

ACTIONS		
Board of Supervisors Meeting of November 7, 2018		
		November 8, 2018
AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
1. Call to Order. <ul style="list-style-type: none"> Meeting was called to order at 1:04 p.m., by the Chair, Ms. Mallek. All BOS members were present. Also present were Jeff Richardson, Greg Kamptner, Claudette Borgersen and Travis Morris. 		Link to video
4. Adoption of Final Agenda. <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED the final agenda. 		
5. Brief Announcements by Board Members. <u>Liz Palmer:</u> <ul style="list-style-type: none"> Attended a Veterinary conference in Baltimore and commented that Albemarle County is ahead of other localities regarding sworn animal control officers Attended the University of Virginia Bicentennial Sustainability Leadership Conference where there was acknowledgement of the need for cooperation among the University, County, and City. <u>Rick Randolph:</u> <ul style="list-style-type: none"> Commented on the high voter participation during the November 6, 2018 election. Announced the success of the Wizard Fest in Scottsville to celebrate Harry Potter. Noted that Scottsville resident Mr. Jack Maxwell won first place in golf in the Virginia Special Olympics. <u>Diantha McKeel:</u> <ul style="list-style-type: none"> Noted she visited the new Slaughter voting precinct and it was functioning well, as were the two other precincts she visited. Announced she had attended the opening of the Woodbrook Elementary School addition. Noted that the University of Virginia has established a working group to foster a better relationship between the County and the university. <u>Norman Dill:</u> <ul style="list-style-type: none"> Commented on the division of the Free Bridge precinct. <u>Ned Gallaway:</u> <ul style="list-style-type: none"> Attended the History and Heritage Project at Yancey School Community Center on October 27, 2018. <u>Ann Mallek:</u> <ul style="list-style-type: none"> Mentioned she would leave a report entitled "Investing in America's Infrastructure: County Funding for Capital Facilities" in the Board office for others to view. Noted that she received the updated stream and water report from the Rivanna Conservation Alliance. Thanked citizens who worked at the election polls. Commented that there was a need for better handicapped parking signage in one of her precincts. 		
6. Proclamations and Recognitions: <ul style="list-style-type: none"> There were none. 		
7. From the Public: Matters Not Listed for Public Hearing on the Agenda.		

	<ul style="list-style-type: none"> Denise Bonds, Director, Thomas Jefferson Health District, spoke towards the rise in sexually transmitted disease in Albemarle County and the country. The following individuals spoke towards Project ENABLE. <ul style="list-style-type: none"> John Martin John Lowey Sean Tubbs Morgan Butler 		
	<ul style="list-style-type: none"> Liz Palmer pulled Consent Agenda Item #8.4 from the agenda. 		
8.4	<p>Ivy MUC Tipping Fees Changes.</p> <ul style="list-style-type: none"> By a vote of 5:1 (Randolph), ADOPTED Resolution to Request that the Rivanna Solid Waste Authority Lower Its Municipal Solid Waste Tipping Fee at the Ivy Material Utilization Center Solid Waste Transfer Station to \$52.00 per ton. 	Clerk: Forward copy of signed resolution to Facilities and Environmental Services and County Attorney's office. (Attachment 1)	
8.2	<p>FY 2019 Appropriations.</p> <ul style="list-style-type: none"> ADOPTED Resolution to approve #2019042, #2019043, #2019044, #2019045, #2019046, #2019047, and #2019048 appropriations for local government and school division projects. ADOPTED Resolution to Appropriate FY 19 On-going Funding of Multi-Year Capital Projects. 	<p>Clerk: Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 2)</p> <p>(Attachment 3)</p>	
8.3	<p>ZMA200400007 Belvedere Special Exceptions to Application Plan and Code of Development.</p> <ul style="list-style-type: none"> ADOPTED Resolution to Approve Special Exceptions for ZMA 200400007 Belvedere to Vary the Application Plan and The Code of Development subject to the conditions. 	Clerk: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachments 4)	
8.5	<p>Resolution Authorizing the County's Acceptance of an Edward Byrne Justice Assistance Grant Program Grant.</p> <ul style="list-style-type: none"> Adopted Resolution authorizing the Chair to execute "Certifications and Assurances by the Chief Executive of the Applicant Government" for the Edward Byrne Justice Assistance Grant Program. 	Clerk: Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 5)	
9a.	<p>Proposed 2019 Legislative Priorities.</p> <ul style="list-style-type: none"> By a vote of 6:0, APPROVED the 2019 proposed legislative priorities for submission to the TJPDC, VACo and VML. 	County Attorney: Proceed as authorized. (Attachment 6)	
9b.	<p>Draft 2019 TJPDC Legislative Program.</p> <ul style="list-style-type: none"> By a vote of 6:0, APPROVED the 2018 proposed Draft 2018 TJPDC Legislative Program. 	David Blount: Proceed as approved. (Attachment 7)	
	<p>Recess.</p> <ul style="list-style-type: none"> At 2:58 p.m., the Board recessed and reconvened at 3:07 p.m. 		
10.	<p>County's FY20-22 Strategic Plan.</p> <ul style="list-style-type: none"> By a vote of 6:0, APPROVED adopted the FY20-22 Strategic Plan. 	Staff: Proceed as Authorized. (Attachment 8)	
11.	<p>Review of the Finalization of the Economic Development Strategic Plan (Project ENABLE).</p> <ul style="list-style-type: none"> REVIEWED. 		
12.	<p>ACSA201800002, Christian Aid Mission Request for Sewer Service.</p> <ul style="list-style-type: none"> SET public hearing for the amendment of the Albemarle County Service Authority Jurisdictional Area to provide Sewer Service to 	Clerk: Schedule on future agenda and advertise in Daily Progress.	

<p>TMP 059000000023G1, the Christian Aid Mission site.</p>		
<p>13. Closed Meeting.</p> <ul style="list-style-type: none"> At 5:03 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia: Under Subsection (1): <ol style="list-style-type: none"> Discuss and consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments; and To discuss and conduct the annual performance review of the County Executive; and To discuss and consider the assignment, resignation, or promotion of specific employees in the County Executive's office and Under Subsection (3), to discuss and consider the disposition of real property in the City of Charlottesville related to court facilities, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County; and Under Subsection (7), to consult with legal counsel and briefings by staff members pertaining to actual litigation arising out of a decision of the Board of Zoning Appeals and between the Board and Jeffries II, where the consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the County and the Board; and Under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to the negotiation of an agreement for, and the possible relocation of, court facilities. 		
<p>14. Certify Closed Meeting.</p> <ul style="list-style-type: none"> At 6:15 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
<p>15. Vacancies and Appointments.</p> <ul style="list-style-type: none"> APPOINTED, Mr. Martin Meth to the Citizen Transportation Advisory Committee, CTAC, with said term to expire on November 7, 2021. 		
<p>16. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <u>Matthew Christensen</u>, resident of Rio District, spoke towards racial injustice and police action at the school board meeting. <u>The following individuals spoke towards the through truck restriction policy on Owensville Road:</u> <ul style="list-style-type: none"> Paul Haney Lynwood Butner Mark Dusci Holmes Brown Randy Layman Ronnie Morris Ron Jenkins Alex Struminger Joseph Jones Neil Williamson <u>Joann Williams</u>, resident of Willow 		

<p>Condominium in Rivanna District, expressed concern that neither the property management company nor the association were notified by the County of the site review committee meeting regarding The Vistas on South Pantops.</p> <ul style="list-style-type: none"> Rita Krenz, resident of Overlook Condominium in Rivanna District, stated how difficult it was for citizens to navigate the world of County development and processes and encouraged Supervisors to negotiate with the landowner and developer of The Vistas property to find another location in Albemarle County. Theresa Kaj Lam, spoke towards the petition to remove the At Ready war memorial. 		
<p>17. Action Item: Park's Edge Apartments.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution, as amended, indicating its support for the acquisition and renovation of Park's Edge Apartments by the Piedmont Housing Alliance and its reservation of up to \$325,000 in the Housing Fund pending determination of need through VHDA's underwriting of the project. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development, Office of Housing, and County Attorney's office. (Attachment 9)</p>	
<p>18. Action Item: Miller School Road (Route 635) and Owensville Road (Route 676) Through-Truck Restrictions.</p> <ul style="list-style-type: none"> By a vote of 5:1 (Randolph), ADOPTED resolution to request the Commonwealth Transportation Board restrict through tractor trailer traffic on Miller School Road. By a vote of 5:1 (Randolph), ADOPTED resolution, as amended, to request the Commonwealth Transportation Board restrict through tractor trailer traffic on Owensville Road. Mr. Dill asked Mr. Richardson to follow up with Dominion regarding the possibility of relocating the utility pole. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 10)</p> <p>(Attachment 11)</p> <p><u>Jeff Richardson:</u> follow up as requested.</p>	
<p>19. Pb. Hrg: ZTA 201800005 Section 35 Fees.</p> <ul style="list-style-type: none"> By a vote of 6:0, adopted ordinance. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 12)</p>	
<p>20. Pb. Hrg: Ordinance to Amend County Code Chapter 3, Agricultural and Forestal Districts.</p> <ul style="list-style-type: none"> By a vote of 6:0, adopted ordinance. By a vote of 5:1 (Palmer), APPROVED support of the 5-year plan. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Community Development and the County Attorney's office. (Attachment 13)</p>	
<p>23. From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p><u>Rick Randolph:</u></p> <ul style="list-style-type: none"> Mentioned he and Ms. Mallek plan to attend a meeting regarding the Senegrow Central LLC Sewage Sludge application. Noted he received communication from a letter from Emily Lumke regarding salamanders crossing over pools at Rio Mills. Acknowledged receiving communication from Rita Krenz, of the Scottsville Volunteer Rescue Squad, regarding concern about Overbrook Condominium. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Commented that she received calls from constituents informing her that phone calls to 		

	<p>the SPCA were not being answered during weekday afternoons and that there was no ability to leave a message.</p> <ul style="list-style-type: none"> • Asked that County PACC representatives that attend the next meeting at UVA report back on the issues that are being discussed. • Expressed interest staff preparing a short presentation on revenue sharing in December, for the benefit of newer residents. 		
24.	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • There were none. 		
25.	<p>Adjourn to November 14, 2018, 2:00 p.m., Lane Auditorium.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 9:29 p.m. 		

ckb/tom

Attachment 1 – Resolution to Request that the Rivanna Solid Waste Authority Lower Its Municipal Solid Waste Tipping Fee at the Ivy Material Utilization Center Solid Waste Transfer Station

Attachment 2 – Resolution to Approve Additional FY 19 Appropriations

Attachment 3 – Resolution to Appropriate FY 19 On-going Funding of Multi-Year Capital Projects

Attachment 4 – Resolution to Approve Special Exceptions for ZMA200400007 Belvedere to Vary the Application Plan and the Code of Development

Attachment 5 – Resolution to Authorize Byrne Justice Assistance Grants

Attachment 6 - Albemarle County's 2019 Legislative Priorities

Attachment 7 - Thomas Jefferson Planning District 2019 Legislative Program

Attachment 8 – Prioritized FY 20-22 Strategic Plan Draft

Attachment 9 – Resolution of support for the Acquisition and Renovation of Park's Edge Apartments by the Piedmont Housing Alliance

Attachment 10 – Resolution to Request the Commonwealth Transportation Board Restrict Through Tractor Trailer Traffic on Miller School Road

Attachment 11 – Resolution to Request the Commonwealth Transportation Board Restrict Through Tractor Trailer Traffic on Owensville Road

Attachment 12 – Ordinance No. 18-18(5)

Attachment 13 – Ordinance No. 18-3(1)

**RESOLUTION TO REQUEST THAT THE RIVANNA SOLID WASTE AUTHORITY
LOWER ITS MUNICIPAL SOLID WASTE TIPPING FEE AT THE IVY MATERIAL
UTILIZATION CENTER SOLID WASTE TRANSFER STATION**

WHEREAS, the May 4, 2016 Amended and Restated Ivy Material Utilization Center Programs Agreement between the County of Albemarle and the Rivanna Solid Waste Authority (RSWA) provides that the RSWA shall propose any changes to tipping fees for adoption by the RSWA's Board of Directors as requested by majority vote of the Board of Supervisors; and

WHEREAS, the Board of Supervisors finds that it is in the best interest of the County for the RSWA to lower its Municipal Solid Waste tipping fee at the Ivy Material Utilization Center (MUC) solid waste transfer station to \$52.00 per ton, a level closer to the fee in adjacent counties, in order to make the Ivy MUC more competitive for haulers of solid waste.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby requests that the RSWA propose to the RSWA Board of Directors that it adopt a lower tipping fee of \$52.00 per ton at the Ivy MUC solid waste transfer station.

BE IT FURTHER RESOLVED that the Albemarle County Board of Supervisors hereby directs the Director of the Facilities and Environmental Services Department to forward a certified copy of this resolution to the Rivanna Solid Waste Authority.

**RESOLUTION TO APPROVE
ADDITIONAL FY 19 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2019042, #2019043, #2019044, #2019045, #2019046, #2019047, and #2019048 are approved; and
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2019.

Resolution to Appropriate FY 19 On-going Funding of Multi-Year Capital Projects
For the Fiscal Year Ending June 30, 2019
Appropriation # 2019048

Whereas, purchase orders and contracts encumbered at the end of the fiscal year must be carried over into the next year for payments; and

Whereas, capital and special revenue projects that are not completed within one fiscal year necessitate the budgeting and appropriation of the remaining balance of project funds from one fiscal year to the succeeding fiscal year; and

Whereas, the capital project balances and special revenue project balances will give the responsible departments and agencies continuous access to project funding; and

Whereas, the total amount of estimated encumbrances and unencumbered capital project balances and special revenue project balances, net of transfers, is \$919,780.34 set forth as follows:

Total General Government Capital Improvement Fund:

General Government Capital Improvement Fund Appropriations

ACE Program	\$1,824.62
Apparatus Replacement Program	\$4,054.83
City-County Owned Parks Maintenance/Replacement	\$162,808.68
County Owned Parks Maintenance/Replacement	\$609,714.47
County Server Infrastructure Upgrade	\$39,830.28
Keene Landfill	\$10,000.00
Parks Restroom Renovation/Modernization	\$58,359.06
Pilot Fundraising Parks Project	\$1,750.00
Police County 800Mhz Radio Replacements	\$8,416.40
Police Mobile Data Computers Replacement	\$23,022.00
Total General Government Capital Improvement Fund Appropriations	\$919,780.34

General Government Capital Improvement Fund Sources

Revenue From Other Local Sources	\$129,375.00
Revenue From the Commonwealth	\$464,900.27
Revenue From Other Transfers	\$321,323.17
Use of Fund Balance	\$4,181.90
Total General Government Capital Improvement Fund Sources	\$919,780.34

Total Special Revenue Funds:

Special Revenue Capital Improvement Funds Appropriations

Hollymead Area C Proffer Fund	\$40,785.00
Tourism Fund	\$250,000.00
Wickham Pond Proffer	\$30,538.17
Total Special Revenue Capital Improvement Funds Appropriations	\$321,323.17

Special Revenue Capital Improvement Funds Sources

Use of Fund Balance	\$321,323.17
Total Special Revenue Capital Improvement Funds Sources	\$321,323.17

Whereas, approval of an estimated remaining balance amount at the beginning of the fiscal year facilitates the payment of outstanding bills and ensures continuity of ongoing projects; and

Now, therefore, be it resolved that the Albemarle County Board of Supervisors:

1. Does hereby budget and appropriate the remaining balance of \$919,780.34 for encumbered purchase orders and contracts and the unencumbered capital and special revenue project balances of June 30, 2018, as set forth above;
2. Does hereby authorize the County Executive to adjust this amount downward, if necessary, to accurately reflect the actual encumbered amounts and actual unencumbered capital and special revenue project amounts at the end of FY 18; and
3. Does hereby authorize the County Executive to close out a Capital project and transfer any unencumbered residual funds to the Capital Improvement Fund fund balance.

**RESOLUTION TO APPROVE SPECIAL EXCEPTIONS
FOR ZMA200400007 BELVEDERE
TO VARY THE APPLICATION PLAN AND THE CODE OF DEVELOPMENT**

WHEREAS, the Owner of Tax Map Parcel Numbers 06100-00-00-16000, 06200-00-00-002B0, 062A3-00-00-00100, and 062G00-00-09-000A0 filed a request for special exceptions to vary the Application Plan and the Code of Development approved in conjunction with ZMA200400007 Belvedere to rearrange the maximum number of units between Blocks 7 and 9 and Blocks 4 and 6 as shown on pages 3 and 4 of the Applicant's 4-page request last revised on April 26, 2018, to modify the arrangement of greenspace, preservation space, and conservation space in Blocks 9 and 10 as shown on pages 3, 4, 5, and 6 of the Applicant's 6-page request last revised on July 17, 2018, and to modify the minimum lot frontage of Block 9 single family detached lots as shown on page 4 of the Applicant's 4-page request last revised on April 25, 2018.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-8.5.5.3, 18-33.43, and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exceptions to vary the Application Plan and the Code of Development approved in conjunction with ZMA200400007 Belvedere, as described hereinabove, subject to the conditions attached hereto.

* * *

**Special Exception to Vary ZMA200400007 Belvedere Code of Development
Special Exception Conditions**

1. The special exception to rearrange the maximum number of units between Blocks 7 and 9 and Blocks 4 and 6 shall be as shown in Tables 1 and 2 on pages 3 and 4 of the Applicant's 4-page request last revised on April 26, 2018.
2. The special exception to modify the arrangement of greenspace, preservation area, and conservation area in Blocks 9 and 10 shall be as shown in Table 4 on pages 3 and 4 of the Applicant's 6-page request last revised on July 17, 2018, and in Exhibits D and E, prepared by Collins Engineering and dated April 26, 2018 and October 9, 2018, respectively, on pages 5 and 6 of the Applicant's 6-page request last revised on July 17, 2018.
3. Screening shall be installed in accordance with County Code § 18-32.7.9.7 and completed prior to a certificate of occupancy for the lot adjacent to the Conservation Area. The landscape plan for the screening must be submitted and approved prior to a building permit being issued for that lot.
4. The special exception to modify the minimum lot frontage for Block 9 single family detached lots shall be reduced from 60 feet to 55 feet as shown in Exhibit C prepared by Collins Engineering and dated April 26, 2018 on page 4 of the Applicant's 4-page request last revised on April 25, 2018.

RESOLUTION TO AUTHORIZE BYRNE JUSTICE ASSISTANCE GRANTS

WHEREAS, the U.S. Department of Justice has awarded the County of Albemarle an Edward Byrne Justice Assistance Grant (the "Grant") for Fiscal Year 2018; and

WHEREAS, the final award of the Fiscal Year 2018 Grant is conditioned on the execution of certain "Certifications and Assurances by the Chief Executive of the Applicant Government;" and

WHEREAS, the U.S. Department of Justice has indicated that for purposes of this Grant Program, it now considers the Chair of the Board of Supervisors to be the "Chief Executive of the Applicant Unit of Local Government."

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby authorizes the Chair and/or the County Executive to execute "Certifications and Assurances by the Chief Executive of the Applicant Government" for the Edward Byrne Justice Assistance Grant Program on behalf of the County, once those Certifications and Assurances have been approved as to form and substance by the County Attorney.

Albemarle County's 2019 Legislative Priorities

General District Court

Priority: Initiate legislation to amend Virginia Code §§ 15.2-1638, 16.1-69.35, and any other sections necessary to enable the County's General District Court to be located outside of the County's "courthouse," which is Court Square, and to be located on land and in a building that would be jointly owned with the City.

Summary of the Current Law: State law requires the General District Court to be located in the County's "courthouse," which is Court Square. State law also requires that the fee simple ownership of the land and buildings for the courts be in the name of the County.

Rationale: For certain options for the Courts project to be possible, State law must be amended to allow the General District Court to be located outside of the County courthouse and in the City. Option 1 (Downtown Levy) proposes to locate the County's General District Court sets, as well as a City General District Court set, to the Levy property. State law also must be amended because the Levy property is jointly owned by the County and the City. The current State law is unclear as to whether jointly owned land and buildings satisfy the requirements of the statute. The "other sections necessary" that would be proposed for amendment would address issues such as the territorial jurisdiction of a county General District Court if it was located in a city.

Mailing a Notice of Zoning Violation

Priority: Initiate legislation to amend Virginia Code § 15.2-2311(A) to allow certified mail to be used instead of registered mail to send notices of violation of the zoning ordinance or written orders of the zoning administrator.

Summary of the Current Law: Virginia Code § 15.2-2311(A) was amended in 2017 to no longer allow the use of certified mail and to require the use of registered mail.

Rationale: Certified mail serves functionally the same purpose for verifying mailing and receipt as registered mail, but costs substantially less.

Carrying Specified Loaded Weapons in Public Areas

Priority: Initiate legislation to amend Virginia Code § 18.2-287.4 to add Albemarle County to the list of localities in which carrying specified loaded weapons in public areas is prohibited.

Summary of the Current Law: The current law makes it unlawful for any person to carry specified semiautomatic weapons and shotguns on any public street, road, alley, sidewalk, public right-of-way, or in any public park or any other place of whatever nature that is open to the public. The law applies in the Cities of Alexandria, Chesapeake, Fairfax, Falls Church, Newport News, Norfolk, Richmond, or Virginia Beach or in the Counties of Arlington, Fairfax, Henrico, Loudoun, or Prince William. The specified weapons that are prohibited are semi-automatic center-fire rifles or pistols that are equipped at the time of the offense with a magazine that will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock, and shotguns with magazines that will hold more than seven rounds.

Rationale: The authority, if granted, would improve public safety in public areas where many people may be present.

Albemarle County's 2019 Legislative Positions and Policy Statements

Growth Management, Environmental Protection, Land Use, and Transportation

Biosolids: Support legislation enabling localities, as part of their zoning ordinances, to designate and/or reasonably restrict the land application of biosolids to specific areas within the locality based on criteria related to the public safety and welfare of its citizens and the environment. In addition, support legislation regarding the land application of biosolids that protect the environment, public health and safety.

Broadband: Support legislation by the Commonwealth and the Federal Government that would assist localities and provide financial incentives to localities and their communities in deploying universal, affordable access to broadband technology, particularly in unserved and underserved areas, while at the same time preserving local land use authority for siting telecommunications infrastructure. This includes supporting continued and increased funding for the Virginia Telecommunications Initiative (VATI). In addition, support legislation that would: (1) ensure that coverage maps used to determine underserved and unserved areas or census blocks are accurate; and (2) amend the definition of “coverage” to mean that service actually exists in a census block or area and the service availability within that census block or area is substantial.

Environmental: Support legislation prohibiting businesses from using disposable plastic bags and straws and to require bottle deposits, or enable localities to do so, with exceptions applicable to straws for hospitals and other care facilities.

Impact Fee Authority: Support impact fee legislation that: (1) allows for effective implementation through simple locally-based formulae and reasonable administrative requirements; and (2) does not cap or limit localities’ impact fee updates.

Open-space Easements: Support legislation that augments local efforts in natural resource protection through: (1) continued funding of the Virginia Land Conservation Foundation (VLCF) for locally established and funded Purchase of Development Rights programs (e.g., the ACE Program in Albemarle County); (2) continued provision of matching funds to localities for their Purchase of Development Rights programs through the Office of Farmland Preservation; (3) retaining provisions in transient occupancy tax legislation so that funds can continue to be used to protect open-space and resources of historical, cultural, ecological, and scenic value that attract tourism; and (4) increased incentives for citizens to create conservation and open-space easements.

Proffers: Support changes to the current proffer system and, in particular, the proffer legislation approved in 2016, which limits the scope of impacts that may be addressed by proffers and establishes specific criteria for when a proffer is deemed to be unreasonable. Support changes to provide more balanced and practical standards for determining whether a proffer is reasonable and restore a climate where localities and applicants can openly discuss rezoning applications and possible proffers.

Scenic Protection and Tourist Enhancement: Support enabling legislation for Albemarle County to provide for a scenic protection and tourist enhancement overlay district. The legislation would provide a method to ensure full consideration of visual resources and scenic areas when the County or state make land use decisions in designated areas.

Solar Energy: Support legislation that would eliminate or relax the cap on net energy metered electricity that utilities are required to purchase.

Stormwater Management: Oppose any legislation that would impact the resource and funding needs of the Virginia Department of Environmental Quality (DEQ) to fully administer, enforce, and maintain the state Stormwater Management Act, the Erosion and Sediment Control Law, and the Chesapeake Bay Preservation Act.

Transit Funding: Support the state identifying and providing new funding sources for transit capital investments. Capital project revenue bonds, approved in 2007 to provide \$600 million over 10 years for transit capital, are expiring. Failure by the state to provide replacement funding will jeopardize safe and reliable transit service and will result in the loss of federal funds if they are unable to be matched, which would mean a double hit for transit agencies funded primarily at the local/regional level.

Transportation Funding: Support legislation to: (1) establish a new dedicated funding source for a Charlottesville-Albemarle Regional Transit Authority; (2) establish stable and consistent state revenues for Virginia’s long-term transportation infrastructure needs; (3) direct funding efforts to expand transportation choices and engage in multimodal transportation planning; and (4) fund maintenance of rural road systems. Oppose any legislation or regulations that would require the transfer of responsibility to counties for constructing, maintaining, or operating new and existing secondary roads.

Water Quality and Resources: Support state funding for the following: (1) agriculture best management practices; (2) stormwater grant initiatives; and (3) wastewater treatment plant upgrades.

Health and Human Services

Administrative Appeals and Findings: Support legislation to amend Virginia Code § 63.2-1526(A) to require that an administrative finding be controlled by a court's civil or criminal finding if those matters involve the same conduct and the same victim and arise under the same operative facts. Support legislation to amend Virginia Code § 63.2-1526(C) to stay child protective services administrative appeals while abuse and neglect proceedings, findings, or both, are pending in circuit court.

Abuse and Neglect: Support legislation to expand the definition of "abuse and neglect" to include parents who use Schedule I/II controlled substances or are habitually intoxicated while being responsible for children.

Child Care for Low Income Working Families: Support legislation to provide additional funds to localities to assist low-income working families with childcare costs. Funding helps working-class parents pay for supervised day care facilities and supports efforts for families to become self-sufficient.

Children's Services Act (CSA): Support: (1) a locality's ability to use state funds to pay for mandated services provided directly by the locality, specifically for private day placements, where the same services could be offered in schools; (2) maintaining cost shares on a sum sufficient basis by both the state and localities; (3) enhanced state funding for local CSA administrative costs; (4) a cap on local expenditures in order to combat higher costs for serving mandated children; and (5) the state being proactive in making residential facilities and service providers available, especially in rural areas. Oppose changing the funding mechanism to a per-pupil basis of state funding, which would shift the sum sufficient portion fully to localities.

Local Department of Social Services (LDSS): Support increased state funding for LDSS to match all available federal funding to assist LDSS staffing needs in order to meet state mandated services and workloads.

Targeted Grants: Support improving the State's targeting of grants to businesses that pay higher wages by increasing the minimum wage requirements for eligible grant applicants.

Local Government Administration and Finance

Body Worn Cameras: Support legislation to amend Virginia Code § 2.2-3706 (which is part of the Virginia Freedom of Information Act (FOIA)) to clarify that local law enforcement agencies have the authority to withhold from mandatory disclosure under FOIA those records, including body worn cameras and dashcam video, that contain identifying information of a personal, medical, or financial nature where the release of the information could jeopardize the safety or privacy of any person.

Community College Capital Costs: Support legislation for the state to fund 100% of public funding required for community college capital costs. Currently, localities are required to fund a portion of operating and capital costs.

Composite Index: Support legislation to amend the Composite Index Funding Formula by re-defining the local true value of real property component of the formula to include the land use taxation value of real property rather than the fair market assessed value for those properties that have qualified and are being taxed under a land use value taxation program.

Drones: Support legislation enabling localities to have authority to regulate the use of unmanned aerial vehicles in their jurisdictions not preempted by federal law.

Drug Court Funding: Request full funding for the Drug Court Program, which provides effective treatment and intensive supervision to drug offenders through the Circuit Courts of several Virginia localities.

June Primary Elections: Support legislation to move the annual date for June primary elections in the Commonwealth from the second Tuesday in June to the third Tuesday in June to avoid conflicts between local election administration and local school systems, where schools serve as voting precinct polling places.

Regional Library Funding: Request full funding of State Aid to the Jefferson Madison Regional Library and other regional libraries in the State system.

Public Defender Funding: Request the state to adequately fund compensation for public defenders in Commonwealth jurisdictions.

Seat Belts: Support legislation that would make the failure to use a seat belt a primary offense.

State Mandates Funding: Request full funding for state mandates in all areas of local government including, but not limited to, the Standards of Quality (SOQs) and other mandates imposed on local school divisions, positions approved by the Compensation Board, costs related to jails and juvenile detention centers and human services positions.

Virginia Retirement System: Support restoration of funds to the Virginia Retirement System to maintain the long-term solvency of the plan without further devolving the funding responsibility to localities.

Thomas Jefferson Planning District**2019 LEGISLATIVE PROGRAM**

Albemarle County | City of Charlottesville

Fluvanna County | Greene County

Louisa County | Nelson County

DRAFT

October 2018

Rick Randolph, Chair

Chip Boyles, Executive Director

David Blount, Legislative Liaison

TOP LEGISLATIVE PRIORITIES**State Budget and Funding Obligations**

PRIORITY: The Planning District localities urge the governor and legislature to enhance state aid to localities, and to not impose mandates on or shift costs for state programs to localities.

While state general fund revenues are expected to continue to increase in the current fiscal year, crafting amendments to the enacted biennial budget will pose a tall order for the governor and election-conscious State legislators. They will have to address tax policy changes related to the new federal budget act, requests for additional funding in human services and transportation, and adding dollars for broadband and school safety/school facilities, as well as for various state agency projects.

As State policymakers weigh these issues, we encourage them to develop revenue and spending priorities that support K-12 education, economic development, public safety, and other public goals. Localities continue to be the state's go-to service provider and we believe state investment in local service delivery must be enhanced, as many mandated programs have been level funded since 2009. State funding for others, such as for jail per diems and HB 599, are less than the 2009 amounts.

We take the following positions:

→We oppose unfunded state and federal mandates and the cost shifting that occurs when the State or the federal government fails to fund requirements or reduces or eliminates funding for programs. Doing so strains local ability to craft effective and efficient budgets to deliver services mandated by the State or federal government or demanded by residents.

→We urge the State to resist placing additional administrative burdens on local governments without sufficient resources or flexibility; otherwise, the quality of services delivered at the local level is jeopardized.

→We urge policymakers to preserve existing funding formulas rather than altering them in order to save the State money and/or to shift costs to localities.

→The State should not confiscate or redirect local general fund dollars to the state treasury.

Public Education Funding

PRIORITY: The Planning District localities urge the State to fully fund its share of the realistic costs of the Standards of Quality (SOQ) without making policy changes that reduce funding or shift funding responsibility to localities.

The State will spend just over \$6.2 billion on direct aid to public education in FY19. While we appreciate additional state teacher salary and other education dollars approved for the FY19-20 biennium, we continue to believe that the State should significantly increase its commitment to K-12 education. While overall state funding has increased above FY09's low levels, per pupil funding amounts have not kept pace and state dollars do not reflect the true costs of K-12 education. Local governments consistently go "above and beyond" to close this funding gap by appropriating twice as much K-12 funding as required by the state.

We believe localities need an adequately defined SOQ so that state funding better aligns with what school divisions are actually providing in their schools. This could include recognizing additional instructional positions and, as recommended by the Board of Education, increasing state-funded staffing ratios for various, non-instructional positions. This would be a welcome change of course, as state policies that have been revised since the Great Recession have reduced the state's funding obligations to public education.

Broadband

PRIORITY: The Planning District localities encourage and support state and federal efforts and financial incentives that assist localities and their communities in deploying universal, affordable access to broadband technology in unserved areas.

Access to broadband, or high-speed internet, is a critical necessity in the 21st century. It has become basic, not optional, infrastructure, just like roads and electricity, that is essential for economic growth, equity in access to public education, community growth, and consumer communications and information. Many communities, particularly those in unserved rural areas, need thoughtful, longer-term strategies to bridge the broadband gap. This may be an approach that utilizes both fiber and wireless technologies, private/public partnerships and regulated markets that provide a choice of service providers and competitive prices.

Accordingly, we believe state and federal support should include the following:

→Additional state general fund dollars for localities/private sector providers to help extend service to areas presently unserved by any broadband provider. We appreciate action that increased funding for the Virginia Telecommunication Initiative (VaTI) in the current State budget from \$1 million to \$4 million per year, but believe additional, significant increases in investment are still critical.

→Development of a statewide comprehensive plan for broadband and state support for local governments that are developing or implementing local or regional broadband plans;

→Provisions and incentives that would provide 1) for the use of existing electrical and road right-of-way easements for broadband infrastructure, and 2) a sales tax exemption for materials used to construct such infrastructure.

→Support for linking broadband efforts for education and public safety to private sector efforts to serve businesses and residences;

→Maintaining local land use, permitting, fee and other local authorities; and

→Consideration of proposals that would subject broadband to stricter and more developed regulation as a public utility.

OTHER PRIORITY ITEMS

Local Revenue Authority

PRIORITY: The Planning District localities urge the governor and legislature to diversify the revenue options available to localities, to include equalizing the revenue-raising authority of counties with that of cities, and to not restrict local revenue-raising authority.

We support the legislature making additional revenue options available to diversify the local revenue stream, which could reduce dependency on real property taxes, rather than removing or restricting local revenue authorities. One way to do this is to eliminate the differences between city and county taxing authority, which exist due to now less-prevalent distinctions in the services provided. This would mean removing the restrictions that currently apply to county authority to levy the meals, lodging, cigarette and

amusement taxes. Equalizing revenue authority for counties with that of cities also should be included as part of a needed modernization of the state's tax system to comport with the realities of a global, information-driven economy, which will rely less on governmental spending and more on new, private sector business models. We also believe any tax reform efforts should examine the financing and delivering of state services at the local level.

We take the following positions:

→The State should refrain from establishing local tax policy at the state level and allow local governments to determine the equity of local taxation policy.

→The State should not expect local governments to pay for new funding requirements or the expansion of existing ones on locally-delivered services, without a commensurate increase in state financial assistance or new local taxing authority (see above).

→In light of the Supreme Court decision eliminating the requirement for physical presence for sales and use tax collection, any statutory changes must provide for local option sales taxes to be collected from remote sellers.

→The State should not alter or eliminate the BPOL and Machinery and Tools taxes.

→The State should refrain from diverting Communications Sales and Use Tax Trust Fund dollars for general fund purposes. Revenues coming back to localities from the Fund already are 20% less than 10 years ago, primarily because the tax does not reflect modern technology patterns of consumption. We also support updating the tax to reflect these new patterns.

Children's Services Act

PRIORITY: The Planning District localities urge the State to be partners in containing costs of the Children's Services Act (CSA) and to better balance CSA responsibilities between the State and local governments. The State should resist attempts to shift costs of serving children through CSA to localities and schools.

Since the inception of CSA in the early 1990's, there has been pressure to hold down costs, to cap state costs for serving mandated children, to increase local match levels and to make the program more uniform by attempting to control how localities run their programs.

This past session, the General Assembly continued its recent practice of appropriating additional dollars to address increasing caseloads and costs in CSA, an increase largely attributable to private special education day placement costs. Also, legislative review continues of options for these placements and how their cost and quality could be better managed. Localities are concerned about proposals that would move some CSA funding to the Department of Education, with any resulting shortfalls in funding for services becoming the responsibility of localities (rather than the current process where localities request supplemental state funding). Such a scenario could limit services and funding that are necessary for students who may need more intensive services at any time.

Accordingly, we support 1) local ability to use state funds to pay for mandated services provided directly by the locality, specifically for private day placements, where the same services could be offered in schools; and 2) maintaining cost shares on a sum sufficient basis by both the State and local governments. Changing the funding mechanism to a per-pupil basis of state funding would shift the sum sufficient portion fully to localities, which we would oppose.

We also support the following:

→Enhanced state funding for local CSA administrative costs;

→A cap on local expenditures (with the State making up any gaps) in order to combat higher costs for serving mandated children; and

→The State being proactive in making residential facilities, services and service providers available, especially in rural areas, and in supporting locality efforts to provide facilities and services on a regional level.

Land Use and Growth Management

PRIORITY: The Planning District localities encourage the State to resist preempting or circumventing existing land use authorities, and to provide additional tools to plan and manage growth, including broader impact fee authority.

Over the years, the General Assembly has enacted both mandated and optional land use provisions. Some have been helpful, while others have prescribed one-size-fits-all rules that hamper different local approaches to land use planning. Accordingly, we support local authority to plan and regulate land use, and we oppose legislation that weakens these key local responsibilities; this would include recent efforts to 1) restrict local oversight of the placement of various telecommunications infrastructure, and 2) single out specific land uses for special treatment without regard to the impact of such uses in particular locations.

We also believe the General Assembly should provide localities with necessary tools to meet important infrastructure needs, as current land use authority often is inadequate to allow local governments to provide for balanced growth in ways that protect and improve quality of life. This would include more workable impact fee authority for facilities other than roads, authority that should provide for calculating the cost of all public infrastructure, including local transportation and school construction needs caused by growth.

Proffer legislation approved in 2016 limits the scope of impacts that may be addressed by proffers, and establishes specific criteria for when a proffer is deemed to be unreasonable. We support changes to the law to provide more balanced and practical standards for determining whether a proffer is reasonable and to restore a climate where localities and applicants can openly discuss rezoning applications.

Further, we support ongoing state and local efforts to coordinate land use and transportation planning, and urge state and local officials to be mindful of various local and regional plans when conducting corridor or transportation planning within a locality or region.

Finally, concerning land preservation, we request state funding and incentives for localities, at their option, to acquire, preserve and maintain open space.

LEGISLATIVE POSITIONS

Economic and Workforce Development

The Planning District's member localities recognize economic development and workforce training as essential to the continued viability of the Commonwealth. We support policies and additional state funding that closely link the goals of economic and workforce development and the state's efforts to streamline and integrate workforce activities and revenue sources. We encourage enhanced coordination with the K-12 education community to equip the workforce with in-demand skill sets, so as to align workforce supply with anticipated employer demands. We also support continuing emphasis on regional cooperation in economic, workforce and tourism development.

Economic Development:

- We support continuation of the *GO Virginia* initiative to grow and diversify the private sector in each region, with ongoing state financial backing, technical support and other incentives to support collaboration by business, governments, educational institutions and communities that spur economic development, job creation and career readiness.

Workforce Development:

- We support state job investment and small business grants being targeted to businesses that pay higher wages.

Planning District Commissions:

- We support increased state funding for regional planning district commissions.
- We encourage opportunities for planning districts to collaborate with state officials and state agencies on regional programs and projects.

Agricultural Products and Enterprises:

We encourage state and local governments to work together and with other entities to identify, to provide incentives for, and to promote local, regional and state agricultural products and rural enterprises, and to encourage opportunities for such products and enterprises through a balanced approach.

Education

The Planning District's member localities believe that the state should be a reliable funding partner with localities by recognizing the operational, personnel, and capital resources necessary for a high-quality public education system (see priority position on *Public Education Funding*)

School Division Finances:

- We believe that unfunded liability associated with the teacher retirement plan should be a shared responsibility of state and local government, with the Virginia Department of Education paying its share of retirement costs directly to the Virginia Retirement System in order to facilitate such sharing.
- The State should not eliminate or decrease funding for school employee benefits.
- We support legislation that 1) establishes a mechanism for local appeal to the State of the calculated Local Composite Index (LCI); and 2) amends the LCI formula to recognize the land use taxation value, rather than the true value, of real property.

Literary Fund:

- The State should discontinue seizing dollars from the Literary Fund to help pay for teacher retirement.
- We urge state financial assistance with school construction and renovation needs.

Safety and Security at Schools:

- We support funding (both capital and operational) to improve security at local schools, to include incentive funding or reimbursement for localities and school divisions hiring school resource or security officers.

Environmental Quality

The Planning District's member localities believe that environmental quality should be funded and promoted through a comprehensive approach, and address air and water quality, solid waste management, land conservation, climate change and land use policies. We support protection and enhancement of the environment and recognize the need to achieve a proper balance between environmental regulation and the socio-economic health of our communities within the constraints of available revenues. Such an approach requires regional cooperation due to the inter-jurisdictional nature of many environmental resources, and adequate state funding to support local and regional efforts.

Chesapeake Bay Preservation Act:

- We oppose legislation mandating expansion of the Chesapeake Bay Preservation Act's coverage area. Instead, we urge the State to 1) provide legal, financial and technical support to localities that wish to comply with any of the Act's provisions; 2) allow localities to use other practices to improve water quality; and 3) provide funding for other strategies that address point and non-point source pollution.

Biosolids:

- We support the option for localities, as a part of their zoning ordinances, to designate and/or reasonably restrict the land application of biosolids to specific areas within the locality, based on criteria designed to further protect the public safety and welfare of citizens.

Alternate On-Site Sewage Systems:

- We support legislative and regulatory action to 1) ensure operation and maintenance of alternative on-site sewage systems in ways that protect public health and the environment, and 2) increase options for localities to secure owner abatement or correction of system deficiencies.

Dam Safety:

- We support dam safety regulations that do not impose unreasonable costs on dam owners whose structures meet current safety standards.

Water Supply:

- The State should be a partner with localities in water supply development and should work with and assist localities in addressing water supply issues, to include investing in regional projects.

Program Administration:

- The State should not impose a fee, tax or surcharge on water, sewer, solid waste or other local services to pay for state environmental programs.

Solar:

- We support the creation of stronger markets for distributed solar.

Disposable Plastic Bags:

- We support local authority to develop incentives to decrease the distribution, sale or offer of disposable plastic bags.

General Government

The Planning District's member localities believe that since so many governmental actions take place at the local level, a strong local government system is essential. Local governments must have the freedom, flexibility and tools to carry out their responsibilities.

Internet-based Businesses and Services:

- We oppose legislation that would single out internet-based businesses and services for special treatment or exceptions. Rather, the State should support local authority concerning collection and auditing of taxes, licensing and regulation. There should be a level playing field for competition among businesses offering goods and services to ensure safety, reliability and fair access to such offerings by consumers and the general public.

Local Government Operations:

- We oppose intrusive legislation involving purchasing procedures; local government authority to establish hours of work, salaries and working conditions for local employees; matters that can be adopted by resolution or ordinance; procedures for adopting ordinances; and procedures for conducting public meetings.
- We support allowing localities to use alternatives to newspapers for publishing various legal advertisements and public notices.
- We oppose attempts to reduce sovereign immunity protections for localities and their employees, to include regional jail officers.

State-Supported Positions:

- Localities should have maximum flexibility in providing compensation increases for state-supported local employees (including school personnel), as local governments provide significant local dollars and additional personnel beyond those funded by the State.

Elections:

- We urge funding to address shortfalls in elections administration dollars, as elections administration has become more complex and federal and state financial support for elections has been decreasing.
- We support legislation that allows localities to address concerns and discrepancies regarding voting district boundary lines.

Libraries: We support enhanced state funding for local and regional libraries.

Freedom of Information Act (FOIA):

- We request that any changes to FOIA preserve 1) a local governing body's ability to meet in closed session; 2) the list of records currently exempt from disclosure; and 3) provisions concerning creation of customized records.
- We support changes to allow local and regional public bodies to conduct electronic meetings as now permitted for state public bodies.

Quality of Life Issues:

- We oppose changes to state law that further weaken a locality's ability to regulate noise or the discharge of firearms.
- We support expanding local authority to regulate smoking in public places.

Health and Human Services

The Planning District's member localities recognize that special attention must be given to developing circumstances under which people, especially the disabled, the poor, the young and the elderly, can achieve their full potential. Transparent state policies and funding for at-risk individuals and families to access appropriate services are critical. The delivery of such services must be a collaborative effort by federal, state and local agencies.

Funding:

- We support full state funding for the local costs associated with Medicaid expansion, including local eligibility workers and case managers. We oppose changes in state funding or policies that increase the local share of costs for human services. We also oppose any shifting of Medicaid matching requirements from the State to localities.
- The State should provide sufficient funding to allow Community Services Boards (CSBs) to meet the challenges of providing a community-based system of care. This includes restoration of FY19 funding reduced when health care was expanded through Medicaid. While these reductions may eventually be made up due to expansion, the timing of implementation leaves CSBs with six months to make up for a year's worth of reductions in the current fiscal year, and puts them at risk of service and staffing disruptions.
- We support increased investment in the ID waiver program for adults and young people and Medicaid reimbursement for children's dental services.
- We support sufficient state funding assistance for older residents, to include companion and in-home services, home-delivered meals and transportation.

Social Services:

- We support the provision of sufficient state funding to match federal dollars for the administration of mandated services within the Department of Social Services, and to meet the staffing standards for local departments to provide services as stipulated in state law.
- We support changes to the Code to provide that a judicial finding be controlling of administrative findings in alleged child abuse and neglect cases.

Prevention:

- We support continued operation and enhancement of early intervention and prevention programs. This includes the Virginia Preschool Initiative and Part C of the Individuals with Disabilities Education Act (infants and toddlers).

Housing

The Planning District's member localities believe that every citizen should have an opportunity to afford decent, safe and sanitary housing. The State and localities should work to expand and preserve the supply and improve the quality of affordable housing for the elderly, disabled, and low- and moderate-income households. Regional planning and solutions should be implemented whenever possible.

Affordable Housing:

- We support the following: 1) local flexibility in the operation of affordable housing programs and establishment of affordable dwelling unit ordinances; 2) creation of a state housing trust fund; 3) grants and loans to low- or moderate-income persons to aid in purchasing dwellings; and 4) the provision of other funding to encourage affordable housing initiatives.

Homelessness:

- We support measures to prevent homelessness and to assist the chronic homeless.

Historic Structures:

- We support incentives that encourage rehabilitation and preservation of historic structures.

Public Safety

The Planning District's member localities encourage state financial support, cooperation and assistance for local law enforcement (and state police), emergency medical care, criminal justice activities and fire services responsibilities carried out locally.

Funding:

- We urge the State to make Compensation Board funding a top priority, fully funding local positions that fall under its purview. It should not increase the local share of funding Constitutional offices or divert money away from them, but increase dollars needed for their operation.

- We support returning funding responsibility for the Line of Duty Act (LODA) to the State. In the absence of that, there should be no new or enhanced benefits that increase locality costs.
- We urge state funding of the HB 599 law enforcement program in accordance with *Code of Virginia* provisions.
- The State should increase funding to the Virginia Juvenile Community Crime Control Act program, which has greatly reduced the number of juvenile justice commitments over the past decade.
- We support funding for mental health and substance abuse services at juvenile detention centers.

Jails:

- As the state prisoner reimbursement rate is insufficient to cover actual costs, jail per diem funding should be increased to levels that better represent the costs of housing inmates, and be regularly adjusted for inflation. The State should fund four quarters of payments per year in the budget, and pay for the medical costs and any necessary mental health assessments costs for inmates.
- The State should not shift costs to localities by altering the definition of state-responsible prisoner.
- The State should continue to allow exemptions from the federal prisoner offset.

Offender Programs and Services:

- We support continued state funding of the drug court program and the Offender Reentry and Transition Services (ORTS), Community Corrections and Pretrial Services Acts.
- We support continued state endorsement of the role and authority of pretrial services offices.
- We support authorization for the court to issue restricted driver's licenses to persons denied them because of having outstanding court costs or fees.

Body Cameras:

- We support the ability of local governments to adopt policies regarding law enforcement body worn cameras that account for local needs and fiscal realities.

Transportation Funding and Devolution

The Planning District's member localities recognize that revenues for expanding and maintaining all modes of infrastructure are critical for meeting Virginia's well-documented transportation challenges and for keeping pace with growing public needs and expectations. We believe the state should continue to enhance funding for local and regional transportation needs, including the Revenue Sharing Program with localities. We also remain opposed to attempts to transfer responsibility to counties for construction, maintenance or operation of current or new secondary roads.

Transit Capital Funding:

- Capital Project Revenue bonds, authorized to provide \$600 million over 10 years for transit capital, are expiring. Failure by the State to provide replacement funding will jeopardize safe and reliable transit service and will result in the loss of federal funds if they are unable to be matched, which would mean a double hit for transit agencies funded primarily at the local/regional level. Therefore, it is critical that the State identify new funding sources for transit capital investments.

Smart Scale:

- As the State continues to implement the prioritization process established by HB 2 (2014), known as "Smart Scale," and the distribution formula for highway construction projects established by HB 1887 (2015), there should be adequate funding, and local authority to generate transportation dollars, for important local and regional projects.

Devolution:

- We believe that efficient and effective transportation infrastructure, including the secondary road system, is critical to a healthy economy, job creation, a cleaner environment and public safety. Accordingly, we oppose shifting the responsibility for secondary roads to local entities, which could result in vast differences among existing road systems in different localities, potentially placing the state at a competitive economic disadvantage with other states when considering business and job recruitment, and movement of goods.

Local and Regional Authority:

- We support additional authority to establish mechanisms for funding transit in our region.
- We support VDOT utilizing Metropolitan Planning Organizations and regional rural transportation staff to carry out local transportation studies.

Water Quality

The Planning District's member localities support the goal of improved water quality, but as we face ongoing costs for remedies, including stormwater management and to address revised water quality criteria, we believe major and reliable forms of financial and technical assistance from the federal and state governments is necessary if comprehensive improvement strategies are to be effective.

Funding:

- We urge aggressive state investment in meeting required milestones for reducing Chesapeake Bay pollution to acceptable levels.
- We believe these investments include authority, funding and other resources to achieve success, and must ensure that cost/benefit analyses are conducted of solutions that generate the greatest pollution reductions per dollar spent.
- We support dollars being targeted to stormwater management, for permitted dischargers to upgrade treatment plants and for any retrofitting of developed areas, and to aid farmers with best management practices through the cost share program.

Stormwater Management:

- We request that any stormwater requirements be balanced and flexible, and that adequate funding and training be available for the State and local governments to meet ongoing costs associated with local stormwater programs.
- We support increased and ongoing investment in the Stormwater Local Assistance Fund to assist localities with much-needed stormwater projects and in response to any new regulatory requirements.
- We will oppose proposals that would result in new or expanded mandates or requirements, including elimination of current "opt-out" provisions, or financial burdens on local governments.
- We oppose further amendments to the regulation of stormwater which would require a locality to waive stormwater charges.

Nutrient Allocations:

- We oppose efforts that would require re-justification of nutrient allocations for existing wastewater treatment facilities in our region or that would reduce or eliminate nutrient allocation or related treatment capacity serving the region.

PRIORITIZED FY20-22 STRATEGIC PLAN DRAFT

HIGH PRIORITY

1. Climate Action Planning

- a. Develop/implement phase one of the Climate Action plan to include high level goals and strategies focused around climate protection and resiliency to locally address climate change. Through budget process, develop recommendations for near-term implementation plans following adoption of the phase one climate action plan.

2. Continue to expand and promote the County's outdoor recreational parks and amenities

- a. Complete rezoning for Biscuit Run Park and provide access to trails and greenways.
- b. Implement quality of life projects identified by the Parks and Recreation needs assessment.

MEDIUM PRIORITY

3. Develop an Economic Development Program

- a. The Economic Development program, ENABLE, will implement strategies that create an economy driven by business, industry, and institutions in a way that complements growth management reliant upon cross-functional internal teams and external partnerships.

4. School space needs

- a. Establish and implement strategic direction including appropriate public engagement, for school space needs (e.g., preschool, school capacity, modernization of facilities).

5. Infrastructure Planning

- a. Determine desired levels of service for water resource protection programs based on drainage infrastructure video assessment and pilot watershed restoration program development; and recommend continuing resource requirements to fully implement those programs at varying service levels.

6. Revitalize Aging Urban Neighborhoods

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| a. Implement improvement actions developed from neighborhood inventory data to address neighborhood level needs. |
| b. Apply the county's Transportation Project Prioritization Process to plan, identify funding, and implement bicycle, pedestrian, and transit infrastructure improvements within and serving our Aging Urban Neighborhoods. |
| c. Continue the partnership with Habitat for Humanity using the Team Approach with a focus on quality community and non-displacement and until the completion of the build out for Phase 1 of Southwood. |

LOW PRIORITY

7. Expand & upgrade the General District Court & Circuit Court

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| a. With established location decision and completed design, start the construction phase by Dec 2020 to expand the General District Court. |
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8. Redevelop Rio/Route 29 Intersection Area

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| a. Present draft ordinance to implement Rio29 vision and encourage by-right implementation of desired urban land use form. (Dec 2019) |
| b. Leverage existing and planned public investment to enhance place making in Rio/Route 29. (Jan 2021) |
| c. EDO will develop processes, policies, and/or resources to attract private capital to fulfill the small area plan vision. (June 2022) |

9. Expand Broadband

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| a. Establish and implement strategic direction to expand broadband affordable access to under-served, rural communities. |
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RESOLUTION

WHEREAS, the County of Albemarle is committed to ensuring that safe, decent, affordable, and accessible housing is available for all residents; and

WHEREAS, the County of Albemarle is committed to improving the livability of all neighborhoods and access to support services by residents; and

WHEREAS, The County of Albemarle is committed to revitalizing its urban neighborhoods; and

WHEREAS, the Piedmont Housing Alliance (PHA) Board of Directors on September 25, 2018 unanimously supported their Executive Director in pursuing the purchase and renovation of the Park's Edge Apartments from the Albemarle Housing Improvement Program (AHIP), and;

WHEREAS, PHA is requesting that the County of Albemarle provide support for the purchase rehabilitation, and preservation of the ninety-six (96) units of affordable housing in Park's Edge together with the community center originally funded with a Community Development Block Grant, and;

WHEREAS, PHA is also requesting a financial commitment of \$325,000 from the County of Albemarle to help leverage low-income housing tax credits and financing through the Virginia Housing Development Authority, and

WHEREAS, all proposed units in the development will be restricted to households with incomes at or below 60% of the area median income;

NOW, THEREFORE, BE IT RESOLVED that the County of Albemarle supports the purchase, renovation, and preservation of the Park's Edge Apartments by the Piedmont Housing Alliance and hereby reserves up to \$325,000 for PHA to support this project based on need as determined through the underwriting process.

BE IT FURTHER RESOLVED that the Chair is authorized to sign a letter on behalf of the Board in support of the project.

**RESOLUTION TO REQUEST THE COMMONWEALTH TRANSPORTATION BOARD
RESTRICT THROUGH TRACTOR TRAILER TRAFFIC ON MILLER SCHOOL ROAD**

WHEREAS, Virginia Code § 46.2-809 provides that a locality may formally request that the Commonwealth Transportation Board or its designee restrict through trucks on certain segments of primary and secondary routes in the limited number of cases where doing so will promote the health, safety, and welfare of the public without creating an undue hardship on any transportation users; and

WHEREAS, requests have been received by residents along and near Miller School Road in Albemarle County for an evaluation into the applicability of Through-Truck Restrictions on the road; and

WHEREAS, Miller School Road meets the requirements for a Through Truck Restriction as set forth in the policy adopted by the Commonwealth Transportation Board on October 16, 2003, "Guidelines for Considering Requests to Restrict Through Trucks on Primary and Secondary Highways"; and

WHEREAS, the proposed through truck restriction will include Miller School Road (Rte. 635) beginning at the intersection of Plank Road (Rte. 692) heading north and terminating at the intersection of Rockfish Gap Turnpike (US 250); and

WHEREAS, I-64 and Monocan Trail (US-29), as further described on the map that is attached hereto and incorporated herein, a distance of 19.5 miles, is a reasonable alternative to trucks now traveling along Miller School Road between I-64 and US 29; and

NOW, THEREFORE BE IT RESOLVED that the Albemarle County Board of Supervisors, after holding a public hearing on October 10, 2018, hereby requests that the Commonwealth Transportation Board prohibit through tractor trailer traffic on Miller School Road between Plank Road (Rte. 692) and Rockfish Gap Turnpike (US 250).

BE IT FURTHER RESOLVED that the Albemarle County Board of Supervisors does support this request and states its intent that it will use its good offices for enforcement of the proposed restriction by the Albemarle County Police Department and any other appropriate law enforcement agency.

**RESOLUTION TO REQUEST THE COMMONWEALTH TRANSPORTATION BOARD
RESTRICT THROUGH TRACTOR TRAILER TRAFFIC ON OWENSVILLE ROAD**

WHEREAS, Virginia Code § 46.2-809 provides that a locality may formally request that the Commonwealth Transportation Board or its designee restrict through trucks on certain segments of primary and secondary routes in the limited number of cases where doing so will promote the health, safety, and welfare of the public without creating an undue hardship on any transportation users; and

WHEREAS, requests have been received by residents throughout the rural areas in northwest Albemarle County for evaluations into the applicability of Through-Truck Restrictions in the area; and

WHEREAS, the Virginia Department of Transportation identified Owensville Road as a candidate for a Through-Truck Restriction based on its crash history and geometric deficiencies; and

WHEREAS, Owensville Road meets the requirements for a Through Truck Restriction as set forth in the policy adopted by the Commonwealth Transportation Board on October 16, 2003, "Guidelines for Considering Requests to Restrict Through Trucks on Primary and Secondary Highways"; and

WHEREAS, the proposed through truck restriction will include Owensville Road (Rte. 676) beginning at the intersection of Ivy Road (US 250) heading north and terminating at the intersection of Garth Road (Rte. 692); and

WHEREAS, Ivy Road (US 250), I-64, and Seminole Trail (US-29), as further described on the map that is attached hereto and incorporated herein, a distance of 29.1 miles, is a reasonable alternative to trucks now traveling along Owensville Road between US 250 and US 29; and

NOW, THEREFORE BE IT RESOLVED that the Albemarle County Board of Supervisors, after holding a public hearing on October 10, 2018, hereby requests that the Commonwealth Transportation Board prohibit through tractor trailer traffic, excepting traffic from tractor trailers used exclusively in connection with logging operations, on Owensville Road between Ivy Road (US 250) and Garth Road (Rte. 692).

BE IT FURTHER RESOLVED that the Albemarle County Board of Supervisors does support this request and states its intent that it will use its good offices for enforcement of the proposed restriction by the Albemarle County Police Department and any other appropriate law enforcement agency.

ORDINANCE NO. 18-18(5)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE IV, PROCEDURE, 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 18, Zoning, Article IV, Procedure, is hereby amended and reordained as follows:

By Amending:

- Sec. 35.1 Fees.
- Sec. 35.2 Calculation Of Fees In Special Circumstances.
- Sec. 35.3 Mode And Timing For Paying Fees.
- Sec. 35.4 Fee Refunds.
- Sec. 35.5 Pre-Existing Use Fee Waiver.

Chapter 18. Zoning**Article IV. Procedure****Section 35. Fees**

.....

35.1 Fees.

Each applicant shall pay the following applicable fees, provided that neither the county nor the county school board shall be required to pay any fee if it is the applicant:

- a. Zoning map amendments:
 - 1. Less than 50 acres; application and first resubmission: \$2,688.00
 - 2. Less than 50 acres; each additional resubmission: \$1,344.00
 - 3. 50 acres or greater; application and first resubmission: \$3,763.00
 - 4. 50 acres or greater; each additional resubmission: \$1,881.00
 - 5. Amendments submitted under section 30.7.6: (i) because the slopes are not steep slopes: no fee; (ii) to change any slope's designation from preserved to managed or to remove steep slopes from the steep slopes overlay district: any application fee under subsections (b)(1) through (5).
 - 6. Amendments solely pertaining to proffers that do not affect use or density, when the board of supervisors authorizes alternative application and procedural requirements under section 33.7(f): \$457.00 plus calculated notification and legal advertisement costs.
 - 7. Reapplication that is substantially the same as the withdrawn application, when authorized by the Board of Supervisors: \$1,770.00.
- b. Special use permits:
 - 1. Additional lots under section 10.5.2.1, public utilities, day care center, home occupation Class B, to amend existing special use permit, or to extend existing special use permit; application and first resubmission: \$1,075.00
 - 2. Additional lots under section 10.5.2.1, public utilities, day care center, home occupation class B, to amend existing special use permit, or to extend existing special use permit; each additional resubmission: \$538.00
 - 3. Signs reviewed by the board of zoning appeals: See subsection 35.1(e)
 - 4. All other special use permits; application and first resubmission: \$2,150.00
 - 5. All other special use permits; each additional resubmission: \$1,075.00
 - 6. Farmers' markets without an existing commercial entrance approved by the Virginia Department of Transportation or without existing and adequate parking: \$527.00
 - 7. Farmers' markets with an existing commercial entrance approved by the Virginia Department of Transportation and with existing and adequate parking: \$118.00
 - 8. Reapplication that is substantially the same as the withdrawn application, when authorized by the Board of Supervisors: \$1,770.00.
- c. Site plans:

1. Initial site plans: \$1,290.00 plus \$16 per dwelling unit and \$0.016 per square foot of nonresidential structure; the fee paid for preapplication plans shall be applied to the fee for initial site plans
 2. Preapplication plans: \$538.00
 3. Final site plans: \$1,613.00
 4. Exception to drawing of site plan under section 32.3.5(a): \$1,613.00
 5. Site plan amendments under section 32.3.3(b): \$538.00 (minor); \$108.00 (letter of revision)
 6. Site plan amendments under section 32.3.3(b) (major): \$1,613.00
 7. Appeals under section 32.4.2.6: \$258.00
 8. Reinstatement of review under sections 32.4.2.1(d) and 32.4.3.1(e): \$258.00
 9. Reinstatement of review under section 32.4.2.5(e): \$86.00
 10. Extension of period of validity: \$511.00
 11. Inspections pertaining to secured site plan improvements; per inspection: \$301.00
 12. Dam break inundation zones; administrative fee as required by section 32.8.6: One percent of the total amount of payment required by section 32.8.6 or one thousand dollars (\$1,000.00), whichever is less. (Payment made to the Dam Safety, Flood Prevention and Protection Assistance Fund held by the Virginia Resources Authority).
- d. Certificates of appropriateness considered by the architectural review board ("ARB"):
1. For a site plan; per review by the ARB: \$1,075.00
 2. For a building permit; per review by the ARB: \$634.00
 3. Amendment to approved certificate of appropriateness: \$242.00
- e. Matters considered by the board of zoning appeals:
1. Variances: \$538.00
 2. Appeals: \$258.00
 3. Special use permits for signs under sections 4.15.5 and 4.15.5A: \$538.00
 4. Interpreting a district map: \$258.00
- f. Matters considered by the zoning administrator or other officials:
1. Official determinations regarding compliance: \$199.00
 2. All other official determinations, including development rights: \$108.00
 3. Zoning clearance for tourist lodging: \$108.00
 4. Zoning clearance for a home occupation, class A, a major home occupation, or a minor home occupation: \$27.00
 5. Zoning clearance for temporary fundraising activity: No fee
 6. All other zoning clearances: \$54.00
 7. Sign permits under section 4.15.4A; no ARB review required: \$27.00, except for applications for temporary signs submitted under section 4.15.4A(c)(2)(b) or (c)(2)(c), for which there shall be no fee.
 8. Sign permits under section 4.15.4; ARB review required: \$129.00
 9. Letter of Map Change review: \$161.00 (topographic plan only): \$323.00 (topographic plan with floodplain model)
 10. Floodplain Impact Plan review: \$323.00
 11. Variation or exception under section 32.3.5 before approval of a final site plan: \$892.00
 12. Variation or exception under section 32.3.5 after approval of a final site plan: \$892.00
- g. Groundwater assessments:
1. Tier 1 assessment under section 17-401: \$54.00
 2. Tier 3 assessment under section 17-403: \$548.00
 3. Tier 4 assessment under section 17-404: \$1,183.00
- h. Miscellaneous:
1. Change in name of development or change in name of street: \$86.00
 2. Special exception: \$457.00
 3. Tier II personal wireless service facilities: \$1,957.00
- i. Required notice:
1. Initial notice fee to be provided in conjunction with an application, for preparing and mailing notices and published notice: \$435.00, except for uses under sections 5.1.47 and 5.2A, or applications submitted under section 30.7.6, for which there shall be no fee.
 2. Fee for farmers' markets for published notice under section 35.1(b)(6): \$220.00.

3. Fee for readvertisement and notification of public hearing after advertisement of a public hearing and a deferral is made at the applicant's request:
 - a. Preparing and mailing or delivering up to fifty (50) notices: \$215.00, except for uses under sections 5.1.47 and 5.2A, or applications submitted under section 30.7.6, for which there shall be no fee.
 - b. Preparing and mailing or delivering, per notice more than fifty (50): \$1.08 plus the actual cost of first class postage. No fee shall be required for applications submitted under section 30.7.6.
 - c. Published notice: cost based on a cost quote from the publisher, except for farmers' markets under section 35.1(c)(7) and (8), or applications submitted under section 30.7.6, for which there shall be no fee.

(§ 35.1: Amended 5- 5-82; 9-1-85; 7-1-87; 6-7-89; 12-11-91 to be effective 4-1-92; 7- 8-92; Ord. 10-18(7), adopted 8-4-10, effective 1-1-11; Ord. 11-18(1), 1-12-11; Ord. 11-18(7), 6-1-11; Ord. 12-18(6), 10-3-12, effective 1-1-13; Ord. 12-18(7), 12-5-12, effective 4-1-13; Ord. 13-18(7), 12-4-13, effective 1-1-14; Ord. 14-18(1), 3-5-14; Ord. 14-18(2), 3-5-14; Ord. 15-18(8), adopted 10-14-15, effective 11-1-15; Ord. 16-18(4), 4-6-16)

State law reference – Va. Code §§ 15.2-2286(A)(6), 15.2-2241(9), 15.2-2243.1.

35.2 Calculation Of Fees In Special Circumstances.

In the special circumstances provided below, the fee required by section 35.1 shall be calculated as follows:

- a. *Simultaneous review of special use permit for outdoor display and sales and supporting initial site plan.* The applicant shall pay the fee for the special use permit, but not the fee for the initial site plan for outdoor display and sales, which require simultaneous review of both the special use permit application and a supporting initial site plan.
- b. *Multiple special use permits to establish a single use.* If multiple special use permits are required to establish a single use, the applicant shall pay only the largest single fee for a special use permit for all of the special use permit applications.

(§ 35.0, 12-10-80; 5-5-82; 9-1-85; 7-1-87; 6-7-89; 12-11-91 to be effective 4-1-92; 7- 8-92; * to be effective 1-1-94; Ord. 02-18(4), 7-3-02; Ord. 04-18(3), 10-13-04; Ord. 04-18(4), adopted 12-8-04, effective 2-8-05; Ord. 10-18(7), adopted 8-4-10, effective 1-1-11; Ord. 12-18(6), 10-3-12, effective 1-1-13; Ord. 15-18(8), adopted 10-14-15, effective 11-1-15)

35.3 Mode And Timing For Paying Fees.

The fees required by sections 35.1 and 35.2 shall be paid as follows:

- a. *Mode of payment.* Except as provided in section 35.1(d)(13), the fee shall be in the form of cash, a check payable to the "County of Albemarle," or by credit or debit card transaction.
- b. *Timing of payment.* Except as provided in sections 33.20, 33.34, and 33.45, the applicant shall pay any applicable fees when the application is submitted. An application presented without the required fee shall not be deemed to be submitted and shall not be processed.

(Ord. 15-18(8), adopted 10-14-15, effective 11-1-15)

35.4 Fee Refunds.

- a. *Payment in full.* If the zoning administrator determines after a fee required by section 35.1 has been paid that the review and approval to which the fee pertains is not required to establish the use or structure, the fee shall be refunded to the applicant in full.
- b. *Partial refund.* If an applicant withdraws an application within 70 days after official submittal for review, the applicant shall receive a full refund of the initial notice fee.

(§ 18-35.3, Ord. 10-18(7), adopted 8-4-10, effective 1-1-11; § 18-35.4, Ordinance 15-18(8), adopted 10-14-15, effective 11-1-15)

35.5 Pre-Existing Use Fee Waiver.

If an applicant applies for a special use permit, the applicable fee shall be waived provided that the zoning administrator finds the following conditions are met:

- a. The use applied for does not conform to the zoning prescribed for the district in which the use is situated;
- b. A business license was issued by the county for the applied-for use; and
- c. The holder of the business license has operated continuously in the same location for at least fifteen (15) years and has paid all real estate, business license, and personal property taxes related to the use.

(Ord. 17-18(4), 8-9-17)

ORDINANCE NO. 18-3(1)

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 amended and reordained as follows:

By Amending:

- 3-206 Fees.
- 3-207 Batesville Agricultural and Forestal District.
- 3-208 Blue Run Agricultural and Forestal District.
- 3-209 Buck Mountain Agricultural and Forestal District.
- 3-306 Fees.
- 3-307 Nortonville Local Agricultural and Forestal District.

By Amending and Renaming:

- 3-100 Purpose ~~and intent.~~
- 3-200 Minimum size and location of parcels in a district.
- 3-201 ~~Creation of~~ Creating a district.
- 3-202 Effect of ~~district creation~~ creating a district.
- 3-203 ~~Addition of~~ Adding land to a district.
- 3-204 ~~Review of~~ Reviewing a district; continuation, modification or termination.
- 3-205 ~~Withdrawal of~~ Withdrawing land from a district.
- 3-300 Minimum size and location of parcels in a district.
- 3-301 ~~Creation of~~ Creating a district.
- 3-302 Effect of ~~district creation~~ creating a district.
- 3-303 ~~Addition of~~ Adding land to a district.
- 3-304 ~~Review of~~ Reviewing a district; continuation, modification or termination.
- 3-305 ~~Withdrawal of~~ Withdrawing land from a district.

By Amending and Renumbering:

- | <u>Old</u> | <u>New</u> | |
|------------|------------|--|
| 3-101 | 3-102 | Districts may be created, modified, renewed, continued and terminated. |
| 3-102 | 3-103 | Planning e Commission; powers and duties. |
| 3-103 | 3-104 | Advisory e Committee established; membership; appointment and term of office of members; compensation; powers and duties. |
| 3-104 | 3-105 | Program administrator. |
| 3-209.5 | 3-210 | Buck's Elbow Mountain Agricultural and Forestal District. |
| 3-210 | 3-211 | Carter's Bridge Agricultural and Forestal District. |
| 3-211 | 3-212 | Chalk Mountain Agricultural and Forestal District. |
| 3-212 | 3-213 | Eastham Agricultural and Forestal District. |
| 3-212.5 | 3-214 | Fox Mountain Agricultural and Forestal District. |
| 3-213 | 3-215 | Free Union Agricultural and Forestal District. |
| 3-213.5 | 3-216 | Glen Oaks Agricultural and Forestal District. |
| 3-213.6 | 3-217 | Green Mountain Agricultural and Forestal District. |
| 3-214 | 3-218 | Hardware Agricultural and Forestal District. |
| 3-215 | 3-219 | Hatton Agricultural and Forestal District. |
| 3-216 | 3-220 | High Mowing Agricultural and Forestal District. |
| 3-217 | 3-221 | Ivy Creek Agricultural and Forestal District. |
| 3-218 | 3-222 | Jacobs Run Agricultural and Forestal District. |
| 3-219 | 3-223 | Keswick Agricultural and Forestal District. |
| 3-220 | 3-224 | Kinloch Agricultural and Forestal District. |
| 3-221 | 3-225 | Lanark Agricultural and Forestal District. |
| 3-222 | 3-226 | Moorman's River Agricultural and Forestal District. |
| 3-223 | 3-227 | North Fork Moorman's River Agricultural and Forestal District. |
| 3-224 | 3-228 | Panorama Agricultural and Forestal District. |
| 3-225 | 3-229 | Pasture Fence Mountain Agricultural and Forestal District. |
| 3-225.5 | 3-230 | South Garden Agricultural and Forestal District. |

3-226	3-231	Sugar Hollow Agricultural and Forestal District.
3-227	3-232	Totier Creek Agricultural and Forestal District.
3-228	3-233	Yellow Mountain Agricultural and Forestal District.

By Adding:

3-101	State and County policies to be promoted.
3-106	Definitions.
3-107	Appeals of any decision by the Director of Planning.

Article 1. Administration

Sec. 3-100 Purpose.

The purpose of this chapter is to provide a means by which agricultural and forestal lands of statewide and local significance may be protected and enhanced as a viable segment of the State and local economies, and as important economic and environmental resources.

(§§ 1, 2; Ord. 98-A(1), 8-5-98)

State law reference-Va. Code §§ 15.2-4301, 15.2-4401.

Sec. 3-101 State and County policies to be promoted.

This chapter protects paramount public interests and shall be liberally construed to effectuate its purpose stated in County Code § 3-100 and the following policies:

- A. *Production of food and other agricultural and forestal products.* It is the policy of the State and the County to conserve and protect and to encourage the development and improvement of the Commonwealth's agricultural and forestal lands for the production of food and other agricultural and forestal products.
- B. *Provide essential open spaces.* It is also the policy of the State and 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, watershed protection, wildlife habitat, as well as for aesthetic purposes.
- C. *Strong agricultural and forestal economy.* It is the policy of the County to support a strong agricultural and forestal economy.
- D. *Protect and preserve natural resources and retain continuous and unfragmented land.* It is the policy of the County to protect and preserve natural resources, which include mountains, hills, valleys, rivers, streams, groundwater, and retain continuous and unfragmented land for agriculture, forestry, biodiversity, and natural resource protection.

State law reference-Va. Code § 15.2-4301.

Sec. 3-102 Districts may be created, modified, renewed, continued, and terminated.

The Board of Supervisors may create, modify, renew, continue, and terminate agricultural and forestal districts of either statewide or local significance, and authorize lands to be withdrawn from agricultural and forestal districts, as provided in this chapter and in Virginia Code §§ 15.2-4300 et seq. and 15.2-4400 et seq.

(6-8-83, §§ 1, 2; § 2.1.1-1; 9-15-93; Code 1988, § 2.1-1; Ord. 98-A(1), 8-5-98)

State law reference-Va. Code §§ 15.2-4303, 15.2-4403, 15.2-4405.

Sec. 3-103 Planning Commission; powers and duties.

The Planning Commission has the following powers and duties in administering this chapter:

- A. *Evaluate applications.* The Commission shall evaluate all applications to create, modify, renew, continue, and terminate an agricultural and forestal district as provided in this chapter.

- B. *Conduct public hearings.* The Commission shall conduct public hearings as provided by this chapter and Virginia Code §§ 15.2-4300 *et seq.* and 15.2-4400 *et seq.*
- C. *Make recommendations.* The Commission shall report its recommendations to the Board of Supervisors.
- D. *Other powers and duties.* The Commission shall have all other powers and duties granted to it pursuant to Virginia Code §§ 15.2-4300 *et seq.* and 15.2-4400 *et seq.*

(Ord. 98-A(1), 8-5-98)

State law reference-Va. Code §§ 15.2-4300 *et seq.*, 15.2-4400 *et seq.*

Sec. 3-104 Advisory Committee established; membership; appointment and term of office of members; powers and duties.

An Advisory Committee is hereby established, subject to the following:

- A. *Composition.* The Committee shall be composed of 10 members appointed by the Board of Supervisors. The Committee shall be composed of four landowners who are engaged in agricultural or forestal production, four other landowners of the County, the County Assessor, and one member of the Board of Supervisors.
- B. *Terms.* The terms of the eight landowner members of the Committee are as follows:
 - 1. *Length of terms; staggered terms.* Each landowner-member is appointed for a four-year term. The terms are staggered so that two landowner-members' terms expire each year.
 - 2. *Term limit.* A landowner-member may serve up to two consecutive terms, provided that a landowner-member appointed to complete the unexpired term of another may be appointed to serve up to two additional consecutive four-year terms. The term limit does not apply if the Board of Supervisors is unable to find a qualified person to appoint as a successor landowner-member within six months after the expiration of the members' term after conducting a reasonable search, in which case the member may be appointed for an additional term.
 - 3. *Holdover until successor appointed.* A landowner-member whose term expires shall continue to serve until a successor is appointed.
- C. *Serve at pleasure of the Board of Supervisors.* The members of the Committee shall serve at the pleasure of the Board of Supervisors.
- D. *Compensation and reimbursement.* The members of the Committee shall serve without compensation. The Board of Supervisors may, in its discretion, reimburse members for their actual and necessary expenses incurred in the performance of their duties.
- E. *Officers.* The Committee shall elect a chairman, vice-chairman, and secretary at the first meeting of the Committee each calendar year. The secretary need not be a member of the Committee.
- F. *Advisory role.* The Committee shall advise the Planning Commission and the Board of Supervisors on:
 - 1. *District-related matters.* Matters that it considers pursuant to this chapter, and shall render expert advice as to the nature of farming and forestry and agricultural and forestal resources within a district and the relation of those resources to the County.
 - 2. *Rural Area-related matters.* Matters pertaining to the Rural Area of the County that may affect agriculture or forestry.

(Ord. 98-A(1), 8-5-98; Ord. 05-3(1), 3-2-05)

State law reference-Va. Code §§ 15.2-4304, 15.2-4404.

Sec. 3-105 Program administrator.

The Director of Planning is hereby appointed the administrator of the County's agricultural and forestal district program.

State law reference-Va. Code § 15.2-4305.

Sec. 3-106 Definitions.

The following definitions apply to this chapter:

Agricultural production means the production for commercial purposes of crops, livestock and livestock products and, in agricultural and forestal districts of statewide significance, includes the processing or retail sales by the producer of crops, livestock or livestock products which are produced on the parcel or in the district.

Agricultural products means crops, livestock and livestock products, including but not limited to, field crops, fruits, vegetables, horticultural specialties, cattle, sheep, hogs, goats, horses, poultry, furbearing animals, milk, eggs, and furs.

Agriculturally and forestally significant land means: (i) in an agricultural and forestal district of statewide significance, land that has recently or historically produced agricultural and forestal products, is suitable for agricultural or forestal production or is considered appropriate to be retained for agricultural and forestal production as determined by such factors as soil quality, topography, climate, markets, farm structures, and other relevant factors; and (ii) in an agricultural and forestal district of local significance, land that has historically produced agricultural and forestal products, or land that the Advisory Committee considers good agricultural and forestal land based upon such factors as soil quality, topography, climate, markets, farm improvements, agricultural and forestry economics and technology, and other relevant factors.

District means: (i) in Article 2, an agricultural and forestal district of statewide significance; and (ii) in Article 3, an agricultural and forestal district of local significance.

Forestal production means the production for commercial purposes of forestal products and includes the processing or retail sales, by the producer, of forestal products which are produced on the parcel or in the district.

Forestal products includes, but is not limited to, saw timber, pulpwood, lumber, posts, firewood, Christmas trees and other tree and wood products for sale or for farm use.

Landowner and *owner of land* mean any person holding a fee simple interest in real property within a proposed or existing district, but does not mean the holder of an easement.

Member of the immediate family means the natural or legally defined off-spring, grandchild, grandparent, parent, or sibling of the owner of property.

State law reference-Va. Code §§ 15.2-4302, 15.2-4402.

Sec. 3-107 Appeals of any decision by the Director of Planning.

Any decision made by the Director of Planning pursuant to this chapter may be appealed to the Board of Supervisors as follows:

- A. *Persons having right to appeal.* Any landowner aggrieved by a decision of the Director of Planning may file an appeal.
- B. *Written appeal required; timing for filing; contents.* An appeal shall be in writing and be filed with the Clerk for the Board of Supervisors within 30 days after the date of the Director of Planning's decision. The appeal shall identify the landowner and the parcel, and shall state the grounds for the appeal.
- C. *Consideration of appeal by the Board of Supervisors.* The Board of Supervisors may affirm, reverse, or modify in whole or in part the Director of Planning's decision. The Board shall give due consideration to the decision of the Director of Planning and the applicable criteria or standards relied on by the Director, the purpose and policies of this chapter, the information provided by the landowner, and any other information it deems necessary for a proper review of the appeal.

- D. *Time for decision.* The Board of Supervisors shall make a decision on the appeal within 90 days after the appeal is filed.

Article 2. Districts of Statewide Significance

Division 1. Procedure

Sec. 3-200 Minimum size and location of parcels in a district.

Each district is subject to the following:

- A. *Minimum core when district created.* Each district shall have a core of at least 200 acres in one parcel or in contiguous parcels when the district is created.
- B. *Parcels not part of core eligible to be in district.* Any parcel that is not part of the core may be included in a district, either at the time the district is created or added after the district is created in the following circumstances:
1. Within one mile of the core. If the nearest boundary of the parcel is within one mile of the boundary of the core.
 2. *Contiguous to a parcel in the district that is within one mile of the core.* If the parcel is contiguous to a parcel in the district and that parcel's nearest boundary is within one mile of the core.
 3. *Beyond one mile of the core.* If the Board of Supervisors finds, in consultation with the Advisory Committee and the Planning Commission, that the parcel, although it is not part of the core and is not within one mile of the boundary of the core contains agriculturally and forestally significant land.
- C. *District may include parcels in another locality.* The parcels included in a district may be located in more than one locality provided that the requirements of Virginia Code § 15.2-4305 for districts are satisfied.

(Ord. 98-A(1), 8-5-98; Ord. 11-3(3), 8-3-11)

State law reference--Va. Code § 15.2-4305.

Sec. 3-201 Creating a district.

Each district 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 be made on a form developed and provided by the Director and shall be signed by each landowner whose land is proposed to be included in the district. Each submitted application shall 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.
- B. *Referring the application.* Upon receiving an application for a district, the Director shall refer the application to the Advisory Committee.
- C. *Advisory Committee review.* Upon receiving an application from the Director, the Advisory Committee shall review the application and any proposed modifications and report its recommendations to the Planning Commission. The Committee shall apply the criteria in subsection (F) when it reviews an application.
- D. *Planning Commission review.* Upon receiving the report of the Advisory Committee on an application, the Planning Commission shall: (i) provide the notice required by Virginia Code § 15.2-4307(1); (ii) hold a public hearing; and (iii) after the public hearing, report its recommendations to the Board of Supervisors. The Planning Commission shall apply the criteria in subsection (F) when it reviews an application. The Planning Commission's report shall include the potential effect of the district and any proposed modifications upon the County's planning policies and objectives.
- E. *Hearing and action by the Board of Supervisors.*

After receiving the Planning Commission's and the Advisory Committee's reports:

1. *Public hearing.* The Board of Supervisors shall hold a public hearing on the application.
 2. *Notice of the public hearing.* The Clerk for the Board shall ensure that notice of the public hearing is published as provided by Virginia Code § 15.2-1427(F). The Director of Planning shall provide written notice to all landowners in the proposed district by first class mail. Any conditions on creating the district and the review period shall be described, either in the application or in a written notice provided by the Director of Planning by first-class mail to all landowners in the proposed district and published in a newspaper having a general circulation in the district at least two weeks before adoption of an ordinance creating a district.
 3. *Factors to be considered when acting.* The Board of Supervisors shall reasonably consider the recommendations of the Advisory Committee and the Planning Commission, the criteria in subsection (F), and any other relevant factors when it considers and acts on an application.
 4. *Action.* After the public hearing, the Board of Supervisors may, by ordinance, create a district as applied for. If the Board desires to impose any conditions on the creation of the district or its review period, the Board shall not act on the ordinance until notice is given as provided in subsection (E)(2) and a second public hearing is held.
 5. *Time for action.* The Board of Supervisors shall act either to adopt the ordinance creating the district or reject the application, or any modification to it, within 180 days after the application date set by the Director of Planning under which the application was received.
- F. *Criteria.* The Advisory Committee, the Planning Commission, and the Board of Supervisors shall apply the following criteria when they review an application:
1. *Agricultural and forestal significance of the land.* The agricultural and forestal significance of the land within the district and in areas adjacent to the district; in evaluating the agricultural and forestal significance of the land, any relevant agricultural or forestal maps may be considered, as well as soil, climate, topography, other natural factors, markets for agricultural and forestal products, the extent and nature of farm structures, the present status of agriculture and forestry, anticipated trends in agricultural economic conditions, and other relevant factors;
 2. *Significant agricultural or forestal lands not in active production.* The presence of any significant agricultural or forestal lands within the district and in areas adjacent to the district that are not now in active agricultural or forestal production, considering the maps, factors, markets, and other information described in subsection (F)(1);
 3. *Uses other than active farming or forestry.* The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent to the district;
 4. *Development patterns.* Local development patterns and needs;
 5. *Comprehensive Plan and zoning regulations.* The Comprehensive Plan and the applicable zoning regulations;
 6. *Environmental benefits.* The environmental benefits of retaining the lands in the district for agricultural and forestal uses;
 7. *Development rights.* Whether any parcel has one or more development rights that would allow the creation of one or more parcels less than 21 acres in size; in considering whether to include any parcel in a district, the policy of the County is to not include any parcel determined to have no development rights and cannot be further divided to create one or more parcels less than 21 acres in size; and
 8. *Other.* Any other relevant matter.
- (§ 2.1-2; 6-8-83, §§ 3, 4, 5; 12-16-87; 12-11-91; 7-1-92; Code 1988, § 2.1-2; Ord. 98-A(1), 8-5-98; Ord. 09-3(1), 6-10-09; Ord. 11-3(3), 8-3-11; Ord. 16-3(2), 10-12-16)

State law reference--Va. Code §§ 15.2-4303 through 15.2-4307 and 15.2-4309.

Sec. 3-202 Effect of creating a district.

Any lands within a district are subject to the following:

- A. *Prohibition to develop to a more intensive use.* As a condition to creating a district, any parcel within the district shall not be developed to a more intensive use than that existing on the date the district was created, subject to the following:
1. *More intensive agricultural or forestal production is not development to a more intensive use.* Any parcel may be developed for uses resulting in more intensive agricultural or forestal production.
 2. *Residential uses and occupancy deemed not to be development to a more intensive use; exceptions.* Residential uses on any parcel within a district that are allowed by right in the Rural Areas zoning district are allowed, including the construction and placement of a dwelling unit, regardless of the size of the parcel, subject to the following occupancy requirements:
 - a. *Occupancy by landowners and members of their immediate family.* Any dwelling unit may be occupied by landowners and members of their immediate families, regardless of whether a portion of the dwelling unit is also occupied by one or more persons who are not members of the landowners' immediate family.
 - b. *Occupancy by members of the landowner's immediate family.* Any dwelling unit may be occupied by members of the landowner's immediate family and that members' family, unless the Board of Supervisors finds in a particular case that the occupancy would be incompatible with agriculture or forestry within the district.
 - c. *Occupancy by bona fide farm employees.* Any dwelling unit may be occupied by persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same parcel or parcels, and members of their immediate family, unless the Board of Supervisors finds in a particular case that the occupancy would be incompatible with agriculture or forestry within the district.
 - d. *Occupancy by others.* Any dwelling unit may be occupied by persons who are not identified in subsections (A)(2)(a) through (A)(2)(c), regardless of whether the landowner is receiving any consideration, provided that the occupancy is lodging for more than 30 consecutive days.
 - e. *Using a development right to add a dwelling unit to a parcel.* A development right may be used to add a dwelling unit to a parcel within a district.
 3. *Non-residential uses and other actions deemed not to be development to a more intensive use.* The following non-residential uses and other actions are deemed not to be developed to a more intensive use:
 - a. *Subdivisions of any parcel within a district where each resulting parcel is at least 21 acres.* The division of any parcel, or multiple parcels, within a district by subdivision pursuant to Chapter 14 where the size of each resulting parcel is at least 21 acres, provided that any proposed internal public or private street to serve any parcel in the subdivision is prohibited because it is development to a more intensive use.
 - b. *Subdivisions of any parcel where some land is within and some land is outside of a district.* The division of any parcel, or multiple parcels, where some land is within a district and some land is outside of a district, where the size of each resulting parcel within the district is at least 21 acres, provided that any internal public or private street to serve any parcel in the subdivision and within the district is prohibited because it is development to a more intensive use. A subdivision where some land is within and some land is outside of a district does not change the boundaries of the district.
 - c. *Subdivisions of any parcel within a district to use a development right.* The division of any parcel, or multiple parcels, within a district by subdivision pursuant to Chapter 14 in order to use a development right and to establish a dwelling unit on its own parcel, where the size of each resulting parcel is at least 21 acres.
 - d. *Boundary line adjustments of parcels within a district where each resulting parcel is at least 21 acres.* A boundary line adjustment pursuant to Chapter 14 between two or more parcels within a district where the size of each resulting parcel is at least 21 acres.

- e. *Boundary line adjustments of parcels where some land is within and some land is outside of a district.* A boundary line adjustment pursuant to Chapter 14 between two or more parcels, where some land is within a district and some land is outside of a district, where the size of each resulting parcel within the district is at least 21 acres. A boundary line adjustment where some land is within and some land is outside of a district does not change the boundaries of the district.
 - f. *Family subdivisions.* The division of any parcel within a district by family subdivision pursuant to Chapter 14, regardless of the size of the resulting parcels, provided that any internal public or private street to serve any parcel in the family subdivision is prohibited because it is development to a more intensive use.
 - g. *Parcel combinations.* The combination of parcels within a district, regardless of their size, pursuant to Chapter 14.
 - h. *Uses that are agricultural or forestal production allowed by right.* Any uses that are determined by the Director of Planning to be agricultural or forestal production and allowed by right in the Rural Areas zoning district, including the construction and placement of structures primarily serving that use, regardless of the size of the parcel.
 - i. *Uses that are agricultural or forestal production allowed by special use permit.* Any uses that are determined by the Director of Planning to be agricultural or forestal production and allowed by special use permit pursuant to the Rural Areas zoning district regulations in Chapter 18, including the construction and placement of structures primarily serving that use, regardless of the size of the parcel.
 - j. *By right uses and structures allowed in the Rural Areas zoning district.* Any proposed use or structure allowed by right in the Rural Areas zoning district, except for borrow areas and borrow pits.
 - k. *Special uses and structures allowed in the Rural Areas zoning district.* Any proposed use or structure allowed by special use permit in the Rural Areas zoning district, provided that the Board of Supervisors determines that the use or structure allowed by the special use permit is consistent with the purposes of this chapter.
- B. *Applicability of the Comprehensive Plan and the subdivision and zoning regulations.* The Comprehensive Plan and the subdivision and zoning regulations (County Code Chapters 14 and 18, respectively) shall apply within each district to the extent that the regulations do not conflict with any conditions to creating or continuing the district, or the purposes of this chapter and the Agricultural and Forestal Districts Act (Virginia Code § 15.2-4300 *et seq.*).
- C. *Limitation on the County restricting or regulating certain agricultural and forestal farm activities.* The County shall not unreasonably restrict or regulate by ordinance farm structures or agricultural and forestal practices that are contrary to the purposes of this chapter and the Agricultural and Forestal Districts Act (Virginia Code § 15.2-4300 *et seq.*) unless the restriction or regulation is directly related to public health and safety. The County may regulate the processing or retail sales of agricultural or forestal products or structures for those uses, in accordance with the Comprehensive Plan and any County ordinances.
- D. *Consideration of the district when the County is taking certain actions.* The County shall consider the existence of a district and the purposes and policies of this chapter and the Agricultural and Forestal Districts Act (Virginia Code § 15.2-4300 *et seq.*) in its Comprehensive Plan, ordinances, land use planning decisions, administrative decisions, and procedures affecting land adjacent to the district.
- E. *Availability of land use-value assessment.* Land within a district that is used for agricultural or forestal production shall automatically qualify for an agricultural or forestal use-value assessment pursuant to Virginia Code § 58.1-3229 *et seq.* if the requirements for use-value assessment established in that article are satisfied.
- F. *Review of proposals by agencies of the Commonwealth, political subdivisions, and public service corporations to acquire land in district.* Any proposal by an agency of the Commonwealth, any political subdivision, or any public service corporation to acquire land or any interest in a district subject to Virginia Code § 15.2-4313 shall be reviewed under that section. The Board of Supervisors shall have all of the rights and powers granted to it by Virginia Code § 15.2-4313.

- G. *Parcel created by division remains in the district.* A parcel created from the permitted division of land within a district shall continue to be enrolled in the district.

(§ 2.1-3; 6-8-83, § 6; 4-13-88; Code 1988 § 2.1-3; Ord. 98-A(1), 8-5-98; Ord. 11-3(3), 8-3-11)

State law reference-Va. Code §§ 15.2-4312, 15.2-4313.

Sec. 3-203 Adding land to a district.

Land may be added to a district as follows:

- A. *Application.* On or before any application date set by the Director of Planning, any landowner may submit an application to the Director to add one or more parcels to an existing district. The application shall be made on a form developed and provided by the Director and shall be signed by each owner of the land proposed to be added to the district.
- B. *Procedure.* The procedure for adding land to a district shall be the same procedure to create a district in County Code § 3-201(B) through (E).
- C. *Criteria to be applied by the Advisory Committee and the Planning Commission.* The Advisory Committee and the Planning Commission shall apply the criteria provided in County Code § 3-201(F) when they review an application.
- D. *Factors to be considered by the Board of Supervisors.* The Board of Supervisors shall reasonably consider the recommendations of the Advisory Committee and the Planning Commission, the criteria in County Code § 3-201(F), and any other relevant factors when it considers and acts on an application.
- E. *Effect of land added to a district.* Any land added to a district is subject to County Code § 3-202.

(§ 2.1-2; 6-8-83, §§ 3 through 5; 12-16-87; 12-11-91; 7-1-92; Code 1988, § 2.1-2; Ord. 98-A(1), 8-5-98; Ord. 11-3(3), 8-3-11; Ord. 16-3(2), 10-12-16)

State law reference-Va. Code § 15.2-4310.

Sec. 3-204 Reviewing a district; continuation, modification or termination.

Each district shall be reviewed as follows:

- A. *Review period.* Each district shall be reviewed within the period provided in the district's regulations set forth in County Code §§ 3-207 through 3-233.
- B. *Initiating district review.* The Director of Planning shall refer the district to the Advisory Committee for review at least 90 days before the expiration of the period of review of the district.
- C. *Advisory Committee review.* Upon receiving the referral of the district from the Director of Planning, the Advisory Committee shall: (i) provide notice of a public meeting required by Virginia Code § 15.2-4311; (ii) provide the opportunity for the owners of land within the district to meet with the Committee at the public meeting; (iii) review the district by considering the criteria in County Code § 3-201(F)(2), (3), (4), (5), and (7), and any other relevant factors when it reviews a district; and (iv) after the public meeting, report to the Planning Commission its recommendations as to whether to continue, modify, or terminate the district.
- D. *Planning Commission review.* Upon receiving the report of the Advisory Committee on a district, the Planning Commission shall review the district by considering the recommendations of the Advisory Committee and the criteria in County Code § 3-201(F)(2), (3), (4), (5), and (7), and any other relevant factors when it reviews a district. In its discretion, the Commission may hold a public hearing. After it has reviewed the district and, if applicable, held a public hearing, the Commission shall then report to the Board of Supervisors its recommendations, together with the Committee's recommendations, as to whether to terminate, modify, or continue the district.
- E. *Hearing and action by the Board of Supervisors.* After receiving the Planning Commission's and the Advisory Committee's reports:
 - 1. *Public hearing.* The Board of Supervisors shall hold a public hearing on the district review.

2. *Notice of the public hearing.* The Clerk for the Board shall ensure that notice of the public hearing is published as provided by Virginia Code § 15.2-1427(F). If new or different conditions to continuing the district are proposed, the Director of Planning shall also provide written notice to all landowners in the district and publish notice in a newspaper having a general circulation in the district at least two weeks before adoption of an ordinance continuing a district.
 3. *Factors to be considered when acting.* The Board of Supervisors shall reasonably consider the recommendations of the Advisory Committee and the Planning Commission, the criteria in County Code § 3-201(F)(2), (3), (4), (5), and (7), and any other relevant factors when it reviews a district.
 4. *Action.* After the public hearing, the Board of Supervisors may, by ordinance, continue, modify, or terminate the district. If the Board desires to impose any conditions on continuing the district for which written notice was not previously provided, the Board shall not act on the ordinance until notice is given as provided in subsection (E)(2) and a second public hearing is held.
 5. *Time for action.* The Board of Supervisors shall act either to adopt the ordinance creating the district or reject the application, or any modification to it, within 180 days after the application date set by the Director of Planning under which the application was received.
- F. *Effect of failure to complete review by review date.* A district shall not terminate because the Board of Supervisors fails to act pursuant to subsection (E) by the district's review date.
- G. *If district is continued without modified conditions.* If the Board of Supervisors continues a district without modifying its conditions, the district shall continue as originally constituted, with the same conditions and review period previously established.
- H. *Board may determine review is unnecessary.* The Board of Supervisors may determine that a district review is unnecessary. If it does so, the Board shall set the date by which the next review will occur.

(Ord. 98-A(1), 8-5-98; Ord. 09-3(1), 6-10-09; Ord. 11-3(3), 8-3-11)

State law reference-Va. Code § 15.2-4311.

Sec. 3-205 Withdrawing land from a district.

Land may be withdrawn from an agricultural and forestal district of statewide significance as follows:

- A. *Withdrawal by right by the landowner before district is created.* An owner of land who joined in an application to create a district may withdraw the land, in whole or in part, by right before the Board of Supervisors acts to create the district. In order to withdraw the land from the application, the landowner shall file a written notice of withdrawal with the Clerk for the Board of Supervisors, who shall promptly forward the notice to the Director of Planning.
- B. *Withdrawal by right by the landowner during district review.* An owner of land within a district may withdraw the land from the district as a matter of right at any time between the date the Director of Planning refers the district to the Advisory Committee for review and the time the Board of Supervisors acts to continue, modify, or terminate the district. In order to withdraw the land from the district, the landowner shall file a written notice of withdrawal with the Clerk for the Board of Supervisors, who shall promptly forward the notice to the Director of Planning.
- C. *Withdrawal by right by certain successors to the deceased owner.* Any heir, devisee, surviving co-tenant, or personal representative (collectively, the "successor") of a sole owner of any fee simple interest of land may withdraw the land from the district by right, upon the inheritance or descent of the land. In order to withdraw the land from the district, the successor shall file a written notice of withdrawal with the Clerk for the Board of Supervisors and the Department of Finance within two years after the date of death of the landowner. The Clerk shall promptly forward the notice to the Director of Planning.
- 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 owner shall file a written request for withdrawal with the Director of Planning. The request shall 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 shall pay the fee required by County Code § 3-206 when the request is filed.
 2. *Criteria for review.* A request to withdraw land from a district may be approved only for good and reasonable cause, based on the following criteria:
 - a. *No significant adverse impact.* The proposed new land use will not have a significant adverse impact on agricultural or forestal operations on land within the district; in considering this criterion, the land proposed to be withdrawn may be reevaluated through the Virginia Land Evaluation and Site Assessment (LESA) System;
 - b. *Consistent with the Comprehensive Plan.* The proposed new land use is consistent with the Comprehensive Plan;
 - c. *Consistent with the public interest.* The proposed land use is consistent with the public interest of the County in that it promotes the health, safety, or general welfare of the County, rather than only the proprietary interest of the landowner; and
 - d. *Changed circumstances.* The proposed land use was not anticipated by the landowner at the time the land was placed in the district, and there has been a change in circumstances since that time.
 3. *Advisory Committee review.* Upon receiving a request to withdraw from the Director of Planning, the Advisory Committee shall review the request and report to the Planning Commission its recommendations. The Committee shall evaluate the request pursuant to the criteria in subsection (D)(2).
 4. *Planning Commission review.* Upon receiving the report of the Advisory Committee on a request to withdraw, the Planning Commission shall hold a public hearing and evaluate the request pursuant to the criteria in subsection (D)(2). The Planning Commission shall report to the Board of Supervisors its recommendations, together with the Committee's recommendations.
 5. *Hearing and action by Board of Supervisors.* After receiving the recommendations of the Planning Commission and the Advisory Committee:
 - a. *Public hearing.* The Board of Supervisors shall hold a public hearing on the request.
 - b. *Notice of the public hearing.* The Clerk for the Board shall ensure that notice of the public hearing is published as provided by Virginia Code § 15.2-1427(F). The Director of Planning shall also provide written notice to all landowners in the district at least two weeks before the public hearing.
 6. *Factors to be considered when acting.* The Board of Supervisors shall reasonably consider the recommendations of the Advisory Committee and the Planning Commission, the criteria in subsection (D)(2), and any other factors relevant to whether good and reasonable cause exists.
 7. *Action.* After the public hearing, the Board of Supervisors may, by ordinance, approve the request to withdraw, or it may disapprove the request.
 8. *Time for action.* The Board of Supervisors shall act within 180 days after the request is received by the Director of Planning.
- E. *Effect of withdrawal.* Land that is withdrawn from a district shall be subject to roll-back taxes as provided in Virginia Code § 58.1-3237, and be subject to all local laws and ordinances otherwise prohibited from applying to land within a district, as provided in County Code § 3-202(C). Withdrawing land from a district shall not, itself, terminate the district.

(Ord. 98-A(1), 8-5-98; Ord. 09-3(1), 6-10-09; Ord. 11-3(3), 8-3-11)

State law reference-Virginia Code §§ 15.2-4307, 15.2-4314.

Sec. 3-206 Fees.

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

A. *Amount.* The amount of the fees are:

1. *Application to create a district.* The fee to apply to create a district pursuant to County Code § 3-201 is \$150.
2. *Request to withdraw land from district.* The fee to withdraw land from a district pursuant to County Code § 3-205(D) is \$250.

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; Ord. 98-A(1), 8-5-98)

State law reference-Va. Code § 15.2-4303.

Division 2. Districts

Sec. 3-207 Batesville Agricultural and Forestal District.

The district known as the "Batesville Agricultural and Forestal District" was created and continues as follows:

A. *Date created.* The district was created on May 2, 1990.

B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:

1. Tax map 70: parcels 40, 40A.
2. Tax map 71: parcels 23A, 23C, 24B, 24C, 24C1, 26, 26A, 26B, 26B1, 26B2, 26C, 27A, 29C, 29D, 29E, 29G, 29H, 29I.
3. Tax map 84: parcels 35A, 69.
4. Tax map 85: parcels 3, 3A (part), 4J, 17, 17B, 21, 21D, 21D1, 22B, 22C, 30D, 31.

C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to April 14, 2020.

(Code 1988, § 2.1-4(s); Ord. 98-A(1), 8-5-98; Ord. 00-3(1), 4-19-00; Ord. 00-3(3), 9-13-00; Ord. 01-3(2), 7-11-01; Ord. 04-3(1), 3-17-04; Ord. 09-3(4), 12-2-09; Ord. 10-3(1), 4-14-10)

Sec. 3-208 Blue Run Agricultural and Forestal District.

The district known as the "Blue Run Agricultural and Forestal District" was created and continues as follows:

A. *Date created.* The district was created on June 18, 1986.

B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:

1. Tax map 22: parcel 10.
2. Tax map 35: parcels 22, 23, 24A, 26, 26B, 26B1, 26C, 26D, 28A, 29, 31, 32A, 37A1, 41A, 41A1, 41E, 43.

3. Tax map 36: parcels 6A, 9, 20.
4. Tax map 49: parcels 4A1, 4A5, 24, 24A, 24B.
5. Tax map 50: parcels 5, 5B, 32A, 41A, 41Q, 42A, 42A1, 43, 45B, 47, 47A, 47B.
6. Tax map 51: parcels 13, 14.

- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to December 5, 2022.

(5-11-94; 7-13-94; 4-12-95; Code 1988, § 2.1-4(d); Ord. 98-A(1), 8-5-98; Ord. 01-3(3), 8-8-01; Ord. 02-3(3), 7-10-02; Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10; Ord. 11-3(2), 7-6-11; Ord. 11-3(4), 12-7-11; Ord. 12-3(2), 12-5-12; Ord. 15-3(1), 12-2-15)

Sec. 3-209 Buck Mountain Agricultural and Forestal District.

The district known as the “Buck Mountain Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on January 4, 1989.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
1. Tax map 8: parcels 16A, 16C, 17E, 17F, 37, 43A, 44.
 2. Tax map 17: parcels 2D6, 26B, 26C, 26C1, 26C2, 26C3, 31 (part), 32.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to September 2, 2019.

(4-12-95; Code 1988, § 2.1-4(o); Ord. 98-A(1), 8-5-98; Ord. 99-3(1), 1-13-99; Ord. 99-3(5), 10-6-99; Ord. 09-3(2), 9-2-09; Ord. 09-3(4), 12-2-09)

Sec. 3-210 Buck’s Elbow Mountain Agricultural and Forestal District.

The district known as the “Buck’s Elbow Mountain Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on December 2, 2009.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
1. Tax map 25: parcel 1.
 2. Tax map 38: parcels 4, 7, 8, 10, 20.
 3. Tax map 39: parcels 1, 1D, 1F, 1F1, 1G, 2B, 8, 10A, 21Q, 21R, 21Z.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to December 2, 2019.

(Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10; Ord. 11-3(2), 7-6-11; Ord. 11-3(4), 12-7-11)

Sec. 3-211 Carter’s Bridge Agricultural and Forestal District.

The district known as the “Carter’s Bridge Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on April 20, 1988.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:

1. Tax map 101: parcels 55, 60.
2. Tax map 102: parcels 17A, 17B, 17B1, 17C, 17D, 18, 19, 19A, 19C, 20B.
3. Tax map 111: parcel 48.
4. Tax map 112: parcels 1, 3, 15, 15A, 16E, 16E1, 16E2, 16F2, 16J, 16K, 18H, 19E, 19F, 20, 21, 33A, 37D.
5. Tax map 113: parcels 1, 1A, 6A, 11A, 11F, 11F1, 11F2, 11F3, 11G, 11G1, 11G2, 11G3, 11H, 11I, 11J, 11K.
6. Tax map 114: parcels 2, 25A, 30, 31B, 31C, 31D, 51, 55, 56, 57, 57C, 57D, 67C, 67D, 67E, 67F, 67G, 67H, 67H1, 17I(part), 68, 69, 70.
7. Tax map 115: parcel 10.
8. Tax map 122: parcels 4, 4A, 6, 7, 8, 9, 10, 12, 12D, 12E, 12N, 18, 18D, 33, 33A, 36.
9. Tax map 123: parcel 13B.
10. Tax map 124: parcel 11.
11. Tax map 130: parcel 19B.

C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to July 9, 2018.

(Code 1988, § 2.1-4(j); Ord. 98-A(1), 8-5-98; Ord. 98-3(1), 9-9-98; Ord. 99-3(2), 2-10-99; Ord. 99-3(4), 5-12-99; Ord. 08-3(1), 7-9-08; Ord. 09-3(4), 12-2-09; Ord. 12-3(2), 12-5-12; Ord. 15-3(1), 12-2-15; Ord. 16-3(1), 10-5-16)

Sec. 3-212 Chalk Mountain Agricultural and Forestal District.

The district known as the “Chalk Mountain Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on September 6, 1989.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 1. Tax map 97: parcels 2, 21A1, 21B, 21B1, 21C, 21D, 22, 22A, 22B, 27.
 2. Tax map 98: parcels 1G (part), 11, 12, 13, 14.
 3. Tax map 99: parcel 30.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to December 2, 2019.

(Code 1988, § 2.1-4(r); Ord. 98-A(1), 8-5-98; Ord. 99-3(5), 10-6-99; Ord. 00-3(1), 4-19-00; Ord. 09-3(4), 12-2-09, Ord. 12-3(1), 7-11-12)

Sec. 3-213 Eastham Agricultural and Forestal District.

The district known as the “Eastham Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on October 2, 1985.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 1. Tax map 46: parcels 91B, 91C, 91E.
 2. Tax map 47: parcel 17B.

3. Tax map 63: parcels 1, 1A, 1A1, 2, 4, 14G, 14H, 14I, 26, 26A, 27, 28, 28A, 30F, 30G, 41A, 41A1, 41A2.

- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to August 6, 2024.

(12-8-93; 5-11-94; Code 1988, § 2.1-4(c); Ord. 98-A(1), 8-5-98; Ord. 04-3(2), 4-14-04; Ord. 09-3(4), 12-2-09; Ord. 14-3(1), 8-6-14; Ord. 15-3(1), 12-2-15)

Sec. 3-214 Fox Mountain Agricultural and Forestal District.

The district known as the “Fox Mountain Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on December 2, 2009.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 1. Tax map 14: parcels 26A, 26B, 26C.
 2. Tax map 15: parcels 1, 10A.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to December 2, 2019.

(Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10; Ord. 10-3(3), 12-1-10)

Sec. 3-215 Free Union Agricultural and Forestal District.

The district known as the “Free Union Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on September 21, 1988.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 1. Tax map 7: parcels 6, 7, 8A, 9, 9A, 9B, 9B1, 9C, 33.
 2. Tax map 16: parcels 4B, 4C, 13A, 13D, 15A, 15A3, 15C, 15E, 15G, 16B, 17, 26, 30B, 36, 37, 52B1, 52B2, 54.
 3. Tax map 17: parcels 8B, 8C, 17C, 18H, 20A2, 22.
 4. Tax map 29: parcels 1D, 1H (part), 31A.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to October 8, 2018.

(Code 1988, § 2.1-4(m); Ord. 98-A(1), 8-5-98; Ord. 98-3(1), 9-9-98; Ord. 08-3(3), 10-8-08; Ord. 09-3(4), 12-2-09)

Sec. 3-216 Glen Oaks Agricultural and Forestal District.

The district known as the “Glen Oaks Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on December 7, 2011.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 1. Tax map 93A5: parcels K2A11, K2A12, K2A13.

2. Tax map 94: parcels 15A1, 15A2.

C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to December 7, 2021.

(Ord. 11-3(4), 12-7-11; Ord. 13-3(1), 12-4-13)

Sec. 3-217 Green Mountain Agricultural and Forestal District.

The district known as the “Green Mountain Agricultural and Forestal District” was created and continues as follows:

A. *Date created.* The district was created on December 2, 2025.

B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:

1. Tax map 120: parcels 15A, 15B, 16C, 18A, 18A1.

2. Tax map 121: parcel 2.

C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to December 2, 2025.

(Ord. 15-3(1), 12-2-15)

Sec. 3-218 Hardware Agricultural and Forestal District.

The district known as the “Hardware Agricultural and Forestal District” was created and continues as follows:

A. *Date created.* The district was created on November 4, 1987.

B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:

1. Tax map 72: parcel 51C.

2. Tax map 73: parcels 38, 39C7, 41A, 41B1, 41B2, 42, 42A, 43, 44.

3. Tax map 74: parcels 6H, 6N, 26, 28, 28B.

4. Tax map 75: parcels 4A, 5.

5. Tax map 86: parcels 14, 16, 16A, 16C, 16D, 16E, 16F, 16H, 27, 27A.

6. Tax map 87: parcels 10, 13A1, 13A2, 13E (part consisting of 89.186 acres), 16A.

7. Tax map 88: parcels 2A.

8. Tax map 99: parcels 10 (part), 29, 52, 52B.

C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to September 12, 2017.

(Code 1988, § 2.1-4(h); Ord. No. 98-A(1), 8-5-98; Ord. 00-3(2), 7-12-00; Ord. 07-3(2), 9-12-07; Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10; Ord. 10-3(3), 12-1-10; Ord. 12-3(1), 7-11-12; Ord. 13-3(1), 12-4-13; Ord. 14-13(2), 11-12-14; Ord. 15-3(1), 12-2-15)

Sec. 3-219 Hatton Agricultural and Forestal District.

The district known as the “Hatton Agricultural and Forestal District” was created and continues as follows:

A. *Date created.* The district was created on June 29, 1983.

B. *Lands within the district.* The district is composed of the following described lands, identified by

parcel identification number:

1. Tax map 135: parcels 13, 13A, 13B, 14B, 15, 15A, 15C, 17, 18, 19, 22, 22A, 22C, 22C1, 22C2.
2. Tax map 136: parcels 2A, 6B, 8H, 9 (part), 9A2, 9B, 9C, 9D1, 9E.

C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to July 6, 2021.

(Code 1988, § 2.1-4(a); Ord. 98-A(1), 8-5-98; Ord. 01-3(1), 6-20-01; Ord. 07-3(1), 7-11-07; Ord. 10-3(2), 7-7-10; Ord. 11-3(1), 7-6-11)

Sec. 3-220 High Mowing Agricultural and Forestal District.

The district known as the “High Mowing Agricultural and Forestal District” was created and continues as follows:

A. *Date created.* The district was created on January 16, 1991.

B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:

1. Tax map 84: parcel 69A.
2. Tax map 85: parcels 39, 39H, 41A, 41A1.

C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to December 1, 2020.

(Code 1988, § 2.1-4(t); Ord. 98-A(1), 8-5-98; Ord. 01-3(1), 6-20-01; Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10)

Sec. 3-221 Ivy Creek Agricultural and Forestal District.

The district known as the “Ivy Creek Agricultural and Forestal District” was created and continues as follows:

A. *Date created.* The district was created on November 2, 1998.

B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:

1. Tax map 44: parcels 18, 19, 19A, 19B, 20, 20A, 20B, 20C, 20D, 20E, 20F, 20G, 21A1, 21A2, 21A3, 21C(part).
2. Tax map 45: parcels 5F, 5F4.

C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to December 4, 2023.

(4-14-93; 2-14-96; Code 1988, § 2.1-4(n); Ord. 98-A(1), 8-5-98; Ord. 03-3(1), 7-9-03; Ord. 09-3(4), 12-2-09; Ord. 13-3(1), 12-4-13; Ord. 17-3(1), 12-13-17)

Sec. 3-222 Jacobs Run Agricultural and Forestal District.

The district known as the “Jacobs Run Agricultural and Forestal District” was created and continues as follows:

A. *Date created.* The district was created on January 6, 1988.

B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:

1. Tax map 19: parcels 25, 25A.

2. Tax map 19A: parcels 9, 22, 31.
3. Tax map 20: parcels 6J, 6S.
4. Tax map 30: parcel 32B.
5. Tax map 31: parcels 1, 1B, 4K, 8, 8E, 16, 16B, 44C, 45, 45B.

C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to December 2, 2019.

(3-2-94; Code 1988, § 2.1-4(i); Ord. 98-A(1), 8-5-98; Ord. 00-3(1), 4-19-00; Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10; Ord. 11-3(2), 7-6-11; Ord. 13-3(1), 12-4-13; Ord. 15-3(1), 12-2-15)

Sec. 3-223 Keswick Agricultural and Forestal District.

The district known as the “Keswick Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on September 3, 1986.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 1. Tax map 48: parcels 30, 30A, 30B, 30C, 30D, 30E, 45, 46.
 2. Tax map 63: parcels 39, 39A, 40, 42A.
 3. Tax map 64: parcels 5, 7, 7A, 8A, 9, 10 10A, 10B, 10C, 10D, 11 12, 13, 13A, 14.
 4. Tax map 65: parcels 13, 14A, 14A1, 31C1, 31C3, 31D, 32.
 5. Tax map 79: parcel 46.
 6. Tax map 80: parcels 1, 2, 2A, 2C, 3A, 3A1, 3G, 3H, 3I, 4, 61D, 88, 114A, 115, 164, 169, 169A, 169C, 169C1, 174, 176, 176A, 182, 183A, 190, 192, 194.
 7. Tax map 81: parcels 1, 8A, 11H, 15A6, 15B, 63, 69, 72, 73, 74, 79.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to November 12, 2024.

(10-12-94; 4-12-95; 8-13-97; Code 1988, § 2.1-4(e); Ord. 98-A(1), 8-5-98; Ord. 04-3(3), 11-3-04; Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10; Ord. 11-3(4), 12-7-11; Ord. 12-3(1), 7-11-12; Ord. 13-3(1), 12-4-13; Ord. 14-3(2), 11-12-14; Ord. 15-3(1), 12-2-15)

Sec. 3-224 Kinloch Agricultural and Forestal District.

The district known as the “Kinloch Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on September 3, 1986.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 1. Tax map 49: parcels 5C, 6A1.
 2. Tax map 50: parcels 13, 19.
 3. Tax map 65: parcels 7, 7A, 8, 84A, 86, 89, 90, 91, 91A, 92, 93A, 93A1, 94, 94A, 94B, 94C, 95, 95A, 100, 121.
 4. Tax map 66: parcels 2, 3C, 3G, 32, 32D, 32E, 34 (Albemarle County portion only), 34B.

C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to November 12, 2024.

(11-17-93; 10-12-94; Code 1988, § 2.1-4(f); Ord. 98-A(1), 8-5-98; Ord. 00-3(3), 9-13-00; Ord. 04-3(3), 11-3-04; Ord. 09-3(5), 12-9-09; Ord. 10-3(2), 7-7-10; Ord. 14-3(2), 11-12-14)

Sec. 3-225 Lanark Agricultural and Forestal District.

The district known as the “Lanark Agricultural and Forestal District” was created and continues as follows:

A. *Date created.* The district was created on April 20, 1988.

B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:

1. Tax map 90: parcels 12, 14A.
2. Tax map 90B: parcel A-11.
3. Tax map 91: parcels 21, 21A, 31.
4. Tax map 102: parcels 33, 35, 35A, 35B, 35C, 37, 40, 40B, 40C.
5. Tax map 103: parcels 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1H1, 1J, 1K, 1L, 1M, 2A, 2B, 2E, 3, 3A, 3B, 3C, 3G, 5, 9, 10A, 10B, 10D, 43, 43D, 43F, 43J, 43L, 43L1, 43M, 68 (part).

C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to July 9, 2018.

(Code 1988, § 2.1-4(k); Ord. 98-A(1), 8-5-98; Ord. 98-3(1), 9-9-98; Ord. 99-3(2), 2-10-99; Ord. 99-3(5), 10-6-99; Ord. 08-3(1), 7-9-08; Ord. 09-3(4), 12-2-09; Ord. 15-3(1), 12-2-15)

Sec. 3-226 Moorman’s River Agricultural and Forestal District.

The district known as the “Moorman’s River Agricultural and Forestal District” was created and continues as follows:

A. *Date created.* The district was created on December 17, 1986.

B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:

1. Tax map 27: parcels 32, 34, 34A, 40, 40A, 40A1, 42, 42A.
2. Tax map 28: parcels 2, 2A, 3, 4, 5, 6, 6A, 6B, 7A, 7A1, 7B, 8, 12, 12A, 12B, 13, 13A, 17A, 17C, 18, 25 (part), 30, 30A, 30A1, 30B 32B, 32D, 34B, 35, 35B, 37A, 37B, 37C, 38.
3. Tax map 29: parcels 2C, 4E, 8, 8B, 8E, 8E1, 8J, 9, 10, 15C, 40B, 40C, 40D, 45, 45H1, 45H2, 49C, 50, 54A, 61, 62, 63, 63A, 63D, 67C, 69F, 70A, 70B, 70C, 70F, 70H1, 70K, 70L, 70M, 71, 71A, 74A, 76, 78, 78A1, 79C, 79E, 79F, 84, 85.
4. Tax map 30: parcels 10, 10A, 10C, 12, 12C, 12C1, 12D, 23.
5. Tax map 41: parcels 8, 8B, 8C, 8D, 9E, 15, 15A, 17C, 18, 19, 41C, 41H, 44, 50, 50C, 65A1, 67B, 70, 72, 72B, 72C, 72D, 72E, 72F, 89.
6. Tax map 42: parcels 5, 6, 6B, 8, 8C, 10, 10A, 10D, 37F, 37J, 38, 40, 40C, 40D, 40D1, 40G, 40H2, 41, 41B, 42B, 42B1, 43, 43A, 44.
7. Tax map 43: parcels 1, 1F, 2A1, 2B, 3A, 4D, 5, 5A, 9, 10, 16B2, 16B3, 18E4, 18G, 18J, 19I, 19N, 19P, 20A, 20B, 20C, 2I, 21A, 24, 25A, 25B, 30, 30A, 30B, 30B1, 30B2, 30B3, 30B4, 30G, 30H, 30M, 30N, 32H, 33, 33E, 34D1, 41, 42, 43, 44, 45, 45C, 45D.
8. Tax map 44: parcels 1, 2, 24, 26, 26A, 26B, 26C, 27B, 27C, 28, 29, 29A, 29D, 30, 30A, 30B, 31, 31A, 31A1, 31D, 31F, 31G, 31H.

9. Tax map 57: parcel 69.
10. Tax map 58: parcels 65A4, 65E, 65I.
11. Tax map 59: parcels 32, 32A, 34, 35, 82A.
12. Tax map 60E3: parcel 1.

C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to November 12, 2024.

(4-14-93; 12-21-94; 4-12-95; 8-9-95; Code 1988, § 2.1-4(g); Ord. 98-A(1), 8-5-98; Ord. 99-3(4), 5-12-99; Ord. 00-3(1), 4-19-00; Ord. 04-3(4), 12-1-04; Ord. 05-3(2), 7-6-05; Ord. 08-3(2), 8-6-08; Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10; Ord. 14-3(2), 11-12-14; Ord. 15-3(1), 12-2-15)

Sec. 3-227 North Fork Moorman's River Agricultural and Forestal District.

The district known as the "North Fork Moorman's Agricultural and Forestal District" was created and continues as follows:

- A. *Date created.* The district was created on November 17, 1993.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 1. Tax map 4: parcels 1, 2, 3, 4.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to August 6, 2024.

(11-17-93; Code 1988, § 2.1-4(v); Ord. 98-A(1), 8-5-98; Ord. 04-3(2), 4-14-04; Ord. 14-3(1), 8-6-14)

Sec. 3-228 Panorama Agricultural and Forestal District.

The district known as the "Panorama Agricultural and Forestal District" was created and continues as follows:

- A. *Date created.* The district was created on April 20, 1988.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 1. Tax map 31: parcels 21E.
 2. Tax map 44: parcels 9A, 9C, 12, 12Q, 12X, 12Y, 12Z.
 3. Tax map 45A, section 1: parcels 27.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to July 9, 2018.

(6-14-95; Code 1988, § 2.1-4(l); Ord. 98-A(1), 8-5-98; Ord. 98-3(1), 9-9-98; Ord. 99-3(3), 3-17-99; Ord. 08-3(1), 7-9-08)

Sec. 3-229 Pasture Fence Mountain Agricultural and Forestal District.

The district known as the "Pasture Fence Mountain Agricultural and Forestal District" was created and continues as follows:

- A. *Date created.* The district was created on November 17, 1993.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 1. Tax map 13: parcels 1, 5, 8, 10, 12.

- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to August 6, 2024.

(11-17-93; 7-13-94; Code 1988, § 2.1-4(u); Ord. 98-A(1), 8-5-98; Ord. 04-3(2), 4-14-04; Ord. 14-3(1), 8-6-14)

Sec. 3-230 South Garden Agricultural and Forestal District.

The district known as the “South Garden Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on October 6, 1999.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
1. Tax map 99: parcels 35, 102.
 2. Tax map 109: parcel 70.
 3. Tax map 110: parcels 8, 10, 18, 18E, 27.
 4. Tax map 119: parcel 2.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to October 5, 2026.

(Ord. 99-3(5), 10-6-99; Ord. 06-3(1), 10-4-06; Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10; Ord. 16-3(1), 10-5-16)

Sec. 3-231 Sugar Hollow Agricultural and Forestal District.

The district known as the “Sugar Hollow Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on September 6, 1989.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
1. Tax map 25: parcels 11C, 12, 13, 14, 14A, 14B, 14C, 18, 18A, 18B, 21, 21A, 24, 25, 26, 27, 28.
 2. Tax map 26: parcels 5A, 10, 10B, 10D, 10F, 10G, 11C, 11D, 12A, 13, 14F, 19, 40B, 40C, 41A, 52, 52D.
 3. Tax map 27: parcels 8, 8E (part), 24A, 25, 26.
 4. Tax map 39: parcels 2, 2A, 3, 4, 13C3, 14, 15, 25, 25A.
 5. Tax map 40: parcels 1, 9, 9C, 9D (part), 9E, 10, 10A, 10B, 10C, 22, 22A, 27A, 46C1, 49.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to December 2, 2019.

(11-17-93; Code 1988, § 2.1-4(q); Ord. 98-A(1), 8-5-98; Ord. 99-3(5), 10-6-99; Ord. 02-3(1), 1-9-02; Ord. 02-3(2), 4-3-02; Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10; Ord. 11-3(4), 12-7-11)

Sec. 3-232 Totier Creek Agricultural and Forestal District.

The district known as the “Totier Creek Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on June 29, 1983.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:

1. Tax map 121: parcels 70A, 70D, 70E, 72C, 85, 85A.
2. Tax map 122: parcels 5, 5A.
3. Tax map 127: parcel 39.
4. Tax map 128: parcels 13, 14A, 14B, 14C, 14D, 27, 29, 30, 72.
5. Tax map 129: parcels 3, 5, 6, 6A, 7A, 7D, 9.
6. Tax map 130: parcels 1, 5A.
7. Tax map 134: parcels 3, 3A, 3B, 3C, 3D, 3E, 3F, 3G, 3H, 3I, 3J, 3K, 3L.
8. Tax map 135: parcels 7, 10.

C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to July 6, 2021.

(Code 1988, § 2.1-4(b); Ord. 98-A(1), 8-5-98; Ord. 01-3(1), 6-20-01; Ord. 11-3(1), 7-6-11; Ord. 13-3(1), 12-4-13)

Sec. 3-233 Yellow Mountain Agricultural and Forestal District.

The district known as the “Yellow Mountain Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on March 8, 1989.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:

1. Tax map 54: parcels 41, 43, 43A, 43D, 71B.
2. Tax map 55: parcel 15.
3. Tax map 70: parcels 15, 15A, 15D, 15E, 15G, 29, 37B, 37B1 (part), 37D (part), 37K, 37L.
4. Tax map 71: parcel 2B, 22, 22A, 22B, 22K, 64, 64A.

C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to September 2, 2019.

(Code 1988, § 2.1-4(p); Ord. 98-A(1), 8-5-98; Ord. 99-3(1), 1-13-99, Ord. 99-3(4), 5-12-99; Ord. 09-3(3), 9-2-09; Ord. 09-3(4), 12-2-09)

Article 3. Districts of Local Significance

Division 1. Procedure

Sec. 3-300 Minimum size and location of parcels in a district.

Each district is subject to the following:

- A. *Minimum core when district created.* Each district shall have a core of at least 25 acres in one parcel or in contiguous parcels when the district is created.
- B. *Parcels not part of core eligible to be in a district.* Any parcel that is noncontiguous to any parcel composing the core may be included in a district if: (i) the nearest boundary of the noncontiguous parcel is within one-quarter mile of the core; and (ii) the noncontiguous parcel was previously in a district.
- C. *District entirely in the County.* The land composing a district shall be located entirely within the County.

(9-15-93; Code 1988, § 2.1.1-2; Ord. 98-A(1), 6-17-98; Ord. 11-3(3), 8-3-11)

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 be made on a form developed and provided by the Director and shall be signed by each landowner whose land is proposed to be included in the district. Each submitted application shall 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.
- B. *Referring the application.* Upon receipt of an application for a district, the Director shall refer the application to the Planning Commission, which shall:
 1. *Notice.* Direct the Department of Community Development to provide notice required by Virginia Code § 15.2-4405(C)(1).
 2. *Referral.* Refer the application to the Advisory Committee.
- C. *Advisory Committee review.* Upon receiving an application from the Director of Planning acting on behalf of the Planning Commission, the Advisory Committee shall review the application and any proposed modifications and report its recommendations to the Planning Commission. The Advisory Committee shall apply the criteria in subsection (F) when it reviews an application.
- D. *Planning Commission review.* Upon receiving the report of the Advisory Committee on an application, the Planning Commission shall: (i) provide the notice of a public hearing required by Virginia Code § 15.2-4405(E); (ii) hold a public hearing; and (iii) after the public hearing, report its recommendations to the Board of Supervisors. The Planning Commission shall apply the criteria in subsection (F) when it reviews an application. The Planning Commission's report shall include the potential effect of the district and any proposed modifications upon the County's planning policies and objectives.
- E. *Hearing and action by Board of Supervisors.* After receiving the Planning Commission's and the Advisory Committee's reports:
 1. *Public hearing.* The Board of Supervisors shall hold a public hearing on the application.
 2. *Notice of the public hearing.* The Clerk for the Board shall ensure that notice of the public hearing is published as provided by Virginia Code § 15.2-4405(E). The Director of Planning shall provide written notice to all landowners in the proposed district by first class mail. Any conditions to creating the district and the review period shall be described, either in the application or in a written notice provided by the Director of Planning by first-class mail to all landowners in the proposed district and published in a newspaper having a general circulation in the district at least two weeks before adoption of an ordinance creating a district.
 3. *Factors to be considered when acting.* The Board of Supervisors shall reasonably consider the recommendations of the Advisory Committee and the Planning Commission, the criteria in subsection (F), and any other relevant factors when it considers and acts on an application.
 4. *Action.* After the public hearing, the Board of Supervisors may, by ordinance, create a district as applied for. If the Board desires to impose any conditions on creating the district or its review period, the Board shall not act on the ordinance until notice is given as provided in subsection (E)(2) and a second public hearing is held.
 5. *Time for action.* The Board of Supervisors shall act either to adopt the ordinance creating the district or reject the application, or any modification to it, within 180 days after the application date set by the Director of Planning under which the application was received.
- F. *Criteria.* The Advisory Committee, the Planning Commission, and the Board of Supervisors shall apply the following criteria when they review an application:

1. *Agricultural and forestal significance of the land.* The agricultural and forestal significance of the land within the district and in areas adjacent to the district; in evaluating the agricultural and forestal significance of the land, any relevant agricultural or forestal maps may be considered, as well as soil, climate, topography, other natural factors, markets for agricultural and forestal products, the extent and nature of farm structures, the present status of agriculture and forestry, anticipated trends in agricultural economic conditions, and ~~such~~ other relevant factors;
2. *Significant agricultural or forestal lands not in active production.* The presence of any significant agricultural forestal lands within the district and in areas adjacent to the district that are not now in active agricultural or forestal production, considering the maps, factors, markets, and other information described in subsection (F)(1);
3. *Uses other than active farming or forestry.* The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent to the district;
4. *Development patterns.* Local development patterns and needs;
5. *Comprehensive Plan and zoning regulations.* The Comprehensive Plan and the applicable zoning regulations;
6. *Environmental benefits.* The environmental benefits of retaining the lands in the district for agricultural and forestal uses;
7. *Development rights.* Whether any parcel has one or more development rights that would allow the creation of one or more parcels less than 21 acres in size; in considering whether to include any parcel in a district, the policy of the County is to not include any parcel determined to have no development rights and cannot be further divided to create one or more parcels less than 21 acres in size;
8. *Use when the application filed.* Whether all of the land within the district is devoted to agricultural, horticultural, forestal, or open space use when the application is filed, provided that a reasonable amount of residential or other use, not exceeding five acres, may be included in the district if it is related to the agricultural, horticultural, forestall, or open space use.
9. *Land in Rural Area pursuant to the Comprehensive Plan.* If the land is located in the Rural Area pursuant to the Comprehensive Plan, whether the landowner first attempted to include the land in a new or existing agricultural and forestal district of statewide significance.
10. *Land in Development Areas pursuant to the Comprehensive Plan.* If the land is located in the Development Areas pursuant to the Comprehensive Plan, whether the district would protect open space resources, including stream valleys, mountains, wooded areas, buffer areas, or civic or cultural features, as identified on applicable maps in the Comprehensive Plan.
11. *Land use value.* Whether the land is currently enrolled in the land use value assessment program.
12. *Other.* Any other relevant matter.

(9-15-93; Code 1988, §§ 2.1.1-2, 2.1.1-4; Ord. 98-A(1), 8-5-98; Ord. 09-3(1), 6-10-09)

State law reference-Va. Code § 15.2-4405.

Sec. 3-302 Effect of creating a district.

Any lands within a district are subject to the following:

- A. *Prohibition to develop to a more intensive use.* As a condition to creating a district, any parcel within the district shall not be developed to a more intensive use than that existing on the date the district was created, subject to the following:
 1. *More intensive agricultural or forestal production is not development to a more intensive use.* Any parcel may be developed for uses resulting in more intensive agricultural or forestal production.
 2. *Residential uses and occupancy deemed not to be development to a more intensive use; exceptions.* Residential uses on any parcel within a district that are allowed by right in the Rural

Area zoning district are allowed, including the construction and placement of a dwelling unit, regardless of the size of the parcel, subject to the following occupancy requirements:

- a. *Occupancy by landowners and members of their immediate family.* Any dwelling unit may be occupied by landowners and members of their immediate families, regardless of whether a portion of the dwelling unit is also occupied by one or more persons who are not members of the landowners' immediate family.
 - b. *Occupancy by members of the landowner's immediate family.* Any dwelling unit may be occupied by members of the landowner's immediate family and that members' family, unless the Board of Supervisors finds in a particular case that the occupancy would be incompatible with agriculture or forestry within the district.
 - c. *Occupancy by bona fide farm employees.* Any dwelling unit may be occupied by persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same parcel or parcels, and members of their immediate family, unless the Board of Supervisors finds in a particular case that the occupancy would be incompatible with agriculture or forestry within the district.
 - d. *Occupancy by others.* Any dwelling unit may be occupied by persons who are not identified in subsections (A)(2)(a) through (A)(2)(c), regardless of whether the landowner is receiving any consideration, provided that the occupancy is lodging for more than 30 consecutive days.
 - e. *Using a development right to add a dwelling unit to a parcel.* A development right may be used to add a dwelling unit to a parcel within a district.
3. *Non-residential uses and other actions deemed not to be development to a more intensive use.* The following non-residential uses and other actions are deemed not to be developed to a more intensive use:
- a. *Subdivisions of any parcel within a district where each resulting parcel is at least 21 acres.* The division of any parcel, or multiple parcels, within a district by subdivision pursuant to Chapter 14 where the size of each resulting parcel is at least 21 acres, provided that any proposed internal public or private street to serve any parcel in the subdivision is prohibited development to a more intensive use.
 - b. *Subdivisions of any parcel where some land is within and some land is outside of a district.* The division of any parcel, or multiple parcels, where some land is within a district and some land is outside of a district, where the size of each resulting parcel within the district is at least 21 acres, provided that any internal public or private street to serve any parcel in the subdivision and within the district is prohibited development to a more intensive use. A subdivision where some land is within and some land is outside of a district does not change the boundaries of the district.
 - c. *Subdivisions of any parcel within a district to use a development right.* The division of any parcel, or multiple parcels, within a district by subdivision pursuant to Chapter 14 in order to use a development right and to establish a dwelling unit on its own parcel, where the size of each resulting parcel is at least 21 acres.
 - d. *Boundary line adjustments of parcels within a district where each resulting parcel is at least 21 acres.* A boundary line adjustment pursuant to Chapter 14 between two or more parcels within a district where the size of each resulting parcel is at least 21 acres.
 - e. *Boundary line adjustments of parcels where some land is within and some land is outside of a district.* A boundary line adjustment pursuant to Chapter 14 between two or more parcels, where some land is within a district and some land is outside of a district, where the size of each resulting parcel within the district is at least 21 acres. A boundary line adjustment where some land is within and some land is outside of a district does not change the boundaries of the district.
 - f. *Family subdivisions.* The division of any parcel within a district by family subdivision pursuant to Chapter 14, regardless of the size of the resulting parcels, provided that any internal public or private street to serve any parcel in the family subdivision is prohibited development to a more intensive use.

- g. *Parcel combinations.* The combination of parcels within a district, regardless of their size, pursuant to Chapter 14.
 - h. *Uses that are agricultural or forestal production allowed by right.* Any uses that are determined by the Director of Planning to be agricultural or forestal production and allowed by right in the Rural Areas zoning district, including the construction and placement of structures primarily serving that use, regardless of the size of the parcel.
 - i. *Uses that are agricultural or forestal production allowed by special use permit.* Any uses that are determined by the Director of Planning to be agricultural or forestal production and allowed by special use permit pursuant to the Rural Areas zoning district regulations in Chapter 18, including the construction and placement of structures primarily serving that use, regardless of the size of the parcel.
 - j. *By right uses and structures allowed in the Rural Areas zoning district.* Any proposed use or structure allowed by right in the Rural Areas zoning district, except for borrow areas and borrow pits.
 - k. *Special uses and structures allowed in the Rural Areas zoning district.* Any proposed use or structure allowed by special use permit in the Rural Areas zoning district, provided that the Board of Supervisors determines that the use or structure allowed by the special use permit is consistent with the purposes of this chapter.
- B. *Applicability of the Comprehensive Plan and the subdivision and zoning regulations.* The comprehensive plan and the subdivision and zoning regulations (County Code Chapters 14 and 18, respectively) shall apply within each district to the extent that the regulations do not conflict with any conditions to creating or continuing the district, or the purposes of this chapter and the Local Agricultural and Forestal Districts Act (Virginia Code § 15.2-4400 *et seq.*).
- C. *Availability of land use-value assessment.* Land within an agricultural and forestal district of statewide significance that is and used for agricultural or forestal production shall automatically qualify for an agricultural or forestal use-value assessment pursuant to Virginia Code § 58.1-3229 *et seq.* if the requirements for use-value assessment established in that article are satisfied.
- D. *Parcel created by division remains in the district.* A parcel created from the permitted division of land within a district shall continue to be enrolled in the district.

(9-15-93; Code 1988, § 2.1.1-5; Ord. 98-A(1), 8-5-98)

State law reference-Va. Code § 15.2-4406.

Sec. 3-303 Adding land to a district.

Land may be added to a district as follows:

- A. *Application.* On or before any application date set by the Director of Planning, any landowner may submit an application to the Director to add one or more parcels to an existing district. The application shall be made on a form developed and provided by the Director and shall be signed by each owner of the land proposed to be added to the district.
- B. *Procedure.* The procedure for adding land to a district shall be the same procedure to create a district in County Code § 3-301(B) through (E).
- C. *Criteria to be applied by the Advisory Committee and the Planning Commission.* The Advisory Committee and the Planning Commission shall apply the criteria provided in County Code § 3-301(F) when they review the application.
- D. *Factors to be considered by the Board of Supervisors.* The Board of Supervisors shall reasonably consider the recommendations of the Advisory Committee and the Planning Commission, the criteria in County Code § 3-301(F), and any other relevant factors when it considers and acts on an application.
- E. *Effect of land added to a district.* Any land added to a district is subject to County Code § 3-302.

(Ord. 98-A(1), 8-5-98)

Sec. 3-304 Reviewing a district; continuation, modification or termination.

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

- A. *Review period.* Each district shall be reviewed within eight years after its creation or its prior review.
- B. *Initiating district review.* The Director of Planning shall refer the district to the Advisory Committee for review at least 90 days before the expiration of the period of review of the district.
- C. *Advisory Committee review.* Upon receiving the referral of the district from the Director of Planning, the Advisory Committee shall: (i) provide notice of a public meeting required by Virginia Code § 15.2-4311; (ii) meet with the owners of land within the district at the public meeting; (iii) review the district by considering the criteria in County Code § 3-301(F)(2), (3), (4), (5), and (7); and (iv) after the public meeting, report to the Planning Commission its recommendations as to whether to continue, modify, or terminate the district.
- D. *Planning Commission review.* Upon receiving the report of the Advisory Committee on a district, the Planning Commission shall: (i) provide notice of a public meeting required by Virginia Code § 15.2-4311; (ii) meet with the owners of land within the district at the public meeting and review the district; (iii) review the district by considering the criteria in County Code § 3-301(F)(2), (3), (4), (5), and (7); and (iv) after the public meeting, report to the Board of Supervisors its recommendations, together with the Advisory Committee's recommendations, as to whether to continue, modify, or terminate the district.
- E. *Hearing and action by the Board of Supervisors.* After receiving the Planning Commission's and the Advisory Committee's reports:
 1. *Public hearing.* The Board of Supervisors shall hold a public hearing on the district review.
 2. *Notice of the public hearing.* The Clerk for the Board shall ensure that notice of the public hearing is published as provided by Virginia Code § 15.2-1427(F). If new or different conditions to continuing the district are proposed, the Director of Planning shall also provide written notice to all landowners in the district and publish notice in a newspaper having a general circulation in the district at least two weeks before adoption of an ordinance continuing a district.
 3. *Factors to be considered when acting.* The Board of Supervisors shall reasonably consider the recommendations of the Advisory Committee and the Planning Commission, the criteria in County Code § 3-301(F)(2), (3), (4), (5), and (7), and any other relevant factors when it reviews a district.
 4. *Action.* After the public hearing, the Board of Supervisors may, by ordinance, continue, modify, or terminate the district. If the Board desires to impose any conditions on continuing the district for which written notice was not previously provide, the Board shall not act on the ordinance until notice is given as provided in subsection (E)(2) and a second public hearing is held.
 5. *Time for action.* The Board of Supervisors shall act either to adopt the ordinance creating the district or reject the application, or any modification to it, within 180 days after the application date set by the Director of Planning under which the application was received.
- F. *Effect of failure to complete review by review date.* A district shall not terminate because the Board of Supervisors fails to act pursuant to subsection (E) by the district's review date.
- G. *If district continued without modified conditions.* If the Board of Supervisors continues a district without modifying its conditions, the district shall continue as originally constituted, with the same conditions and review period previously established.
- H. *Board may determine review is unnecessary.* The Board of Supervisors may determine that a district review is unnecessary. If it does so, the Board shall set the date by which the next review will occur.

(9-15-93; Code 1988, § 2.1.1-5; Ord. 98-A(1), 8-5-98)

Sec. 3-305 Withdrawing land from a district.

Land may be withdrawn from an agricultural and forestal district of local significance as provided herein:

- A. *Withdrawal by right by landowner before district is created.* An owner of land who joined in an application to create a district may withdraw the land, in whole or in part, by right before the Board of Supervisors acts to create the district. In order to withdraw the land from the application, the landowner shall file a written notice of withdrawal with the Clerk for the Board of Supervisors, who shall promptly forward the notice to the Director of Planning.
- B. *Withdrawal by right by landowner during district review.* An owner of land within a district may withdraw the land from the district as a matter of right at any time between the date the Director of Planning refers the district to the Advisory Committee for review and the time the Board of Supervisors acts to continue, modify, or terminate the district. In order to withdraw the land from the district, the landowner shall file a written notice of withdrawal with the Clerk for the Board of Supervisors, who shall promptly forward the notice to the Director of Planning.
- C. *Withdrawal by right by certain successors to the deceased owner.* Any heir, devisee, surviving co-tenant, or personal representative (collectively, the “successor”) of a sole owner of any fee simple interest of land may withdraw the land from the district by right, upon the inheritance or descent of the land. In order to withdraw the land from the district, the successor shall file a written notice of withdrawal with the Clerk for the Board of Supervisors and the Department of Finance within two years after the date of death of the landowner. The Clerk shall promptly forward the notice to the Director of Planning.
- 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 file a written request for withdrawal with the Director of Planning. The request shall 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 pay the fee required by County Code §3-306 when the request is filed.
 - 2. *Criteria for review.* A request to withdraw land from a district may be approved only for good and reasonable cause, based on the following criteria:
 - a. *No significant adverse impact.* The proposed new land use will not have a significant adverse impact on agricultural or forestal operations on land within the district; in considering this criterion, the land proposed to be withdrawn may be reevaluated through the Virginia Land Evaluation and Site Assessment (LESA) System;
 - b. *Consistent with the Comprehensive Plan.* The proposed new land use is consistent with the Comprehensive Plan;
 - c. *Consistent with the public interest.* The proposed land use is consistent with the public interest of the County in that it promotes the health, safety, or general welfare of the County, rather than only the proprietary interest of the landowner; and
 - d. *Changed circumstances.* The proposed land use was not anticipated by the landowner at the time the land was placed in the district, and there has been a change in circumstances since that time.
 - 3. *Advisory Committee review.* Upon receiving a request to withdraw from the Director of Planning, the Advisory Committee shall review the request and report to the Planning Commission its recommendations. The Advisory Committee shall evaluate the request pursuant to the criteria in subsection (D)(2).
 - 4. *Planning Commission review.* Upon receiving the report of the Advisory Committee on a request to withdraw, the Planning Commission shall hold a public hearing and evaluate the request pursuant to the criteria in subsection (D)(2). The Planning Commission shall report to the Board of Supervisors its recommendations, together with the Advisory Committee’s recommendations.

5. *Hearing and action by the Board of Supervisors.* After receiving the recommendations of the Planning Commission and the Advisory Committee:
 - a. *Public hearing.* The Board of Supervisors shall hold a public hearing on the request.
 - b. *Notice of the public hearing.* The Clerk for the Board shall ensure that notice of the public hearing is published as provided by Virginia Code § 15.2-1427(F). The Director of Planning shall also provide written notice to all landowners in the district at least two weeks before the public hearing.
6. *Factors to be considered when acting.* The Board of Supervisors shall reasonably consider the recommendations of the Advisory Committee and the Planning Commission, the criteria in subsection (D)(2), and any other factors relevant to whether good and reasonable cause exists.
7. *Action.* After the public hearing, the Board of Supervisors may, by ordinance, approve the request to withdraw, or it may disapprove the request.
8. *Time for action.* The Board of Supervisors shall act within 180 days after the request is received by the Director of Planning.
- D. *Effect of withdrawal.* Land that is withdrawn from a district shall be subject to roll-back taxes as provided in Virginia Code § 58.1-3237. Withdrawing land from a district shall not, itself, terminate the district.

(Ord. 98-A(1), 8-5-98; Ord. 09-3(1), 6-10-09)

State law reference-Va. Code § 15.2-4407.

Sec. 3-306 Fees.

A landowner is required to 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.
- 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; Ord. 98-A(1), 8-5-98)

State law reference-Va. Code § 15.2-4403.

Division 2. Districts

Sec. 3-307 Nortonville Local Agricultural and Forestal District.

The district known as the "Nortonville Local Agricultural and Forestal District" was created and continues as follows:

- A. *Date created.* The district was created on October 6, 1999.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 1. Tax map 8: parcels 26 and 28 (part consisting of 2 acres).
- C. *Review.* The district is reviewed once every eight years and will next be reviewed prior to December 13, 2025.

(Ord. 99-3(5); 10-6-9; Ord. 07-3(3), 9-12-07; Ord. 17-3(1), 12-13-17)