

**Minutes of Albemarle County Natural Heritage Committee (NHC) Meeting
April 4, 2021 – Virtual Meeting on Zoom**

Committee Members: Christine Putnam, Peggy Cornett, Kate Mallek, Emily Luebke, Bruce Gatling-Austin, Leah Jung, Lonnie Murray

Absent: Kennon Williams, Nancy Weiss,

Other Attendees: Tom Olivie, Rod and Maggie Walker (BR Prism)

Staff: Kim Biasioli, Carolyn Schaffer, Scott Clark

There was a quorum of seven members present, and Christine called the meeting to order at 5:32.

Welcome to guests.

Peggy moved approval of the agenda, Emily seconded. Approved by a roll call vote.

Lonnie moved approval of the minutes, Bruce seconded. Approved by a roll call vote.

Rural Area Planning - Q&A with Scott Clark

How can the NHC protect and conserve biodiversity in the Rural Area? What opportunities are there for that to happen in a more concrete way?

Rural Land Planning & Zoning

Q: What guidance is in place for solar farms?

- There is guidance from Planning Commission on topics covered in staff reports (erosion, water impacts, impact to future land use, conversion from forest use, etc.). Supplemental regulations specific to solar utility facilities are not developed yet; there is a need.

Q: What opportunities are there for conservation zoning to be incorporated into the comp plan update?

- This could be considered with a comp plan update. There are lots of different types of conservation zoning.
- There is no designation for green space in the Rural Area (as in DA). Historical maps had agricultural and conservation zoning proposed. A more detailed land use plan for Rural Area has been proposed in the past and could be re-examined.
- **ACTION ITEM:** NHC can research other locality's ordinances (e.g. Greene Co. conservation overlay; Loudon Co.) to help inform staff and comp plan update.

Q: Many other localities have "A1" Agricultural zoning, but our primary zoning in the rural area is residential. Has there been any discussion of the benefits of adopting agricultural zoning, for example, on all current parcels enrolled in land use?

- No. Localities define A1 or Agricultural differently – no state standard. The zoning ordinances for many of these localities may not actually protect agriculture or prime soils, despite their stated purposes.

Q: What rural area zoning discrepancies need to be addressed in the zoning ordinance update related to conservation?

- Might be 20-50 uses permitted in the Rural Area that are not rural land uses (e.g. golf courses). High political ask. This is a big question that could be explored piece by piece at another time.

Q: Since clustering is no longer enabled, are there other ways to achieve the same objective, like reducing the maximum lot size of new rural subdivisions?

- Still enabled, but if any changes are made to Albemarle's clustering ordinance in the Rural Area, then it needs to come into compliance with what is enabled at the state level (not appropriate for Rural Areas). Solution is to get fixed at state level.
- Reducing maximum lot size would help – recommended in 2003-2005 comp plan review but not adopted. Current regs and clustering ordinance allow ~6 acre lots. Changes would need to be supported by BOS.
- Rural Preservation Development – still allowed; clusters small lots with leftover preservation tracts. This is voluntary, not frequently used, and a more complicated process. Preservation tract has to be at least 40 acres.
- 2 ac/21 ac pattern is not leading to a sustainable Rural Area.

Q: Addressing parcelization, particularly “barcoding” has been identified in the BAP and the policy committee as a priority. What tools does the county have that it could use to address this beyond conservation easements? For example, could it require that the ratio of length to width not exceed a certain percentage? (to avoid these bizarre linear parcels).

- Do have provisions about odd shaped lots, setbacks, building sites. Could be very complicated and not achieve much – density and pattern on landscape is more important.

Q: Other than lower density, are there any mechanisms for encouraging retention of the natural landscape in the Rural Area (such as clustering of development)?

- Conservation easements strongest tool we have. Little that zoning can do/typically does (other than density requirements). Does not get into management or character of the land.

Q: What is a Rural Area subdivision?

- Rural division – type of subdivision. 2 lots or 2 or more lots >5 ac.
- Pattern of lot sizes layed out in zoning ordinance is really what is important; different types of subdivisions are just different checklists of platting requirements.

Q: For smaller properties where an easement may not be practical, is there an administrative way to abandon development rights? (understanding that this leaves open the ability of the County to “upzone” or add back those rights.)

- We do not have that tool. Have done easements as small as 9-10 acres where that makes sense.

Q: If a property is truly conservation or agriculture use, is there a way to voluntarily reduce development rights to zero so no residence is permitted?

- Conservation easement is the only option - very few of these exist.

Use-Value Taxation ("Land Use")

- Land assessed for its current rural land use, rather than highest and best use.

Q: To what degree is open space a recognized land use designation in Albemarle County?

- Open space has multiple meanings. Open Space is a designated comp plan use category for parts of DA that are undevelopable and good for recreation. Open space is also a tax category in the Rural Areas, for parcels dedicated for conservation uses (one of the 4 categories for qualifying for use-value taxation).

Q: What are the criteria for open space with land use assessment?

- There are qualifying factors in the tax code for each category.
- Ag is 5 acres, plus % of income from farming. Forestry is 20 acres and management plan required.
- Open Space category – 20 acres: Open Space Use Agreement, Ag/Forestral district, or Conservation Easement.
- Nothing similar for habitat restoration/conservation practices. Difficult to standardize. Might be opportunity to recommend policies to the Board.
- New enabling language re: soil and water conservation programs – add to website; inform assessor's office. Assessor could issue statement or guidance supporting this.

ACTION ITEM – Kim will open a conversation with county assessor as a first step.

- Open Space Category – could also explore value for promoting carbon sequestration, conservation/ecosystem service/sequestration area as a desired use; upcoming carbon credit programs, comp plan update is an opportunity to advocate for this. Staff would need time to understand what we are and are not enabled to do.

ACTION ITEM – NHC can advocate for this work & provide policy recommendations during the comp plan update.

ACTION ITEM – NHC can research other counties' ordinances and determine if other localities have different criteria for open space land use assessment category; help inform staff.

Q: What is an open space use agreement?

- Contract between landowner and Co. for landowner to not develop property. Not permanent (4-10 yrs); extremely restrictive; primarily done to qualify for land use assessment.

Q: Why do we allow family subdivisions of open-space parcels? Isn't the whole point to avoid to avoid subdivision?

- Allowed in ag/forestral districts (not open-space). State standards for holding land in family (15 yrs before/after the sale)- Albemarle is 4 yrs before/after.

Q: Are there other counties in Virginia that use the open space category to conserve and protect natural areas?

- We don't know at this time. **ACTION ITEM** – Research other localities.

Q: Since other land use categories besides open space have such prescribed qualifications by the enabling legislation, couldn't we simply opt-out of ones like forestry and require parcels to qualify under open space instead of where we'd have more control over the criteria?

- Yes, but this is not likely to happen. It would be contradictory for the County to say it supports rural land uses and not offer forestry/ag categories.

Building Permit Questions

Q: Is there any guidance or educational materials provided to general contractors or owner/builders about environmental protections or good land stewardship practices?

- No, compliance with ordinances (e.g. WPO) is required, but there is not a lot of general education on these topics.

Q: Do building permits for residence or outbuildings on farm properties have different rules than residential-only properties?

- Requirements for farm buildings are different in the Rural Area; residences are the same.

Q: Since the two acres a home is on does not qualify for land use, does the county consider that two acres not exempt from the water protection ordinance, even if it is on an otherwise "agricultural" property?

- No, these are two separate programs (tax & WPO) – unrelated. Land use taxation category may be used to determine if a property is 'ag'; we do not currently require restoration of former ag lands. WPO applies to site plans (not typically required in the Rural Area); unclear what requirements are for residential development (building permit or subdivision).

Q: Once a farm has been converted to residential use, what requirements are in place to require mitigation for "farm ponds", inappropriately placed farm roads and restoration of vegetative buffers?

- We still need clarification on this. **ACTION ITEM** – Kim to check with County Engineer.

Follow ups

- Subcommittee Reports
 - Education – Met on 3/30/21.
 - Working on landowner welcome packet as a vehicle for getting information on conservation opportunities to new landowners. Blue Ridge Prism would love to have brochures included. Michael is working on a cover letter.
ACTION ITEM – Kim to follow up on new landowner list from County.
 - Christine is working with ACPR on conservation mowing at Darden Towe. Exploring educational signage and spreading word through CAPE.
 - Wildlife
 - Southern Albemarle Connectivity project continuing.
 - Leah is examining potential wildlife corridors in the NW part of the County. Interest in possible enhancements to improve wildlife passage at the Mechums at 250 where a new roundabout is being installed.
 - Policy – No update

Other Matters

- New location of golden club, County-rare plant identified. Lonnie to visit site in the spring.

The meeting was adjourned at 7:30. Next meeting date is May 6th, 2021.