

ORDINANCE NO. 16-3()

AN ORDINANCE TO AMEND CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, 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, Article II, Districts of Statewide Significance, is hereby amended and reordained as follows:

By Amending:

Sec. 3-201 Creation of districts
Sec. 3-203 Addition of land to district

Chapter 3. Agricultural and Forestal Districts

Article II. Districts of Statewide Significance

Sec. 3-201 Creation of district.

Each agricultural and forestal district of statewide significance shall be created as provided herein:

A. *Application.* On or before one or more application dates each year set by the director of planning, any owner or owners of land may submit an application to the director for the creation of a 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 included in the district. Each submitted application shall be accompanied by: (i) maps or 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 section 3-206.

B. *Receipt and referral of application.* Upon receipt of an application for a district, the director shall refer the application to the advisory committee.

C. *Advisory committee review.* Upon receipt of 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 advisory committee shall apply the criteria in ~~Virginia Code § 15.2-4306~~ subsection (F) in its review of each application.

D. *Planning commission review.* Upon receipt of 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 ~~Virginia Code § 15.2-4306~~ subsection (F) in its review of each 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 reports of the planning commission and the advisory committee, the board of supervisors shall hold a public hearing on the

application. After a public hearing, the board of supervisors may by ordinance create a district as applied for or with any modifications it deems appropriate, as provide herein.

1. The ordinance shall be adopted pursuant to the conditions and procedures provided in Virginia Code § 15.2-4309.

2. The board of supervisors shall act to either adopt the ordinance creating the district, or reject the application, or any modification to it, within one hundred eighty (180) days after the application date set by the director under which the application was received.

F. Criteria to be applied by the advisory committee and the planning commission. The advisory committee and the planning commission shall apply the following criteria in their respective reviews of each application:

1. The agricultural and forestal significance of land within the district or addition and in areas adjacent thereto; in judging the agricultural and forestal significance of 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 factors as may be relevant.

2. The presence of any significant agricultural lands or significant forestal lands within the district and in areas adjacent thereto that are not now in active agricultural or forestal production, considering the maps, factors, markets, and other information described in subsection (F)(1);

3. The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto;

4. Local development patterns and needs;

5. The comprehensive plan and the applicable zoning regulations;

6. The environmental benefits of retaining the lands in the district for agricultural and forestal uses;

7. Whether any parcel has one or more development rights that would allow the creation of one or more parcels less than twenty-one (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 twenty-one (21) acres in size; and

8. Any other matter which may be relevant.

Comment: Subsection (F)(7) is the proposed new criterion. Subsections (F)(1) through (6) and (8) are the existing criteria contained in Virginia Code § 15.2-4306 that are applied by the advisory committee and the planning commission. The current County regulations merely reference Virginia Code § 15.2-4306.

(§ 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)

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

Sec. 3-203 Addition of land to district.

Land may be added to an agricultural and forestal district of statewide significance as provided herein:

A. *Application.* On or before one or more application dates each year set by the director of planning, any owner or owners of land may submit an application to the director to add one or more parcels to an existing agricultural and forestal district of statewide significance. 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 provided for the creation of a district in section 3-201(B) through ~~(E)~~.

(§ 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)

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

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

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>	
Mr. Dill	_____	_____	_____
Ms. Mallek	_____	_____	
Ms. McKeel	_____	_____	
Ms. Palmer	_____	_____	
Mr. Randolph	_____	_____	
Mr. Sheffield	_____	_____	