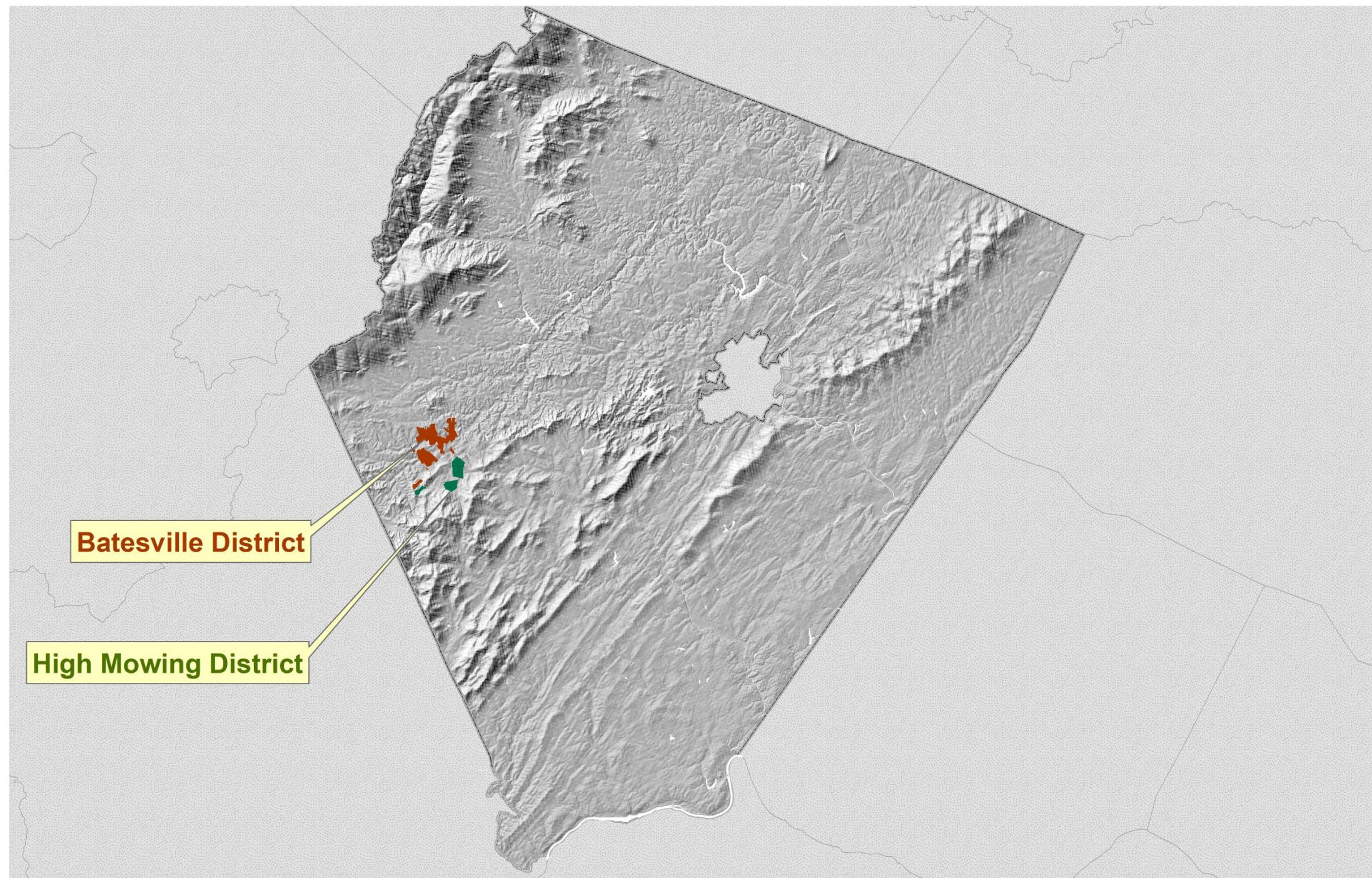


Agricultural-Forestal District Reviews

Albemarle County Board of Supervisors
December 16, 2020

- AFD202000001 Batesville District Review
- AFD202000002 High Mowing District Review



What are the purposes of the Districts?

Sec. 3-101 - State and County policies to be promoted.

This chapter protects paramount public interests and shall be liberally construed to effectuate its purpose stated in County Code § 3-100 and the following policies:

- A. Production of food and other agricultural and forestal products. It is the policy of the State and the County to conserve and protect and to encourage the development and improvement of the Commonwealth's agricultural and forestal lands for the production of food and other agricultural and forestal products.
- B. Provide essential open spaces. It is also the policy of the State and the County to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, watershed protection, wildlife habitat, as well as for aesthetic purposes.
- C. Strong agricultural and forestal economy. It is the policy of the County to support a strong agricultural and forestal economy.
- D. Protect and preserve natural resources and retain continuous and unfragmented land. It is the policy of the County to protect and preserve natural resources, which include mountains, hills, valleys, rivers, streams, groundwater, and retain continuous and unfragmented land for **agriculture, forestry, biodiversity, and natural resource protection.**

How do the Districts work?

- Voluntary conservation districts formed by landowners
- Entire districts run in cycles (usually 10 years) before review
- Districts work by:
 - Limiting “development to a more intensive use”:
 - Prohibiting some forms of subdivision
 - Setting higher review standards for land-use decisions in or adjacent to districts
 - Limiting or prohibiting state takings for major road improvements, etc.

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.

AFDs vs. Use-value Taxation:

- AFDs: Voluntary conservation program that restricts land uses
- County Code Chapter 3

- Use-value Taxation: Reduced tax assessments for rural land used for agriculture, forestry, horticulture, or **open space**. Used to reduce pressure to develop rural land.
- County Code Chapter 15

AFDs vs. Use-value Taxation:

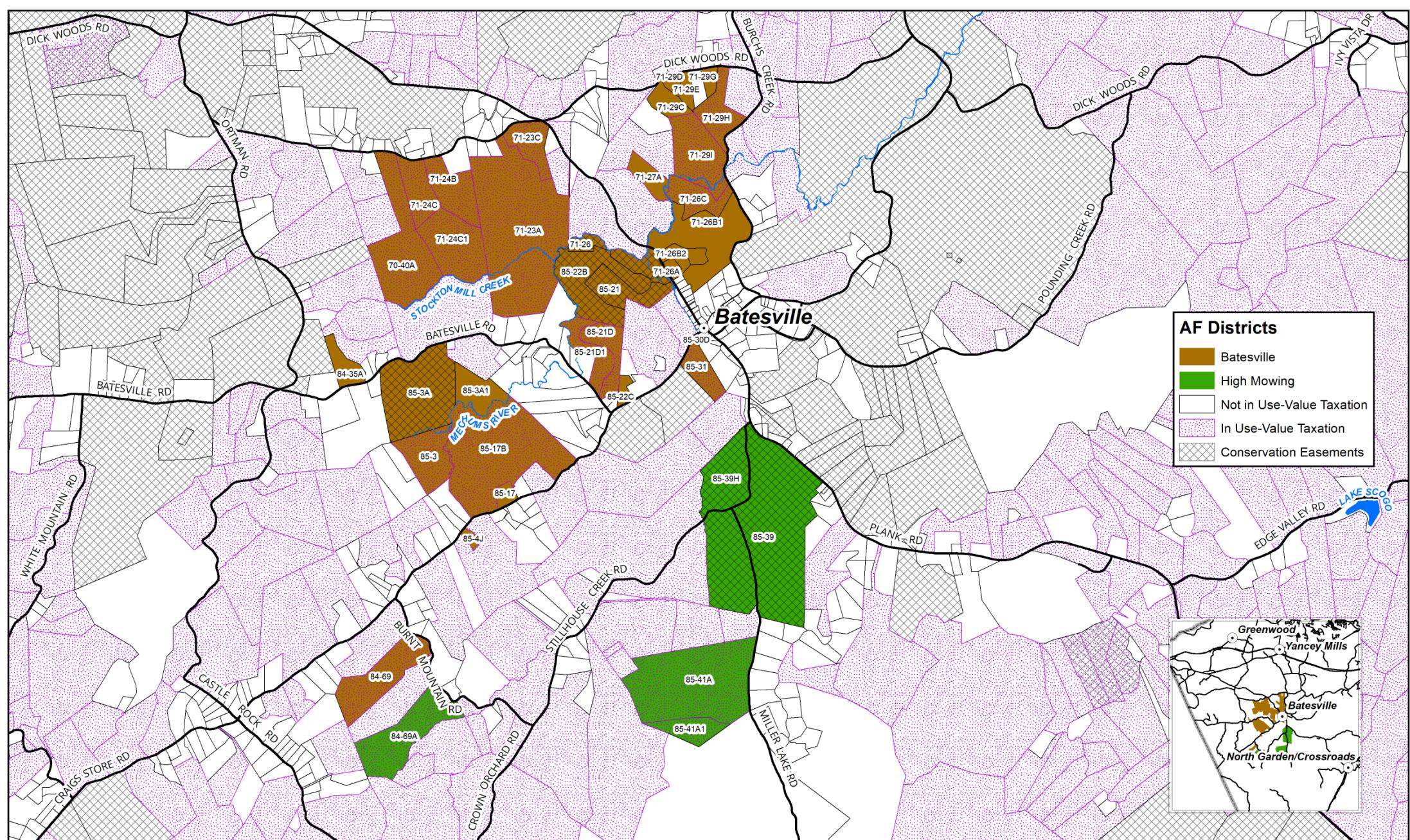
- AFDs: Voluntary conservation program that restricts land uses
- County Code Chapter 3



- Code of Virginia, § 58.1-3233
- 3. Determine further that real estate devoted to **open-space use** is (i) within an agricultural, a forestal, or an agricultural and forestal district entered into pursuant to Chapter 43 (§ 15.2-4300 et seq.) of Title 15.2, or



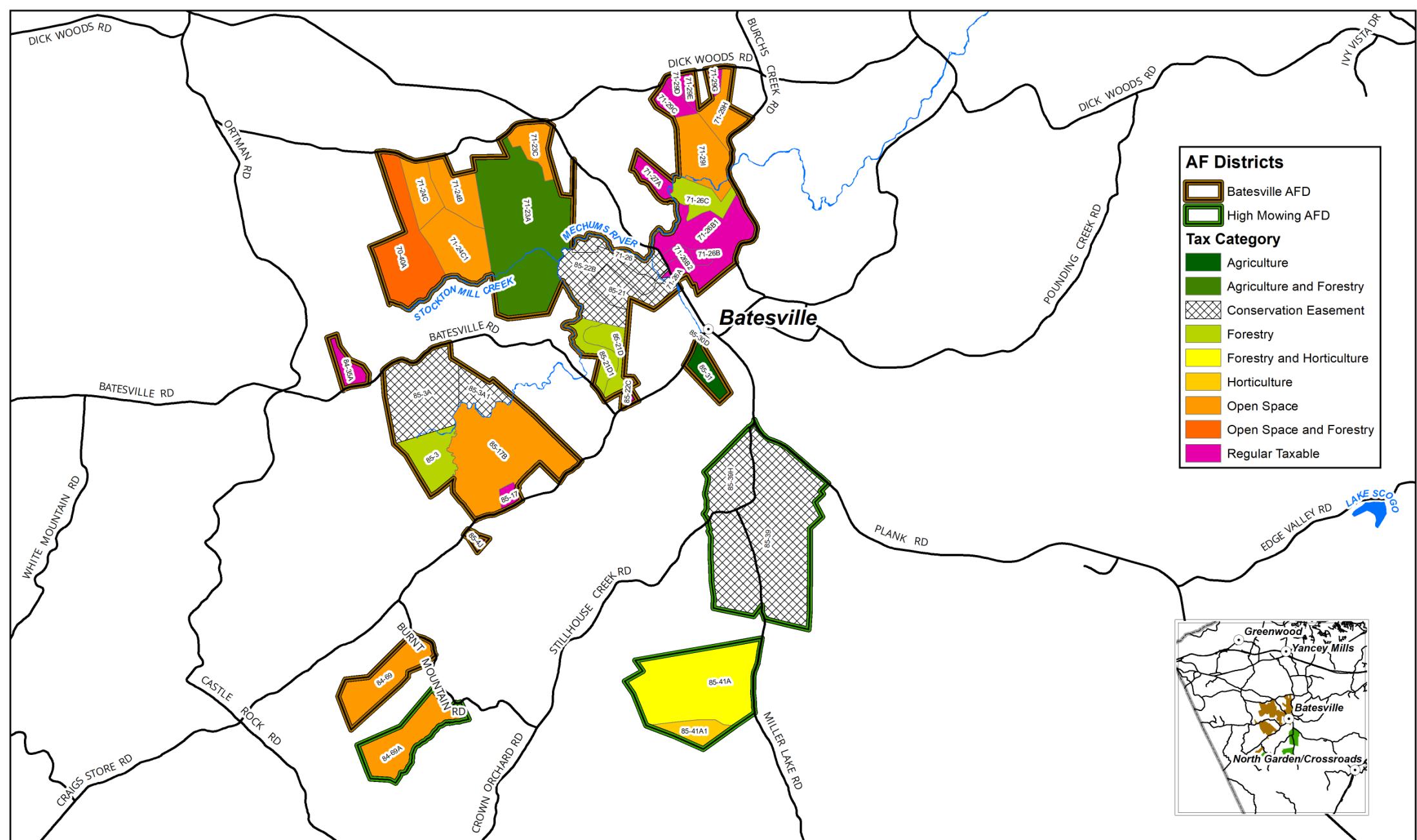
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- County Code Chapter 15

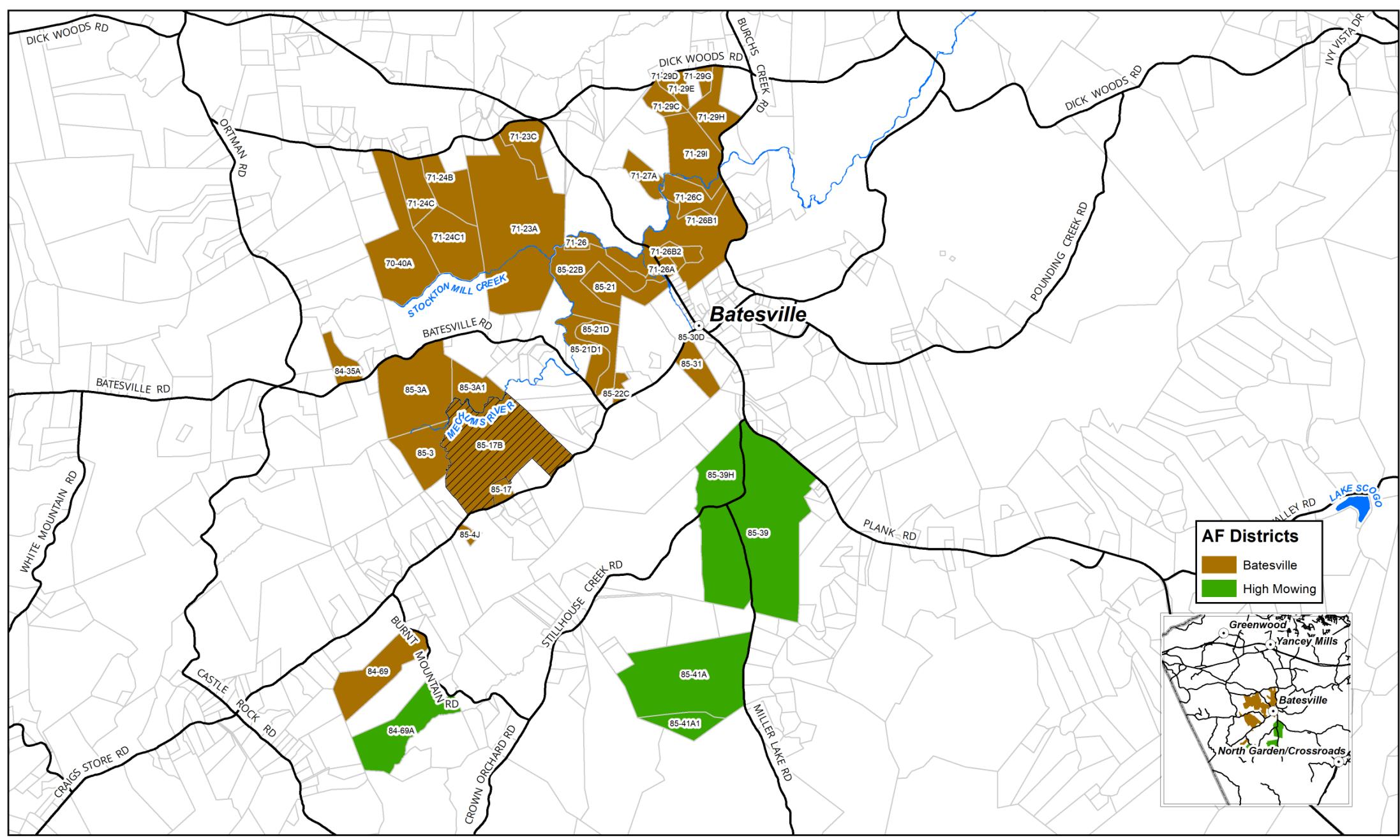


Batesville & High Mowing AFDs



0 0.25 0.5 1 Miles





Batesville & High Mowing AFDs

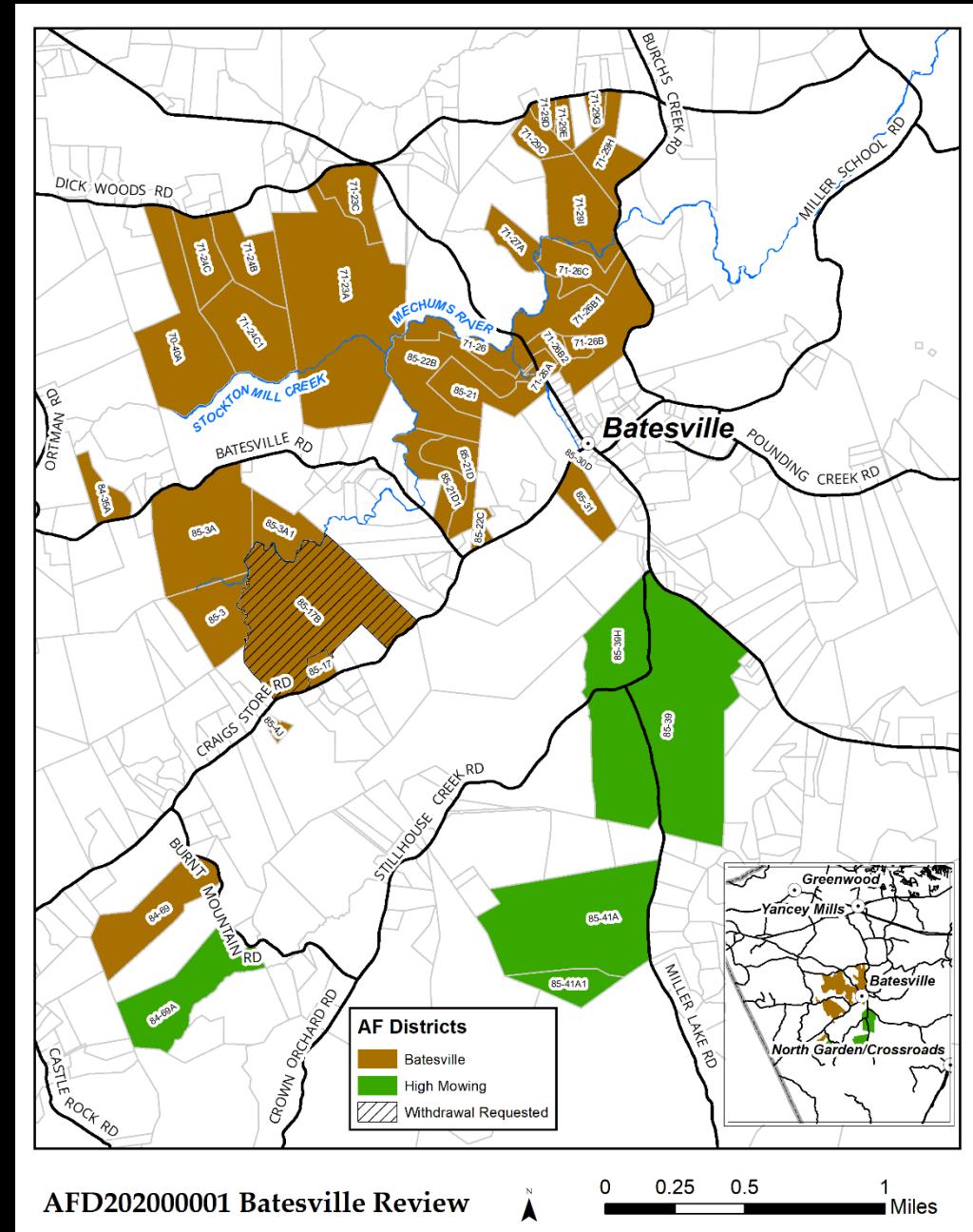
2

0 0.25 0.5 1 Miles

The district was created on May 2, 1990, and is located north, west, and south of Batesville. It includes 1,115 acres.

Necessary Ordinance Changes:

- 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).



Agricultural and Forestal District Significance:

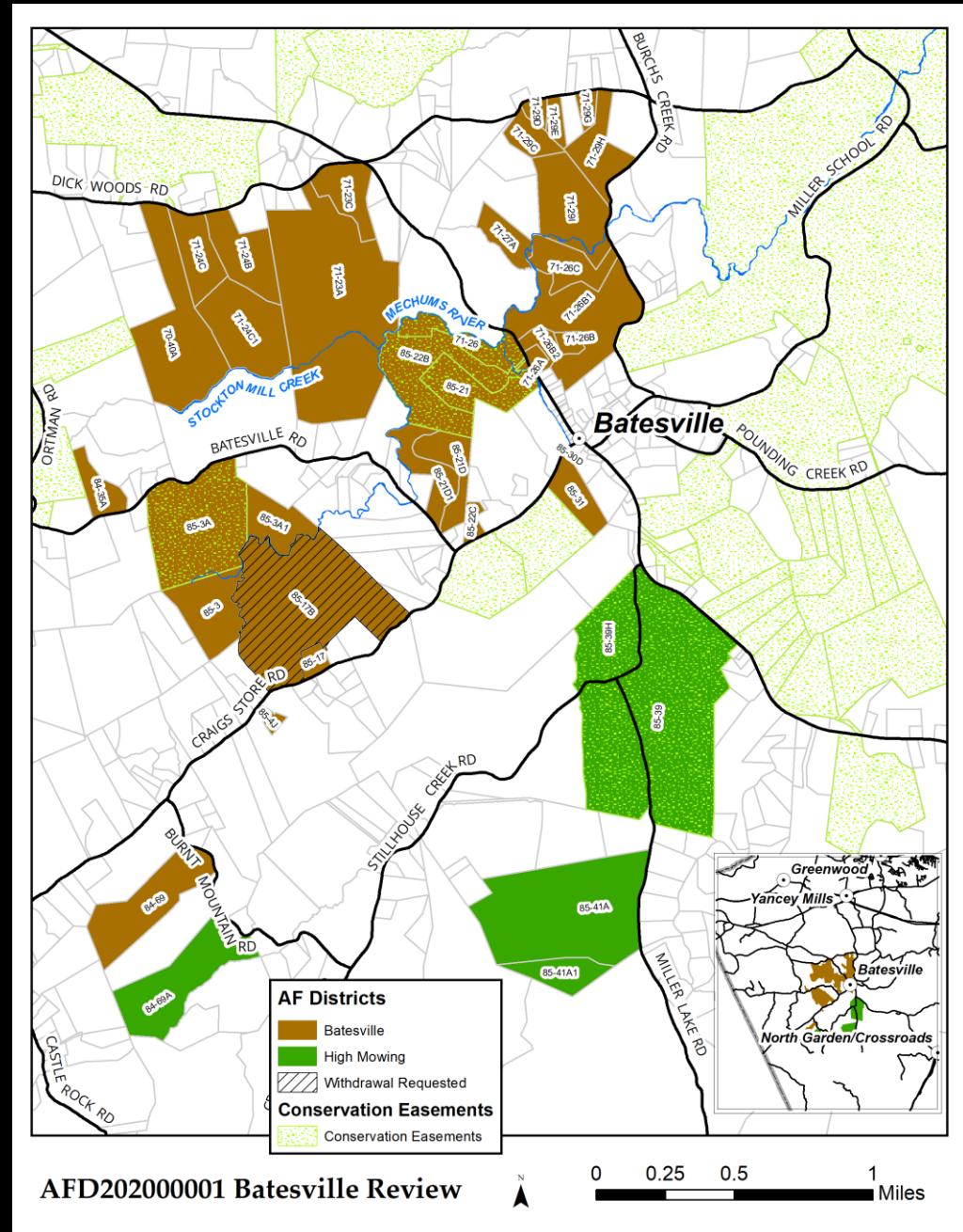
- 950 of 1,115 acres have soils listed as important for agriculture

Land Use other than Agriculture and Forestry:

- Approximately 24 dwellings

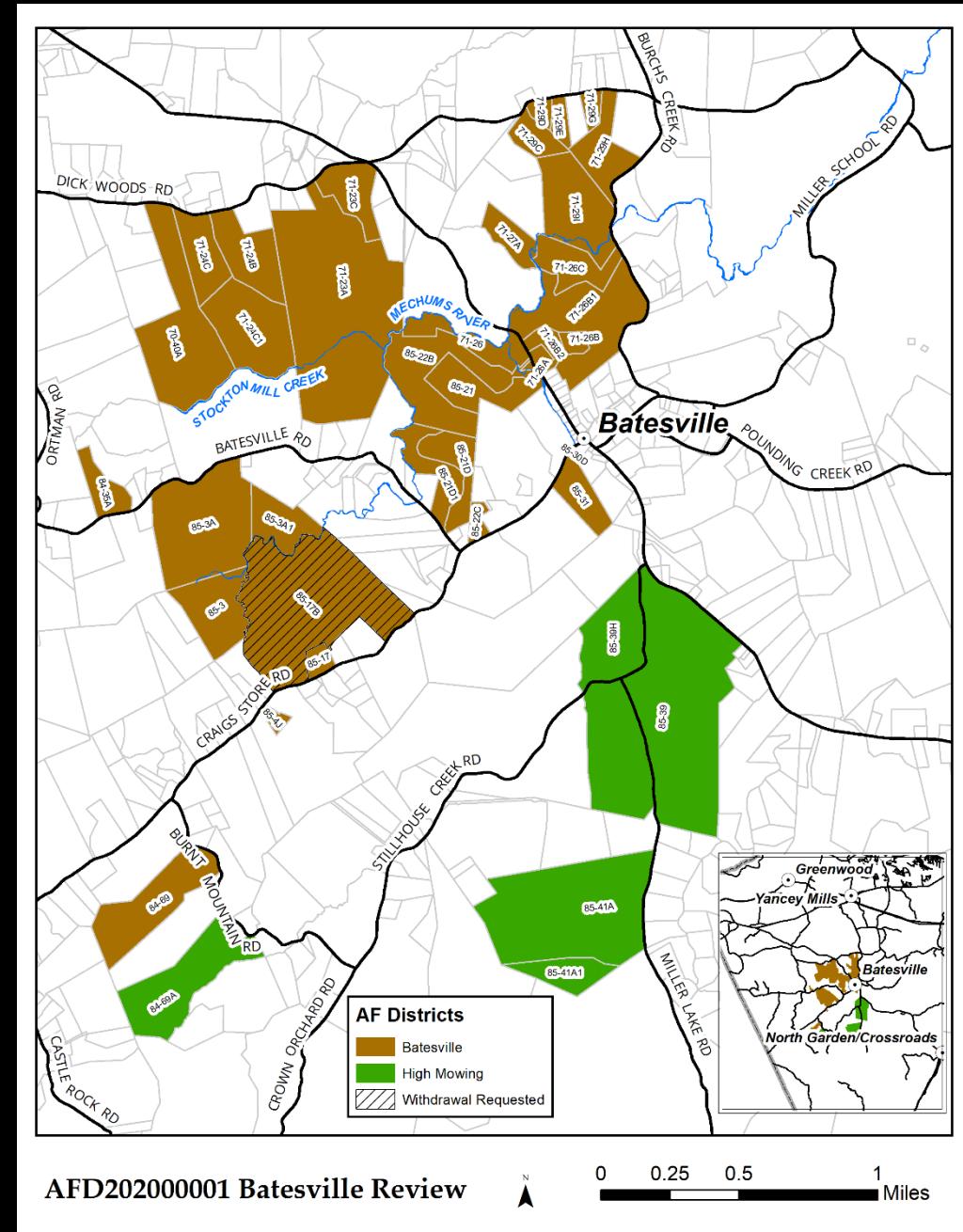
Local Development Patterns:

- Mix of open land and forest
- Five parcels (161.9 acres) under conservation easements
- 953 acres in use-value taxation (agricultural, forestal, or open-space)



Requested Withdrawals:

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.

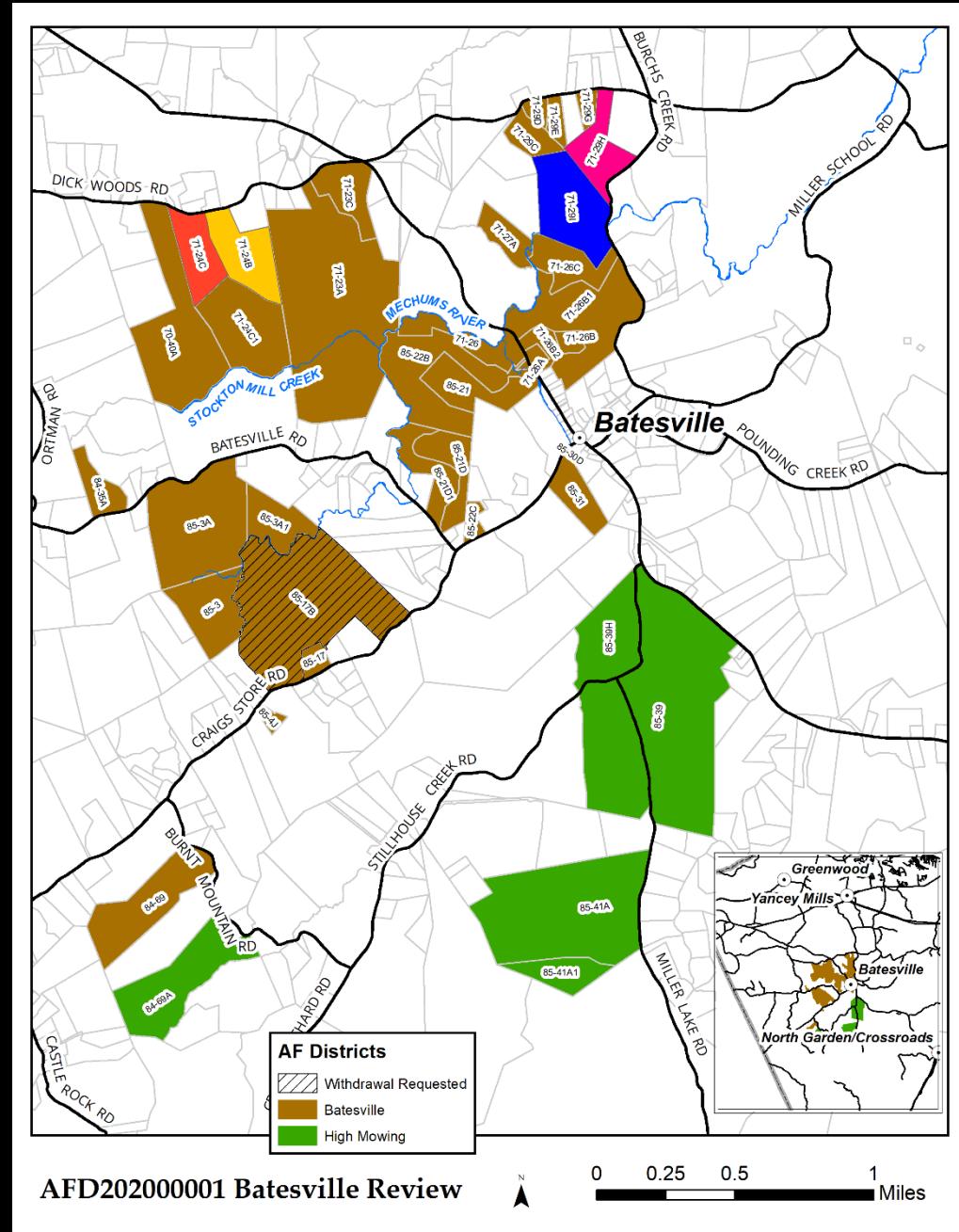


Appropriate Review Period: The District includes nine parcels that are in the Open Space tax category:

Parcel	Acres	Tax Category	Development Rights Remaining
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 (125.53 acres) have no remaining small-lot development rights. Therefore the appropriate review period for this district is five years.

Recommendation: At their meeting on November 10, 2020, the Planning Commission recommended renewal of the Batesville District for five years.



The district was created on January 16, 1991, and is located south of Batesville. It includes 445.8 acres.

Agricultural and Forestal District Significance:

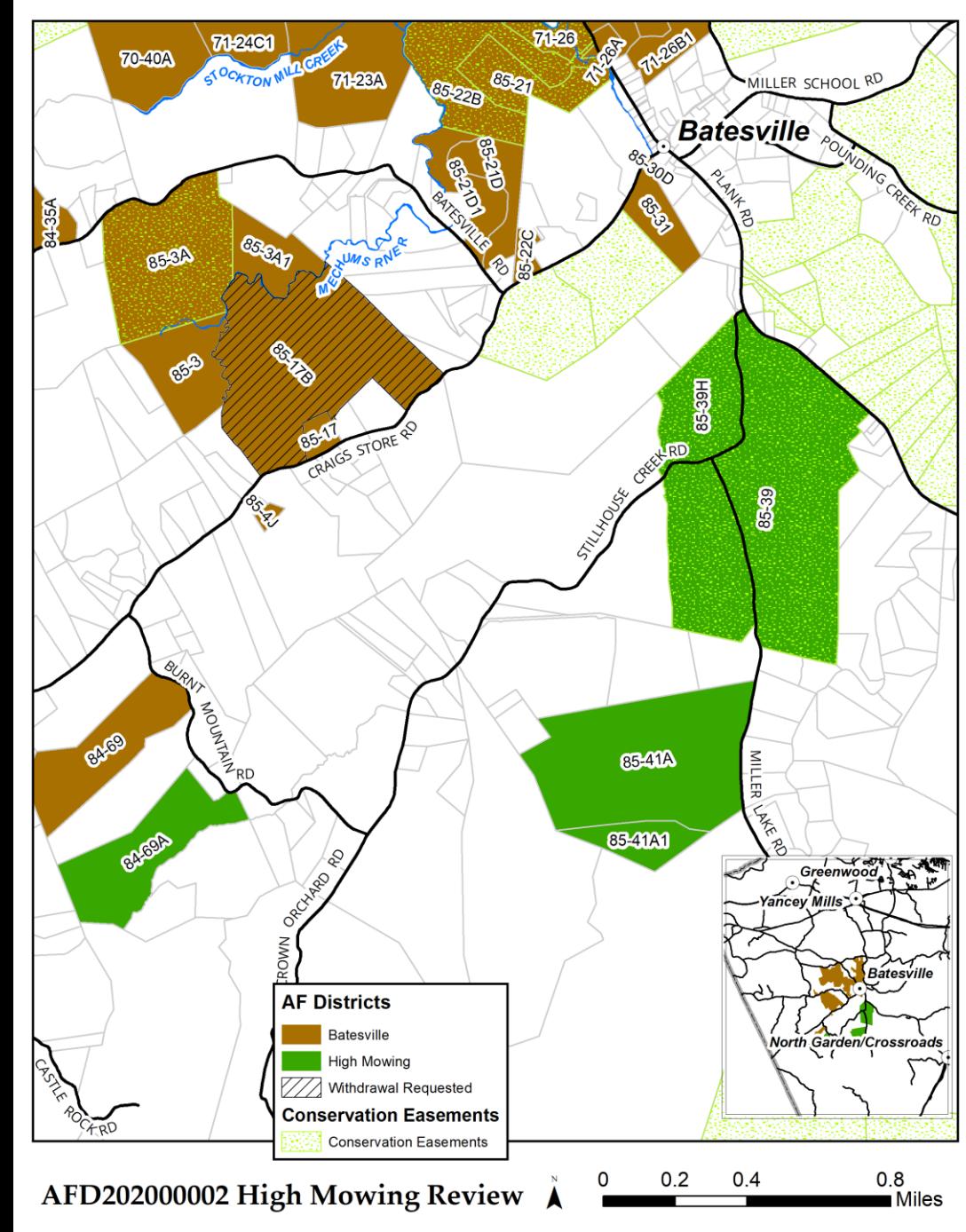
- 403.9 of 445.8 acres have soils listed as particularly important for agriculture

Land Use other than Agriculture and Forestry:

- Approximately three dwellings

Local Development Patterns:

- The District consists of forest, orchard, and open land.
- Two parcels (236.6 acres) under conservation easements.
- The remaining 209.2 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.

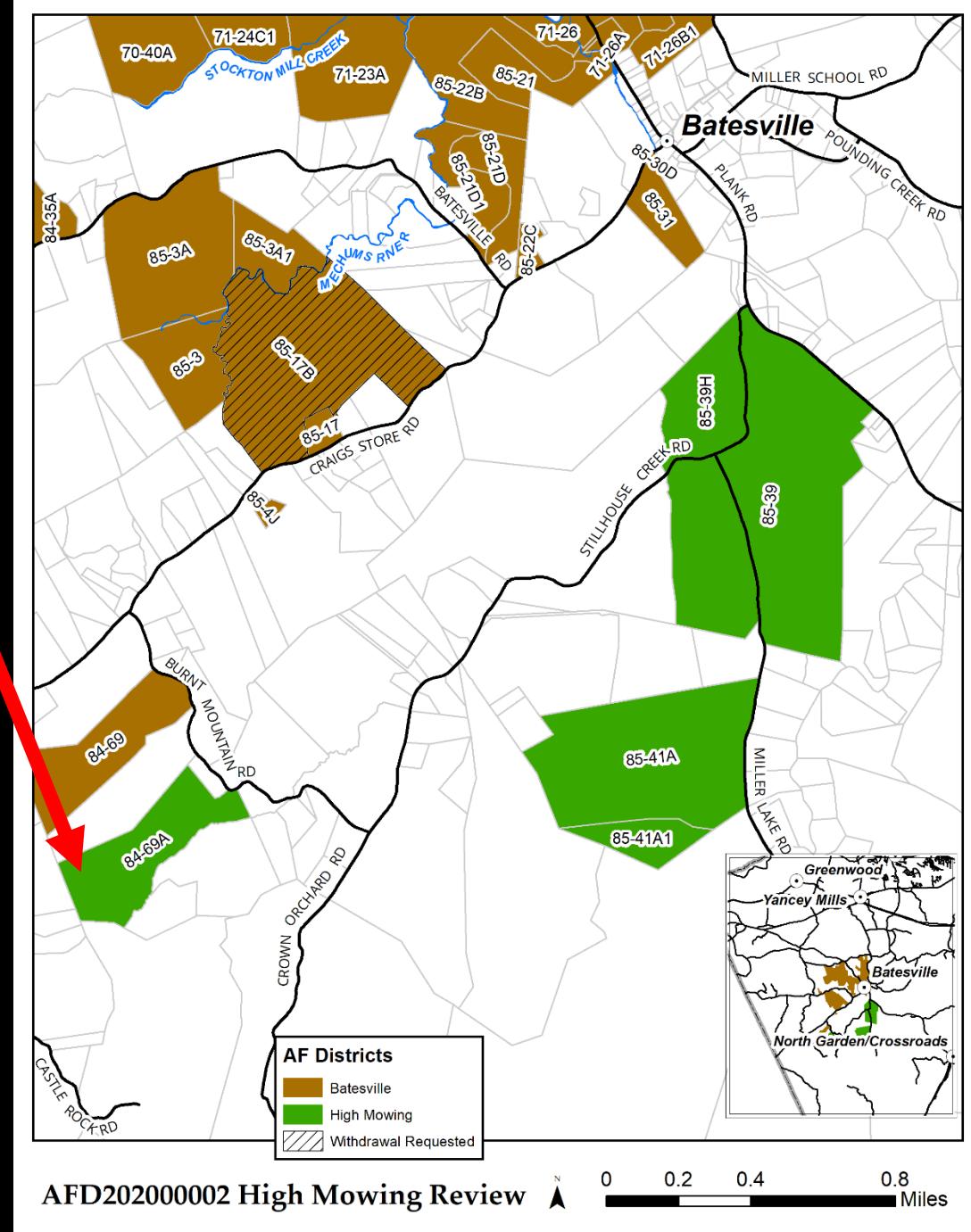


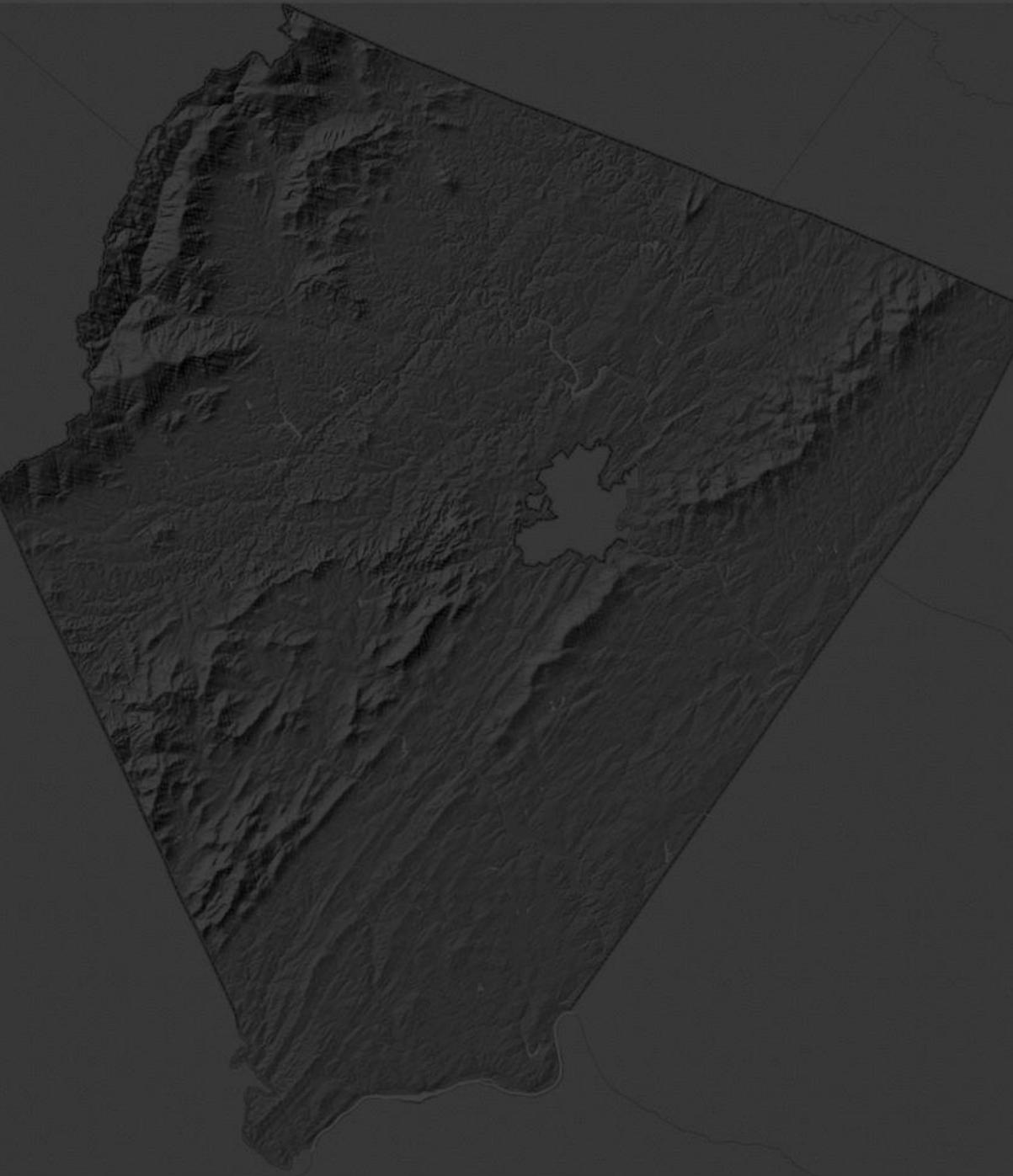
Appropriate Review Period: The District includes one parcel that is in the Open Space tax category

Parcel	Acreage	Tax Category	Development Rights
084000000069A0	63.195	Open Space	5

This parcel has five development rights. Therefore the appropriate review period for this district is ten years.

Recommendation: At their meeting on November 10, 2020, the Planning Commission recommended renewal of the High Mowing District for another 10-year period.





Actions

Staff recommends that, after conducting public hearings on the District reviews, which may be held together as one public hearing, the Board adopt the ordinance to continue the Batesville and High Mowing AFDs.

BOARD MOTIONS:

A. Should a Board member **choose to move for approval of** the proposed District renewals:

I move to adopt the ordinance dated November 9, 2020 amending Chapter 3 of the Albemarle County Code, continuing the Batesville and High Mowing AFDs.

B. Should a Board member **choose to move for denial of** the proposed District renewals:

I move to not adopt the ordinance dated November 9, 2020, amending Chapter 3 of the Albemarle County Code.

Should a Board member move to not adopt the ordinance, he or she should state the reason(s) for the denial.

