



Albemarle County

Legislation Details (With Text)

File #: 20-577 **Version:** 1 **Name:**

Type: Agricultural and Forestal Districts **Status:** Public Hearing

File created: 11/13/2020 **In control:** Board of Supervisors

On agenda: 1/6/2021 **Final action:**

Title: 20-03(1) – Agricultural and Forestal Districts. 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 make corrections to certain district regulations to identify all those tax map parcels within the districts, as specified below:
a) AFD 2020-01 Batesville AFD – District Review. The proposed ordinance would amend Section 3-207, Batesville 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 16, 2025, to identify TMP 70-40 as no longer being in the district (this parcel was removed from the district by the former owners' heirs), to identify TMP 85-3A1 as being in the district (this parcel was created by the division of another parcel in the district), and to remove TMP 85-17B, 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 16, 2025; and
b) AFD 2020-02 High Mowing AFD – District Review. The proposed ordinance would amend Section 3-220, High Mowing 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 16, 2030, and to remove any parcels for which a request for withdrawal is received before the Board acts on the proposed ordinance.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Att.A - Proposed Ordinance, 2. Att.B - November 10, 2020 PC Staff Report - Batesville District Review, 3. Att.C - November 10, 2020 PC Staff Report - High Mowing District Review, 4. Presentation

Date	Ver.	Action By	Action	Result
12/16/2020	1	Board of Supervisors	deferred	

AGENDA DATE: 12/16/2020

TITLE:

Agricultural and Forestal Districts (AFD's); Periodic Review of the Batesville and High Mowing AFDs

SUBJECT/PROPOSAL/REQUEST: Adoption of an ordinance to amend County Code Chapter 3, Agricultural and Forestal Districts, Article 2, Districts of Statewide Significance, Division 2, Districts, pertaining to the periodic review of the Batesville and High Mowing AFDs

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 the periodic reviews of two AFDs.

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: 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 Batesville AFD for five years, and the High Mowing AFD for ten years. The November 10, 2020 staff reports to the Planning Commission are attached (Attachments B and C). See Attachments B and C for more details regarding this and other staff analysis of the following district reviews.

Batesville AFD: The Batesville AFD is on the north, west, and south sides of Batesville, and is undergoing its periodic 10-year review. One landowner submitted a request to withdraw one parcel (TMPs 85-17B) consisting of 136 acres from the AFD. This AFD was created in 1990 and currently includes 34 parcels totaling 1,115 acres. With the withdrawal of parcel 85-17B, the AFD would include 33 parcels and 955 acres. The review period for this AFD is recommended to be reduced to five years, so the next review will occur prior to December 16, 2025.

High Mowing AFD: The High Mowing AFD is located south of Batesville, and is undergoing its periodic 10-year review. No requests for withdrawal have been received to-date. This AFD was created in 1991 and currently includes 5 parcels totaling 445.8 acres. The review period for this AFD is ten years, so the next review will occur prior to December 16, 2030.

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 continue the Batesville and High Mowing AFDs.

ATTACHMENTS:

Attachment A - Proposed Ordinance

Attachment B - November 10, 2020 PC Staff Report - Batesville District Review

Attachment C - November 10, 2020 PC Staff Report - High Mowing District Review