

## COUNTY OF ALBEMARLE STAFF REPORT

<b>Project Name:</b> <b>AFD2020-00001 Batesville District Review</b>	<b>Staff:</b> Scott Clark, Senior Planner
<b>Agricultural and Forestal District Advisory Committee Meeting:</b> September 23, 2020	
<b>Planning Commission Public Hearing:</b> November 10, 2020	<b>Board of Supervisors Public Hearing:</b> December 16, 2020
<b>Proposal:</b> Periodic review of the Batesville 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When a district is reviewed, land within the district may be withdrawn at the owner's discretion by filing a written notice with the Board at any time before the Board acts to continue, modify, or terminate the district.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 November, 2018, 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

Therefore, staff will recommend 5-year renewal periods for districts that include parcels that are enrolled in open-space use valuation and that have no development rights.

For districts with no such parcels, staff will continue to recommend the standard 10-year review period for districts.

## **AFD 2020-00001 BATESVILLE DISTRICT REVIEW**

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

### **Sec. 3-207 Batesville Agricultural and Forestal District.**

The district known as the “Batesville Agricultural and Forestal District” was created and continues as follows:

- A. Date created. The district was created on May 2, 1990.
- B. Lands within the district. The district is composed of the following described lands, identified by parcel identification number:
  - 1. Tax map 70: parcels 40, 40A.
  - 2. Tax map 71: parcels 23A, 23C, 24B, 24C, 24C1, 26, 26A, 26B, 26B1, 26B2, 26C, 27A, 29C, 29D, 29E, 29G, 29H, 29I.
  - 3. Tax map 84: parcels 35A, 69.
  - 4. Tax map 85: parcels 3, 3A (part), 4J, 17, 17B, 21, 21D, 21D1, 22B, 22C, 30D, 31.
- C. Review. The district is reviewed once every ten years and will next be reviewed prior to April 14, 2020.

Note that this code description will need to be modified during this review to add Tax Map 85 Parcel 3A1 (24.06 acres), which was legally created by division of parcel 85-3A in 2015. Also, Tax Map 70 Parcel 40 will be removed from the code description. This parcel is no longer included in the district, as it was removed by the late owners’ heirs in 2016, as permitted in section 3-205(C).

The District is located north, west, and south of Batesville (see Attachment A), and includes 1,115 acres. No withdrawal requests have yet been received.

Agricultural and Forestal District Significance: Of the 1,115 acres in the Batesville District, 950 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 Batesville District includes approximately 24 dwellings. (This count includes all addressable structures in the District, and so may include any barns or other large structures with addresses.)

Local Development Patterns: The District consists of a mix of open land and forest. There are five parcels in the District, totaling 161.9 acres, that are under conservation easements. A total of 953 acres in the District are in the County’s use-value taxation program, indicating that they are in agricultural, forestal, 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.

**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 September 11, 2020.

The Central Virginia Electric Cooperative, which owns parcel 08500-00-00-017B0 (136 acres), has requested to withdraw that parcel. Staff discussions with the owners indicate that they intend to apply for a special use permit for a utility-scale solar energy system on that parcel.

**Appropriate Review Period:** The District includes nine parcels that are in the Open Space tax category:

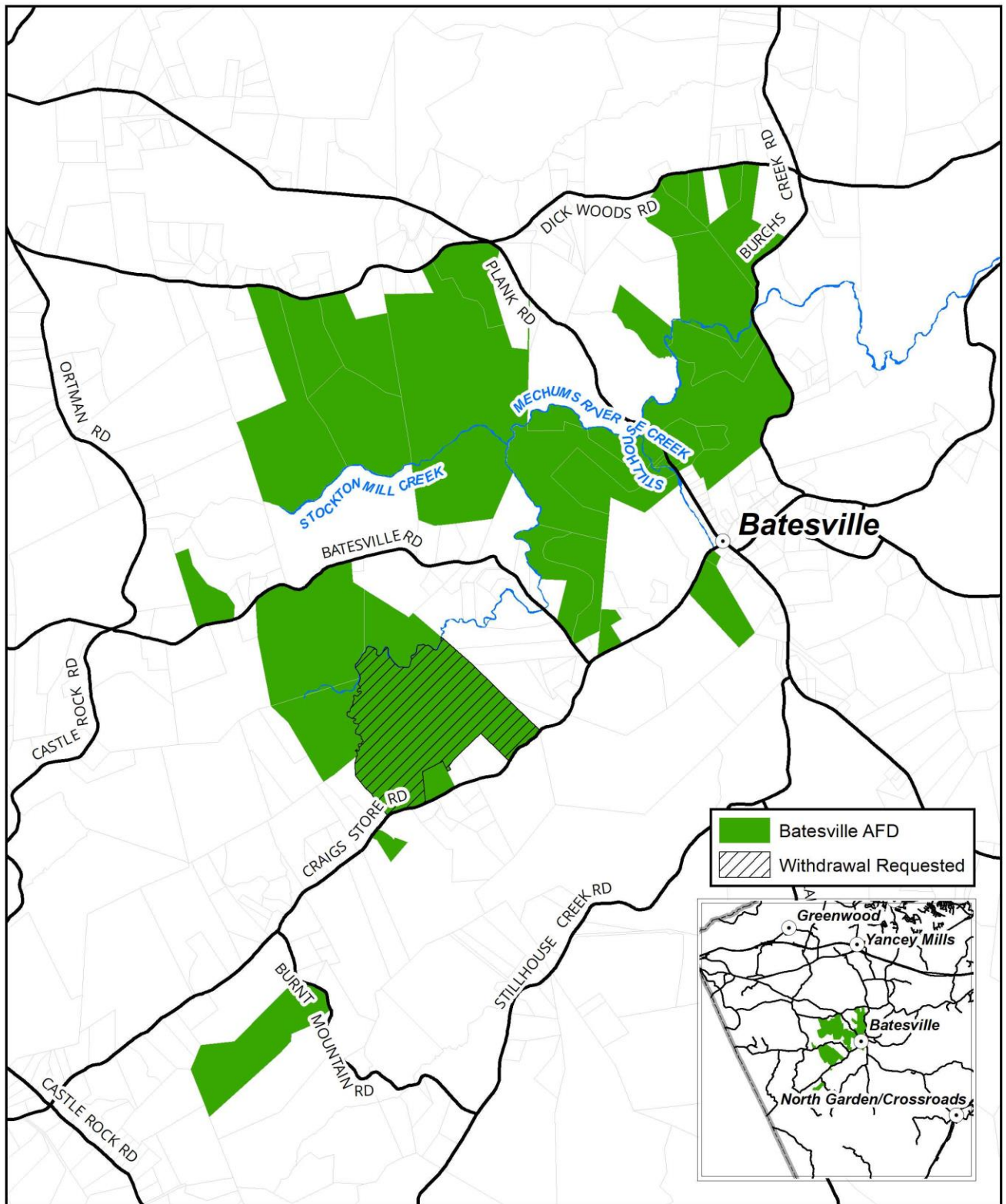
<b>Parcel</b>	<b>Acres</b>	<b>Tax Category</b>	<b>Development Rights Remaining</b>
071000000023C0	23	Open Space	1
071000000024B0	35	Open Space	0
071000000024C0	21	Open Space	0
071000000024C1	55	Open Space	1
071000000029H0	24.9	Open Space	0
071000000029I0	44.63	Open Space	0
08400000006900	44.95	Open Space	3
085000000017B0	136	Open Space	5
070000000040A0	79	Open Space and Forestry	3

Four of these parcels have no remaining small-lot development rights. Therefore the appropriate review period for this district is five years.

**Recommendation:** At their meeting on September 23, 2020, the Agricultural-Forestal Districts Advisory Committee recommended renewal of the Batesville District for five years.

**Attachments:**

- A. Batesville AF District Map
- B. Planning Commission Nov. 10, 2020 Action Letter
- C. Planning Commission Nov. 10, 2020 Minutes



**AFD202000001 Batesville AFD Review**   Miles