

ORDINANCE NO. 23-3()

AN ORDINANCE TO AMEND CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 3, Agricultural and Forestal Districts is hereby reordained and amended as follows:

By Amending:

- Sec. 3-201 Creating a district
- Sec. 3-205 Withdrawing land from a district
- Sec. 3-206 Fees
- Sec. 3-301 Creating a district
- Sec. 3-305 Withdrawing land from a district

By Removing:

- Sec. 3-306 Fees

CHAPTER 3 AGRICULTURAL AND FORESTAL DISTRICTS

Article 3. Districts of Statewide Significance

Division 1. Procedure

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Sec. 3-201 – Creating a district.

Each district shall be created as follows:

1. *Application.* On or before any application date set by the Director of Planning, any landowner may submit an application to create a district to the Director. The application ~~shall~~ **must** be made on a form developed and provided by the Director and ~~shall~~ **must** be signed by each landowner whose land is proposed to be included in the district. Each submitted application ~~shall~~ **must** include: ~~(i)~~ maps, aerial photographs, or both, as may be required by the Director, that clearly show the boundaries of the proposed district, the boundaries of the parcels owned by each applicant, and any other features prescribed by the Director; ~~and (ii) the fee required by County Code § 3-206.~~

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Sec. 3-205 – Withdrawing land from a district.

D. *Withdrawal in the discretion of the Board of Supervisors.* At any time after the district is created, an owner of land within the district may request to withdraw the land, in whole or in part, from the district, as follows:

1. *Filing a written request.* The landowner shall **must** file a written request for withdrawal with the Director of Planning. The request must identify the landowner, identify the land or part thereof proposed to be withdrawn by parcel identification number, state the reason for the request, and address the criteria for review stated in subsection (D)(2). The landowner must pay the fee required **by County Code Chapter 1, Article 5.** ~~County Code § 3-206~~ when the request is filed.

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Sec. 3-206 - Fees.

A landowner is required to **must** pay a fee to create or to withdraw land from a district as follows:

A. *Amount.* The amount of the fees are: **as provided in County Code Chapter 1, Article 5.**

1. ~~Application to create a district. The fee to apply to create a district pursuant to County Code § 3-201 is \$150.00.~~
2. ~~Request to withdraw land from district. The fee to withdraw land from a district pursuant to County Code § 3-205(D) is \$250.00.~~

B. ~~*When the fee must be paid.* The fee must be paid at the time the application or request is filed. An application or request shall not be filed if the required fee is not paid.~~

C. ~~*Form of payment accepted.* The fee must be paid in cash, by a check payable to the "County of Albemarle," or by any other means accepted by the County, provided that the County may add to any amount due the amount charged to the County for accepting any payment by a means that incurs a charge to the County or the amount negotiated and agreed to in a contract with the County, whichever is less.~~

(§ 2.1-2; 6-8-83, § 3-5; 12-16-87, 12-11-91, 7-1-92; Code 1988, § 2.1-2; § 3-206, Ord. 98-A(1), 8-5-98; Ord. 18-3(1) , 11-7-18)

State Law reference— Va. Code § 15.2-4303.

**Article 3. Districts of Local Importance
Division 1. Procedure**

Sec. 3-301 - Creating a district.

Each agricultural and forestal district of local significance shall be created as follows:

- A. *Application.* On or before any application date set by the Director of Planning, any landowner may submit an application to create a district to the Director. The application shall **must** be made on a form developed and provided by the Director and shall **must** be signed by each landowner whose land is proposed to be included in the district. Each submitted application shall **must** include: (i) maps, aerial photographs, or both, as may be required by the Director, that clearly show the boundaries of the proposed district, the boundaries of the parcels owned by each applicant, and any other features prescribed by the Director; and (ii) the fee required by County Code § 3-306.

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Sec. 3-305 – Withdrawing land from a district.

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- D. *Withdrawal in the discretion of the Board of Supervisors.* At any time after a district is created, an owner of land within the district may request to withdraw the land, in whole or in part, from the district, as provided herein:
 1. *Filing written request.* The owner shall **must** file a written request for withdrawal with the Director of Planning. The request shall **must** identify the landowner, identify the land or part thereof proposed to be withdrawn by parcel identification number, state the reason for the request, and address the criteria for review set forth in subsection (D)(2). The landowner shall **must** pay the fee required by County Code § 3-306 when the request is filed. **County Code Chapter 1, Article 5.**

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~~Sec. 3-306 – Fees.~~

- ~~A landowner must pay a fee to create a district as follows:~~
- ~~A. *Amount.* The fee to apply to create a district pursuant to County Code § 3-301 is \$50.00.~~
 - ~~B. *When the fee must be paid.* The fee must be paid at the time the application or request is filed. An application or request shall not be filed if the required fee is not paid.~~
 - ~~C. *Form of payment accepted.* The fee must be paid in cash, by a check payable to the "County of Albemarle," or by any other means accepted by the County, provided that the County may add to any amount due the amount charged to the County for accepting any payment by a means that incurs a charge to the County or the amount negotiated and agreed to in a contract with the County, whichever is less.~~

(9-15-93; Code 1988, § 2.1.1-4; § 3-306, Ord. 98-A(1), 8-5-98; Ord. 18-3(1) , 11-7-18)
State Law reference— Va. Code § 15.2-4403.

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of ____ to ____, as recorded below, at a regular meeting held on_____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Andrews	_____	_____
Mr. Gallaway	_____	_____
Ms. LaPisto-Kirtley	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Price	_____	_____