



Albemarle County

Legislation Text

File #: 19-459, **Version:** 1

AGENDA DATE: 9/18/2019

TITLE:

Agricultural and Forestal Districts (AFD's); Additions to the Jacob's Run and Moorman's River AFDs, and the Period Review of the Carter's Bridge, Free Union, Lanark, and Panorama AFDs

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, pertaining to additions to the Jacob's Run and Moorman's River AFDs and the periodic review of the Carters Bridge, Free Union, Lanark, and Panorama AFDs

ITEM TYPE: Regular Action Item

STAFF CONTACT(S): Richardson, Walker, Kamptner, DeLoria, McCulley, Benish, 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).

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 August 20, 2019 staff report to the Planning Commission is attached (Attachment B).

Jacob's Run AFD The Jacob's Run AFD is located around Earlysville. One landowner submitted a request to add one parcel (TMP 31-44G2) consisting of 24.3 acres to the District.

Moorman's River AFD The Moorman's River AFD is located north of Ivy and south of Free Union. One landowner submitted a request to add two parcels (TMPs 60-2A1 and 60-2A2) consisting of a total of 155.42 acres to the District.

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 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 AFDs of statewide significance in the County and an eight-year review period for the sole 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 Carters Bridge and Free Union AFDs for five years, and the Lanark and Panorama AFDs for ten years. The August 20, 2019 staff report to the Planning Commission is attached (Attachment C).

Carters Bridge AFD The Carters Bridge AFD is generally located between Keene and Woodbridge, and is undergoing its periodic 10-year review. Five landowners submitted requests to withdraw a total of 18 parcels (TMPs 113-11A, 113-11G, 113-11G1, 113-11G2, 113-11G3, 114-51, 114-55, 114-56, 114-67G, 114-67H, 114-67H1, 114-68, 114-69, 114-70, 115-10, 122-36, 124-11, and 130-19B) consisting of a total of 2,821 acres from the District.

Lanark AFD The Lanark AFD is generally located south of Simeon, on either side of the James Monroe Parkway and Carter Mountain Road, and is undergoing its periodic 10-year review. Three landowners submitted requests to withdraw a total of 10 parcels (TMPs 90B-A11, 91-21, 91-21A, 91-31, 92-64, 92-64A, 102-37, 102-40, 102-40B, and 102-40C) consisting of a total of 3,119 acres from the District.

Panorama AFD The Panorama AFD is generally located north of Woodlands Road, along the South Fork Rivanna Reservoir, and is undergoing its periodic 10-year review. One landowner submitted a request to withdraw one parcel (TMP 31-21E) consisting of 7.12 acres from the District.

Free Union AFD The Free Union AFD is generally located in northwestern Albemarle, in the vicinity of Fox Mountain Trail, Wesley Chapel Road, and Chapel Spring Lane, and is undergoing its periodic 10-year review. One landowner submitted a request to withdraw one parcel (TMP 17-8B) consisting of 24.78 acres from the District subsequent to the August 20 Planning Commission meeting.

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: Jacob's Run AFD The Jacob's Run AFD contains 1,011 acres, and is a mix of hardwood forest and open land. The parcel under consideration for addition, TMP 31-44G2, is located at 4658 Advance Mills Road, and includes one dwelling. The proposed addition of this parcel, consisting of 24.3 acres, would increase the total number of acres in the Jacob's Run District to 1,035.3. Adding this parcel, which is largely open, with some wooded areas, will help protect forest and productive farmland. The Jacob's Run AFD is scheduled for review in December, 2019.

Moorman's River AFD The Moorman's River AFD contains 10,800 acres and includes open grazing land and hardwood forests. The parcels under consideration for addition, TMPs 60-2A1 and 60-2A2, are located at 1575 and 1585 Ingleridge Farm, and include a total of four dwellings. The proposed addition of these two parcels, consisting of 155.42 acres, would increase the total number of acres in the Moorman's River District to 10,955.42. Adding these parcels, which are largely open, with wooded critical slopes along Ivy Creek at the north end, 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 Moorman's River AFD is scheduled for review in November, 2024.

The Carters Bridge AFD, which was created in 1988 and currently includes 89 parcels and 8,910 acres,

includes pasture land, hardwood forest, and pine plantations. There are currently 20 parcels in the District under conservation easement, and 5,106 acres are being taxed at use value rates for agricultural, forestal, or open-space use. There are 64 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.

The Lanark AFD, which was created in 1999 and currently includes 53 parcels and 6,403 acres, includes pasture land, hardwood forest, and pine plantations. There are currently 24 parcels in the District under conservation easement, and 3,449 acres are being taxed at use value rates for agricultural, forestal, or open space use. There are 76 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.

The Panorama AFD, which was created in 1988 and currently includes nine parcels and 272.9 acres, primarily consists of open land. There are currently eight parcels in the District under conservation easement, and no parcels are being taxed at use value rates. There are ten 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.

The Free Union AFD, which was created in 1988 and currently includes 36 parcels and 1,508 acres, primarily consists of hardwood forest, with some open land. There are currently eight parcels in the District under conservation easement, and 699 acres are being taxed at use value rates for agricultural, forestal, or open space use. There are 30 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.

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 Jacob's Run and Moorman's River AFDs and to continue the Carters Bridge, Lanark, Panorama, and Free Union AFD.

ATTACHMENTS:

Attachment A - Proposed Ordinance

Attachment B - October 24, 2017 PC Staff Reports - Jacob's Run and Moorman's River Additions

Attachment C - October 24, 2017 PC Staff Reports - Carters Bridge, Lanark, Panorama, and Free Union Reviews