

**COUNTY OF ALBEMARLE  
STAFF REPORT**

<b>Project Name:</b> AFD202400001 Ivy Creek District Review	<b>Staff:</b> James Van Vranken, Planner
<b>Agricultural and Forestal District Advisory Committee Meeting:</b> November 4, 2024	
<b>Planning Commission Public Hearing:</b> December 17, 2024	<b>Board of Supervisors Public Hearing:</b> February 5, 2025
<b>Proposal:</b> Periodic review of the Ivy Creek 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When a district is reviewed, land within the district may be withdrawn at the owner’s discretion by filing a written notice with the Board at any time before the Board acts to continue, modify, or terminate the district.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 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 202400001 IVY CREEK DISTRICT REVIEW**

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

*Sec. 3-221 Ivy Creek Agricultural and Forestal District.*

*The district known as the "Ivy Creek Agricultural and Forestal District" was created and continues as follows:*

*A. Date created. The district was created on November 2, 1998.*

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

*1. Tax map 44: parcels 18, 19, 19A, 19B, 20, 20A, 20B, 20C, 20D, 20E, 20F, 20G, 21A1, 21A2, 21A3, 21C (part).*

*2. Tax map 45: parcels 5F, 5F4.*

*C. Review. The district is reviewed once every ten years and will next be reviewed prior to December 4, 2023.*

The District is located either side of Woodlands Road, to the west of the South Fork Rivanna Reservoir (see Attachment A), and includes 19 parcels and 249 acres. No withdrawal requests have so far been received.

Agricultural and Forestal District Significance: Of the 249 acres in the Ivy Creek District, 231 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 Ivy Creek District includes approximately 19 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 seven parcels in the District, totaling 141 acres, that are under conservation easements. A total of 21 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, 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.

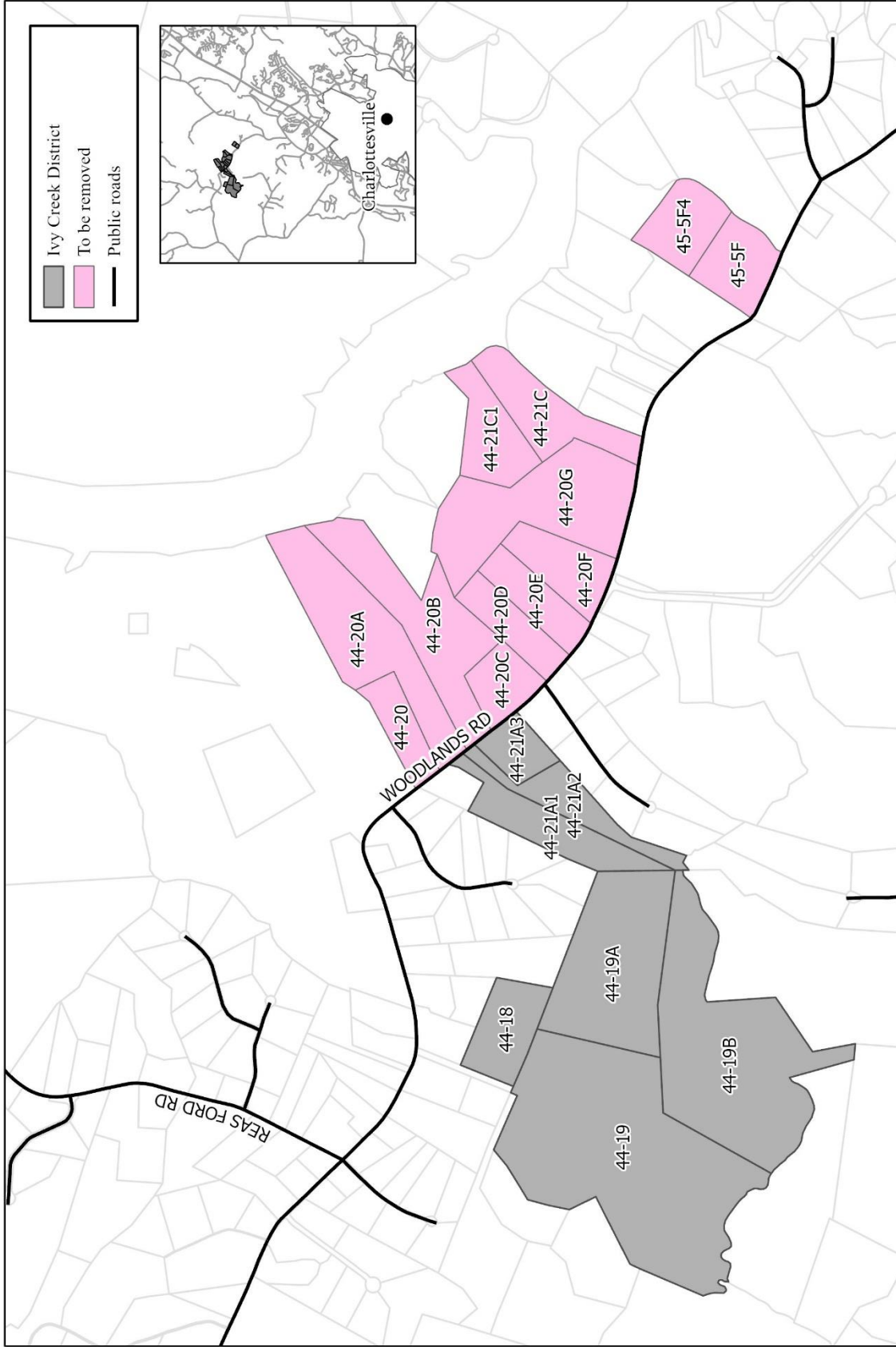
Development Potential: The District includes 12 parcels, totaling 123 acres, that have no remaining development potential and are recommended not to continue in the District. None of these parcels are in Open Space taxation.

<b>Parcel</b>	<b>Owner</b>	<b>Acreage</b>
0440000002000	CHESLER, DAVID L	5.06
04400000020A0	GERBER, MATTHEW J & ANGENETTE MEANEY	21.11
04400000020B0	SHAPOWAL, ANDRIY	21.02
04400000020C0	COHN, HENRY M & DEBORAH S COHN	5.28
04400000020D0	ZELJKOVIC, TAMARA & ZELJKO ZELJKOVIC	5.69
04400000020E0	LONDEN, RONALD C & CHRISTINE A LONDEN	5.81
04400000020F0	MCLEAN, JAKE & MARIA MCLEAN	6.09
04400000020G0	MORRIS, JAMES A OR VICKI H	21.86
04400000021C0	KAREN D PAPE TRUST C/O KAREN D PAPE, TRUSTEE	2.09*
04400000021C1	KING, MICHAEL L TRUSTEE OF THE MICHAEL L KING TRUST	0.48*
04500000005F0	KAMKE, PAUL BURTON	6.92
04500000005F4	HAMMER, ALLEN L, TRUSTEE OF THE ALLEN L HAMMER REVOCABLE TRUST AGREEMENT JULY 6, 2022	7.00

Staff Recommendation: Staff recommends that the Committee recommend renewal of the Ivy Creek District, with the above-noted removals, for another 10-year period.

**Attachments:**

- A. Ivy Creek AF District Map



AFD202400001 Ivy Creek District Review