

Agricultural/Forestal Districts Information and Frequently Asked Questions

Agricultural/Forestal Districts

In 1977, the Virginia General Assembly passed the Agricultural and Forestal Districts Act. The intent of the Act is to:

"...encourage the development and improvement of the Commonwealth's agricultural and forestal lands for the production of food and other agricultural and forestal products...and to conserve and protect agricultural and forestal lands as valued natural and ecological resources..."

This Act grants localities the authority to form Ag/Forestal Districts.

What is an Agricultural/Forestal District?

Agricultural/Forestal Districts are rural conservation zones reserved for the production of agricultural products, timber, and the maintenance of open space land as an important economic and environmental resource. Districts are voluntary. They are initiated by a landowner or group of landowners as a mutual undertaking with the local government.

By establishing a District, property owners agree not to convert their farm, forestland and other open space lands to more intense commercial, industrial or residential uses for a term of 4 to 10 years. In return, the county and Commonwealth agree not to take actions or make infrastructure investments that will place increased pressure on landowners to convert land in the district to more intense land uses during the term of the District.

What is the statewide status of districts?

There are 30 localities that have Ag and Forestal Districts in Virginia. Geographically, most of the localities that have AFDs are situated in the northern half of the state, clustered around the Blue Ridge in the west and extending in a band eastward toward Richmond and over to the Eastern Shore. All of the state's top agricultural counties participate in the program as well as scattered localities in southwest Virginia and the Piedmont. Otherwise, the very rural regions and the very urban regions do not tend to see many AFD programs.

What benefits do districts offer?

An agricultural/forestal district provides much stronger protection from development pressures for farmers and other open space landholders than does agricultural zoning. Unlike agricultural zoning, which for all practical purposes **encourages** low-density residential sprawl, districts **discourage** land uses not in keeping with agricultural, forestal or open space land uses.

In addition, zoning regulations can change with elections. Ag/Forestal districts provide protection for up to 10 years and can be renewed after their initial term expires. Districts provide a higher level of certainty that farms and forests and other open space lands will be maintained because they **restrict the powers of** local, state, and, to some extent, the federal government to make decisions detrimental to agricultural and rural land uses in the district.

Benefits to landowners:

- Districts ensure **land use taxation**. Qualified land in Ag/Forestal districts is eligible for use-value, or land use taxation whether or not the local government has a countywide use-value program. In addition, if the county decides to rescind general land use value assessment, landowners in districts would continue to pay lower taxes so long as the land continued to meet state eligibility standards. Certain jurisdictions are considering dropping land use for properties not in a district.
- Districts offer some limited protection from **eminent domain**. Acquisition of land or easements for powerlines, roadways and other infrastructure within a district is subject to special review by the Board to determine whether or not the proposed **taking** will adversely affect the district.
- Districts prohibit the expenditure of public funds for non-farm related purposes within a district except when a public service corporation or public agency files a notice of intent with the Board. The board must then determine whether or not this expenditure would threaten the district.
- Districts offer protection from **nuisance ordinances** that might limit customary farming and forestry practices.
- Districts offer assurance that the district will be **taken into account in local planning decisions**, such as rezoning. Land use planning decisions or ordinances that would adversely affect land adjacent to the district must take into account the existence of the district.
- Districts help to **maintain the critical mass** of farms necessary to maintain farming infrastructure such as tractor dealers and feed stores. They establish a strong presence where like-minded individuals band together to preserve farming, forestry and open land.

Benefits to the community:

- Districts help protect **productive** farm, forest, and other open space lands which contribute significantly to a communities rural appeal and character.
- Districts help protect **surface and ground water supplies** as well as other natural resources such as wildlife.
- Districts help promote **efficient community development patterns**. They facilitate the efficient provision of local government services by helping concentrate new development in and around existing communities where services can be provided in the most cost-effective manner.
- Districts help ensure **equitable tax policies**. By committing land to farm, forest and other opens space uses for an extended period of time, Ag/Forestal districts discourage the abuse of use-value taxation programs by investors seeking to acquire and hold land strictly for speculative development.

What are the requirements for forming a district?

- Landowners agree not to subdivide their land to a more intensive **non-agricultural or forestal** use during the term of the district. Applying landowners and the County government choose a term of between 4 and 10 years.
- A district must have a **minimum core of 200 acres**, in contiguous parcels. Non-contiguous properties may be incorporated into the District provided that their boundary is within one mile of the boundary of the minimum 200-acre core or adjacent to land within one mile of the core. Once the 200-acre core is established, there is no minimum parcel size and no minimum number of landowners. There is also no maximum size for a given district.

What is the application process for forming a district?

- Landowners forming a district must file an application with the County.
- Applications typically includes:
- Acreage of each parcel to be included and tax parcel number
- Name, address, and witnessed signature of each landowner joining the District
- Term proposed (4-10 years)
- Location and total acreage of District
- Type of district (Ag, Forestal or Ag/Forestal)
- Proposed name of District
- Maps or aerial photographs, or both, that clearly shows the boundaries of the proposed district and each addition and boundaries of properties owned by each applicant, any other features as prescribed by the locality. A County Real Property Map showing the boundaries of District
County Road map showing location of District

The locality may charge a reasonable fee for each application submitted pursuant to this chapter; such fee shall not exceed \$500 or the costs of processing and reviewing an application, whichever is less.

To whom is the application submitted?

The completed application is submitted to the County Board of Supervisors. It is then reviewed by an appointed Agricultural Districts Advisory Committee, the County Planning Commission, the County Board of Supervisors and the public. Within 180 days of the date of submittal, the County Board of Supervisors shall approve, modify or reject the application.

Who is the Agricultural Districts Advisory Committee?

This Committee consists of nine individuals appointed by the County Board of Supervisors. It must include four landowners actively engaged in farming or forestry within the locality, four other landowners from within the locality (who may be freeholders), and a member of the governing Board. The local governing body may designate the planning commission to act for and in lieu of an agricultural and forestal districts advisory committee if the membership of the planning commission includes at least four landowners who are engaged in agricultural or forestal production.

Does a landowner have to put all of his land into a district?

A landowner may leave some of his property out of the district. The portion left out should have a separate tax parcel number and be a legally separate parcel of record.

Can land be added to the district?

Additional parcels of land may be added to an existing district at any time by following the process and application deadlines prescribed for the creation of a new district.

Can land be withdrawn from the district?

- Land may be withdrawn according to the following conditions:
- Heirs can withdraw land up to two years of the death of the landowner.
- Landowners may submit a written request to the Board to withdraw from district. The Board may grant the request for "good and reasonable" cause such as "economic hardship". Some counties have established guidelines for addressing petitions to withdraw.
- A landowner may withdraw his land any time during the District Review Process. This process takes place at the time the district expires (4-10 years).

Can land within a district be sold?

Yes, the landholder may sell the land or any portion of it at any time. But the ag/forestal district runs with the land and a sale does not remove the land from an established district.

Can land within a district be subdivided?

Land in an Ag/Forestal district can be subdivided for family members in accordance with current zoning and subdivision regulations. Other subdivision for more intensive non-agricultural or non-forestal use during the term of the district is not permitted.

When and how is a district renewed?

After the term of the district expires, the Board of Supervisors works with participating landowners to review the district and then determines whether or not to continue, modify or terminate the district.

This information was obtained from the Valley Conservation Council <https://valleyconservation.org/the-valley-region/agriculturalforestal-districts/>