



COUNTY OF ALBEMARLE STAFF REPORT

Project Name: AFD202400012 Fox Mountain District Review	Staff: James Van Vranken, Planner
Agricultural and Forestal District Advisory Committee Meeting: January 23, 2025	
Planning Commission Public Hearing: February 11, 2025	Board of Supervisors Public Hearing: April 2, 2025
Proposal: Periodic review of the Fox Mountain 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When a district is reviewed, land within the district may be withdrawn at the owner's discretion by filing a written notice with the Board at any time before the Board acts to continue, modify, or terminate the district.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 202400012 FOX MOUNTAIN DISTRICT REVIEW

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

Sec. 3-214 Fox Mountain Agricultural and Forestal District.

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

A. Date created. The district was created on December 2, 2009.

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

1. Tax map 14: parcels 26A, 26B, 26C.

2. Tax map 15: parcels 1, 10A.

C. Review. The district is reviewed once every five years and will next be reviewed prior to December 18, 2024.

The District is located north of White Hall on Browns Gap Turnpike (see Attachment A), and includes five parcels totaling 437 acres. No withdrawal requests have so far been received.

Agricultural and Forestal District Significance: Of the 437 acres in the Fox Mountain District, 297 acres have soils listed as particularly important for forestry in the Comprehensive Plan.

Land Use other than Agriculture and Forestry: In addition to agricultural and forestal uses, the Fox Mountain District includes approximately two 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 no parcels in the District that are under conservation easement. A total of 435 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 Correction: The following change will be made to the draft code section for this district to be reviewed by the Board of Supervisors:

- An error in the code lists Parcel 15-1 instead of 15-10. This shall be corrected.

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 no withdrawal requests.

Development Potential: The District includes two parcels, totaling 28 acres, that have no remaining small-lot development rights.

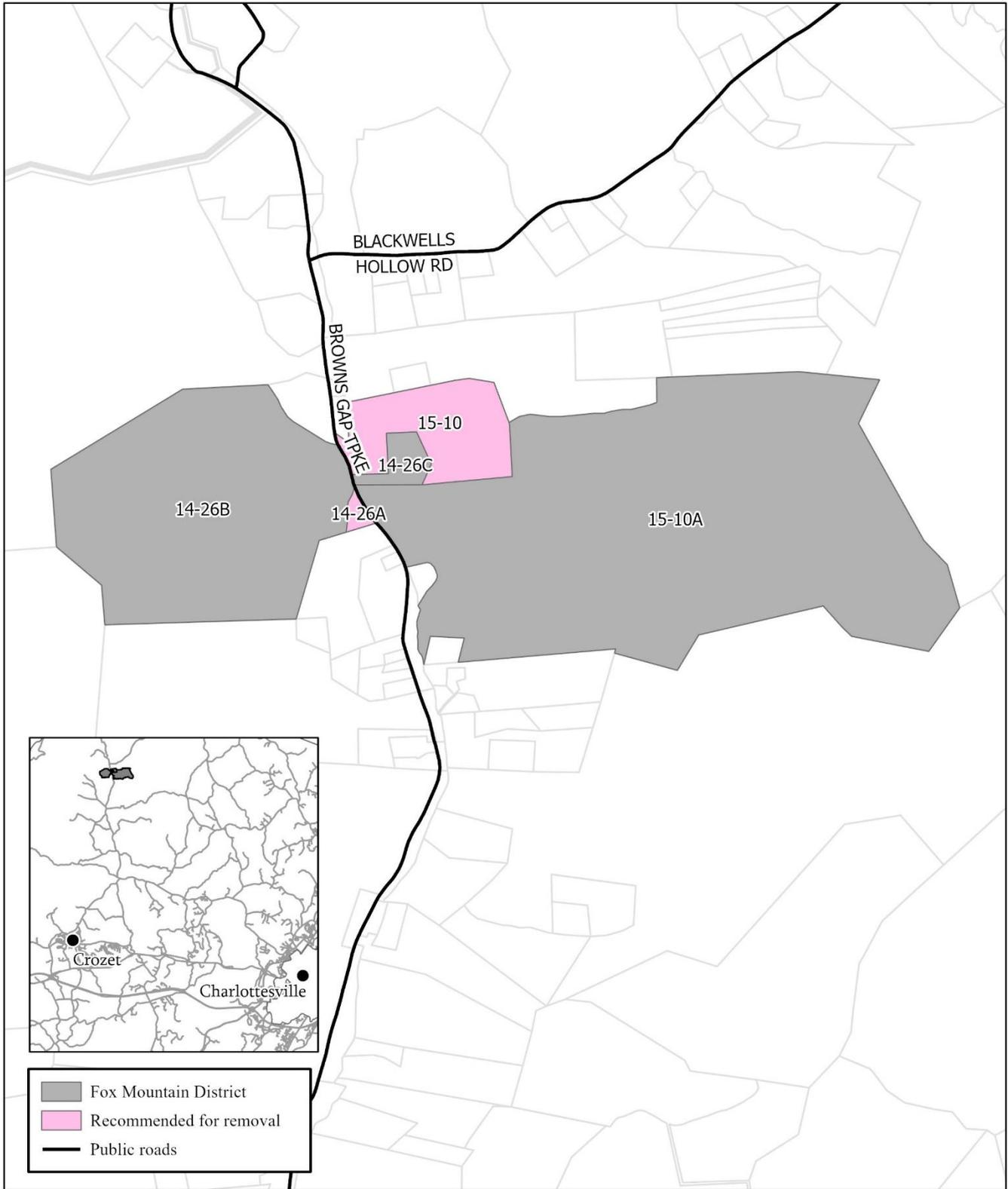
Parcel	Landowner	Acreage	Tax Status
01400000026A0	DETMER, DON E & MARY HELEN, TRS	1.55	Regular taxable
0150000001000	DETMER, DON E & MARY HELEN, TRS	26.69	Open Space

One of the parcels is in Open Space taxation. The parcel's owner was notified of the policy on January 23, 2020, so the parcel is recommended not to continue in the District. The other parcel is also recommended not to continue in the District.

Remaining Parcels: After the recommended removals, the District would contain three parcels totaling 409 acres.

Recommendation: Staff recommended that the Agricultural-Forestal Districts Advisory Committee recommend renewal of the Fox Mountain District, with the above-noted removals, for a 10-year period.

At its meeting on January 23, the Advisory Committee voted to recommend renewal of the District for 5 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.



AFD202400012 Fox Mountain District Review

