



## COUNTY OF ALBEMARLE STAFF REPORT

<b>Project Name:</b> AFD202400010 Kinloch 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 Kinloch 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When a district is reviewed, land within the district may be withdrawn at the owner's discretion by filing a written notice with the Board at any time before the Board acts to continue, modify, or terminate the district.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 202400010 KINLOCH DISTRICT REVIEW**

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

*Sec. 3-224 Kinloch Agricultural and Forestal District.*

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

*A. Date created. The district was created on September 3, 1986.*

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

*1. Tax map 49: parcels 5C, 6A1.*

*2. Tax map 50: parcels 13, 19.*

*3. Tax map 65: parcels 7, 7A, 8, 84A, 86, 89, 90, 91, 91A, 92, 93A, 93A1, 94, 94A, 94B, 94C, 95, 95A, 100, 121.*

*4. Tax map 66: parcels 2, 3C, 3G, 32, 32D, 32E, 34 (Albemarle County portion only), 34B.*

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

The District is located northeast of Cismont on the Gordonsville Road (Rt. 231) (see Attachment A), and includes 33 parcels totaling 1,710 acres. One withdrawal request, covering two parcels, has so far been received.

Agricultural and Forestal District Significance: Of the 1,710 acres in the Kinloch District, 1,383 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 Kinloch District includes approximately 49 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 15 parcels in the District, totaling 1,261 acres, that are under conservation easements. A total of 334 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 Updates: The following changes will be made to the draft code section for this district to be reviewed by the Board of Supervisors:

- In January 2017, a 2-acre cemetery lot (Parcel 65-86B) was subdivided from Parcel 65-86. 65-86 was then relabeled as Parcel 65-1-86.
- In October 2020, Parcel 50-19 was subdivided into Parcels 50-19A1, 50-19B, and 50-19C.
- In August 2021, Parcels 65-95 and 65-95A were fully incorporated into Parcel 65-93A1.

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 one withdrawal request covering two parcels:

Parcel	Owner	Acreage
065000000084A0	COLES, JOHN, TRUSTEE; MILLWOOD TRUST	3.52
06500010008600	MILLWOOD TRUST	103.36

Development Potential: The District includes eight parcels, totaling 82 acres, that have no remaining small-lot development rights.

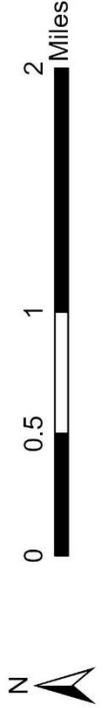
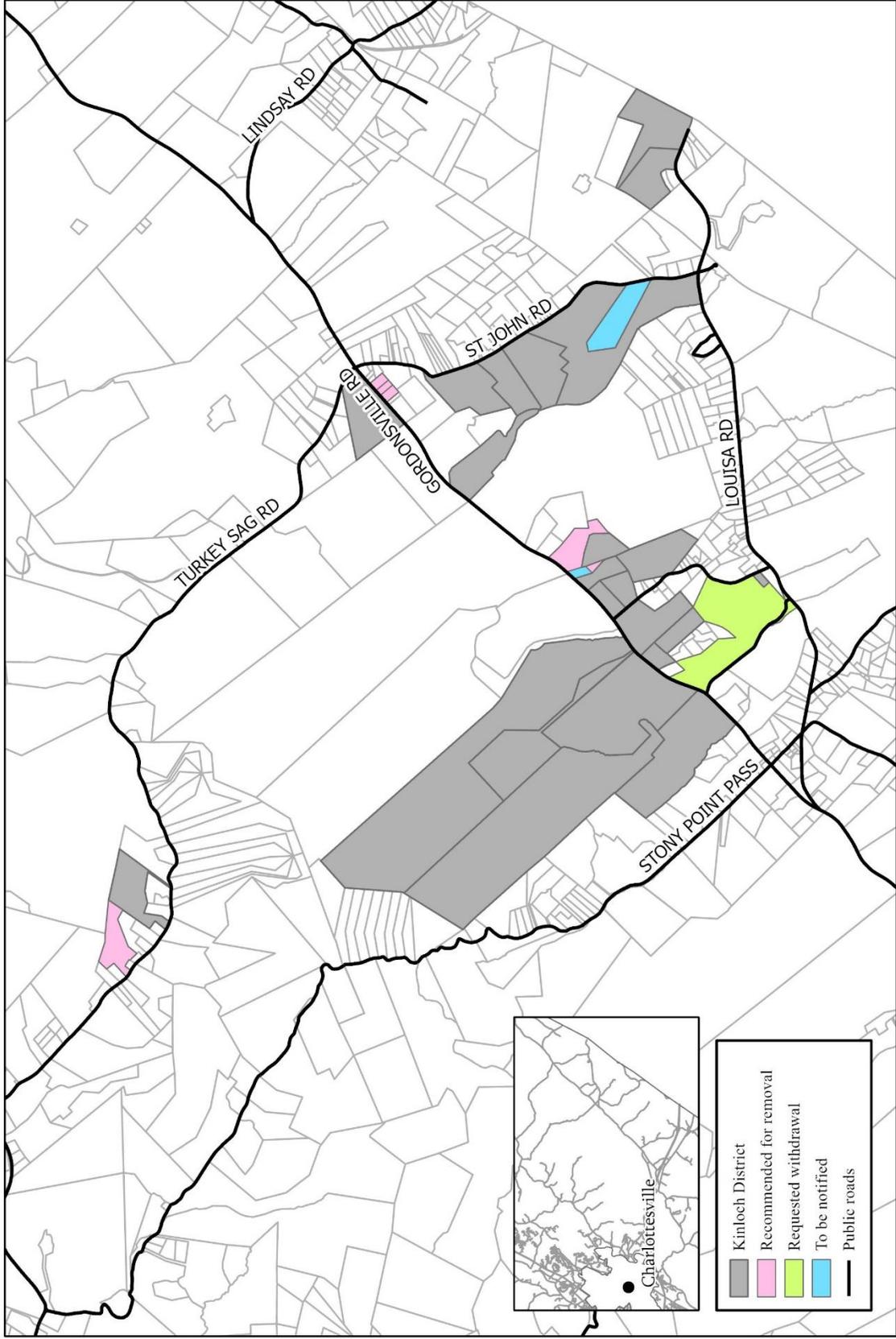
Parcel	Landowner	Acreage	Tax Status
049000000005C0	DAVID D BEASLEY & SARAH ANN ENG	21.19	Regular taxable
050000000019A1	BURACKER, BRADLEY W & CAITLIN J BURACKER	2.58	Regular taxable
050000000019B0	GORDONVILLE ROAD B LLC	2.16	Regular taxable
050000000019C0	ELKINS, CATHERINE K	2.57	Regular taxable
06500000009400	RIVES, S BARCLAY OR AGNES B	1.25	Regular taxable
065000000094A0	MELNIK, JOSEPH DAVID OR CHRISTINE C	19.60	Agriculture & Forestry
065000000094C0	RIVES, S BARCLAY OR AGNES B	3.00	Open Space
06600000003200	FISK, JACK ALAN REV TR & SISSY SPACEK REV TR	29.74	Open Space

Two of the parcels (highlighted in blue) are in Open Space taxation. Since this is the District’s first review since 2018, those two parcels are recommended to continue in the District for five years; their owners will be notified of the new policy. All other parcels listed in the table are recommended not to continue in the District.

Remaining Parcels: After the recommended withdrawals and removals, the District would contain 25 parcels totaling 1,554 acres.

Recommendation: Staff recommended that the Agricultural-Forestal Districts Advisory Committee recommend renewal of the Kinloch 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.



AFD202400010 Kinloch District Review