

# Agricultural-Forestal District Reviews

Board of Supervisors

April 2, 2025

- ❑ Keswick
- ❑ Moorman's River
- ❑ Kinloch
- ❑ Fox Mountain
- ❑ Buck's Elbow Mountain
- ❑ Sugar Hollow
- ❑ Buck Mountain

# AFD Reviews

- Periodic reviews of Agricultural & Forestal Districts are required by State law and County ordinance
  - Seven districts are under review today
    - 434 parcels
    - 28,873 acres
- 
- |                   |                         |
|-------------------|-------------------------|
| ❑ Keswick         | ❑ Buck's Elbow Mountain |
| ❑ Moorman's River | ❑ Sugar Hollow          |
| ❑ Kinloch         | ❑ Buck Mountain         |
| ❑ Fox Mountain    |                         |

# 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 <sup>†</sup>

\* 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

# 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
Keswick	73	7,017	2	190	8	152	63	6,676	5
Moorman's River	228	11,045	11	185	30	634	187	10,225	5
Kinloch	33	1,710	2	107	6	49	25	1,554	5
Fox Mtn.	4	437	0	0	1	2	3	436	10
Buck's Elbow Mtn.	17	3,210	0	0	9	169	8	3,041	10
Sugar Hollow	64	4,978	2	95	10	152	52	4,731	5
Buck Mtn.	14	476	0	0	5	54	9	422	10

- Single public hearing for all seven 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(2), as revised April 2, 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 seven districts.



# Agricultural-Forestal District Reviews

Board of Supervisors

April 2, 2025

# Moorman's River District Review

228 parcels = 11,045 acres

## Soils

Important for Agriculture = 8,486 acres

Important for Forestry = 10,504 acres

## Withdrawal Requests

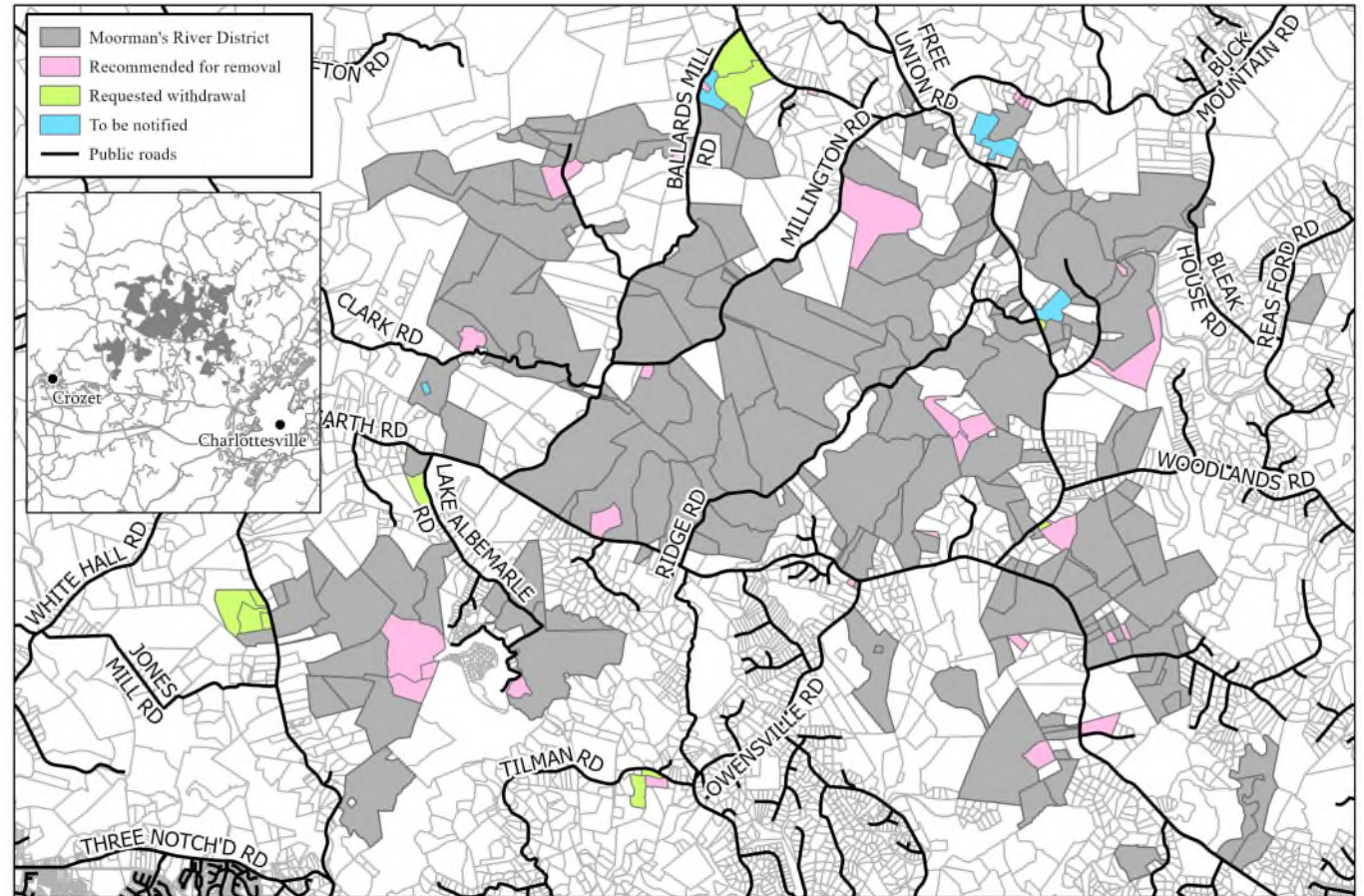
8 requests (11 parcels) have been received.

## Parcels without Development Potential

30 parcels = 634 acres (leaving 187 parcels = 10,225 acres)

## Open Space Taxation

5 parcels = 88 acres in Open Space taxation  
(recommended to continue for five years)



AFD202400009 Moorman's River District Review



0 0.75 1.5 3 Miles

# Keswick District Review

73 parcels = 7,017 acres

## Soils

Important for Agriculture = 4,918 acres

Important for Forestry = 6,380 acres

## Withdrawal Requests

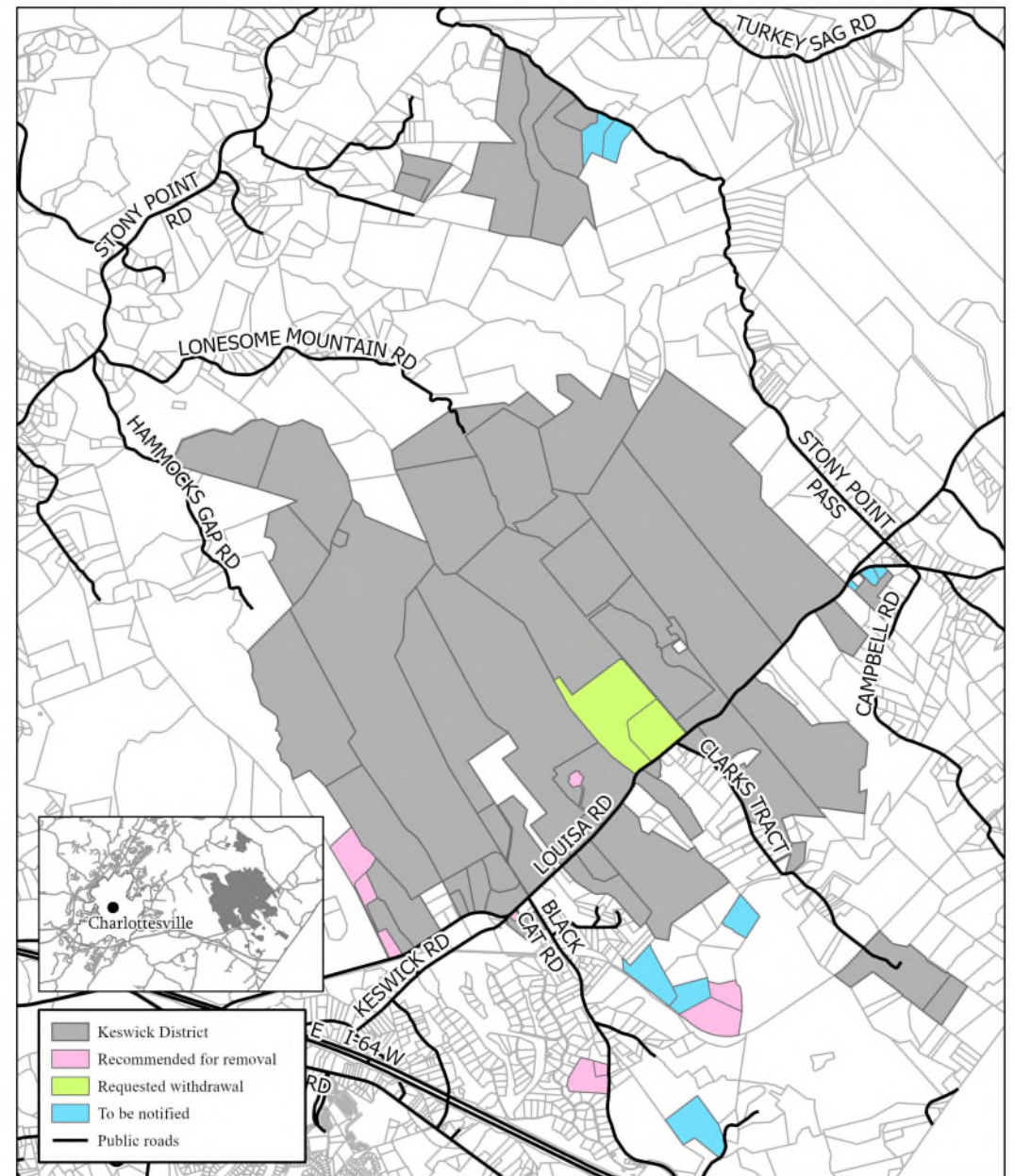
One request (2 parcels) has been received.

## Parcels without Development Potential

8 parcels = 152 acres (leaving 63 parcels = 6,676 acres)

## Open Space Taxation

9 parcels = 179 acres in Open Space taxation  
(recommended to continue for five years)





# Kinloch District Review

33 parcels = 1,710 acres

## Soils

Important for Agriculture = 1,383 acres

Important for Forestry = 1,599 acres

## Withdrawal Requests

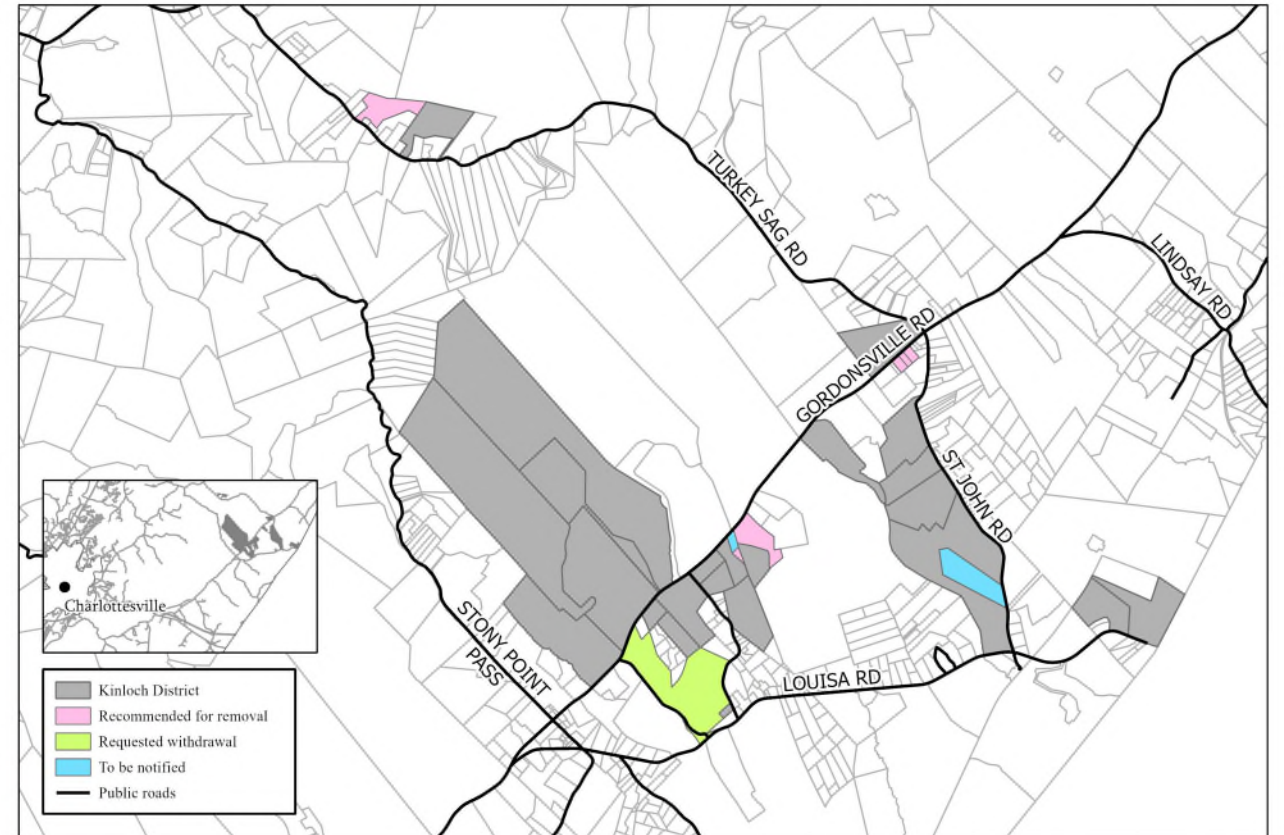
One request (two parcels) has been received.

## Parcels without Development Potential

6 parcels = 49 acres (leaving 25 parcels = 1,554 acres)

## Open Space Taxation

2 parcels = 33 acres in Open Space taxation  
(recommended to continue for five years)



AFD202400010 Kinloch District Review



0 0.5 1 2 Miles

# Fox Mountain District Review

5 parcels = 437 acres

## Soils

Important for Agriculture = 174 acres

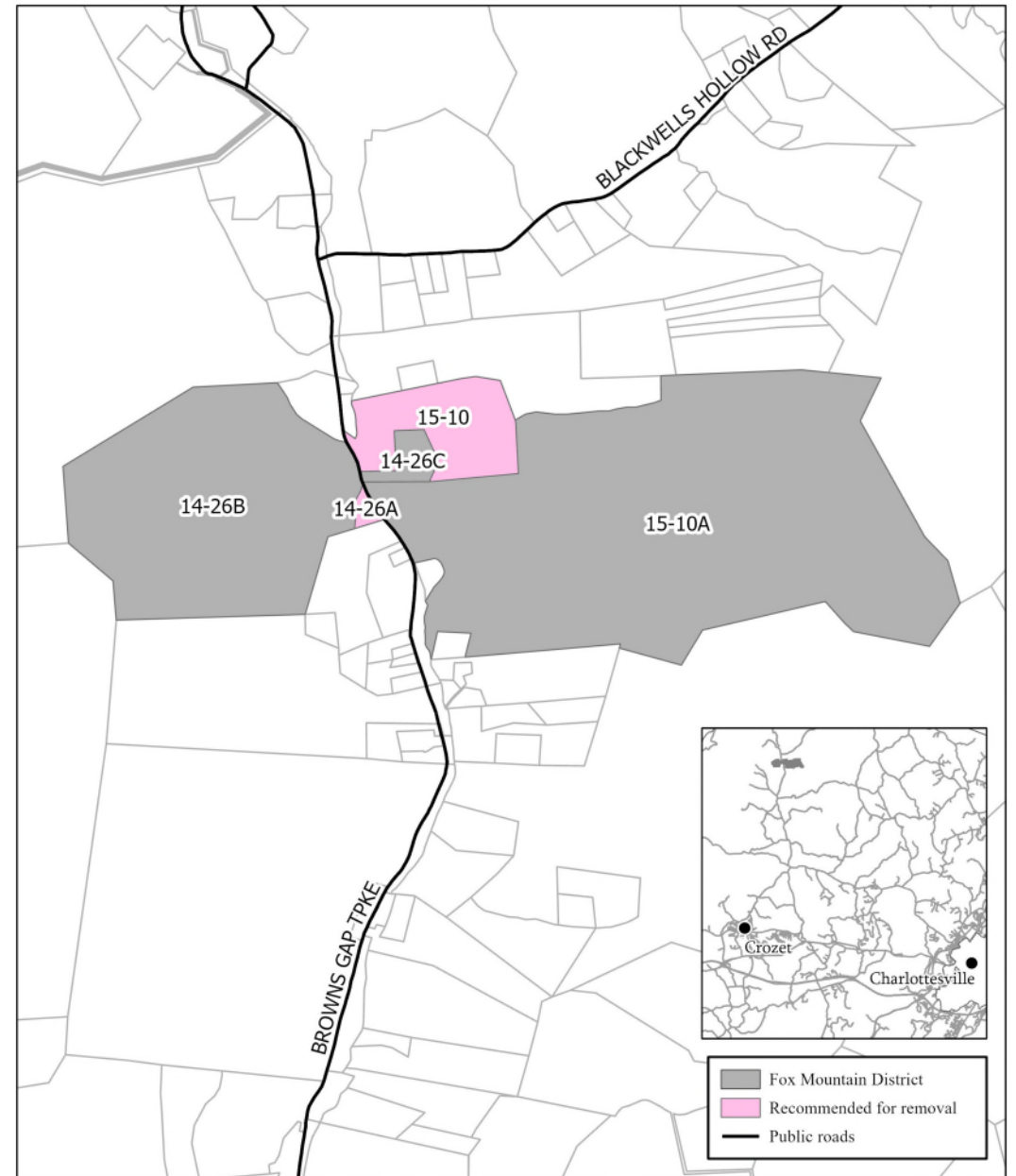
Important for Forestry = 297 acres

## Withdrawal Requests

No withdrawal requests have so far been received.

## Parcels without Development Potential

2 parcel = 28 acres (leaving 3 parcels = 409 acres)



AFD202400012 Fox  
Mountain District Review



0 0.25 0.5  
Miles

# Fox Mountain District Review

4 parcels = 437 acres

## Soils

Important for Agriculture = 174 acres

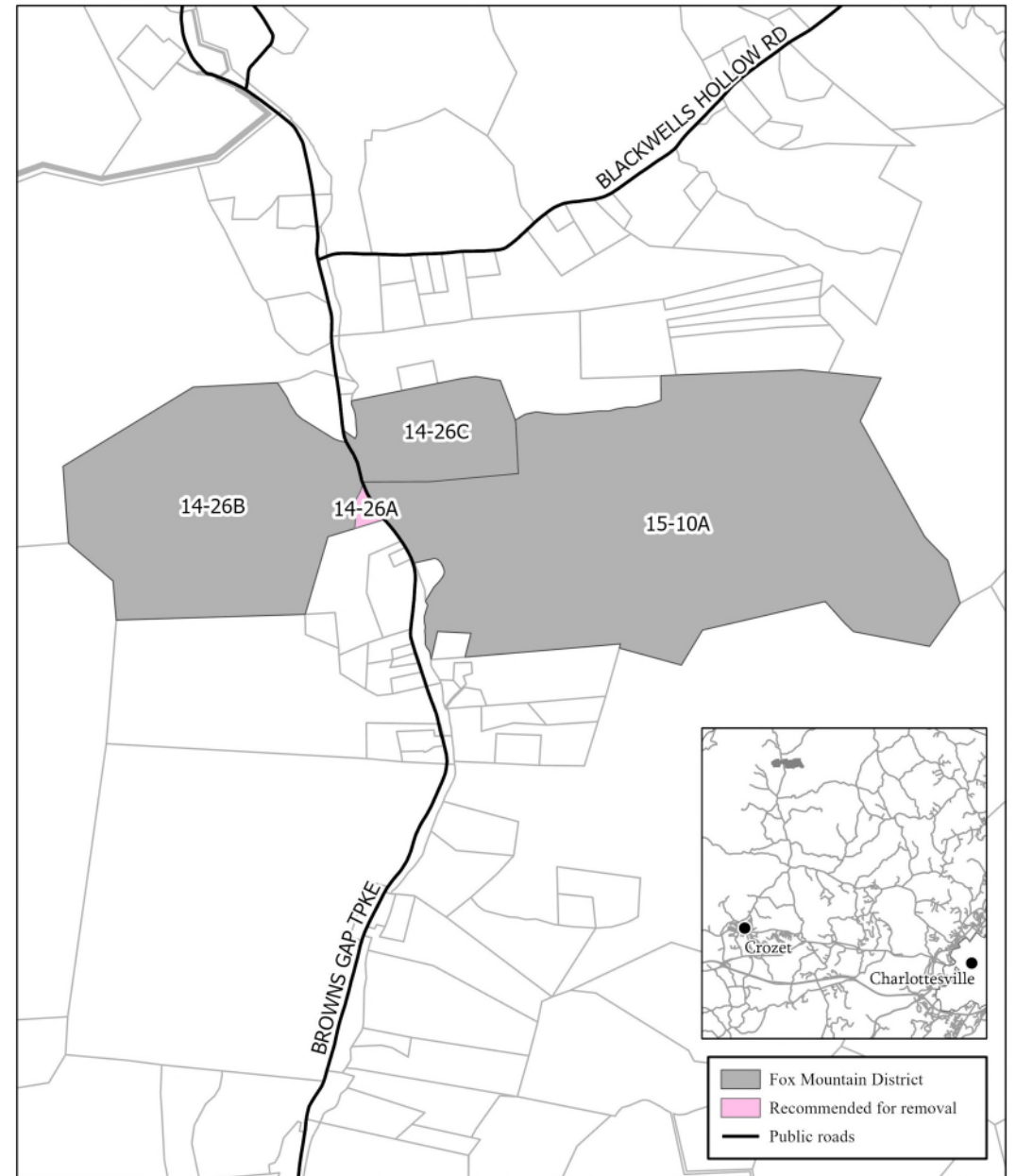
Important for Forestry = 297 acres

## Withdrawal Requests

No withdrawal requests have so far been received.

## Parcels without Development Potential

1 parcel = 2 acres (leaving 3 parcels = 436 acres)



# Buck's Elbow Mountain District Review

17 parcels = 3,210 acres

## Soils

Important for Agriculture = 13 acres

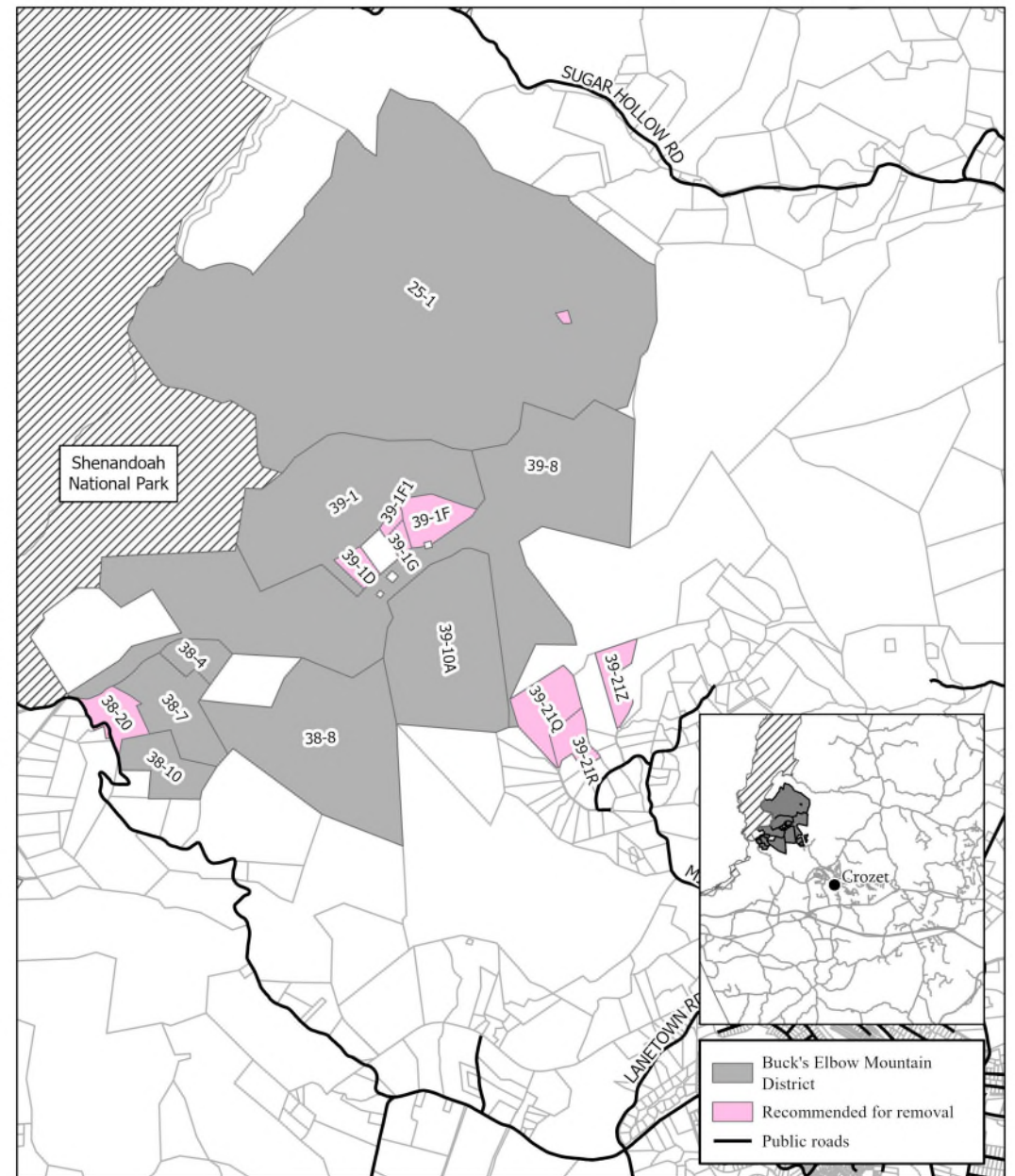
Important for Forestry = 3,189 acres

## Withdrawal Requests

No withdrawal requests have so far been received.

## Parcels without Development Potential

9 parcels = 169 acres (leaving 8 parcels = 3,041 acres)



AFD202400013 Buck's Elbow  
Mountain District Review



0 0.38 0.75 1.5  
Miles



# Sugar Hollow District Review

64 parcels = 4,978 acres

## Soils

Important for Agriculture = 1,873 acres

Important for Forestry = 4,764 acres

## Withdrawal Requests

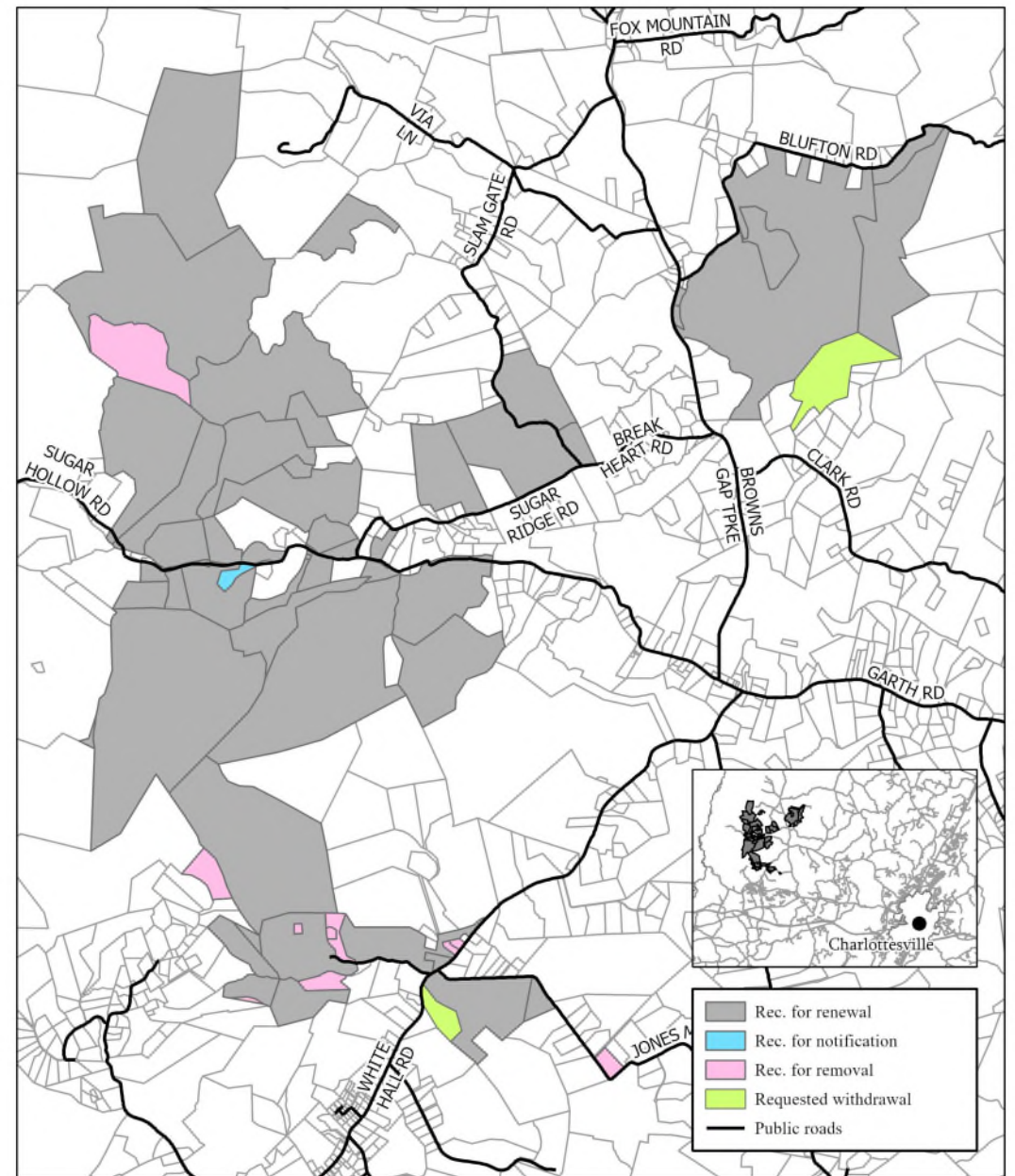
Two withdrawal requests have been received.

## Parcels without Development Potential

10 parcels = 152 acres (leaving 52 parcels = 4,731 acres)

## Open Space Taxation

1 parcel = 8 acres in Open Space taxation  
(recommended to continue for five years)



AFD202400014 Sugar  
Hollow District Review



0 0.5 1 2 Miles



# Buck Mountain District Review

14 parcels = 476 acres

## Soils

Important for Agriculture = 337 acres

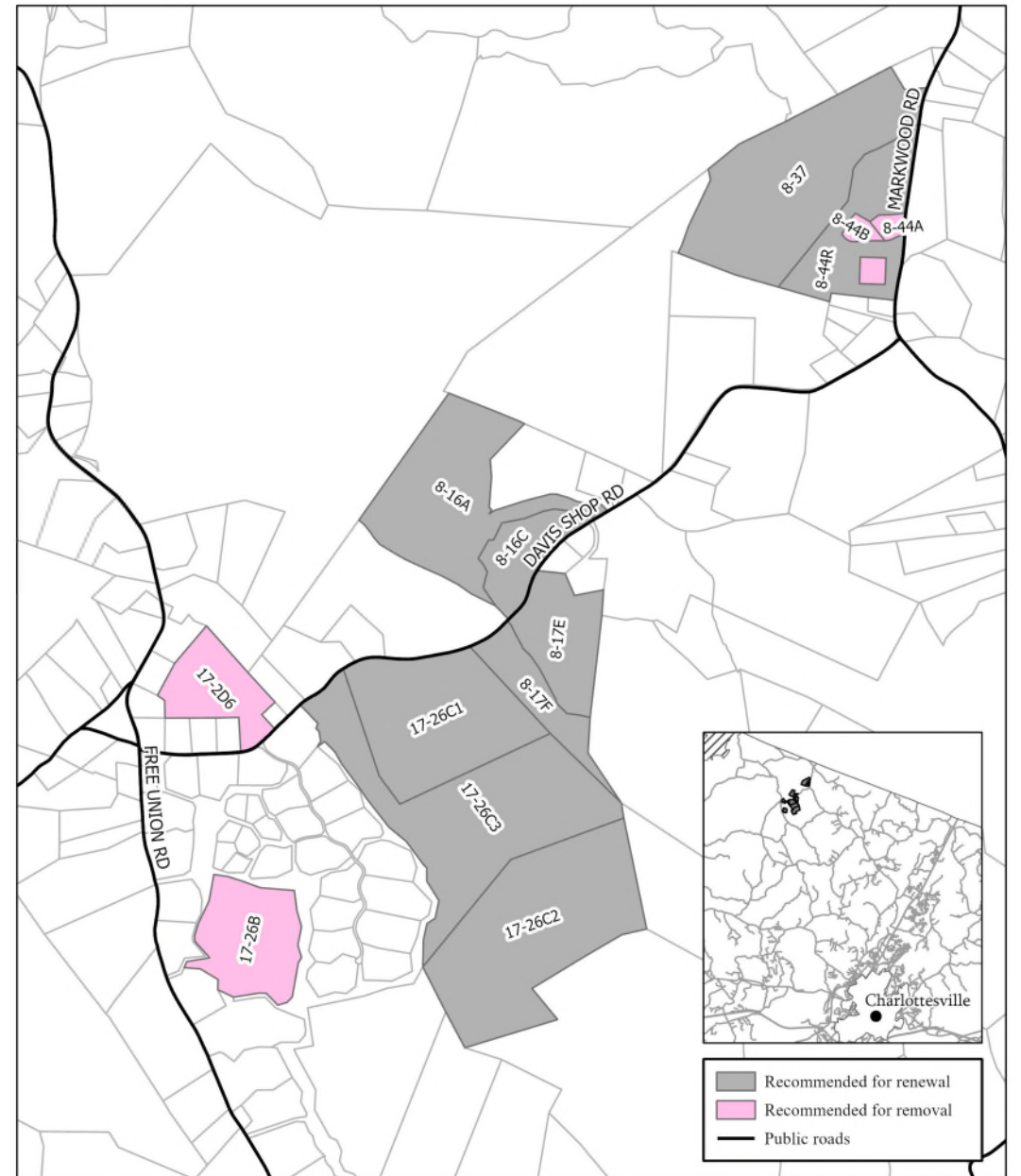
Important for Forestry = 474 acres

## Withdrawal Requests

No withdrawal requests have so far been received.

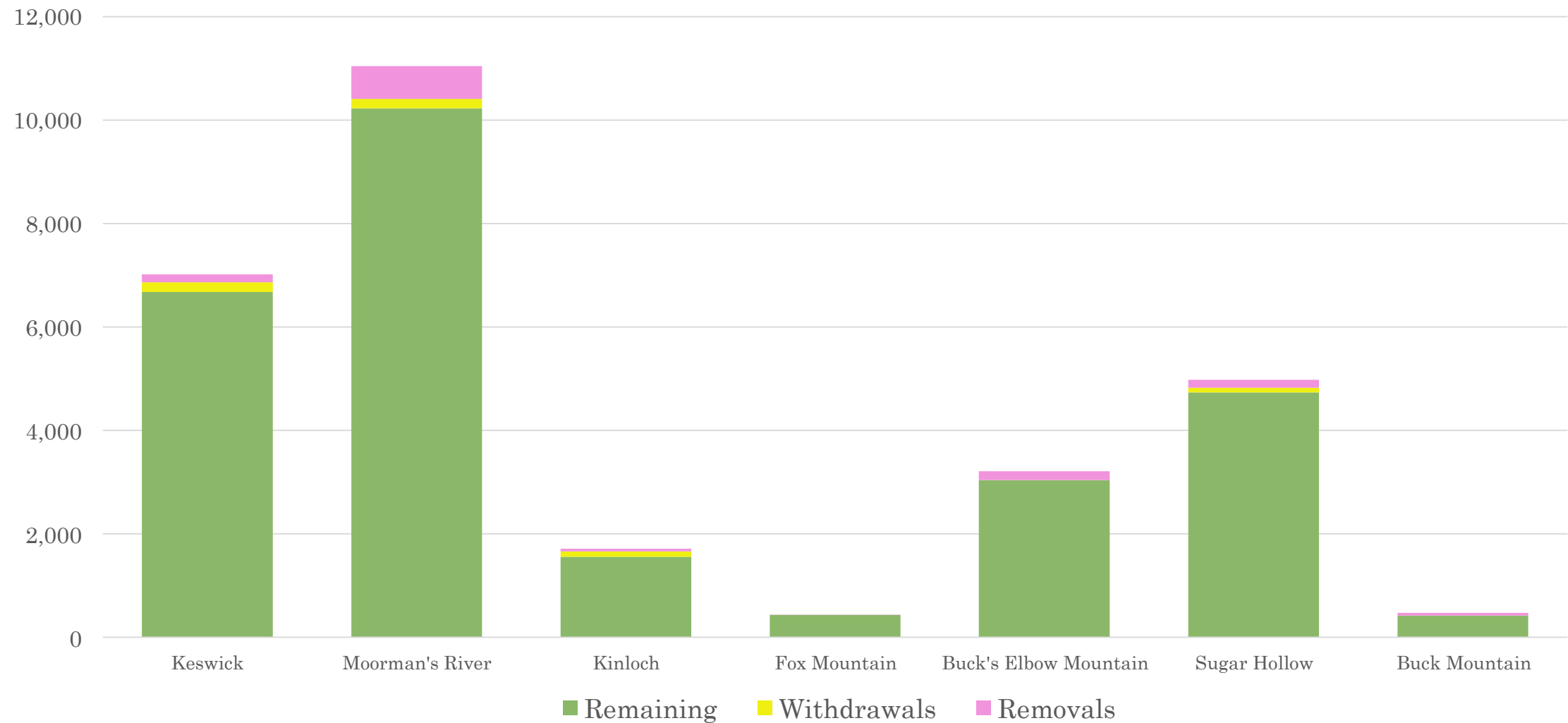
## Parcels without Development Potential

5 parcels = 54 acres (9 parcels = 422 acres)

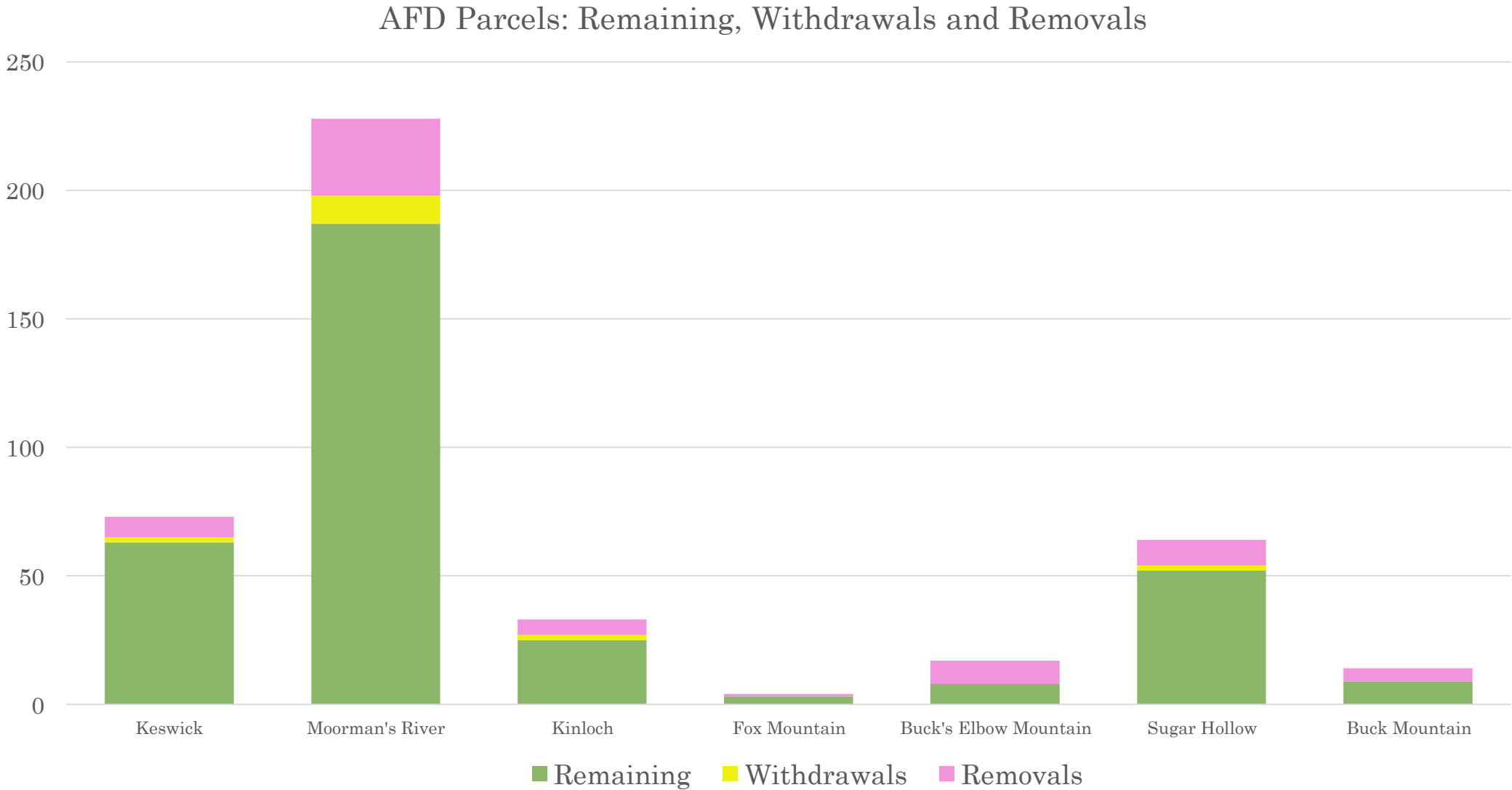


# AFD Acreage

AFD Acreage: Remaining, Withdrawals and Removals



# 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
Keswick	73	7,017	63	6,676	5	71	6,828	10
Moorman's River	228	11,045	187	10,225	5	216	10,793	10
Kinloch	33	1,710	25	1,554	5	31	1,603	10
Fox Mtn.	4	437	3	436	10	4	437	5
Buck's Elbow Mtn.	17	3,210	8	3,042	10	17	3,210	5
Sugar Hollow	64	4,978	52	4,731	5	62	4,882	5
Buck Mtn.	14	476	9	422	10	14	476	5

# AFDAC Recommendation: Summary

District	Current Size		Requested Withdrawals		Recommended Removals		Resulting Size		
	Parcels	Acres	Parcels	Acres	Parcels	Acres	Parcels	Acres	Renewal
Keswick	73	7,017	2	190	0	0	71	6,828	5
Moorman's River	228	11,045	11	185	0	0	217	10,860	5
Kinloch	33	1,710	2	107	0	0	31	1,603	5
Fox Mtn.	4	437	0	0	0	0	4	437	10
Buck's Elbow Mtn.	17	3,210	0	0	0	0	17	3,210	10
Sugar Hollow	64	4,978	2	95	0	0	62	4,882	5
Buck Mtn.	14	476	0	0	0	0	14	476	10

# Percentages Removed

District	Current Size		Removals (Staff & PC recommendation)				Removals (Committee recommendation)			
	Parcels	Acres	Parcels		Acres		Parcels		Acres	
Keswick	73	7,017	8	11%	152	2%	0	0%	0	0%
Moorman's River	228	11,045	32	14%	639	6%	0	0%	0	0%
Kinloch	33	1,710	6	18%	49	3%	0	0%	0	0%
Fox Mtn.	4	437	1	25%	2	0%	0	0%	0	0%
Buck's Elbow Mtn.	17	3,210	9	53%	169	5%	0	0%	0	0%
Sugar Hollow	64	4,978	10	16%	152	3%	0	0%	0	0%
Buck Mtn.	14	476	5	36%	54	11%	0	0%	0	0%

# Removals: Tax Status Breakdown

District		Current Size	Withdrawals	Removals			Resulting Size	Renewal Period
				Reg. Taxable	Open Space	Other Land Use		
Keswick	Parcels	73	2	6	-	2	63	5
	Acres	7,017	190	94	-	57	6,676	
Moorman's River	Parcels	228	11	15	1	14	187	5
	Acres	11,045	185	101	132	401	10,225	
Kinloch	Parcels	33	2	5	-	1	25	5
	Acres	1,710	107	30	-	20	1,554	
Fox Mtn.	Parcels	4	-	1	-	-	3	10
	Acres	437	-	1	-	-	436	
Buck's Elbow Mtn.	Parcels	17	-	7	-	2	8	10
	Acres	3,210	-	109	-	60	3,042	
Sugar Hollow	Parcels	64	2	5	-	5	52	5
	Acres	4,978	95	27	-	124	4,731	
Buck Mtn.	Parcels	14	-	5	-	-	9	10
	Acres	476	-	54	-	-	422	

# 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?

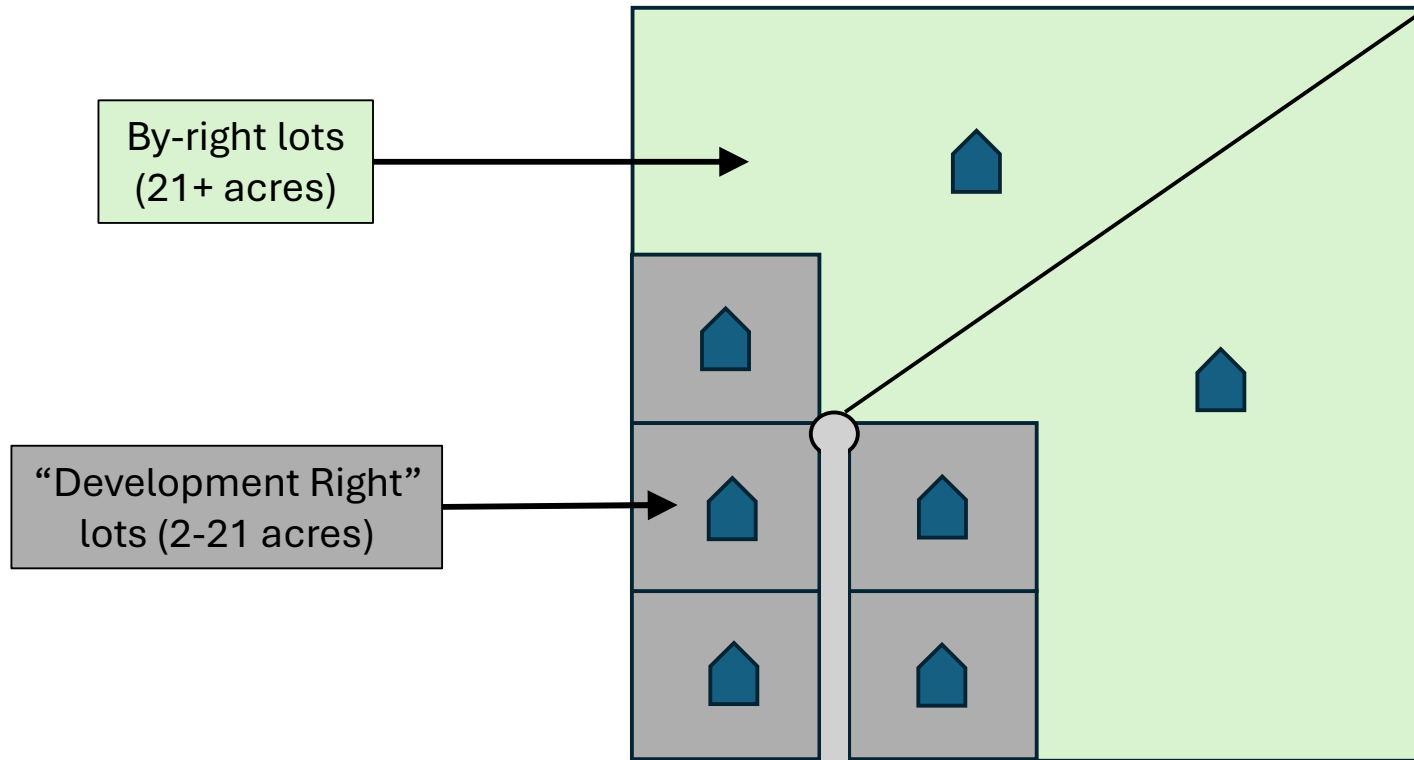
- A voluntary land conservation program
- 5- to 10-year commitment
- Benefits to landowners:
  - Some protections against eminent domain
  - Extra review of SUP applications in or adjacent to the district
  - Some parcels can qualify for Open Space use-value taxation
- Benefits to the County:
  - Prohibition 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

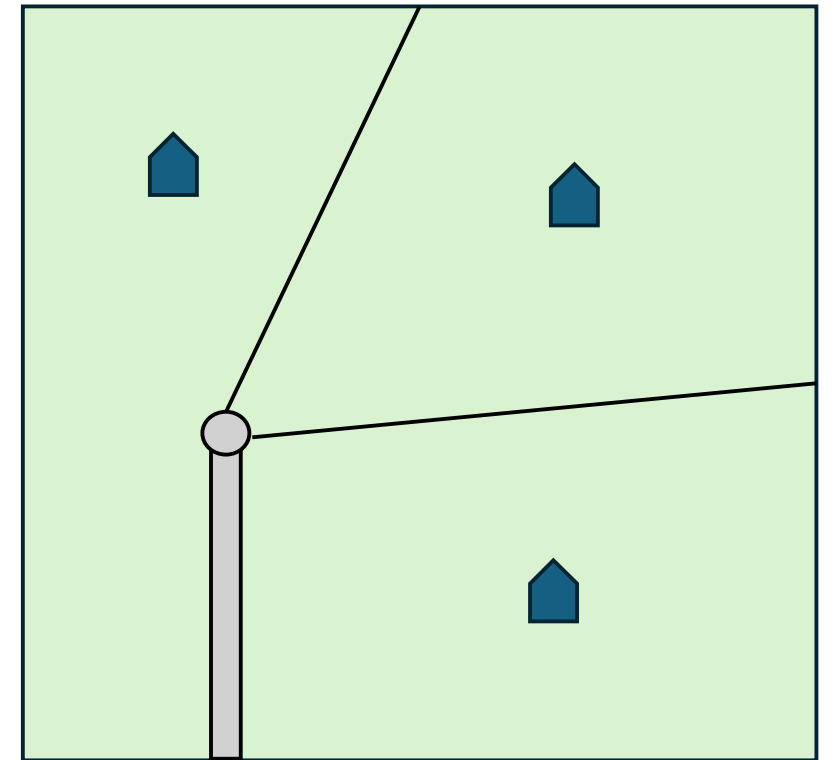
- 2019
  - Buck Mountain
  - Buck's Elbow Mountain
  - Carter's Bridge
  - Chalk Mountain
  - Free Union
  - Fox Mountain
  - Jacob's Run
  - Lanark
  - Panorama
  - Sugar Hollow
  - Yellow Mountain
- 2020
  - Batesville
  - High Mowing
- 2021
  - Glen Oaks
  - Hatton
  - Totier Creek
- 2022
  - Blue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

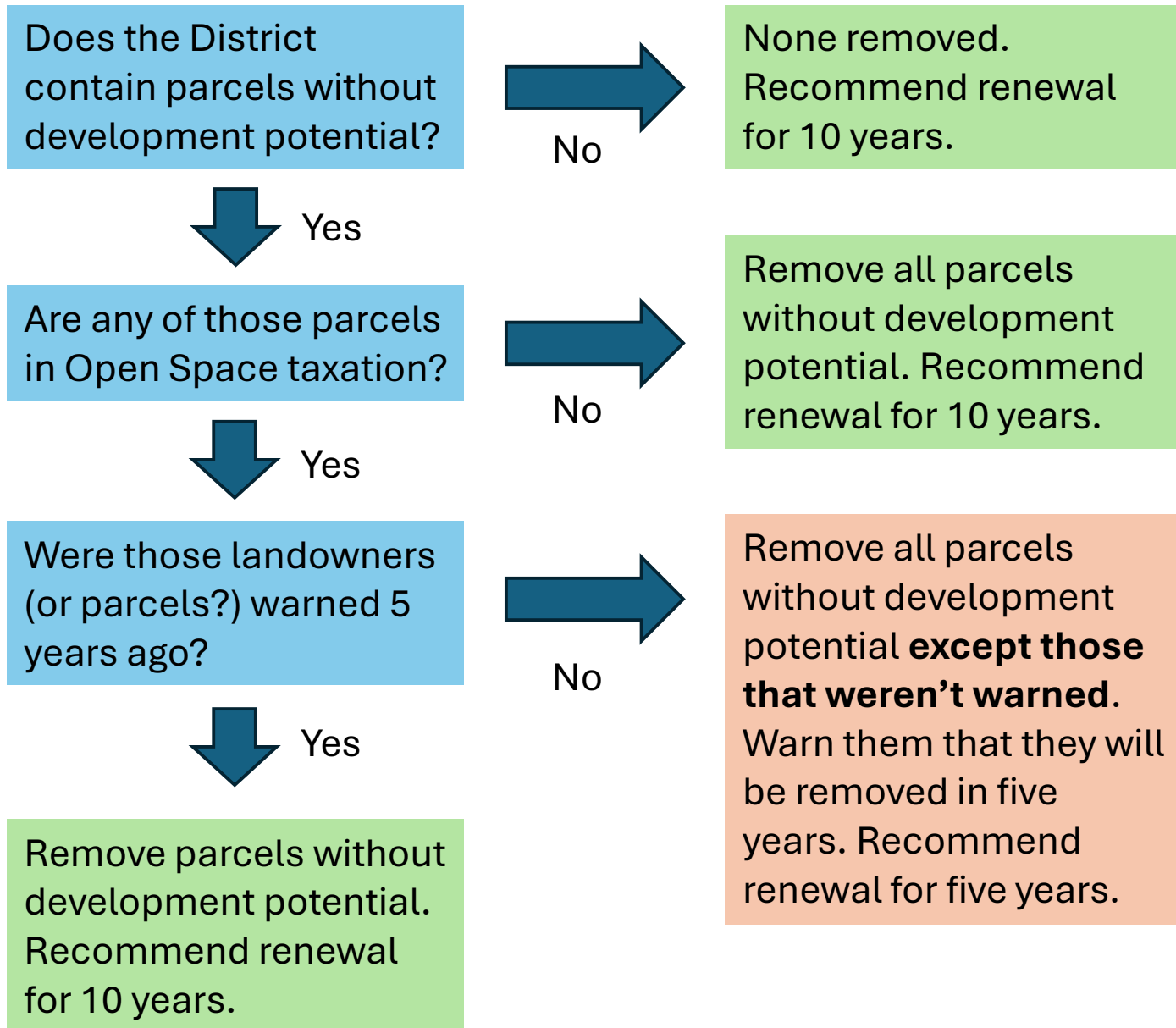
Open Space

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?

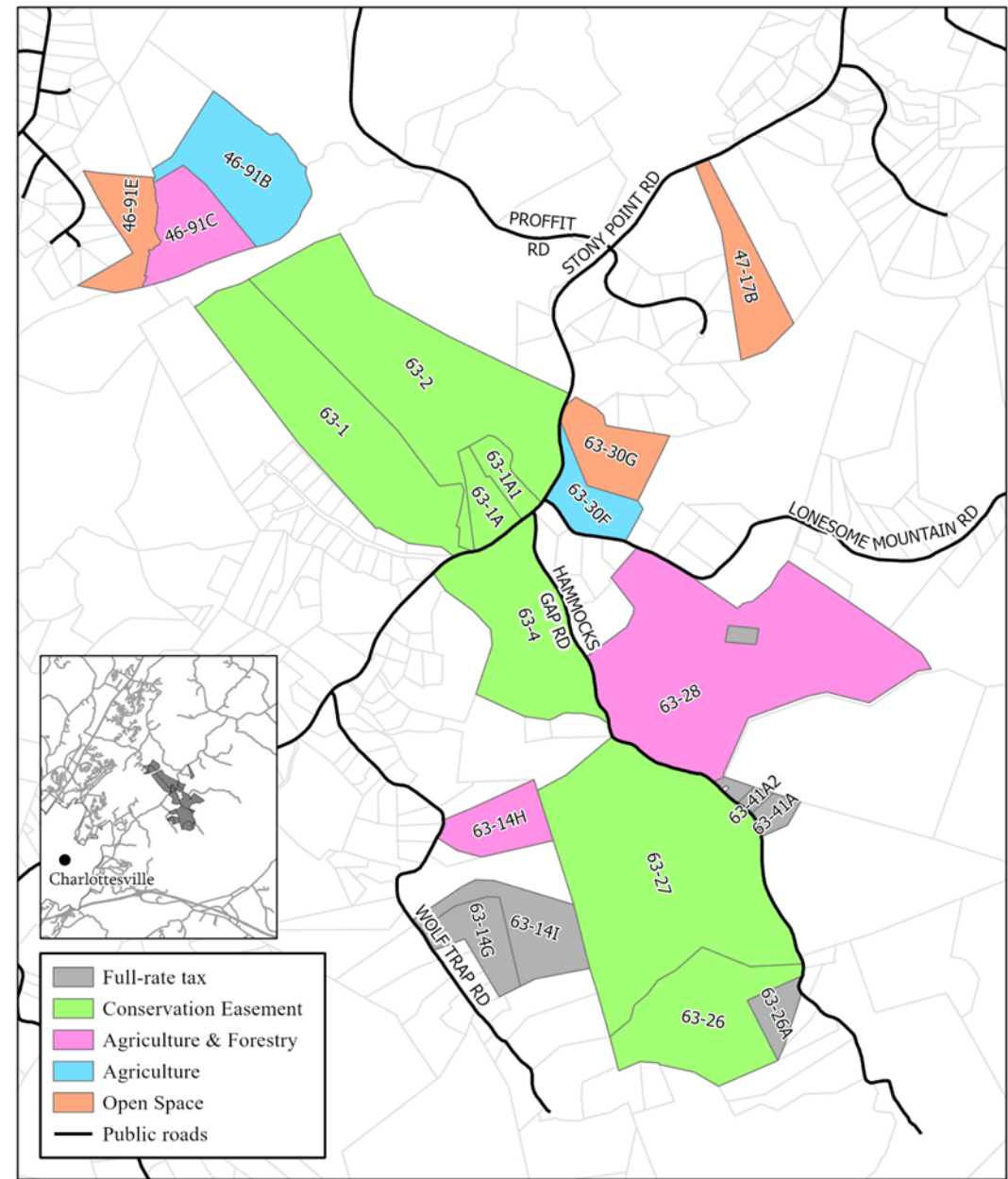
- Each district runs for a fixed period (usually 10 years) before being reviewed and possibly renewed.
- AFD regulations:
  - Limiting “development to a more intensive use”
  - Prohibiting some forms of subdivision
  - Setting higher review standards for land-use decisions in or adjacent to districts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

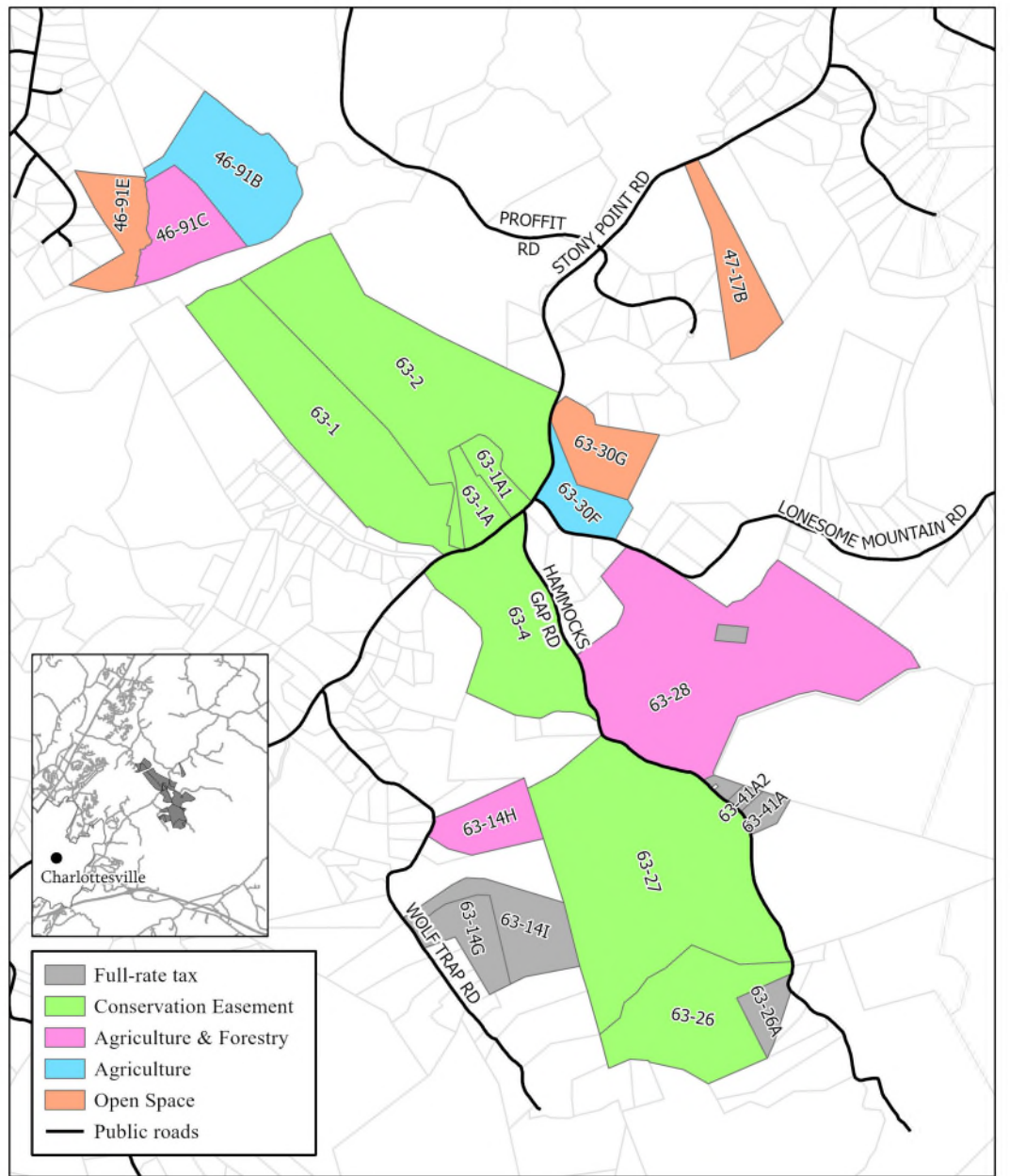
# AFDs & Taxation

- 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.



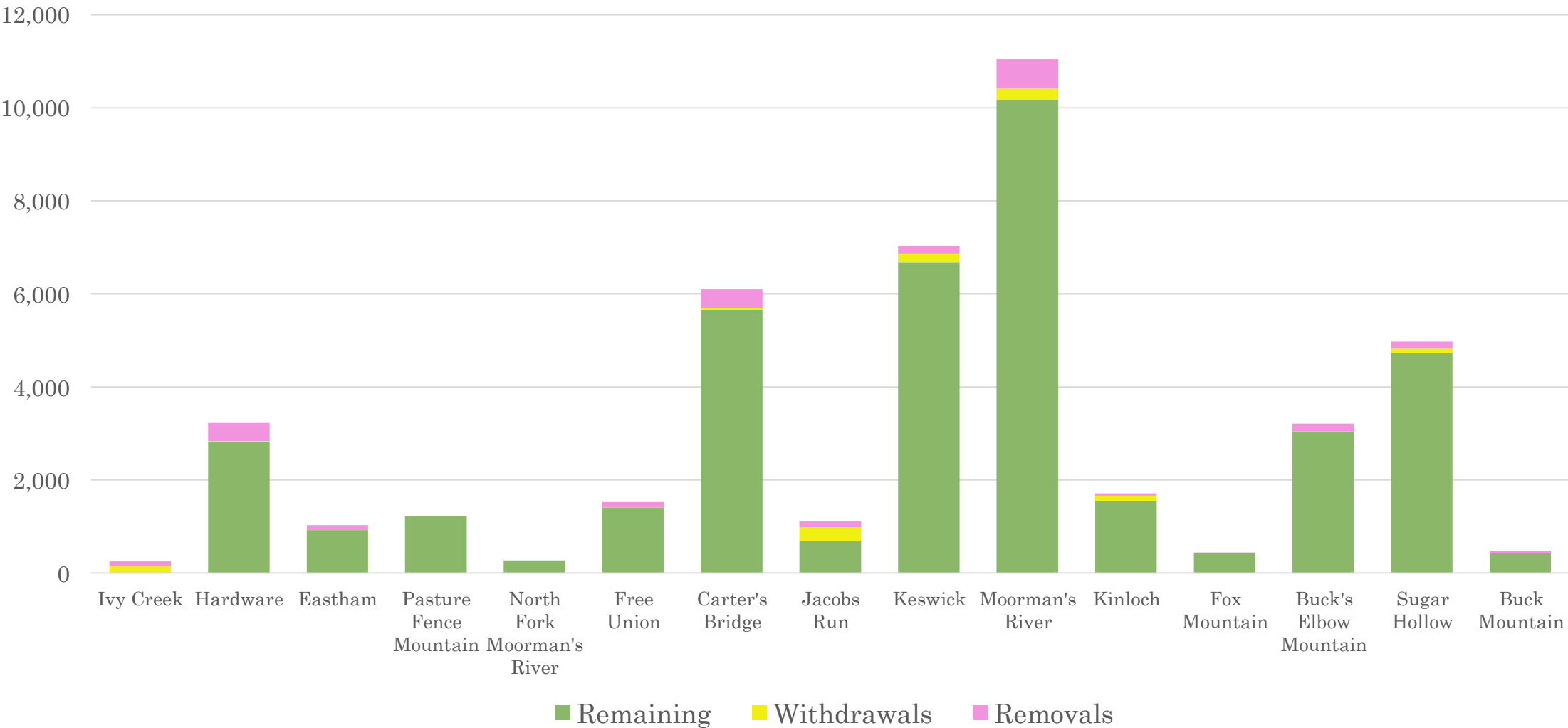
# AFDs & Taxation

- 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

