



# Albemarle County

## Legislation Text

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**File #:** 16-460, **Version:** 2

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**AGENDA DATE:** 9/7/2016

**TITLE:** Agricultural-Forestal Districts Ordinance Amendments.

**SUBJECT/PROPOSAL/REQUEST:** Work Session on Proposed Agricultural-Forestal Districts Ordinance Amendments

**ITEM TYPE:** Work Session

**STAFF CONTACT(S):** Foley, Walker, Kamptner, Benish, Clark

**PRESENTER (S):** Scott Clark

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Thomas C. Foley

**BACKGROUND:** Agricultural-Forestal Districts are voluntary conservation districts that, among other restrictions, prevent most small-lot (under 21 acre) subdivisions. In recent years, many proposed additions to the Districts have been parcels that have no small-lot development rights. A development right allows a parcel to be divided to create a lot of less than 21 acres. These parcels are not affected by the Districts' subdivision restrictions, so adding them to a District results in little or no conservation gain.

However, landowners can use their District membership to qualify for the open-space category of use-value taxation. This means that landowners who are not making a significant conservation impact can receive a tax benefit that is meant to support conservation.

This tax benefit available for parcels that cannot otherwise be subdivided can be reduced if the County stops accepting parcels without development rights into a District.

On April 18, 2016, the Agricultural-Forestal Districts Advisory Committee voted 5:3 to endorse a policy of not accepting parcels without development rights into a District.

**STRATEGIC PLAN:** Goal 4: Economic Prosperity -- Foster an environment that stimulates diversified job creation, capital investments, and tax revenues that support community goals.

Goal 6: Natural Resources: Thoughtfully protect and manage Albemarle County's ecosystems and natural resources in both the rural and development areas to safeguard the quality of life of current and future generations.

Goal 8: Rural Areas: Preserve the character of rural life with thriving farms and forests, traditional crossroad communities, and protected scenic areas, historic sites, and biodiversity.

**DISCUSSION:** The members of the Committee who voted in favor of the new policy to not accept parcels

without development rights into a District generally found that adding those parcels to a District resulted in little or no conversation benefit. The Committee members who voted against the new policy were concerned that it would limit the number of parcels that were able to join the Districts and could prevent some gaps in the Districts from “filling in.”

The new policy would, in fact, limit opportunities for some landowners to join the Districts. This could mean that Districts that currently have gaps might not be able to fill those gaps. However, many existing Districts have gaps or non-contiguous areas and have consistently been found to be viable during past District reviews. Also, filling in the gaps in Districts with parcels without small-lot development rights would give an impression of greater protection on County maps, but would not significantly protect those parcels.

Disqualifying some parcels from District membership might seem to reduce their land-conservation options. However, in the case of 21-acre lots with no further development potential, the opportunity for conservation by joining a District has already been lost, and adding them to a District does not prevent any development. Larger parcels with potential only for 21-acre lots would not be effectively protected by inclusion in a District, and would be more effectively protected by a conservation easement. Those small parcels with potential for subdivision and development would remain eligible to join a District.

The proposed regulations attached would revise two sections of Chapter 3 (Agricultural-Forestal Districts) of the Albemarle County Code. The proposed amendments would provide an additional criterion for analyzing proposals for new Districts or additions to existing Districts by expressing the Board’s policy to only accept parcels with development rights into a District.

**BUDGET IMPACT:** The budgetary impact of these proposed amendments is difficult to predict with any certainty. Generally speaking, the amendments could limit revenue reductions by reducing the number of parcels that qualify for use-value taxation.

**RECOMMENDATION:** Staff recommends that the Board provide direction to staff as to whether to return with a proposed ordinance as currently drafted or otherwise amended by the Board, and if it does so, to schedule the ordinance for public hearing on October 12, 2016.

**ATTACHMENTS:**

- A - Draft Proposed Ordinance
- B - AF Committee Staff Report dated January 26, 2016
- C - AF Committee Staff Report dated February 26, 2016