



Albemarle County

Legislation Text

File #: 23-479, **Version:** 1

AGENDA DATE: 12/6/2023

TITLE:

AFD202300001 Virginia Evans-Kinloch AFD Addition

SUBJECT/PROPOSAL/REQUEST: Amend County Code Chapter 3, Agricultural and Forestal Districts, Article 2, Districts of Statewide Significance, to add land to the Kinloch Agricultural and Forestal District

ITEM TYPE: Regular Action Item

STAFF CONTACT(S): Richardson, Rosenberg, Herrick, Filardo, McDermott, Maliszewski, Clark, Fulcher

PRESENTER (S): Scott Clark, James Fulcher

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: Localities may 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 may not be 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 may not exercise 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).

A landowner may apply to add land to an AFD at any time (Virginia Code § 15.2-4310). Virginia Code §§ 15.2-4307 and 15.2-4309 require the Agricultural and Forestal District Advisory Committee and the Planning Commission to review such applications and report their recommendations to the Board of Supervisors, which must hold a public hearing and, by ordinance, may add land to an existing district as applied for, or with any modifications the Board of Supervisors deems appropriate.

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: *AFD 2023-01 Evans Kinloch AFD - Addition*

As detailed in the staff report to the Planning Commission (Attachment A), the proposed addition (Parcel 050000-00-00-005A0) contains 25.78 acres of soils recognized as important to agriculture in the Comprehensive Plan. Two dwellings exist on the parcel. Because the parcel retains three remaining development rights, it may be added to the AFD under current County policy.

The proposed ordinance (Attachment B) would also incorporate two updates:

1. identify Parcels 05000-00-00-19A1, 05000-00-00-019B0, 05000-00-00-019C0, 06500-00-00-086B0, and

06500-01-00-08600 (each of which was created by the division of another parcel in the district) as being in the district; and

2. remove Parcels 06500-00-00-09500 and 06500-00-00-095A0 (which were combined with another parcel in the district) from the district parcel listing.

Both the AFD Advisory Committee (on October 2, 2023) and Planning Commission (on November 14, 2023) reviewed the proposed addition to the Kinloch AFD and each unanimously recommended approval.

BUDGET IMPACT: There is no budget impact.

RECOMMENDATION:

Staff recommends that the Board conduct a public hearing and adopt the attached ordinance (Attachment B) to approve the proposed addition to the Kinloch AFD.

ATTACHMENTS:

A - November 14, 2023 Planning Commission Staff Report

B - Proposed Ordinance