

Agricultural-Forestal District Reviews

Board of Supervisors

February 19, 2025

- ❑ Ivy Creek
- ❑ Hardware
- ❑ Eastham
- ❑ Pasture Fence Mountain
- ❑ North Fork Moorman's River
- ❑ Free Union
- ❑ Carter's Bridge
- ❑ Jacobs Run

AFD Reviews

- Periodic reviews of agricultural & forestal districts are required by state law and County ordinance
 - Eight districts are under review today
 - 238 parcels
 - 14,725 acres
- | | |
|--------------------------|------------------------------|
| ❑ Ivy Creek | ❑ North Fork Moorman's River |
| ❑ Hardware | ❑ Free Union |
| ❑ Eastham | ❑ Carter's Bridge |
| ❑ Pasture Fence Mountain | ❑ Jacobs Run |

Ordinance Review Criteria

County Code Sec. 3-204(E)(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.

County Code Sec. 3-201(F) criteria:

2. Significant agricultural or forestal lands not in active production.
3. Uses other than active farming or forestry.
4. Development patterns.
5. Comprehensive Plan and zoning regulations.
7. Development rights.

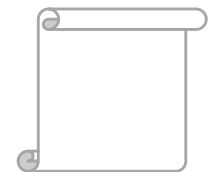
“Whether any parcel has one or more development rights that would allow the creation of one or more parcels less than 21 acres in size; in considering whether to include any parcel in a district, the policy of the County is to not include any parcel determined to have no development rights and cannot be further divided to create one or more parcels less than 21 acres in size.”

Recommendations

Renewal Factors	Staff & Planning Commission Recommendation	Committee Recommendation (Jan 23, 2025)
Parcels with development rights	Keep	Keep
Requested withdrawals	Remove	Remove
Parcels without development rights (not in Open Space land use taxation)	Remove (following <i>County Code Sec. 3-201(F)(7)</i>)	Keep
Parcels without development rights (in Open Space land use taxation)	Remove in 5 years*	Keep [†]

* Unless (1) parcel owner was notified 5 years ago, or (2) parcel is in an Open Space Use Agreement

† Unless parcel owner was notified 5 years ago



Update - Ivy Creek District Review

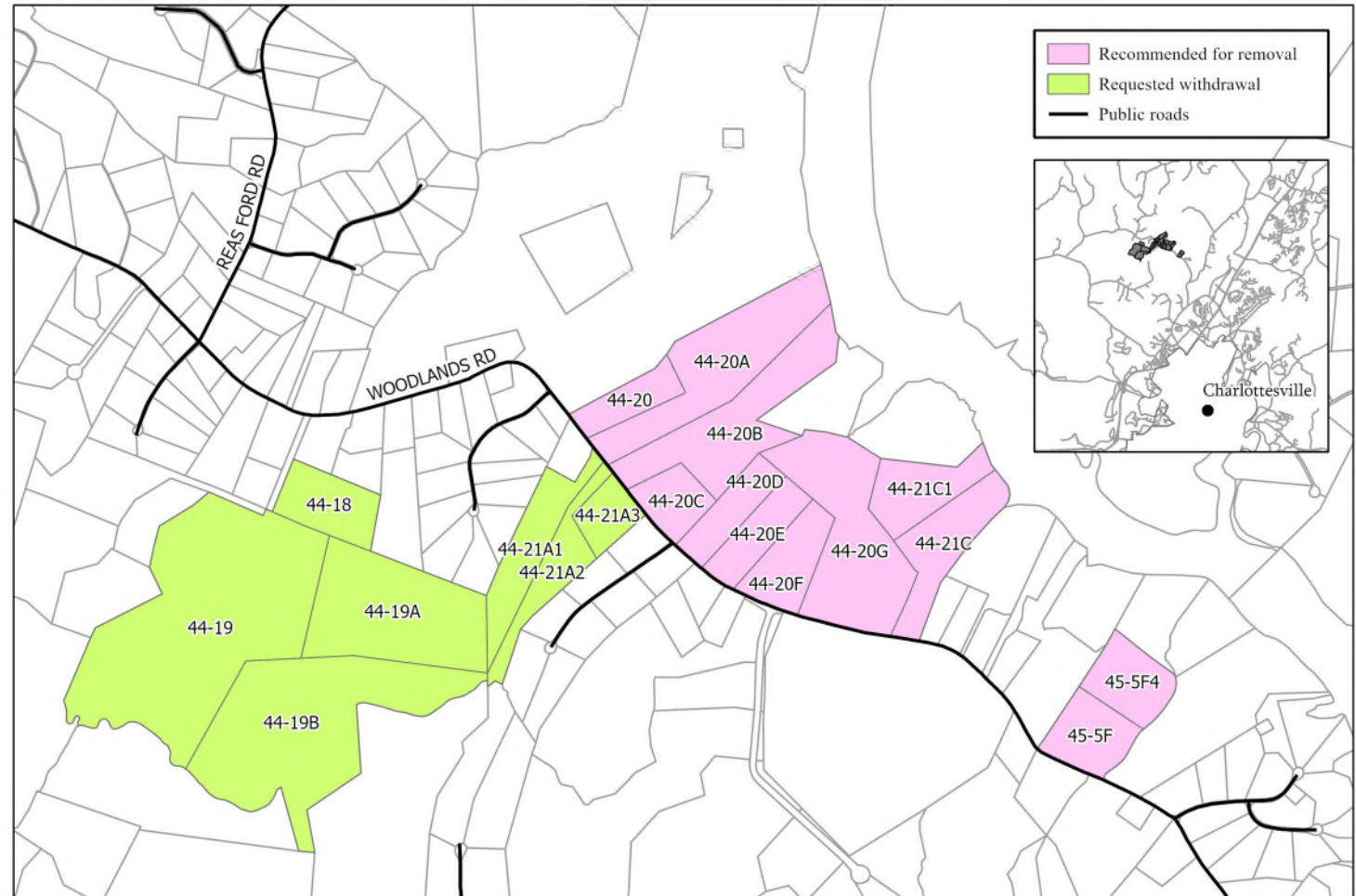
19 parcels = 249 acres

Withdrawal Requests

- One request (7 parcels) has been received.

Parcels without Development Potential

- 12 parcels = 108 acres



AFD202400001 Ivy Creek District Review



0 0.25 0.5 Miles

District Review: Summary

District	Current Size		Requested Withdrawals		Removals under <i>County Code Sec.</i> 3-201(F)(7)		Resulting Size		
	Parcels	Acres	Parcels	Acres	Parcels	Acres	Parcels	Acres	Renewal
Ivy Creek	19	249	7	141	12	108	0	0	*
Hardware	59	3,225	1	7	22	387	36	2,830	5
Eastham	22	1,029	0	0	8	109	14	920	5
Pasture Fence Mtn.	6	1,222	0	0	0	0	6	1,222	10
North Fork Moorman's River	4	270	0	0	0	0	4	270	10
Free Union	35	1,524	0	0	7	118	28	1,406	10
Carter's Bridge	73	6,099	2	28	21	414	50	5,657	5
Jacobs Run	20	1,105	2	296	7	128	11	681	10

- Single public hearing for all eight districts

Questions?

Public Hearing

Motions

Should the Board wish to renew the districts as recommended by staff:

I move to adopt proposed Ordinance No. 25-3(1), as revised February 17, 2025.

Should the Board wish to renew the districts as recommended by the Advisory Committee at its January 23 meeting:

I move to defer action for staff to present an amended ordinance incorporating the Committee's recommended changes.

Should the Board not support renewal of the districts:

I move to not renew the eight districts.

Agricultural-Forestal District Reviews

Board of Supervisors

February 19, 2025

Ivy Creek District Review

19 parcels = 249 acres

Agricultural and Forestal Soils

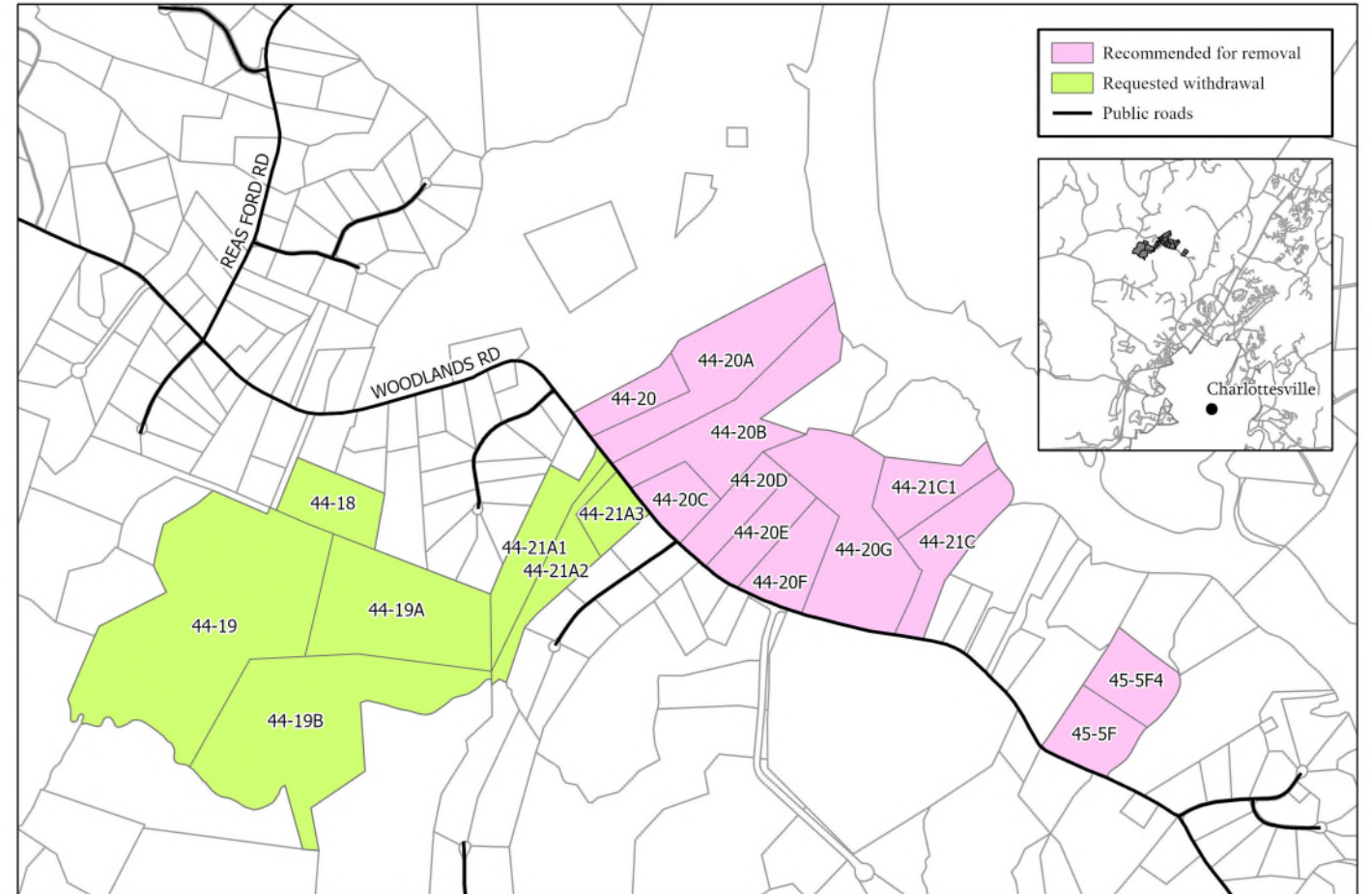
- Important for Agriculture = 231 acres
- Important for Forestry = 249 acres

Withdrawal Requests

- One request (7 parcels) has been received.

Parcels without Development Potential

- 12 parcels = 108 acres



AFD202400001 Ivy Creek District Review



0 0.25 0.5 Miles

Hardware District Review

59 parcels = 3,225 acres

Agricultural and Forestal Soils

- Important for Agriculture = 2,181 acres
- Important for Forestry = 3,121 acres

Withdrawal Requests

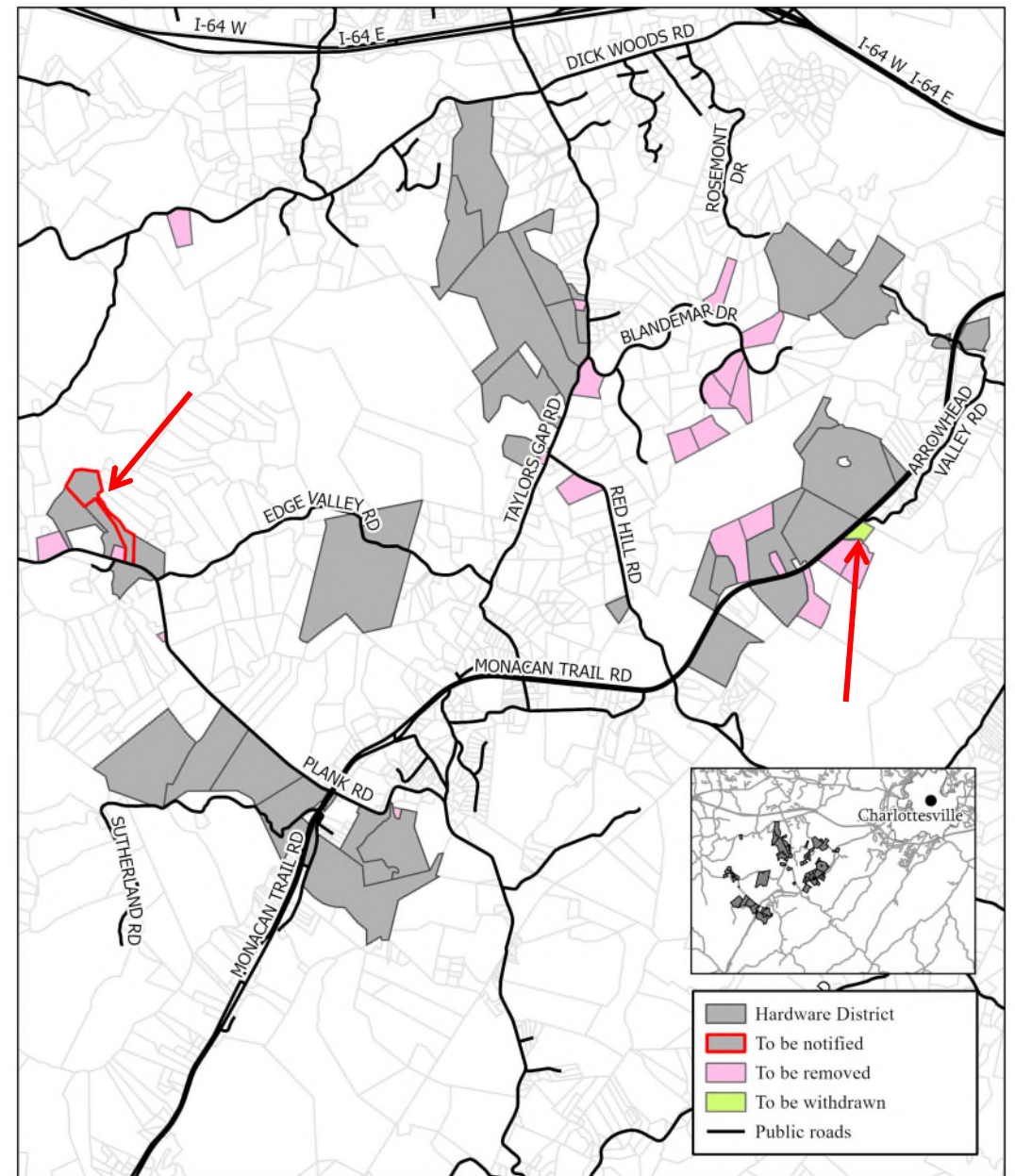
- One request has been received.

Parcels without Development Potential

- 22 parcels = 433 acres (leaving 37 parcels = 2,792 acres).

Open Space Taxation

- 1 parcel = 46 acres in Open Space taxation.
- Recommended to continue in the District for five years.



Eastham District Review

22 parcels = 1,029 acres

Agricultural and Forestal Soils

- Important for Agriculture = 807 acres
- Important for Forestry = 952 acres

Withdrawal Requests

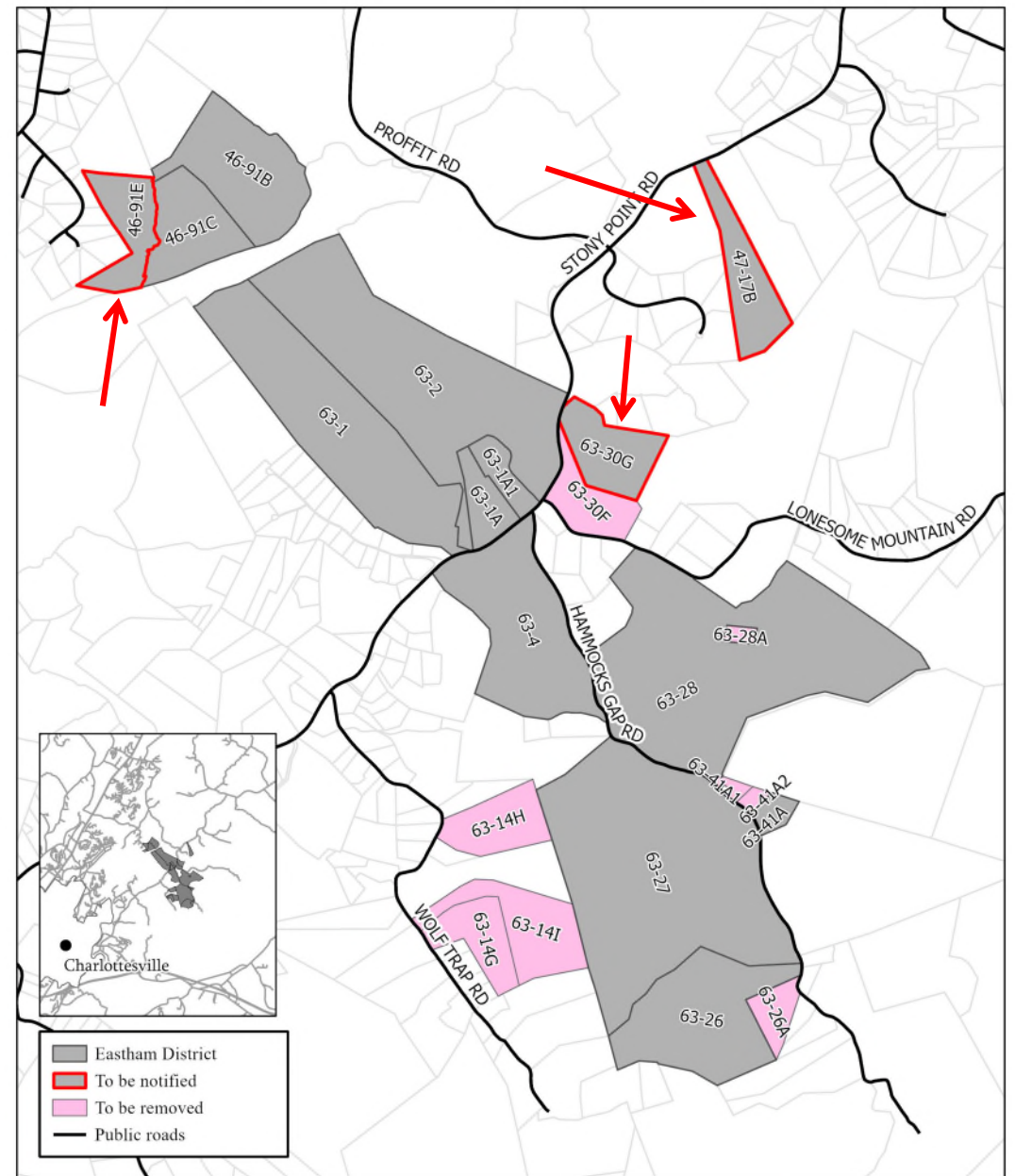
- No requests have been received.

Parcels without Development Potential

- 8 parcels = 109 acres (leaving 14 parcels = 920 acres).

Open Space Taxation

- 3 parcels = 74 acres in Open Space taxation.
- Recommended to continue in the District for five years.



Pasture Fence Mountain District Review

6 parcels = 1,222 acres

Agricultural and Forestal Soils

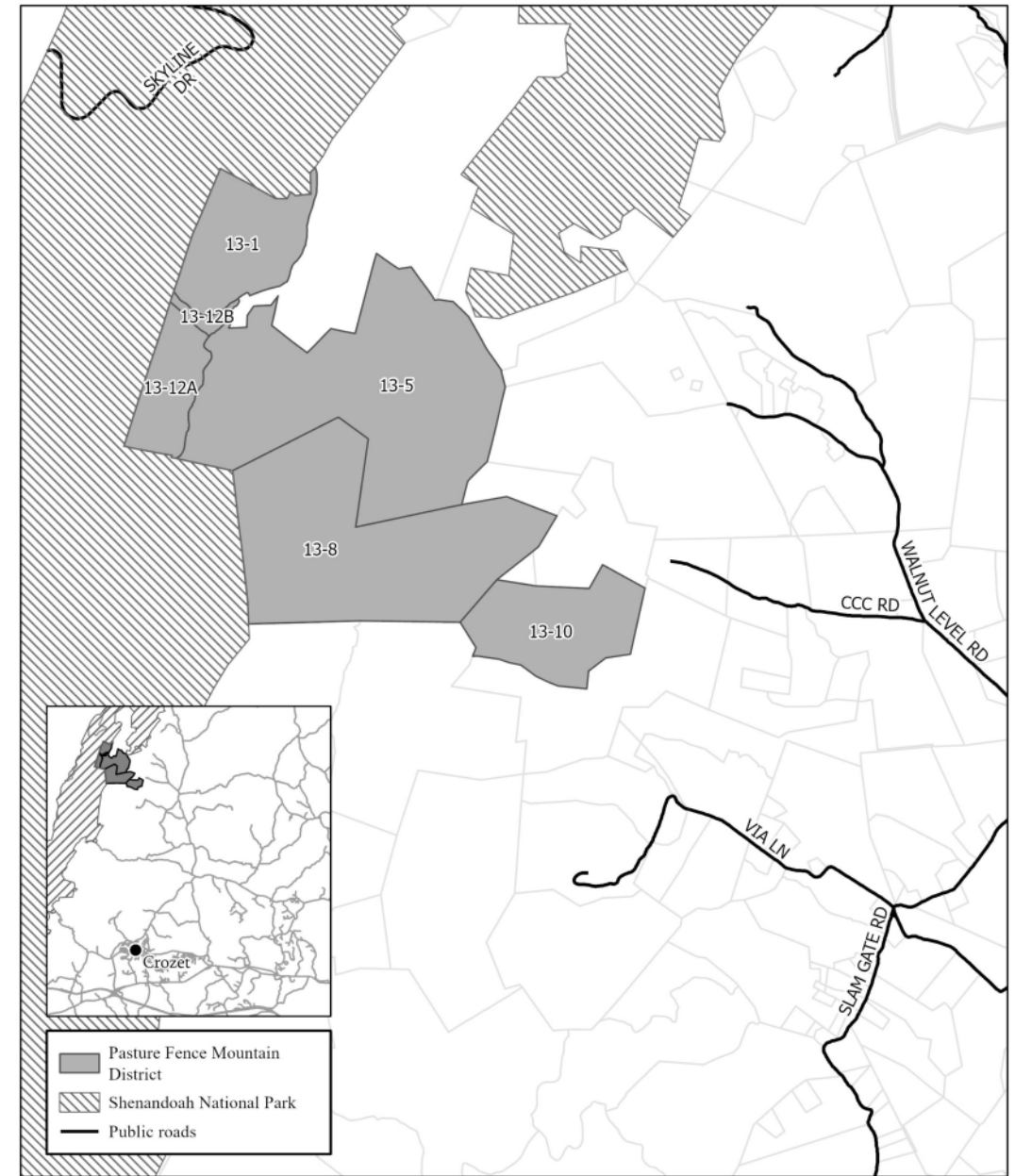
- Important for Agriculture = 21 acres
- Important for Forestry = 1,153 acres

Withdrawal Requests

- No requests have been received.

Parcels without Development Potential

- All parcels retain some development potential.



AFD202400004 Pasture Fence
Mountain District Review



0 0.25 0.5 1 Miles

North Fork Moorman's River District Review

4 parcels = 270 acres

Agricultural and Forestal Soils

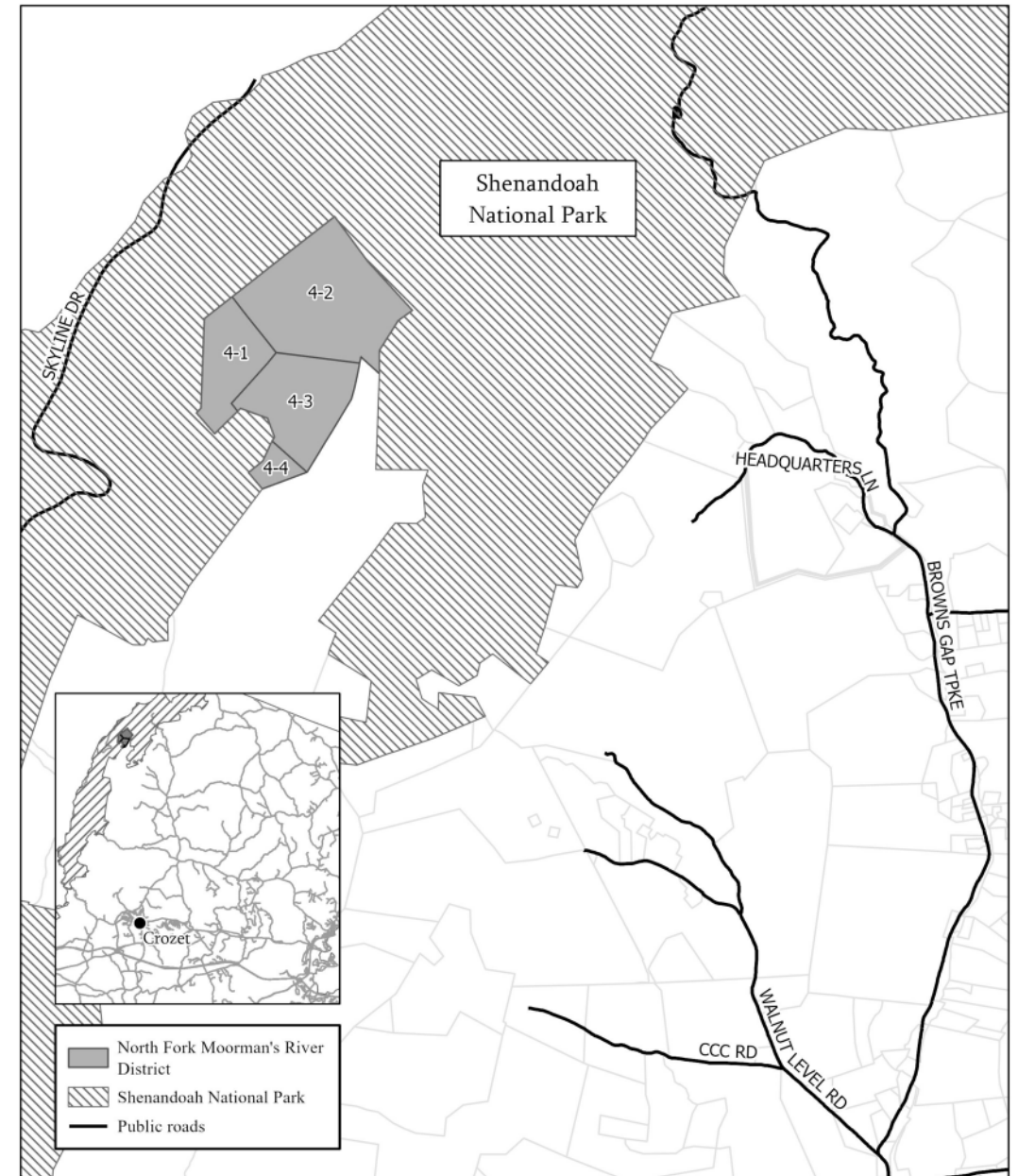
- Important for Agriculture = 38 acres
- Important for Forestry = 270 acres

Withdrawal Requests

- No requests have been received.

Parcels without Development Potential

- All parcels retain some development potential.



Free Union District Review

35 parcels = 1,524 acres

Agricultural and Forestal Soils

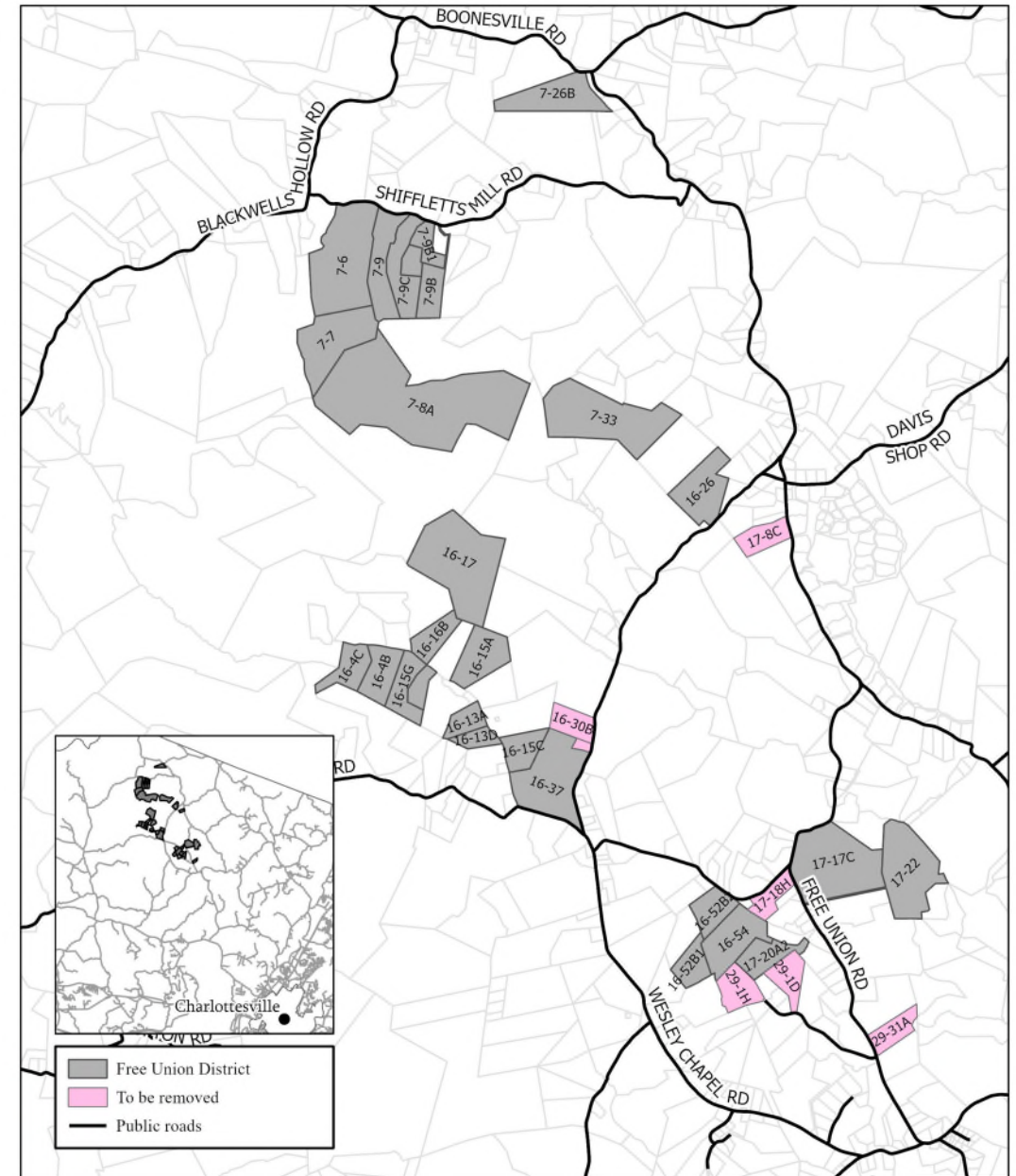
- Important for Agriculture = 817 acres
- Important for Forestry = 1,432 acres

Withdrawal Requests

- No requests have been received.

Parcels without Development Potential

- 7 parcels = 131 acres (leaving 28 parcels = 1,393 acres).



AFD202400006 Free Union
District Review



Carter's Bridge District Review

73 parcels = 6,099 acres

Agricultural and Forestal Soils

- Important for Agriculture = 4,883 acres
- Important for Forestry = 5,706 acres

Withdrawal Requests

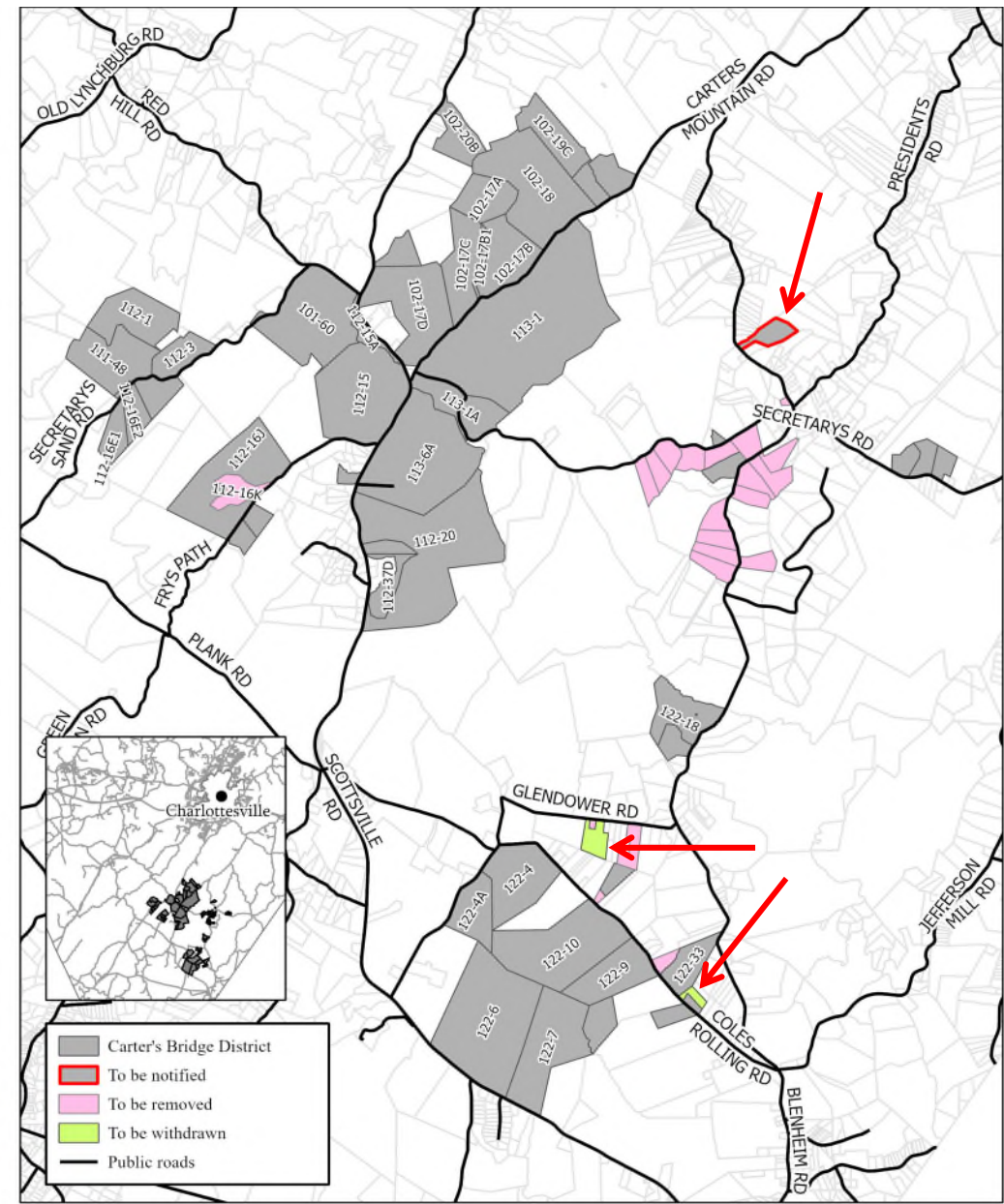
- Two requests have been received.

Parcels without Development Potential

- 21 parcels = 427 acres (leaving 52 parcels = 5,672 acres).

Open Space Taxation

- 1 parcel = 29 acres in Open Space taxation.
- Recommended to continue in the District for five years.



AFD202400007 Carter's
Bridge District Review



0 0.5 1 2
Miles

Jacobs Run District Review

20 parcels = 1,105 acres

Agricultural and Forestal Soils

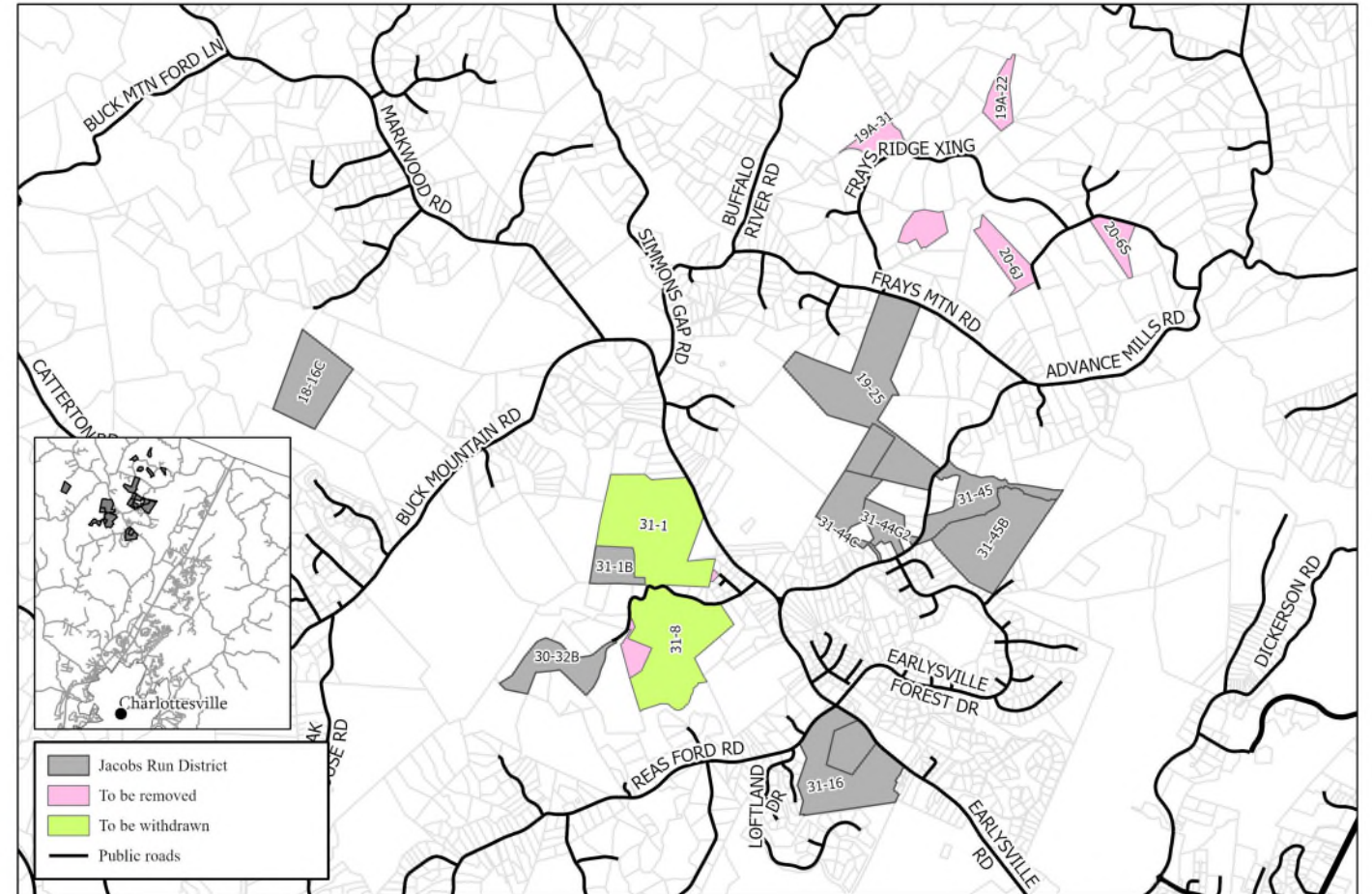
- Important for Agriculture = 1,021 acres
- Important for Forestry = 1,081 acres

Withdrawal Requests

- Two requests have been received.

Parcels without Development Potential

- 7 parcels = 128 acres (leaving 13 parcels = 977 acres).

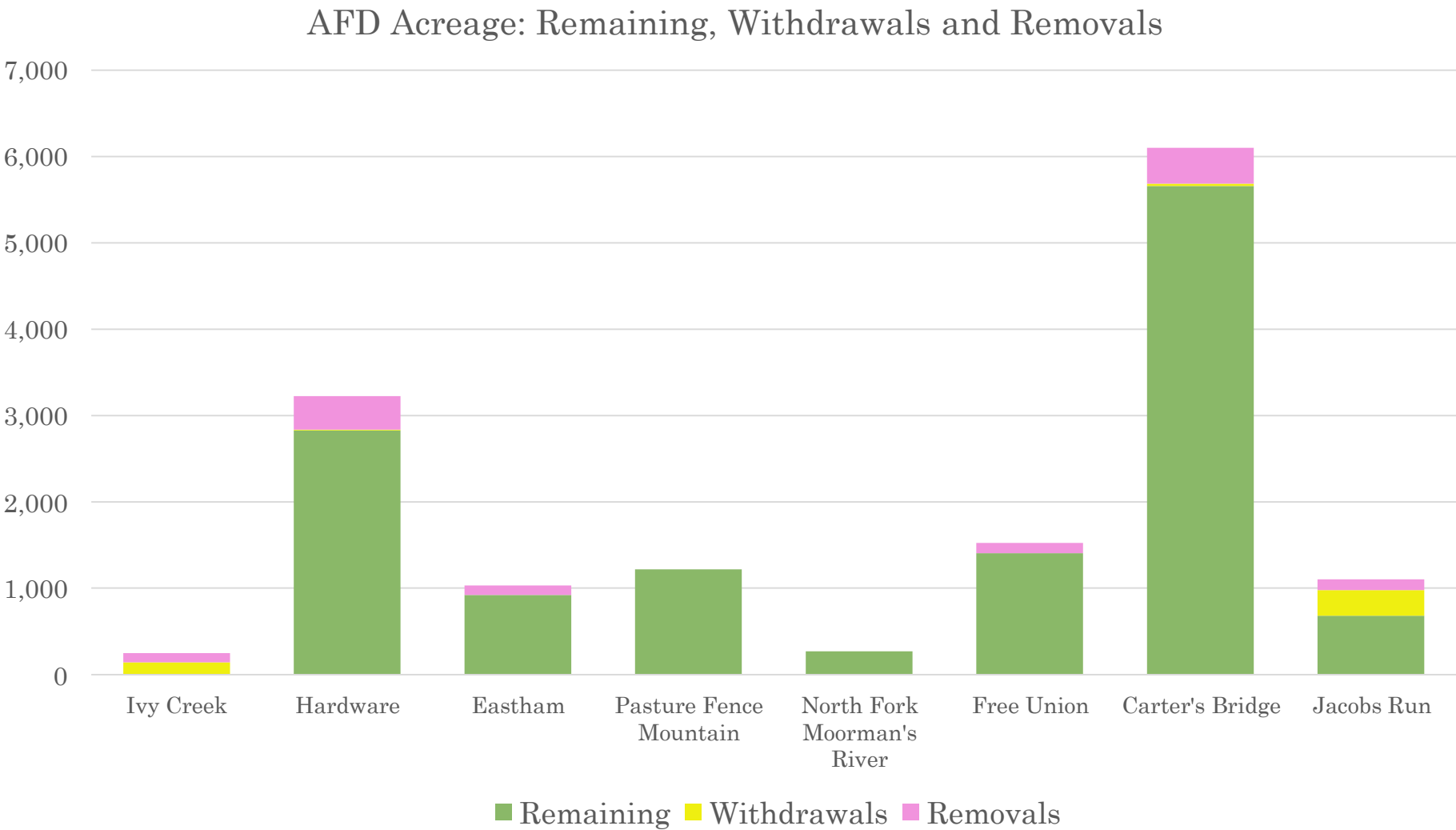


AFD202400011 Jacobs Run District Review

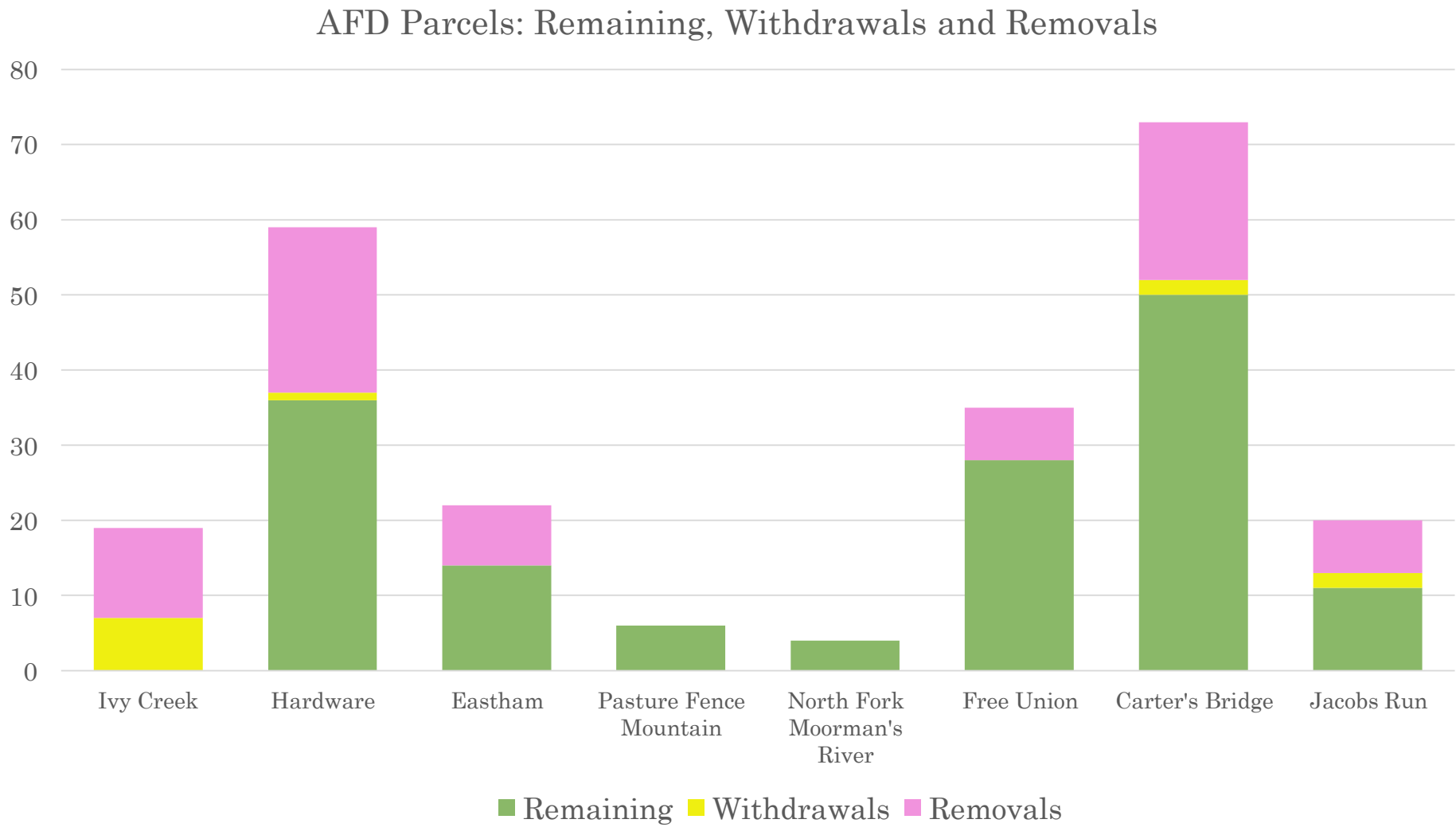


0 0.5 1 2 Miles

AFD Acreage



AFD Parcels



District Review: Summaries

District	Current Size		Resulting Size (Staff & PC recommendation)			Resulting Size (Committee recommendation)		
	Parcels	Acres	Parcels	Acres	Renewal	Parcels	Acres	Renewal
Ivy Creek	19	249	0	0	-	12	108	10
Hardware	59	3,225	36	2,830	5	57	3,197	5
Eastham	22	1,029	14	920	5	22	1,029	5
Pasture Fence Mtn.	6	1,222	6	1,222	10	6	1,222	10
North Fork Moorman's River	4	270	4	270	10	4	270	10
Free Union	35	1,524	28	1,406	10	35	1,524	10
Carter's Bridge	73	6,099	50	5,657	5	71	6,071	5
Jacobs Run	20	1,105	11	681	10	18	809	10

AFDAC Recommendation: Summary

District	Current Size		Requested Withdrawals		Recommended Removals		Resulting Size		
	Parcels	Acres	Parcels	Acres	Parcels	Acres	Parcels	Acres	Renewal
Ivy Creek	19	249	7	141	0	0	12	108	10
Hardware	59	3,225	1	7	1	21	57	3,197	5
Eastham	22	1,029	0	0	0	0	22	1,029	5
Pasture Fence Mtn.	6	1,222	0	0	0	0	6	1,222	10
North Fork Moorman's River	4	270	0	0	0	0	4	270	10
Free Union	35	1,524	0	0	0	0	35	1,524	10
Carter's Bridge	73	6,099	2	28	0	0	71	6,071	5
Jacobs Run	20	1,105	2	296	0	0	18	809	10

Percentages Removed

District	Current Size		Removals (Staff & PC recommendation)				Removals (Committee recommendation)			
	Parcels	Acres	Parcels		Acres		Parcels		Acres	
Ivy Creek	19	249	12	63%	108	43%	0	0%	0	0%
Hardware	59	3,225	22	37%	387	12%	1	2%	21	1%
Eastham	22	1,029	8	36%	109	11%	0	0%	0	0%
Pasture Fence Mtn.	6	1,222	0	0%	0	0%	0	0%	0	0%
North Fork Moorman's River	4	270	0	0%	0	0%	0	0%	0	0%
Free Union	35	1,524	7	20%	118	8%	0	0%	0	0%
Carter's Bridge	73	6,099	21	29%	414	7%	0	0%	0	0%
Jacobs Run	20	1,105	7	35%	128	12%	0	0%	0	0%

Removals: Tax Status Breakdown

District		Current Size	Withdrawals	Removals			Resulting Size	Renewal Period
				Reg. Taxable	Open Space	Other Land Use		
Ivy Creek	Parcels	19	7	11	-	1	0	-
	Acres	249	141	87	-	21	0	
Hardware	Parcels	59	1	10	1	11	36	5
	Acres	3,224	7	108	21	258	2,830	
Eastham	Parcels	22	-	6	-	2	14	5
	Acres	1,029	-	67	-	42	920	
Pasture Fence Mountain	Parcels	6	-	-	-	-	6	10
	Acres	1,222	-	-	-	-	1,222	
North Fork Moorman's River	Parcels	4	-	-	-	-	4	10
	Acres	270	-	-	-	-	270	
Free Union	Parcels	35	-	4	-	3	28	10
	Acres	1,524	-	64	-	54	1,406	
Carter's Bridge	Parcels	73	2	14	-	7	50	5
	Acres	6,099	28	235	-	179	5,657	
Jacobs Run	Parcels	20	2	5	-	2	11	10
	Acres	1,105	296	95	-	33	681	

5-year Notification Outcomes

- Five years ago, staff notified 30 landowners who were in Open Space taxation without development rights:
 - 15 switched to market value taxes
 - 13 qualified their land for agriculture and/or forestry land use
 - 1 combined two parcels into one to remain in the Ag-Forest District
 - 1 took no action and will face rollback taxes

What is the AFD Program?

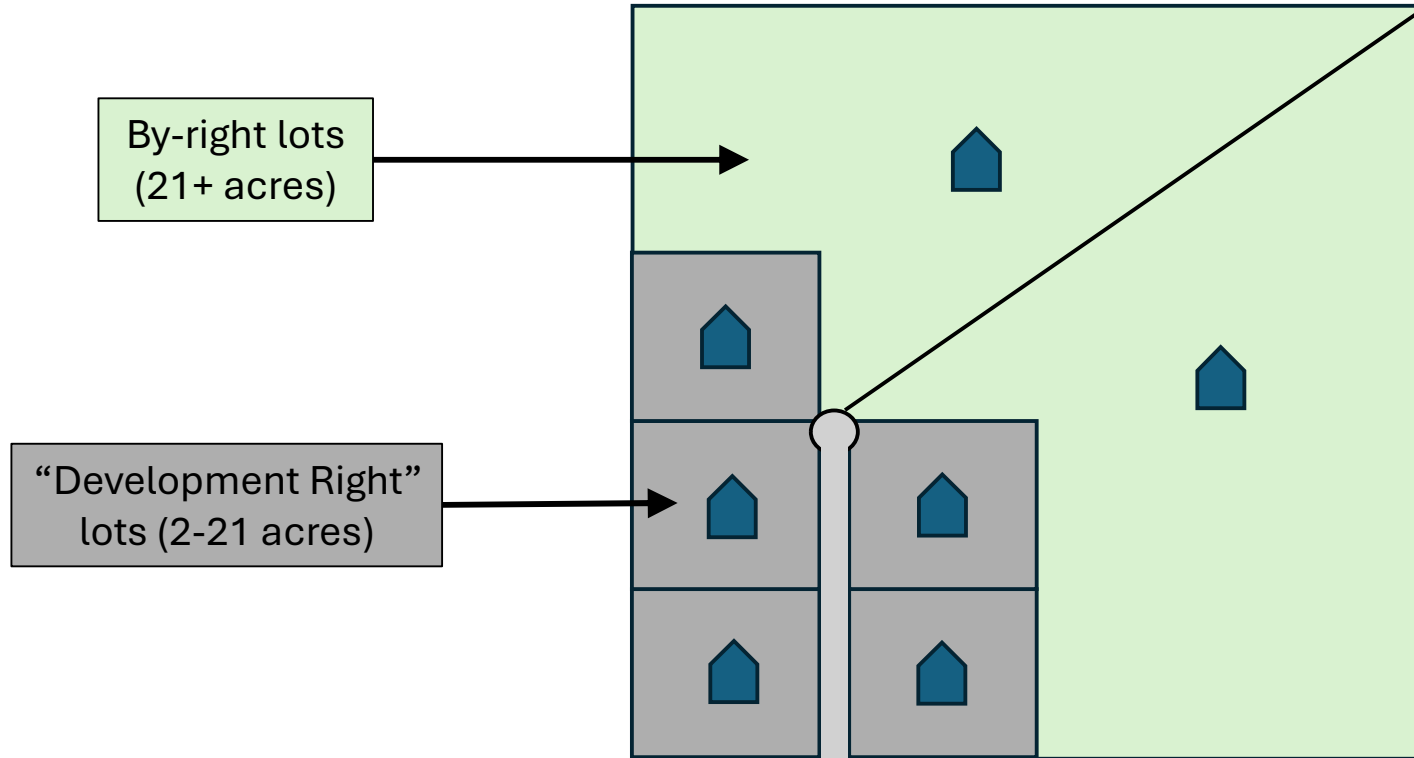
- A voluntary land conservation program
- 5- to 10-year commitment
- Benefits to landowners:
 - Some protections against eminent domain
 - Extra review of SUP applications in or adjacent to the district
 - Some parcels can qualify for Open Space use-value taxation
- Benefits to the County:
 - Prohibition on small-lot subdivisions in the Rural Area
 - Limits on “development to a more intensive use”
 - Most by-right uses are permitted

Post-2018 Reviews

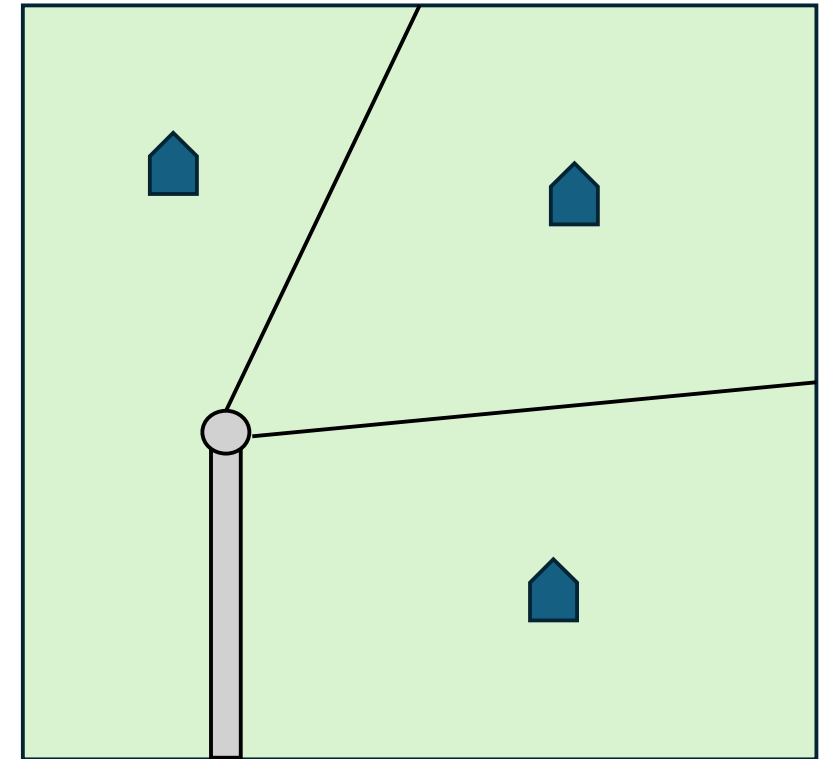
- 2019
 - Buck Mountain
 - Buck's Elbow Mountain
 - Carter's Bridge
 - Chalk Mountain
 - Free Union
 - Fox Mountain
 - Jacob's Run
 - Lanark
 - Panorama
 - Sugar Hollow
 - Yellow Mountain
- 2020
 - Batesville
 - High Mowing
- 2021
 - Glen Oaks
 - Hatton
 - Totier Creek
- 2022
 - Blue Run

Maximum RA Development

Not in AFD



In AFD*



Rural Parcels

**Rural Parcels
can be placed
within 3 categories**

Regular
Parcels
(not in
conservation
program)

Parcels in Periodic Land Conservation
(4-10 years)

Agricultural-
Forestal
District

Open Space
Use
Agreement

Parcels in
Permanent
Conservation
Easement

Tax Qualifications for Rural Parcels

**Rural Parcels
can be placed
within 3 categories**

Regular
Parcels
(not in
conservation
program)

Parcels in Periodic Land Conservation
(4-10 years)

Agricultural-
Forestral
District

Open Space
Use
Agreement

Parcels in
Permanent
Conservation
Easement

**Eligibility
Qualifications
Standards**

Do not apply
OR
Meets No
Applicable
Standard

Qualifies as a
Farm or Plant
Nursery
& minimum of
5 acres

Qualifies
with a
Forestry Plan
& minimum
20 acres

Minimum 20
Acres of
Open-space

**Taxation
Categories**

Regular
Taxation

Agriculture
or
Horticulture

Forestry

Open Space

Land Use Value Taxation

Taxed same as
use-value OR at
50% of full
market value

Legend

→ Automatically
eligible for tax
category

..... Must meet
qualifying
standards

Tax Qualifications for Rural Parcels

Rural Parcels
can be placed
within 3 categories

Parcels in Periodic Land Conservation
(4-10 years)

Agricultural-
Forestal
District

Eligibility
Qualifications
Standards

Do not apply
OR
Meets No
Applicable
Standard

Qualifies as a
Farm or Plant
Nursery
& minimum of
5 acres

Qualifies
with a
Forestry Plan
& minimum
20 acres

Minimum 20
Acres of
Open-space

Taxation
Categories

Regular
Taxation

Agriculture
or
Horticulture

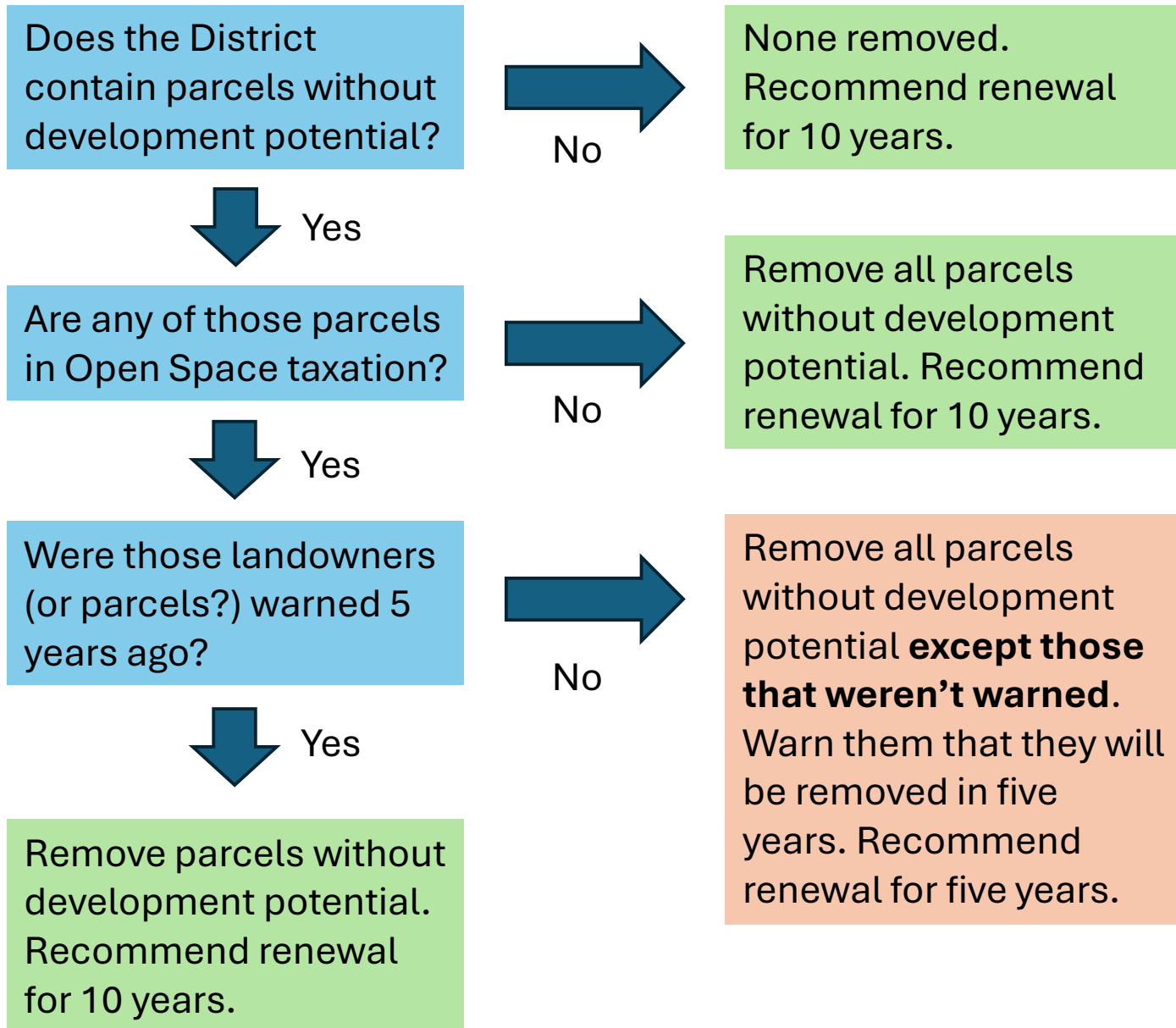
Forestry

Open Space

Land Use Value Taxation

Legend

- Automatically eligible for tax category
- Must meet qualifying standards



Agricultural-Forestal Districts

- Voluntary land-conservation program
- Purposes
 - A. Production of food and other agricultural and forestal products
 - B. Provide essential open spaces.
 - C. Strong agricultural and forestal economy.
 - D. Protect and preserve natural resources and retain continuous and unfragmented land.

How Do the Districts Work?

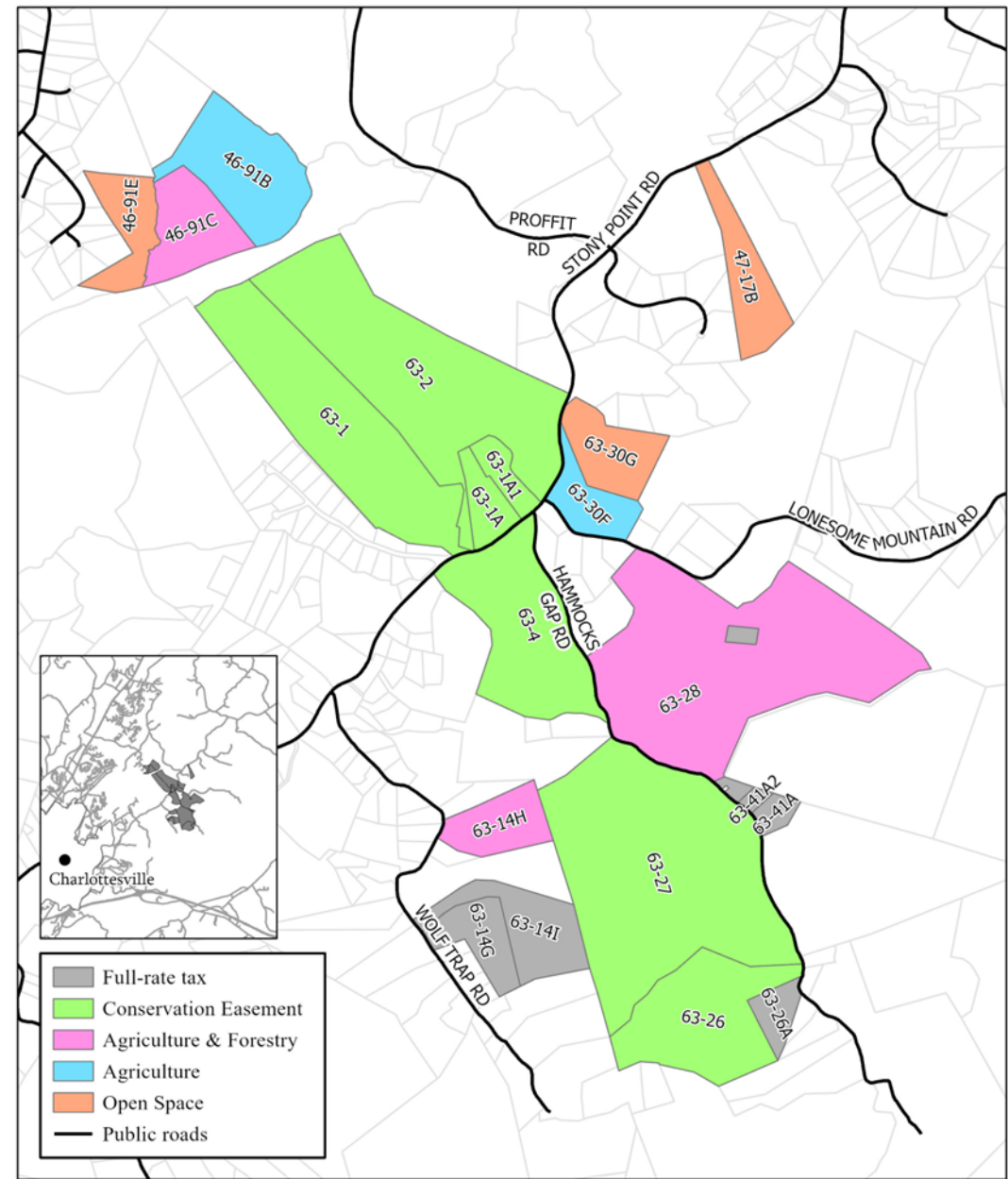
- Each district runs for a fixed period (usually 10 years) before being reviewed and possibly renewed.
- AFD regulations:
 - Limiting “development to a more intensive use”
 - Prohibiting some forms of subdivision
 - Setting higher review standards for land-use decisions in or adjacent to districts
 - Limiting or prohibiting state takings for major road improvements, etc.

AFD Review Policy Reminder

- 2018 Board Direction:
 - During future reviews, remove parcels that (1) have no development rights & (2) are in Open Space taxation
 - Renew districts for 5 years rather than 10
 - Notify owners of those parcels
 - Potential of removal at end of five years
 - Options for avoiding roll-back taxes resulting from removal
- 2024 Refinement:
 - Remove all parcels without development rights
 - Reason: Between reviews, County cannot prevent parcels without development rights from moving into Open Space Taxation

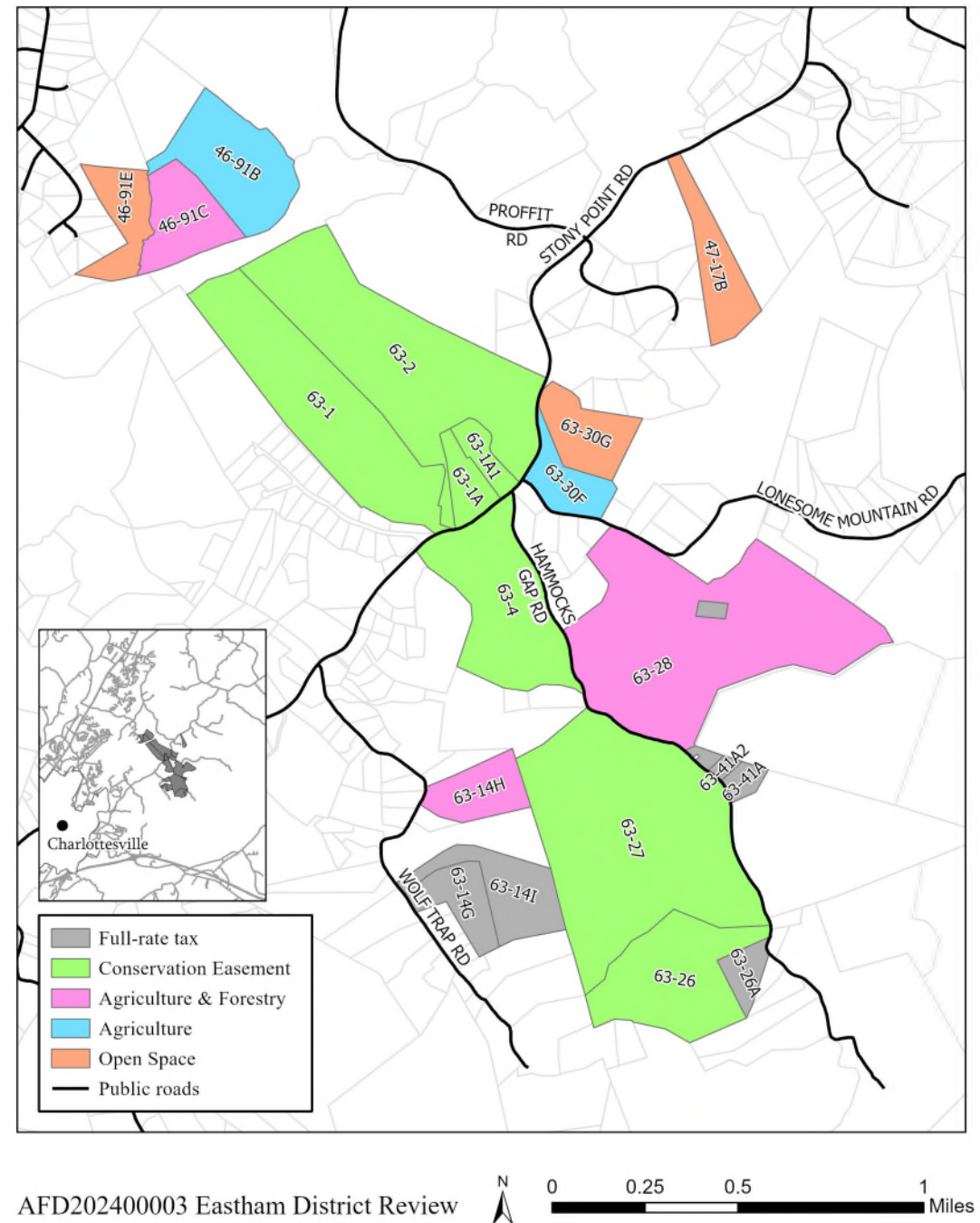
AFDs & Taxation

- AFDs are a conservation program, not a tax program
- No automatic use-value tax benefit conveyed
- However:
 - Parcels that
 - have 20+ acres of “open space” land
 - and are in an AFD
 - ...qualify for the “open space” tax category.



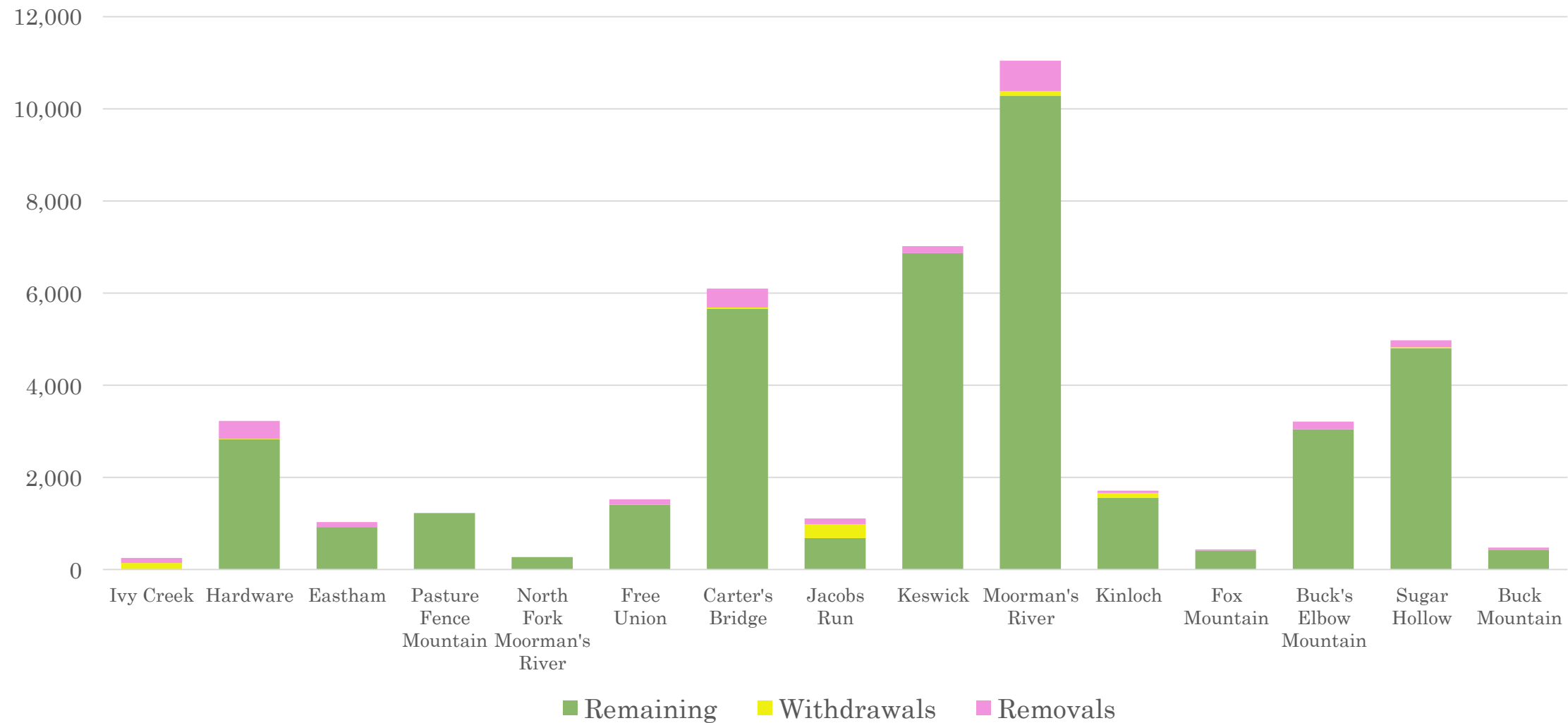
AFDs & Taxation

- Issue: prior to 2016, many parcels added to the AFDs had no small-lot development rights
- These parcels
 - ...are not giving up development potential, but
 - ...can qualify for the lower open-space tax rate
- Problems:
 - Private tax benefit without significant public benefit
 - Equity issue
 - Concerns about reduced public support for use-value tax program



AFD Acreage

AFD Acreage: Remaining, Withdrawals and Removals



AFD Parcels

