



Albemarle County

Legislation Text

File #: 25-148, **Version:** 1

AGENDA DATE: 2/19/2025

TITLE:

Agricultural and Forestal Districts (AFDs): Periodic Review of the Ivy Creek, Hardware, Eastham, Pasture Fence Mountain, North Fork Moorman's River, Free Union, Carter's Bridge, and Jacobs Run 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 the periodic review of the Ivy Creek, Hardware, Eastham, Pasture Fence Mountain, North Fork Moorman's River, Free Union, Carter's Bridge, and Jacobs Run AFDs

ITEM TYPE: Regular Action Item

STAFF CONTACT(S): Richardson, Wall, Herrick, DeLoria, Lynch, Filardo, Barnes, Maliszewski, Clark, Van Vranken

PRESENTER (S): Scott Clark

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: The Agricultural-Forestal Districts ("AFD") program is a voluntary rural land conservation program in which landowners can limit the development potential of their land to help protect the rural landscape. The program is structured to protect the following public interests: production of food and other agricultural and forestal products; provision of essential open spaces; strong agricultural and forestal economies; and protection and preservation of natural resources and retention of continuous and unfragmented land. The County currently has 28 districts across the Rural Area.

While there are several limitations to uses within the districts, the restrictions on subdivisions are the most notable. In Albemarle County, District parcels may not use "development rights" to subdivide off lots smaller than 21 acres (except in the case of land transfers to immediate family members). Subdivision of District properties into 21-acre or larger parcels is not restricted by the AFD ordinance.

However, while the districts impose development limitations, they do not confer any automatic tax benefits. Parcels in the districts are taxed in a variety of categories and include many properties that are taxed at the full fair-market value.

During the 2016 update of Chapter 3 of the County Code, which establishes and regulates the AFDs, section 3-3-201(F)(7) was added. This section states that "...the policy of the County is to not include any parcel determined to have no development rights and [that] cannot be further divided to create one or more parcels less than 21 acres in size." While the District regulations have little or no conservation impact on such parcels, those parcels can still qualify for the "open space" tax category. This confers a private tax benefit with no corresponding benefit of restricting the usage of development rights. This policy is the reason for the

discussion (see below) of removing parcels from some specific districts.

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: Eight districts are included in the current round of reviews. The renewal of these districts would be accomplished through adoption of the proposed ordinance amendments included in Attachment A.

Pursuant to the review criteria established in Chapter 3 of the County Code, the proposed ordinance would remove all parcels without small-lot development rights from the AFDs under review, except for those currently enrolled in Open Space use valuation. Those open-space parcels are recommended for five-year renewals, rather than immediate removal, to comply with the Board's 2018 direction. These five-year renewals allow landowners to change their properties' tax categories before removal and avoid immediate roll-back taxation. (The immediate removal of parcels not currently enrolled in Open Space taxation would not affect their taxes.)

The Advisory Committee recommended (3:2) that the Free Union, Jacobs Run, Carter's Bridge, and Hardware AFDs be renewed for five years, and that the Ivy Creek, Eastham, North Fork Moorman's River, and Pasture Fence Mountain AFDs be renewed for ten years. The Advisory Committee's recommendation was to renew the AFDs without the removal of parcels lacking development rights. Some members of the Committee believe that such removals are unfair to landowners, are not in keeping with the purposes of the AFD program and will erode the AFDs.

The Planning Commission recommended (6:0) renewal of the Pasture Fence Mountain and North Fork Moorman's River district, and renewal of the remaining AFDs (4:2), with those removals, in line with the policy established in County Code section 3-201(F)(7).

The table below summarizes the proposed changes to the eight districts currently under review. The column titled "Removals" addresses the parcels recommended for removal due to lack of development rights. "Parcels Needing 5-year Renewal" addresses parcels without development rights that are currently in Open Space taxation. More details on the individual districts are included in the Planning Commission staff reports for these reviews (Attachment B).

District	Current Status	Withdrawals	Removals	Resulting Size	Parcels Needing 5-year Renewal	Renewal Period
Ivy Creek	19 parcels	-	12 parcels	7 parcels	-	10 years
	249 acres	-	123 acres	141 acres	-	
Hardware	59 parcels	1 parcel	22 parcels	36 parcels	1 parcel	5 years
	3,225 acres	7 acres		2,831 acres	46 acres	
Eastham	22 parcels	-	8 parcels	14 parcels	3 parcels	5 years
	1,029 acres	-	109 acres	920 acres	74 acres	
Pasture Fence Mountain	6 parcels	-	-	6 parcels	-	10 years
	1,222 acres	-	-	1,222 acres	-	
North Fork Moorman's River	4 parcels	-	-	4 parcels	-	10 years
	270 acres	-	-	270 acres	-	
Free Union	35 parcels	-	7 parcels	28 parcels	-	10 years
	1,524 acres	-	131 acres	1,406 acres	-	
Carter's Bridge	73 parcels	2 parcels	21 parcels	50 parcels	1 parcel	5 years
	6,099 acres	28 acres	457 acres	5,657 acres	29 acres	
Jacob's Run	20 parcels	2 parcels	7 parcels	11 parcels	-	10 years
	1,105 acres	296 acres	128 acres	681 acres	-	

BUDGET IMPACT: The renewal of AFDs has no budget impact. The removal of parcels will have a small impact on revenue reductions by reducing the number of parcels eligible for use-value taxation.

RECOMMENDATION:

Staff recommends that the Board adopt the amended ordinance (Attachment A) to continue the Carter's Bridge, Eastham, Free Union, Hardware, Ivy Creek, Jacobs Run, North Fork Moorman's River, and Pasture Fence Mountain AFDs.

ATTACHMENTS:

- A - Proposed Ordinance
- B - December 17, 2024 PC Staff Reports - Ivy Creek, Hardware, Eastham, Pasture Fence Mountain, North Fork Moorman's River, Free Union, Carter's Bridge, and Jacobs Run Reviews
- C - December 17, 2024 PC Minutes