



Albemarle County

Legislation Text

File #: 21-541, **Version:** 1

AGENDA DATE: 12/1/2021

TITLE:

Agricultural and Forestal Districts (AFDs)

SUBJECT/PROPOSAL/REQUEST: 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 add lands to certain districts.

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 three requested additions to existing AFDs, and the periodic reviews of one AFD.

Additions

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.

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 During the review process, land within an AFD may be withdrawn at the owner's request by filing a written notice with the Board any time before the Board acts on the review.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 community members through the provision of the highest level of public service consistent with the prudent use of public funds.

DISCUSSION:

Additions:

The Advisory Committee and the Planning Commission reviewed the following proposed district additions and recommend approval. The November 9, 2021 staff reports to the Planning Commission are attached (Attachments C and D):

AFD202100007 Free Union Addition (Conner)

The proposed addition (Tax Map 7 Parcel 26B; 51.98 acres) contains 33.9 acres of important agricultural soils, and has two development rights.

AFD202100008 Blue Run Addition (Moorman)

The proposed addition (Tax Map 22 Parcels 12, 16; Tax Map 34 Parcel 51; 248.06 acres) contains 226.3 acres of important agricultural soils. Each of the three parcels has five development rights.

Review:

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. In this case, four of the five parcels in the Glen Oaks AFD have no development rights and are in the Open Space tax category. The Advisory Committee and the Planning Commission reviewed the Glen Oaks district and recommend renewal for five years. The November 9, 2021 staff report to the Planning Commission is attached (Attachment B).

AFD202100006 Glens Oaks District Review:

The Glen Oaks AFD is located to the southeast of the Village of Rivanna development area, on the north side of the Rivanna River, and is undergoing its periodic 10-year review. The AFD was created in December 2011 and includes five parcels totaling 353.8 acres. The recommended review period for this AFD is five years, so the next review would occur prior to December 1, 2026.

BUDGET IMPACT: There is no budget impact.

RECOMMENDATION:

After conducting public hearings on the proposed AFD additions and the proposed AFD review, 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 Blue Run districts, and to continue the Glen Oaks AFD.

ATTACHMENTS:

- A - Proposed Ordinance
- B - August 3, 2021 PC Staff Report - Glen Oaks District Review
- C - August 3, 2021 PC Staff Report - Conner Free Union Addition
- D - August 3, 2021 PC Staff Report - Moorman Blue Run Addition