



# Albemarle County

## Legislation Details (With Text)

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**File #:** 19-588      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Public Hearing  
**File created:** 11/25/2019      **In control:** Board of Supervisors  
**On agenda:** 12/18/2019      **Final action:**  
**Title:** 19-03(3) – 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 review certain districts, to make corrections to certain district regulations to identify all those tax map parcels within the districts, and to add lands to certain districts, as specified below:

- a) AFD 2019-03 Buck Mountain AFD – District Review. The proposed ordinance would amend Section 3-209, Buck Mountain 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 December 18, 2024, to identify TMPs 8-43A and 17-26C as no longer being in the district (land from TMP 8-43A was added to another parcel in the district, and TMP 17-26C was inadvertently not deleted in Ordinance 09-3(2), adopted on September 2, 2009, when land from this parcel was distributed to TMPs 17-26C1, 17-26C2, and 17-26C3 as a result of a subdivision), to identify TMP 8-44A as being in the district (this parcel was created by subdivision of another parcel in the district), and to remove TMPs 71-31(part) and 71-32, 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 December 18, 2024; and
- b) AFD 2019-04 Buck’s Elbow Mountain AFD – District Review. The proposed ordinance would amend Section 3-210, Buck’s Elbow Mountain 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 December 18, 2024, and to remove 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 December 18, 2024; and
- c) AFD 2019-05 Chalk Mountain AFD – District Review. The proposed ordinance would amend Section 3-212, Chalk Mountain 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 December 18, 2029, and to remove any parcels for which a request for withdrawal is received before the Board acts on the proposed ordinance; and
- d) AFD 2019-06 Fox Mountain AFD – District Review. The proposed ordinance would amend Section 3-214, Fox Mountain 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 December 18, 2024, and to remove 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 December 18, 2024; and
- e) AFD 2019-07 Jacobs Run Mountain AFD – District Review. The proposed ordinance would amend Section 3-222, Jacobs Run 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 December 18, 2024, and to remove 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 December 18, 2024; and

f) AFD 2019-08 Sugar Hollow AFD – District Review. The proposed ordinance would amend Section 3-231, Sugar Hollow 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 December 18, 2024, and to remove 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 December 18, 2024; and

g) AFD 2019-09 Yellow Mountain AFD – District Review. The proposed ordinance would amend Section 3-233, Yellow Mountain 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 December 18, 2029, and to remove any parcels for which a request for withdrawal is received before the Board acts on the proposed ordinance; and

h) AFD 2019-11 Yellow Mountain AFD – Addition. The proposed ordinance would amend Section 3-233, Yellow Mountain Agricultural and Forestal District, to add TMP 71-22C2 to the district.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Att.A - Proposed Ordinance, 2. Att.B - Yellow Mt Addition PC Staff Report, 3. Att.C - AFD Reviews PC Staff Reports

Date	Ver.	Action By	Action	Result
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**AGENDA DATE: 12/18/2019**

**TITLE:**

Agricultural and Forestal Districts (AFD's); Addition to the Yellow Mountain AFD, and the Periodic Review of the Buck Mountain, Buck's Elbow Mountain, Chalk Mountain, Fox Mountain, Jacobs Run, Sugar Hollow, and Yellow Mountain 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 an addition to the Yellow Mountain AFD and the periodic review of the Buck Mountain, Buck's Elbow Mountain, Chalk Mountain, Fox Mountain, Jacobs Run, Sugar Hollow, and Yellow Mountain AFDs

**ITEM TYPE:** Regular Action Item

**STAFF CONTACT(S):** Richardson, Walker, Kamptner, Filardo, 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).

The consolidated public hearing and the proposed ordinance pertain to a proposed addition to one AFD and the periodic review of seven AFDs (including the AFD that is also the subject of the proposed addition).

**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 after they have been reviewed by both the Agricultural and Forestal District Advisory Committee and the Planning Commission for their recommendations.

**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 an AFD 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. Virginia Code § 15.2-4311 requires that the Board conduct a public hearing on AFD reviews after they have been reviewed by both the Agricultural and Forestal District Advisory Committee and the Planning Commission for their recommendations.

**STRATEGIC PLAN:** Mission. To enhance the well-being and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds.

## **DISCUSSION:**

### **Addition:**

**Yellow Mountain AFD:** The Yellow Mountain AFD is located west of Crozet, near Greenwood. One landowner submitted a request to add one parcel (TMP 71-22C2), which consists of 14.56 acres and has 4 development right lots, to the District. The Advisory Committee and the Planning Commission reviewed this request and recommend approval of the proposed addition. The October 21, 2019 staff report to the Planning Commission is attached (Attachment B). The Yellow Mountain AFD is also undergoing its 10-year periodic review on December 18, 2019.

### **Reviews:**

Pursuant to the Board's direction in November 2018, the proposed ordinance (Attachment A) includes a five-year renewal period for AFDs containing parcels enrolled in open-space use valuation that have no development rights, and a 10-year review period for districts that have no such parcels. The Advisory Committee and the Planning Commission reviewed the following districts and recommend renewal of the Buck Mountain, Buck's Elbow Mountain, Fox Mountain, Jacobs Run, and Sugar Hollow AFDs for five years, and the Chalk Mountain and Yellow Mountain AFDs for ten years. The October 21, 2019 staff reports to the Planning Commission are attached (Attachment C). See Attachment C for more details regarding this and other staff analysis of the following district reviews.

**Buck Mountain AFD:** The Buck Mountain AFD is located along Davis Shop Road and Markwood Road, and is undergoing its periodic 10-year review. One landowner submitted a request to withdraw two parcels (TMPs 17-31 and 17-32) consisting of a total of 151.28 acres from the AFD. This AFD was created in 1989 and currently includes 13 parcels and part of another, and 627 acres. With the withdrawal of TMPs 17-31 and 17-32, the AFD would include 12 parcels and 475.72 acres. The review period for this AFD is recommended to be reduced to five years, so the next review will occur prior to December 18, 2024.

**Buck's Elbow Mountain AFD:** The Buck's Elbow Mountain AFD is located on Buck's Elbow, south of Sugar Hollow and north of Jarman's Gap, and is undergoing its periodic 10-year review. No requests for withdrawal have been received to-date. This AFD was created in 2009 and currently includes 17 parcels and 3,209 acres.

The review period for this AFD is recommended to be reduced to five years, so the next review will occur prior to December 18, 2024.

**Chalk Mountain AFD:** The Chalk Mountain AFD is located south and southwest of North Garden, largely on and west of Chalk Mountain, and is undergoing its periodic 10-year review. No requests for withdrawal have been received to-date. This AFD was created in 1989 and currently includes 16 parcels and 1,602 acres. The review period for this AFD is recommended to remain at 10 years, so the next review will occur prior to December 18, 2029.

**Fox Mountain AFD:** The Fox Mountain AFD is located along the Doyle's River, near the intersection of Brown's Gap Turnpike and Blackwell's Hollow Road, and is undergoing its periodic 10-year review. No requests for withdrawal have been received to-date. This AFD was created in 2009 and currently includes 5 parcels and 436 acres. The review period for this AFD is recommended to be reduced to five years, so the next review will occur prior to December 18, 2024.

**Jacobs Run AFD:** The Jacobs Run AFD is located northwest of Earlysville, and is undergoing its periodic 10-year review. No requests for withdrawal have been received to-date. This AFD was created in 1988 and currently includes 19 parcels and 1,012 acres. The review period for this AFD is recommended to be reduced to five years, so the next review will occur prior to December 18, 2024.

**Sugar Hollow AFD:** The Sugar Hollow AFD is located west and north of White Hall, and is undergoing its periodic 10-year review. No requests for withdrawal have been received to-date. This AFD was created in 1989 and currently includes 62 parcels and 5,018 acres. The review period for this AFD is recommended to be reduced to five years, so the next review will occur prior to December 18, 2024.

**Yellow Mountain AFD:** The Yellow Mountain AFD was created in 1989 and currently includes 24 parcels and 748 acres. With the addition of TMP 71-22C2, the AFD would include 25 parcels and 762.56 acres. The review period for this AFD is recommended to remain at 10 years, so the next review will occur prior to December 18, 2029.

**BUDGET IMPACT:** There is no budget impact.

**RECOMMENDATION:**

After conducting public hearings on the proposed AFD addition 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 addition to the Yellow Mountain AFD and to continue the Buck Mountain, Buck's Elbow Mountain, Chalk Mountain, Fox Mountain, Jacobs Run, Sugar Hollow, and Yellow Mountain AFDs.

**ATTACHMENTS:**

Attachment A - Proposed Ordinance

Attachment B - October 21, 2019 PC Staff Report - Yellow Mountain Addition

Attachment C - October 21, 2019 PC Staff Reports - Buck Mountain, Buck's Elbow Mountain, Chalk Mountain, Fox Mountain, Jacobs Run, Sugar Hollow, and Yellow Mountain Reviews