows:

- A. *Review period.* . .
- B. ~~Initiation of~~ Initiating district review. . .
- C. ~~Advisory committee~~ Committee review. Upon receipt of receiving the referral of the district from the ~~director~~ Director of Planning, the ~~advisory committee~~ Advisory Committee shall . . . (iii) review the district by considering the criteria in County Code § 3-201(F)(2), (3), (4), (5), and (7), and any other relevant factors when it reviews a district: . . .
- D. ~~Planning commission~~ Commission review. Upon receipt of receiving the report of the ~~advisory committee~~ Advisory Committee on a district, the ~~planning commission~~ Planning Commission shall review the district by considering the recommendations of the Advisory Committee and the criteria in County Code § 3-201(F)(2), (3), (4), (5), and (7), and any other relevant factors when it reviews a district. . .
- E. *Hearing and action by* ~~board of supervisors~~ the Board of Supervisors. . . After receiving the Planning Commission's and the Advisory Committee's reports:

. . .

3. Factors to be considered when acting. The Board of Supervisors shall reasonably consider the recommendations of the Advisory Committee and the Planning Commission, the criteria in County Code § 3-201(F)(2), (3), (4), (5), and (7), and any other relevant factors when it reviews a district.

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Issue 3. Whether appointees to the Advisory Committee should be subject to term limits.

Draft Sec. 3-103 104 Advisory ~~committee~~ Committee established; membership; appointment and term of office of members; powers and duties. (boldface text added)

An ~~advisory committee~~ Advisory Committee is hereby established, ~~as provided herein subject to the following:~~

A. Composition. . . .

B. Terms. The terms of the eight (8) landowner members of the ~~e~~Committee ~~shall be~~ are as follows:

1. Length of terms; staggered terms. ~~Upon adoption of this subsection, the eight (8) landowner members shall be appointed to one year, two year, three year or four year initial terms so that one (1) engaged landowner and one (1) other landowner is appointed to serve each initial term length. Thereafter, all terms shall be for four (4) years~~ Each landowner-member is appointed for a four-year term. The terms are staggered so that two landowner-members' terms expire each year.
2. Term limit. ~~No landowner member may serve more than~~ A landowner-member may serve up to two (2) consecutive terms, provided, however, that a landowner-member appointed to complete the unexpired term of another may be appointed to serve up to two (2) additional consecutive four-year terms. The term limit does not apply if the Board of Supervisors is unable to find a qualified person to appoint as a successor landowner-member after conducting a reasonable search.
3. Holdover until successor appointed. ~~A landowner-member whose term expires shall continue to serve until his or her~~ a ~~successor is appointed.~~