

## COUNTY OF ALBEMARLE STAFF REPORT

<b>Project Name:</b> AFD202100005 Totier Creek District Review	<b>Staff:</b> Scott Clark, Senior Planner II
<b>Agricultural and Forestal District Advisory Committee Meeting:</b> June 23, 2021	
<b>Planning Commission Public Hearing:</b> August 3, 2021	<b>Board of Supervisors Public Hearing:</b> September 3, 2021
<b>Proposal:</b> Periodic review of the Totier 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When a district is reviewed, land within the district may be withdrawn at the owner’s discretion by filing a written notice with the Board at any time before the Board acts to continue, modify, or terminate the district.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 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.

## **AFD202100005 TOTIER CREEK DISTRICT REVIEW**

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

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

- A. Date created. The district was created on June 29, 1983.
- B. Lands within the district. The district is composed of the following described lands, identified by parcel identification number:
  1. Tax map 121: parcels 70A, 70D, 70E, 72C, 85, 85A.
  2. Tax map 122: parcels 5, 5A.
  3. Tax map 127: parcel 39.
  4. Tax map 128: parcels 13, 14A, 14B, 14C, 14D, 27, 29, 30, 72.
  5. Tax map 129: parcels 3, 5, 6, 6A, 7A, 7D, 9.
  6. Tax map 130: parcels 1, 5A.
  7. Tax map 134: parcels 3, 3A, 3B, 3C, 3D, 3E, 3F, 3G, 3H, 3I, 3J, 3K, 3L.
  8. Tax map 135: parcels 7, 10.
- C. Review. The district is reviewed once every ten years and will next be reviewed prior to July 6, 2021.

The District is located in the vicinity of Esmont and Keene (see attached map), and includes 6,773 acres.

Agricultural and Forestal District Significance: Of the 6,773 acres in the Totier Creek District, 5,107 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 Totier Creek District includes approximately 37 dwellings. (This count includes all addressable structures in the District, and so may include any barns or other large structures with addresses.)

Local Development Patterns: The District consists of a mix of open land and forest. There are 26 parcels in the District, totaling 3,369 acres, that are under conservation easements. A total of 2,513.7 acres in the District are in the County's use-value taxation program, indicating that they are in agricultural, forestal, 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

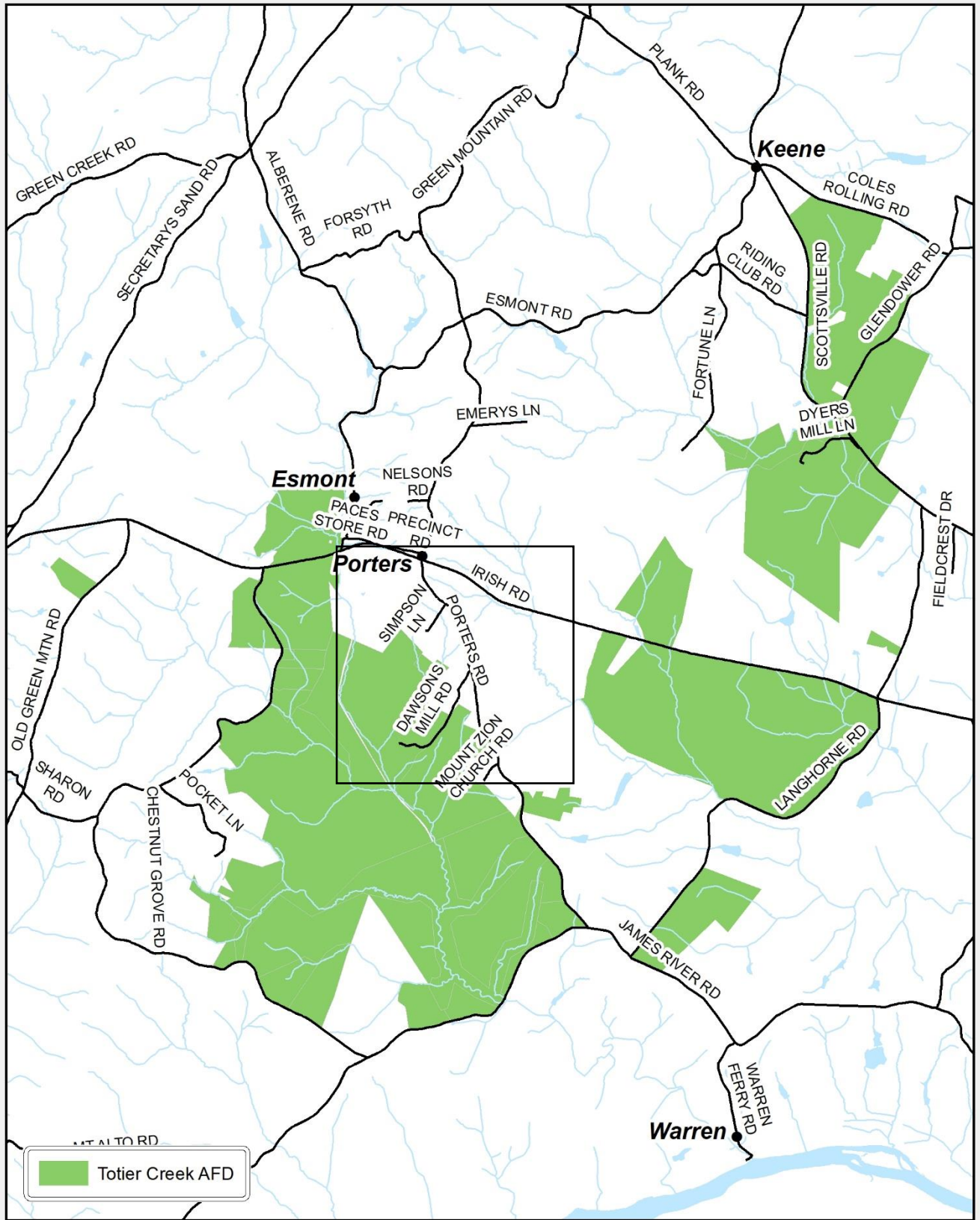
Environmental Benefits: Conservation of this area will help maintain the environmental integrity of the County and aids in the protection of ground and surface water, agricultural soils, mountain resources, critical slopes, and wildlife habitat.

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 May 28, 2021.

No withdrawal requests have yet been received.

Appropriate Review Period: The District includes no parcels that are in the Open Space tax category. Therefore the appropriate review period is ten years.

Staff Recommendation: Staff recommends that the Committee recommend renewal of the Totier Creek District for ten years.



**AFD202100005 Totier Creek District Review**



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