



## COUNTY OF ALBEMARLE STAFF REPORT

<b>Project Name:</b> AFD202400009 Moorman's River District Review	<b>Staff:</b> James Van Vranken, Planner
<b>Agricultural and Forestal District Advisory Committee Meeting:</b> January 23, 2025	
<b>Planning Commission Public Hearing:</b> February 11, 2025	<b>Board of Supervisors Public Hearing:</b> April 2, 2025
<b>Proposal:</b> Periodic review of the Moorman's River 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When a district is reviewed, land within the district may be withdrawn at the owner's discretion by filing a written notice with the Board at any time before the Board acts to continue, modify, or terminate the district.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 202400009 MOORMAN'S RIVER DISTRICT REVIEW**

The Albemarle County Code currently contains this description of the Moorman's River District:

*Sec. 3-226 Moorman's River Agricultural and Forestal District.*

*The district known as the "Moorman's River Agricultural and Forestal District" was created and continues as follows:*

*A. Date created. The district was created on December 17, 1986.*

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

*1. Tax map 27: parcels 32, 34, 34A, 40, 40A, 40A1, 42, 42A.*

*2. Tax map 28: parcels 2, 2A, 3, 4, 5, 6, 6A, 6B, 7A, 7A1, 7B, 8, 12, 12A, 12B, 13, 13A, 17A, 17C, 18, 25 (part), 30, 30A, 30A1, 30B, 31, 31A, 32B, 32D, 33, 34B, 35, 35B, 37A, 37B, 37C, 38.*

*3. Tax map 29: parcels 2C, 4E, 8, 8B, 8E, 8E1, 8J, 9, 10, 15C, 40B, 40C, 40D, 45, 45H1, 45H2, 49C, 50, 54A, 61, 62, 63, 63A, 63D, 67C, 69F, 70A, 70B, 70C, 70F, 70H1, 70K, 70L, 70M, 71, 71A, 74A, 76, 78, 78A1, 79C, 79E, 79F, 84, 85.*

*4. Tax map 30: parcels 10, 10A, 10C, 12, 12C, 12C1, 12D, 23.*

*5. Tax map 41: parcels 8, 8B, 8C, 8D, 9E, 15, 15A, 17C, 18, 19, 41C, 41H, 44, 50, 50C, 65A1, 67B, 70, 72, 72B, 72C, 72D, 72E, 72F, 89.*

*6. Tax map 42: parcels 5, 6, 6B, 8, 8C, 10, 10A, 10D, 37F, 37J, 38, 40, 40C, 40D, 40D1, 40G, 40H2, 41, 41B, 42B, 42B1, 43, 43A, 44.*

*7. Tax map 43: parcels 1, 1F, 2A1, 2B, 3A, 4D, 5, 5A, 9, 10, 16B2, 16B3, 18E4, 18G, 18J, 19I, 19N, 19P, 20A, 20B, 20C, 21, 21A, 24A, 24B, 24C, 25A, 25B, 30, 30A, 30B, 30B1, 30B2, 30B3, 30B4, 30G, 30H, 30M, 30N, 32H, 33, 33E, 34D1, 41, 42, 43, 44, 45, 45C, 45D.*

*8. Tax map 44: parcels 1, 2, 24, 26, 26A, 26B, 26C, 27B, 27C, 28, 29, 29A, 29D, 30, 30A, 30B, 31, 31A, 31A1, 31D, 31F, 31G, 31H.*

*9. Tax map 57: parcel 69.*

*10. Tax map 58: parcels 65A4, 65E, 65I.*

11. Tax map 59: parcels 32, 32A, 34, 35, 82A.

12. Tax map 60: parcels 2A1, 2A2.

13. Tax map 60E3: parcel 1.

C. Review. The district is reviewed once every ten years and will next be reviewed prior to November 12, 2024.

The District is located between Charlottesville and Crozet, predominantly to the north of Garth Road and south of Free Union (see Attachment A), and includes 226 parcels totaling 11,049 acres. Two withdrawal requests have so far been received.

Agricultural and Forestal District Significance: Of the 11,049 acres in the Moorman’s River District, 8,486 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 Moorman’s River District includes approximately 274 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 87 parcels in the District, totaling 6,010 acres, that are under conservation easements. A total of 4,740 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 ground and surface water, agricultural soils, mountain resources, critical slopes, and wildlife habitat.

Code Updates: The following changes will be made to the draft code section for this district to be reviewed by the Board of Supervisors:

- In October 2018, Parcel 44-30B was subdivided into Parcels 44-30B1, 44-30B2, and 44-30B3.
- In November 2020, Parcels 29-70A, 29-70K, 29-70L, and 29-70M were combined to form Parcel 29-70A1.
- In November 2020, a Letter of Determination from the Department of Community Development split Parcel 29-8E1 into Parcels 29-8E2 and 29-8H1.
- In September 2022, Parcels 43-41 and 43-42 were incorporated into Parcel 43-43.
- In March 2023, Parcel 28-31A was incorporated into Parcel 28-31.
- In July 2023, Parcel 29-69F was withdrawn from the District by request of the landowner’s heirs.
- In November 2023, Parcel 41-72D was incorporated into Parcel 41-72B.

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 January 7, 2025.

We have so far received two withdrawal requests covering five parcels:

Parcel	Owner	Acreage
0410000000800	NONESUCH PROPERTIES LLC	9.91
04100000008B0	NONESUCH PROPERTIES LLC	40.70

04100000008C0	NONESUCH PROPERTIES LLC	22.36
04100000008D0	NONESUCH PROPERTIES LLC	8.48
041000000050C0	MOSOLGO, ROBERT DANIEL & VALERIE WILDER MOSOLGO	21.14

Development Potential: The District includes 42 parcels, totaling 755 acres, that have no remaining small-lot development rights.

Parcel	Landowner	Acreage	Tax Status
02700000004200	SCOTT T NUNNALLY TRUST AMY B NUNNALLY TRUST	21.58	Regular taxable
02800000000600	GUERCIO, ANDREW A OR REBECCA R	23.36	Agriculture
028000000012B0	LOWER, ELIZABETH ECKERSON, TRS	6.00	Regular taxable
028000000017A0	PFEIFFER, GEORGE J	10.00	Regular taxable
028000000030A0	MCMURRAY, W B GIO	21.96	Open Space
028000000030A1	MCMURRAY, NOAH Y OR AMANDA RAE	2.20	Regular taxable
028000000032D0	HUNT, JONATHAN N OR SIBYLLE C ROTACH-HUNT	9.35	Agriculture
029000000002C0	FISHER, JOHN & JESSICA BLURTON	2.02	Regular taxable
029000000008E2	THOMPSON, ALLAN JAMES III & PUJA SEAM	131.97	Open Space
029000000040B0	DRISCOLL, DAVID L & ELIZABETH M DRISCOLL	2.25	Regular taxable
029000000040C0	CLARKE, JILL A & MICHAEL E CLARKE	2.53	Regular taxable
029000000040D0	CLARKE, CARTER	2.40	Regular taxable
029000000045H1	LARS PETER LOTHBERG	21.00	Open Space
029000000045H2	LOTHBERG, PETER	21.05	Open Space
02900000008400	WELLS, SAMUEL L	2.00	Regular taxable
02900000008500	MARSHALL, JOHN C OR MARILYN D	21.59	Open Space
030000000012C1	MCMURDO, THOMAS MICHIE	2.95	Regular taxable
030000000012D0	VIRGINIANS 1716 LLC	64.18	Agriculture & Forestry
041000000041H0	JAHRSDOERFER, NATALIE A TRS	2.58	Open Space
04100000007200	STOWE, JONATHAN W & JESSIE E STOWE	28.35	Agriculture
041000000072E0	ROLLING CEDAR FARM LLC	108.69	Agriculture & Forestry
041000000072F0	JEFFERSON STREET PROPERTIES LLC	8.49	Regular taxable
042000000010D0	PAUL D SUMMERS III CATHERINE F SUMMERS	14.52	Agriculture
04200000004100	UNIVERSITY STATION LLC	28.11	Agriculture
04300000000900	FAULCONER, JEANNE MARIE	1.99	Regular taxable
043000000018E4	OGENS, DAVID OR LOCKE W	6.19	Regular taxable
043000000025B0	SIEG, HEATHER HALSEY & CHARLES BEARD	2.64	Regular taxable
043000000030B2	JUMPING BRANCH OWNERSHIP ENTITY LLC	1.20	Regular taxable
043000000030B3	JUMPING BRANCH OWNERSHIP ENTITY LLC	3.89	Regular taxable
043000000030N0	SPRINGHAVEN FARM II LLC	33.04	Open Space
043000000032H0	WELLS, SAMUEL & ROBERTA, TRS	3.11	Regular taxable
04300000004500	HELGERSON, PAUL W & JILL A CARROLL, TRS	22.96	Forestry
043000000045C0	HELGERSON, PAUL W & JILL A CARROLL, TRS	11.97	Forestry
043000000045D0	HELGERSON, PAUL W & JILL A CARROLL, TRS	28.51	Forestry
044000000026B0	MCCONNELL, LOUISE D TRS	0.50	Regular taxable

04400000029D0	DARBYS FOLLY LLC	3.03	Agriculture
04400000030B3	DARBYS FOLLY LLC	3.91	Agriculture
04400000031H0	RO HOME LLC	21.00	Regular taxable
05800000065A4	KOOISTRA, PAUL G, TRS	5.00	Regular taxable
05800000065E0	RINEHART, ROBERT H OR CHARLOTTE T	16.76	Regular taxable
05800000065I0	ALEXANDER, ANDREW & CATHERINE ALEXANDER	8.46	Regular taxable
05900000032A0	DOGWOOD LANE PROPERTIES LLC	21.36	Agriculture

Six of the parcels (highlighted in blue) are in Open Space taxation through their membership in the District. Since this is the District's first review since 2018, those six parcels are recommended to continue in the District for five years; their owners will be notified of the new policy.

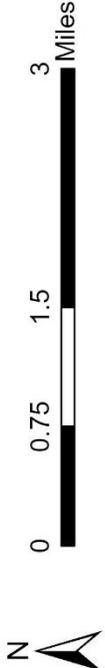
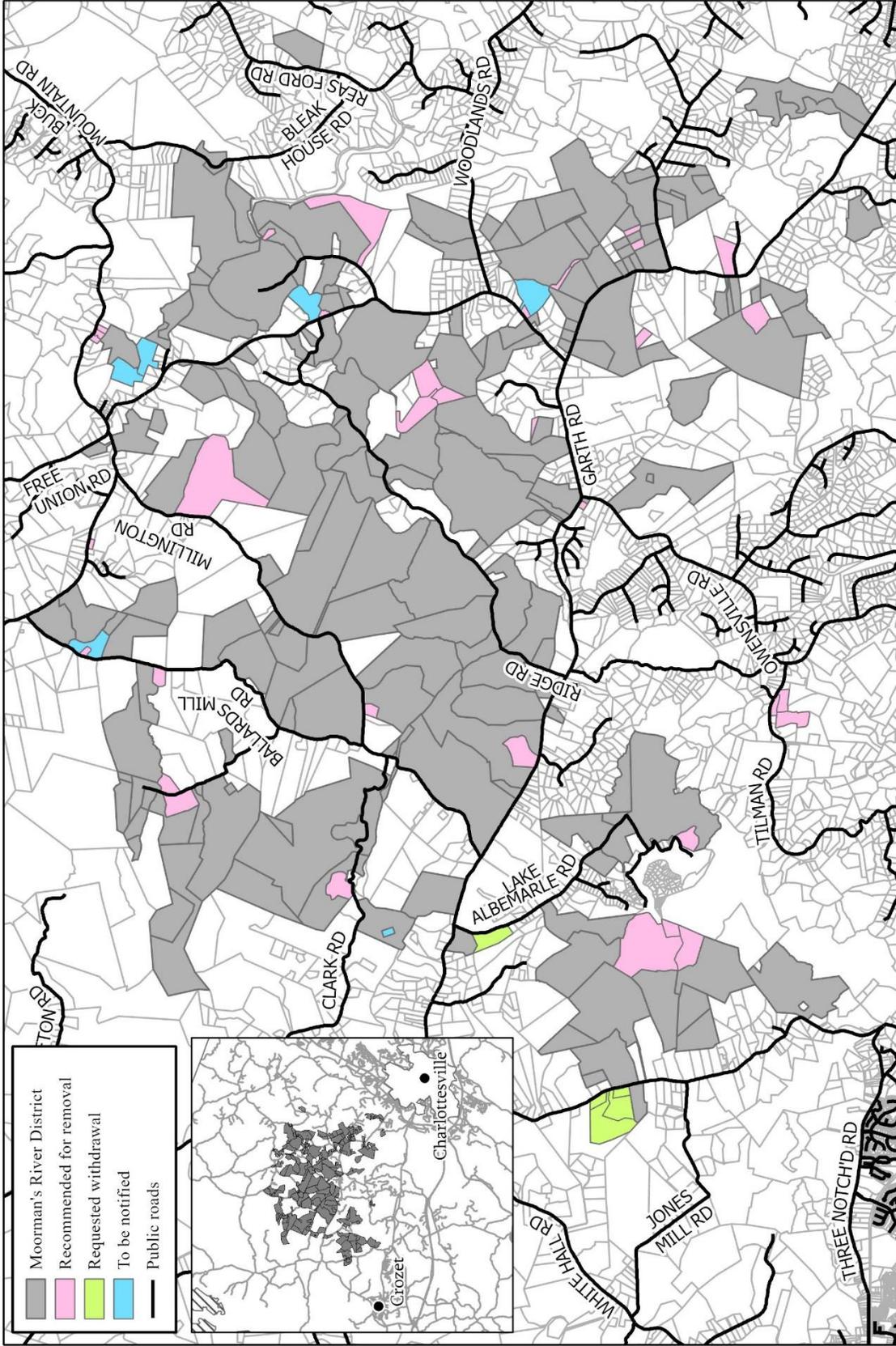
One parcel (highlighted in deep pink) is in Open Space taxation through an Open-Space Use Agreement. The landowner's taxation will not be affected by removal, so the parcel is recommended not to continue in the District.

All other parcels listed in the table are recommended not to continue in the District.

Remaining Parcels: After the requested withdrawals and recommended removals, the District would contain 185 parcels totaling 10,313 acres.

Recommendation: Staff recommended that the Agricultural-Forestal Districts Advisory Committee recommend renewal of the Moorman's River District, with the above-noted withdrawals and removals, for a 5-year period.

At its meeting on January 23, the Advisory Committee voted to recommend renewal of the District for 10 years, with any requested withdrawals but without the staff-recommended removals, for the purpose of allowing the Committee time to bring an alternative proposal that is consistent with the purposes of AFDs and balances the County's broader needs.



AFD202400009 Moorman's River District Review