



*VIRGINIA DEPARTMENT  
OF AGRICULTURE AND  
CONSUMER SERVICES*

**OFFICE OF FARMLAND PRESERVATION**

**ANNUAL REPORT**

By:

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Commissioner of Agriculture and Consumer Services

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## EXECUTIVE SUMMARY

This report presents the primary accomplishments of the Office of Farmland Preservation (OFP) for the period of December 1, 2017 – November 30, 2018.

Significant accomplishments for OFP during this reporting period include the following:

- Continued to work with key agriculture, conservation, and government partners to refine the allocation process for state matching funds to local purchase of development rights (PDR) programs;
- Allocated \$308,076.17 in state matching funds to five local PDR programs, of which \$250,000 was new funding and \$58,076 was reallocated funding from FY 2015;
- Worked with local PDR programs to permanently preserve 319 acres (two easements) of working farm and forest lands in two localities. OFP provided \$126,360 of the \$450,000 in total purchase price and transaction costs paid for these easements;
- Delivered two workshops/presentations to a variety of audiences. Topics included resiliency priorities for Virginia and important issues for the African American farm and forest landowner communities;
- Continued to oversee the Virginia Farm Link database. During the reporting period, 16 active farm owners received 22 individual requests from six active farm seekers interested in discussing various transition options;
- Allocated \$25,000 to Virginia Cooperative Extension (VCE) to reimburse VCE for 10 workshops designed to help farm families and professional service providers transition farms and farming operations and to create a forestry land transition workbook entitled “Generation NEXT: Keeping Your Woodland Intact, In Forest and in Your Family’s Hands,” which is intended as a companion to the “Planning the Future of Your Farm” workbook; and
- Continued collaboration with the Virginia Farm Bureau Federation on the management of the Certified Farm Seekers Program. During the reporting period, one farm seeker was certified.

## OVERVIEW

Section 3.2-203 of the Code of Virginia requires the Commissioner of the Department of Agriculture and Consumer Services (VDACS) to submit a written report on the operation of the Office of Farmland Preservation (OFP) to the chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources by December 1 of each year.

The following are the specific powers and duties of OFP as established in § 3.2-201 of the Code of Virginia:

- “1. To develop, in cooperation with the Department of Small Business and Supplier Diversity, the Virginia Farm Bureau Federation, the American Farmland Trust, the Virginia Land Conservation Foundation, the Virginia Outdoors Foundation, the Virginia Association of Counties, and the Virginia Cooperative Extension: (i) model policies and practices that may be used as a guide to establish local purchase of development rights programs; (ii) criteria for the certification of local purchase of development rights programs as eligible to receive grants, loans or other funds from public sources; and (iii) methods and sources of revenue for allocating funds to localities to purchase agricultural conservation easements;
2. To create programs to educate the public about the importance of farmland preservation to the quality of life in the Commonwealth;
3. To provide technical, professional, and other assistance to farmers on matters related to farmland preservation;
4. To provide technical, professional, and other assistance to local governments interested in developing additional farmland preservation policies and programs. Such policies and programs shall include (i) use value assessment and taxation pursuant to §§ 58.1-3230 and 58.1-3231; (ii) transfer of development rights pursuant to Article 7.1 (§ 15.2-2316.1 et seq.) of Chapter 22 of Title 15.2; (iii) agricultural and forestal districts pursuant to Chapter 43 (§ 15.2-4300 et seq.) of Title 15.2; and (iv) establishment of local lease of development rights; and
5. To administer the Virginia Farm Link program established pursuant to § 3.2-202.”

In addition, § 3.2-201 was expanded in 2008 to include the following language regarding the allocation of state matching funds to local purchase of development rights (PDR) programs:

“State grants shall be distributed to local purchase of development rights programs under policies, procedures, and guidelines developed by the Office of Farmland Preservation. In general, for each \$1 in grant moneys awarded by the Office, the applicable local purchase of development rights program of the county or city shall be required to provide a \$1 match. However, as part of these policies, procedures, and guidelines developed by the Office, the Office shall include incentives that recognize and encourage counties and cities participating in use value taxation pursuant to Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1.”

In establishing OFP, the General Assembly created a program to address two challenges that threaten the future viability of Virginia's agriculture industry sector. The first of these challenges is an aging farm population coupled with the difficulty young prospective farmers face when seeking to enter the profession. The average principal farm operator in Virginia is 59.5 years of age, and 36 percent are aged 65 or older.

The second challenge relates to the loss of farm and forest land to developed uses in Virginia. In 1960, 13.5 million, or 54 percent, of Virginia's approximately 25 million acres was classified as farmland. In 2012, the total was 8.3 million acres, or 33 percent, a decrease of 5.1 million acres, or 21 percent, of farmland in only 52 years.

According to the Farmland Information Center, a public/private partnership between the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service and American Farmland Trust, Virginia lost an estimated 59,100 acres of agricultural land to developed uses between 2002 and 2007 and an estimated 39,600 acres between 2007 and 2012. Overall between 1982 and 2012, Virginia lost an estimated 497,300 acres of agricultural land to developed uses. These data are from the 2012 National Resources Inventory conducted by USDA. A similar trend occurred with rural land overall. When looking at agricultural land, forestland, and other rural land combined, Virginia lost an estimated 254,900 acres directly to developed uses between 2002 and 2007, an estimated 116,100 acres directly to developed uses between 2007 and 2012, and an estimated 1,351,000 acres directly to developed uses between 1982 and 2012.

The 2012 Census of Agriculture conducted by USDA National Agricultural Statistics Service also captures the change in land used for farming during the same time period, though these data do not illustrate whether farmland was converted to developed uses, left fallow, managed for conservation, or used for other purposes. These data indicate that between 1997 and 2002, there was a 128,796 acre decline in "land in farms" in Virginia. This decline significantly increased between 2002 and 2007, with a 520,904 acre decline in "land in farms" during this five-year period. However, these data also indicate an increase of 198,519 acres of "land in farms" between 2007 and 2012. (The 2017 U.S. Census of Agriculture data was collected from Virginia farmers between December 2017 and February 2018, with results expected to be released in spring 2019.)

While the two data sets track different information, and while the 2012 Census of Agriculture actually shows an increase in land in farms for the period between 2007 and 2012, taken together, they illustrate a decreasing amount of farmland available for agricultural use in Virginia over time. In many parts of the state, this loss of available farmland increases the competition for the land that remains. The result is an increase in land values, which threatens the economic viability of farms by making it harder to generate the income needed to pay for the land from farm income. This loss also results in increased fragmentation of the remaining farm and forest land. This fragmentation places additional pressure on farmers and foresters who now face a public that is increasingly divorced from production agriculture.

## ACCOMPLISHMENTS

The following are the accomplishments of the office during December 1, 2017 – November 30, 2018:

### **ADMINISTERING PDR MATCHING FUNDS**

Since its establishment in 2007, OFP staff has worked with local governments, farm and conservation organizations, and other interested parties to establish local purchase of development rights (PDR) programs. PDR programs compensate landowners that permanently preserve their land by voluntarily placing a perpetual conservation easement on the property. Twenty-two local PDR programs exist to date in Virginia, six of which have some level of current local funding available (see Appendix 1).

OFP worked with key stakeholders to develop a two-part certification process for the use of state PDR matching funds. The first part was a certification of the amount of local matching funds that the locality had available for its PDR program. The second part was an application to certify the elements of the local PDR program based on *A Model Purchase of Development Rights (PDR) Program for Virginia* developed by the State Farmland Preservation Task Force in 2005.

During the fiscal year (FY) 2018 state matching funds grant round, OFP allocated \$308,076, of which \$250,000 was new funding and \$58,076 was reallocated funding from FY 2015. Localities had until October 27, 2017, to submit their fiscal and program certification forms. Five localities met the fiscal and certification deadline for FY 2018 funding. These five localities certified that they had a total of approximately \$18.27 million in non-state funding (\$6.32 million in FY 2018 and \$11.95 million from previous years) available to match state funds. The allocations for FY 2018 were awarded to localities in January 2018 (see Appendix 2).

Localities have up to two years from the execution of the Intergovernmental Agreement (IGA) between the locality and VDACS to close on approved agricultural conservation easements. Similar to the past few years, OFP gave localities with remaining FY 2016 funding until May 30, 2018, to close and record an approved agricultural conservation easement. For any locality that did not meet this extended deadline, the remaining FY 2016 funds were reprogrammed back to the Virginia Farmland Preservation Fund and will be reallocated as part of the FY 2019 allocation process. A total of \$381,042 of the original \$2 million in FY 2016 funding was reprogrammed (\$13,077 from Clarke County; \$307,889.75 from James City County; and \$60,075.00 from the City of Virginia Beach).

During the reporting period, \$126,360 in state matching funds from the Virginia Farmland Preservation Fund administered by OFP was used in part to permanently protect 319 acres (two easements) in partnership with two local PDR programs. The total purchase price and transaction cost paid for these easements was \$450,000. Since the program's inception in 2007, a total of \$11.29 million in state matching funds from the Virginia Farmland Preservation Fund administered by OFP has been used in part to permanently protect 13,260 acres (94 easements) in partnership with 16 local PDR programs (see Appendix 3).

VDACS is currently in the process of allocating the \$250,000 available in FY 2019 state matching funds and an additional \$383,831 in reprogrammed funding and interest to local PDR programs. Six localities with a total of \$22.77 million available in local matching funds (\$6.94

million for FY 2019 and \$15.83 million from previous years) submitted their fiscal and program certification applications by the November 2, 2018, deadline.

In the FY 2016 PDR allocation round, VDACS implemented policy changes based on the recommendations of a PDR working group that met throughout 2015. These changes were initiated to better meet the intent of Va. Code § 3.2-201(B) and to discourage localities from applying for state matching PDR funds that they do not plan to use in a timely manner. The implemented recommendations include the following changes:

- 1) Localities that receive state-matching PDR funds have until December 31 of the first year of each IGA to notify VDACS if they do not plan to: (i) spend down at least 50 percent of their allocated state-matching funding or (ii) submit a completed claim for reimbursement within the timeframe stipulated in the IGA. In the event that a locality does not spend down its allocated funds or submit a completed claim for reimbursement and does not notify the VDACS Commissioner in writing by December 31 of the first year of the IGA, that locality may be ineligible to apply for the next state-matching PDR allocation round.
- 2) Twenty-five (25) percent of the annual PDR funding allocation is held in a separate fund accessible only to certified localities with use-value taxation. The remaining 75 percent of the funding is accessible to all eligible localities.

#### **PROVIDING TECHNICAL ASSISTANCE AND EDUCATION ON FARMLAND PRESERVATION**

Since the establishment of OFP in 2007, staff has been asked to provide technical assistance to local and state governments, agricultural and conservation organizations, individual landowners and farmers, and others interested in learning more about farmland preservation in Virginia.

The following are efforts by OFP to provide technical assistance and outreach on farmland preservation issues from December 1, 2017 – November 30, 2018:

*Workshops/Presentations:* OFP delivered two workshops/presentations to a variety of audiences. Topics included PDR programs, farmland preservation tools and techniques, conservation easements, farmland loss data, the Virginia Farm Link program, and the Century Farm program (see Appendix 4).

*Website:* OFP continued to provide updated information on its website at: <http://www.vdacs.virginia.gov/conservation-and-environmental-farmland-preservation-tools.shtml>. The website provides information on the office as well as the issues and challenges related to the loss of Virginia's working farm and forest lands. It also includes links to the websites, program ordinances, easement templates, and other materials for many of the 22 local PDR programs and two local transfer of development rights programs currently established.

*Outreach:* OFP staff exhibited at the Virginia Farm Bureau Federation Annual Meeting and Convention in Hot Springs on November 26-28, 2018.

*Landowner phone calls/e-mails:* The OFP Coordinator communicated with numerous landowners and farmers interested in understanding the range of options for permanently protecting their land. OFP also fielded numerous calls and e-mails from farm owners and farm seekers interested in the Virginia Farm Link program and the Virginia Century Farm program.

## **VIRGINIA FARM LINK PROGRAM**

OFP is charged with administering the Virginia Farm Link program. Pursuant to Va. Code § 3.2-202, the purpose of the Virginia Farm Link program is to do the following:

“ . . . provide assistance to retiring farmers and individuals seeking to become active farmers in the transition of farm businesses and properties from retiring farmers to active farmers. Such assistance shall include, but not be limited to, (i) assistance in the preparation of business plans for the transition of business interests; (ii) assistance in the facilitation of transfers of existing properties and agricultural operations to interested buyers; (iii) information on innovative farming methods and techniques; and (iv) research assistance on agricultural, financial, marketing, and other matters.”

To date, the primary effort to implement the Virginia Farm Link program has been the establishment of the Virginia Farm Link database. Released by VDACS in May 2008, this database attempts to bring together farm owners and farm seekers to discuss possible farm transition arrangements. As of October 31, 2018, the database has 24 “active farm owners” and 222 “active farm seekers” currently registered. Of the active farm seekers, 25 are Certified Farm Seekers. From December 1, 2017 – October 31, 2018, 16 active farm owners received 22 individual requests from six active farm seekers interested in discussing various transition options. The database is located at [www.vafarmlink.org](http://www.vafarmlink.org).

In 2017, OFP staff worked with a consultant to refine the Virginia Farm Link database and website, which underwent a major update in 2016. At the time of the 2016 update, there were multiple technical issues with the database and website that were not addressed and may have impacted user interest in the database. The technical issues included the database timing out and user registration data that was not saved in the system. The update also did not address the removal of system users that were duplicative, created in error, or were more than five years old. These issues were addressed by refinements made in 2017 to the Virginia Farm Link database.

In collaboration with the Virginia Farm Bureau Federation’s (VFBB) Young Farmers group, OFP developed a proposal for a farm seeker certification program as part of a sub-award funding opportunity tied to the larger Virginia Beginning Farmer and Rancher Coalition Project (BFRCP) led by Virginia Tech. The Certified Farm Seeker (CFS) program was designed to provide individuals seeking farming opportunities with the tools necessary to successfully demonstrate their farming commitment and vision to interested landowners. This program was officially unveiled at the VFBB Young Farmers Summer Expo in 2012. The CFS program uses five curriculum modules (whole farm planning introduction, business, land acquisition and tenure, marketing, and on-farm experience) developed by BFRCP and helps farm seekers develop a farm business plan and résumé as well as demonstrate on-farm experience. The program was designed to help all levels of beginning and experienced young farmers who are looking to farm or to expand their farm. The original grant from BFRCP ended in August 2013, and OFP and VFBB agreed to extend the project through August 2015. A grant from the BFRCP provided funding to extend the CFS program through the end of 2016 and enabled the hiring of a full-time CFS Coordinator in 2015.

The CFS Coordinator worked closely with OFP and VFBB staff to recruit new CFS applicants and help them complete the program in a timely manner. The Coordinator also worked closely with farmland owners in the Virginia Farm Link database to connect them with certified farm seekers within their region. Despite the best efforts of the CFS Coordinator, only three



participants were certified between December 1, 2016, and November 30, 2017. Additionally, only a handful of the 24 certified seekers chose to use the cost-share reimbursement available to offset the cost of farm transition related professional services.

Several programmatic adjustments were made to the certified farm seekers program in 2017 in response to the limited program interest and activity. After discussion with VFBF, it was determined that the CFS program should be scaled-back but not entirely discontinued. The CFS program continues to provide a valuable service to farm seekers by allowing them to demonstrate experience and farm business readiness to farm owners. Program adjustments included discontinuing the CFS Coordinator position and cost-share reimbursement. In order to continue to make the program accessible to farm seekers, all application materials and detailed instructions for completing the CFS application process were placed on the Virginia Farm Link website. The Virginia Farm Link website will allow the CFS program to continue to provide a needed service to farm seekers and farm owners and ensure that the program will be ready to scale back up if interest increases in the future. One farm seeker was certified between December 1, 2017, and November 30, 2018.

The Office of Farmland Preservation also continued to allocate funding for farm transition workshops designed to help farm families and their service providers transition farms and farming operations to the next generation. OFP allocated \$20,000 to the Virginia Cooperative Extension to reimburse the costs associated with 10 farm and forestland transition workshops held between January 1, 2018, and December 30, 2018. An additional \$5,000 was allocated to create a workbook titled “Generation NEXT: Keeping Your Woodland Intact, In Forest and in Your Family’s Hands,” that would serve as the forestry companion to the “Planning the Future of Your Farm” workbook.

#### **VIRGINIA AGRICULTURE LICENSE PLATES**

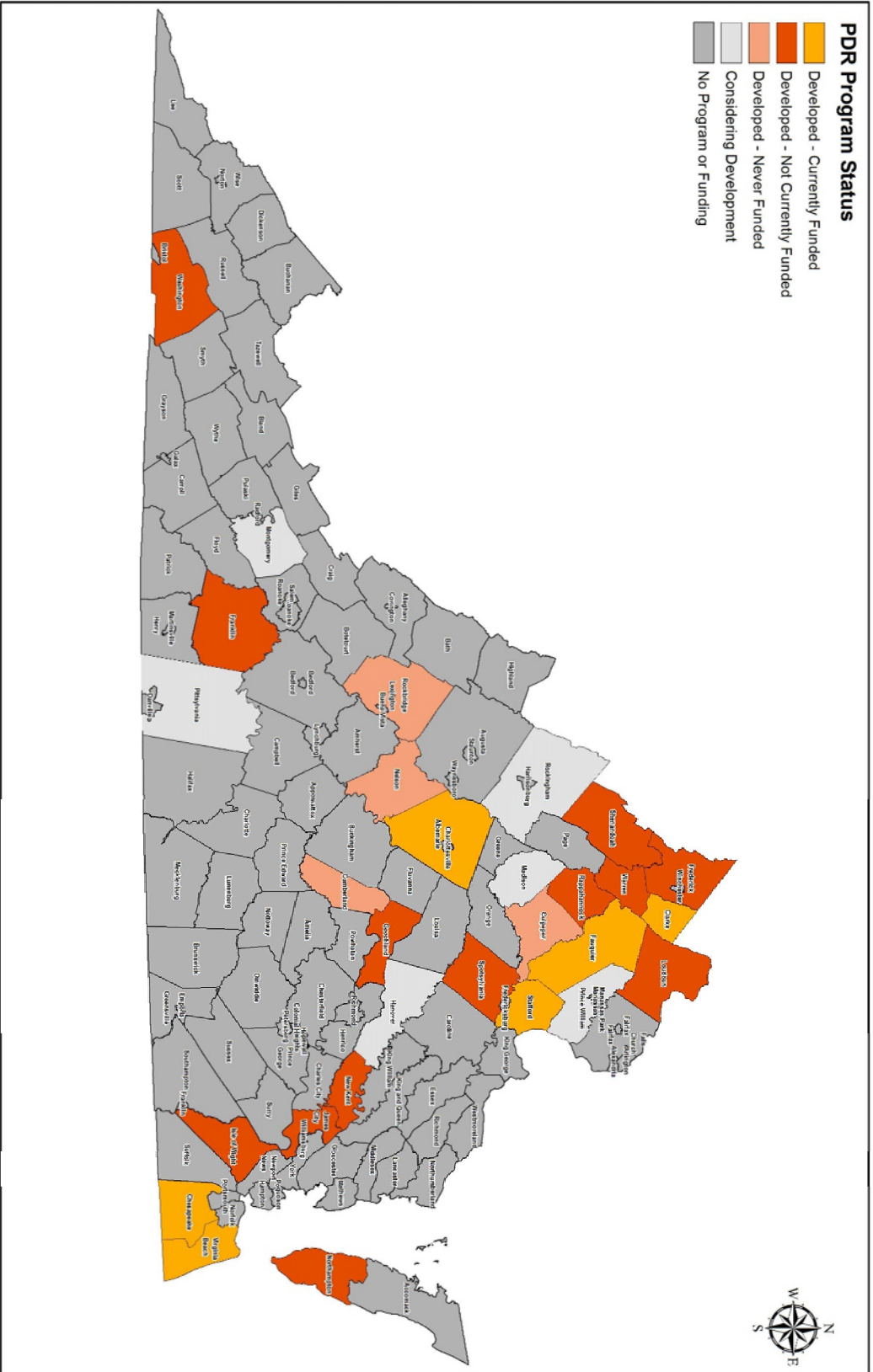
Chapter 653 of the 2004 Acts of Assembly established a new revenue-generating license plate for supporters of Virginia agriculture. As established in Va. Code § 46.2-749.102, the annual fee for the Virginia agriculture plate is \$25 in addition to the prescribed fee for state license plates. For each \$25 fee collected in excess of 1,000 registrations, \$15 is credited to a special nonreverting fund known as the Virginia Agricultural Vitality Program Fund established within the Department of Accounts. The revenue generated by this fee is paid annually to OFP and to date has been used to fund projects primarily related to the Virginia Farm Link program.

#### **VIRGINIA CENTURY FARM PROGRAM**

In October 2010, the OFP was assigned the administration of the Virginia Century Farm program, which honors and recognizes those Virginia farm families whose land has been in the same family and actively farmed for more than 100 years. OFP staff has certified a total of 285 new Century Farms since October 2010. There are now 1,428 certified Century Farms since the beginning of the program in 1997.

# APPENDIX 1

## STATUS OF LOCAL PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAMS



**APPENDIX 2**

**FY 2018 ALLOCATIONS FOR LOCAL PDR PROGRAMS**

<b><u>Locality</u></b>	<b><u>Local Funds Available</u> <u>(As of Oct 2017)</u></b>	<b><u>Previous State Funds Remaining</u> <u>(As of Oct 2017)</u></b>	<b><u>FY 2018 State Funds Awarded</u></b>
County of Albemarle	\$0.00	\$948,281.54	\$61,615.23
County of Clarke	\$112,662.00	\$150,000.00	\$61,615.23
County of Fauquier	\$584,483.00	\$888,939.00	\$61,615.23
County of Stafford	\$745,983.00	\$0.00	\$61,615.23
City of Virginia Beach	\$4,878,451.00	\$9,963,406.40	\$61,615.23
<b>TOTAL</b>	<b>\$6,321,579.00</b>	<b>\$11,950,626.94</b>	<b>\$308,076.17</b>

**APPENDIX 3**

**TOTAL ACRES PROTECTED WITH STATE PDR MATCHING FUNDS**

**AS OF OCTOBER 31, 2018**

<b><u>Locality</u></b>	<b><u>Easements</u></b>	<b><u>Acres Protected</u></b>	<b><u>*Local Funding</u></b>	<b><u>*State PDR Funding</u></b>	<b><u>*Other Funding</u></b>
Albemarle County	13	2,440.63	\$2,381,184.55	\$1,821,525.94	\$0.00
City of Chesapeake	1	64.01	\$505,534.58	\$110,952.46	\$0.00
Clarke County	34	2,788.54	\$1,069,814.28	\$1,069,811.27	\$2,697,534.00
Fauquier County	13	3,878.68	\$2,640,702.57	\$2,058,457.93	\$100,000.00
Frederick County	1	89.75	\$5,000.00	\$130,027.00	\$260,000.00
Goochland County	1	500.93	\$155,623.50	\$155,623.50	\$0.00
Isle of Wight County	3	585.40	\$1,794,862.79	\$1,547,744.21	\$0.00
James City County	5	476.16	\$1,775,974.11	\$994,967.24	\$0.00
Northampton County	3	637.25	\$139,578.10	\$139,578.10	\$1,376,000.00
Rappahannock County	2	343.23	\$157,431.00	\$156,666.00	\$0.00
Shenandoah County	2	308.87	\$100,000.00	\$100,000.00	\$525,000.00
Spotsylvania County	2	115.70	\$93,072.65	\$93,072.65	\$147,500.00
Stafford County	6	446.58	\$1,392,393.57	\$1,374,603.43	\$180,000.00
City of Virginia Beach	6	373.09	\$1,703,545.34	\$1,431,388.66	\$0.00
Warren County	1	50	\$64,745.00	\$64,745.00	\$0.00
Washington County	1	161.24	\$41,000.00	\$41,000.00	\$190,426.00
<b>TOTAL</b>	<b>94</b>	<b>13,260.05</b>	<b>\$14,020,462.03</b>	<b>\$11,290,163.38</b>	<b>\$5,476,460.00</b>

\* Includes easement purchase price and in some cases incidentals such as surveys, title insurance, appraisals, reasonable legal fees, etc.

## **APPENDIX 4**

### **OFFICE OF FARMLAND PRESERVATION PRESENTATIONS**

**DECEMBER 1, 2017 – NOVEMBER 30, 2018**

- Hosted a planning meeting in Richmond on behalf of the Board of Directors of Resilient Virginia to gather input on resiliency priorities for Virginia (February 2, 2018)
- Participated in two community listening sessions to gather input from the African American farm and forest land owner community in South Hill and in Wakefield (February 21-22, 2018)