

**ORDINANCE NO. 99-3
CROCKETT'S COVE AND EAST CROCKETT'S COVE
AGRICULTURAL AND FORESTAL DISTRICT ORDINANCE
OF WYTHE COUNTY, VIRGINIA**

- 1.1 Title. This ordinance shall hereinafter be known as the "Crockett's Cove and East Crockett's Cove Agricultural and Forestal District Ordinance of Wythe County, Virginia", Ordinance No. 99-3.
- 1.2 Authority. It is adopted pursuant to Section 15.2, Chapter 43 and 44 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 East Wytheville 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.
 - 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 Administrator, as appointed by the governing body, is hereby delegated to administer this ordinance. The Administrator 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 Crockett's Cove and East Crockett's Cove Agricultural Districts are hereby established for a period of four (4) years beginning on the day of March 23, 1999, and terminating on the day of March 23, 2003.

6.2 The Crockett's Cove District shall consist of 2,166.84 acres; and, the East Crockett's Cove District shall consist of 3,927.83 acres. The districts shall be located in the East Wytheville Magisterial District and shall include the following parcels:

Joseph C. Kelley	12-28
James W. Collins	12-28E; 12-28C; 12-28G; 12-28A; 12-27
Elbert W. Collins	12-13, 14; 13-13; 13-18A
Mike Smith	13-2-20; 12-28H
Darrell Smith	13-15
Eural D. Clippard	13-2-22, 23
James W. Sharitz	13-16F
Gloria L. Frye & David M. Lefler	13-16E
Sarah S. Crockett	13-16B
Robert E. Buchanan (Est.)	12-20
Raymond E. Buchanan	12-11B, 11C; 12-17, 18, 19; 12-24, 12-26
Victor D. Buchanan	12-22;, 12-25
Steven A. Buchanan	12-22A; 12-23; 13-2; 13-10;
Don K. Davis	13-11, 12
Charles & Carolyn Phillips	13-2-12
Mary C. Brunk	13-16A
David & Lura Crockett	13-16
Alex & Rebecca Crockett	13-2-29, 13-2-33, 34, 35, 36 37, 38
Fred J. Mason	15-3A

Jerry B. Chase	14-4, 5, 6
Jeffrey & Anita Pike	14-3A
Meade W. Lewis	14-2A
Oakland Farm LC	14-2
Larry & Heidi Shupe	14-3C
Gary & Billie Taylor	14-3B
Elmer G. Williams & Robert & Margaret Crigger	15-2
Gene Ball	14-8, 9, 10, 11, 12, 13; 3-5; 15-4, 5, 6
Charles C. King	4-6A, 6B

- 6.3 A map showing the exact location of the Crockett's Cove and East Crockett's Cove Agricultural and Forestal District is attached and made a part hereof.
- 6.4 The owners of the land within the Crockett's Cove and East Crockett's Cove Districts shall not terminate the district except in accordance with Section 15.2, Chapter 43 and 44 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 The districts shall continue in effect until they are reviewed in 2002. Said review of the districts is to be completed in accordance with Section 15.2 of the Code of Virginia, and amendments thereto.
- 6.7 All County ordinances and regulations shall remain applicable within said districts; 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 districts.
- 6.8 An exception for secondary roads, either within or along the boundary of said districts is hereby created, and consequently there is hereby excepted from said districts 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 districts from the terms of this ordinance.

- 6.9 The landowners of the Crockett's Cove and East Crockett's Cove Districts shall prepare a conservation plan of forestry management within one year of the establishment of the Districts. Copies of this plan shall be filed with the County Extension Agent of Wythe County, the Wythe County Planning Commission, and shall comply with the forestal plan prepared by the State Forester. This plan shall be reviewed every two years and within two months of the termination date of this district. The plans shall be reviewed by the Extension Agent and Planning Commission to determine compliance with the plan as originally filed or subsequently amended.
- 6.10 The owners of the land within the Crockett's Cove and East Crockett's Cove Districts shall provide a recorded deed of the property to be included in the Districts with the application.

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 Planning Commission, the 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 March 23, 1999, and was adopted by the Board of Supervisors of Wythe County, Virginia, at its regular meeting held on March 23, 1999, the members voting as follows:

<u>NAME</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSENT</u>
Wythe B. Sharitz	X		
Mark C. Munsey	X		
Charles S. Dix	X		
S. Clay Lawrence	X		
Danny C. McDaniel	X		
Howard W. Manley	X		
Harvey E. Atkinson, III	X		

This ordinance shall become effective on and after 12:01 a.m. on March 24, 1999.

I certify this to be a true and correct copy taken from the March 23, 1999 minutes of the Wythe County Board of Supervisors meeting.

R. Cellell Dalton, Clerk