

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 Nortonsville 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 I. IN GENERAL
Article 1. Administration

Sec. 3-100 Purpose and intent.

~~The purpose and intent of this chapter are as follows:~~

- ~~A. It is the policy of county to conserve and protect, and to encourage the development and improvement of, its agricultural and forestal lands for the production of food and other agricultural or forestal products. It is also the policy of the county to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean airsheds, watershed protection, wildlife habitat, and for aesthetic purposes.~~
- ~~B. It is the~~ The purpose and intent of this chapter is to provide a means by which agricultural and forestal lands of ~~either~~ either statewide ~~or~~ and local significance may be protected and enhanced as a viable segment of ~~the state~~ 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-~~101~~ 102 Districts may be created, modified, renewed, continued, and terminated.

The ~~board of supervisors~~ Board of Supervisors may create, modify, renew, continue, and terminate agricultural and forestal districts of either statewide or local significance, and authorize ~~the withdrawal therefrom~~ lands to be withdrawn from agricultural and forestal districts, as provided in this chapter and in Chapters 43 and 44 of Title 15.2 of the Code of Virginia 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-~~102~~ 103 Planning Commission ~~commission~~; powers and duties.

The ~~planning commission~~ Planning Commission ~~shall have~~ has the following powers and duties in the ~~implementation of administering~~ this chapter:

- A. Evaluate applications. The ~~commission~~ 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~~ Commission shall conduct public hearings as provided by this chapter and Chapters 43 and 44 of the Title 15.2 of the Code of Virginia Virginia Code §§ 15.2-4300 et seq. and 15.2-4400 et seq. ~~and provide notice of such hearings as provided by law.~~
- C. Make recommendations. The ~~commission~~ Commission shall ~~make recommendations on all such applications and~~ report its recommendations to the ~~board of supervisors~~ Board of Supervisors.
- D. Other powers and duties. The ~~commission~~ Commission shall have all other powers and duties granted to it pursuant to Chapters 43 and 44 of the Title 15.2 of the Code of Virginia 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-~~103~~ 104 Advisory ~~committee~~ Committee established; membership; appointment and term of office of members; powers and duties.

An ~~advisory committee~~ Advisory Committee is hereby established, as ~~provided herein~~ subject to the following:

- A. Composition. The ~~eCommittee~~ shall ~~consist~~ be composed of ~~ten (10)~~ 10 members appointed by the ~~board of supervisors~~ Board of Supervisors. The ~~eCommittee~~ shall be ~~comprised~~ composed of four (4) landowners who are engaged in agricultural or forestal production, four (4) other landowners of the ~~county~~ County, the ~~county assessor~~ County Assessor, and one (1) member of the ~~board of supervisors~~ Board of Supervisors.

- B. Terms. The terms of the eight (8) landowner members of the eCommittee ~~shall be~~ are as follows:
1. Length of terms; staggered terms. ~~Upon adoption of this subsection, the eight (8) landowner members shall be appointed to one year, two year, three year or four year initial terms so that one (1) engaged landowner and one (1) other landowner is appointed to serve each initial term length. Thereafter, all terms shall be for four (4) years. 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. ~~No landowner member may serve more than~~ A landowner-member may serve up to two (2) consecutive terms, provided, however, that a landowner-member appointed to complete the unexpired term of another may be appointed to serve up to two (2) 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 after conducting a reasonable search.
 3. Holdover until successor appointed. A landowner-member whose term expires shall continue to serve until his or her a successor is appointed.
- C. Serve at pleasure of the Board of Supervisors. The members of the eCommittee shall serve at the pleasure of the ~~board of supervisors~~ Board of Supervisors.
- D. Compensation and reimbursement. The members of the eCommittee shall serve without compensation, ~~but the board of supervisors~~ The Board of Supervisors may, in its discretion, reimburse ~~each members~~ for their actual and necessary expenses incurred in the performance of ~~his~~ their duties.
- E. Officers. The eCommittee shall elect a chairman, vice-chairman, and secretary at the first meeting of the eCommittee each calendar year. The secretary need not be a member of the eCommittee.
- F. Advisory role. The eCommittee shall advise the ~~planning commission~~ Planning Commission and the ~~board of supervisors~~ Board of Supervisors on:
1. District-related matters. ~~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~~ County.
- G. ~~The committee shall advise the planning commission and the board of supervisors on~~
2. Rural Area-related matters. ~~Matters~~ matters pertaining to the ~~rural areas~~ Rural Area of the ~~county~~ County which 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. 3-104 105 Program administrator.

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

(Ord. 11-3(3), 8-3-11)

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 II. DISTRICTS OF STATEWIDE SIGNIFICANCE

Article 2. Districts of Statewide Significance

DIVISION 1. PROCEDURE

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 ~~agricultural and forestal~~ district of statewide significance shall have a core of ~~no less than at least two hundred (200)~~ 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.* A ~~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.* ~~(i) if~~ If the nearest boundary of the parcel is within one ~~(1)~~ mile of the boundary of the core;

2. *Contiguous to a parcel in the district that is within one mile of the core.* ~~(ii) if it~~ If the parcel is contiguous to a parcel in the district, ~~the nearest boundary of which and that parcel's nearest boundary~~ is within one ~~(1)~~ mile of the core;

3. *Beyond one mile of the core.* ~~(iii) if~~ If the ~~board of supervisors~~ Board of Supervisors finds, in consultation with the ~~advisory committee~~ Advisory Committee and the ~~planning commission~~ Planning Commission, that the parcel, although it is not part of the core and is not within one ~~(1)~~ miles of the boundary of the core contains agriculturally and forestally significant land.

C. *District may include parcels in another locality.* The ~~land~~ 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 ~~Creation of~~ Creating a district.

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

- A. *Application.* On or before ~~one or more application dates each year~~ any application date set by the ~~director of planning~~ Director of Planning, any ~~owner or owners of land~~ landowner may submit an application to create a district to the ~~director~~ Director ~~for the creation of a district~~. The application shall be made on a form developed and provided by the ~~director~~ Director and shall be signed by each ~~owner of the land~~ landowner whose land is proposed to be included in the district. Each submitted application shall ~~be accompanied by~~ include: (i) maps, ~~or~~ and aerial photographs, or both, as may be required by the ~~director~~ 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~~ Director; and (ii) the fee required by ~~section~~ County Code § 3-206.
- B. *~~Receipt and referral of~~ Referring the application.* Upon ~~receipt of~~ receiving an application for a district, the ~~director~~ Director shall refer the application to the ~~advisory committee~~ Advisory Committee.
- C. *~~Advisory committee~~ Committee review.* Upon ~~receipt of~~ receiving an application from the ~~director~~ Director, the ~~advisory committee~~ Advisory Committee shall review the application and any proposed modifications and report its recommendations to the ~~planning commission~~ Planning Commission. The ~~advisory committee~~ Committee shall apply the criteria in subsection (F) ~~in its review of each~~ when it reviews an application.
- D. *~~Planning commission~~ Commission review.* Upon ~~receipt of~~ receiving the report of the ~~advisory committee~~ Advisory Committee on an application, the ~~planning commission~~ 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~~ Board of Supervisors. The ~~planning commission~~ Planning Commission shall apply the criteria in ~~Virginia Code~~ subsection (F) ~~in its review of each~~ when it reviews an application. The ~~planning commission's~~ Planning Commission's report shall include the potential effect of the district and any proposed modifications upon the ~~county's~~ County's planning policies and objectives.
- E. *Hearing and action by ~~board of supervisors~~ the 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.~~

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 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:~~

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 ~~or addition~~ and in areas adjacent ~~thereto~~ to the district; in ~~judging~~ 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 ~~as may be relevant~~;
2. Significant agricultural or forestal lands not in active production. The presence of any significant agricultural ~~lands~~ or ~~significant~~ forestal lands within the district and in areas adjacent ~~thereto~~ 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 ~~thereto~~ to the district;
4. Development patterns. Local development patterns and needs;
5. Comprehensive Plan and zoning regulations. ~~The comprehensive plan~~ 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 ~~twenty-one (21)~~ acres in size; in considering whether to include any parcel in a district, the policy of the ~~county~~ 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. *Other.* Any other relevant matter ~~which may be relevant.~~

(§ 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 ~~district creation~~ creating a district.

The Any lands within an ~~agricultural and forestal~~ district of statewide significance shall be are subject to the following ~~upon the creation of the district~~:

~~A. *Prohibition of development to more intensive use.* As a condition to creation of the district, no parcel within the district shall be developed to a use more intensive than that existing on the date of creation of the district, other than uses resulting in more intensive agricultural or forestal production, without the prior approval of the board of supervisors.~~

- ~~1. Except as provided in paragraph (2), a parcel shall be deemed to be developed to a more intensive use if:~~

- ~~(a) The proposed development would remove any portion of a parcel from agricultural or forestal production; or~~
- ~~(b) The proposed development would increase the population density or the level of activity on the parcel including, but not limited to, the rental of more than one dwelling unit on the parcel except as provided in paragraph (2)(c).~~

- ~~2. A parcel shall not be deemed to be developed to a more intensive use if:~~

- ~~(a) The proposed development is permitted by right in the rural areas (RA) zoning district;~~
- ~~(b) The proposed development is permitted by special use permit in the rural areas (RA) zoning district and the board of supervisors, in considering the application for a special use permit, determines that the development allowed by the permit is consistent with the purposes of this chapter;~~
- ~~(c) The proposed development is the proposed division of the parcel either by subdivision or rural division and the minimum lot size of such division is twenty one (21) acres or greater;~~
- ~~(d) The proposed development is the proposed division of the parcel by family division; or~~
- ~~(e) The proposed development is the occupation of dwelling units on the parcel by members of the immediate family of any of the owners of such parcel or by bona fide farm employees, together with their respective families, if any.~~

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 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.
 - 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~~ Comprehensive Plan and the subdivision and zoning ~~and subdivision ordinances~~ regulations. The ~~comprehensive plan~~ Comprehensive Plan and the subdivision and zoning ~~and subdivision ordinances~~ regulations (County Code Chapters 14 and 18, respectively) shall apply within each district to the extent that the ~~ordinances~~ regulations do not conflict with ~~any conditions of creation or continuation of~~ to creating or continuing the district, or the purposes of this chapter and Chapter 43 of Title 15.2 of the Virginia Code ~~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~~ County shall not unreasonably restrict or regulate by ordinance farm structures or agricultural and forestal practices ~~which that~~ are contrary to the purposes of this chapter and Chapter 43 of Title 15.2 of the Virginia Code ~~the Agricultural and Forestal Districts Act~~ (Virginia Code § 15.2-4300 *et seq.*) unless ~~such~~ the restriction or regulation is directly related to public health and safety. The ~~county~~ County may regulate the processing or retail sales of agricultural or forestal products or structures ~~therefor~~ for those uses, in accordance with the ~~comprehensive plan~~ Comprehensive Plan and any ~~county~~ County ordinances.

- D. *Consideration of ~~the district in~~ when the County is taking certain actions.* The ~~county~~ County shall consider the existence of a district and the purposes and policies of this chapter and ~~Chapter 43 of Title 15.2 of the Virginia Code~~ the Agricultural and Forestal Districts Act (Virginia Code § 15.2-4300 et seq.) in its ~~comprehensive plan~~ Comprehensive Plan, ordinances, land use planning decisions, administrative decisions, and procedures affecting ~~parcels of~~ land adjacent to the district.
- E. *Availability of land use-value assessment.* Land within a district 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. (Article 4 of Chapter 32 of Title 58.1) of the Virginia Code, if the requirements for ~~such use-value assessment contained therein~~ 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 ~~therein~~ in a district ~~of statewide significance~~ subject to Virginia Code § 15.2-4313 shall be reviewed under that section, ~~and the board of supervisors~~ The Board of Supervisors shall have all of the rights and powers granted to it ~~therein~~ 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 ~~Addition of~~ Adding land to a district.

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

- A. *Application.* On or before ~~one or more application dates each year~~ any application date set by the ~~director of planning~~ Director of Planning, any ~~owner or owners of land~~ landowner may submit an application to the ~~director~~ 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~~ 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 to create~~ a district in ~~section~~ County Code § 3-201(B) through (F)(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 ~~Review of~~ Reviewing a district; continuation, modification or termination.

Each ~~agricultural and forestal~~ district of statewide significance shall be reviewed as ~~provided herein~~ follows:

- A. *Review period.* Each district shall be reviewed within the period set forth in the ordinance creating the district, which period shall not be less than four (4) years nor more than ten (10) years from the date of its creation, and shall thereafter be reviewed within each such subsequent period provided in the district's regulations set forth in County Code §§ 3-207 through 3-233.
- B. *~~Initiation of~~ Initiating district review.* ~~At least ninety (90) days before the expiration of the period of review of the district, the director of planning shall refer the district to the advisory committee for 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~~ Committee review.* Upon receipt of ~~receiving~~ the referral of the district from the ~~director~~ Director of Planning, the ~~advisory committee~~ Advisory Committee shall review the district, conduct a public meeting, and report to the planning commission its recommendations as to whether to terminate, modify or continue the district. Notice of the public meeting shall be provided to the owners of the land within the district as required by Virginia Code § 15.2-4311: (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~~ Commission review.* Upon receipt of ~~receiving~~ the report of the ~~advisory committee~~ Advisory Committee on a district, the ~~planning commission~~ 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 ~~shall~~ report to the ~~board of supervisors~~ Board of Supervisors its recommendations, together with the ~~advisory committee's~~ Committee's recommendations, as to whether to terminate, modify, or continue the district.
- E. *Hearing and action by ~~board of supervisors~~ the 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 district. After the public hearing, the board of supervisors may terminate, modify or continue the district. If the board continues the district, it may impose conditions different from those imposed when the district was created or last reviewed. If the board terminates the district, the land within the former district shall be subject to the applicable provisions of Virginia Code § 15.2-4314. 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 by the failure of the board of supervisors because the Board of Supervisors fails to act pursuant to paragraph 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 ~~Withdrawal of~~ Withdrawing land from a district.

~~An owner of land within an agricultural and forestal district of statewide significance may request that his land be withdrawn from the district, as provided herein~~ 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.

~~AB. Withdrawal by right by the landowner during district review. After the planning commission initiates the review of a district and before the board of supervisors acts to continue, modify or terminate the district, an owner of land may withdraw the land from the district by filing a written notice of withdrawal with the director of planning.~~ 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.

BC. *Withdrawal by right by certain successors to the deceased owner.* ~~Within two years of the date of death of an owner of land within a district, a~~ 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 such the land; withdraw the land from the district by filing a ~~written notice of withdrawal with the director and the department of finance.~~ 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.

CD. *Withdrawal in the discretion of board of supervisors the Board of Supervisors.* At any time after the ~~creation of a district is created,~~ an owner of land within the district may request to withdraw the land, in whole or in part, the board of supervisors to withdraw all or part of the land from the district, as provided herein follows:

1. *Filing of a written request.* The owner shall file a written request for withdrawal with the ~~director~~ Director of Planning. The request shall identify the ~~owner of the land 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 stated in paragraph (C)(2) subsection (D)(2). ~~The request shall be accompanied by the landowner shall pay the fee required in section by County Code § 3-206 shall be paid 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 ~~if the withdrawal satisfies all of 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~~ Comprehensive Plan;
 - (c.) *Consistent with the public interest.* The proposed land use is consistent with the public interest of the ~~county~~ County in that it promotes the health, safety, or general welfare of the ~~county~~ 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 Committee review.* Upon ~~receipt of receiving~~ a request to withdraw from the ~~director~~ Director of Planning, the ~~advisory committee~~ Advisory Committee shall review the request and report to the ~~planning commission~~ Planning Commission its recommendations. ~~In conducting its review, the~~ The eCommittee shall evaluate the request as provided in paragraph (C)(2) pursuant to the criteria in subsection (D)(2).
4. *Planning commission Commission review.* Upon ~~receipt of receiving~~ the report of the ~~advisory committee~~ Advisory Committee on a request to withdraw, the ~~planning commission~~ Planning Commission shall ~~conduct~~ hold a public hearing and evaluate the request ~~as provided in paragraph (C)(2) pursuant to the criteria in subsection (D)(2).~~ The planning commission Planning Commission shall report to the board of supervisors Board of Supervisors its recommendations, together with the advisory eCommittee's recommendations.

5. ~~*Hearing by board.*~~ After receiving the reports of the planning commission and the advisory committee, the board of supervisors shall hold a public hearing on the request. *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.

~~DE.~~ *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 ~~section~~ County Code § 3-202(C). The withdrawal of 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.

The following fees for actions related to an agricultural and forestal district of statewide significance are hereby established. The fees shall be paid at the time the application or request is filed, as the case may be, and shall be in the form of cash or in a check payable to the "County of Albemarle." A fee shall not be charged for the addition of land to a district or for the review of a district.

- A. ~~Application to create a district pursuant to section 3-201: One hundred fifty dollars (\$150.00).~~
- B. ~~Request to withdraw land from a district pursuant to section 3-205: Two hundred fifty dollars (\$250.00).~~

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

Division 2. Districts

Sec. 3-207 Batesville Agricultural and Forestal District.

The district known as the "Batesville Agricultural and Forestal District" consists of the following described properties: Tax map 70, parcels 40, 40A; tax map 71, parcels 23A, 23C, 24B, 24C, 24C1, 26, 26A, 26B, 26B1, 26B2, 26C, 27A, 29C, 29D, 29E, 29G, 29H, 29I; tax map 84, parcels 35A, 69; tax map 85, parcels 3, 3A (part), 4J, 17, 17B, 21, 21D, 21D1, 22B, 22C, 30D, 31. This district, created on May 2, 1990 for not more than 10 years and last reviewed on April 14, 2010, shall next be reviewed prior to April 14, 2020.

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" consists of the following described properties: Tax map 22, parcel 10; tax map 35, parcels 22, 23, 24A, 26, 26B, 26B1, 26C, 26D, 28A, 29, 31, 32A, 37A1, 41A, 41A1, 41E, 43; tax map 36, parcels 6A, 9, 20; tax map 49, parcels 4A1, 4A5, 24, 24A, 24B; tax map 50, parcels 5, 5B, 32A, 41A, 41Q, 42A, 42A1, 43, 45B, 47, 47A, 47B; tax map 51, parcels 13, 14. This district, created on June 18, 1986 for not more than 8 years, since amended at its last review on December 5, 2012 to continue for not more than 10 years, shall next be reviewed prior to December 5, 2022.

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" consists of the following described properties: Tax map 8, parcels 16A, 16C, 17E, 17F, 37, 43A, 44; tax map 17, parcels 2D6, 26B, 26C, 26C1, 26C2, 26C3, 31 (part), 32. This district, created on January 4, 1989 for not more than 10 years and last reviewed on September 2, 2009, shall next be reviewed prior to September 2, 2019.

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. ~~3-209.5~~ 3-210 Buck's Elbow Mountain Agricultural and Forestal District.

The district known as the "Buck's Elbow Mountain Agricultural and Forestal District" consists of the following described properties: ~~Tax map 25, parcel 1; tax map 38, parcels 4, 7, 8, 10, 20; tax map 39, parcels 1, 1D, 1F, 1F1, 1G, 2B, 8, 10A, 21Q, 21R, 21Z. This district, created on December 2, 2009 for not more than 10 years, shall next be reviewed prior to December 2, 2019.~~

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. ~~3-210~~ 3-211 Carter's Bridge Agricultural and Forestal District.

The district known as the "Carter's Bridge Agricultural and Forestal District" consists of the following described properties: ~~Tax map 101, parcels 55A, 60; tax map 102, parcels 17A, 17B, 17B1, 17C, 17D, 18, 19, 19A, 19C, 20B; tax map 111, parcel 48; tax map 112, parcels 1, 3, 15, 15A, 16E, 16E1, 16E2, 16F2, 16J, 16K, 18H, 19E, 19F, 20, 21, 33A, 37D; tax map 113, parcels 1, 1A, 6A, 11A, 11F, 11F1, 11F2, 11F3, 11G, 11G1, 11G2, 11G3, 11H, 11I, 11J, 11K; 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; tax map 115, parcel 10; tax map 122, parcels 4, 4A, 6, 7, 8, 9, 10, 12, 12D, 12E, 12N, 18, 18D, 33, 33A, 36; tax map 123, parcel 13B; tax map 124, parcel 11; tax map 130, parcel 19B. This district, created on April 20, 1988 for not more than 10 years and last reviewed on July 9, 2008, shall next be reviewed prior to July 9, 2018.~~

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. ~~3-211~~ 3-212 Chalk Mountain Agricultural and Forestal District.

~~The district known as the "Chalk Mountain Agricultural and Forestal District" consists of the following described properties: Tax map 97, parcels 2, 21A1, 21B, 21B1, 21C, 21D, 22, 22A, 22B, 27; tax map 98, parcels 1G (part), 11, 12, 13, 14; tax map 99, parcel 30. This district, created on September 6, 1989 for not more than 10 years and last reviewed on December 2, 2009, shall next be reviewed prior to December 2, 2019.~~

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. ~~3-212~~ 3-213 Eastham Agricultural and Forestal District.

The district known as the "Eastham Agricultural and Forestal District" consists of the following described properties: Tax map 46, parcels 91B, 91C, 91E; tax map 47, parcel 17B; tax map 63, parcels 1, 1A, 1A1, 2, 4, 14G, 14H, 14I, 26, 26A, 27, 28, 28A, 30F, 30G, 41A, 41A1, 41A2. This district, created on October 2, 1985 for not more than 10 years and last reviewed on August 6, 2014, shall next be reviewed prior to August 6, 2024.

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. ~~3-212.5~~ 3-214 Fox Mountain Agricultural and Forestal District.

The district known as the "Fox Mountain Agricultural and Forestal District" consists of the following described properties: Tax Map 14, parcels 26A, 26B, 26C; tax map 15, parcels 1, 10A. This district, created on December 2, 2009 for not more than 10 years, shall next be reviewed prior to December 2, 2019.

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. ~~3-213~~ 3-215 Free Union Agricultural and Forestal District.

The district known as the "Free Union Agricultural and Forestal District" consists of the following described properties: Tax map 7, parcels 6, 7, 8A, 9, 9A, 9B, 9B1, 9C, 33; tax map 16, parcels 4B, 4C, 13A, 13D, 15A, 15A3, 15C, 15E, 15G, 16B, 17, 26, 30B, 36, 37, 52B1, 52B2, 54; tax map 17, parcels 8B, 8C, 17C, 18H, 20A2, 22, tax map 29, parcels 1D, 1H (part), 31A. This district, created on September 21, 1988 for not more than 10 years and last reviewed on October 8, 2008, shall be next reviewed prior to October 8, 2018.

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. ~~3-213.5~~ 3-216 Glen Oaks Agricultural and Forestal District.

The district known as the "Glen Oaks Mountain Agricultural and Forestal District" consists of the following described properties: Tax map 93A5, parcels K2A11, K2A12, K2A13; tax map 94, parcels 15A1, 15A2. This district, created on December 7, 2011 for not more than 10 years, shall next be reviewed prior to December 7, 2021.

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. ~~3-213.6~~ 3-217 Green Mountain Agricultural and Forestal District.

The district known as the “Green Mountain Agricultural and Forestal District” consists of the following described properties: Tax map 120, parcels 15A, 15B, 16C, 18A, 18A1; tax map 121, parcel 2. This district, created on December 2, 2015 for not more than 10 years, shall next be reviewed prior to December 2, 2025.

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. ~~3-214~~ 3-218 Hardware Agricultural and Forestal District.

The district known as the “Hardware Agricultural and Forestal District” consists of the following described properties: Tax map 72, parcel 51C; tax map 73, parcels 38, 39C7, 41A, 41B1, 41B2, 42, 42A, 43, 44; tax map 74, parcels 6H, 6N, 26, 28, 28B; tax map 75, parcels 4A, 5; tax map 86, parcels 14, 16, 16A, 16C, 16D, 16E, 16F, 16H, 27, 27A; tax map 87, parcels 10, 13A, 13E (part consisting of 89.186 acres), 16A; tax map 88, parcels 2A, 3M, 3R, 3T, 3U, 3V, 6A, 20A, 20B, 20C, 20D, 20F, 23, 23E, 23F, 24, 24A, 24B, 26B, 29, 40, 42; tax map 99, parcels 10(part), 29, 52, 52B. This district, created on November 4, 1987 for not more than 10 years and last reviewed on September 12, 2007, shall next be reviewed prior to September 12, 2017.

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. ~~3-215~~ 3-219 Hatton Agricultural and Forestal District.

~~The district known as the "Hatton Agricultural and Forestal District" consists of the following described properties: Tax map 135, parcels 13, 13A, 13B, 14B, 15, 15A, 15C, 17, 18, 19, 22, 22A, 22C, 22C1, 22C2; tax map 136, parcels 2A, 6B, 8H, 9 (part), 9A2, 9B, 9C, 9D1, 9E. This district, created on June 29, 1983 for not more than 10 years and last reviewed on July 6, 2011, shall next be reviewed prior to July 6, 2021.~~

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. ~~3-216~~ 3-220 High Mowing Agricultural and Forestal District.

The district known as the "High Mowing Agricultural and Forestal District" consists of the following described properties: Tax map 84, parcel 69A; tax map 85, parcels 39, 39H, 41A, 41A1. This district, created on January 16, 1991 for not more than 10 years and last reviewed on December 1, 2010, shall next be reviewed prior to December 1, 2020.

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. ~~3-217~~ 3-221 Ivy Creek Agricultural and Forestal District.

The district known as the "Ivy Creek Agricultural and Forestal District" consists of the following described properties: Tax map 44, parcels 18, 19, 19A, 19B, 20, 20A, 20B, 20C, 20D, 20E, 20F, 20G, 21A1, 21A2, 21A3, 21C(part); tax map 45, parcels 5F, 5F4. This district, created on November 2, 1988 for not more than 7 years, since amended at its last review on December 4, 2013 to continue for not more than 10 years, shall next be reviewed prior to December 4, 2023.

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. ~~3-218~~ 3-222 Jacobs Run Agricultural and Forestal District.

~~The district known as the "Jacobs Run Agricultural and Forestal District" consists of the following described properties: Tax map 19, parcels 25, 25A; tax map 19A, parcels 9, 22, 31; tax map 20, parcels 6J, 6S; tax map 30, parcel 32B; tax map 31, parcels 1, 1B, 4K, 8, 8E, 16, 16B, 44C, 45, 45B. This district, created on January 6, 1988 for not more than 6 years, since amended to continue for not more than 10 years and last reviewed on December 2, 2009, shall next be reviewed prior to December 2, 2019.~~

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. ~~3-219~~ 3-223 Keswick Agricultural and Forestal District.

~~The district known as the "Keswick Agricultural and Forestal District" consists of the following described properties: Tax map 48, parcels 30, 30A, 30B, 30C, 30D, 30E, 45, 46; tax map 63, parcels 39, 39A, 40, 42A; tax map 64, parcels 5, 7, 7A, 8A, 9, 10 10A, 10B, 10C, 10D, 11 12, 13, 13A, 14; tax map 65, parcels 13, 14A, 14A1, 31C1, 31C3, 31D, 32; tax map 79, parcel 46; 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; tax map 81, parcels 1, 8A, 11H, 15A6, 15B, 63, 69, 72, 73, 74, 79. This district, created on September 3, 1986 for not more than 10 years and last reviewed on November 12, 2014, shall next be reviewed prior to November 12, 2024.~~

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. ~~3-220~~ 3-224 Kinloch Agricultural and Forestal District.

The district known as the "Kinloch Agricultural and Forestal District" consists of the following described properties: ~~Tax map 49, parcels 5C, 6A1; tax map 50, parcels 13, 19; tax map 65, parcels 7, 7A, 8, 84A, 86, 89, 90, 91, 91A, 92, 93A, 93A1, 94, 94A, 94B, 94C, 95, 95A, 100, 121; tax map 66, parcels 2, 3C, 3G, 32, 32D, 32E, 34 (Albemarle part only), 34B. This district, created on September 3, 1986 for not more than 10 years and last reviewed on November 12, 2014, shall next be reviewed prior to November 12, 2024.~~

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. ~~3-221~~ 3-225 Lanark Agricultural and Forestal District.

The district known as the "Lanark Agricultural and Forestal District" consists of the following described properties: ~~Tax map 90, parcels 12, 14A; tax map 90B, parcel A 11; tax map 91, parcels 21, 21A, 31; tax~~

~~map 92, parcels 64, 64A, 64C; tax map 102, parcels 33, 35, 35A, 35B, 35C, 37, 40, 40B, 40C; 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). This district, created on April 20, 1988 for not more than 10 years and last reviewed on July 9, 2008, shall next be reviewed prior to July 9, 2018.~~

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. ~~3-222~~ 3-226 Moorman’s River Agricultural and Forestal District.

The district known as the "Moorman's River Agricultural and Forestal District" consists of the following described properties: Tax map 27, parcels 32, 34, 34A, 40, 40A, 40A1, 42, 42A; 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; 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; tax map 30, parcels 10, 10A, 10C, 12, 12C, 12C1, 12D, 23; 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; 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; 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, 21, 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; 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; tax map 57, parcel 69; tax map 58, parcels 65A4, 65E, 65I; tax map 59, parcels 32, 32A, 34, 35, 82A; tax map 60E3, parcel 1. This district, created on December 17, 1986 for not more than 10 years and last reviewed on November 12, 2014, shall be next reviewed prior to November 12, 2024.

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, 21, 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. ~~3-223~~ 3-227 North Fork Moorman's River Agricultural and Forestal District.

~~The district known as the "North Fork Moorman's River Agricultural and Forestal District" consists of the following described properties: Tax map 4, parcels 1, 2, 3, 4. This district, created on November 17, 1993 for not more than 10 years and last reviewed on August 6, 2014, shall next be reviewed prior to August 6, 2024.~~

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. ~~3-224~~ 3-228 Panorama Agricultural and Forestal District.

The district known as the "Panorama Agricultural and Forestal District" consists of the following described properties: Tax map 31, parcel 21E; tax map 44, parcels 9A, 9C, 12, 12Q, 12X, 12Y, 12Z; tax map 45A, section 1, parcel 27. This district, created on April 20, 1988 for not more than 10 years and last reviewed on July 9, 2008, shall next be reviewed prior to July 9, 2018.

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. ~~3-225~~ 3-229 Pasture Fence Mountain Agricultural and Forestal District.

The district known as the "Pasture Fence Mountain Agricultural and Forestal District" consists of the following described properties: Tax map 13, parcels 1, 5, 8, 10, 12. This district, created on November 17, 1993 for not more than 10 years and last reviewed on August 6, 2014, shall next be reviewed prior to August 6, 2024.

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. ~~3-225.5~~ 3-230 South Garden Agricultural and Forestal District.

The district known as the “South Garden Agricultural and Forestal District” consists of the following described properties: Tax map 99, parcels 35, 102; tax map 109, parcel 70; tax map 110, parcels 8, 10, 18, 18E, 27; tax map 119, parcel 2. This district, created on October 6, 1999 for not more than 7 years, since amended at its last review on October 5, 2016 to continue for not more than 10 years, shall next be reviewed prior to October 5, 2026.

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. ~~3-226~~ 3-231 Sugar Hollow Agricultural and Forestal District.

The district known as the "Sugar Hollow Agricultural and Forestal District" consists of the following described properties: Tax map 25, parcels 11C, 12, 13, 14, 14A, 14B, 14C, 18, 18A, 18B, 21, 21A, 24, 25, 26, 27, 28; tax map 26, parcels 5A, 10, 10B, 10D, 10F, 10G, 11C, 11D, 12A, 13, 14F, 19, 40B, 40C, 41A, 52, 52D; tax map 27, parcels 8, 8E (part), 24A, 25, 26; tax map 39, parcels 2, 2A, 3, 4, 13C3, 14, 15, 25, 25A; tax map 40, parcels 1, 9, 9C, 9D (part), 9E, 10, 10A, 10B, 10C, 22, 22A, 27A, 46C1, 49. This district, created on September 6, 1989 for not more than 10 years and last reviewed on December 2, 2009, shall next be reviewed prior to December 2, 2019.

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. ~~3-227~~ 3-232 Totier Creek Agricultural and Forestal District.

The district known as the "~~Totier Creek Agricultural and Forestal District~~" consists of the following described properties: Tax map 121, parcels 70A, 70D, 70E, 72C, 85, 85A; tax map 122, parcels 5, 5A; tax map 127, parcel 39; tax map 128, parcels 13, 14A, 14B, 14C, 14D, 27, 29, 30, 72; tax map 129, parcels 3, 5, 6, 6A, 7A, 7D, 9; tax map 130, parcels 1, 5A; tax map 134, parcels 3, 3A, 3B, 3C, 3D, 3E, 3F, 3G, 3H, 3I, 3J, 3K, 3L; tax map 135, parcels 7, 10. This district, created on June 29, 1983 for not more than 10 years and last reviewed on July 6, 2011, shall next be reviewed prior to July 6, 2021.

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. ~~3-228~~ 3-233 Yellow Mountain Agricultural and Forestal District.

The district known as the "Yellow Mountain Agricultural and Forestal District" consists of the following described properties: Tax map 54, parcels 41, 43, 43A, 43D, 71B; tax map 55, parcel 15; tax map 70, parcels 15, 15A, 15D, 15E, 15G, 29, 37B, 37B1 (part), 37D (part), 37K, 37L; tax map 71, parcels 2B, 22, 22A, 22B, 22K, 64, 64A. This district, created on March 8, 1989 for not more than 10 years and last reviewed on September 2, 2009, shall next be reviewed prior to September 2, 2019.

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 III. DISTRICTS OF LOCAL SIGNIFICANCE

Article 3. Districts of Local Significance

DIVISION 1. PROCEDURE

Division 1. Procedure

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

Each agricultural and forestal district of local significance shall have a core of no less than twenty five (25) acres in one parcel or in contiguous parcels, provided that any noncontiguous parcel that is not a part of 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 had previously been included in a district of local significance. The land included in a district shall be located entirely within Albemarle County.

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)

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

Sec. 3-301 ~~Creation of~~ Creating a district.

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

~~— A. *Application.* On or before November 1 of each year, an owner or owners of land may submit an application to the department of community development for the creation of a district. An application shall be signed by each owner of land to be included within the district. The application shall be made on a form developed and provided by the director of planning. Each submitted application shall be accompanied by: (i) a tax map showing the boundaries of the proposed district and each addition, and the boundaries of properties owned by each applicant; and (ii) the fee required by section County Code § 3-306.~~

~~— B. *Initiation of application review.* Upon receipt of an application for a district, the planning commission shall:~~

~~—— 1. — Accept the application at a regularly scheduled meeting;~~

~~—— 2. — Direct the department of community development to provide notice of the application pursuant to Virginia Code § 15.2-4405(C)(1); and~~

~~—— 3. — Refer the application to the aAdvisory cCommittee for review and comment.~~

~~— C. *Evaluation criteria.* Each application shall be evaluated as provided herein:~~

~~—— 1. — All land within the district shall be devoted to agricultural, horticultural, forestal or open space use at the time of the application, except that a reasonable amount of residential or other use, not exceeding five (5) acres per district and related to the agricultural, horticultural, forestal or open space use, may be included.~~

~~—— 2. — If the land is located in the rural areas identified in the comprehensive plan, then the owner shall have first attempted to include the land in a new or existing agricultural and forestal district of statewide significance.~~

~~—— 3. — If the land is located in a development area identified in the comprehensive plan, then a district shall be created only to protect either:~~

~~—— (a) — Open space resources including stream valleys, mountains, wooded areas, buffer areas, or civic or cultural features, as identified on the growth areas open space composite maps; or~~

~~—— (b) — Existing, bona fide agricultural and/or forestal operations as evidenced by a history of investment in farm or forest improvements, such as the regular production and sale of farm and/or forest products from the property during the last five (5) years, or other commitments to continuing agricultural or forestal use in the district. In the event such evidence of commitment is not available, the owner shall submit a notarized affidavit which describes the existing, bona fide agricultural and/or forestal use of the property. In addition, if the land is used for agricultural or horticultural purposes, the owner shall have obtained, or shall make or have made a request for, a current conservation plan with the Natural Resource Conservation Service. If the land is used for forestry, the owner shall have obtained, or~~

shall make or have made a request for, a current conservation plan with the Virginia Department of Forestry or a private consultant.

~~4. Whether the land is currently enrolled in the land use value assessment program.~~

~~D. Advisory committee review. Upon referral of an application by the planning commission, the advisory committee shall review and make recommendations concerning the application and any proposed modifications to the planning commission.~~

~~E. Planning commission review. Upon receipt of the report of the advisory committee on an application, the planning commission shall conduct a public hearing on the application and any proposed modifications, and thereafter report its recommendations to the board of supervisors, as provided herein:~~

~~1. In conducting its review, the planning commission shall evaluate the application not only as provided in paragraph (C), but also shall consider the potential effect of the district and any proposed modifications on the county's planning policies and objectives.~~

~~2. Upon conclusion of the public hearing, the planning commission shall direct the department of community development to publish and provide the notice required by section Virginia Code § 15.2-4405(E).~~

~~F. Hearing 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 as provided in Virginia Code § 15.2-4405(E).~~

~~G. Action on 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 provided herein.~~

~~1. The ordinance shall be adopted pursuant to the conditions and procedures provided in Virginia Code § 15.2-4406, and shall be subject to the conditions provided in section 3-302.~~

~~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 year from the November 1 by which the application was received.~~

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, forestal, 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 ~~district creation~~ creating a district.

~~The land within an agricultural and forestal district of local significance shall be subject to the following upon the creation of the district:~~

~~— A. *Prohibition of development to more intensive use.* As a condition to creation of the district, no parcel within the district, including a parcel added to an existing district, shall be developed to a use more intensive than that existing on the date of creation of the district, other than uses resulting in more intensive agricultural or forestal production, for eight (8) years from the date of adoption of the ordinance creating the district.~~

~~— B. *Applicability of comprehensive plan and zoning and subdivision ordinances.* The comprehensive plan and the zoning and subdivision ordinances shall apply within each district to the extent that the~~

ordinances do not conflict with conditions of creation or continuation of the district, or the purposes of this chapter and Chapter 44 of Title 15.2 of the Code of Virginia.

~~—C. *Consideration of district in taking certain actions.* The county shall consider the existence of a district and the purposes of this chapter and Chapter 44 of Title 15.2 of the Code of Virginia in its comprehensive plan, ordinances, land use planning decisions, administrative decisions and procedures affecting parcels of land adjacent to the district.~~

~~—D. *Availability of land use value assessment.* Land within a district and used for agricultural or forestal production shall automatically qualify for an agricultural or forestal use value assessment pursuant to Article 4 of Chapter 32 of Title 58.1 of the Code of Virginia, if the requirements for such assessment contained therein are satisfied.~~

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.
- 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 ~~Addition of~~ Adding land to a district.

~~One or more parcels may be added to an existing agricultural and forestal district of local significance. The procedure for adding such parcels shall be as provided for the creation of a new 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)

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

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

~~Each agricultural and forestal district of local significance shall be reviewed as provided herein:~~

~~— A. *Review period.* Each district shall be reviewed within eight (8) years of the date of its creation, and shall thereafter be reviewed within eight (8) years of the date of each prior review.~~

~~— B. *Initiation of district review.* At least ninety (90) days before the expiration of the period of review of the district, the planning commission shall refer the district to the advisory committee for review.~~

~~— C. *Advisory committee review.* Upon referral of the district by the planning commission, the advisory committee shall review the district and report to the planning commission its recommendations as to whether to terminate, modify or continue the district.~~

~~— D. *Planning commission review.* Upon receipt of the report of the advisory committee on a district, the planning commission shall conduct a public hearing. The planning commission shall report to the board of supervisors its recommendations, together with the advisory committee's recommendations, as to whether to terminate, modify or continue the district.~~

~~— E. *Hearing by board of supervisors.* After receiving the reports of the planning commission and the advisory committee, the board of supervisors shall conduct a public hearing on the district.~~

~~— F. *Action on review.* After the public hearing, the board of supervisors may terminate, modify or continue the district. If the board continues the district, it may impose conditions different from those imposed when the district was created or last reviewed.~~

~~— G. *Effect of failure to complete review by review date.* A district shall not terminate by the failure of the board of supervisors to take action pursuant to paragraph (F) by the review date set forth in the section of this chapter pertaining to the district.~~

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)

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

Sec. 3-305 ~~Withdrawal of~~ Withdrawing land from a district.

~~After the planning commission initiates the review of a district and before the board of supervisors acts to create, continue, modify or terminate the district, an owner of land may withdraw the land from the district by filing a written notice of withdrawal with the department of community development.~~

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 fee of fifty (\$50) dollars shall be paid at the time an application to create an agricultural and forestal district of local significance is filed. The fee shall be in the form of cash or in a check payable to the "County of Albemarle." A fee shall not be charged for the addition of land to a district or for the review of a district.~~

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~~
Division 2. Districts

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

~~The district known as the “Nortonsville Local Agricultural and Forestal District” consists of the following described properties: Tax map 8, parcels 26 and 28 (part consisting of 2 acres). This district, created on October 6, 1999 for a period of 8 years, and last reviewed on December 13, 2017, shall next be reviewed prior to December 13, 2025.~~

The district known as the “Nortonsville 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)

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

Clerk, Board of County Supervisors

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