



# Albemarle County

## Legislation Text

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**File #:** 17-655, **Version:** 1

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**AGENDA DATE:** 12/13/2017

**TITLE:** Agricultural and Forestal Districts (AFD's); additions to the Free Union and Ivy Creek AF Districts and the periodic review of the Hardware and Nortonville Local AF Districts

**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, and Article II, Districts of Local Significance, Division 2, Districts, pertaining to additions to the Free Union and Ivy Creek AF Districts and the periodic review of the Hardware and Nortonville Local AF Districts.

**ITEM TYPE:** Regular Action Item

**STAFF CONTACT(S):** Richardson, Walker, Kamptner, Blair, Graham, Benish, Clark

**PRESENTER (S):** Scott Clark

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Jeffrey B. Richardson

**BACKGROUND:** Localities are enabled to establish agricultural and forestal districts (AFD's) under the Agricultural and Forestal Districts Act (Virginia Code § 15.2-4300 et seq.). AFD's 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 October 24, 2017 staff report to the Planning Commission is attached (Attachment B).

**Free Union AFD** The Free Union AFD is located in the northwestern portion of the County, east of Fox Mountain. One landowner submitted a request to add two parcels (TMPs 16-3 and 16-3D) consisting of a total of 25.35 acres to the District.

**Ivy Creek AFD** The Ivy Creek AFD is located along Woodlands Road, to the west of the South Fork Rivanna Reservoir. One landowner submitted a request to add two parcels (TMPs 44-18 and 44-21A3) consisting of a total of 11.88 acres to the District.

**District Reviews** Virginia Code § 15.2-4311 requires the periodic review of AFD's 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 AFD's of statewide significance in the County and an eight-year review period for the 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 Hardware AFD for ten years and of the Nortonville Local AFD for eight years. The October 24, 2017 staff report to the Planning Commission is attached (Attachment C).

**Hardware AFD** The Hardware AFD is generally located between North Garden in the south and Dick Woods Road in the north, along and to the west of US29, and is undergoing its periodic 10-year review. Two landowners submitted requests to withdraw a total of three parcels (TMPs 86-14, 86-16E, and 88-26B) consisting of a total of 309.22 acres from the District.

**Nortonville Local AFD** The Nortonville Local AFD is located near Nortonville, and is undergoing its periodic eight-year review. No requests for withdrawal have been received to-date.

**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: Free Union AFD** The Free Union AFD contains 1,437 acres and is almost entirely wooded. The parcels under consideration for addition, TMPs 16-3 and 16-3D, are located at 3506 Peavine Hollow Road, and include a total of one dwelling. The proposed addition of these two parcels, consisting of 25.35 acres, would increase the total number of acres in the Free Union District to 1,462.35. Adding this parcel, which is largely wooded, 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 Free Union AFD is scheduled for review in 2018.

**Ivy Creek AFD** The Ivy Creek AFD contains 244 acres and is mostly in open or wooded land, with a significant number of residential lots. The parcels under consideration for addition, TMPs 44-18 and 44-21A3, are located at 735 and 741 Woodlands Road, respectively, and include a total of one dwelling. The proposed addition of these two parcels, consisting of 11.88 acres, would increase the total number of acres in the Ivy Creek District to 255.88. Adding these parcels, which are largely open and partially wooded, will help protect forest and productive farm land, 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 Ivy Creek AFD is scheduled for review in 2023.

**Hardware AFD** The Hardware AFD, which was created in 1987 and currently includes 42 parcels and 3,383 acres, primarily consists of forest and pasture land. There are currently ten parcels in the District under conservation easement, and 1,121 acres being taxed at conservation-easement rates. In addition, 1,946 acres are being taxed at use value rates, as follows: (1) 470 acres devoted to agricultural use; (2) 730 acres devoted to forestry use; and (3) 746 acres devoted to open-space use. There are 40 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. With the withdrawal of TMPs 86-14, 86-16E and 88-26B, the District would include 39 parcels and 3,074 acres.

**Nortonville Local AFD** The Nortonville Local AFD, which was created in 1999 and currently includes three parcels and 92.575 acres, primarily consists of forest cover, with some lesser areas of open land. There are currently no parcels in the District under conservation easement, and 89.5 acres are being taxed at use value

rates for forestry use. There are two 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, 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 Free Union and Ivy Creek AF Districts and to continue the Hardware and Nortonville Local AF Districts.

**ATTACHMENTS:**

- A - Proposed Ordinance
- B - October 24, 2017 PC Staff Reports - Free Union and Ivy Creek Additions
- C - October 24, 2017 PC Staff Reports- Hardware and Nortonville Local Reviews