



# Albemarle County

## Legislation Text

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**File #:** 21-407, **Version:** 1

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**AGENDA DATE:** 9/1/2019

**TITLE:**

Agricultural and Forestal Districts (AFDs)

**SUBJECT/PROPOSAL/REQUEST:** Public hearing to consider the adoption of an Ordinance to amend County Code Chapter 3, Agricultural and Forestal Districts, Article 2, Districts of Statewide Significance, Division 2, Districts, to review certain districts, and to add lands to certain districts.

**ITEM TYPE:** Regular Action Item

**STAFF CONTACT(S):** Richardson, Walker, Kamptner, DeLoria, Filardo, McCulley, Rapp, 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 three requested additions to existing AFDs, and the periodic reviews of two AFDs.

**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 During the review process, land within an AFD may be withdrawn at the owner's request by filing a written notice with the Board any time before the Board acts on the review.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 community members

through the provision of the highest level of public service consistent with the prudent use of public funds.

**DISCUSSION:**

**Additions:**

The Advisory Committee and the Planning Commission reviewed the following proposed district additions and recommend approval:

**AFD202100001 - Henley - Sugar Hollow Addition (Attachment B):**

The proposed addition (Tax Map 40 Parcel 12A; 19.1 acres) contains 18.6 acres of important agricultural soils and has 5 development rights. The Sugar Hollow AFD is located near White Hall and is scheduled to undergo its 5-year review on or before December 18, 2024.

**AFD202100002 - Neff - Moormans River Addition (Attachment C):**

The proposed addition (Tax Map 28 Parcels 31, 31A, 33; 119.28 acres) contains 111.22 acres of important agricultural soils, and each individual parcel has multiple development rights. The Moormans River AFD is located east of White Hall and south of Free Union and is scheduled to undergo its 10-year review on or before November 12, 2024.

**AFD202100003 - Maddock - Jacobs Run Addition (Attachment D):**

The proposed addition (Tax Map 18 Parcel 16C; 69.29 acres) contains 51.66 acres of important soils and has one development right. The Jacobs Run AFD is located near Earlysville and is scheduled to undergo its 5-year review on or before December 18, 2024.

**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. In this case, neither of the districts under review contains any parcels that are in the open-space tax category. The Advisory Committee and the Planning Commission reviewed the following districts and recommend renewal of the Hatton and Totier Creek AFDs for ten years. The August 3, 2021 staff reports to the Planning Commission are attached (Attachments E and F). See Attachments E and F for more details regarding this and other staff analysis of the following district reviews.

**Hatton AFD:**

The Hatton AFD is located in the Warren area, near the James River, and is undergoing its periodic 10-year review. One landowner submitted a request to withdraw one parcel (TMP 136-9) consisting of 86.04 acres from the AFD. This AFD was created in 1983 and includes 24 parcels and 860.3 acres. With the withdrawal of parcel 136-9, the AFD would include 23 parcels and 774.26 acres. The review period for this AFD is ten years, so the next review would occur prior to September 1, 2031.

**Totier Creek AFD:**

The Totier Creek AFD located in the vicinity of Esmont and Keene and is undergoing its periodic 10-year review. One landowner submitted a request to withdraw one parcel (TMP 121-85) consisting of 129.33 acres. The AFD was created in 1983 and currently includes 43 parcels and 6,773 acres. With the withdrawal of parcel 121-85, the AFD would include 42 parcels and 6643.67 acres. The review period of this AFD is ten years, so the next review would occur prior to September 1, 2031.

**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 Sugar Hollow, Moormans River, and Jacobs Run districts, and to continue the Hatton and Totier Creek AFDs.

**ATTACHMENTS:**

A - Proposed Ordinance

B - August 3, 2021 PC Staff Report - Henley - Sugar Hollow Addition

C - August 3, 2021 PC Staff Report - Neff - Moormans River Addition

D - August 3, 2021 PC Staff Report - Maddock - Jacobs Run Addition

E - August 3, 2021 PC Staff Report - Hatton District Review

F - August 3, 2021 PC Staff Report - Totier Creek District Review