

COUNTY OF ALBEMARLE STAFF REPORT

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| Project Name: AFD202400003 Eastham District Review | Staff: James Van Vranken, Planner |
| Agricultural and Forestal District Advisory Committee Meeting: November 4, 2024 | |
| Planning Commission Public Hearing: December 17, 2024 | Board of Supervisors Public Hearing: February 5, 2025 |
| Proposal: Periodic review of the Eastham 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When a district is reviewed, land within the district may be withdrawn at the owner's discretion by filing a written notice with the Board at any time before the Board acts to continue, modify, or terminate the district.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 November 2018, 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.

Also 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 202400003 EASTHAM DISTRICT REVIEW

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

Sec. 3-213 Eastham Agricultural and Forestal District.

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

A. Date created. The district was created on October 2, 1985.

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

1. Tax map 46: parcels 91B, 91C, 91E.

2. Tax map 47: parcel 17B.

3. Tax map 63: parcels 1, 1A, 1A1, 2, 4, 14G, 14H, 14I, 26, 26A, 27, 28, 28A, 30F, 30G, 41A, 41A1, 41A2.

C. Review. The district is reviewed once every ten years and will next be reviewed prior to August 6, 2024.

The District is located on either side of Stony Point Road (Rt. 20), northeast of Charlottesville and halfway to Stony Point (see Attachment A), and includes 22 parcels and 1,029 acres. No withdrawal requests have yet been received.

Agricultural and Forestal District Significance: Of the 1,029 acres in the Eastham District, 808 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 Eastham District includes approximately 32 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. Seven of the parcels in the District, totaling 587 acres, are under conservation easements. A total of 370 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, floodplains, 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 October 16, 2024.

No withdrawal requests have so far been received.

Development Potential: The District includes 11 parcels, totaling 183 acres, that have no remaining development potential and are recommended not to continue in the District.

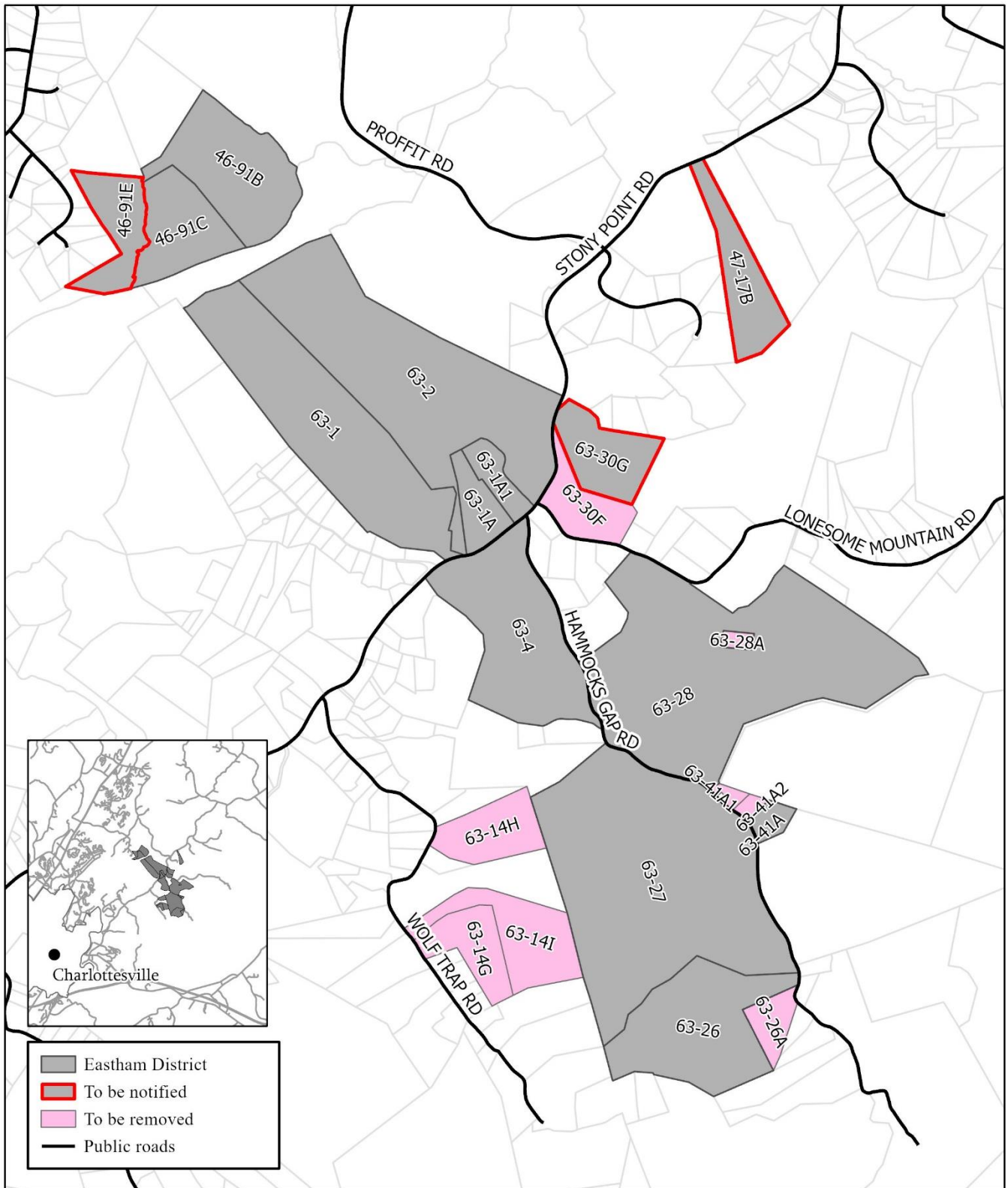
| Parcel | Owner | Acreage |
|----------------|--|---------|
| 046000000091E0 | MCGUIRE, JANET L | 23.00 |
| 047000000017B0 | HENRY, GARY F & SUZANNE E HENRY, TRUSTEES U/T HENRY LIVING TRUST | 27.82 |
| 063000000014G0 | JAMISON, SCOTT F OR CYNTHIA O | 21.00 |
| 063000000014H0 | CALHOUN, BENTON H & MARY KATHRYN CALHOUN | 21.00 |
| 063000000014I0 | WARREN, CAROLYN B TRUST | 30.00 |
| 063000000026A0 | MESSINGER, RICHARD B OR KORI F | 9.76 |
| 063000000028A0 | MANGHAM, JOEL R OR MICHELLE D | 2.14 |
| 063000000030F0 | ZEISLER, AARON M OR INGRID N | 21.36 |
| 063000000030G0 | EL MARARAY LLC | 22.72 |
| 063000000041A1 | GENTRY, ALISSA ANN | 2.00 |
| 063000000041A2 | MANGHAM, JOEL R & MICHELE D MANGHAM | 2.09 |

Three of the parcels (highlighted) are in Open Space taxation. This is the District’s first review since 2018, so—as per the review policy—the district should be renewed for five years and the owners of these parcels should be notified of possible removal at the end of that period. All other parcels listed in the table are recommended not to continue.

Staff Recommendation: Staff recommends that the Committee recommend renewal of the Eastham District, with the above-noted removals, for another 5-year period.

Attachments:

- A. Eastham AF District Map



AFD202400003 Eastham District Review

