



## COUNTY OF ALBEMARLE STAFF REPORT

<b>Project Name:</b> AFD202400004 Pasture Fence Mountain District Review	<b>Staff:</b> James Van Vranken, Planner
<b>Agricultural and Forestal District Advisory Committee Meeting:</b> December 3, 2024	
<b>Planning Commission Public Hearing:</b> December 17, 2024	<b>Board of Supervisors Public Hearing:</b> February 19, 2025
<b>Proposal:</b> Periodic review of the Pasture Fence Mountain AF District.	<b>Comprehensive Plan Designation:</b> 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When a district is reviewed, land within the district may be withdrawn at the owner's discretion by filing a written notice with the Board at any time before the Board acts to continue, modify, or terminate the district.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 202400004 PASTURE FENCE MOUNTAIN DISTRICT REVIEW**

The Albemarle County Code currently contains this description of the Pasture Fence Mountain District:

*Sec. 3-229 Pasture Fence Mountain Agricultural and Forestal District.*

*The district known as the "Pasture Fence Mountain Agricultural and Forestal District" was created and continues as follows:*

*A. Date created. The district was created on November 17, 1993.*

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

*1. Tax map 13: parcels 1, 5, 8, 10, 12.*

*C. Review. The district is reviewed once every ten years and will next be reviewed prior to August 6, 2024.*

The District is located in the far northwest of the County, west of Browns Gap Turnpike and east of Skyline Drive (see Attachment A), and includes 1,222 acres across six parcels. No withdrawal requests have so far been received.

Agricultural and Forestal District Significance: Of the 1,222 acres in the Pasture Fence Mountain District, 1,153 acres have soils listed as particularly important for forestry in the Comprehensive Plan.

Land Use other than Agriculture and Forestry: In addition to forestal uses, the Pasture Fence Mountain District includes approximately two addressable structures. (Addressable structures are most likely to be dwellings, but barns or other large structures with addresses may be included.)

Local Development Patterns: The District consists of mountainside forest and a few small patches of open land. None of the parcels in the District are under conservation easement. All of the parcels 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 ground and surface water, forestal soils, mountain resources, critical slopes, and wildlife habitat.

Code Updates:

- In October 2020, Parcel 13-12 was divided into Parcels 13-12A and 13-12B by an Official Determination of Parcel of Record and Development Rights.

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.

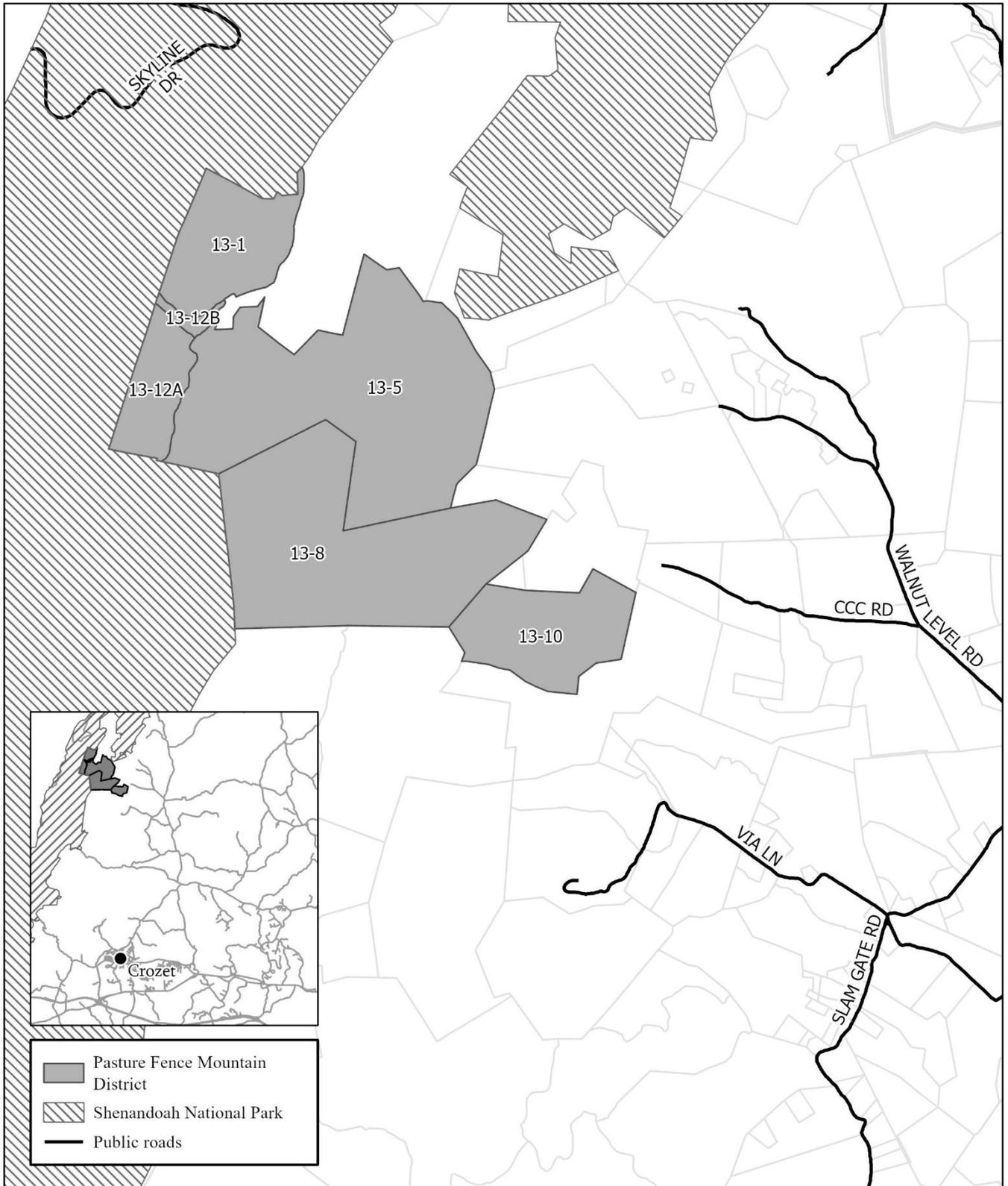
No withdrawal requests have so far been received.

Development Potential: All parcels in the District retain some development potential.

Recommendation: Staff recommended that the Agricultural-Forestal Districts Advisory Committee recommend renewal of the Pasture Fence Mountain District for another 10-year period. At its meeting on December 3, the Advisory Committee voted to recommend renewal of the District for the recommended time period.

Attachments:

- A. Pasture Fence Mountain AF District Map



AFD202400004 Pasture Fence Mountain District Review

