

AGRICULTURAL AND FORESTAL DISTRICTS

THEIR USE AND APPLICABILITY ACROSS
THE COMMONWEALTH

VALLEY CONSERVATION COUNCIL
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ABOUT THE VALLEY CONSERVATION COUNCIL

Established in 1990, the Valley Conservation Council (VCC), a nonprofit citizens' organization and land trust, promotes land use that sustains the farms, forests, open spaces, and cultural heritage of the Shenandoah Valley region of Virginia. Serving eleven counties, VCC promotes strategies and sound public policy for managing growth. A primary goal of the organization is to educate landowners about and assist them with voluntary land protection tools such as conservation easements and agricultural and forestal districts. For more information about VCC, contact:

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EXECUTIVE SUMMARY

This survey compiled basic information on all of the Agricultural and Forestal District (AFD) programs in the Commonwealth of Virginia with additional details on programs in the Shenandoah Valley region. Through the 1977 Agricultural and Forestal Districts Act all localities throughout the state are enabled to set up districts. The purpose of the study was to determine the extent of agricultural and forestal districts in the state, learn more about the methods that localities use to administer districts, and update data for districts in the Valley region.

STATEWIDE RESULTS

The first benefit of the study was confirming precisely which localities have AFD programs -- 28 counties, 1 city, and 1 town. These 30 localities all responded to the survey for a 100% response rate. They reported a total of 295 districts covering 684,236 acres. The number of districts per locality varied from a single district to 24 districts. The amount of land conserved in each locality averaged about 24,000 acres, but ranged widely, from a low of 688 acres to a high of 80,410 acres.

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.

Since AFDs depend on landowner interest and organization, the survey asked localities about their processes for promoting districts and handling renewals. Those who promoted districts (63%) mostly used public meetings, mailings, and pamphlets. The greatest challenges listed were 'lack of interest by landowners' and 'staff and resources.' The renewal process varies greatly by locality. The vast majority have experienced requests for early withdrawal (during the term). Desire for development was the top reason for these early requests as well as for decisions not to renew at the end of term. The respondents felt that the greatest benefit of AFDs is their conservation value while the greatest drawback is the lack of incentives for landowners. Future research on landowner opinions would be valuable.

SHENANDOAH VALLEY REGION RESULTS

In the Shenandoah Valley region, nine localities have AFD programs. The number of districts increased since 2002 (from 46 to 53) but the overall acreage in districts decreased by more than 9,700 acres. Losses were most severe in specific districts in the most northern counties.

The report shows that AFDs remain a consistent conservation tool. In order for an AFD program to be established, the locality has to be open and willing to put resources into a program and landowners have to show initiative to get a district started. Once started, however, AFD programs seem likely to continue. Even some northern Virginia counties have retained the tool, suggesting that AFDs can be meaningful even with considerable suburbanization. None of those surveyed felt that their AFD programs would completely dissolve in the future although acreages might decline. At the same time, it is clear from the pattern of localized abrupt loss in acreage that individual districts cannot necessarily withstand intense development pressure.

DISCUSSION AND RECOMMENDATIONS

In follow up to the survey of local governments, the Valley Conservation Council hosted a workshop in October 2009 called “Making the Most of Agricultural and Forestal Districts, Land Use Taxation, and Related Options.” This workshop brought out more information on key issues such as factors affecting district formation; the need for promotion measures; and the relationship of AFDs with conservation easements, land use taxation, and local planning efforts. It is also worth noting that eight localities have the ability to create local agricultural and forestal districts with requirements that differ from the statewide AFDs. Two of these localities have local AFDs and there is the possibility for further use of this tool.

When asked about the future of agricultural and forestal districts (AFDs), none of the respondents felt they would go away. Many sensed they would decline over time or remain steady. Some believed they would increase. It seems clear that AFDs will continue to be a conservation tool used by these and possibly other localities despite the pressure placed on landowners to develop their properties. This seemed to be true even in localities with significant growth pressure.

Based on the survey and related research, as well as discussions at the VCC workshop, the following recommendations are offered to improve AFDs:

- 1) Additional incentives should be explored to provide adequate benefits to landowners willing to limit development.
- 2) The required process would benefit from streamlining and modernization to make it more accessible to landowners and more cost effective for local governments.
- 3) Localities with AFDs should be encouraged to look at proactive measure to promote their programs.
- 4) There may be opportunities to clarify the relationship between conservation easements and AFDs.
- 5) A support network for localities with AFD programs might be helpful.
- 6) Localities without AFDs should be encouraged to consider this option.
- 7) The potential of Local AFD programs should be explored.

OVERVIEW OF AGRICULTURAL AND FORESTAL DISTRICTS

In 1977, local governments in Virginia gained an important conservation tool with the passage of the Agricultural and Forestal District Act (VA§ 15.2-4300-14). Agricultural and forestal districts (AFDs) are intended to protect agricultural and forestal lands valued not only for their economic importance but also for their ecological role in providing “essential open space for clean airsheds, watershed protection, wildlife habitat, as well as for aesthetic purposes.” Conceived as “a mutual undertaking by landowners and localities,” AFDs are a voluntary agreement to keep properties undeveloped and available for agriculture and forestry for a period of time. This tool is intended to help maintain land needed to ensure the viability of two of Virginia’s most important industries, fueling the Commonwealth’s economy but also providing a range of environmental benefits.

This is a citizen driven process with landowners applying to form a district. Local governments then review and determine the suitability of the request, in part through creation of an agricultural and forestal district advisory committee. Conditions for each district are specified in the agreement between the landowners and locality. Generally, subdivisions and zoning changes are strictly limited for a term set between four and 10 years. While landowners may withdraw at the end of a term with no penalty, withdrawal during the term is permissible only for “good and reasonable cause.”

Landowners in an AFD agree to not develop new, non-agricultural uses within the district for a period of time. In return, they receive the following benefits:

- 1) Automatic qualification for use value taxation (even if the locality has not adopted a land use value taxation ordinance)
- 2) Protection from nuisance ordinances related to customary agricultural and forestry practices
- 3) Assurance that the district will be taken into account during local planning decisions
- 4) Protection from most cases of eminent domain (both local and state levels) and from special assessment for new public utilities
- 5) Certainty that rural uses will continue in the area for a determined period of time

The size and shape of AFDs can vary, but all must contain a contiguous core of at least 200 acres. Additional parcels within one mile of this core may also join. A district can straddle multiple jurisdictions, but each locality must approve it.

SURVEY DESIGN

The Valley Conservation Council (VCC) undertook this survey in the summer of 2009 as preparation for a workshop on rural land preservation tools. The purpose of the survey was threefold:

- 1) To understand the extent of agricultural and forestal districts across the Commonwealth
- 2) To learn more about the methods localities use to administer districts

3) To update data for districts within the VCC region

With these goals in mind, the survey was designed to elicit a high response rate statewide while requesting additional information from Valley localities. The primary survey is the same for all localities (Appendix A: Agricultural and Forestal District Survey). The nine Valley localities with districts were also asked to update a table on the current size and terms of their districts. Contact information was gathered and surveys were mailed in mid-June. Localities that had not responded by mid-July were contacted again by telephone and email to ensure they had received the original survey and to provide new surveys if necessary.

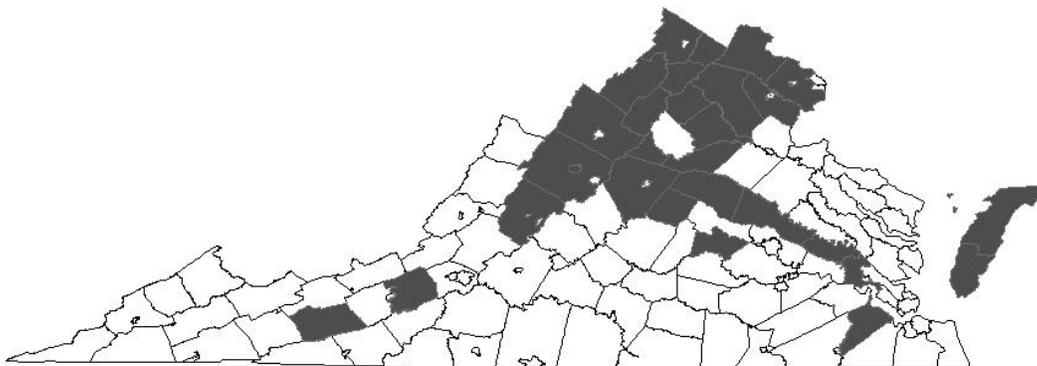
This survey was not a true census of all Virginia localities but instead focused on the localities believed to have agricultural and forestal districts. The base list of localities with AFDs was taken from the 2008 *Summary Report of Virginia Agricultural Forestal Districts* compiled by the Virginia Department of Agriculture and Consumer Services and the 2007 Weldon Cooper Center *Local Tax Rates* report. These sources identified 36 city or county governments indicated to have AFDs. All were sent surveys. Seven of them responded that they do not and never did have AFDs: Middlesex, Northumberland, and Wise counties as well as the cities of Chesapeake, Hampton, Portsmouth, and Virginia Beach. This decreased the potential number of localities with AFDs to 29.

The Weldon Cooper Center also listed five towns with AFDs: Blacksburg, Christiansburg, Dayton, Louisa, and Purcellville. Of these, four appear to only have districts that overlap with the surrounding county or AFDs that were no longer in existence (Purcellville). Only Blacksburg administers a program separate from the county. It was added to the list and sent a survey. This brings the number of localities with known agricultural and forestal districts to 30. (See Appendix B: Surveyed Localities.)

These 30 localities (28 counties, 1 city, and 1 town) with known agricultural and forestal districts became the survey pool: Accomack, Albemarle, Augusta, Clarke, Culpeper, Fairfax, Fauquier, Fluvanna, Frederick, Greene, Hanover, Isle of Wight, James City, Loudoun, Louisa, Montgomery, New Kent, Northampton, Orange, Page, Powhatan, Prince William, Rappahannock, Rockbridge, Rockingham, Shenandoah, Warren, and Wythe counties, plus the City of Staunton and the Town of Blacksburg. All replied for a response rate of 100%. Most surveys were returned by mail or email, but a few were completed by phone.

Figure 1 shows the localities that are confirmed as having AFD programs. Appendix C provides the number of districts and acreage in each locality.

*Figure 1: Map of Localities with AFD Programs**



*In addition to the counties indicated on the map, the City of Staunton and the Town of Blacksburg have their own agricultural and forestal districts and were surveyed for this research.

STATEWIDE RESULTS

STATUS OF AGRICULTURAL AND FORESTAL DISTRICTS

This research identified 30 localities across the state (28 counties, 1 city, and 1 town) that have agricultural and forestal district (AFD) programs (see Appendices B and C). A total of 295 districts were reported. The number of districts per locality varies greatly with four localities reporting a single district and New Kent and Albemarle counties each reporting 24 districts. The median was 8.5 districts. The following chart shows the distribution of the number of districts:

<u>Number of Districts</u>	<u>Number of Localities</u>
1 to 5	12
6 to 10	6
11 to 15	6
16 to 20	1
21 to 24	5

These districts collectively cover 684,236 acres. The land conserved in each locality averages close to 23,000 acres, with a range from 668 acres to 80,410 acres. As the chart below shows, most localities average in the lower ranges (below 40,000 acres).

<u>Acreage in Districts</u>	<u>Number of Localities</u>
1 to 10,000	10
10,001 to 20,000	6
20,001 to 40,000	8
40,001 to 60,000	3
60,001 to 80,000	1
80,000+	2

How local governments track their AFDs is an important function of administering the program. Many maintain records of agricultural and forestal districts through a database or paper files. Some localities specifically mentioned GIS and parcel data when asked how they track districts. One wrote that this is accomplished through the ordinance process. In addition to tracking districts, the survey also asked if records were kept online. One third of localities responded that they maintain some records of districts online for public viewing. This online data included the locality's code, a map with AFDs, GIS data, and other resources. One included a link for a website dedicated to AFDs.

LOCATION OF AGRICULTURAL AND FORESTAL DISTRICTS

The localities that have AFDs are situated primarily 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 (see Figure 1). All of the state's top agricultural counties participate in the program. Scattered localities in southwest Virginia and the Piedmont participate, but otherwise, the very rural regions and the very urban regions do not tend to see many AFD programs. Interestingly, several Northern Virginia counties including Loudoun, Prince William, and Fairfax continue to have AFDs.

CREATION OF AGRICULTURAL AND FORESTAL DISTRICTS

The survey did not ask about program history, but general trends are apparent from the ‘year of establishment’ information included for each district in the annual report by the Weldon Cooper Center. Typically, the districts in a locality tend to be started about the same time, soon after the program is first established, with a few additional ones added over the years. Most programs have been in place for a considerable time. At least half of the programs have at least one district started in the 1980s.

Adoption of AFD programs tended to occur later in the Shenandoah Valley region. In 1990, only five localities in the region had AFDs. Now, nine localities have them (See Appendix D).

PROMOTION OF AGRICULTURAL AND FORESTAL DISTRICTS

Since this land protection method requires landowner interest and organization to even begin the process, promotion of AFDs to educate landowners is likely an important part of a successful program. Overall, 63% (19 of the 30) localities with districts use some form of promotion. The most common methods—public meetings and mailings—coincide closely with the actions required of localities by the state code during the district renewal process. Websites (20%), promotion by external groups (13%) and roundtables (10%) are less common but are used by some localities. For other forms of promotion, three localities wrote ‘word of mouth’ while two others mentioned the importance of a key individual or department. One commented that they have public announcements on the local television station.

Table 1: Primary Methods of Promotion

<i>Promotion Method</i>	<i>Percentage of Localities</i>
Public Meetings	37%
Mailings	27%
Pamphlets	27%
None	37%

*Table 2: Challenges with Promotion
(of 19 localities reporting promotion methods)*

<i>Challenge</i>	<i>Percentage of Localities</i>
Lack of interest (landowners)	32%
Staff and Resources	26%
District Attrition	16%
Lack of interest (local government)	11%

The survey also asked localities about the challenges they face in promoting AFDs. For the 19 localities that report some form of promotion, the most common challenge chosen was a lack of interest (landowners) (32%). Also selected were staff and resources (26%), district attrition over time (16%), and lack of interest (local government) (11%). None responded that district size affected promotion. For other challenges, two localities added “development pressures,” and two others noted “lack of incentives.”

RENEWAL OF AGRICULTURAL AND FORESTAL DISTRICTS

The survey asked localities about the process of renewing AFDs. In their preparations, 97% of localities reported sending notice by mail to landowners within the district, and 90% reported holding public hearings. A majority of localities (80%) also post notices in newspapers and nearly half (50%) send notices by mail to landowners adjacent to the district. Much less common are landowner meetings (27%) and outreach to add new parcels (17%). One locality also reported using phone calls, in addition to mailings, to inform landowners of the renewal and review process.

How far in advance a locality begins this process is important. One county reported starting the review and renewal process two years before the district term ends. The most common time frame was six to seven months (40%). Thirty percent of localities begin three to five months ahead of time while 10% reported starting one to two months in advance.

Another factor in the renewal process that can greatly affect districts over time is what landowners must contact the locality to do. The majority of localities (60%) require landowners to respond in order to withdraw from the district during renewal. Others (23%) require landowners to respond in order to stay in the district. A few (13%) require landowners to respond whether they intend to remain or withdraw. One locality did not respond.

Table 3: Landowner Reasons for Not Renewing

<i>Top Reasons</i>	<i>Percentage of Localities</i>
Development	67%
Easements	27%
Transfer of Property	27%
No Desire to Renew	23%
Landowner Death	20%
No Longer Agricultural-Forestal Use	17%
Misconceptions	7%
Loss of Core	3%
Unsure of Reasons	30%

The survey also explored why landowners chose not to renew at the end of the term. A majority of localities (67%) reported the desire to develop as a reason for landowners withdrawing. Interest in easements (27%), transfers of property (27%), and a lack of desire to renew (23%) were also commonly selected reasons for withdrawal. A change from agricultural and forestal use was reported by 17% of localities. Several localities (30%) reported that they were unsure of reasons for withdrawal. In giving other reasons, locality respondents wrote “no incentive’ to remain” and one cited “implementation of an administrative fee.” Another reason was “fear of the need to gain quick access to equity in their property.”

EARLY WITHDRAWAL FROM DISTRICTS

The vast majority of localities (80%) have experienced requests for early landowner withdrawal during the term of the district. The enabling legislation for agricultural and forestal districts requires that early withdrawals be for “good and reasonable cause.” However, the legislation does not aim to define what good and reasonable cause entails, giving local governments discretion in reviewing applications for early withdrawal. The most commonly cited reason for early withdrawal was a desire to develop. One respondent explained the development was inside the PSA (Public Service Area), and another noted that they had denied a withdrawal request for development. Some of the divisions were for “tenants/caregivers” or “immediate family members.” Also commonly cited were death of the landowner and estate issues. Conservation easements and medical or financial hardships were mentioned several times as well.

OPINIONS ABOUT AGRICULTURAL AND FORESTAL DISTRICTS

While most of the survey pertained to matters of fact—how localities and landowners acted in reference to agricultural and forestal districts (AFDs)—three survey questions asked respondents their opinion on the benefits, drawbacks, and future of AFDs in their locality. Because the type of staff person filling out the survey varied from locality to locality—from planner to zoning officer to county administrator—these opinions cannot be viewed as an aggregate for any specific type of professional but rather a snapshot of the opinions about AFDs among representatives of local government.

BENEFITS

Respondents were asked what they considered to be the benefits of AFDs. Most felt the conservation values of these districts were a benefit. Comments ranged from “preservation of open space and family farms” to “rural character” to “carbon sequestration, air quality, water quality, animal habitat, and protection of agricultural and timber production.” The next most commonly cited reasons were assurance of land use taxation and some level of protection from eminent domain. For landowners in production, a few respondents noted that AFDs ensure that these uses will still be acceptable. One wrote that “with the assurance that farming/forestry will continue, landowners are willing to invest in equipment and upgrades.” Respondents noted that AFDs, because they are done collectively, serve as a “reinforcement of agricultural communities.” Some stated that AFDs give landowners the ability to have an impact on development, especially for those not quite comfortable with the permanence of conservation easements. They are “often a stop on the way to easements” and “guarantee (mostly) no development.” A few responses indicated that it either helps the local government plan or causes it to take the AFD into consideration. One person noted, “It sends a strong message that the residents/property owners/County in that area want the area to remain rural/agricultural.” A couple of respondents noted that AFDs make land use decisions easier by “providing a justification not to rezone land.”

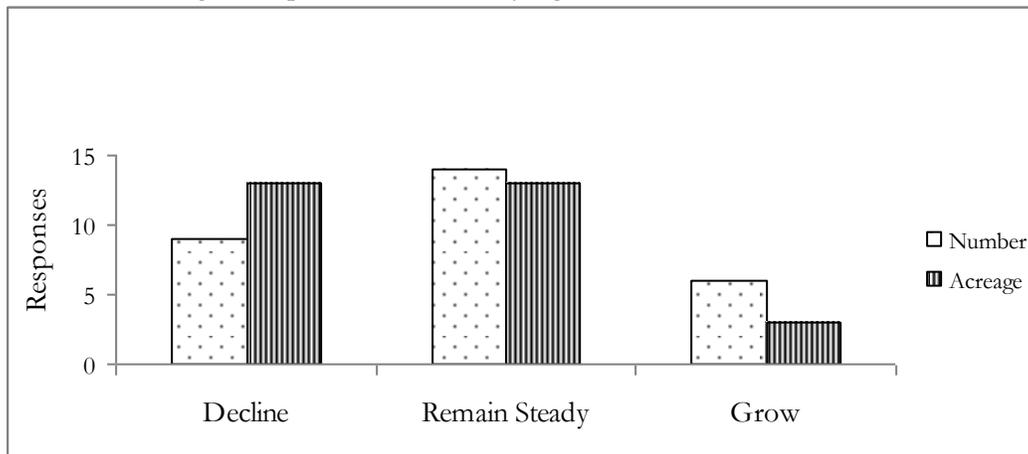
DRAWBACKS

The survey also asked local government staff what they consider to be the drawbacks of AFDs. The most commonly cited disadvantage of agricultural and forestal districts was the lack of true incentives or only limited benefits for landowners. This was especially true for those that would be eligible for land use taxation regardless of the district. One person wrote, “Since we allow land use taxation without anyone being in the district, there is not enough incentive for someone to tie their property up under the current law.” Three respondents indicated a loss of tax revenue due to AFDs was a drawback to the local government. At least two respondents listed workload requirements, loss of value for conservation easements, or limiting the landowner’s right to develop, particularly for “some special uses.” One noted the length of commitment required.

FUTURE DIRECTIONS

Respondents also were asked their opinions on the future of agricultural and forestal districts in their localities. Figure 2 shows these results, which suggest the outlooks are generally neutral or negative for both the number and acreage of districts. It appears many envision a parcelization of districts—increase in number, but decrease in acreage. No respondents thought that their locality’s program would go away all together. This is worth noting given that the localities with AFDs generally are in areas with development pressure.

Figure 2: Opinions on the Future of Agricultural and Forestal Districts



SHENANDOAH VALLEY REGION RESULTS

Table 4: Status of Agricultural and Forestal Districts in the Shenandoah Valley Region

<i>Locality</i>	<i>2009 Districts</i>	<i>2009 Acreage</i>	<i>2002 Acreage</i>
Alleghany	---	---	---
Augusta	4	15,385	15,574
Bath	---	---	---
Botetourt	---	---	---
Clarke	1	28,000	28,261
Frederick	3	7,817	13,585
Highland	---	---	---
Page	1	1,243	1,912
Rockbridge	7	6,097	5,236
Rockingham	9	22,395	26,218
Shenandoah	21	41,392	43,138
City of Staunton	4	2,532	2,321
Warren	3	11,112	9,424
<i>Valley Totals</i>	<i>53</i>	<i>135,973</i>	<i>145,669</i>

The Valley Conservation Council (VCC) works in 11 counties in the Shenandoah Valley region and tracked the status of agricultural and forestal districts (AFDs) more closely in this area. Although Clarke County is not officially in VCC's service region, it was included here because it lies within the Shenandoah River watershed.

VCC's *State of the Valley Report (2003)* presented data on the status of AFDs in 1990 and 2002. To continue the look at long-term trends, the 2009 survey asked for updates on the number of districts and acreage. In 1990, four Valley localities had AFD programs. By 2002, the number was nine including Clarke. That number stayed the same in 2009. All of the counties in the region have AFDs except for Alleghany, Bath, Highland, and Botetourt. The first three counties notably have little growth pressure. Table 4 summarizes data by county. Appendix D gives a complete list of districts and their acreage.

The number of districts in the region increased from 46 in 2002 to 53 in 2009. Eight additional AFDs were added: Middle River in Augusta, Red Bud in Frederick, Maury South and Stillhouse in Rockbridge, Jerome in Shenandoah, Middlebrook in Staunton, and South River and Limestone in Warren. Since 2002, only one district, Refuge Church in Frederick County, was dissolved. No localities experienced a decrease in the overall number of districts.

The amount of acres in districts, however, decreased in the region. Currently, a total of 135,973 acres are conserved through AFDs. This is a decline of 9,716 acres compared to 2002. Only Rockbridge, Warren, and Staunton saw a net gain in acreage. The largest acreage losses were concentrated in the northwest portion of the Valley in Rockingham, Frederick, and Shenandoah counties. The losses in Shenandoah County (1,746 acres or 4%) were less significant than the losses in Frederick (5,768 acres or 42%) and Rockingham (3,823 acres or 15%). In general, the trend seems to be that particular districts face severe losses rather than the loss being spread fairly evenly across districts in a county.

An increase in the number of districts is generally a good sign for AFD programs, indicating that committed landowners and their governments are working together on the goal of land conservation. However, it also can reflect less comforting trends. Often it is increased development pressure that spurs interest in forming a district. Also, when a large district loses participants, this can change the core and make other parcels ineligible. These outlying parcels sometimes are able to form a new district.

Figure 3: Number of AFDs in the Shenandoah Valley Region (Change from 2002 to 2009)

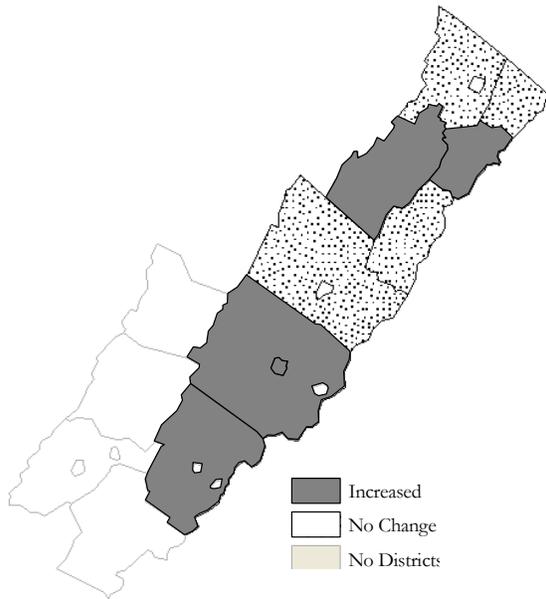
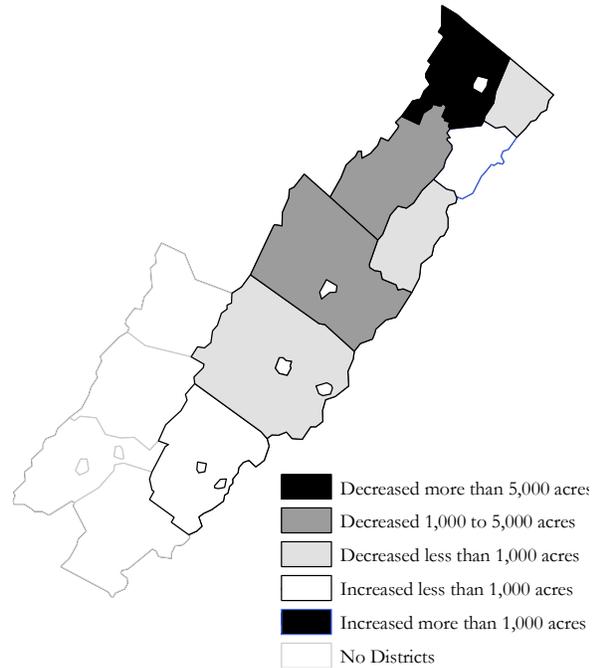


Figure 4: Acreage in AFDs in the Shenandoah Valley Region (Change from 2002 to 2009)



DISCUSSION

Agricultural and forestal districts (AFDs) offer local governments and landowners an option to protect significant land areas for continued agriculture and forestry. While this option is temporary, it fills an important role. AFDs provide a way for farmers to indicate their intention to sustain agricultural production and this can help communities maintain their rural character and conserve large tracts of contiguous land for economic and ecological benefit. Conservation value is what respondents overwhelmingly cited as the greatest benefit of AFDs.

The survey results provide information on the status of AFDs, how they are administered, and how they are perceived by local staff. These responses allow for a greater understanding of the challenges and opportunities for AFDs. Key issues are discussed below, based on the survey, related research, and also the experiences shared at Valley Conservations Council's October 2009 workshop 'Making the Most of Agricultural and Forestal Districts, Land Use Taxation, and Related Options.'

FACTORS IN DISTRICT FORMATION

Given that the agricultural and forestal district program is available to localities throughout the state, it is interesting to note the actual extent and location of AFDs. Programs are clustered in certain regions and rare in others. The upper Piedmont and the Valley region have the greatest participation and districts also are popular on the Eastern Shore. These areas share strong farming heritage and strong growth pressure without being part of major metropolitan areas. Since the initiative must come from the farmers themselves asking the localities to form a district, public education may contribute to which localities end up establishing programs. For example, the areas of the state with the most districts are served by regional groups, like the Piedmont Environmental Council, the Valley Conservation Council, and the Eastern Shore Conservancy, that help build public awareness of conservation issues and landowner options.

There may be opportunities for other localities to use the tool effectively. In order for an AFD program to be established, the locality has to be open and willing to put resources into a program and landowners have to show initiative to get a district started. Once started, however, AFD programs seem likely to continue. Some northern Virginia counties have retained the tool, suggesting that AFDs can be meaningful even with considerable suburbanization. None of those surveyed felt that their AFD programs would totally dissolve in the future although acreages might decline. This indicates that despite their temporary nature, AFD programs might have more longevity and resiliency than one would think. At the same time, it is clear from the pattern of localized abrupt loss in acreage or even dissolution of a particular district at the end of the term that individual districts cannot necessarily withstand intense development pressure.

EFFECTIVE PROMOTION

The Agricultural and Forestal District Act requires localities to take specific actions during the district review process:

- Preparation for review must begin at least 90 days before the expiration date of the period
- A public meeting must be held by the local planning commission or agricultural and forestal advisory committee
- Notice of the review and public hearing must be mailed to the landowners in the district

Nearly all of the localities are notifying landowners in mailings and holding public meetings, but localities reported varying timeframes for the start of the renewal process (from one month to two years). From the survey results, eight of the ten largest programs appear to go beyond the state-mandated requirements and to actively promote AFDs. While there may be other factors involved, program promotion and program size appear to be related. It is likely that promotion has a positive effect on the success of a locality's AFD program.

Other forms of outreach (beyond mailings and public meetings) may have untapped potential. Currently, several localities have websites with some mention of agricultural and forestal district programs, but few seem to provide comprehensive information with background materials, contact information, and descriptions of current districts. Most do include AFDs in their web-based GIS mapping. As more and more citizens look on the internet for information, local websites could offer localities new ways to promote their AFD programs.

Several localities incorporate their agricultural and forestal districts in their ordinances. This provides searchable, detailed information about the parcels, conditions, and terms of a district. Ordinances often are put on the locality website making AFD information more widely available. The code pertaining to a district is fairly simple and includes the date of creation, a general description, applicable terms, and period before renewal for the AFD. Appendix E provides a sample AFD ordinance.

COMPLICATIONS WITH LAND USE TAXATION

One of the most often cited disadvantages of AFDs is their almost contradictory relationship with what should be a key incentive—automatic qualification for land use value taxation. Many respondents spoke of the importance of land use tax valuation to encourage agricultural preservation and yet the failure of automatic land use valuation to provide a sufficient incentive to participate in an AFD. As one respondent noted about difficulties in promotion: “Our County had a land use tax program in place prior to the AFDs and citizens don't receive additional financial benefits from AFDs...[we] may not utilize the AFDs to their full potential.” For other localities, the problem is not the lack of incentive. Instead, automatic qualification for land use tax valuation is seen as too much of a drain on limited revenues. This can dampen a locality's interest in AFDs.

As long as land use valuation is available outside of AFDs, most landowners interested in the benefits of land use valuation will simply apply for land use and forego the more restrictive terms of an AFD. Land use taxation typically is available on an annual renewal to the vast majority of parcels in rural areas. An AFD by contrast requires a term commitment and designates a considerable contiguous area. The community receives more conservation assurance with the AFDs, but for the landowners, there is no tax incentive. However, when land use taxation is not widely available, interest in AFDs can surge as happened recently in Northampton County when it discontinued its land use tax program.

How best to use local tax policy to support land conservation is a complex issue. Factors vary greatly by locality, including type of farming, typical parcel size, views on the value of open space, level of development, and political considerations. In an era of declining tax revenues, localities may well give greater scrutiny than ever to what qualifies for tax relief. If that happens, AFDs are likely to be an intense focus on both sides. This is already being seen in some counties when a tightening of qualification for land use taxation has caused landowners to scramble to form AFDs.

What the locality sets for land use qualifications and categories can determine whether parcel owners have an incentive to form AFDs. This is no longer just about mainstream farmers. Localities that have experienced extensive parcelization into large lot subdivisions face a dilemma between trying to discourage further subdivision (a reason to offer broad access to land use taxation) and holding down revenue loss (a reason to reduce the number of parcels receiving tax relief). Farmers need support more than ever in the face of suburbanization, but distinguishing productive parcels from the 'not worthy' can be difficult politically as well as practically. Another complication is that conservation value, particularly as a locality becomes more developed, can extend beyond the desire to preserve farmland. Increasingly, a locality must debate what conservation values they are most willing to subsidize and in what way. Some of the more developed localities that have AFD programs and want to support general environmental conservation have seen AFDs emerge as a vehicle for large lot owners to receive land use rates.

These factors no doubt contribute to the trend for the number of AFDs to increase or remain stable, even as the acreage in districts has declined. They also indicate that AFDs could be an increasingly important part of both land use planning and tax policy.

RELATIONSHIP TO CONSERVATION EASEMENTS

AFDs also can be in conflict with the most permanent of rural preservation techniques – the conservation easement. The appraised value for land within a district can be lower than that of similar land outside of one because of the restrictions of the AFD. This decrease in the appraised value of the land can make a big difference in the tax benefits expected from the donation of a conservation easement. The purposes of easements and AFDs seem to dovetail. Both conservation easements and AFDs are likely to coincide in areas where landowners are most committed to continued farming. Yet the potential for a lower appraisal can be a disincentive for those in districts to take the greater step of doing an easement and can discourage those considering an easement from participating in an AFD. Careful timing may be one way to avoid the problem. Local policies and education efforts also can help landowners avoid this pitfall. Still, the uncertainty for potential easement donors may hinder their participation in AFDs.

RELATIONSHIP TO PLANNING

An AFD provides an outward sign of local landowner commitment to continued farming. The district is recognized by the locality, by the landowners, by neighboring property owners, and by anyone who looks at county planning and resource maps. This widespread awareness can be helpful to the locality when making its plans. For example, in Rockingham County, one AFD lies in what would be the growth area between the adjoining city and a town. But given the location in a highly productive agricultural area, both localities worked around the district when setting their growth

boundaries. While AFD terms are in short increments (10 years or less), most districts appear to stay in place with few dissolving completely. Knowing that multiple landowners have shown common purpose for an area seems to encourage continued conservation by both individual landowners and the jurisdiction. This benefit of AFDs is hard to measure but is a tangible step that farmers can take to try to influence planning decisions in their area.

LOCAL AGRICULTURAL AND FORESTAL DISTRICTS

The statewide AFD program is not the only one authorized in the Code of Virginia. The Local Agricultural and Forestal Districts Act (VA §15.2-4400-07) enables eight localities¹ in the Commonwealth to create local AFDs.

Local AFDs may offer more flexibility and local discretion. The minimum requirement is 20 acres instead of 200 acres. Localities also are allowed more flexibility in considering the appropriateness of a district since they do not have to apply the same criteria required for a statewide district. The land use tax qualifications vary somewhat from the statewide programs.

On the other hand, local AFDs do not provide many of the guaranteed benefits of the statewide program. They do not, for example, receive protection from eminent domain by state agencies or from special assessment by state agencies expanding utility services. The promise of local districts lies in the clause that local AFD ordinances may contain “any other provisions to the mutual agreement of the landowner and the local governing body that further the purposes of this chapter” (VA §15.2-4406). The purpose of the chapter is broad: “[T]o provide a means by which localities may protect and enhance agricultural and forestal lands of local significance as a viable segment of the local economy and as an important economic and environmental resource” (VA §15.2-4401). The flexibility of the enabling legislation could possibly offer the potential for new incentives and for the protection of strategically important lands.

Of the eight localities authorized to set up local AFDs, only Fairfax County appears to use the local districts program extensively. It has over forty local districts. Albemarle County also uses the program but on a smaller scale. The differences in how the program can be used and the inclusion of several new counties under an amendment the Local Agricultural and Forestal Districts Act in 2007 suggest there might be opportunity for more localities to use this option.

FUTURE RESEARCH

This VCC survey was designed to be easy to fill out in order to increase the response rate. This short and simple approach did succeed in gaining a good snapshot of existing programs across the Commonwealth. The drawback was not being able to elicit as much detail. The survey results point to several areas that would benefit from additional research. Data was gathered on renewals, but less is known about the opportunities for the creation of districts or for more localities to establish programs. The factors that affect the change in the number and acreage of AFDs over time also should be explored as should joint districts overlapping town/county boundaries.

Most important would be learning more about the perspective of landowners in AFDs. What are their motivations for joining? What do they perceive as the benefits or drawbacks? Have they encountered complications? What are the most effective ways to promote and administer the programs? What do they think about the future of AFDs in their localities?

¹ The localities authorized to have local AFDs are the counties of Albemarle, Augusta, Fairfax, Hanover, Loudoun, Prince William, Roanoke, and Rockingham. (VA §15.2-4402)

RECOMMENDATIONS

When asked about the future of agricultural and forestal districts (AFDs), none of the respondents felt they would go away. Many sensed they would decline over time or remain steady. Some believed they would increase. It seems clear that AFDs will continue to be a conservation tool used by these and possibly other localities despite the pressure placed on landowners to develop their properties. This seemed to be true even in localities with significant growth pressure.

Based on the survey and related research, as well as discussions at the VCC workshop, the following recommendations are offered to improve AFDs:

- 1) Additional incentives should be explored to provide adequate benefits to landowners willing to limit development. These should be commensurate with the length of time landowners commit to the restrictions.
- 2) The required process would benefit from streamlining and modernization to make it more accessible for landowners and more cost effective for local governments.
- 3) Localities with AFDs should be encouraged to look at proactive measure to promote their programs, such as placing materials online and creating other opportunities for landowners to learn about this tool.
- 4) There may be opportunities to clarify the relationship between conservation easements and AFDs.
- 5) A support network for localities with AFD programs might be helpful.
- 6) Localities without AFDs should be encouraged to explore this option.
- 7) The potential of Local AFD programs should be explored.

APPENDIX A: AGRICULTURAL AND FORESTAL DISTRICT SURVEY

Locality

Respondent Name and Title

Phone Number

Email Address

1. Does your locality currently have any Agricultural and Forestal Districts?

Yes (Proceed to 2)

No (Proceed to 3 on back)

2. For Localities Responding 'Yes' to Question 1:

a. Please provide up-to-date data on your Agricultural and Forestal District program:

Number of Districts: _____ Total Acreage: _____

How do you track changes to your Agricultural and Forestal Districts? _____

Are records kept online? If so, where can we access them? _____

b. How does your locality promote the Agricultural and Forestal District program?

(Check all that apply)

Mailings

Public meetings

Roundtables/Workshops

Pamphlets

Website

Promotion by external groups

Other (describe): _____

We do not actively promote the Agricultural and Forestal District program

c. How does your locality prepare for Agricultural and Forestal District renewal? *(Check all that apply)*

Public notice to landowners

Public notice to adjacent landowners

Public notice in newspaper

Public hearings

Landowner meetings

Outreach to add new parcels/landowners

Other (describe): _____

How far in advance do you prepare? _____

d. When the district term expires, landowners must contact your locality to:

Remain in the district

Withdraw from the district

e. What are the main reasons for landowner withdrawal from Agricultural and Forestal Districts at the end of the term in your locality? *(Check all that apply)*

Desire to develop

Interest in easements

Misconceptions of program

- Transfer of property
 - Death of landowner
 - No desire to renew
 - Loss of core
 - Unsure of reasons
 - Land no longer in ag/for use
 - Other (describe): _____
-

f. Has your locality experienced early landowner withdrawal?

- Yes
- No

Reasons for withdrawal: _____

g. What challenges has your locality faced when promoting Agricultural and Forestal Districts? *(Check all that apply)*

- Lack of interest (landowners)
 - Lack of interest (local government)
 - Staff and resources
 - District size requirements
 - District attrition over time
 - Other (describe): _____
-
-

h. What do you consider the benefits of Agricultural and Forestal Districts?

i. What do you consider the drawbacks of Agricultural and Forestal Districts?

j. You believe that in the future Agricultural and Forestal Districts in your locality will:

- | | | | |
|----------|-------------------------------|--|----------------------------------|
| Number: | <input type="checkbox"/> Grow | <input type="checkbox"/> Remain steady | <input type="checkbox"/> Decline |
| Acreage: | <input type="checkbox"/> Grow | <input type="checkbox"/> Remain Steady | <input type="checkbox"/> Decline |
-

3. For Localities Responding 'No' to Question 1:

a. Which of these reasons best describe why your locality does not have an Agricultural and Forestal District Program? *(Check all that apply)*

- Lack of awareness of the Agricultural and Forestal District program
 - Dissolution of all former districts (list reasons below)
 - Lack of interest (local government)
 - Lack of interest (landowners)
 - Lack of perceived benefit
 - Development pressure
 - Other (describe): _____
-

APPENDIX B: SURVEYED LOCALITIES

This research attempted to reach every locality in the state that has an agricultural and forestal district (AFD) program. Several sources were consulted and these became the basis for research.

A total of 30 localities were found to have AFD programs. Details are shown in Appendix C.

Other Localities Contacted

The following localities were sent surveys because they were believed to have AFDs, but they responded that they did not have AFD programs: Chesapeake City, Hampton City, Middlesex County, Northumberland County, Portsmouth City, and Wise County. Several towns also were listed as having AFDs: Christiansburg, Dayton, Louisa, Purcellville, and Blacksburg. With the exception of Blacksburg, it appeared that these towns only had programs due to overlap with a county AFD or that the AFD was dissolved. Blacksburg administers its own program separate from the county. Blacksburg was surveyed and its responses are included in this report.

To give a full picture of the region, all counties in the Shenandoah Valley region were surveyed regardless of whether they were on lists indicating they have AFD programs. These counties were contacted but do not have AFDs: Alleghany County, Bath County, Botetourt County, and Highland County. They were asked questions about why they did not have program but their responses are not included in this report.

APPENDIX C:

AGRICULTURAL AND FORESTAL DISTRICT PROGRAMS IN THE STATE

Thirty localities in Virginia have agricultural and forestal district programs. These localities reported the following number of districts and total acreage conserved.

Locality	Number of Districts	Acreage Conserved in Districts
Accomack	22	80,215
Albemarle	24	63,546
Augusta	4	15,385
Blacksburg	1	1,848
Clarke	1	28,000
Culpeper	15	49,485
Fairfax	2	759
Fauquier	13	80,410
Fluvanna	20	20,186
Frederick	3	7,817
Greene	7	14,570
Hanover	8	14,913
Isle of Wight	3	26,551
James City	14	16,885
Loudoun	23	47,515
Louisa	15	24,055
Montgomery	11	27,689
New Kent	24	25,654
Northampton	12	12,408
Orange	1	668
Page	1	1,243
Powhatan	10	7,981
Prince William	3	2,245
Rappahannock	10	21,934
Rockbridge	7	6,096
Rockingham	9	22,395
Shenandoah	21	41,392
Staunton	4	2,325
Warren	3	11,112
Wythe	4	8,953
TOTAL	295	684,236

APPENDIX D: SHENANDOAH VALLEY AGRICULTURAL AND FORESTAL DISTRICTS

LOCALITY TOTALS AND CHANGES OVER TIME

<i>Locality</i>	<i>2009 Acreage</i>	<i>2002 Acreage*</i>	<i>Acreage Change</i>	<i>1990 Acreage*</i>
Alleghany	---	---	---	---
Augusta	15,384.6	15,574.0	-189.4	1,454
Bath	---	---	---	---
Botetourt	---	---	---	---
Clarke	28,000	28,261	-261	27,396
Frederick	7,816.5	13,585	-5768.5	11,601
Highland	---	---	---	---
Page	1,243.4	1,912	-668.6	---
Rockbridge	6,096.9	5,236	860.9	---
Rockingham	22,395.4	26,218	-3,822.7	---
Shenandoah	41,392.2	43,137.5	-1745.3	9,080
Staunton	2,531.8	2,321	210.8	---
Warren	11,112.1	9424	1,688.1	9,424
Valley Region Total	135,972.9	145,668.5	-9,715.6	58,955

* Clarke County historical acreage is for 2002 and 1992.

DISTRICTS BY LOCALITY

<i>Locality/District</i>	<i>2009 Acreage</i>	<i>2002 Acreage</i>	<i>Change</i>	<i>Creation</i>	<i>Term</i>	<i>Renewal</i>
Alleghany	---	---	---	---	---	---
Augusta						
Crimora-Madrid	648.4	1,454	-55%	1998	10	11/2018
Middlebrook	3,850	5,620	-31%	1998	8	12/2014
Middle River	5,694.3	8,500	-33%	1990	10	11/2018
North River	5,192	---	---	2003	10	10/2013
County Total	15,384.6	15,574.0	-1%			
Bath	---	---	---	---	---	---
Botetourt	---	---	---	---	---	---
Clarke						
Clarke County District	28,000	28,261	-1%	1980	6	5/2010
County Total	28,000	28,261	-1%			
Frederick						
Double Church	1,034.3	1,512	-32%	1995	5	2010
Refuge Church	---	472	-100%	1995	5	---
Red Bud	903.6	---	---	2005	5	2010
South Frederick	5,878.6	11,601	-49%	1980	5	2010
County Total	7,816.5	13,585	-42%			
Highland	---	---	---	---	---	---

<i>Locality/District</i>	<i>2009 Acreage</i>	<i>2002 Acreage</i>	<i>Change</i>	<i>Creation</i>	<i>Term</i>	<i>Renewal</i>
Page						
Stonyman	1,243.4	1,912	-35%	2001		
County Total	1,243.4	1,912	-35%			
Rockbridge						
Fancy Hill	2,283.7	2,064	11%	2000	7	5/2014
Hog Back	447.4	447.4	0%	2002	10	4/2012
Maury South	570.9	---	---	2005	10	2/2015
Smith Farms	453.8	792	-43%	2000	10	7/2010
Stillhouse	486.3	---	---	2005	5	2/2010
Sunnyside	705.5	705.5	0%	1999	10	10/2009
Turkey Hill	1,149.3	1228	-6%	2002	10	4/2012
County Total	6,096.9	5,236.0	16%			
Rockingham						
Cross Keys North	718	699	3%	2001	7	4/2015
Cross Keys South	1,221	1,447	-16%	2001	7	4/2015
Dry River	6,583.1	6,828	-4%	2000	10	1/2010
Keezletown North	228.3	4,056	-94%	1998	7	6/2012
Keezletown South	433.5	351	24%	1998	7	6/2012
Oak Grove	1,501.6	1,381	9%	2000	10	1/2010
Ottobine	1,506.6	1,647	-9%	2001	10	7/2011
Spring Creek	3,414.4	2,984	14%	2000	10	1/2010
Western Rockingham	6,788.9	6,825	-1%	2001	10	3/2011
County Total	22,395.4	26,218	-15%			
Shenandoah						
Bauserman-Clem-Grove	996	804	24%	1979	10	2018
Cedar Spring Run	256.9	415.1	-38%	1999	10	2019
Coal Mine Hollow	520.6	525.7	-1%	1995	10	2015
Columbia Furnace	1,457.9	1,345.9	8%	1995	10	2015
Fishers Hill-Sandy Hook	2,292.2	2,379.3	-4%	1984	10	2018
Glaize	296.3	278.3	6%	1995	10	2015
Jerome	388.4	---	---	2003	10	2013
Lebanon Church	876.9	1,156.9	-24%	1995	10	2015
Liberty Furnace	1,915.7	1,752.3	9%	1995	10	2015
Mill Creek	1,343.8	1,334.6	1%	1995	10	2015
Morningstar	808.5	902.7	-10%	1995	10	2015
Mt. Jackson Area	10,411.6	9,903.6	5%	1992	10	2012
New Market	4,133.1	4,839.2	-15%	1985	10	2019
Orkney Springs	1,161.2	1,180.6	-2%	1994	10	2014
Ridgeley Area	583.2	334.6	74%	1995	10	2015
St. Luke	892.9	1,383.1	-35%	1995	10	2015
Toms Brook	1,097.9	1,057.7	4%	1984	10	2018
Tumbling Run	494.6	494.6	0%	1995	10	2015
Wakeman's Grove	5,903.1	6,805.7	-13%	1995	10	2015
Woodstock East	526.4	523.0	1%	1995	10	2015
Woodstock West	5,035.0	5,720.7	-12%	1995	10	2010
County Total	41,392.2	43,137.5	-4%			
Staunton						
Bell's Lane	1,662.3	1,662.3	0%	1997	6	12/2010
Merrifield	561.8	367	53%	1997	6	12/2010
M. O. Carr	86.4	292	-70%	1997	6	12/2010

<i>Locality/District</i>	<i>2009 Acreage</i>	<i>2002 Acreage</i>	<i>Change</i>	<i>Creation</i>	<i>Term</i>	<i>Renewal</i>
Middlebrook	221.3	---	---	2009	4	12/2012
City Total	2,531.8	2,321.0	9%			
Warren						
Rockland	9,384	9,424	1%	1978		
South River	1,192.9	---	---			
Limestone	535.2	---	---			
County Total	11,112.1	9,424	18%			
Valley Region Total	135,972.9	145,668.5	-7%			

APPENDIX E: SAMPLE AGRICULTURAL AND FORESTAL DISTRICT ORDINANCE

From Rockingham County Code – Article XI, Division 1

ARTICLE XI. AGRICULTURAL-FORESTAL DISTRICTS

DIVISION 1. KEEZLETOWN NORTH AGRICULTURAL-FORESTAL DISTRICT

Sec. 17-227. Creation and renewal of district.

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, the Keezletown North Agricultural-Forestal District (hereinafter referred to as "district") is hereby created subject to the conditions and district term set forth in this division and as otherwise provided by § 15.2-4300 through § 15.2-4314 of the Code of Virginia, *mutatis mutandis*, the provisions of which, except as specifically modified herein, are adopted and incorporated herein by reference.

(P.C. Ord. No. 98-6, 6-24-98; P.C. Ord. No. 05-05, 6-22-05)

Sec. 17-228. Description of district.

The Keezletown North Agricultural-Forestal District shall consist of the following land: 2,028.11 acres, more or less, generally located north of the intersection of Indian Trail Road (Route 620) and Caverns Drive (Route 685), east of the intersection of Indian Trail Road (Route 717) and Minie Ball Lane (Route 718), south of the intersection of Armentrout Path (Route 722) and Airey Lane (Route 868), and west of Lairds Knob, which includes the parcels shown on Rockingham County Real Estate Maps, as of the effective date of this district, numbered as 96(A)36A, 96(A)50, 96(A)53, 96(A)53A, 97(A)38, 97(A)41, 97(A)46, 97(A)47, 97(A)54, 97(A)57, 97(A)57A, 97(A)57A1, 97(A)61, 97(A)62, 97(A)62A, 97(A)62B, 97(A)62C, 97(A)62D, 97(A)63, 110(A)124, 110(A)124, 110(A)125A, 111(A)3, 111(A)13, 111(A)33, 111(A)35, 111(A)36, 111(A)37, 111(A)42, 111(A)43, 111(A)48, 111(A)49, 111(A)49A, 111(A)49B, 111(A)49B1, 111(A)57B, 111(A)71, 111(A)71A, 111(A)72, 111(A)72B, 111(A)87D, 111(A)87E, 111(A)88, 111(A)90, 111(A)97, 111(A)98, 111(A)100, 111(A)100A, 111(A)101, 111(A)101C, 111(A)101D, 111(A)101E, 111(A)101F, 112(A)1, 126(A)174, 126(A)177, and 126(A)177A.

(P.C. Ord. No. 98-6, 6-24-98; P.C. Ord. No. 05-05, 6-22-05)

Sec. 17-229. Conditions of district.

The Keezletown North Agricultural-Forestal District shall comply with the following conditions:

(1) Uses, structures, and accessory businesses shall be permitted on a parcel in compliance with the regulations that apply to the zoning of that parcel. However, the following uses shall be prohibited throughout the district:

- a. Golf courses;
- b. Golf driving ranges;
- c. Public campgrounds; and
- d. Auto graveyards or junkyards.

(2) All parcels included in the district must be located fully within the district; no portion of the district parcel shall lie outside the district.

(3) Parcels of land, as now defined in the county real estate records, within the district may be sold in their entirety but not subdivided to a nonfamily member during the term of the district status. However, the parcel under new ownership shall remain in the district status at least until the time of the next scheduled district renewal.

(4) Parcels of land, as now defined in the County real estate records, within the district may only be subdivided by purchase or gift to immediate family members. However, this family subdivision shall remain in the district status for at least as long as the parent parcel remains in the district.

(5) Residences for persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property, or for members of immediate family of the owner, shall be permitted in accordance with the Rockingham County Code.

(6) The existing commercial transmission towers and supporting structures on Lairds Knob on parcel 112 (A) L1 may be expanded in compliance with then-current county permitting guidelines.

(P.C. Ord. No. 98-6, 6-24-98; P.C. Ord. No. 05-05, 6-22-05)

Sec. 17-230. Term and review of district.

The district shall be in effect for seven (7) years, from June 23, 2005, to June 23, 2012. A review of the district, including any additions to the District, may be made by the board of supervisors as provided by, and in accordance with, § 15.2-4309 through § 15.2-4312 of the Code of Virginia.

(P.C. Ord. No. 98-6, 6-24-98; P.C. Ord. No. 05-05, 6-22-05)