



Albemarle County

Legislation Text

File #: 23-113, **Version:** 1

AGENDA DATE: 1/11/2023

TITLE:

AFD202200002 Blue Run District Review

SUBJECT/PROPOSAL/REQUEST: Ordinance to amend County Code Chapter 3, Agricultural and Forestal Districts, Article 2, Districts of Statewide Significance, Division 2, Districts, to review the Blue Run District.

ITEM TYPE: Regular Action Item

STAFF CONTACT(S): Richardson, Walker, Rosenberg, DeLoria, Filardo, McDermott, Maliszewski, 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 public hearing and the proposed ordinance (Attachment A) pertain to the periodic review of one AFD.

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 During the review process, land within an AFD may be withdrawn at the owner's request by filing a written notice with the Board any time before the Board acts on the review.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: 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: Pursuant to the Board's direction in November 2018, proposed ordinances are to include 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. In this case, the Blue Run District contains eight parcels that are in the Open Space tax category. All eight of those parcels have remaining development rights. The Advisory Committee and the Planning Commission reviewed the Blue Run District and recommended renewal for ten years, which is included in the proposed ordinance (Attachment A). The December 13, 2022 staff report to the Planning Commission is attached (Attachment B).

AFD202200002 Blue Run District Review:

The Blue Run AFD is located in the northeastern corner of the County and is undergoing its periodic 10-year review. The AFD was created in June 1986 and includes 43 parcels totaling 4,244 acres. The recommended review period for this AFD is ten years, so the next review would occur prior to January 11, 2033.

BUDGET IMPACT: There is no budget impact.

RECOMMENDATION:

After conducting a public hearing on the proposed AFD review, staff recommends that the Board adopt the attached ordinance (Attachment A) to continue the Blue Run AFD.

ATTACHMENTS:

A - Proposed Ordinance

B - December 13, 2022 PC Staff Report - Blue Run District Review