



Albemarle County

Legislation Details (With Text)

File #:	19-459	Version:	1	Name:	
Type:	Ordinance	Status:		Public Hearing	
File created:	8/20/2019	In control:		Board of Supervisors	
On agenda:	9/18/2019	Final action:			
Title:	19-03(2) – Agricultural and Forestal Districts. Ordinance to amend County Code Chapter 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, Division 2, Districts, to add lands to certain districts, to make corrections to certain district regulations to identify all those tax map parcels with the districts, and to review certain districts, as specified below:				

- a) AFD 2018-01 Carters Bridge AFD – District Review. The proposed ordinance would amend Section 3-211, Carters Bridge Agricultural and Forestal District, to continue the district for all parcels identified in the district regulations, to set the next district review deadline date of September 18, 2024, to correct a reference of TMP 101-55 to TMP 101-55A (this parcel was referenced incorrectly in Ordinance 17-03(1), adopted on December 13, 2017) and to correct a reference of TMP 114-17I(part) to TMP 114-67I(part) (this parcel was referenced incorrectly when Ordinance 12-3(2), adopted on December 5, 2012, was codified), and to remove TMPs 113-11A, 113-11G, 113-11G1, 113-11G2, 113-11G3, 114-51, 114-55, 114-56, 114-67G, 114-67H, 114-67H1, 114-68, 114-69, 114-70, 115-10, 122-36, 124-11, and 130-19B, as well as any parcels for which a request for withdrawal is received before the Board acts on the proposed ordinance. The review of the district will be reduced from once every ten years to once every five years, so that the next review of the district after the current review will occur prior to September 18, 2024; and
- b) AFD 2018-02 Lanark AFD – District Review. The proposed ordinance would amend Section 3-225, Lanark Agricultural and Forestal District, to continue the district for all parcels identified in the district regulations, to set the next district review deadline date of September 18, 2029, to identify TMPs 92-64, 92-64A, and 92-64C as being in the district (these parcels were inadvertently omitted from the district in Ordinance 17-03(1), adopted on December 13, 2017), to identify TMP 103-1H1 as no longer being in the district (land from this parcel was added to another parcel in the district), and to remove TMPs 90B-A11, 91-21, 91-21A, 91-31, 92-64, 92-64A, 102-37, 102-40, 102-40B, and 102-40C, as well as any parcels for which a request for withdrawal is received before the Board acts on the proposed ordinance; and
- c) AFD 2018-03 Panorama AFD – District Review. The proposed ordinance would amend Section 3-228, Panorama Agricultural and Forestal District, to continue the district for all parcels identified in the district regulations, to set the next district review deadline date of September 18, 2029, and to remove TMP 31-21E, as well as any parcels for which a request for withdrawal is received before the Board acts on the proposed ordinance; and
- d) AFD 2019-01 Jacob’s Run AFD – Addition. The proposed ordinance would amend Section 3-222, Jacob’s Run Agricultural and Forestal District, to add TMP 31-44G2 to the district; and
- e) AFD 2019-02 Moorman’s River AFD – Addition. The proposed ordinance would amend Section 3-226, Moorman’s River Agricultural and Forestal District, to identify TMP 43-24 as no longer existing, and to show TMPs 43-24A, 43-24B, and 43-24C as being in the district (land from TMP 43-24 was distributed to TMPs 43-24A, 43-24B, and 43-24C as a result of a parcel determination), and to add TMPs 60-2A1 and 60-2A2 to the district; and
- f) AFD 2019-10 Free Union AFD – District Review. The proposed ordinance would amend Section 3-215, Free Union Agricultural and Forestal District, to continue the district for all parcels identified in the district regulations, to set the next district review deadline date of September 18, 2024, and to remove TMP 17-8B, as well as any parcels for which a request for withdrawal is received before the

Board acts on the proposed ordinance. The review of the district will be reduced from once every ten years to once every five years, so that the next review of the district after the current review will occur prior to September 18, 2024.

A condition to continuation of the districts under review is that the Board of Supervisors may modify the district during its next review by removing parcels with no development rights that cannot be further divided to create one or more parcels less than 21 acres in size, but which qualify for open-space use valuation because of their being in the district.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Att.A - Proposed Ordinance, 2. Att.B - PC Reports for AFD Additions, 3. Att.C - PC Reports for AFD Review

Date	Ver.	Action By	Action	Result
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AGENDA DATE: 9/18/2019

TITLE:

Agricultural and Forestal Districts (AFD's); Additions to the Jacob's Run and Moorman's River AFDs, and the Period Review of the Carter's Bridge, Free Union, Lanark, and Panorama AFDs

SUBJECT/PROPOSAL/REQUEST: Adoption of an ordinance to amend County Code Chapter 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, Division 2, Districts, pertaining to additions to the Jacob's Run and Moorman's River AFDs and the periodic review of the Carters Bridge, Free Union, Lanark, and Panorama AFDs

ITEM TYPE: Regular Action Item

STAFF CONTACT(S): Richardson, Walker, Kamptner, DeLoria, McCulley, Benish, Clark

PRESENTER (S): Scott Clark

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: Localities are enabled to establish agricultural and forestal districts (AFDs) under the Agricultural and Forestal Districts Act (Virginia Code § 15.2-4300 et seq.). AFDs serve two primary purposes: (1) to conserve and protect agricultural and forestal lands; and (2) to develop and improve agricultural and forestal lands. Land within an AFD is prohibited from being developed to a more intensive use, other than a use resulting in more intensive agricultural or forestal production, without prior Board approval. In addition, the County is prohibited from exercising its zoning power in a way that would unreasonably restrict or regulate farm structures or farming and forestry practices in contravention of the Agricultural and Forestal Districts Act unless those restrictions or regulations bear a direct relationship to public health and safety (Virginia Code § 15.2-4312).

Additions A landowner may petition to add their land to an AFD at any time (Virginia Code § 15.2-4310). Virginia Code §§ 15.2-4307 and 15.2-4309 require that the Board conduct a public hearing on proposed additions to AFDs, and that these actions be reviewed by both the Agricultural and Forestal District Advisory Committee and the Planning Commission for their recommendations. The Advisory Committee and the Planning Commission reviewed the following requests and recommend approval of the proposed additions.

The August 20, 2019 staff report to the Planning Commission is attached (Attachment B).

Jacob's Run AFD The Jacob's Run AFD is located around Earlysville. One landowner submitted a request to add one parcel (TMP 31-44G2) consisting of 24.3 acres to the District.

Moorman's River AFD The Moorman's River AFD is located north of Ivy and south of Free Union. One landowner submitted a request to add two parcels (TMPs 60-2A1 and 60-2A2) consisting of a total of 155.42 acres to the District.

District Reviews Virginia Code § 15.2-4311 requires the periodic review of AFDs to determine whether they should continue, be modified, or be terminated, unless the Board determines that review is unnecessary. During the review process, land within the District may be withdrawn at the owner's request by filing a written notice with the Board any time before the Board acts on the review. The Board has set a 10-year review period for all AFDs of statewide significance in the County and an eight-year review period for the sole AFD of local significance in the County. In addition, Virginia Code § 15.2-4311 requires that the Board conduct a public hearing on AFD reviews, and that they also be reviewed by both the Agricultural and Forestal District Advisory Committee and the Planning Commission for their recommendations. The Advisory Committee and the Planning Commission reviewed the following requests and recommend renewal of the Carters Bridge and Free Union AFDs for five years, and the Lanark and Panorama AFDs for ten years. The August 20, 2019 staff report to the Planning Commission is attached (Attachment C).

Carters Bridge AFD The Carters Bridge AFD is generally located between Keene and Woodbridge, and is undergoing its periodic 10-year review. Five landowners submitted requests to withdraw a total of 18 parcels (TMPs 113-11A, 113-11G, 113-11G1, 113-11G2, 113-11G3, 114-51, 114-55, 114-56, 114-67G, 114-67H, 114-67H1, 114-68, 114-69, 114-70, 115-10, 122-36, 124-11, and 130-19B) consisting of a total of 2,821 acres from the District.

Lanark AFD The Lanark AFD is generally located south of Simeon, on either side of the James Monroe Parkway and Carter Mountain Road, and is undergoing its periodic 10-year review. Three landowners submitted requests to withdraw a total of 10 parcels (TMPs 90B-A11, 91-21, 91-21A, 91-31, 92-64, 92-64A, 102-37, 102-40, 102-40B, and 102-40C) consisting of a total of 3,119 acres from the District.

Panorama AFD The Panorama AFD is generally located north of Woodlands Road, along the South Fork Rivanna Reservoir, and is undergoing its periodic 10-year review. One landowner submitted a request to withdraw one parcel (TMP 31-21E) consisting of 7.12 acres from the District.

Free Union AFD The Free Union AFD is generally located in northwestern Albemarle, in the vicinity of Fox Mountain Trail, Wesley Chapel Road, and Chapel Spring Lane, and is undergoing its periodic 10-year review. One landowner submitted a request to withdraw one parcel (TMP 17-8B) consisting of 24.78 acres from the District subsequent to the August 20 Planning Commission meeting.

STRATEGIC PLAN: Rural Area Character: Preserve the character of rural life with thriving farms and forests, traditional crossroad communities, and protected scenic areas, historic sites, and biodiversity.

DISCUSSION: Jacob's Run AFD The Jacob's Run AFD contains 1,011 acres, and is a mix of hardwood forest and open land. The parcel under consideration for addition, TMP 31-44G2, is located at 4658 Advance Mills Road, and includes one dwelling. The proposed addition of this parcel, consisting of 24.3 acres, would increase the total number of acres in the Jacob's Run District to 1,035.3. Adding this parcel, which is largely open, with some wooded areas, will help protect forest and productive farmland. The Jacob's Run AFD is scheduled for review in December, 2019.

Moorman's River AFD The Moorman's River AFD contains 10,800 acres and includes open grazing land and hardwood forests. The parcels under consideration for addition, TMPs 60-2A1 and 60-2A2, are located at

1575 and 1585 Ingleridge Farm, and include a total of four dwellings. The proposed addition of these two parcels, consisting of 155.42 acres, would increase the total number of acres in the Moorman's River District to 10,955.42. Adding these parcels, which are largely open, with wooded critical slopes along Ivy Creek at the north end, will help protect forest and productive farmland, and will help maintain the environmental integrity of the County and aid in the protection of ground and surface water, agricultural soils, and wildlife habitat. The Moorman's River AFD is scheduled for review in November, 2024.

The Carters Bridge AFD, which was created in 1988 and currently includes 89 parcels and 8,910 acres, includes pasture land, hardwood forest, and pine plantations. There are currently 20 parcels in the District under conservation easement, and 5,106 acres are being taxed at use value rates for agricultural, forestal, or open-space use. There are 64 dwellings in the District. Conservation of this area will help maintain the environmental integrity of the County and aid in the protection of ground and surface water, agricultural soils, mountain resources, critical slopes, and wildlife habitat.

The Lanark AFD, which was created in 1999 and currently includes 53 parcels and 6,403 acres, includes pasture land, hardwood forest, and pine plantations. There are currently 24 parcels in the District under conservation easement, and 3,449 acres are being taxed at use value rates for agricultural, forestal, or open space use. There are 76 dwellings in the District. Conservation of this area will help maintain the environmental integrity of the County and aid in the protection of ground and surface water, agricultural soils, mountain resources, critical slopes, and wildlife habitat.

The Panorama AFD, which was created in 1988 and currently includes nine parcels and 272.9 acres, primarily consists of open land. There are currently eight parcels in the District under conservation easement, and no parcels are being taxed at use value rates. There are ten dwellings in the District. Conservation of this area will help maintain the environmental integrity of the County and aid in the protection of ground and surface water, agricultural soils, mountain resources, critical slopes, and wildlife habitat.

The Free Union AFD, which was created in 1988 and currently includes 36 parcels and 1,508 acres, primarily consists of hardwood forest, with some open land. There are currently eight parcels in the District under conservation easement, and 699 acres are being taxed at use value rates for agricultural, forestal, or open space use. There are 30 dwellings in the District. Conservation of this area will help maintain the environmental integrity of the County and aid in the protection of ground and surface water, agricultural soils, mountain resources, critical slopes, and wildlife habitat.

BUDGET IMPACT: There is no budget impact.

RECOMMENDATION:

After conducting public hearings on the proposed AFD additions and the proposed AFD reviews, which may be held together as one public hearing, staff recommends that the Board adopt the attached ordinance to approve the additions to the Jacob's Run and Moorman's River AFDs and to continue the Carters Bridge, Lanark, Panorama, and Free Union AFD.

ATTACHMENTS:

Attachment A - Proposed Ordinance

Attachment B - October 24, 2017 PC Staff Reports - Jacob's Run and Moorman's River Additions

Attachment C - October 24, 2017 PC Staff Reports - Carters Bridge, Lanark, Panorama, and Free Union Reviews