

CHAPTER 3

AGRICULTURAL AND FORESTAL DISTRICTS

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**ARTICLE I. IN GENERAL**

**Sec. 3-100 Purpose and intent.**

The purpose and intent of this chapter are as follows:

A. It is the policy of county to conserve and protect, and to encourage the development and improvement of, its agricultural and forestal lands for the production of food and other agricultural or forestal products. It is also the policy of the county to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean airsheds, watershed protection, wildlife habitat, and for aesthetic purposes.

B. It is the purpose and intent of this chapter to provide means by which agricultural and forestal lands of either statewide or local significance may be protected and enhanced as a viable segment of state and local economies, and as important economic and environmental resources.

(§§ 1, 2; Ord. 98-A(1), 8-5-98)

*State law reference--*Va. Code §§ 15.2-4301, 15.2-4401.

**Sec. 3-101 Districts may be created, modified, renewed, continued and terminated.**

The board of supervisors may create, modify, renew, continue and terminate agricultural and forestal districts of either statewide or local significance, and authorize the withdrawal therefrom, as provided in this chapter and in Chapters 43 and 44 of Title 15.2 of the Code of Virginia.

(6-8-83, §§ 1, 2; § 2.1.1-1; 9-15-93; Code 1988, § 2.1-1; Ord. 98-A(1), 8-5-98)

*State law reference--*Va. Code §§ 15.2-4303, 15.2-4403, 15.2-4405.

**Sec. 3-102 Planning commission; powers and duties.**

The planning commission shall have the following powers and duties in the implementation of this chapter:

A. The commission shall evaluate all applications to create, modify, renew, continue and terminate an agricultural and forestal district as provided in this chapter.

B. The commission shall conduct public hearings as provided by this chapter and Chapters 43 and 44 of the Title 15.2 of the Code of Virginia, and provide notice of such hearings as provided by law.

C. The commission shall make recommendations on all such applications and report its recommendations to the board of supervisors.

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D. The commission shall have all other powers and duties granted to it pursuant to Chapters 43 and 44 of the Title 15.2 of the Code of Virginia.

(Ord. 98-A(1), 8-5-98)

*State law reference--*Va. Code §§ 15.2-4300 et seq., 15.2-4400 et seq.

**Sec. 3-103 Advisory committee established; membership; appointment and term of office of members; powers and duties.**

An advisory committee is hereby established, as provided herein:

A. The committee shall consist of ten (10) members appointed by the board of supervisors. The committee shall be comprised of four (4) landowners who are engaged in agricultural or forestal production, four (4) other landowners of the county, the county assessor, and one (1) member of the board of supervisors.

B. The terms of the eight (8) landowner members of the committee shall be as follows:

1. Upon adoption of this subsection, the eight (8) landowner members shall be appointed to one-year, two-year, three-year or four-year initial terms so that one (1) engaged landowner and one (1) other landowner is appointed to serve each initial term length. Thereafter, all terms shall be for four (4) years.

2. No landowner member may serve more than two (2) consecutive terms, provided, however, a member appointed to complete the unexpired term of another may be appointed to serve up to two (2) additional consecutive four-year terms.

3. A member whose term expires shall continue to serve until his or her successor is appointed.

C. The members of the committee shall serve at the pleasure of the board of supervisors.

D. The members of the committee shall serve without compensation, but the board of supervisors may, in its discretion, reimburse each member for actual and necessary expenses incurred in the performance of his duties.

E. The committee shall elect a chairman, vice-chairman and secretary at the first meeting of the committee each calendar year. The secretary need not be a member of the committee.

F. The committee shall advise the planning commission and the board of supervisors on matters that it considers pursuant to this chapter, and shall render expert advice as to the nature of farming and forestry and agricultural and forestal resources within a district and the relation of those resources to the county.

G. The committee shall advise the planning commission and the board of supervisors on matters pertaining to the rural areas of the county which may affect agriculture or forestry.

(Ord. 98-A(1), 8-5-98; Ord. 05-3(1), 3-2-05)

*State law reference--*Va. Code §§ 15.2-4304, 15.2-4404.

**Sec. 3-104 Program administrator.**

The director of planning is hereby appointed the administrator of the county's agricultural and forestal district program.

(Ord. 11-3(3), 8-3-11)

*State law reference—*Va. Code § 15.2-4305.

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**ARTICLE II. DISTRICTS OF STATEWIDE SIGNIFICANCE**

**DIVISION 1. PROCEDURE**

**Sec. 3-200 Minimum size and location of district.**

Each agricultural and forestal district of statewide significance shall have a core of no less than two hundred (200) acres in one parcel or in contiguous parcels. A parcel not part of the core may be included in a district: (i) if the nearest boundary of the parcel is within one (1) mile of the boundary of the core; (ii) if it is contiguous to a parcel in the district, the nearest boundary of which is within one (1) mile of the core; or (iii) if the board of supervisors finds, in consultation with the advisory committee and the planning commission, that the parcel not part of the core within one (1) miles of the boundary of the core contains agriculturally and forestally significant land. The land included in a district may be located in more than one locality provided that the requirements of Virginia Code § 15.2-4305 for districts are satisfied.

(Ord. 98-A(1), 8-5-98; Ord. 11-3(3), 8-3-11)

**State law reference--**Va. Code § 15.2-4305.

**Sec. 3-201 Creation of district.**

Each agricultural and forestal district of statewide significance shall be created as provided herein:

A. *Application.* On or before one or more application dates each year set by the director of planning, any owner or owners of land may submit an application to the director for the creation of a district. The application shall be made on a form developed and provided by the director and shall be signed by each owner of the land proposed to be included in the district. Each submitted application shall be accompanied by: (i) maps or aerial photographs, or both as may be required by the director, that clearly show the boundaries of the proposed district, the boundaries of the parcels owned by each applicant, and any other features prescribed by the director; and (ii) the fee required by section 3-206.

B. *Receipt and referral of application.* Upon receipt of an application for a district, the director shall refer the application to the advisory committee.

C. *Advisory committee review.* Upon receipt of an application from the director, the advisory committee shall review the application and any proposed modifications and report its recommendations to the planning commission. The advisory committee shall apply the criteria in subsection (F) in its review of each application.

D. *Planning commission review.* Upon receipt of the report of the advisory committee on an application, the planning commission shall: (i) provide the notice required by Virginia Code § 15.2-4307(1); (ii) hold a public hearing; and (iii) after the public hearing, report its recommendations to the board of supervisors. The planning commission shall apply the criteria in Virginia Code subsection (F) in its review of each application. The planning commission's report shall include the potential effect of the district and any proposed modifications upon the county's planning policies and objectives.

E. *Hearing and action by board of supervisors.* After receiving the reports of the planning commission and the advisory committee, the board of supervisors shall hold a public hearing on the application. After a public hearing, the board of supervisors may by ordinance create a district as applied for or with any modifications it deems appropriate, as provide herein.

1. The ordinance shall be adopted pursuant to the conditions and procedures provided in Virginia Code § 15.2-4309.

2. The board of supervisors shall act to either adopt the ordinance creating the district, or reject the application, or any modification to it, within one hundred eighty (180) days after the application date set by the director under which the application was received.

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F. *Criteria to be applied by the advisory committee and the planning commission.* The advisory committee and the planning commission shall apply the following criteria in their respective reviews of each application:

1. The agricultural and forestal significance of land within the district or addition and in areas adjacent thereto; in judging the agricultural and forestal significance of land, any relevant agricultural or forestal maps may be considered, as well as soil, climate, topography, other natural factors, markets for agricultural and forestal products, the extent and nature of farm structures, the present status of agriculture and forestry, anticipated trends in agricultural economic conditions and such other factors as may be relevant.
2. The presence of any significant agricultural lands or significant forestal lands within the district and in areas adjacent thereto that are not now in active agricultural or forestal production, considering the maps, factors, markets, and other information described in subsection (F)(1);
3. The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto;
4. Local development patterns and needs;
5. The comprehensive plan and the applicable zoning regulations;
6. The environmental benefits of retaining the lands in the district for agricultural and forestal uses;
7. Whether any parcel has one or more development rights that would allow the creation of one or more parcels less than twenty-one (21) acres in size; in considering whether to include any parcel in a district, the policy of the county is to not include any parcel determined to have no development rights and cannot be further divided to create one or more parcels less than twenty-one (21) acres in size; and
8. Any other matter which may be relevant.

(§ 2.1-2; 6-8-83, §§ 3, 4, 5; 12-16-87; 12-11-91; 7-1-92; Code 1988, § 2.1-2; Ord. 98-A(1), 8-5-98; Ord. 09-3(1), 6-10-09; Ord. 11-3(3), 8-3-11; Ord. 16-3(2), 10-12-16)

**State law reference--** Va. Code §§ 15.2-4303 through 15.2-4307 and 15.2-4309.

**Sec. 3-202 Effect of district creation.**

The land within an agricultural and forestal district of statewide significance shall be subject to the following upon the creation of the district:

A. *Prohibition of development to more intensive use.* As a condition to creation of the district, no parcel within the district shall be developed to a use more intensive than that existing on the date of creation of the district, other than uses resulting in more intensive agricultural or forestal production, without the prior approval of the board of supervisors.

1. Except as provided in paragraph (2), a parcel shall be deemed to be developed to a more intensive use if:
  - (a) The proposed development would remove any portion of a parcel from agricultural or forestal production; or
  - (b) The proposed development would increase the population density or the level of activity on the parcel including, but not limited to, the rental of more than one dwelling unit on the parcel except as provided in paragraph (2)(e).
2. A parcel shall not be deemed to be developed to a more intensive use if:
  - (a) The proposed development is permitted by right in the rural areas (RA) zoning district;
  - (b) The proposed development is permitted by special use permit in the rural areas (RA) zoning district and the board of supervisors, in considering the application for a special use permit, determines that the development allowed by the permit is consistent with the purposes of this chapter;

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(c) The proposed development is the proposed division of the parcel either by subdivision or rural division and the minimum lot size of such division is twenty-one (21) acres or greater;

(d) The proposed development is the proposed division of the parcel by family division; or

(e) The proposed development is the occupation of dwelling units on the parcel by members of the immediate family of any of the owners of such parcel or by bona fide farm employees, together with their respective families, if any.

B. *Applicability of comprehensive plan and zoning and subdivision ordinances.* The comprehensive plan and the zoning and subdivision ordinances shall apply within each district to the extent that the ordinances do not conflict with conditions of creation or continuation of the district, or the purposes of this chapter and Chapter 43 of Title 15.2 of the Virginia Code.

C. *Limitation on restricting or regulating certain agricultural and forestal farm activities.* The county shall not unreasonably restrict or regulate by ordinance farm structures or agricultural and forestal practices which are contrary to the purposes of this chapter and Chapter 43 of Title 15.2 of the Virginia Code unless such restriction or regulation is directly related to public health and safety. The county may regulate the processing or retail sales of agricultural or forestal products or structures therefor, in accordance with the comprehensive plan and any county ordinances.

D. *Consideration of district in taking certain actions.* The county shall consider the existence of a district and the purposes of this chapter and Chapter 43 of Title 15.2 of the Virginia Code in its comprehensive plan, ordinances, land use planning decisions, administrative decisions and procedures affecting parcels of land adjacent to the district.

E. *Availability of land use-value assessment.* Land within a district and used for agricultural or forestal production shall automatically qualify for an agricultural or forestal use-value assessment pursuant to Article 4 of Chapter 32 of Title 58.1 of the Virginia Code, if the requirements for such assessment contained therein are satisfied.

F. *Review of proposals by agencies of the Commonwealth, political subdivisions and public service corporations to acquire land in district.* Any proposal by an agency of the Commonwealth, any political subdivision, or any public service corporation to acquire land or any interest therein in a district of statewide significance subject to Virginia Code § 15.2-4313 shall be reviewed under that section and the board of supervisors shall have all of the rights and powers granted to it therein.

G. *Parcel created by division remains in district.* A parcel created from the permitted division of land within a district shall continue to be enrolled in the district.

(§ 2.1-3; 6-8-83, § 6; 4-13-88; Code 1988 § 2.1-3; Ord. 98-A(1), 8-5-98; Ord. 11-3(3), 8-3-11)

**State law reference--**Va. Code §§ 15.2-4312, 15.2-4313.

**Sec. 3-203 Addition of land to district.**

Land may be added to an agricultural and forestal district of statewide significance as provided herein:

A. *Application.* On or before one or more application dates each year set by the director of planning, any owner or owners of land may submit an application to the director to add one or more parcels to an existing agricultural and forestal district of statewide significance. The application shall be made on a form developed and provided by the director and shall be signed by each owner of the land proposed to be added to the district.

B. *Procedure.* The procedure for adding land to a district shall be the same procedure provided for the creation of a district in section 3-201(B) through (F).

(§ 2.1-2; 6-8-83, §§ 3 through 5; 12-16-87; 12-11-91; 7-1-92; Code 1988, § 2.1-2; Ord. 98-A(1), 8-5-98; Ord. 11-3(3), 8-3-11; Ord. 16-3(2), 10-12-16)

**State law reference--**Va. Code § 15.2-4310.

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**Sec. 3-204 Review of district; continuation, modification or termination.**

Each agricultural and forestal district of statewide significance shall be reviewed as provided herein:

A. *Review period.* Each district shall be reviewed within the period set forth in the ordinance creating the district, which period shall not be less than four (4) years nor more than ten (10) years from the date of its creation, and shall thereafter be reviewed within each such subsequent period.

B. *Initiation of district review.* At least ninety (90) days before the expiration of the period of review of the district, the director of planning shall refer the district to the advisory committee for review.

C. *Advisory committee review.* Upon receipt of the referral of the district from the director, the advisory committee shall review the district, conduct a public meeting, and report to the planning commission its recommendations as to whether to terminate, modify or continue the district. Notice of the public meeting shall be provided to the owners of the land within the district as required by Virginia Code § 15.2-4311.

D. *Planning commission review.* Upon receipt of the report of the advisory committee on a district, the planning commission shall conduct a public hearing. The planning commission shall report to the board of supervisors its recommendations, together with the advisory committee's recommendations, as to whether to terminate, modify or continue the district.

E. *Hearing and action by board of supervisors.* After receiving the reports of the planning commission and the advisory committee, the board of supervisors shall hold a public hearing on the district. After the public hearing, the board of supervisors may terminate, modify or continue the district. If the board continues the district, it may impose conditions different from those imposed when the district was created or last reviewed. If the board terminates the district, the land within the former district shall be subject to the applicable provisions of Virginia Code § 15.2-4314.

F. *Effect of failure to complete review by review date.* A district shall not terminate by the failure of the board of supervisors to act pursuant to paragraph (E) by the district's review date.

(Ord. 98-A(1), 8-5-98; Ord. 09-3(1), 6-10-09; Ord. 11-3(3), 8-3-11)

**State law reference--**Va. Code § 15.2-4311.

**Sec. 3-205 Withdrawal of land from district.**

An owner of land within an agricultural and forestal district of statewide significance may request that his land be withdrawn from the district, as provided herein:

A. *Withdrawal by right by owner.* After the planning commission initiates the review of a district and before the board of supervisors acts to continue, modify or terminate the district, an owner of land may withdraw the land from the district by filing a written notice of withdrawal with the director of planning.

B. *Withdrawal by right by certain successors to deceased owner.* Within two years of the date of death of an owner of land within a district, any heir, devisee, surviving co-tenant or personal representative of a sole owner of any fee simple interest of land may, upon the inheritance or descent of such land, withdraw the land from the district by filing a written notice of withdrawal with the director and the department of finance.

C. *Withdrawal in discretion of board of supervisors.* At any time after the creation of a district, an owner of land may request the board of supervisors to withdraw all or part of the land from the district, as provided herein:

1. *Filing of written request.* The owner shall file a written request for withdrawal with the director. The request shall identify the owner of the land, identify the land or part thereof proposed to be withdrawn, state the reason for the request, and address the criteria for review set forth in paragraph (C)(2). The request shall be accompanied by the fee required in section 3-206.

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2. *Criteria for review.* A request to withdraw land from a district may be approved only if the withdrawal satisfies all of the following criteria:

(a) The proposed new land use will not have a significant adverse impact on agricultural or forestal operations on land within the district;

(b) The proposed new land use is consistent with the comprehensive plan;

(c) The proposed land use is consistent with the public interest of the county in that it promotes the health, safety or general welfare of the county, rather than only the proprietary interest of the owner; and

(d) The proposed land use was not anticipated by the owner at the time the land was placed in the district, and there has been a change in circumstances since that time.

3. *Advisory committee review.* Upon receipt of a request to withdraw from the director, the advisory committee shall review the request and report to the planning commission its recommendations. In conducting its review, the committee shall evaluate the request as provided in paragraph (C)(2).

4. *Planning commission review.* Upon receipt of the report of the advisory committee on a request to withdraw, the planning commission shall conduct a public hearing and evaluate the request as provided in paragraph (C)(2). The planning commission shall report to the board of supervisors its recommendations, together with the advisory committee's recommendations.

5. *Hearing by board.* After receiving the reports of the planning commission and the advisory committee, the board of supervisors shall hold a public hearing on the request.

D. *Effect of withdrawal.* Land that is withdrawn from a district shall be subject to roll-back taxes as provided in Virginia Code § 58.1-3237, and subject to all local laws and ordinances otherwise prohibited from applying to land within a district, as provided in section 3-202(C). The withdrawal of land from a district shall not itself terminate the district.

(Ord. 98-A(1), 8-5-98; Ord. 09-3(1), 6-10-09; Ord. 11-3(3), 8-3-11)

**State law reference**--Virginia Code §§ 15.2-4307, 15.2-4314.

### **Sec. 3-206 Fees.**

The following fees for actions related to an agricultural and forestal district of statewide significance are hereby established. The fees shall be paid at the time the application or request is filed, as the case may be, and shall be in the form of cash or in a check payable to the "County of Albemarle." A fee shall not be charged for the addition of land to a district or for the review of a district.

A. Application to create a district pursuant to section 3-201: One hundred fifty dollars (\$150.00).

B. Request to withdraw land from a district pursuant to section 3-205: Two hundred fifty dollars (\$250.00).

(§ 2.1-2; 6-8-83, § 3-5; 12-16-87, 12-11-91, 7-1-92; Code 1988, § 2.1-2; Ord. 98-A(1), 8-5-98)

**State law reference**--Va. Code § 15.2-4303.

## **DIVISION 2. DISTRICTS**

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

The district known as the "Batesville Agricultural and Forestal District" consists of the following described properties: Tax map 70, parcels 40, 40A; tax map 71, parcels 23A, 23C, 24B, 24C, 24C1, 26, 26A, 26B, 26B1, 26B2, 26C, 27A, 29C, 29D, 29E, 29G, 29H, 29I; tax map 84, parcels 35A, 69; tax map 85, parcels 3, 3A (part), 4J, 17, 17B, 21, 21D, 21D1, 22B, 22C, 30D, 31. This district, created on May 2, 1990 for not more than 10 years and last reviewed on April 14, 2010, shall next be reviewed prior to April 14, 2020.

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(Code 1988, § 2.1-4(s); Ord. 98-A(1), 8-5-98; Ord. 00-3(1), 4-19-00; Ord. 00-3(3), 9-13-00; Ord. 01-3(2), 7-11-01; Ord. 04-3(1), 3-17-04; Ord. 09-3(4), 12-2-09; Ord. 10-3(1), 4-14-10)

### **Sec. 3-208 Blue Run Agricultural and Forestal District.**

The district known as the "Blue Run Agricultural and Forestal District" consists of the following described properties: Tax map 22, parcel 10; tax map 35, parcels 22, 23, 24A, 26, 26B, 26B1, 26C, 26D, 28A, 29, 31, 32A, 37A1, 41A, 41A1, 41E, 43; tax map 36, parcels 6A, 9, 20; tax map 49, parcels 4A1, 4A5, 24, 24A, 24B; tax map 50, parcels 5, 5B, 32A, 41A, 41Q, 42A, 42A1, 43, 45B, 47, 47A, 47B; tax map 51, parcels 13, 14. This district, created on June 18, 1986 for not more than 8 years, since amended at its last review on December 5, 2012 to continue for not more than 10 years, shall next be reviewed prior to December 5, 2022.

(5-11-94; 7-13-94; 4-12-95; Code 1988, § 2.1-4(d); Ord. 98-A(1), 8-5-98; Ord. 01-3(3), 8-8-01; Ord. 02-3(3), 7-10-02; Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10; Ord. 11-3(2), 7-6-11; Ord. 11-3(4), 12-7-11; Ord. 12-3(2), 12-5-12; Ord. 15-3(1), 12-2-15)

### **Sec. 3-209 Buck Mountain Agricultural and Forestal District.**

The district known as the "Buck Mountain Agricultural and Forestal District" consists of the following described properties: Tax map 8, parcels 16A, 16C, 17E, 17F, 37, 43A, 44; tax map 17, parcels 2D6, 26B, 26C, 26C1, 26C2, 26C3, 31 (part), 32. This district, created on January 4, 1989 for not more than 10 years and last reviewed on September 2, 2009, shall next be reviewed prior to September 2, 2019.

(4-12-95; Code 1988, § 2.1-4(o); Ord. 98-A(1), 8-5-98; Ord. 99-3(1), 1-13-99; Ord. 99-3(5), 10-6-99; Ord. 09-3(2), 9-2-09; Ord. 09-3(4), 12-2-09)

### **Sec. 3-209.5 Buck's Elbow Mountain Agricultural and Forestal District.**

The district known as the "Buck's Elbow Mountain Agricultural and Forestal District" consists of the following described properties: Tax map 25, parcel 1; tax map 38, parcels 4, 7, 8, 10, 20; tax map 39, parcels 1, 1D, 1F, 1F1, 1G, 2B, 8, 10A, 21Q, 21R, 21Z. This district, created on December 2, 2009 for not more than 10 years, shall next be reviewed prior to December 2, 2019.

(Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10; Ord. 11-3(2), 7-6-11; Ord. 11-3(4), 12-7-11)

### **Sec. 3-210 Carter's Bridge Agricultural and Forestal District.**

The district known as the "Carter's Bridge Agricultural and Forestal District" consists of the following described properties: Tax map 101, parcels 55A, 60; tax map 102, parcels 17A, 17B, 17B1, 17C, 17D, 18, 19, 19A, 19C, 20B; tax map 111, parcel 48; tax map 112, parcels 1, 3, 15, 15A, 16E, 16E1, 16E2, 16F2, 16J, 16K, 18H, 19E, 19F, 20, 21, 33A, 37D; tax map 113, parcels 1, 1A, 6A, 11A, 11F, 11F1, 11F2, 11F3, 11G, 11G1, 11G2, 11G3, 11H, 11I, 11J, 11K; tax map 114, parcels 2, 25A, 30, 31B, 31C, 31D, 51, 55, 56, 57, 57C, 57D, 67C, 67D, 67E, 67F, 67G, 67H, 67H1, 17I(part), 68, 69, 70; tax map 115, parcel 10; tax map 122, parcels 4, 4A, 6, 7, 8, 9, 10, 12, 12D, 12E, 12N, 18, 18D, 33, 33A, 36; tax map 123, parcel 13B; tax map 124, parcel 11; tax map 130, parcel 19B. This district, created on April 20, 1988 for not more than 10 years and last reviewed on July 9, 2008, shall next be reviewed prior to July 9, 2018.

(Code 1988, § 2.1-4(j); Ord. 98-A(1), 8-5-98; Ord. 98-3(1), 9-9-98; Ord. 99-3(2), 2-10-99; Ord. 99-3(4), 5-12-99; Ord. 08-3(1), 7-9-08; Ord. 09-3(4), 12-2-09; Ord. 12-3(2), 12-5-12; Ord. 15-3(1), 12-2-15; Ord. 16-3(1), 10-5-16)

### **Sec. 3-211 Chalk Mountain Agricultural and Forestal District.**

The district known as the "Chalk Mountain Agricultural and Forestal District" consists of the following described properties: Tax map 97, parcels 2, 21A1, 21B, 21B1, 21C, 21D, 22, 22A, 22B, 27; tax map 98, parcels 1G (part), 11, 12, 13, 14; tax map 99, parcel 30. This district, created on September 6, 1989 for not more than 10 years and last reviewed on December 2, 2009, shall next be reviewed prior to December 2, 2019.

(Code 1988, § 2.1-4(r); Ord. 98-A(1), 8-5-98; Ord. 99-3(5), 10-6-99; Ord. 00-3(1), 4-19-00; Ord. 09-3(4), 12-2-09; Ord. 12-3(1), 7-11-12)

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### **Sec. 3-212 Eastham Agricultural and Forestal District.**

The district known as the "Eastham Agricultural and Forestal District" consists of the following described properties: Tax map 46, parcels 91B, 91C, 91E; tax map 47, parcel 17B; tax map 63, parcels 1, 1A, 1A1, 2, 4, 14G, 14H, 14I, 26, 26A, 27, 28, 28A, 30F, 30G, 41A, 41A1, 41A2. This district, created on October 2, 1985 for not more than 10 years and last reviewed on August 6, 2014, shall next be reviewed prior to August 6, 2024.

(12-8-93; 5-11-94; Code 1988, § 2.1-4(c); Ord. 98-A(1), 8-5-98; Ord. 04-3(2), 4-14-04; Ord. 09-3(4), 12-2-09; Ord. 14-3(1), 8-6-14; Ord. 15-3(1), 12-2-15)

### **Sec. 3-212.5 Fox Mountain Agricultural and Forestal District.**

The district known as the "Fox Mountain Agricultural and Forestal District" consists of the following described properties: Tax Map 14, parcels 26A, 26B, 26C; tax map 15, parcels 1, 10A. This district, created on December 2, 2009 for not more than 10 years, shall next be reviewed prior to December 2, 2019.

(Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10; Ord. 10-3(3), 12-1-10)

### **Sec. 3-213 Free Union Agricultural and Forestal District.**

The district known as the "Free Union Agricultural and Forestal District" consists of the following described properties: Tax map 7, parcels 6, 7, 8A, 9, 9A, 9B, 9B1, 9C, 33; tax map 16, parcels 4B, 4C, 13A, 13D, 15A, 15A3, 15C, 15E, 15G, 16B, 17, 26, 30B, 36, 37, 52B1, 52B2, 54; tax map 17, parcels 8B, 8C, 17C, 18H, 20A2, 22, tax map 29, parcels 1D, 1H (part), 31A. This district, created on September 21, 1988 for not more than 10 years and last reviewed on October 8, 2008, shall be next reviewed prior to October 8, 2018.

(Code 1988, § 2.1-4(m); Ord. 98-A(1), 8-5-98; Ord. 98-3(1), 9-9-98; Ord. 08-3(3), 10-8-08; Ord. 09-3(4), 12-2-09)

### **Sec. 3-213.5 Glen Oaks Agricultural and Forestal District.**

The district known as the "Glen Oaks Mountain Agricultural and Forestal District" consists of the following described properties: Tax map 93A5, parcels K2A11, K2A12, K2A13; tax map 94, parcels 15A1, 15A2. This district, created on December 7, 2011 for not more than 10 years, shall next be reviewed prior to December 7, 2021.

(Ord. 11-3(4), 12-7-11; Ord. 13-3(1), 12-4-13)

### **Sec. 3-213.6 Green Mountain Agricultural and Forestal District.**

The district known as the "Green Mountain Agricultural and Forestal District" consists of the following described properties: Tax map 120, parcels 15A, 15B, 16C, 18A, 18A1; tax map 121, parcel 2. This district, created on December 2, 2015 for not more than 10 years, shall next be reviewed prior to December 2, 2025.

(Ord. 15-3(1), 12-2-15)

### **Sec. 3-214 Hardware Agricultural and Forestal District.**

The district known as the "Hardware Agricultural and Forestal District" consists of the following described properties: Tax map 72, parcel 51C; tax map 73, parcels 38, 39C7, 41A, 41B1, 41B2, 42, 42A, 43, 44; tax map 74, parcels 6H, 6N, 26, 28, 28B; tax map 75, parcels 4A, 5; tax map 86, parcels 14, 16, 16A, 16C, 16D, 16E, 16F, 16H, 27, 27A; tax map 87, parcels 10, 13A, 13E (part consisting of 89.186 acres), 16A; tax map 88, parcels 2A, 3M, 3R, 3T, 3U, 3V, 6A, 20A, 20B, 20C, 20D, 20F, 23, 23E, 23F, 24, 24A, 24B, 26B, 29, 40, 42; tax map 99, parcels 10(part), 29, 52, 52B. This district, created on November 4, 1987 for not more than 10 years and last reviewed on September 12, 2007, shall next be reviewed prior to September 12, 2017.

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(Code 1988, § 2.1-4(h); Ord. No. 98-A(1), 8-5-98; Ord. 00-3(2), 7-12-00; Ord. 07-3(2), 9-12-07; Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10; Ord. 10-3(3), 12-1-10; Ord. 12-3(1), 7-11-12; Ord. 13-3(1), 12-4-13; Ord. 14-13(2), 11-12-14; Ord. 15-3(1), 12-2-15)

### **Sec. 3-215 Hatton Agricultural and Forestal District.**

The district known as the "Hatton Agricultural and Forestal District" consists of the following described properties: Tax map 135, parcels 13, 13A, 13B, 14B, 15, 15A, 15C, 17, 18, 19, 22, 22A, 22C, 22C1, 22C2; tax map 136, parcels 2A, 6B, 8H, 9 (part), 9A2, 9B, 9C, 9D1, 9E. This district, created on June 29, 1983 for not more than 10 years and last reviewed on July 6, 2011, shall next be reviewed prior to July 6, 2021.

(Code 1988, § 2.1-4(a); Ord. 98-A(1), 8-5-98; Ord. 01-3(1), 6-20-01; Ord. 07-3(1), 7-11-07; Ord. 10-3(2), 7-7-10; Ord. 11-3(1), 7-6-11)

### **Sec. 3-216 High Mowing Agricultural and Forestal District.**

The district known as the "High Mowing Agricultural and Forestal District" consists of the following described properties: Tax map 84, parcel 69A; tax map 85, parcels 39, 39H, 41A, 41A1. This district, created on January 16, 1991 for not more than 10 years and last reviewed on December 1, 2010, shall next be reviewed prior to December 1, 2020.

(Code 1988, § 2.1-4(t); Ord. 98-A(1), 8-5-98; Ord. 01-3(1), 6-20-01; Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10)

### **Sec. 3-217 Ivy Creek Agricultural and Forestal District.**

The district known as the "Ivy Creek Agricultural and Forestal District" consists of the following described properties: Tax map 44, parcels 19, 19A, 19B, 20, 20A, 20B, 20C, 20D, 20E, 20F, 20G, 21A1, 21A2, 21C(part); tax map 45, parcels 5F, 5F4. This district, created on November 2, 1988 for not more than 7 years, since amended at its last review on December 4, 2013 to continue for not more than 10 years, shall next be reviewed prior to December 4, 2023.

(4-14-93; 2-14-96; Code 1988, § 2.1-4(n); Ord. 98-A(1), 8-5-98; Ord. 03-3(1), 7-9-03; Ord. 09-3(4), 12-2-09; Ord. 13-3(1), 12-4-13)

### **Sec. 3-218 Jacobs Run Agricultural and Forestal District.**

The district known as the "Jacobs Run Agricultural and Forestal District" consists of the following described properties: Tax map 19, parcels 25, 25A; tax map 19A, parcels 9, 22, 31; tax map 20, parcels 6J, 6S; tax map 30, parcel 32B; tax map 31, parcels 1, 1B, 4K, 8, 8E, 16, 16B, 44C, 45, 45B. This district, created on January 6, 1988 for not more than 6 years, since amended to continue for not more than 10 years and last reviewed on December 2, 2009, shall next be reviewed prior to December 2, 2019.

(3-2-94; Code 1988, § 2.1-4(i); Ord. 98-A(1), 8-5-98; Ord. 00-3(1), 4-19-00; Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10; Ord. 11-3(2), 7-6-11; Ord. 13-3(1), 12-4-13; Ord. 15-3(1), 12-2-15)

### **Sec. 3-219 Keswick Agricultural and Forestal District.**

The district known as the "Keswick Agricultural and Forestal District" consists of the following described properties: Tax map 48, parcels 30, 30A, 30B, 30C, 30D, 30E, 45, 46; tax map 63, parcels 39, 39A, 40, 42A; tax map 64, parcels 5, 7, 7A, 8A, 9, 10, 10A, 10B, 10C, 10D, 11, 12, 13, 13A, 14; tax map 65, parcels 13, 14A, 14A1, 31C1, 31C3, 31D, 32; tax map 79, parcel 46; tax map 80, parcels 1, 2, 2A, 2C, 3A, 3A1, 3G, 3H, 3I, 4, 61D, 88, 114A, 115, 164, 169, 169A, 169C, 169C1, 174, 176, 176A, 182, 183A, 190, 192, 194; tax map 81, parcels 1, 8A, 11H, 15A6, 15B, 63, 69, 72, 73, 74, 79. This district, created on September 3, 1986 for not more than 10 years and last reviewed on November 12, 2014, shall next be reviewed prior to November 12, 2024.

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(10-12-94; 4-12-95; 8-13-97; Code 1988, § 2.1-4(e); Ord. 98-A(1), 8-5-98; Ord. 04-3(3), 11-3-04; Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10; Ord. 11-3(4), 12-7-11; Ord. 12-3(1), 7-11-12; Ord. 13-3(1), 12-4-13; Ord. 14-3(2), 11-12-14; Ord. 15-3(1), 12-2-15)

**Sec. 3-220 Kinloch Agricultural and Forestal District.**

The district known as the "Kinloch Agricultural and Forestal District" consists of the following described properties: Tax map 49, parcels 5C, 6A1; tax map 50, parcels 13, 19; tax map 65, parcels 7, 7A, 8, 84A, 86, 89, 90, 91, 91A, 92, 93A, 93A1, 94, 94A, 94B, 94C, 95, 95A, 100, 121; tax map 66, parcels 2, 3C, 3G, 32, 32D, 32E, 34 (Albemarle part only), 34B. This district, created on September 3, 1986 for not more than 10 years and last reviewed on November 12, 2014, shall next be reviewed prior to November 12, 2024.

(11-17-93; 10-12- 94; Code 1988, § 2.1-4(f); Ord. 98-A(1), 8-5-98; Ord. 00-3(3), 9-13-00; Ord. 04-3(3), 11-3-04; Ord. 09-3(5), 12-9-09; Ord. 10-3(2), 7-7-10; Ord. 14-3(2), 11-12-14)

**Sec. 3-221 Lanark Agricultural and Forestal District.**

The district known as the "Lanark Agricultural and Forestal District" consists of the following described properties: Tax map 90, parcels 12, 14A; tax map 90B, parcel A-11; tax map 91, parcels 21, 21A, 31; tax map 92, parcels 64, 64A, 64C; tax map 102, parcels 33, 35, 35A, 35B, 35C, 37, 40, 40B, 40C; tax map 103, parcels 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1H1, 1J, 1K, 1L, 1M, 2A, 2B, 2E, 3, 3A, 3B, 3C, 3G, 5, 9, 10A, 10B, 10D, 43, 43D, 43F, 43J, 43L, 43L1, 43M, 68 (part). This district, created on April 20, 1988 for not more than 10 years and last reviewed on July 9, 2008, shall next be reviewed prior to July 9, 2018.

(Code 1988, § 2.1-4(k); Ord. 98-A(1), 8-5-98; Ord. 98-3(1), 9-9-98; Ord. 99-3(2), 2-10-99; Ord. 99-3(5), 10-6-99; Ord. 08-3(1), 7-9-08; Ord. 09-3(4), 12-2-09; Ord. 15-3(1), 12-2-15)

**Sec. 3-222 Moorman's River Agricultural and Forestal District.**

The district known as the "Moorman's River Agricultural and Forestal District" consists of the following described properties: Tax map 27, parcels 32, 34, 34A, 40, 40A, 40A1, 42, 42A; 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 32B, 32D, 34B, 35, 35B, 37A, 37B, 37C, 38; 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; tax map 30, parcels 10, 10A, 10C, 12, 12C, 12C1, 12D, 23; 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; 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; 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, 24, 25A, 25B, 30, 30A, 30B, 30B1, 30B2, 30B3, 30B4, 30G, 30H, 30M, 30N, 32H, 33, 33E, 34D1, 41, 42, 43, 44, 45, 45C, 45D; 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; tax map 57, parcel 69; tax map 58, parcels 65A4, 65E, 65I; tax map 59, parcels 32, 32A, 34, 35, 82A; tax map 60E3, parcel 1. This district, created on December 17, 1986 for not more than 10 years and last reviewed on November 12, 2014, shall be next reviewed prior to November 12, 2024.

(4-14-93; 12-21-94; 4-12-95; 8-9-95; Code 1988, § 2.1-4(g); Ord. 98-A(1), 8-5-98; Ord. 99-3(4), 5-12-99; Ord. 00-3(1), 4-19-00; Ord. 04-3(4), 12-1-04; Ord. 05-3(2), 7-6-05; Ord. 08-3(2), 8-6-08; Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10; Ord. 14-3(2), 11-12-14; Ord. 15-3(1), 12-2-15)

**Sec. 3-223 North Fork Moorman's River Agricultural and Forestal District.**

The district known as the "North Fork Moorman's River Agricultural and Forestal District" consists of the following described properties: Tax map 4, parcels 1, 2, 3, 4. This district, created on

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November 17, 1993 for not more than 10 years and last reviewed on August 6, 2014, shall next be reviewed prior to August 6, 2024.

(11-17-93; Code 1988, § 2.1-4(v); Ord. 98-A(1), 8-5-98; Ord. 04-3(2), 4-14-04; Ord. 14-3(1), 8-6-14)

### **Sec. 3-224 Panorama Agricultural and Forestal District.**

The district known as the "Panorama Agricultural and Forestal District" consists of the following described properties: Tax map 31, parcel 21E; tax map 44, parcels 9A, 9C, 12, 12Q, 12X, 12Y, 12Z; tax map 45A, section 1, parcel 27. This district, created on April 20, 1988 for not more than 10 years and last reviewed on July 9, 2008, shall next be reviewed prior to July 9, 2018.

(6-14-95; Code 1988, § 2.1-4(l); Ord. 98-A(1), 8-5-98; Ord. 98-3(1), 9-9-98; Ord. 99-3(3), 3-17-99; Ord. 08-3(1), 7-9-08)

### **Sec. 3-225 Pasture Fence Mountain Agricultural and Forestal District.**

The district known as the "Pasture Fence Mountain Agricultural and Forestal District" consists of the following described properties: Tax map 13, parcels 1, 5, 8, 10, 12. This district, created on November 17, 1993 for not more than 10 years and last reviewed on August 6, 2014, shall next be reviewed prior to August 6, 2024.

(11-17-93; 7-13-94; Code 1988, § 2.1-4(u); Ord. 98-A(1), 8-5-98; Ord. 04-3(2), 4-14-04; Ord. 14-3(1), 8-6-14)

### **Sec. 3-225.5 South Garden Agricultural and Forestal District.**

The district known as the "South Garden Agricultural and Forestal District" consists of the following described properties: Tax map 99, parcels 35, 102; tax map 109, parcel 70; tax map 110, parcels 8, 10, 18, 18E, 27; tax map 119, parcel 2. This district, created on October 6, 1999 for not more than 7 years, since amended at its last review on October 5, 2016 to continue for not more than 10 years, shall next be reviewed prior to October 5, 2026.

(Ord. 99-3(5), 10-6-99; Ord. 06-3(1), 10-4-06; Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10; Ord. 16-3(1), 10-5-16)

### **Sec. 3-226 Sugar Hollow Agricultural and Forestal District.**

The district known as the "Sugar Hollow Agricultural and Forestal District" consists of the following described properties: Tax map 25, parcels 11C, 12, 13, 14, 14A, 14B, 14C, 18, 18A, 18B, 21, 21A, 24, 25, 26, 27, 28; tax map 26, parcels 5A, 10, 10B, 10D, 10F, 10G, 11C, 11D, 12A, 13, 14F, 19, 40B, 40C, 41A, 52, 52D; tax map 27, parcels 8, 8E (part), 24A, 25, 26; tax map 39, parcels 2, 2A, 3, 4, 13C3, 14, 15, 25, 25A; tax map 40, parcels 1, 9, 9C, 9D (part), 9E, 10, 10A, 10B, 10C, 22, 22A, 27A, 46C1, 49. This district, created on September 6, 1989 for not more than 10 years and last reviewed on December 2, 2009, shall next be reviewed prior to December 2, 2019.

(11-17-93; Code 1988, § 2.1-4(q); Ord. 98-A(1), 8-5-98; Ord. 99-3(5), 10-6-99; Ord. 02-3(1), 1-9-02; Ord. 02-3(2), 4-3-02; Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10; Ord. 11-3(4), 12-7-11)

### **Sec. 3-227 Totier Creek Agricultural and Forestal District.**

The district known as the "Totier Creek Agricultural and Forestal District" consists of the following described properties: Tax map 121, parcels 70A, 70D, 70E, 72C, 85, 85A; tax map 122, parcels 5, 5A; tax map 127, parcel 39; tax map 128, parcels 13, 14A, 14B, 14C, 14D, 27, 29, 30, 72; tax map 129, parcels 3, 5, 6, 6A, 7A, 7D, 9; tax map 130, parcels 1, 5A; tax map 134, parcels 3, 3A, 3B, 3C, 3D, 3E, 3F, 3G, 3H, 3I, 3J, 3K, 3L; tax map 135, parcels 7, 10. This district, created on June 29, 1983 for not more than 10 years and last reviewed on July 6, 2011, shall next be reviewed prior to July 6, 2021.

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(Code 1988, § 2.1-4(b); Ord. 98-A(1), 8-5-98; Ord. 01-3(1), 6-20-01; Ord. 11-3(1), 7-6-11; Ord. 13-3(1), 12-4-13)

**Sec. 3-228 Yellow Mountain Agricultural and Forestal District.**

The district known as the "Yellow Mountain Agricultural and Forestal District" consists of the following described properties: Tax map 54, parcels 41, 43, 43A, 43D, 71B; tax map 55, parcel 15; tax map 70, parcels 15, 15A, 15D, 15E, 15G, 29, 37B, 37B1 (part), 37D (part), 37K, 37L; tax map 71, parcels 2B, 22, 22A, 22B, 22K, 64, 64A. This district, created on March 8, 1989 for not more than 10 years and last reviewed on September 2, 2009, shall next be reviewed prior to September 2, 2019.

(Code 1988, § 2.1-4(p); Ord. 98-A(1), 8-5-98; Ord. 99-3(1), 1-13-99, Ord. 99-3(4), 5-12-99; Ord. 09-3(3), 9-2-09; Ord. 09-3(4), 12-2-09)

**ARTICLE III. DISTRICTS OF LOCAL SIGNIFICANCE**

**DIVISION 1. PROCEDURE**

**Sec. 3-300 Minimum size and location of district.**

Each agricultural and forestal district of local significance shall have a core of no less than twenty-five (25) acres in one parcel or in contiguous parcels, provided that any noncontiguous parcel that is not a part of the core may be included in a district if: (i) the nearest boundary of the noncontiguous parcel is within one-quarter mile of the core; and (ii) the noncontiguous parcel had previously been included in a district of local significance. The land included in a district shall be located entirely within Albemarle County.

(9-15-93; Code 1988, § 2.1.1-2; Ord. 98-A(1), 6-17-98; Ord. 11-3(3), 8-3-11)

*State law reference--*Va. Code § 15.2-4405.

**Sec. 3-301 Creation of district.**

Each agricultural and forestal district of local significance shall be created as provided herein:

A. *Application.* On or before November 1 of each year, an owner or owners of land may submit an application to the department of community development for the creation of a district. An application shall be signed by each owner of land to be included within the district. The application shall be made on a form developed and provided by the director of planning. Each submitted application shall be accompanied by: (i) a tax map showing the boundaries of the proposed district and each addition, and the boundaries of properties owned by each applicant; and (ii) the fee required by section 3-306.

B. *Initiation of application review.* Upon receipt of an application for a district, the planning commission shall:

1. Accept the application at a regularly scheduled meeting;
2. Direct the department of community development to provide notice of the application pursuant to Virginia Code § 15.2-4405(C)(1); and
3. Refer the application to the advisory committee for review and comment.

C. *Evaluation criteria.* Each application shall be evaluated as provided herein:

1. All land within the district shall be devoted to agricultural, horticultural, forestal or open space use at the time of the application, except that a reasonable amount of residential or other use,

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not exceeding five (5) acres per district and related to the agricultural, horticultural, forestal or open space use, may be included.

2. If the land is located in the rural areas identified in the comprehensive plan, then the owner shall have first attempted to include the land in a new or existing agricultural and forestal district of statewide significance.

3. If the land is located in a development area identified in the comprehensive plan, then a district shall be created only to protect either:

(a) Open space resources including stream valleys, mountains, wooded areas, buffer areas, or civic or cultural features, as identified on the growth areas open space composite maps; or

(b) Existing, bona fide agricultural and/or forestal operations as evidenced by a history of investment in farm or forest improvements, such as the regular production and sale of farm and/or forest products from the property during the last five (5) years, or other commitments to continuing agricultural or forestal use in the district. In the event such evidence of commitment is not available, the owner shall submit a notarized affidavit which describes the existing, bona fide agricultural and/or forestal use of the property. In addition, if the land is used for agricultural or horticultural purposes, the owner shall have obtained, or shall make or have made a request for, a current conservation plan with the Natural Resource Conservation Service. If the land is used for forestry, the owner shall have obtained, or shall make or have made a request for, a current conservation plan with the Virginia Department of Forestry or a private consultant.

4. Whether the land is currently enrolled in the land-use value assessment program.

D. *Advisory committee review.* Upon referral of an application by the planning commission, the advisory committee shall review and make recommendations concerning the application and any proposed modifications to the planning commission.

E. *Planning commission review.* Upon receipt of the report of the advisory committee on an application, the planning commission shall conduct a public hearing on the application and any proposed modifications, and thereafter report its recommendations to the board of supervisors, as provided herein:

1. In conducting its review, the planning commission shall evaluate the application not only as provided in paragraph (C), but also shall consider the potential effect of the district and any proposed modifications on the county's planning policies and objectives.

2. Upon conclusion of the public hearing, the planning commission shall direct the department of community development to publish and provide the notice required by section Virginia Code § 15.2-4405(E).

F. *Hearing by board of supervisors.* After receiving the reports of the planning commission and the advisory committee, the board of supervisors shall hold a public hearing on the application as provided in Virginia Code § 15.2-4405(E).

G. *Action on application.* After a public hearing, the board of supervisors may by ordinance create a district as applied for or with any modifications it deems appropriate, as provided herein.

1. The ordinance shall be adopted pursuant to the conditions and procedures provided in Virginia Code § 15.2-4406, and shall be subject to the conditions provided in section 3-302.

2. The board of supervisors shall act to either adopt the ordinance creating the district, or reject the application, or any modification to it, within one year from the November 1 by which the application was received.

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(9-15-93; Code 1988, §§ 2.1.1-2, 2.1.1-4; Ord. 98-A(1), 8-5-98; Ord. 09-3(1), 6-10-09)

**State law reference--**Va. Code § 15.2-4405.

**Sec. 3-302 Effect of district creation.**

The land within an agricultural and forestal district of local significance shall be subject to the following upon the creation of the district:

A. *Prohibition of development to more intensive use.* As a condition to creation of the district, no parcel within the district, including a parcel added to an existing district, shall be developed to a use more intensive than that existing on the date of creation of the district, other than uses resulting in more intensive agricultural or forestal production, for eight (8) years from the date of adoption of the ordinance creating the district.

B. *Applicability of comprehensive plan and zoning and subdivision ordinances.* The comprehensive plan and the zoning and subdivision ordinances shall apply within each district to the extent that the ordinances do not conflict with conditions of creation or continuation of the district, or the purposes of this chapter and Chapter 44 of Title 15.2 of the Code of Virginia.

C. *Consideration of district in taking certain actions.* The county shall consider the existence of a district and the purposes of this chapter and Chapter 44 of Title 15.2 of the Code of Virginia in its comprehensive plan, ordinances, land use planning decisions, administrative decisions and procedures affecting parcels of land adjacent to the district.

D. *Availability of land use-value assessment.* Land within a district and used for agricultural or forestal production shall automatically qualify for an agricultural or forestal use-value assessment pursuant to Article 4 of Chapter 32 of Title 58.1 of the Code of Virginia, if the requirements for such assessment contained therein are satisfied.

(9-15-93; Code 1988, § 2.1.1-5; Ord. 98-A(1), 8-5-98)

**State law reference--**Va. Code § 15.2-4406.

**Sec. 3-303 Addition of land to district.**

One or more parcels may be added to an existing agricultural and forestal district of local significance. The procedure for adding such parcels shall be as provided for the creation of a new district.

(Ord. 98-A(1), 8-5-98)

**State law reference--**Va. Code § 15.2-4405.

**Sec. 3-304 Review of district; continuation, modification or termination.**

Each agricultural and forestal district of local significance shall be reviewed as provided herein:

A. *Review period.* Each district shall be reviewed within eight (8) years of the date of its creation, and shall thereafter be reviewed within eight (8) years of the date of each prior review.

B. *Initiation of district review.* At least ninety (90) days before the expiration of the period of review of the district, the planning commission shall refer the district to the advisory committee for review.

C. *Advisory committee review.* Upon referral of the district by the planning commission, the advisory committee shall review the district and report to the planning commission its recommendations as to whether to terminate, modify or continue the district.

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D. *Planning commission review.* Upon receipt of the report of the advisory committee on a district, the planning commission shall conduct a public hearing. The planning commission shall report to the board of supervisors its recommendations, together with the advisory committee's recommendations, as to whether to terminate, modify or continue the district.

E. *Hearing by board of supervisors.* After receiving the reports of the planning commission and the advisory committee, the board of supervisors shall conduct a public hearing on the district.

F. *Action on review.* After the public hearing, the board of supervisors may terminate, modify or continue the district. If the board continues the district, it may impose conditions different from those imposed when the district was created or last reviewed.

G. *Effect of failure to complete review by review date.* A district shall not terminate by the failure of the board of supervisors to take action pursuant to paragraph (F) by the review date set forth in the section of this chapter pertaining to the district.

(9-15-93; Code 1988, § 2.1.1-5; Ord. 98-A(1), 8-5-98)

**State law reference--**Va. Code § 15.2-4406.

### **Sec. 3-305 Withdrawal of land from district.**

After the planning commission initiates the review of a district and before the board of supervisors acts to create, continue, modify or terminate the district, an owner of land may withdraw the land from the district by filing a written notice of withdrawal with the department of community development.

(Ord. 98-A(1), 8-5-98; Ord. 09-3(1), 6-10-09)

**State law reference--**Va. Code § 15.2-4407.

### **Sec. 3-306 Fees.**

A fee of fifty (\$50) dollars shall be paid at the time an application to create an agricultural and forestal district of local significance is filed. The fee shall be in the form of cash or in a check payable to the "County of Albemarle." A fee shall not be charged for the addition of land to a district or for the review of a district.

(9-15-93; Code 1988, § 2.1.1-4; Ord. 98-A(1), 8-5-98)

**State law reference--**Va. Code § 15.2-4403.

## **DIVISION 2. DISTRICTS**

### **Sec. 3-307 Nortonville Local Agricultural and Forestal District.**

The district known as the "Nortonville Local Agricultural and Forestal District" consists of the following described properties: Tax map 8, parcels 26, 26B and 28 (part consisting of 2 acres). This district, created on October 6, 1999 for a period of 8 years, since amended to continue for not more than 10 years and last reviewed on September 12, 2007, shall next be reviewed prior to September 12, 2017.

(Ord. 99-3(5); 10-6-9; Ord. 07-3(3), 9-12-07)