



COUNTY OF ALBEMARLE STAFF REPORT

Project Name: AFD202400002 Hardware District Review	Staff: James Van Vranken, Planner
Agricultural and Forestal District Advisory Committee Meeting: December 3, 2024	
Planning Commission Public Hearing: December 17, 2024	Board of Supervisors Public Hearing: February 19, 2025
Proposal: Periodic review of the Hardware AF District.	Comprehensive Plan Designation: Rural Areas

Periodic Review of Agricultural and Forestal Districts

As established in the Code of Virginia, a district may continue indefinitely, but it must be reviewed by the County not more than every 10 years to determine whether the district should be continued. Before being considered by the Board of Supervisors, a district is reviewed by the County's Agricultural and Forestal District Advisory Committee and the Planning Commission. Both the Advisory Committee and the Planning Commission provide recommendations to the Board as to whether the district should be terminated, modified, or continued.

Once it has received the recommendations of the Advisory Committee and the Planning Commission, the Board conducts a public hearing. After the public hearing, the Board may terminate, modify, or continue the district. If the Board continues the district, it may impose conditions on the district different from those imposed on the district when it was created or last reviewed. Landowners within a district receive notice of this process, including notice of any proposed different conditions.

When a district is reviewed, land within the district may be withdrawn at the owner's discretion by filing a written notice with the Board at any time before the Board acts to continue, modify, or terminate the district.

New Policy for District Reviews

In October 2016, the Board updated Section 3-201 of the County Code to clarify that AFD parcels without development rights should no longer be accepted into the districts.

District review standards require the County to use the criteria in 3-201 when conducting a review. This includes subsection (F)(7), which states that it is County policy not to include parcels without development rights in the districts. Based on this policy, all parcels without development rights will be recommended not to continue in the districts during review.

In November 2018, to avoid subjecting owners of such parcels to rollback taxes without warning, the

Board directed staff to implement a plan to:

- Renew districts for a five-year period, rather than for 10 years (one time).
- Notify landowners of parcels in reviewed districts that are enrolled in open-space use valuation but that have no development rights that:
 - Their parcels may be removed at the end of the five-year review period; and that
 - They have the option to withdraw from the open-space use valuation now to avoid roll-back taxation and fees when the parcels are removed.

Some districts are now reaching the end of their five-year review period. Staff will therefore make five-year or ten-year renewal recommendations based on whether there are parcels in the district that are enrolled in open-space use valuation, have no development rights, and whose owners have not previously been notified that they will not remain in the district. If there are, staff will recommend a five-year review period and issue warnings; if there are not, staff will recommend the standard ten-year review period.

AFD 202400002 HARDWARE DISTRICT REVIEW

The Albemarle County Code currently contains this description of the Hardware District:

Sec. 3-218 Hardware Agricultural and Forestal District.

The district known as the "Hardware Agricultural and Forestal District" was created and continues as follows:

A. Date created. The district was created on November 4, 1987.

B. Lands within the district. The district is composed of the following described lands, identified by parcel identification number:

- 1. Tax map 72: parcel 51C.*
- 2. Tax map 73: parcels 38, 41A, 41B1, 41B2, 42, 42A, 43, 44.*
- 3. Tax map 74: parcels 6H, 6N, 26, 28, 28B.*
- 4. Tax map 75: parcels 4A, 5.*
- 5. Tax map 86: parcels 16, 16A, 16C, 16D, 16F, 16F1, 16F2, 16H, 27, 27A.*
- 6. Tax map 87: parcels 10, 13A1, 13A2, 13E (part consisting of 89.186 acres), 16A.*
- 7. Tax map 88: parcels 2A, 3M, 3R, 3T, 3U, 3V, 6A, 20A, 20B, 20C, 20D, 20F, 23, 23E, 23F, 24, 24A, 24B, 26B (part), 29, 40, 42.*
- 8. Tax map 99: parcels 10 (part), 29, 52, 52B.*

C. Review. The district is reviewed once every five years and will next be reviewed prior to March 20, 2024.

The District is located southwest of Charlottesville, along Taylors Gap Road, Rt. 29 South, and Plank Road (see Attachment A), and includes 59 parcels and 3,225 acres. One withdrawal request has so far been received.

Agricultural and Forestal District Significance: Of the 3,225 acres in the Hardware District, 2,181 acres have soils listed as particularly important for agriculture in the Comprehensive Plan.

Land Use other than Agriculture and Forestry: In addition to agricultural and forestal uses, the Hardware District includes approximately 48 addressable structures. (The majority of these structures are dwellings, but any barns or other large structures with addresses may be included.)

Local Development Patterns: The District consists of a mix of open land and forest. There are 12 parcels in the District, totaling 1,353 acres, that are under conservation easements. A total of 1,711 acres in the District are in the County’s use-value taxation program, indicating that they are in agricultural, forestal, horticultural, or open-space use.

Comprehensive Plan Designation and Zoning Districts: The District is entirely designated as Rural Areas in the Comprehensive Plan, and the parcels included in the District are zoned RA Rural Areas.

Environmental Benefits: Conservation of this area will help maintain the environmental integrity of the County and aids in the protection of agricultural soils, mountain resources, critical slopes, and wildlife habitat.

Code Corrections:

- In October 2009, Parcels 86-27 and 86-27A were together subdivided into Parcels 86-27, 27A, 27B, and 27C. Staff was not aware of this subdivision at the time, so Parcels 27B and 27C were not carried through the district review in 2019. Those parcels were intended to continue in the District, so staff is proposing to amend the Code during this review. The landowners of the two parcels have been contacted and made aware of the situation; neither landowner has so far indicated their desire to withdraw.

Withdrawal: Landowners may withdraw their parcels from districts by right during a renewal at any time before the Board of Supervisors takes final action to continue, modify, or terminate the district. Landowners were notified of the renewal by mail on October 16, 2024.

We have so far received one withdrawal request:

Parcel	Owner	Acreage
08800000020C0	HARRIS, DARRICK	7.18

Development Potential: The District includes 23 parcels, totaling 433 acres, that have no remaining development potential.

Parcel	Acreage	Tax Status
072000000051C0	21.00	Use-Value: Open Space
073000000041B2	3.50	Full-rate tax
074000000006H0	23.83	Full-rate tax
074000000006N0	21.00	Full-rate tax
086000000016A0	1.59	Full-rate tax
086000000016D0	5.40	Full-rate tax
086000000016F1	46.15	Use-Value: Open Space
086000000016H0	21.13	Use-Value: Forestry
087000000013A2	2.99	Full-rate tax
087000000016A0	21.03	Full-rate tax
088000000002A0	21.00	Use-Value: Agriculture & Forestry
088000000003M0	21.00	Use-Value: Agriculture & Forestry
088000000003R0	21.83	Use-Value: Agriculture & Forestry
088000000003T0	21.00	Use-Value: Agriculture & Forestry

08800000003U0	21.00	Use-Value: Agriculture & Forestry
08800000003V0	25.12	Use-Value: Agriculture & Forestry
088000000020A0	21.07	Use-Value: Agriculture & Forestry
088000000020B0	21.00	Full-rate tax
088000000020D0	21.74	Use-Value: Forestry
088000000023F0	40.05	Use-Value: Forestry
08800000002400	5.98	Full-rate tax
088000000024A0	23.01	Use-Value: Forestry
099000000052B0	2.08	Full-rate tax

Two of the parcels (highlighted) are in Open Space taxation. The owner of 72-51C was notified of the policy on April 23, 2019, so the parcel is recommended not to continue in the District. The owner of 86-16F1 has not been notified, as the parcel was not in Open Space taxation during the last review. The review policy states that this parcel should continue in the District for five years. The other listed parcels are recommended not to continue.

Recommendation: Staff recommended that the Agricultural-Forestal Districts Advisory Committee recommend renewal of the Hardware District, with the above-noted withdrawal and removals, for another 5-year period. At its meeting on December 3, the Advisory Committee voted to recommend renewal of the District for the recommended time period with the requested withdrawal but not the staff-recommended removals.

Attachments:

- A. Hardware AF District Map

