



2023 Agricultural & Forestal District Program Annual Report

August 14, 2023

2020-2023 Agricultural District Advisory Committee

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INTRODUCTION

The Agricultural and Forestal District Program was defined in 1979 under state-enabling legislation. The Code of Virginia (§§15.2-4300 through 15.2-4314) characterizes the purpose of an Agricultural and Forestal District Program as a means to “conserve, protect, and encourage the development and improvement of agricultural and forestal lands for the production of food and other agricultural and forestal products, and conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, as well as for aesthetic purposes.”

Agricultural and Forestal Districts (AFDs, or Districts) are rural conservation areas 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 a group of landowners as a mutual undertaking with the local government. By establishing a District, a landowner agrees not to convert his/her farm, forestland, and other open space lands to a more intense commercial, industrial, or residential use during the period of the District, currently a minimum of four years to a maximum of ten years. In return, the local government and the 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 period of the District.

Chapter 1226 of the Loudoun County’s Codified Ordinances (Codified Ordinances) is very similar to the Code of Virginia (Virginia Code) in regard to AFDs. Chapter 1226, Agricultural and Forestal Districts, “...declares Loudoun’s policy is to conserve, protect and encourage the development and improvement of its agricultural and forestal lands for the production of food and other agricultural and forestal products.” Chapter 1226 also declares it to be the policy of the County to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, as well as for aesthetic purposes. The purpose of Chapter 1226 and the ordinances that are adopted pursuant to Chapter 1226 are to provide a means by which agricultural and forestal land may be protected and enhanced as a viable segment of the County’s economy, and as an economic and environmental resource of major importance.

The AFD Program is administered by the Department of Planning & Zoning.

GENERAL OVERVIEW

The AFD Program encumbers the land for the period of the district. Virginia Code prescribes that the period for each AFD shall be no less than four years but not more than ten years from the date of its creation. Loudoun County AFD subdivision minimums range from ten to 50 acres. No subdivisions or boundary line adjustments below subdivision minimums of the district are permitted for the period of the district. Since mid-2012, the Board has established a precedent of renewing Districts for a four-year period only, and all 21 AFDs now have four-year periods (see Table 1).

Requirements for the Creation of an AFD:

Under Virginia Code (§15.2-4305), each AFD shall have a core of no less than 200 acres in one parcel, or in contiguous parcels. A parcel not part of the core may be included in a district based on the following geographic criteria:

- If the nearest boundary of the parcel is within one mile of the boundary of the core, or
- If it is contiguous to a parcel in the district the nearest boundary of which is within one mile of the boundary of the core, or
- If the local governing body finds, in consultation with the advisory committee or planning commission, that the parcel not part of the core or within one mile of the boundary of the core contains agriculturally and/or forestally significant land.

As a result of the geographic eligibility guidelines outlined in Virginia Code, parcels enrolled in a district, yet not part of the core, tend to be scattered within a mile radius from the boundary of the core of the district (see Figure 1).

The existence of multiple 200-acre cores within one district allows it to continue if, for any reason, a parcel is withdrawn that causes the dissolution of one of the cores. Staff believes it is for this reason that landowners initially established districts with multiple cores years ago. In recent years, Board motions for district renewal have included the phrase that the Board's action for renewal is "based on the finding that all parcels recommended for renewal within the [name] Agricultural and Forestal District contains agriculturally and forestally significant land." This addition to motions permits parcels to remain enrolled in the AFD Program in case a 200-acre core falls below 200 acres (however, this does not apply if a district has only one 200-acre core).

AFD Program vs. the County's Land Use Taxation Deferral Program

The AFD Program is a separate and distinct program from the County's land use taxation or tax deferral program. The County's Land Use Assessment Program is managed by the Office of the Commissioner of the Revenue. This program provides for the assessment of qualifying land based on its agricultural, horticultural, forestry or open-space uses rather than residential development market value. A landowner must apply and qualify separately for the County's Land Use Assessment Program

Landowner Benefits of Enrollment in an AFD:

Enrollment in an AFD has several benefits to landowners.

Tax Benefits: Per State enabling legislation, land lying within an AFD and used in agricultural or forestal production is eligible for use-value (land use) taxation whether or not the local government

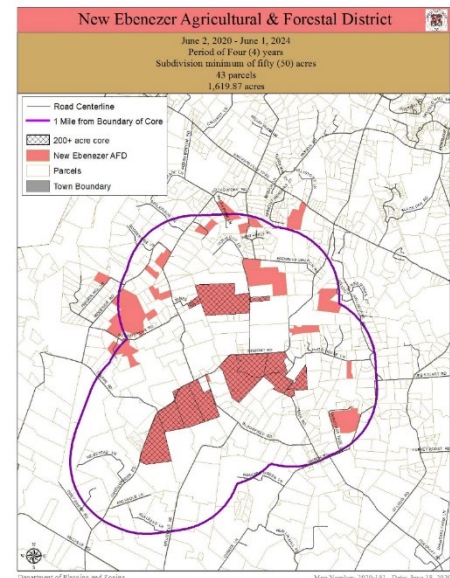


Figure 1: AFD Example

The New Ebenezer AFD above shows multiple adjacent parcels composing a 200+-acre core (red hatched area), with additional participating parcels (solid red) scattered within one mile from the core boundary (circled in purple).

has a county-wide use-value program, if the requirements for such assessment are satisfied. In addition, if the local governing body decides to rescind general land use value assessment, landowners in AFDs would continue to pay lower taxes so long as the land continued to meet state eligibility standards.

Community Benefits: AFDs help protect productive farm, forest and other open space lands which contribute significantly to a community's rural appeal and character. The Districts help protect surface and ground water supplies as well as other natural resources, such as wildlife, open space, farms, and forests. AFDs also help promote efficient community development patterns by helping concentrate new development in and around existing communities where services can be provided in the most cost-effective manner.

Restrictions of Government: AFDs offer some protection from eminent domain. Acquisition of land for power lines, roadways and other infrastructure within a District is subject to a special public review process. Local government may not enact laws, and Homeowners' Associations and/or Covenants may not impose restrictions within a District that would unreasonably restrict farm structures, farming or forestry.

CURRENT LOUDOUN COUNTY AFDs

As of June 30, 2023, Loudoun had 21 AFDs that included 1,094 parcels. The total land enrolled in an AFD encompasses approximately 40,765 acres. Some districts, such as the New Catoctin North AFD, contain a single core of 200 or more contiguous acres. Others, like the New Hillsboro AFD, contain multiple cores each consisting of at least 200 acres of contiguous land. Specific periods and conditions exist by Ordinance for each district, including period limits and subdivision minimums. District periods and conditions are established by the Board when the districts are created and at the time of each district's renewal. Detailed districts within Loudoun County are referenced in Appendix A.

Table 1: Current Loudoun County AFDs

<i>District</i>	<i>Period</i>	<i>Subdivision Minimum</i>	<i>Start Date</i>	<i>End Date</i>
New Aldie	4 years	50 acres	January 3, 2022	January 2, 2026
Beaverdam Valley	4 years	50 acres	June 20, 2022	June 19, 2026
New Bluemont	4 years	20 acres	June 2, 2020	June 1, 2024
New Catoctin North	4 years	20 acres	June 2, 2020	June 1, 2024
New Catoctin South	4 years	20 acres	June 2, 2020	June 1, 2024
Chrysalis Vineyards	4 years	40 acres	November 17, 2021	November 16, 2025
New Ebenezer	4 years	50 acres	June 2, 2020	June 1, 2024
New Featherbed	4 years	40 acres	November 4, 2022	November 3, 2026
Hillbrook	4 years	20 acres	December 19, 2022	December 18, 2026
New Hillsboro	4 years	20 acres	April 11, 2022	April 10, 2026
New Hughesville	4 years	25 acres	December 7, 2021	December 6, 2025
New Lovettsville	4 years	20 acres	January 3, 2021	January 2, 2025
New Lucketts	4 years	20 acres	April 13, 2023	April 12, 2027
Middleburg East	4 years	50 acres	July 18, 2023	July 17, 2027
Middleburg West	4 years	50 acres	July 18, 2023	July 17, 2027
New Mount Gilead	4 years	20 acres	December 7, 2021	December 6, 2025

New Mountville	4 years	50 acres	January 3, 2021	January 2, 2025
New Oak Hill	4 years	40 acres	April 15, 2022	April 14, 2026
Oatlands	4 years	50 acres	April 6, 2023	April 5, 2027
New Rockland	4 years	20 acres	November 16, 2021	November 15, 2025
New Upperville	4 years	40 acres	December 7, 2021	December 6, 2025

Source: AFD Data Files and Board of Supervisors Actions on the Renewal of AFDs.

Land Uses and Agricultural or Forestal Practices on AFD Parcels

Landowners enrolled in Loudoun County's AFDs are engaged in a variety of productive agricultural, horticultural and forestal land uses. Landowners may also be engaging in more than one type of land use on their parcel.

The main agricultural crops produced on parcels enrolled in an AFD are hay, corn, and soybeans. The primary livestock uses on parcels enrolled in an AFD are cattle and sheep. The most common horticultural uses on AFD parcels are grapes, fruit trees and Christmas trees.

ROLE AND CONTRIBUTIONS OF THE AGRICULTURAL DISTRICT ADVISORY COMMITTEE (ADAC)

The Code of Virginia states that the ADAC shall consist of four landowners who are engaged in agricultural or forestal production, four other landowners of the locality, the Commissioner of the Revenue or the local government's chief property assessment officer and a member of the local governing body. The members of the ADAC shall be appointed by and serve at the pleasure of the local governing body. The ADAC shall advise the local planning commission and the local governing body and assist in creating, reviewing, modifying, continuing or terminating districts within the locality. In particular, the ADAC shall render expert advice as to the nature of farming and forestry and agricultural and forestal resources within the district and their relation to the entire locality. The current ADAC members are listed on the cover page as well as in Appendix B.

The ADAC held five meetings during 2022. One meeting was held under an Emergency Ordinance approved by the Board on April 15, 2020, that permitted electronic meetings of County advisory boards but that also allowed members of the public to attend in-person while maintaining physical distancing; four meetings were held in-person. In January, the ADAC met to consider an early withdrawal application and elect new officers for 2022, and in May met to consider two districts for Review/Renewal. The ADAC met in August to consider 2022 Interim Addition applications, and again on September 19, to consider two districts for Review/Renewal. The ADAC works closely with the Department of Planning and Zoning, which is responsible for managing all administrative aspects of the program. Each action or change within the program requires staff to inform landowners by mail.

In 2022, ADAC and staff, in conjunction with the staff from County Attorney's Office and Office of the Commissioner of the Revenue, implemented and instituted the following AFD Program improvements/changes:

- Staff continued the practice begun in 2018 of visiting landowners' properties in an effort to reduce the number of landowners who do not submit renewal applications and who staff is

unable to contact via telephone or e-mail. The effort enabled staff to make contact with more landowners and to also become more familiar with individual parcels as well as general land use existing within districts.

- Staff continues to have working relationships and partnerships with key agencies such as the County's Exemptions and Deferrals Division of the Office of the Commissioner of the Revenue, Loudoun Soil and Water Conservation, and Virginia's Departments of Agriculture and Consumer Services and Forestry, to name a few.
- The County's new land management system, "[LandMARC](#)," which replaces the County's Land Management Information System (LMIS), is due to become operational in 2023.
- ADAC amended its bylaws on April 3, 2023, in accordance with Board direction from July 5, 2022, to adopt standardized, templated set of bylaws for advisory bodies, with modifications based on Virginia Code requirements related to the purpose and creation of the committee. The amended bylaws were approved by the Board on June 20, 2023.

AFD Application Process in Loudoun County and the Role of the AFD Program Administrator:

The Code of Virginia further states that, upon the receipt of any application affecting a new or existing AFD, such application shall be referred to the ADAC for review.¹ The ADAC reviews the applications and makes recommendations concerning the applications or modifications thereof to the Planning Commission. In December, 2011, the Board of Supervisors amended Chapter 1226 of the Codified Ordinances, to require owners of parcels between five and 20 acres to submit a renewal application.

Once landowners have submitted the necessary documents to the Department of Planning and Zoning, staff compiles and organizes the documents for review by the ADAC. The ADAC then makes a recommendation to the Planning Commission and the Board. Staff drafts legal advertisements and staff reports for the items to be reviewed at both the Planning Commission and the Board public hearings. After both the ADAC and the Planning Commission have reviewed items and made recommendations, the AFD items are then considered by the Board at a public hearing.

After the Board takes action, any changes to an AFD must be updated in the County Ordinance specific to that District, as well as updating the forthcoming LandMARC, and the County's Mapping database (WebLogis). The updated District Ordinance is posted online and emailed to departments within the County (such as the Office of the Commissioner of the Revenue, Building and Development), as well as to external agencies such as the Virginia Department of Forestry and Loudoun Soil and Water Conservation District to alert them of changes to an AFD.

The Department of Planning and Zoning receives the largest number of landowner inquiries when a district is renewing. However, applications to be included within AFDs ("interim additions") may be submitted on an ongoing basis and processed annually; the annual deadline for receipt of an interim addition application is June 1st of each year. Staff processes withdrawal requests from landowners throughout the year as the requests are received.

¹ Staff also notes that under the Code of Virginia, local ordinances, comprehensive plans, land use planning decision, administrative decisions and procedures affecting land adjacent to any AFD shall take into account the AFD's existence and the purposes of the Agricultural and Forestal Districts Act. As such, staff analyzes legislative land applications for impacts upon AFDs and communicates such analyses to the Planning Commission and Board of Supervisors.

Overview of the AFD Program – 2018 through 2022:

Data in Table 2 below reflects AFD participation and acreage changes by Election District from 2018 through June 30, 2023. During this period, participation in the Blue Ridge District ranged from a low of 597 currently in 2023 to a high of 645 parcels in 2019, and overall acreage declined, from 29,441.13 acres in 2018 to 28,242.86 acres in 2023. The number of parcels in the Catoctin District ranged from 557 parcels in 2018 to 497 parcels in 2023. Acreage has declined from 13,943.22 acres in 2018 to 12,476.53 acres in 2023. Termination of the Supercalifragilisticexpialidiously Beautiful AFD on July 17, 2019, left the Dulles District with no land enrolled in the AFD Program.

Table 2: AFD Participation Comparison 2018-2023

Participation in AFDs by Election Districts*						
	Blue Ridge		Catoctin		Dulles	
	Parcels	Acres	Parcels	Acres	Parcels	Acres
2018	644	29,441.13	557	13,943.22	6	206.78
2019	645	29,296.02	543	13,693.53	6	206.78
2020	601	28,272.94	514	13,108.97	0	0
2021	614	28,870.09	515	13,101.95	0	0
2022**	600	29,406.44	506	12,141.43	0	0
2023***	597	28,242.86	497	12,476.53	0	0
Net Change	-47	-1,198.27	-60	-1,466.69	-6	-206.78

*The use of 2011 election districts permits analysis from prior years. Staff acknowledges that 2022 redistricting results in replacement of the Blue Ridge district with the Little River district, and that a substantial portion of the Blue Ridge district is becoming part of the Catoctin District.

**2022 parcel numbers revised due to limitations inherent in County systems that inadvertently assigned more parcels to the Blue Ridge Election District and fewer parcels to the Catoctin Election District.

***Through June 30, 2023

From Fiscal Year 2021 through Fiscal Year 2023, Department of Planning and Zoning staff, the ADAC, Planning Commission and the Board reviewed the following parcels enrolled in the AFD Program:

Table 3: AFD Actions Comparison FY2021-FY2023

	FY2021	FY2022	FY2023
AFDs Renewed	2	9	4
Total Parcels Reviewed During Renewal	141	426	110
Parcels Requesting Early Withdrawal	1	1	4
Parcels Added to Existing AFDs (Interim Additions)	29	11	3
New AFDs Established	0	0	0
Existing AFDs Terminated	0	0	0

Source: AFD Data Files and Actions by the Board of Supervisors

The data shows that the total AFD enrolled acreage has decreased from 43,591.13 acres in 2018 to

40,765.27 acres in 2023². The primary reason for the substantial decline in acreage during FY2023 is the early withdrawal of four parcels (426.18 acres) from three AFDs and the withdrawal during review and renewal of the nine parcels (375.74 acres) of Orme Farm from the Oatlands AFD. The average parcel size in the Blue Ridge Election District increased from 45.32 acres in 2018 to 47.31 acres in 2023. The average parcel size in the Catotcin Election District increased from 25.03 acres in 2018 to 25.10 acres in 2023. For the County overall, average parcel size increased from 36.12 acres in 2018 to 37.26 acres in 2023.

In the period from January 1, 2021, through June 30, 2023, 535 parcels were enrolled in the 13 AFDs under review and renewal. The ADAC evaluation criteria approved by the Board excluded 31 parcels, or 5.7 percent, for failure to properly re-apply as shown in the table below. In line with staff expectations, the exclusion rate is generally declining, falling from near or above 10 percent to under three percent in two of the last three years. Two reasons explain the decline:

- All AFDs have undergone review using the new renewal procedures, and, as such, almost all parcels now have land management plans on file with the County.
- The Board policy of renewing AFDs for four years rather than ten years increases the likelihood that staff has more up-to-date telephone and electronic contact information for landowners. Having such information is valuable when staff attempts to contact landowners when required renewal applications have not been received.

The New Hillsboro AFD was the one major exception to the declining number of exclusions due primarily to the district's status as the last district to have a ten-year period and the lack of contact information for landowners during review and renewal in FY22.

Table 4: Changes to AFD Parcels in 2021-2023

	Total Parcels Enrolled*			Parcels Excluded/ Percent of Total**	Parcels Voluntarily Withdrawn **
	2021	2022	2023		
New Aldie	22			0	0
Chrysalis Vineyards/Locksley Estate	4			0	0
New Hughesville	9			0	1
New Mount Gilead	70			3	1
New Rockland	6			1	0
New Upperville	62			0	0
<i>Cumulative Total</i>	<i>173</i>			<i>4/2.3%</i>	<i>2</i>
Beaverdam Valley		62		2	1
New Hillsboro		177		22	0
Oak Hill		13		1	1
<i>Cumulative Total</i>		<i>252</i>		<i>25/9.9%</i>	<i>2</i>
Hillbrook			42	0	0

² Total AFD acreage includes all land included within the 21 AFDs, and differs from AFD acreage by election district, since two parcels enrolled in the New Bluemont AFD include 19.85 acres that are located in Clarke County.

New Featherbed			8	1	0
Oatlands			25	1	9
New Lucketts			35	0	1
<i>Cumulative Total</i>			110	<i>2/1.8%</i>	<i>10</i>
Overall Total	535			31/5.7%	14

Source: AFD Data Files and Actions by the Board of Supervisors

*As of January 1 of Year That Review/Renewal Occurred

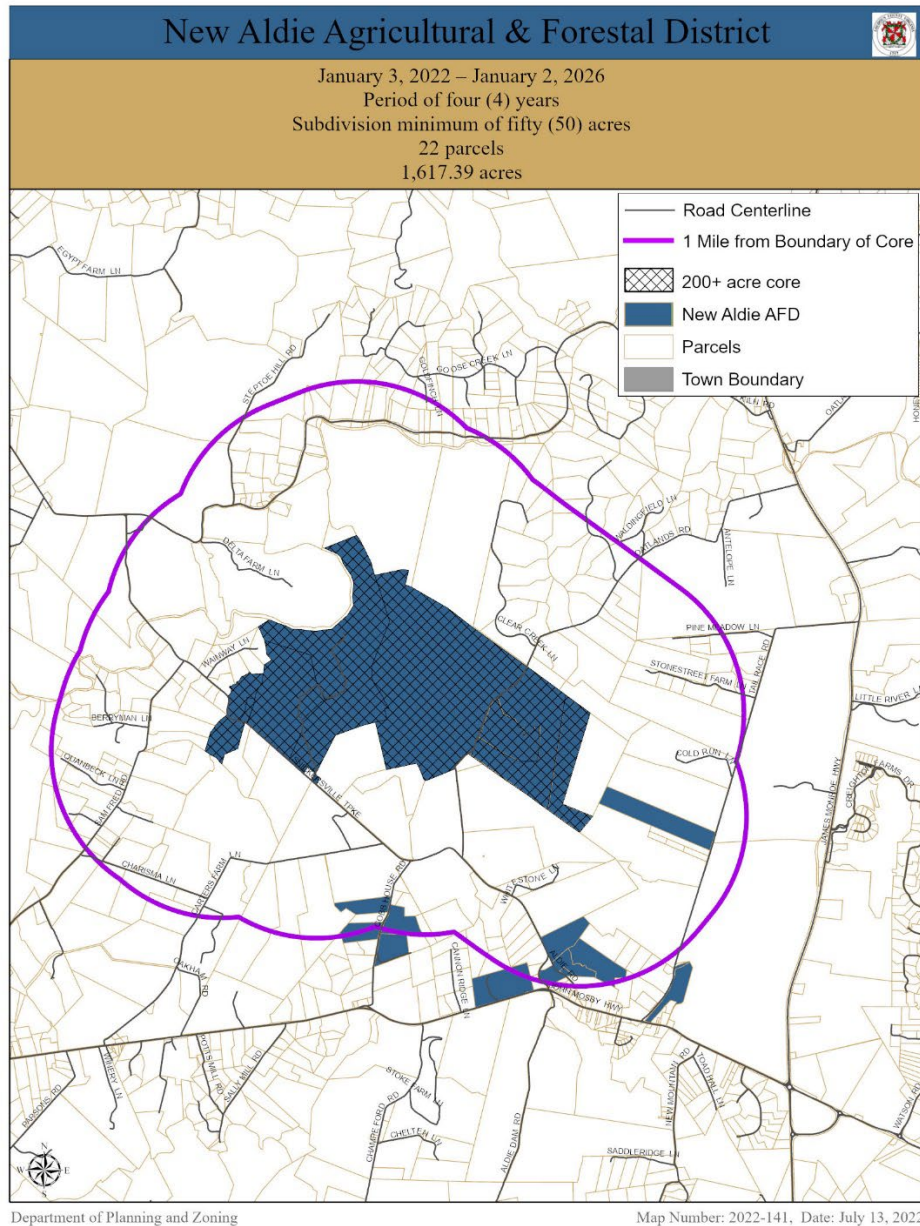
** Excluded or Withdrawn during Review/Renewal Process

APPENDIX A

INDIVIDUAL

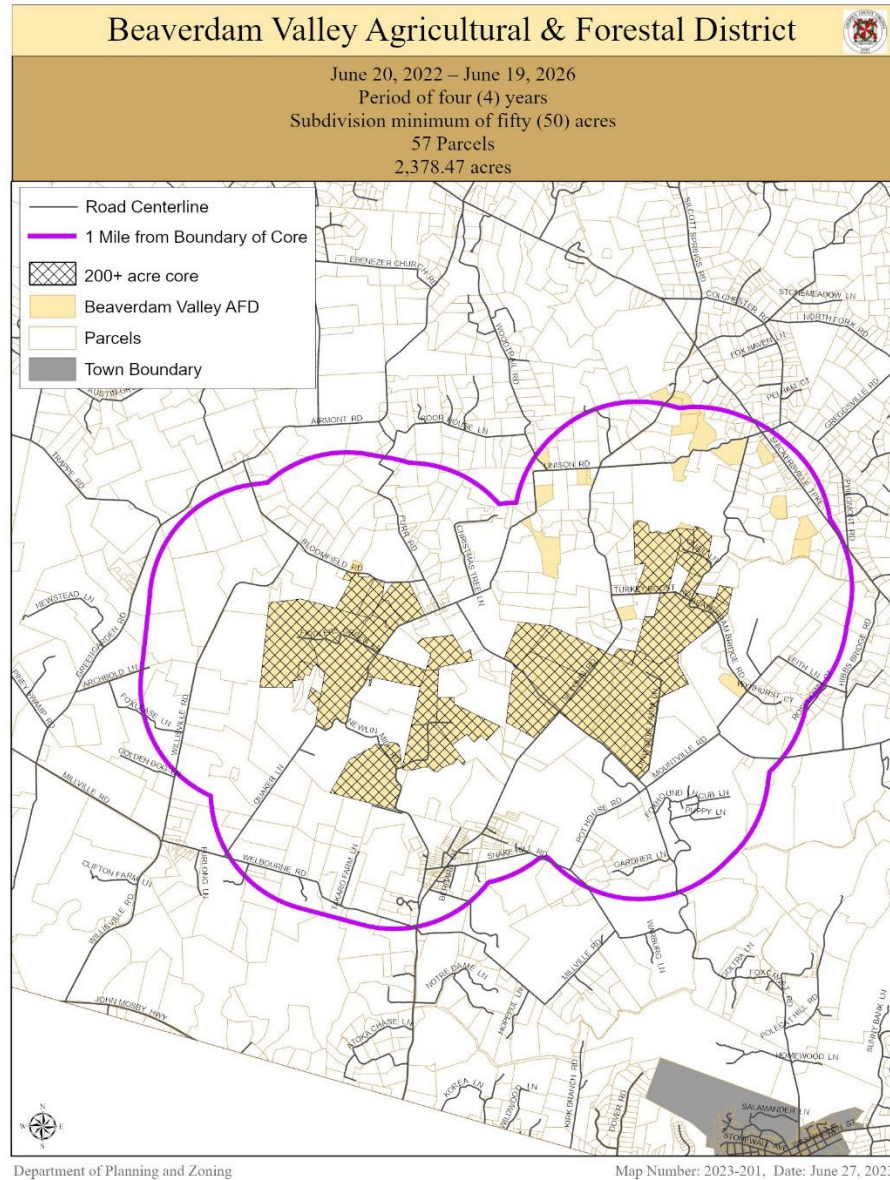
AGRICULTURAL & FORESTAL DISTRICTS

NEW ALDIE AFD



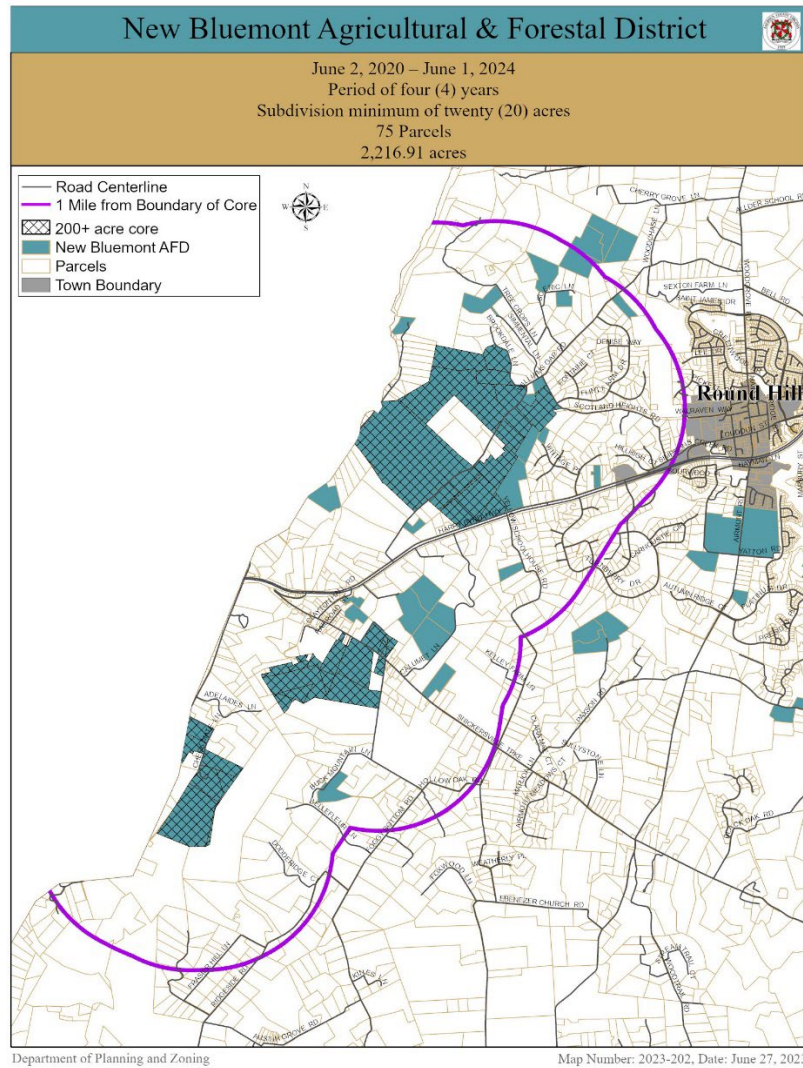
Created 1/12/1981
Subdivision Minimum 50 Acres
Expires 1/2/2026
1,617.39 Acres
22 Parcels

BEAVERDAM VALLEY AFD



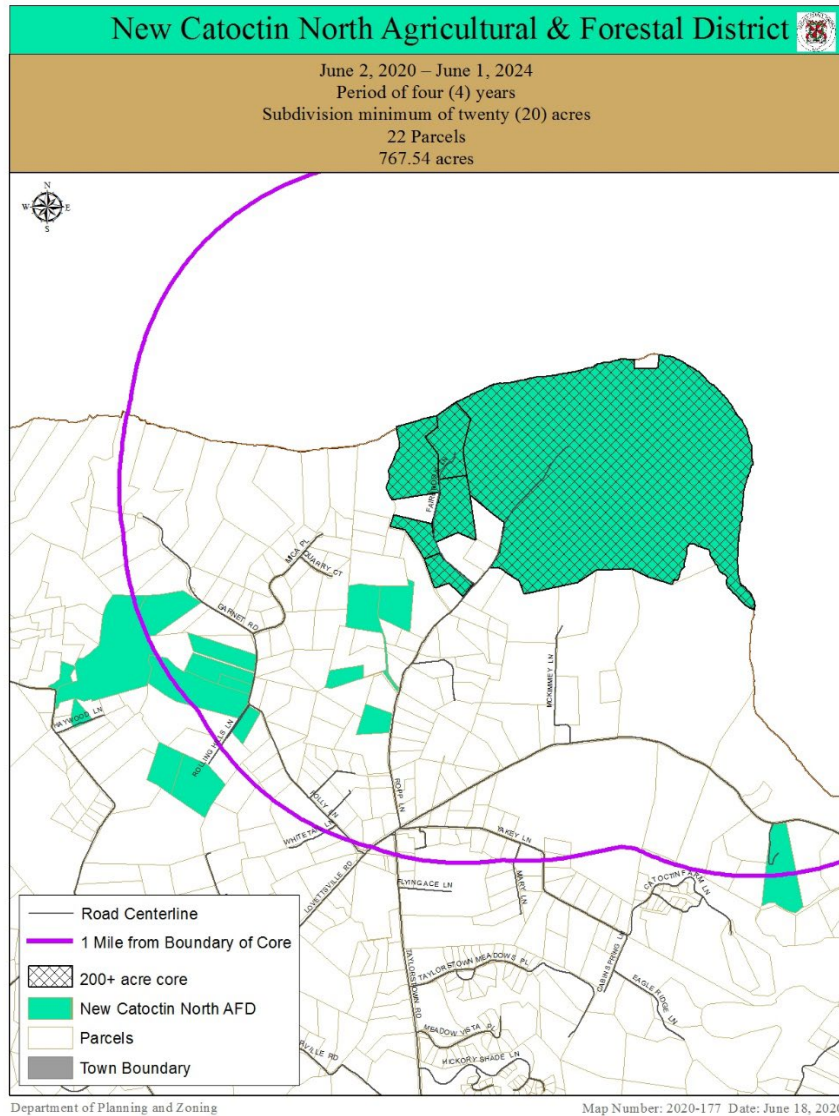
Created 7/21/1980
Subdivision Minimum 50 Acres
Expires 6/19/2026
2,378.47 Acres
56 Parcels

NEW BLUEMONT AFD



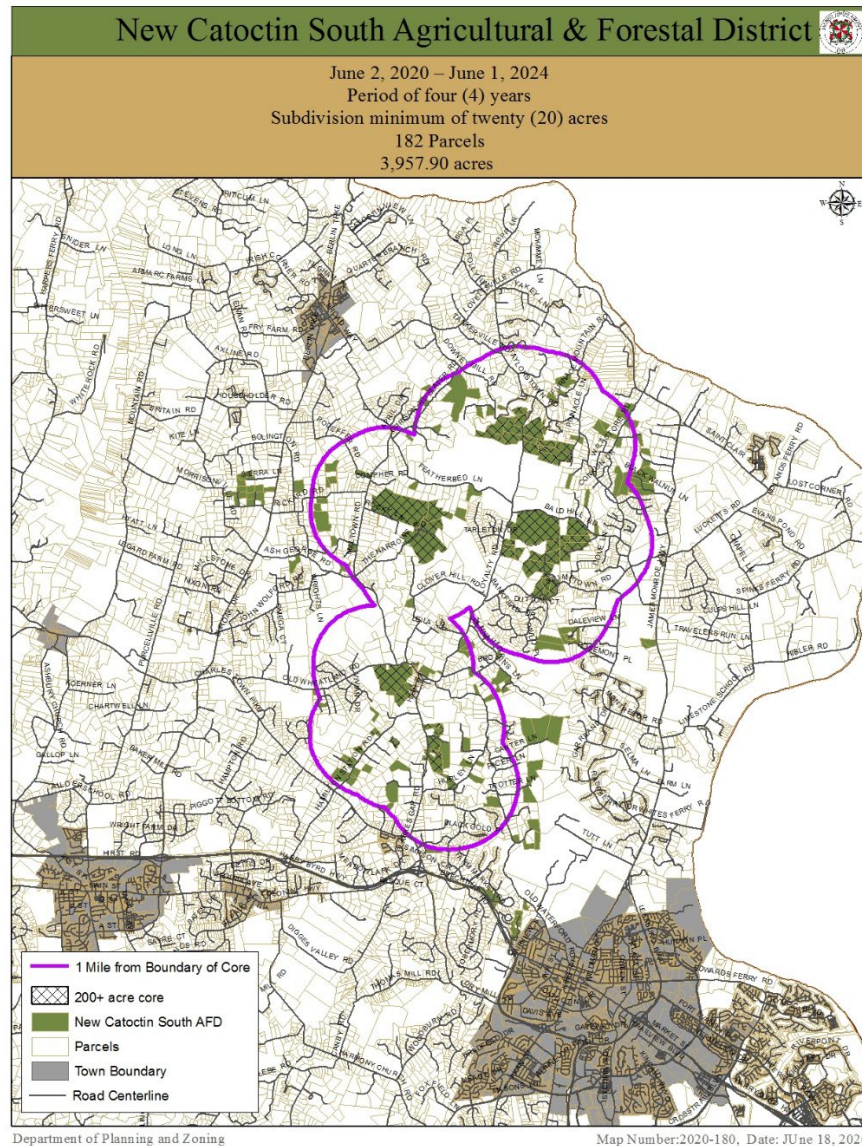
Created 7/21/1980
Subdivision Minimum 20 Acres
Expires 6/1/2024
2,216.91 Acres
76 Parcels

NEW CATOCTIN NORTH AFD



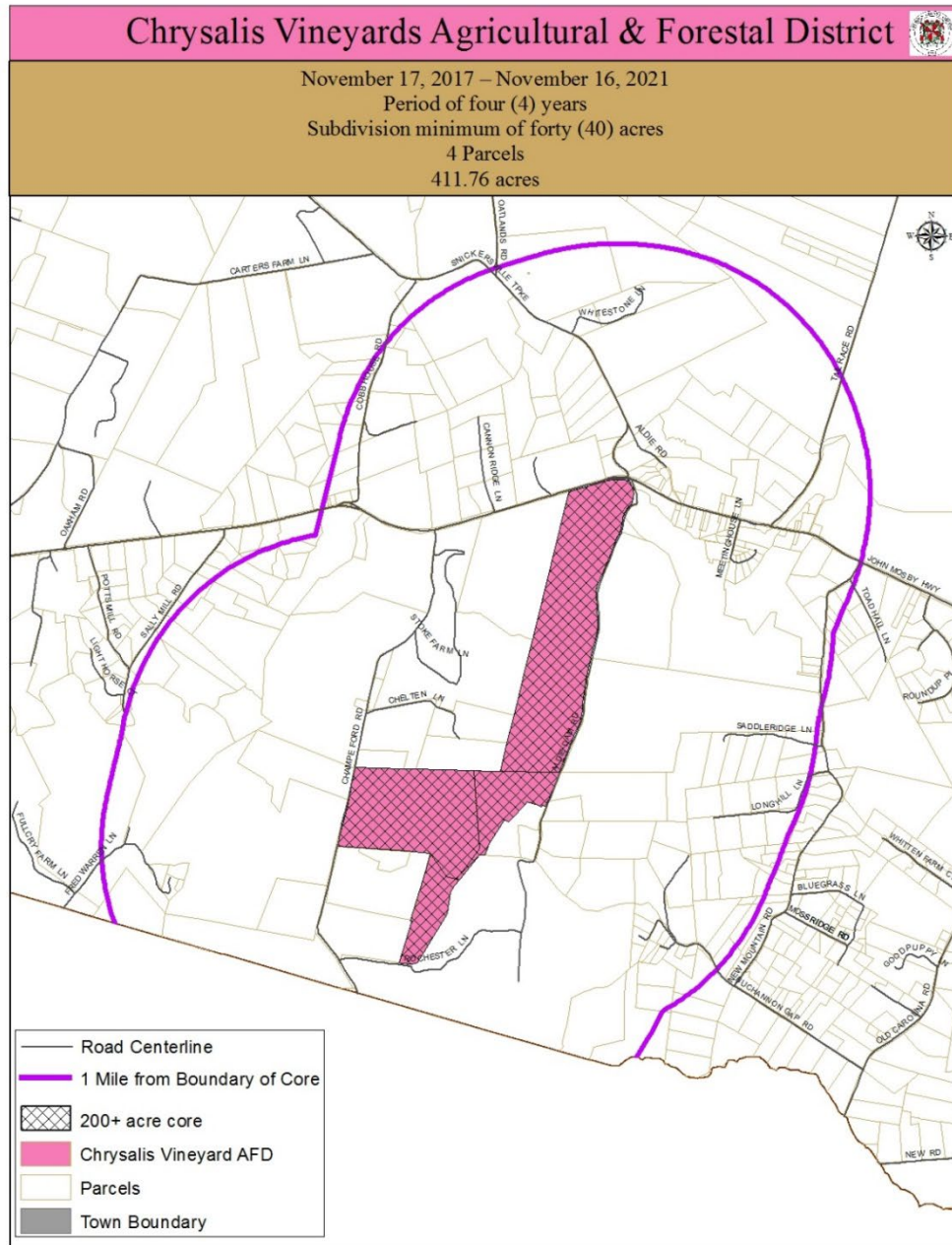
Created 6/30/1980
Subdivision Minimum 20 Acres
Expires 6/1/2024
767.54 Acres
22 Parcels

NEW CATOCTIN SOUTH AFD



Created 6/30/1980
Subdivision Minimum 20 Acres
Expires 6/1/2024
4,018.85 Acres
188 Parcels

CHRYSLIS VINEYARDS/LOCKSLEY ESTATE AFD

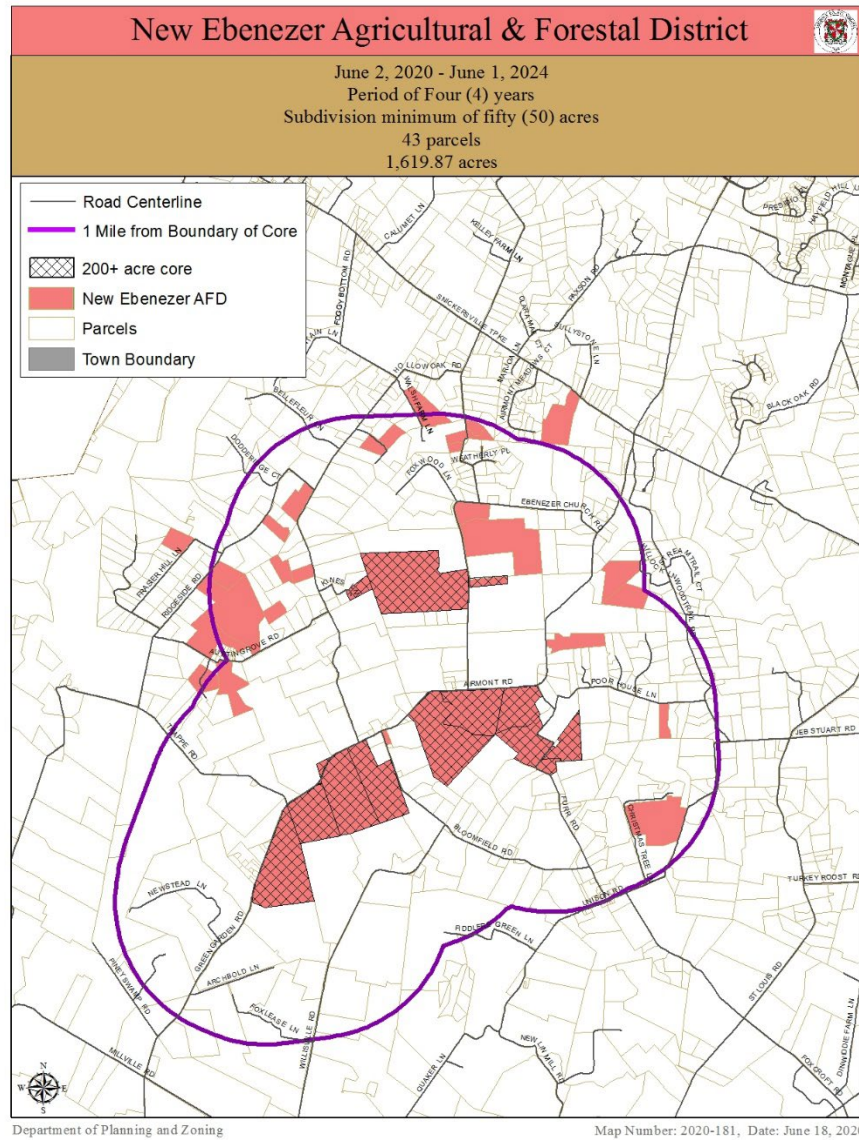


Department of Planning and Zoning

Map Number:2018-239, Date:July 31, 2018

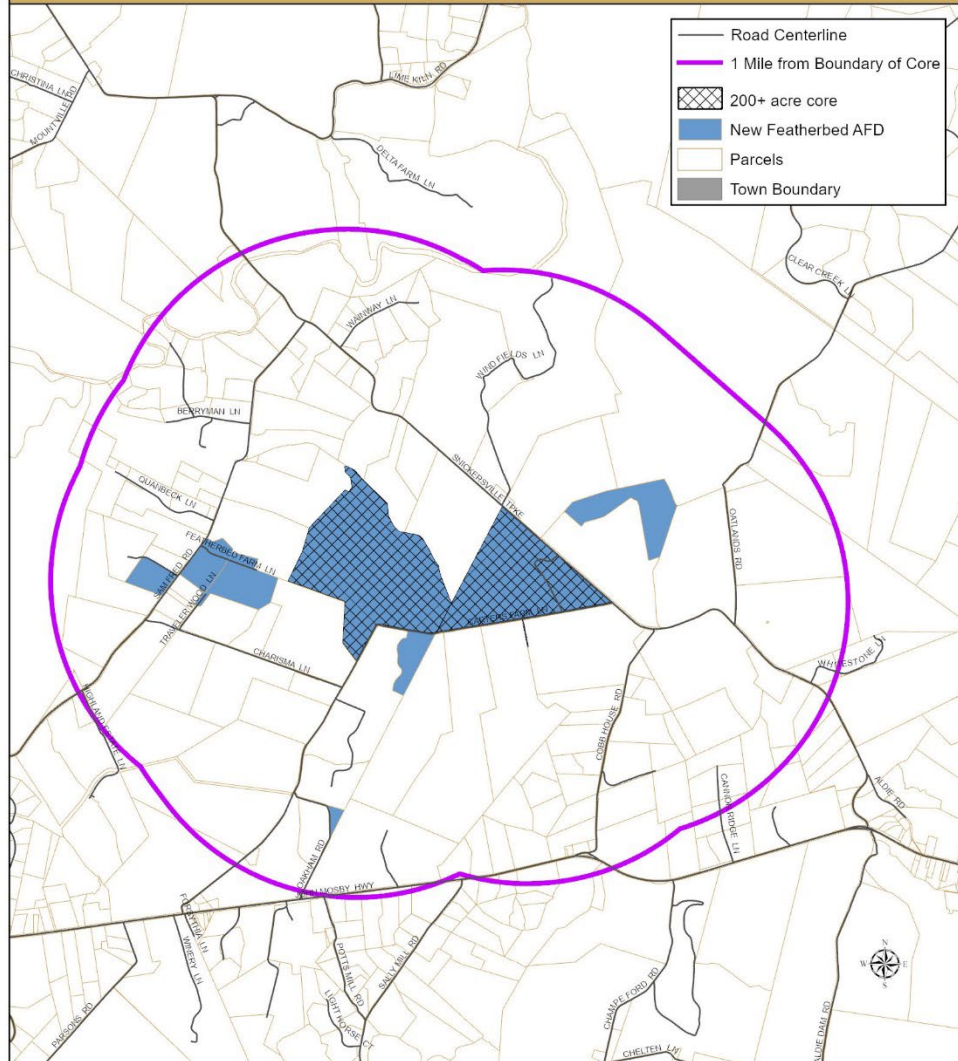
Created 11/17/2009
Subdivision Minimum 40 Acres
Expires 11/16/2025
411.76 Acres
4 Parcels

NEW EBENEZER AFD



Created 7/21/1980
Subdivision Minimum 50 Acres
Expires 6/1/2024
1,639.09 Acres
45 Parcels

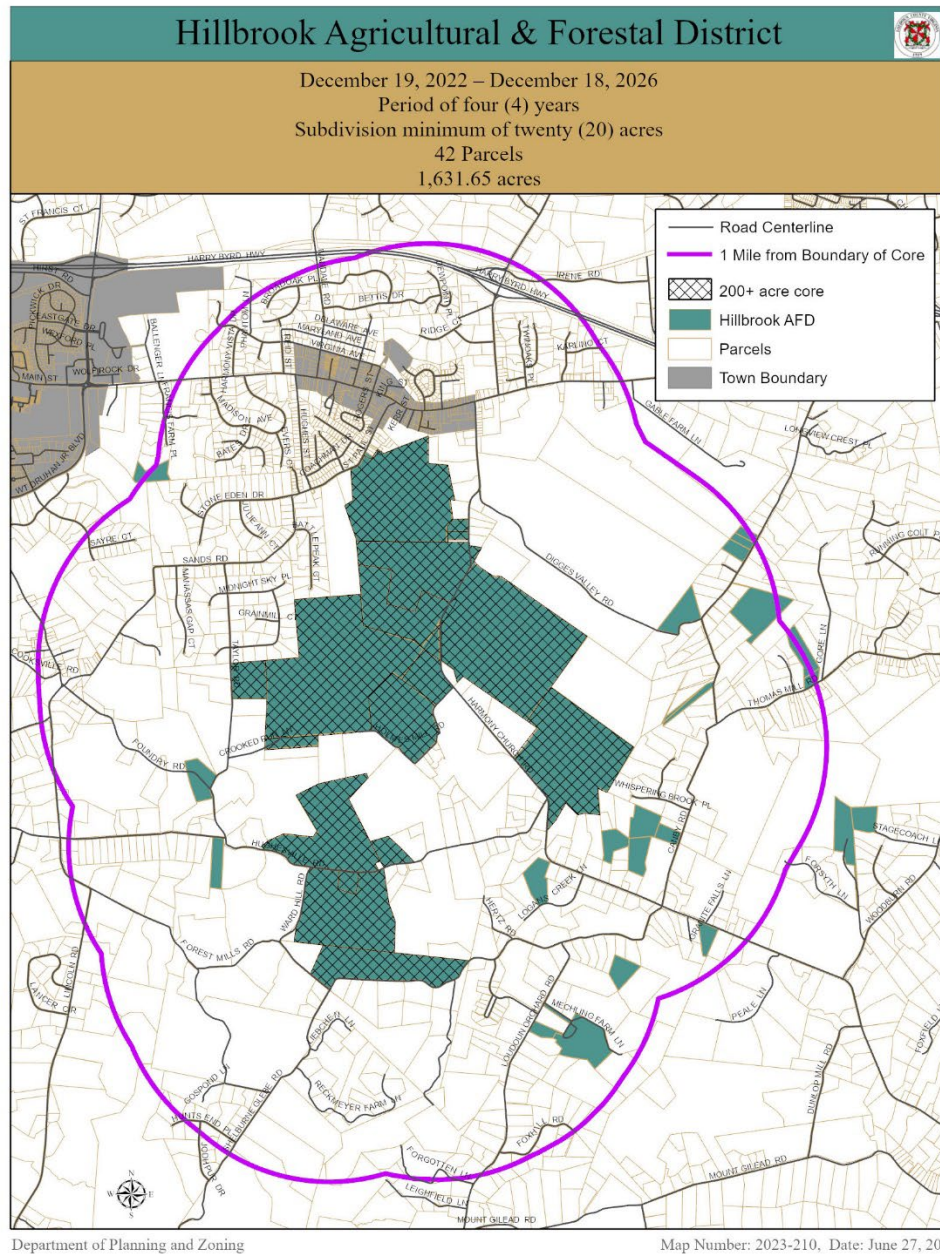
New Featherbed Agricultural & Forestal District



Map Number: 2023-209, Date: June 27, 2023

Created 11/5/1984
Subdivision Minimum 40 Acres
Expires 11/3/2026
407.32 Acres
8 Parcels

HILLBROOK AFD

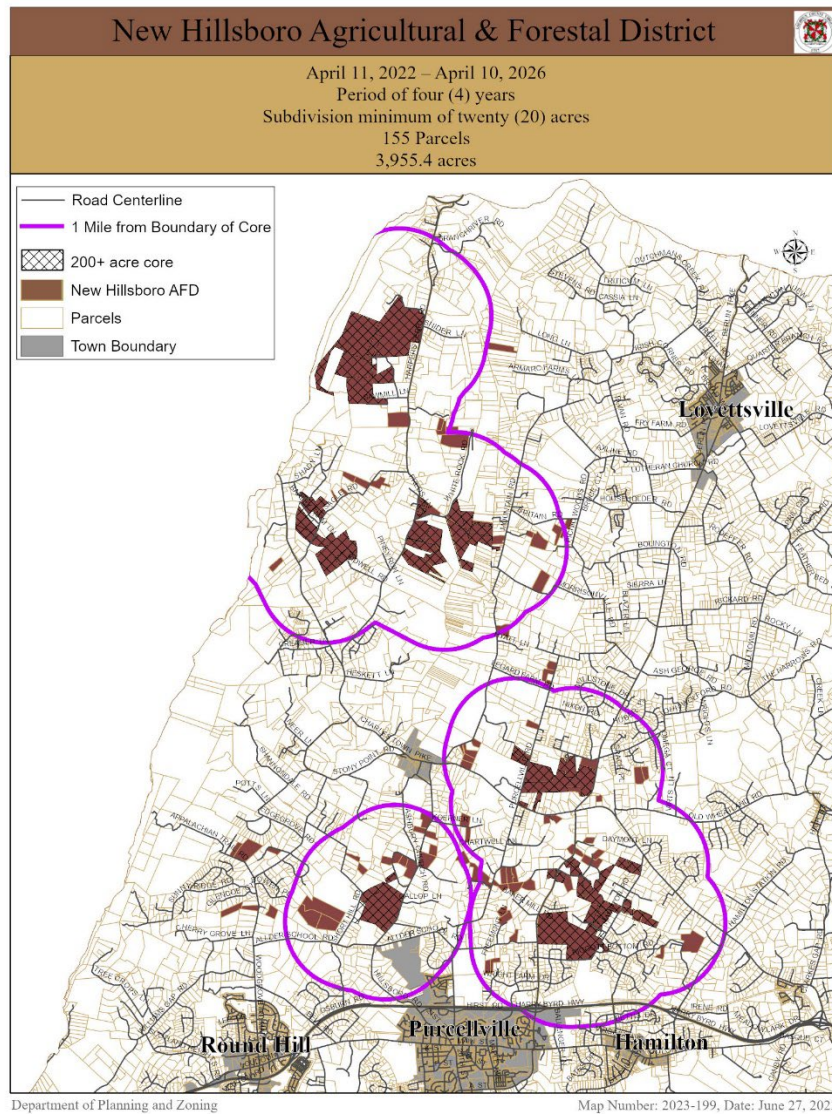


Department of Planning and Zoning

Map Number: 2023-210, Date: June 27, 2023

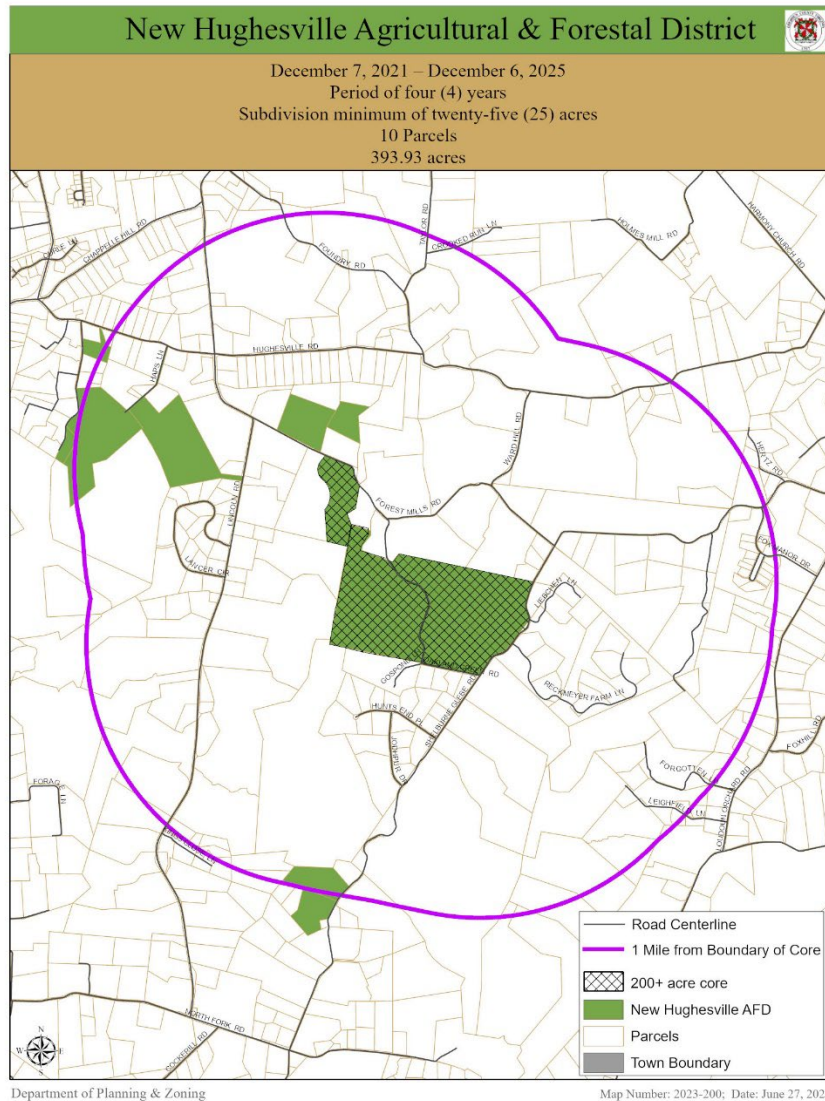
Created 12/19/1988
Subdivision Minimum 20 Acres
Expires 12/18/2026
1,631.65 Acres
42 Parcels

NEW HILLSBORO AFD



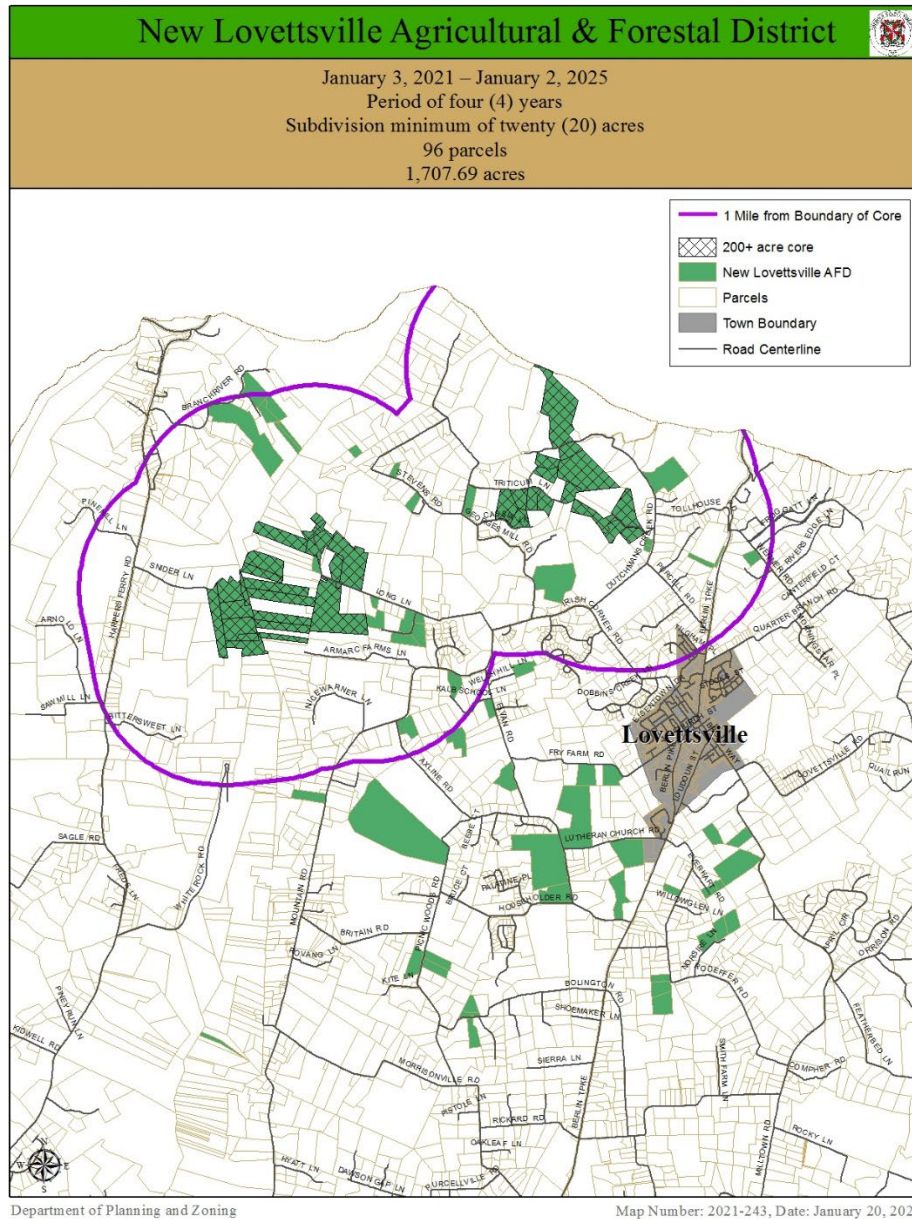
Created 4/21/1980
Subdivision Minimum 20 Acres
Expires 4/11/2026
3,955.40 Acres
155 Parcels

NEW HUGHESVILLE AFD



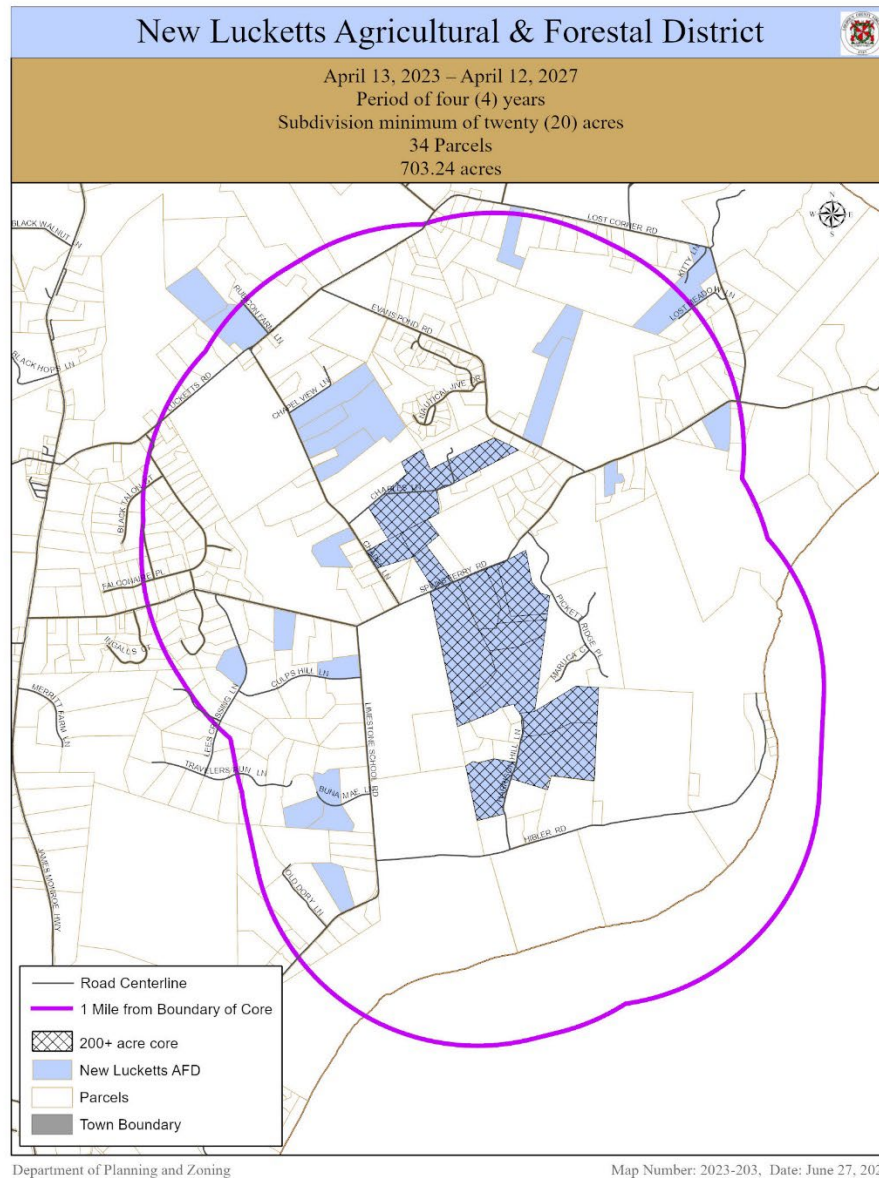
Created 12/7/1987
Subdivision Minimum 25 Acres
Expires 12/6/2025
393.93 Acres
10 Parcels

NEW LOVETTSVILLE AFD



Created 1/12/1981
Subdivision Minimum 20 Acres
Expires 1/2/2025
1,707.92 Acres
96 Parcels

NEW LUCKETTS AFD



Created 5/3/1984

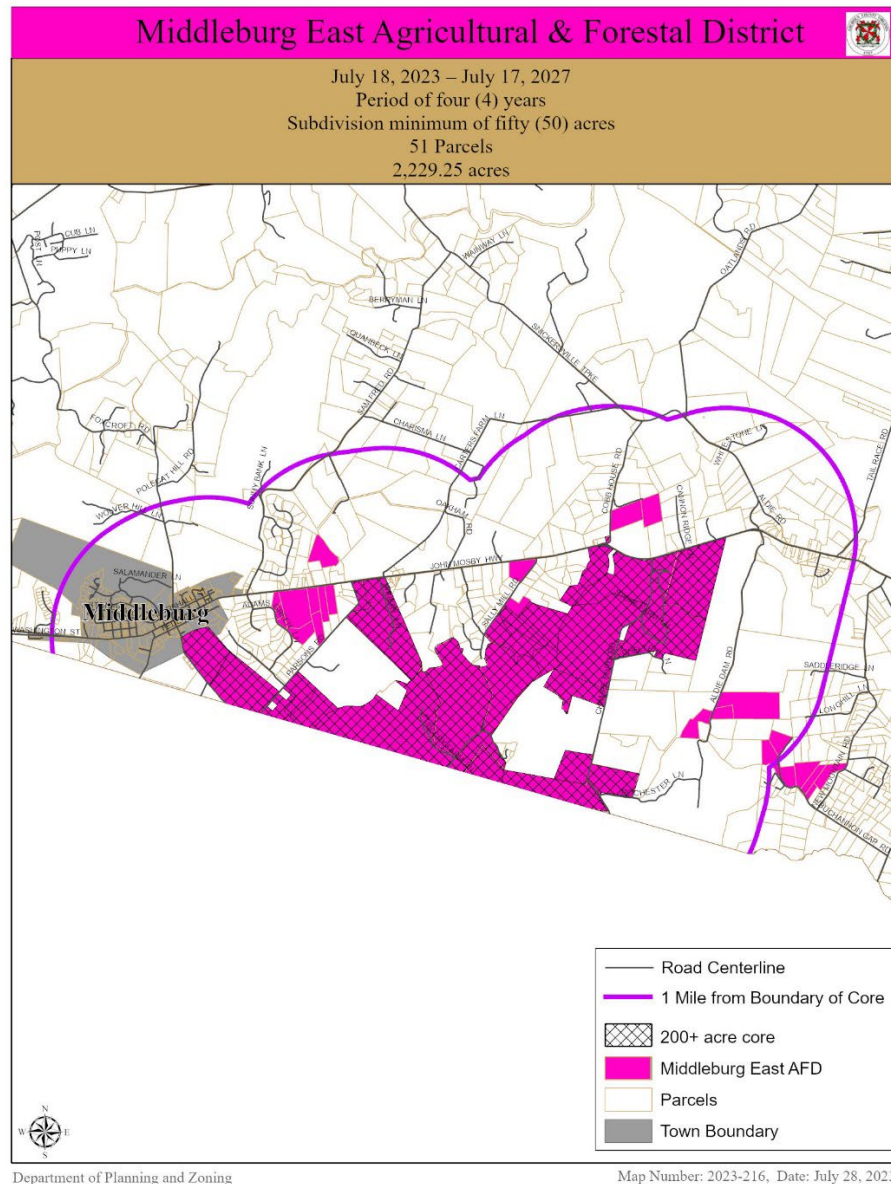
Subdivision Minimum 20 Acres

Expires 4/12/2027

703.24 Acres

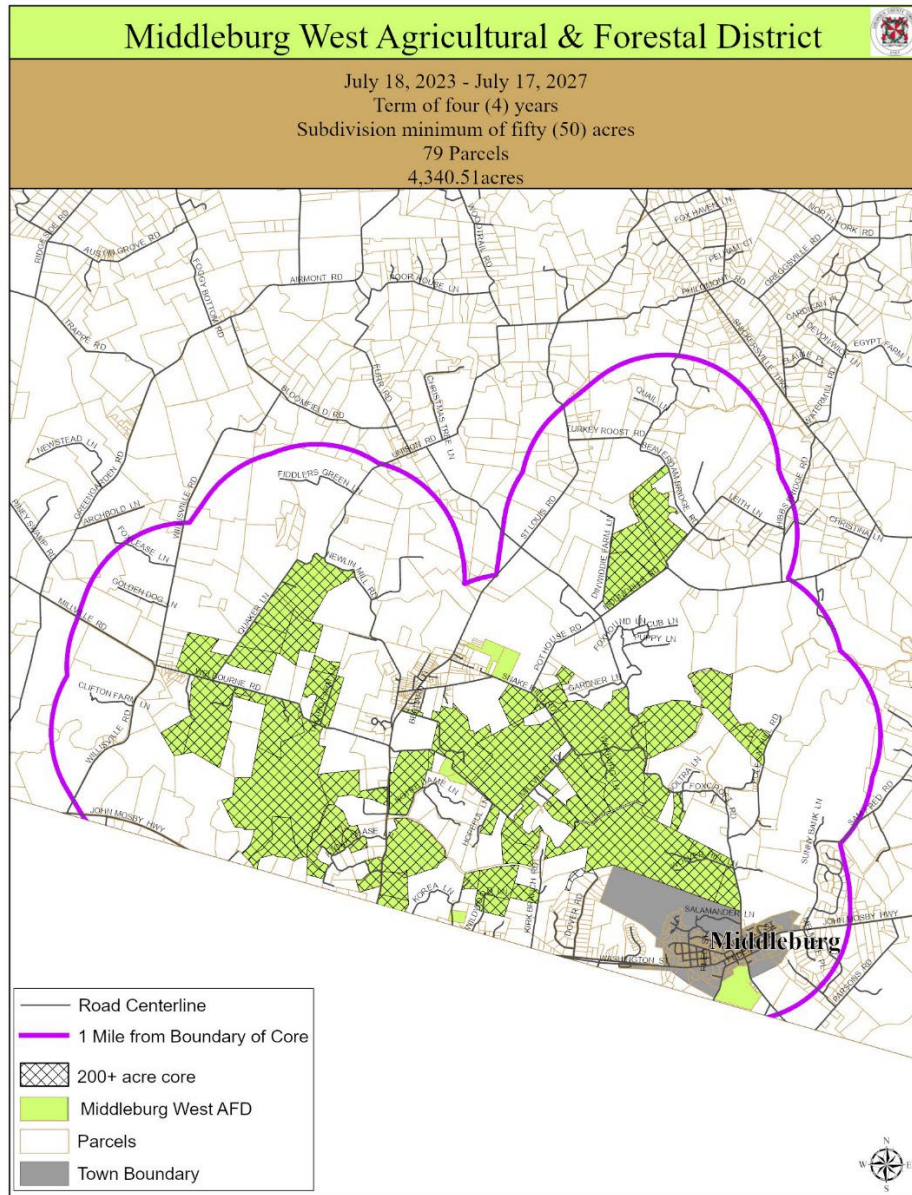
34 Parcels

MIDDLEBURG EAST AFD



Created 7/18/1989
Subdivision Minimum 50 Acres
Expires 7/17/2027
2,231.75 Acres
51 Parcels

MIDDLEBURG WEST AFD

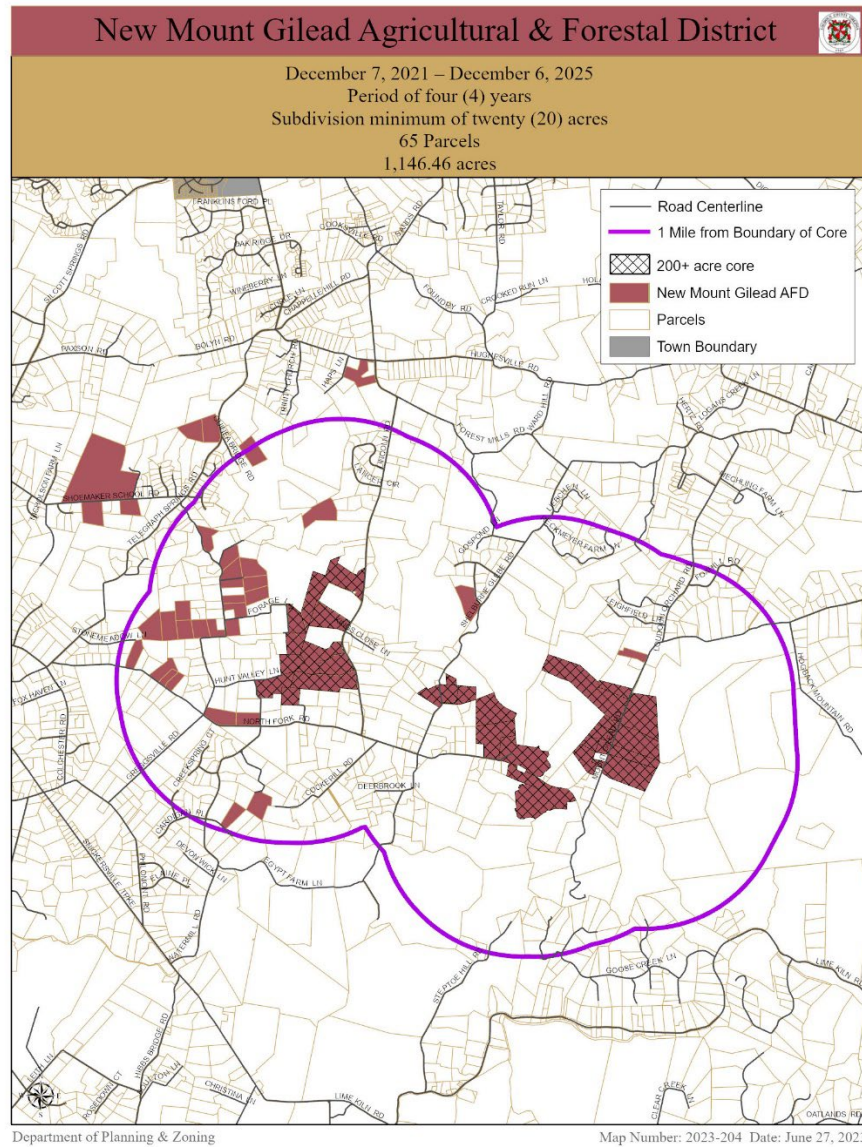


Department of Planning & Zoning

Map Number: 2023-217, Date: July 28, 2023

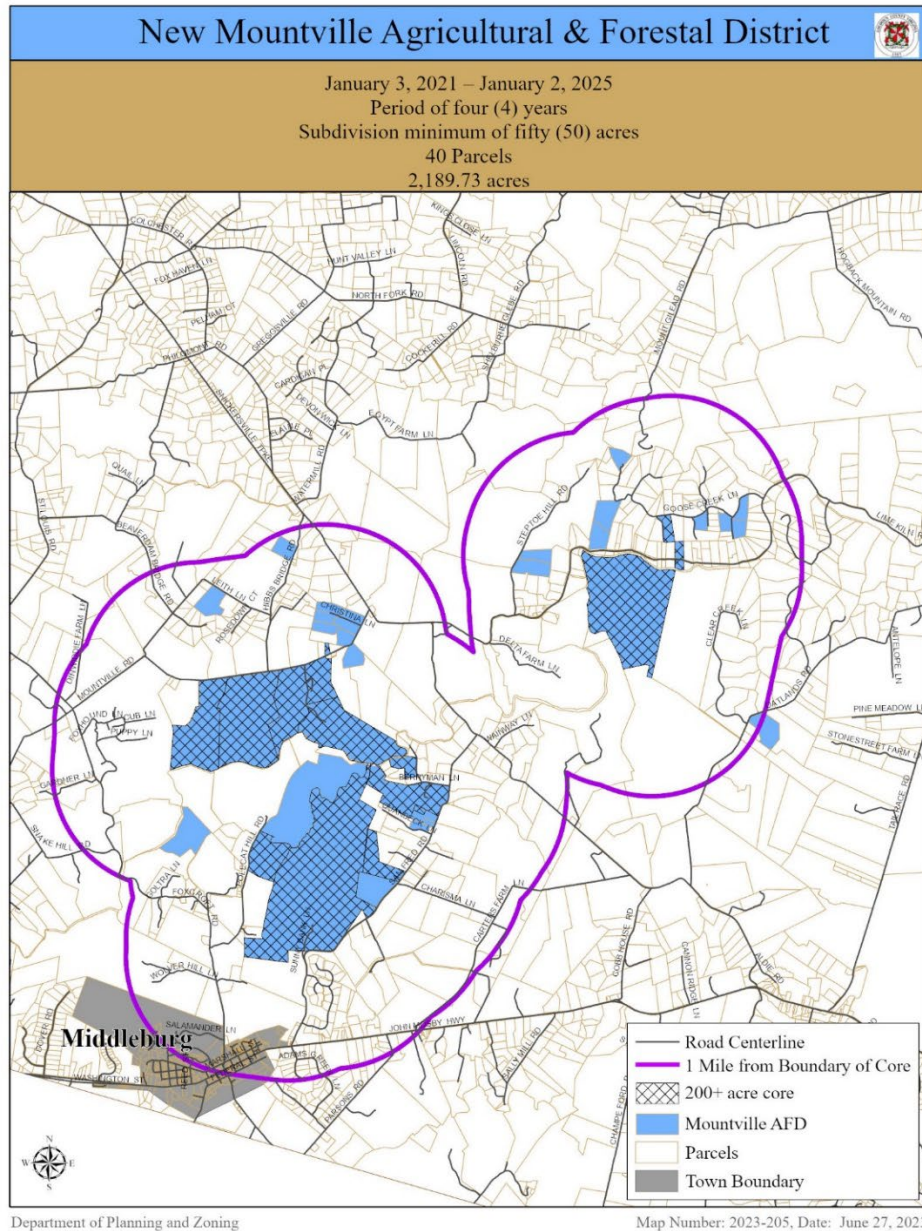
Created 7/18/1989
Subdivision Minimum 50 Acres
Expires 7/17/2027
4,340.51 Acres
79 Parcels

NEW MOUNT GILEAD AFD



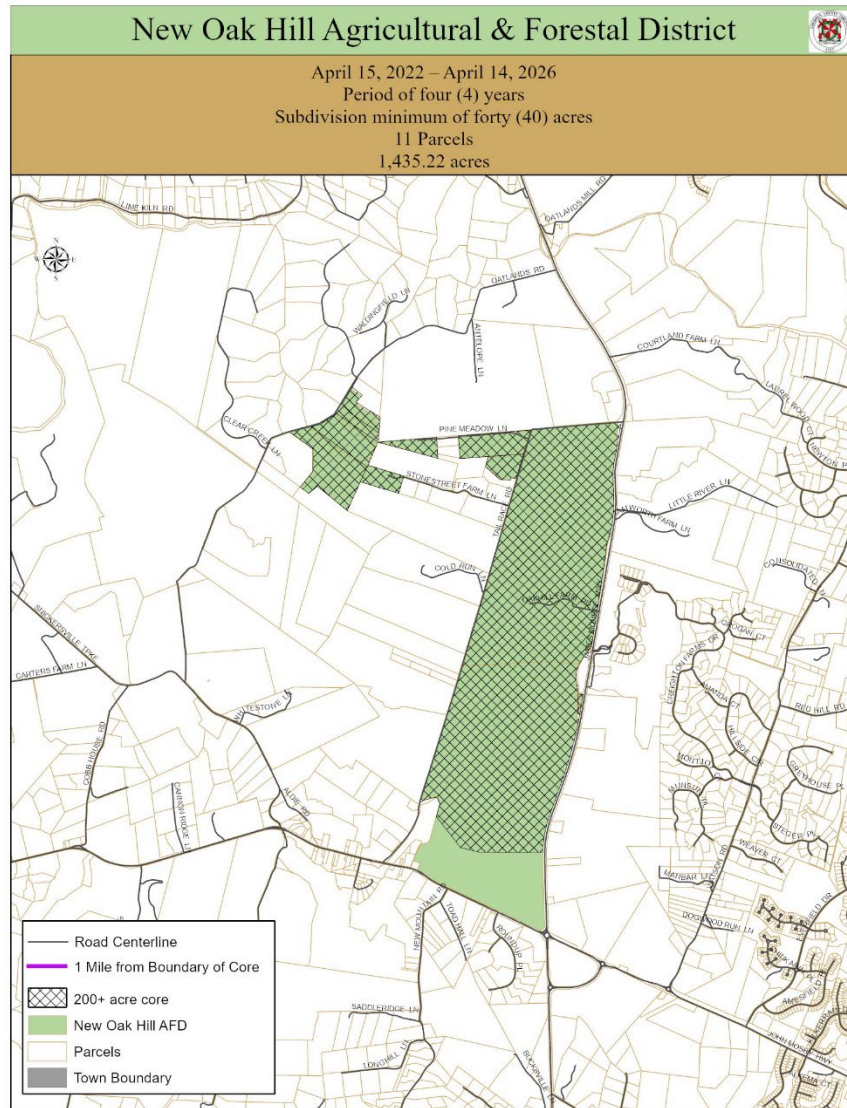
Created 12/17/1979
Subdivision Minimum 20 Acres
Expires 12/6/2025
1,146.46 Acres
65 Parcels

NEW MOUNTVILLE AFD



Created 11/16/1981
Subdivision Minimum 50 Acres
Expires 1/2/2025
2,189.73 Acres
40 Parcels

NEW OAK HILL AFD

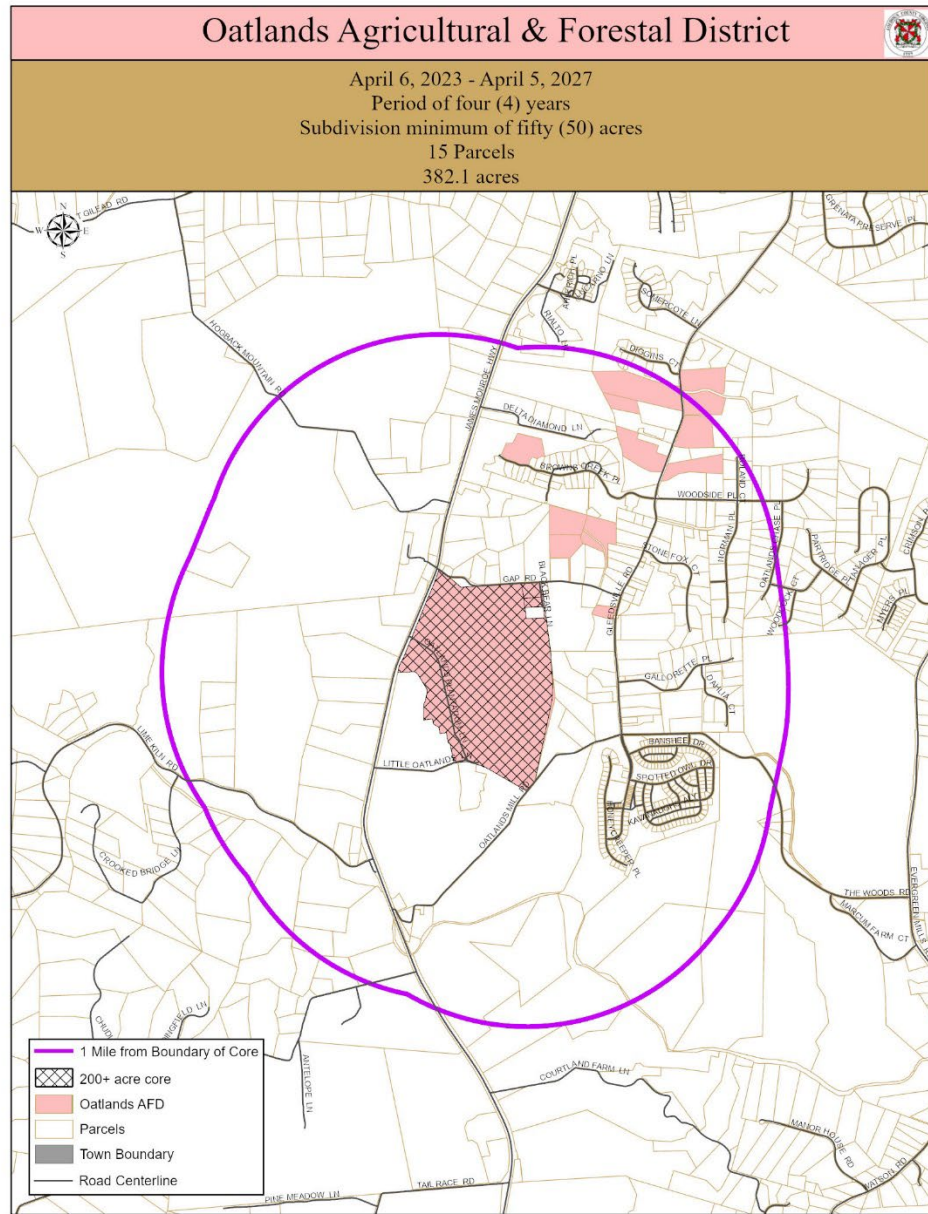


Department of Planning and Zoning

Map Number: 2022-089, Date: April 18, 2022

Created 4/19/1982
Subdivision Minimum 40 Acres
Expires 4/14/2026
1,435.22 Acres
11 Parcels

OATLANDS AFD

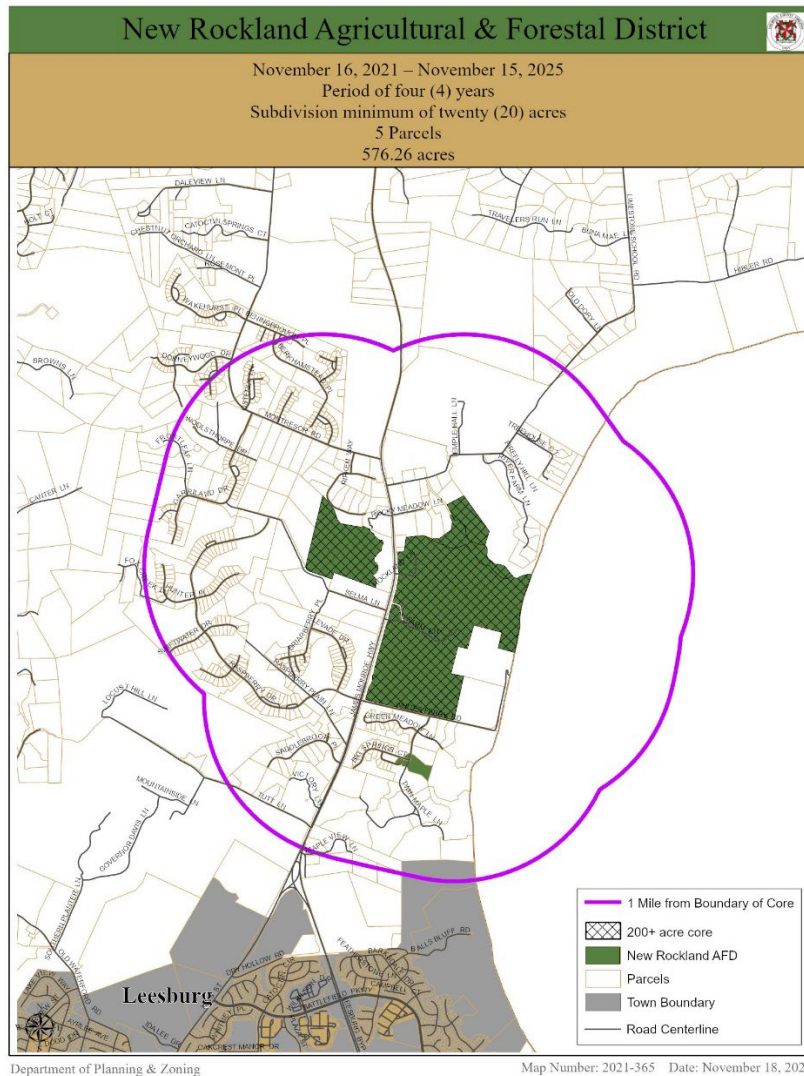


Department of Planning and Zoning

Map Number: 2023-206, Date: June 27, 2023

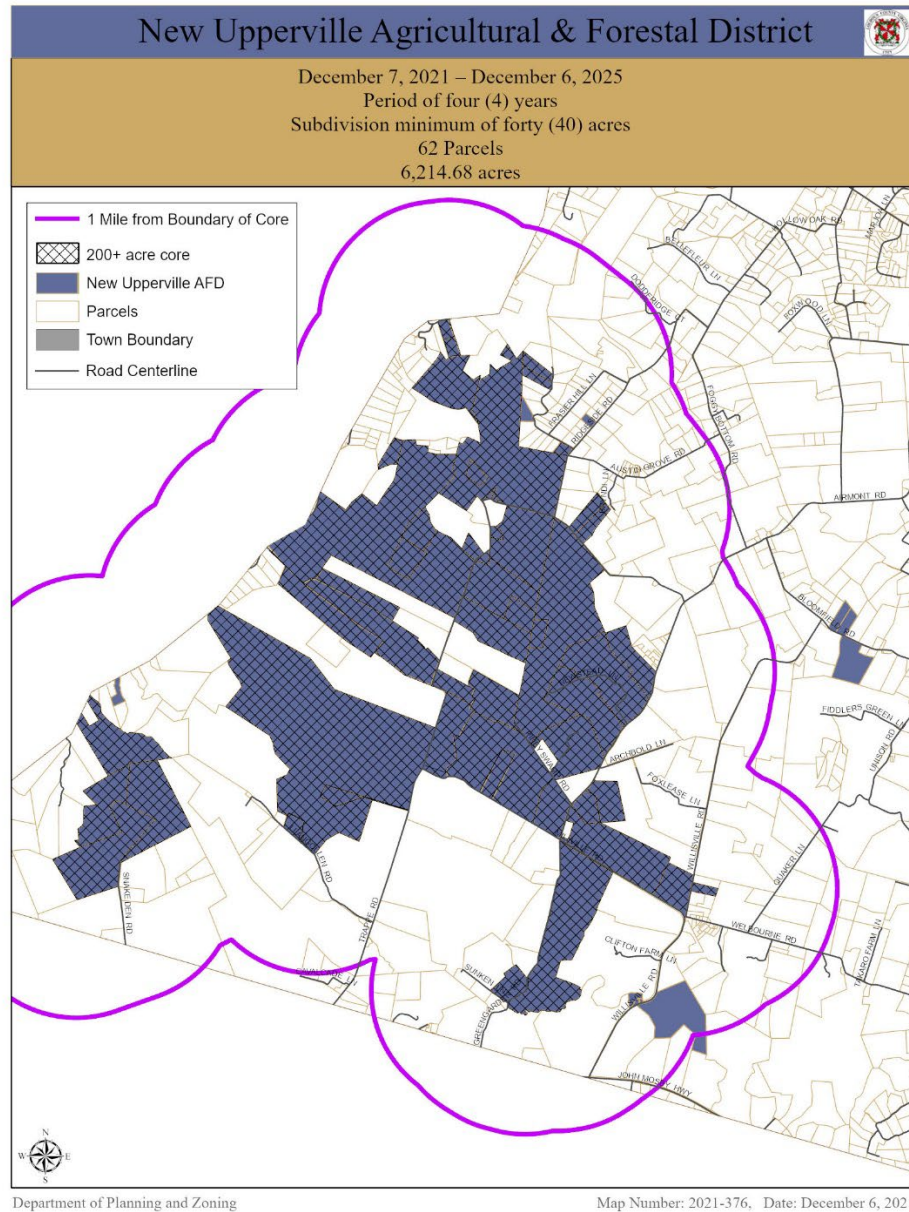
Created 4/5/2005**Subdivision Minimum 50 Acres****Expires 4/5/2027****382.1 Acres****15 Parcels**

NEW ROCKLAND AFD



Created 11/16/1987
Subdivision Minimum 20 Acres
Expires 11/25/2025
576.26 Acres
5 Parcels

NEW UPPERVILLE AFD



Created 12/17/1979
Subdivision Minimum 40 Acres
Expires 12/6/2025
6,188.85 Acres
62 Parcels

APPENDIX B

2020 – 2023 AGRICULTURAL DISTRICT ADVISORY COMMITTEE

Membership: 10 (four landowners engaged in agriculture or forestal production, four other landowners of the locality, one commissioner of revenue or property assessment officer, and one member of the local governing board)

CITIZEN MEMBERS

CHAIR: Eleanore Meredith
Stephen Bradford
Jay Frankenfield

VICE CHAIR: Daniel (Chuck) Hedges
Vacancies (4)

MANDATED MEMBERS

Robert S. Wertz, Jr.
Commissioner of the Revenue
1 Harrison Street SE, MSC#07
Leesburg, VA 20175
703-777-0145
robert.wertz@loudoun.gov

Caleb Kershner
BOS Representative
1 Harrison Street SE 5th Floor
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STAFF

Marchant Schneider, ADAC Liaison, Marchant.Schneider@Loudoun.gov
Rachael Iwanczuk, AFD Administrator, Rachael.Iwanczuk@Loudoun.gov
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