

ALBEMARLE COUNTY CODE

Chapter 3

Agricultural And Forestal Districts

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Article 1. Administration

Sec. 3-100 Purpose.

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

(§§ 1, 2, 6-8-83; § 2.1-1, 12-16-87; § 3-100, Ord. 98-A(1), 8-5-98; Ord. 18-3(1), 11-7-18)

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

Sec. 3-101 State and County policies to be promoted.

This chapter protects paramount public interests and shall be liberally construed to effectuate its purpose stated in County Code § 3-100 and the following policies:

- A. *Production of food and other agricultural and forestal products.* It is the policy of the State and the County to conserve and protect and to encourage the development and improvement of the Commonwealth's agricultural and forestal lands for the production of food and other agricultural and forestal products.
- B. *Provide essential open spaces.* It is also the policy of the State and the County to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, watershed protection, wildlife habitat, as well as for aesthetic purposes.
- C. *Strong agricultural and forestal economy.* It is the policy of the County to support a strong agricultural and forestal economy.
- D. *Protect and preserve natural resources and retain continuous and unfragmented land.* It is the policy of the County to protect and preserve natural resources, which include mountains, hills, valleys, rivers, streams, groundwater, and retain continuous and unfragmented land for agriculture, forestry, biodiversity, and natural resource protection.

(§ 3-101, Ord 18-3(1), 11-7-18)

State law reference-Va. Code § 15.2-4301.

Sec. 3-102 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and terminate agricultural and forestal districts of either statewide or local significance, and authorize lands to be withdrawn from agricultural and forestal districts, as provided in this chapter and in Virginia Code §§ 15.2-4300 et seq. and 15.2-4400 et seq.

(§§ 1, 2, 6-8-83; § 2.1.1-1; 9-15-93; Code 1988, § 2.1-1; § 3-101; Ord. 98-A(1), 8-5-98; Ord. 18-3(1), 11-7-18)

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

Sec. 3-103 Planning Commission; powers and duties.

The Planning Commission has the following powers and duties in administering this chapter:

- A. *Evaluate applications.* The Commission shall evaluate all applications to create, modify, renew, continue, and terminate an agricultural and forestal district as provided in this chapter.
- B. *Conduct public hearings.* The Commission shall conduct public hearings as provided by this chapter and Virginia Code §§ 15.2-4300 et seq. and 15.2-4400 et seq.
- C. *Make recommendations.* The Commission shall report its recommendations to the Board of Supervisors.
- D. *Other powers and duties.* The Commission shall have all other powers and duties granted to it pursuant to Virginia Code §§ 15.2-4300 et seq. and 15.2-4400 et seq.

(§ 3-102, Ord. 98-A(1), 8-5-98; § 3-103, Ord. 18-3(1), 11-7-18)

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

Sec. 3-104 Advisory Committee established; membership; appointment and term of office of members; powers and duties.

An Advisory Committee is hereby established, subject to the following:

- A. *Composition.* The Committee shall be composed of 10 members appointed by the Board of Supervisors. The Committee shall be composed of four landowners who are engaged in agricultural or forestal production, four other landowners of the County, the County Assessor, and one member of the Board of Supervisors.
- B. *Terms.* The terms of the eight landowner members of the Committee are as follows:
 - 1. *Length of terms; staggered terms.* Each landowner-member is appointed for a four-year term. The terms are staggered so that two landowner-members' terms expire each year.
 - 2. *Term limit.* A landowner-member may serve up to two consecutive terms, provided that a landowner-member appointed to complete the unexpired term of another may be appointed to serve up to two additional consecutive four-year terms. The term limit does not apply if the Board of Supervisors is unable to find a qualified person to appoint as a successor landowner-member within six months after the expiration of the members' term after conducting a reasonable search, in which case the member may be appointed for an additional term.
 - 3. *Holdover until successor appointed.* A landowner-member whose term expires shall continue to serve until a successor is appointed.

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- C. *Serve at pleasure of the Board of Supervisors.* The members of the Committee shall serve at the pleasure of the Board of Supervisors.
- D. *Compensation and reimbursement.* The members of the Committee shall serve without compensation. The Board of Supervisors may, in its discretion, reimburse members for their actual and necessary expenses incurred in the performance of their duties.
- E. *Officers.* 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. *Advisory role.* The Committee shall advise the Planning Commission and the Board of Supervisors on:
 - 1. *District-related matters.* 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.
 - 2. *Rural Area-related matters.* Matters pertaining to the Rural Area of the County that may affect agriculture or forestry.

(§ 3-103, Ord. 98-A(1), 8-5-98; Ord. 05-3(1), 3-2-05; § 3-104, Ord. 18-3(1), 11-7-18)

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

Sec. 3-105 Program administrator.

The Director of Planning is hereby appointed the administrator of the County’s agricultural and forestal district program.

(§ 3-104, Ord. 11-3(3), 8-3-11; 3-105, Ord. 18-3(1), 11-7-18)

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

Sec. 3-106 Definitions.

The following definitions apply to this chapter:

Agricultural production means the production for commercial purposes of crops, livestock and livestock products and, in agricultural and forestal districts of statewide significance, includes the processing or retail sales by the producer of crops, livestock or livestock products which are produced on the parcel or in the district.

Agricultural products means crops, livestock and livestock products, including but not limited to, field crops, fruits, vegetables, horticultural specialties, cattle, sheep, hogs, goats, horses, poultry, furbearing animals, milk, eggs, and furs.

Agriculturally and forestally significant land means: (i) in an agricultural and forestal district of statewide significance, land that has recently or historically produced agricultural and forestal products, is suitable for agricultural or forestal production or is considered appropriate to be retained for agricultural and forestal production as determined by such factors as soil quality, topography, climate, markets, farm structures, and other relevant factors; and (ii) in an agricultural and forestal district of local significance, land that has historically produced agricultural and forestal products, or land that the Advisory Committee considers good agricultural and forestal land based upon such factors as soil quality, topography, climate, markets, farm improvements, agricultural and forestry economics and technology, and other relevant factors.

District means: (i) in Article 2, an agricultural and forestal district of statewide significance; and (ii) in Article 3, an agricultural and forestal district of local significance.

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Forestal production means the production for commercial purposes of forestal products and includes the processing or retail sales, by the producer, of forestal products which are produced on the parcel or in the district.

Forestal products includes, but is not limited to, saw timber, pulpwood, lumber, posts, firewood, Christmas trees and other tree and wood products for sale or for farm use.

Landowner and *owner of land* mean any person holding a fee simple interest in real property within a proposed or existing district, but does not mean the holder of an easement.

Member of the immediate family means the natural or legally defined off-spring, grandchild, grandparent, parent, or sibling of the owner of property.

(§ 3-106, Ord. 18-3(1), 11-7-18)

State law reference-Va. Code §§ 15.2-4302, 15.2-4402.

Sec. 3-107 Appeals of any decision by the Director of Planning.

Any decision made by the Director of Planning pursuant to this chapter may be appealed to the Board of Supervisors as follows:

- A. *Persons having right to appeal.* Any landowner aggrieved by a decision of the Director of Planning may file an appeal.
- B. *Written appeal required; timing for filing; contents.* An appeal shall be in writing and be filed with the Clerk for the Board of Supervisors within 30 days after the date of the Director of Planning's decision. The appeal shall identify the landowner and the parcel, and shall state the grounds for the appeal.
- C. *Consideration of appeal by the Board of Supervisors.* The Board of Supervisors may affirm, reverse, or modify in whole or in part the Director of Planning's decision. The Board shall give due consideration to the decision of the Director of Planning and the applicable criteria or standards relied on by the Director, the purpose and policies of this chapter, the information provided by the landowner, and any other information it deems necessary for a proper review of the appeal.
- D. *Time for decision.* The Board of Supervisors shall make a decision on the appeal within 90 days after the appeal is filed.

(§ 3-107, Ord. 18-3(1), 11-7-18)

Article 2. Districts of Statewide Significance

Division 1. Procedure

Sec. 3-200 Minimum size and location of parcels in a district.

Each district is subject to the following:

- A. *Minimum core when district created.* Each district shall have a core of at least 200 acres in one parcel or in contiguous parcels when the district is created.
- B. *Parcels not part of core eligible to be in district.* Any parcel that is not part of the core may be included in a district, either at the time the district is created or added after the district is created in the following circumstances:
 1. Within one mile of the core. If the nearest boundary of the parcel is within one mile of the boundary of the core.

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2. *Contiguous to a parcel in the district that is within one mile of the core.* If the parcel is contiguous to a parcel in the district and that parcel's nearest boundary is within one mile of the core.
 3. *Beyond one mile of the core.* If the Board of Supervisors finds, in consultation with the Advisory Committee and the Planning Commission, that the parcel, although it is not part of the core and is not within one mile of the boundary of the core contains agriculturally and forestally significant land.
- C. *District may include parcels in another locality.* The parcels 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.

(§ 3-200, Ord. 98-A(1), 8-5-98; Ord. 11-3(3), 8-3-11; Ord. 18-3(1), 11-7-18)

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

Sec. 3-201 Creating a district.

Each district shall be created as follows:

- A. *Application.* On or before any application date set by the-Director of Planning, any landowner may submit an application to create a district to the Director. The application shall be made on a form developed and provided by the Director and shall be signed by each landowner whose land is proposed to be included in the district. Each submitted application shall include: (i) maps, 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 County Code § 3-206.
- B. *Referring the application.* Upon receiving an application for a district, the Director shall refer the application to the Advisory Committee.
- C. *Advisory Committee review.* Upon receiving 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 Committee shall apply the criteria in subsection (F) when it reviews an application.
- D. *Planning Commission review.* Upon receiving 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 subsection (F) when it reviews an 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 the Board of Supervisors.*

After receiving the Planning Commission's and the Advisory Committee's reports:

1. *Public hearing.* The Board of Supervisors shall hold a public hearing on the application.
2. *Notice of the public hearing.* The Clerk for the Board shall ensure that notice of the public hearing is published as provided by Virginia Code § 15.2-1427(F). The Director of Planning shall provide written notice to all landowners in the proposed district by first class mail. Any conditions on creating the district and the review period shall be described, either in the application or in a written notice provided by the Director of Planning by first-class mail to all landowners in the proposed district and published in a newspaper having a general circulation in the district at least two weeks before adoption of an ordinance creating a district.

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3. *Factors to be considered when acting.* The Board of Supervisors shall reasonably consider the recommendations of the Advisory Committee and the Planning Commission, the criteria in subsection (F), and any other relevant factors when it considers and acts on an application.
 4. *Action.* After the public hearing, the Board of Supervisors may, by ordinance, create a district as applied for. If the Board desires to impose any conditions on the creation of the district or its review period, the Board shall not act on the ordinance until notice is given as provided in subsection (E)(2) and a second public hearing is held.
 5. *Time for action.* The Board of Supervisors shall act either to adopt the ordinance creating the district or reject the application, or any modification to it, within 180 days after the application date set by the Director of Planning under which the application was received.
- F. *Criteria.* The Advisory Committee, the Planning Commission, and the Board of Supervisors shall apply the following criteria when they review an application:
1. *Agricultural and forestal significance of the land.* The agricultural and forestal significance of the land within the district and in areas adjacent to the district; in evaluating the agricultural and forestal significance of the 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 other relevant factors;
 2. *Significant agricultural or forestal lands not in active production.* The presence of any significant agricultural or forestal lands within the district and in areas adjacent to the district that are not now in active agricultural or forestal production, considering the maps, factors, markets, and other information described in subsection (F)(1);
 3. *Uses other than active farming or forestry.* The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent to the district;
 4. *Development patterns.* Local development patterns and needs;
 5. *Comprehensive Plan and zoning regulations.* The Comprehensive Plan and the applicable zoning regulations;
 6. *Environmental benefits.* The environmental benefits of retaining the lands in the district for agricultural and forestal uses;
 7. *Development rights.* Whether any parcel has one or more development rights that would allow the creation of one or more parcels less than 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 21 acres in size; and
 8. *Other.* Any other relevant matter.

(§ 2.1-2; 6-8-83, §§ 3, 4, 5; 12-16-87; 12-11-91; 7-1-92; Code 1988, § 2.1-2; § 3-201, 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; Ord. 18-3(1), 11-7-18)

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

Sec. 3-202 Effect of creating a district.

Any lands within a district are subject to the following:

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- A. *Prohibition to develop to a more intensive use.* As a condition to creating a district, any parcel within the district shall not be developed to a more intensive use than that existing on the date the district was created, subject to the following:
1. *More intensive agricultural or forestal production is not development to a more intensive use.* Any parcel may be developed for uses resulting in more intensive agricultural or forestal production.
 2. *Residential uses and occupancy deemed not to be development to a more intensive use; exceptions.* Residential uses on any parcel within a district that are allowed by right in the Rural Areas zoning district are allowed, including the construction and placement of a dwelling unit, regardless of the size of the parcel, subject to the following occupancy requirements:
 - a. *Occupancy by landowners and members of their immediate family.* Any dwelling unit may be occupied by landowners and members of their immediate families, regardless of whether a portion of the dwelling unit is also occupied by one or more persons who are not members of the landowners' immediate family.
 - b. *Occupancy by members of the landowner's immediate family.* Any dwelling unit may be occupied by members of the landowner's immediate family and that members' family, unless the Board of Supervisors finds in a particular case that the occupancy would be incompatible with agriculture or forestry within the district.
 - c. *Occupancy by bona fide farm employees.* Any dwelling unit may be occupied by persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same parcel or parcels, and members of their immediate family, unless the Board of Supervisors finds in a particular case that the occupancy would be incompatible with agriculture or forestry within the district.
 - d. *Occupancy by others.* Any dwelling unit may be occupied by persons who are not identified in subsections (A)(2)(a) through (A)(2)(c), regardless of whether the landowner is receiving any consideration, provided that the occupancy is lodging for more than 30 consecutive days.
 - e. *Using a development right to add a dwelling unit to a parcel.* A development right may be used to add a dwelling unit to a parcel within a district.
 3. *Non-residential uses and other actions deemed not to be development to a more intensive use.* The following non-residential uses and other actions are deemed not to be developed to a more intensive use:
 - a. *Subdivisions of any parcel within a district where each resulting parcel is at least 21 acres.* The division of any parcel, or multiple parcels, within a district by subdivision pursuant to Chapter 14 where the size of each resulting parcel is at least 21 acres, provided that any proposed internal public or private street to serve any parcel in the subdivision is prohibited because it is development to a more intensive use.
 - b. *Subdivisions of any parcel where some land is within and some land is outside of a district.* The division of any parcel, or multiple parcels, where some land is within a district and some land is outside of a district, where the size of each resulting parcel within the district is at least 21 acres, provided that any internal public or private street to serve any parcel in the subdivision and within the district is prohibited because it is development to a more intensive use. A subdivision where some land is within and some land is outside of a district does not change the boundaries of the district.
 - c. *Subdivisions of any parcel within a district to use a development right.* The division of any parcel, or multiple parcels, within a district by subdivision pursuant to Chapter 14 in order to

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use a development right and to establish a dwelling unit on its own parcel, where the size of each resulting parcel is at least 21 acres.

- d. *Boundary line adjustments of parcels within a district where each resulting parcel is at least 21 acres.* A boundary line adjustment pursuant to Chapter 14 between two or more parcels within a district where the size of each resulting parcel is at least 21 acres.
 - e. *Boundary line adjustments of parcels where some land is within and some land is outside of a district.* A boundary line adjustment pursuant to Chapter 14 between two or more parcels, where some land is within a district and some land is outside of a district, where the size of each resulting parcel within the district is at least 21 acres. A boundary line adjustment where some land is within and some land is outside of a district does not change the boundaries of the district.
 - f. *Family subdivisions.* The division of any parcel within a district by family subdivision pursuant to Chapter 14, regardless of the size of the resulting parcels, provided that any internal public or private street to serve any parcel in the family subdivision is prohibited because it is development to a more intensive use.
 - g. *Parcel combinations.* The combination of parcels within a district, regardless of their size, pursuant to Chapter 14.
 - h. *Uses that are agricultural or forestal production allowed by right.* Any uses that are determined by the Director of Planning to be agricultural or forestal production and allowed by right in the Rural Areas zoning district, including the construction and placement of structures primarily serving that use, regardless of the size of the parcel.
 - i. *Uses that are agricultural or forestal production allowed by special use permit.* Any uses that are determined by the Director of Planning to be agricultural or forestal production and allowed by special use permit pursuant to the Rural Areas zoning district regulations in Chapter 18, including the construction and placement of structures primarily serving that use, regardless of the size of the parcel.
 - j. *By right uses and structures allowed in the Rural Areas zoning district.* Any proposed use or structure allowed by right in the Rural Areas zoning district, except for borrow areas and borrow pits.
 - k. *Special uses and structures allowed in the Rural Areas zoning district.* Any proposed use or structure allowed by special use permit in the Rural Areas zoning district, provided that the Board of Supervisors determines that the use or structure allowed by the special use permit is consistent with the purposes of this chapter.
- B. *Applicability of the Comprehensive Plan and the subdivision and zoning regulations.* The Comprehensive Plan and the subdivision and zoning regulations (County Code Chapters 14 and 18, respectively) shall apply within each district to the extent that the regulations do not conflict with any conditions to creating or continuing the district, or the purposes of this chapter and the Agricultural and Forestal Districts Act (Virginia Code § 15.2-4300 *et seq.*).
- C. *Limitation on the County 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 that are contrary to the purposes of this chapter and the Agricultural and Forestal Districts Act (Virginia Code § 15.2-4300 *et seq.*) unless the 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 for those uses, in accordance with the Comprehensive Plan and any County ordinances.

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- D. *Consideration of the district when the County is taking certain actions.* The County shall consider the existence of a district and the purposes and policies of this chapter and the Agricultural and Forestal Districts Act (Virginia Code § 15.2-4300 *et seq.*) in its Comprehensive Plan, ordinances, land use planning decisions, administrative decisions, and procedures affecting land adjacent to the district.
- E. *Availability of land use-value assessment.* Land within a district that is used for agricultural or forestal production shall automatically qualify for an agricultural or forestal use-value assessment pursuant to Virginia Code § 58.1-3229 *et seq.* if the requirements for use-value assessment established in that article 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 in a district subject to Virginia Code § 15.2-4313 shall be reviewed under that section. The Board of Supervisors shall have all of the rights and powers granted to it by Virginia Code § 15.2-4313.
- G. *Parcel created by division remains in the 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; § 3-202, Ord. 98-A(1), 8-5-98; Ord. 11-3(3), 8-3-11; Ord. 18-3(1), 11-7-18)

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

Sec. 3-203 Adding land to a district.

Land may be added to a district as follows:

- A. *Application.* On or before any application date set by the Director of Planning, any landowner may submit an application to the Director to add one or more parcels to an existing 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 added to the district.
- B. *Procedure.* The procedure for adding land to a district shall be the same procedure to create a district in County Code § 3-201(B) through (E).
- C. *Criteria to be applied by the Advisory Committee and the Planning Commission.* The Advisory Committee and the Planning Commission shall apply the criteria provided in County Code § 3-201(F) when they review an application.
- D. *Factors to be considered by the Board of Supervisors.* The Board of Supervisors shall reasonably consider the recommendations of the Advisory Committee and the Planning Commission, the criteria in County Code § 3-201(F), and any other relevant factors when it considers and acts on an application.
- E. *Effect of land added to a district.* Any land added to a district is subject to County Code § 3-202.

(§ 2.1-2; 6-8-83, §§ 3 through 5; 12-16-87; 12-11-91; 7-1-92; Code 1988, § 2.1-2; § 3-203, Ord. 98-A(1), 8-5-98; Ord. 11-3(3), 8-3-11; Ord. 16-3(2), 10-12-16; Ord. 18-3(1), 11-7-18)

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

Sec. 3-204 Reviewing a district; continuation, modification or termination.

Each district shall be reviewed as follows:

- A. *Review period.* Each district shall be reviewed within the period provided in the district's regulations set forth in County Code §§ 3-207 through 3-233.

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- B. *Initiating district review.* The Director of Planning shall refer the district to the Advisory Committee for review at least 90 days before the expiration of the period of review of the district.
- C. *Advisory Committee review.* Upon receiving the referral of the district from the Director of Planning, the Advisory Committee shall: (i) provide notice of a public meeting required by Virginia Code § 15.2-4311; (ii) provide the opportunity for the owners of land within the district to meet with the Committee at the public meeting; (iii) review the district by considering the criteria in County Code § 3-201(F)(2), (3), (4), (5), and (7), and any other relevant factors when it reviews a district; and (iv) after the public meeting, report to the Planning Commission its recommendations as to whether to continue, modify, or terminate the district.
- D. *Planning Commission review.* Upon receiving the report of the Advisory Committee on a district, the Planning Commission shall review the district by considering the recommendations of the Advisory Committee and the criteria in County Code § 3-201(F)(2), (3), (4), (5), and (7), and any other relevant factors when it reviews a district. In its discretion, the Commission may hold a public hearing. After it has reviewed the district and, if applicable, held a public hearing, the Commission shall then report to the Board of Supervisors its recommendations, together with the Committee's recommendations, as to whether to terminate, modify, or continue the district.
- E. *Hearing and action by the Board of Supervisors.* After receiving the Planning Commission's and the Advisory Committee's reports:
1. *Public hearing.* The Board of Supervisors shall hold a public hearing on the district review.
 2. *Notice of the public hearing.* The Clerk for the Board shall ensure that notice of the public hearing is published as provided by Virginia Code § 15.2-1427(F). If new or different conditions to continuing the district are proposed, the Director of Planning shall also provide written notice to all landowners in the district and publish notice in a newspaper having a general circulation in the district at least two weeks before adoption of an ordinance continuing a district.
 3. *Factors to be considered when acting.* The Board of Supervisors shall reasonably consider the recommendations of the Advisory Committee and the Planning Commission, the criteria in County Code § 3-201(F)(2), (3), (4), (5), and (7), and any other relevant factors when it reviews a district.
 4. *Action.* After the public hearing, the Board of Supervisors may, by ordinance, continue, modify, or terminate the district. If the Board desires to impose any conditions on continuing the district for which written notice was not previously provided, the Board shall not act on the ordinance until notice is given as provided in subsection (E)(2) and a second public hearing is held.
 5. *Time for action.* The Board of Supervisors shall act either to adopt the ordinance creating the district or reject the application, or any modification to it, within 180 days after the application date set by the Director of Planning under which the application was received.
- F. *Effect of failure to complete review by review date.* A district shall not terminate because the Board of Supervisors fails to act pursuant to subsection (E) by the district's review date.
- G. *If district is continued without modified conditions.* If the Board of Supervisors continues a district without modifying its conditions, the district shall continue as originally constituted, with the same conditions and review period previously established.
- H. *Board may determine review is unnecessary.* The Board of Supervisors may determine that a district review is unnecessary. If it does so, the Board shall set the date by which the next review will occur.

(§ 3-204, Ord. 98-A(1), 8-5-98; Ord. 09-3(1), 6-10-09; Ord. 11-3(3), 8-3-11; Ord. 18-3(1), 11-7-18)

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

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Sec. 3-205 Withdrawing land from a district.

Land may be withdrawn from an agricultural and forestal district of statewide significance as follows:

- A. *Withdrawal by right by the landowner before district is created.* An owner of land who joined in an application to create a district may withdraw the land, in whole or in part, by right before the Board of Supervisors acts to create the district. In order to withdraw the land from the application, the landowner shall file a written notice of withdrawal with the Clerk for the Board of Supervisors, who shall promptly forward the notice to the Director of Planning.
- B. *Withdrawal by right by the landowner during district review.* An owner of land within a district may withdraw the land from the district as a matter of right at any time between the date the Director of Planning refers the district to the Advisory Committee for review and the time the Board of Supervisors acts to continue, modify, or terminate the district. In order to withdraw the land from the district, the landowner shall file a written notice of withdrawal with the Clerk for the Board of Supervisors, who shall promptly forward the notice to the Director of Planning.
- C. *Withdrawal by right by certain successors to the deceased owner.* Any heir, devisee, surviving co-tenant, or personal representative (collectively, the “successor”) of a sole owner of any fee simple interest of land may withdraw the land from the district by right, upon the inheritance or descent of the land. In order to withdraw the land from the district, the successor shall file a written notice of withdrawal with the Clerk for the Board of Supervisors and the Department of Finance within two years after the date of death of the landowner. The Clerk shall promptly forward the notice to the Director of Planning.
- D. *Withdrawal in the discretion of the Board of Supervisors.* At any time after the district is created, an owner of land within the district may request to withdraw the land, in whole or in part, from the district, as follows:
 - 1. *Filing a written request.* The owner shall file a written request for withdrawal with the Director of Planning. The request shall identify the landowner, identify the land or part thereof proposed to be withdrawn by parcel identification number, state the reason for the request, and address the criteria for review stated in subsection (D)(2). The landowner shall pay the fee required by County Code § 3-206 when the request is filed.
 - 2. *Criteria for review.* A request to withdraw land from a district may be approved only for good and reasonable cause, based on the following criteria:
 - a. *No significant adverse impact.* The proposed new land use will not have a significant adverse impact on agricultural or forestal operations on land within the district; in considering this criterion, the land proposed to be withdrawn may be reevaluated through the Virginia Land Evaluation and Site Assessment (LESA) System;
 - b. *Consistent with the Comprehensive Plan.* The proposed new land use is consistent with the Comprehensive Plan;
 - c. *Consistent with the public interest.* 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 landowner; and
 - d. *Changed circumstances.* The proposed land use was not anticipated by the landowner 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 receiving a request to withdraw from the Director of Planning, the Advisory Committee shall review the request and report to the Planning Commission its recommendations. The Committee shall evaluate the request pursuant to the criteria in subsection (D)(2).

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4. *Planning Commission review.* Upon receiving the report of the Advisory Committee on a request to withdraw, the Planning Commission shall hold a public hearing and evaluate the request pursuant to the criteria in subsection (D)(2). The Planning Commission shall report to the Board of Supervisors its recommendations, together with the Committee's recommendations.
 5. *Hearing and action by Board of Supervisors.* After receiving the recommendations of the Planning Commission and the Advisory Committee:
 - a. *Public hearing.* The Board of Supervisors shall hold a public hearing on the request.
 - b. *Notice of the public hearing.* The Clerk for the Board shall ensure that notice of the public hearing is published as provided by Virginia Code § 15.2-1427(F). The Director of Planning shall also provide written notice to all landowners in the district at least two weeks before the public hearing.
 6. *Factors to be considered when acting.* The Board of Supervisors shall reasonably consider the recommendations of the Advisory Committee and the Planning Commission, the criteria in subsection (D)(2), and any other factors relevant to whether good and reasonable cause exists.
 7. *Action.* After the public hearing, the Board of Supervisors may, by ordinance, approve the request to withdraw, or it may disapprove the request.
 8. *Time for action.* The Board of Supervisors shall act within 180 days after the request is received by the Director of Planning.
- E. *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 be subject to all local laws and ordinances otherwise prohibited from applying to land within a district, as provided in County Code § 3-202(C). Withdrawing land from a district shall not, itself, terminate the district.

(§ 3-205, Ord. 98-A(1), 8-5-98; Ord. 09-3(1), 6-10-09; Ord. 11-3(3), 8-3-11; Ord. 18-3(1), 11-7-18)

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

Sec. 3-206 Fees.

A landowner is required to pay a fee to create or to withdraw land from a district as follows:

- A. *Amount.* The amount of the fees are:
 1. *Application to create a district.* The fee to apply to create a district pursuant to County Code § 3-201 is \$150.
 2. *Request to withdraw land from district.* The fee to withdraw land from a district pursuant to County Code § 3-205(D) is \$250.
- B. *When the fee must be paid.* The fee must be paid at the time the application or request is filed. An application or request shall not be filed if the required fee is not paid.
- C. *Form of payment accepted.* The fee must be paid in cash, by a check payable to the "County of Albemarle," or by any other means accepted by the County, provided that the County may add to any amount due the amount charged to the County for accepting any payment by a means that incurs a charge to the County or the amount negotiated and agreed to in a contract with the County, whichever is less.

(§ 2.1-2; 6-8-83, § 3-5; 12-16-87, 12-11-91, 7-1-92; Code 1988, § 2.1-2; § 3-206, Ord. 98-A(1), 8-5-98; Ord. 18-3(1), 11-7-18)

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

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Division 2. Districts

Sec. 3-207 Batesville Agricultural and Forestal District.

The district known as the “Batesville Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on May 2, 1990.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 - 1. Tax map 70: parcels 40, 40A.
 - 2. Tax map 71: parcels 23A, 23C, 24B, 24C, 24C1, 26, 26A, 26B, 26B1, 26B2, 26C, 27A, 29C, 29D, 29E, 29G, 29H, 29I.
 - 3. Tax map 84: parcels 35A, 69.
 - 4. Tax map 85: parcels 3, 3A (part), 4J, 17, 17B, 21, 21D, 21D1, 22B, 22C, 30D, 31.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to April 14, 2020.

(Code 1988, § 2.1-4(s); § 3-207, 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; Ord. 18-3(1), 11-7-18)

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

The district known as the “Blue Run Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on June 18, 1986.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 - 1. Tax map 22: parcel 10.
 - 2. Tax map 35: parcels 22, 23, 24A, 26, 26B, 26B1, 26C, 26D, 28A, 29, 31, 32A, 37A1, 41A, 41A1, 41E, 43.
 - 3. Tax map 36: parcels 6A, 9, 20.
 - 4. Tax map 49: parcels 4A1, 4A5, 24, 24A, 24B.
 - 5. Tax map 50: parcels 5, 5B, 32A, 41A, 41Q, 42A, 42A1, 43, 45B, 47, 47A, 47B.
 - 6. Tax map 51: parcels 13, 14.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to December 5, 2022.

(5-11-94; 7-13-94; 4-12-95; Code 1988, § 2.1-4(d); § 3-208, 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; Ord. 18-3(1), 11-7-18)

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

The district known as the “Buck Mountain Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on January 4, 1989.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 - 1. Tax map 8: parcels 16A, 16C, 17E, 17F, 37, 43A, 44.
 - 2. Tax map 17: parcels 2D6, 26B, 26C, 26C1, 26C2, 26C3, 31 (part), 32.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to September 2, 2019.
(4-12-95; Code 1988, § 2.1-4(o); § 3-209, 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; Ord. 18-3(1), 11-7-18)

Sec. 3-210 Buck’s Elbow Mountain Agricultural and Forestal District.

The district known as the “Buck’s Elbow Mountain Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on December 2, 2009.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 - 1. Tax map 25: parcel 1.
 - 2. Tax map 38: parcels 4, 7, 8, 10, 20.
 - 3. Tax map 39: parcels 1, 1D, 1F, 1F1, 1G, 2B, 8, 10A, 21Q, 21R, 21Z.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to December 2, 2019.
(§ 3-209.5, 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; § 3-210, Ord. 18-3(1), 11-7-18)

Sec. 3-211 Carter’s Bridge Agricultural and Forestal District.

The district known as the “Carter’s Bridge Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on April 20, 1988.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 - 1. Tax map 101: parcels 55, 60.
 - 2. Tax map 102: parcels 17A, 17B, 17B1, 17C, 17D, 18, 19, 19A, 19C, 20B.

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3. Tax map 111: parcel 48.
4. Tax map 112: parcels 1, 3, 15, 15A, 16E, 16E1, 16E2, 16F2, 16J, 16K, 18H, 19E, 19F, 20, 21, 33A, 37D.
5. Tax map 113: parcels 1, 1A, 6A, 11A, 11F, 11F1, 11F2, 11F3, 11G, 11G1, 11G2, 11G3, 11H, 11I, 11J, 11K.
6. 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.
7. Tax map 115: parcel 10.
8. Tax map 122: parcels 4, 4A, 6, 7, 8, 9, 10, 12, 12D, 12E, 12N, 18, 18D, 33, 33A, 36.
9. Tax map 123: parcel 13B.
10. Tax map 124: parcel 11.
11. Tax map 130: parcel 19B.

C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to July 9, 2018.

(Code 1988, § 2.1-4(j); § 3-210, 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; § 3-211, Ord. 18-3(1), 11-7-18)

Sec. 3-212 Chalk Mountain Agricultural and Forestal District.

The district known as the “Chalk Mountain Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on September 6, 1989.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 1. Tax map 97: parcels 2, 21A1, 21B, 21B1, 21C, 21D, 22, 22A, 22B, 27.
 2. Tax map 98: parcels 1G (part), 11, 12, 13, 14.
 3. Tax map 99: parcel 30.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to December 2, 2019.

(Code 1988, § 2.1-4(r); § 3-211, 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; § 3-212, Ord. 18-3(1), 11-7-18)

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.

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- 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 10 years and will next be reviewed prior to August 6, 2024.

(12-8-93; 5-11-94; Code 1988, § 2.1-4(c); § 3-212, 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; § 3-213, Ord. 18-3(1), 11-7-18)

Sec. 3-214 Fox Mountain Agricultural and Forestal District.

The district known as the “Fox Mountain Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on December 2, 2009.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
1. Tax map 14: parcels 26A, 26B, 26C.
 2. Tax map 15: parcels 1, 10A.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to December 2, 2019.

(§ 3-212.5, Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10; Ord. 10-3(3), 12-1-10; § 3-214, Ord. 18-3(1), 11-7-18)

Sec. 3-215 Free Union Agricultural and Forestal District.

The district known as the “Free Union Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on September 21, 1988.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
1. Tax map 7: parcels 6, 7, 8A, 9, 9A, 9B, 9B1, 9C, 33.
 2. Tax map 16: parcels 4B, 4C, 13A, 13D, 15A, 15A3, 15C, 15E, 15G, 16B, 17, 26, 30B, 36, 37, 52B1, 52B2, 54.
 3. Tax map 17: parcels 8B, 8C, 17C, 18H, 20A2, 22.
 4. Tax map 29: parcels 1D, 1H (part), 31A.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to October 8, 2018.

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(Code 1988, § 2.1-4(m); § 3-213, 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; § 3-215, Ord. 18-3(1), 11-7-18)

Sec. 3-216 Glen Oaks Agricultural and Forestal District.

The district known as the “Glen Oaks Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on December 7, 2011.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 - 1. Tax map 93A5: parcels K2A11, K2A12, K2A13.
 - 2. Tax map 94: parcels 15A1, 15A2.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to December 7, 2021.

(§ 3-213.5, Ord. 11-3(4), 12-7-11; Ord. 13-3(1), 12-4-13; § 3-216, Ord. 18-3(1), 11-7-18)

Sec. 3-217 Green Mountain Agricultural and Forestal District.

The district known as the “Green Mountain Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on December 2, 2025.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 - 1. Tax map 120: parcels 15A, 15B, 16C, 18A, 18A1.
 - 2. Tax map 121: parcel 2.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to December 2, 2025.

(§ 3-213.6, Ord. 15-3(1), 12-2-15; § 3-217, Ord. 18-3(1), 11-7-18)

Sec. 3-218 Hardware Agricultural and Forestal District.

The district known as the “Hardware Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on November 4, 1987.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 - 1. Tax map 72: parcel 51C.
 - 2. Tax map 73: parcels 38, 39C7, 41A, 41B1, 41B2, 42, 42A, 43, 44.
 - 3. Tax map 74: parcels 6H, 6N, 26, 28, 28B.

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4. Tax map 75: parcels 4A, 5.
 5. Tax map 86: parcels 14, 16, 16A, 16C, 16D, 16E, 16F, 16H, 27, 27A.
 6. Tax map 87: parcels 10, 13A1, 13A2, 13E (part consisting of 89.186 acres), 16A.
 7. Tax map 88: parcels 2A.
 8. Tax map 99: parcels 10 (part), 29, 52, 52B.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to September 12, 2017.

(Code 1988, § 2.1-4(h); § 3-214, 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; § 3-218, Ord. 18-3(1), 11-7-18)

Sec. 3-219 Hatton Agricultural and Forestal District.

The district known as the “Hatton 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 135: parcels 13, 13A, 13B, 14B, 15, 15A, 15C, 17, 18, 19, 22, 22A, 22C, 22C1, 22C2.
 2. Tax map 136: parcels 2A, 6B, 8H, 9 (part), 9A2, 9B, 9C, 9D1, 9E.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to July 6, 2021.

(Code 1988, § 2.1-4(a); § 3-215, 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; § 3-219, Ord. 18-3(1), 11-7-18)

Sec. 3-220 High Mowing Agricultural and Forestal District.

The district known as the “High Mowing Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on January 16, 1991.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 1. Tax map 84: parcel 69A.
 2. Tax map 85: parcels 39, 39H, 41A, 41A1.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to December 1, 2020.

(Code 1988, § 2.1-4(t); § 3-216, 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; § 3-220, Ord. 18-3(1), 11-7-18)

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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 10 years and will next be reviewed prior to December 4, 2023.

(4-14-93; 2-14-96; Code 1988, § 2.1-4(n); § 3-217, 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; Ord. 17-3(1), 12-13-17; § 3-221, Ord. 18-3(1), 11-7-18)

Sec. 3-222 Jacobs Run Agricultural and Forestal District.

The district known as the “Jacobs Run Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on January 6, 1988.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 - 1. Tax map 19: parcels 25, 25A.
 - 2. Tax map 19A: parcels 9, 22, 31.
 - 3. Tax map 20: parcels 6J, 6S.
 - 4. Tax map 30: parcel 32B.
 - 5. Tax map 31: parcels 1, 1B, 4K, 8, 8E, 16, 16B, 44C, 45, 45B.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to December 2, 2019.

(3-2-94; Code 1988, § 2.1-4(i); § 3-218, 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; § 3-222, Ord. 18-3(1), 11-7-18)

Sec. 3-223 Keswick Agricultural and Forestal District.

The district known as the “Keswick Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on September 3, 1986.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:

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1. Tax map 48: parcels 30, 30A, 30B, 30C, 30D, 30E, 45, 46.
2. Tax map 63: parcels 39, 39A, 40, 42A.
3. Tax map 64: parcels 5, 7, 7A, 8A, 9, 10 10A, 10B, 10C, 10D, 11 12, 13, 13A, 14.
4. Tax map 65: parcels 13, 14A, 14A1, 31C1, 31C3, 31D, 32.
5. Tax map 79: parcel 46.
6. 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.
7. Tax map 81: parcels 1, 8A, 11H, 15A6, 15B, 63, 69, 72, 73, 74, 79.

C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to November 12, 2024.

(10-12-94; 4-12-95; 8-13-97; Code 1988, § 2.1-4(e); § 3-219, 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; § 3-223, Ord. 18-3(1), 11-7-18)

Sec. 3-224 Kinloch Agricultural and Forestal District.

The district known as the “Kinloch Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on September 3, 1986.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 1. Tax map 49: parcels 5C, 6A1.
 2. Tax map 50: parcels 13, 19.
 3. Tax map 65: parcels 7, 7A, 8, 84A, 86, 89, 90, 91, 91A, 92, 93A, 93A1, 94, 94A, 94B, 94C, 95, 95A, 100, 121.
 4. Tax map 66: parcels 2, 3C, 3G, 32, 32D, 32E, 34 (Albemarle County portion only), 34B.
- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to November 12, 2024.

(11-17-93; 10-12- 94; Code 1988, § 2.1-4(f); § 3-220, 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; § 3-224, Ord. 18-3(1), 11-7-18)

Sec. 3-225 Lanark Agricultural and Forestal District.

The district known as the “Lanark Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on April 20, 1988.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:

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1. Tax map 90: parcels 12, 14A.
2. Tax map 90B: parcel A-11.
3. Tax map 91: parcels 21, 21A, 31.
4. Tax map 102: parcels 33, 35, 35A, 35B, 35C, 37, 40, 40B, 40C.
5. 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).

C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to July 9, 2018.

(Code 1988, § 2.1-4(k); § 3-221, 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; § 3-225, Ord. 18-3(1), 11-7-18)

Sec. 3-226 Moorman's River Agricultural and Forestal District.

The district known as the "Moorman's River Agricultural and Forestal District" was created and continues as follows:

- A. *Date created.* The district was created on December 17, 1986.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 1. Tax map 27: parcels 32, 34, 34A, 40, 40A, 40A1, 42, 42A.
 2. 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.
 3. 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.
 4. Tax map 30: parcels 10, 10A, 10C, 12, 12C, 12C1, 12D, 23.
 5. 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.
 6. 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.
 7. 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, 2I, 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.
 8. 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.
 9. Tax map 57: parcel 69.
 10. Tax map 58: parcels 65A4, 65E, 65I.
 11. Tax map 59: parcels 32, 32A, 34, 35, 82A.

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12. Tax map 60E3: parcel 1.

C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to November 12, 2024.

(4-14-93; 12-21-94; 4-12-95; 8-9-95; Code 1988, § 2.1-4(g); § 3-222, 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; § 3-226, Ord. 18-3(1), 11-7-18)

Sec. 3-227 North Fork Moorman’s River Agricultural and Forestal District.

The district known as the “North Fork Moorman’s Agricultural and Forestal District” was created and continues as follows:

A. *Date created.* The district was created on November 17, 1993.

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

1. Tax map 4: parcels 1, 2, 3, 4.

C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to August 6, 2024.

(11-17-93; Code 1988, § 2.1-4(v); § 3-223, Ord. 98-A(1), 8-5-98; Ord. 04-3(2), 4-14-04; Ord. 14-3(1), 8-6-14; § 3-227, Ord. 18-3(1), 11-7-18)

Sec. 3-228 Panorama Agricultural and Forestal District.

The district known as the “Panorama Agricultural and Forestal District” was created and continues as follows:

A. *Date created.* The district was created on April 20, 1988.

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

1. Tax map 31: parcels 21E.

2. Tax map 44: parcels 9A, 9C, 12, 12Q, 12X, 12Y, 12Z.

3. Tax map 45A, section 1: parcels 27.

C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to July 9, 2018.

(6-14-95; Code 1988, § 2.1-4(l); § 3-224, 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; § 3-228, Ord. 18-3(1), 11-7-18)

Sec. 3-229 Pasture Fence Mountain Agricultural and Forestal District.

The district known as the “Pasture Fence Mountain Agricultural and Forestal District” was created and continues as follows:

A. *Date created.* The district was created on November 17, 1993.

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

1. Tax map 13: parcels 1, 5, 8, 10, 12.

C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to August 6, 2024.

(11-17-93; 7-13-94; Code 1988, § 2.1-4(u); § 3-225, Ord. 98-A(1), 8-5-98; Ord. 04-3(2), 4-14-04; Ord. 14-3(1), 8-6-14; § 3-229, Ord. 18-3(1), 11-7-18)

Sec. 3-230 South Garden Agricultural and Forestal District.

The district known as the “South Garden Agricultural and Forestal District” was created and continues as follows:

A. *Date created.* The district was created on October 6, 1999.

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

1. Tax map 99: parcels 35, 102.
2. Tax map 109: parcel 70.
3. Tax map 110: parcels 8, 10, 18, 18E, 27.
4. Tax map 119: parcel 2.

C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to October 5, 2026.

(§ 3-225.5, 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; § 3-230, Ord. 18-3(1), 11-7-18)

Sec. 3-231 Sugar Hollow Agricultural and Forestal District.

The district known as the “Sugar Hollow Agricultural and Forestal District” was created and continues as follows:

A. *Date created.* The district was created on September 6, 1989.

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

1. Tax map 25: parcels 11C, 12, 13, 14, 14A, 14B, 14C, 18, 18A, 18B, 21, 21A, 24, 25, 26, 27, 28.
2. Tax map 26: parcels 5A, 10, 10B, 10D, 10F, 10G, 11C, 11D, 12A, 13, 14F, 19, 40B, 40C, 41A, 52, 52D.
3. Tax map 27: parcels 8, 8E (part), 24A, 25, 26.
4. Tax map 39: parcels 2, 2A, 3, 4, 13C3, 14, 15, 25, 25A.
5. Tax map 40: parcels 1, 9, 9C, 9D (part), 9E, 10, 10A, 10B, 10C, 22, 22A, 27A, 46C1, 49.

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- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to December 2, 2019.

(11-17-93; Code 1988, § 2.1-4(q); § 3-226, 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; § 3-231, Ord. 18-3(1), 11-7-18)

Sec. 3-232 Totier Creek Agricultural and Forestal 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 10 years and will next be reviewed prior to July 6, 2021.

(Code 1988, § 2.1-4(b); § 3-227, 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; § 3-232, Ord. 18-3(1), 11-7-18)

Sec. 3-233 Yellow Mountain Agricultural and Forestal District.

The district known as the “Yellow Mountain Agricultural and Forestal District” was created and continues as follows:

- A. *Date created.* The district was created on March 8, 1989.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
1. Tax map 54: parcels 41, 43, 43A, 43D, 71B.
 2. Tax map 55: parcel 15.
 3. Tax map 70: parcels 15, 15A, 15D, 15E, 15G, 29, 37B, 37B1 (part), 37D (part), 37K, 37L.
 4. Tax map 71: parcel 2B, 22, 22A, 22B, 22K, 64, 64A.

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- C. *Review.* The district is reviewed once every 10 years and will next be reviewed prior to September 2, 2019.

(Code 1988, § 2.1-4(p); § 3-228, 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; § 3-233, Ord. 18-3(1), 11-7-18)

Article 3. Districts of Local Significance

Division 1. Procedure

Sec. 3-300 Minimum size and location of parcels in a district.

Each district is subject to the following:

- A. *Minimum core when district created.* Each district shall have a core of at least 25 acres in one parcel or in contiguous parcels when the district is created.
- B. *Parcels not part of core eligible to be in a district.* Any parcel that is noncontiguous to any parcel composing 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 was previously in a district.
- C. *District entirely in the County.* The land composing a district shall be located entirely within the County.

(9-15-93; Code 1988, § 2.1.1-2; § 3-300, Ord. 98-A(1), 6-17-98; Ord. 11-3(3), 8-3-11; Ord. 18-3(1), 11-7-18)

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

Sec. 3-301 Creating a district.

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

- A. *Application.* On or before any application date set by the Director of Planning, any landowner may submit an application to create a district to the Director. The application shall be made on a form developed and provided by the Director and shall be signed by each landowner whose land is proposed to be included in the district. Each submitted application shall include: (i) maps, 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 County Code § 3-306.
- B. *Referring the application.* Upon receipt of an application for a district, the Director shall refer the application to the Planning Commission, which shall:
 - 1. *Notice.* Direct the Department of Community Development to provide notice required by Virginia Code § 15.2-4405(C)(1).
 - 2. *Referral.* Refer the application to the Advisory Committee.
- C. *Advisory Committee review.* Upon receiving an application from the Director of Planning acting on behalf of the Planning Commission, 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) when it reviews an application.
- D. *Planning Commission review.* Upon receiving the report of the Advisory Committee on an application, the Planning Commission shall: (i) provide the notice of a public hearing required by Virginia Code §

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15.2-4405(E); (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 subsection (F) when it reviews an 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 Planning Commission's and the Advisory Committee's reports:

1. *Public hearing.* The Board of Supervisors shall hold a public hearing on the application.
2. *Notice of the public hearing.* The Clerk for the Board shall ensure that notice of the public hearing is published as provided by Virginia Code § 15.2-4405(E). The Director of Planning shall provide written notice to all landowners in the proposed district by first class mail. Any conditions to creating the district and the review period shall be described, either in the application or in a written notice provided by the Director of Planning by first-class mail to all landowners in the proposed district and published in a newspaper having a general circulation in the district at least two weeks before adoption of an ordinance creating a district.
3. *Factors to be considered when acting.* The Board of Supervisors shall reasonably consider the recommendations of the Advisory Committee and the Planning Commission, the criteria in subsection (F), and any other relevant factors when it considers and acts on an application.
4. *Action.* After the public hearing, the Board of Supervisors may, by ordinance, create a district as applied for. If the Board desires to impose any conditions on creating the district or its review period, the Board shall not act on the ordinance until notice is given as provided in subsection (E)(2) and a second public hearing is held.
5. *Time for action.* The Board of Supervisors shall act either to adopt the ordinance creating the district or reject the application, or any modification to it, within 180 days after the application date set by the Director of Planning under which the application was received.

F. *Criteria.* The Advisory Committee, the Planning Commission, and the Board of Supervisors shall apply the following criteria when they review an application:

1. *Agricultural and forestal significance of the land.* The agricultural and forestal significance of the land within the district and in areas adjacent to the district; in evaluating the agricultural and forestal significance of the 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 relevant factors;
2. *Significant agricultural or forestal lands not in active production.* The presence of any significant agricultural forestal lands within the district and in areas adjacent to the district that are not now in active agricultural or forestal production, considering the maps, factors, markets, and other information described in subsection (F)(1);
3. *Uses other than active farming or forestry.* The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent to the district;
4. *Development patterns.* Local development patterns and needs;
5. *Comprehensive Plan and zoning regulations.* The Comprehensive Plan and the applicable zoning regulations;
6. *Environmental benefits.* The environmental benefits of retaining the lands in the district for agricultural and forestal uses;

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7. *Development rights.* Whether any parcel has one or more development rights that would allow the creation of one or more parcels less than 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 21 acres in size;
8. *Use when the application filed.* Whether all of the land within the district is devoted to agricultural, horticultural, forestal, or open space use when the application is filed, provided that a reasonable amount of residential or other use, not exceeding five acres, may be included in the district if it is related to the agricultural, horticultural, forestal, or open space use.
9. *Land in Rural Area pursuant to the Comprehensive Plan.* If the land is located in the Rural Area pursuant to the Comprehensive Plan, whether the landowner first attempted to include the land in a new or existing agricultural and forestal district of statewide significance.
10. *Land in Development Areas pursuant to the Comprehensive Plan.* If the land is located in the Development Areas pursuant to the Comprehensive Plan, whether the district would protect open space resources, including stream valleys, mountains, wooded areas, buffer areas, or civic or cultural features, as identified on applicable maps in the Comprehensive Plan.
11. *Land use value.* Whether the land is currently enrolled in the land use value assessment program.
12. *Other.* Any other relevant matter.

(9-15-93; Code 1988, §§ 2.1.1-2, 2.1.1-4; § 3-301, Ord. 98-A(1), 8-5-98; Ord. 09-3(1), 6-10-09; Ord. 18-3(1), 11-7-18)

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

Sec. 3-302 Effect of creating a district.

Any lands within a district are subject to the following:

- A. *Prohibition to develop to a more intensive use.* As a condition to creating a district, any parcel within the district shall not be developed to a more intensive use than that existing on the date the district was created, subject to the following:
 1. *More intensive agricultural or forestal production is not development to a more intensive use.* Any parcel may be developed for uses resulting in more intensive agricultural or forestal production.
 2. *Residential uses and occupancy deemed not to be development to a more intensive use; exceptions.* Residential uses on any parcel within a district that are allowed by right in the Rural Area zoning district are allowed, including the construction and placement of a dwelling unit, regardless of the size of the parcel, subject to the following occupancy requirements:
 - a. *Occupancy by landowners and members of their immediate family.* Any dwelling unit may be occupied by landowners and members of their immediate families, regardless of whether a portion of the dwelling unit is also occupied by one or more persons who are not members of the landowners' immediate family.
 - b. *Occupancy by members of the landowner's immediate family.* Any dwelling unit may be occupied by members of the landowner's immediate family and that members' family, unless the Board of Supervisors finds in a particular case that the occupancy would be incompatible with agriculture or forestry within the district.

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- c. *Occupancy by bona fide farm employees.* Any dwelling unit may be occupied by persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same parcel or parcels, and members of their immediate family, unless the Board of Supervisors finds in a particular case that the occupancy would be incompatible with agriculture or forestry within the district.
 - d. *Occupancy by others.* Any dwelling unit may be occupied by persons who are not identified in subsections (A)(2)(a) through (A)(2)(c), regardless of whether the landowner is receiving any consideration, provided that the occupancy is lodging for more than 30 consecutive days.
 - e. *Using a development right to add a dwelling unit to a parcel.* A development right may be used to add a dwelling unit to a parcel within a district.
3. *Non-residential uses and other actions deemed not to be development to a more intensive use.* The following non-residential uses and other actions are deemed not to be developed to a more intensive use:
- a. *Subdivisions of any parcel within a district where each resulting parcel is at least 21 acres.* The division of any parcel, or multiple parcels, within a district by subdivision pursuant to Chapter 14 where the size of each resulting parcel is at least 21 acres, provided that any proposed internal public or private street to serve any parcel in the subdivision is prohibited development to a more intensive use.
 - b. *Subdivisions of any parcel where some land is within and some land is outside of a district.* The division of any parcel, or multiple parcels, where some land is within a district and some land is outside of a district, where the size of each resulting parcel within the district is at least 21 acres, provided that any internal public or private street to serve any parcel in the subdivision and within the district is prohibited development to a more intensive use. A subdivision where some land is within and some land is outside of a district does not change the boundaries of the district.
 - c. *Subdivisions of any parcel within a district to use a development right.* The division of any parcel, or multiple parcels, within a district by subdivision pursuant to Chapter 14 in order to use a development right and to establish a dwelling unit on its own parcel, where the size of each resulting parcel is at least 21 acres.
 - d. *Boundary line adjustments of parcels within a district where each resulting parcel is at least 21 acres.* A boundary line adjustment pursuant to Chapter 14 between two or more parcels within a district where the size of each resulting parcel is at least 21 acres.
 - e. *Boundary line adjustments of parcels where some land is within and some land is outside of a district.* A boundary line adjustment pursuant to Chapter 14 between two or more parcels, where some land is within a district and some land is outside of a district, where the size of each resulting parcel within the district is at least 21 acres. A boundary line adjustment where some land is within and some land is outside of a district does not change the boundaries of the district.
 - f. *Family subdivisions.* The division of any parcel within a district by family subdivision pursuant to Chapter 14, regardless of the size of the resulting parcels, provided that any internal public or private street to serve any parcel in the family subdivision is prohibited development to a more intensive use.
 - g. *Parcel combinations.* The combination of parcels within a district, regardless of their size, pursuant to Chapter 14.

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- h. *Uses that are agricultural or forestal production allowed by right.* Any uses that are determined by the Director of Planning to be agricultural or forestal production and allowed by right in the Rural Areas zoning district, including the construction and placement of structures primarily serving that use, regardless of the size of the parcel.
 - i. *Uses that are agricultural or forestal production allowed by special use permit.* Any uses that are determined by the Director of Planning to be agricultural or forestal production and allowed by special use permit pursuant to the Rural Areas zoning district regulations in Chapter 18, including the construction and placement of structures primarily serving that use, regardless of the size of the parcel.
 - j. *By right uses and structures allowed in the Rural Areas zoning district.* Any proposed use or structure allowed by right in the Rural Areas zoning district, except for borrow areas and borrow pits.
 - k. *Special uses and structures allowed in the Rural Areas zoning district.* Any proposed use or structure allowed by special use permit in the Rural Areas zoning district, provided that the Board of Supervisors determines that the use or structure allowed by the special use permit is consistent with the purposes of this chapter.
- B. *Applicability of the Comprehensive Plan and the subdivision and zoning regulations.* The comprehensive plan and the subdivision and zoning regulations (County Code Chapters 14 and 18, respectively) shall apply within each district to the extent that the regulations do not conflict with any conditions to creating or continuing the district, or the purposes of this chapter and the Local Agricultural and Forestal Districts Act (Virginia Code § 15.2-4400 *et seq.*).
- C. *Availability of land use-value assessment.* Land within an agricultural and forestal district of statewide significance that is and used for agricultural or forestal production shall automatically qualify for an agricultural or forestal use-value assessment pursuant to Virginia Code § 58.1-3229 *et seq.* if the requirements for use-value assessment established in that article are satisfied.
- D. *Parcel created by division remains in the district.* A parcel created from the permitted division of land within a district shall continue to be enrolled in the district.

(9-15-93; Code 1988, § 2.1.1-5; § 3-302, Ord. 98-A(1), 8-5-98; Ord. 18-3(1), 11-7-18)

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

Sec. 3-303 Adding land to a district.

Land may be added to a district as follows:

- A. *Application.* On or before any application date set by the Director of Planning, any landowner may submit an application to the Director to add one or more parcels to an existing 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 added to the district.
- B. *Procedure.* The procedure for adding land to a district shall be the same procedure to create a district in County Code § 3-301(B) through (E).
- C. *Criteria to be applied by the Advisory Committee and the Planning Commission.* The Advisory Committee and the Planning Commission shall apply the criteria provided in County Code § 3-301(F) when they review the application.
- D. *Factors to be considered by the Board of Supervisors.* The Board of Supervisors shall reasonably consider the recommendations of the Advisory Committee and the Planning Commission, the criteria

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in County Code § 3-301(F), and any other relevant factors when it considers and acts on an application.

E. *Effect of land added to a district.* Any land added to a district is subject to County Code § 3-302.

(§ 3-303, Ord. 98-A(1), 8-5-98; Ord. 18-3(1), 11-7-18)

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

Sec. 3-304 Reviewing a district; continuation, modification or termination.

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

- A. *Review period.* Each district shall be reviewed within eight years after its creation or its prior review.
- B. *Initiating district review.* The Director of Planning shall refer the district to the Advisory Committee for review at least 90 days before the expiration of the period of review of the district.
- C. *Advisory Committee review.* Upon receiving the referral of the district from the Director of Planning, the Advisory Committee shall: (i) provide notice of a public meeting required by Virginia Code § 15.2-4311; (ii) meet with the owners of land within the district at the public meeting; (iii) review the district by considering the criteria in County Code § 3-301(F)(2), (3), (4), (5), and (7); and (iv) after the public meeting, report to the Planning Commission its recommendations as to whether to continue, modify, or terminate the district.
- D. *Planning Commission review.* Upon receiving the report of the Advisory Committee on a district, the Planning Commission shall: (i) provide notice of a public meeting required by Virginia Code § 15.2-4311; (ii) meet with the owners of land within the district at the public meeting and review the district; (iii) review the district by considering the criteria in County Code § 3-301(F)(2), (3), (4), (5), and (7); and (iv) after the public meeting, report to the Board of Supervisors its recommendations, together with the Advisory Committee's recommendations, as to whether to continue, modify, or terminate the district.
- E. *Hearing and action by the Board of Supervisors.* After receiving the Planning Commission's and the Advisory Committee's reports:
 1. *Public hearing.* The Board of Supervisors shall hold a public hearing on the district review.
 2. *Notice of the public hearing.* The Clerk for the Board shall ensure that notice of the public hearing is published as provided by Virginia Code § 15.2-1427(F). If new or different conditions to continuing the district are proposed, the Director of Planning shall also provide written notice to all landowners in the district and publish notice in a newspaper having a general circulation in the district at least two weeks before adoption of an ordinance continuing a district.
 3. *Factors to be considered when acting.* The Board of Supervisors shall reasonably consider the recommendations of the Advisory Committee and the Planning Commission, the criteria in County Code § 3-301(F)(2), (3), (4), (5), and (7), and any other relevant factors when it reviews a district.
 4. *Action.* After the public hearing, the Board of Supervisors may, by ordinance, continue, modify, or terminate the district. If the Board desires to impose any conditions on continuing the district for which written notice was not previously provide, the Board shall not act on the ordinance until notice is given as provided in subsection (E)(2) and a second public hearing is held.
 5. *Time for action.* The Board of Supervisors shall act either to adopt the ordinance creating the district or reject the application, or any modification to it, within 180 days after the application date set by the Director of Planning under which the application was received.

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- F. *Effect of failure to complete review by review date.* A district shall not terminate because the Board of Supervisors fails to act pursuant to subsection (E) by the district's review date.
- G. *If district continued without modified conditions.* If the Board of Supervisors continues a district without modifying its conditions, the district shall continue as originally constituted, with the same conditions and review period previously established.
- H. *Board may determine review is unnecessary.* The Board of Supervisors may determine that a district review is unnecessary. If it does so, the Board shall set the date by which the next review will occur.

(9-15-93; Code 1988, § 2.1.1-5; § 3-304, Ord. 98-A(1), 8-5-98; Ord. 18-3(1), 11-7-18)

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

Sec. 3-305 Withdrawing land from a district.

Land may be withdrawn from an agricultural and forestal district of local significance as provided herein:

- A. *Withdrawal by right by landowner before district is created.* An owner of land who joined in an application to create a district may withdraw the land, in whole or in part, by right before the Board of Supervisors acts to create the district. In order to withdraw the land from the application, the landowner shall file a written notice of withdrawal with the Clerk for the Board of Supervisors, who shall promptly forward the notice to the Director of Planning.
- B. *Withdrawal by right by landowner during district review.* An owner of land within a district may withdraw the land from the district as a matter of right at any time between the date the Director of Planning refers the district to the Advisory Committee for review and the time the Board of Supervisors acts to continue, modify, or terminate the district. In order to withdraw the land from the district, the landowner shall file a written notice of withdrawal with the Clerk for the Board of Supervisors, who shall promptly forward the notice to the Director of Planning.
- C. *Withdrawal by right by certain successors to the deceased owner.* Any heir, devisee, surviving co-tenant, or personal representative (collectively, the "successor") of a sole owner of any fee simple interest of land may withdraw the land from the district by right, upon the inheritance or descent of the land. In order to withdraw the land from the district, the successor shall file a written notice of withdrawal with the Clerk for the Board of Supervisors and the Department of Finance within two years after the date of death of the landowner. The Clerk shall promptly forward the notice to the Director of Planning.
- D. *Withdrawal in the discretion of the Board of Supervisors.* At any time after a district is created, an owner of land within the district may request to withdraw the land, in whole or in part, from the district, as provided herein:
 - 1. *Filing written request.* The owner shall file a written request for withdrawal with the Director of Planning. The request shall identify the landowner, identify the land or part thereof proposed to be withdrawn by parcel identification number, state the reason for the request, and address the criteria for review set forth in subsection (D)(2). The landowner shall pay the fee required by County Code §3-306 when the request is filed.
 - 2. *Criteria for review.* A request to withdraw land from a district may be approved only for good and reasonable cause, based on the following criteria:
 - a. *No significant adverse impact.* The proposed new land use will not have a significant adverse impact on agricultural or forestal operations on land within the district; in considering this criterion, the land proposed to be withdrawn may be reevaluated through the Virginia Land Evaluation and Site Assessment (LESA) System;

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- b. *Consistent with the Comprehensive Plan.* The proposed new land use is consistent with the Comprehensive Plan;
 - c. *Consistent with the public interest.* 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 landowner; and
 - d. *Changed circumstances.* The proposed land use was not anticipated by the landowner 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 receiving a request to withdraw from the Director of Planning, the Advisory Committee shall review the request and report to the Planning Commission its recommendations. The Advisory Committee shall evaluate the request pursuant to the criteria in subsection (D)(2).
 - 4. *Planning Commission review.* Upon receiving the report of the Advisory Committee on a request to withdraw, the Planning Commission shall hold a public hearing and evaluate the request pursuant to the criteria in subsection (D)(2). The Planning Commission shall report to the Board of Supervisors its recommendations, together with the Advisory Committee's recommendations.
 - 5. *Hearing and action by the Board of Supervisors.* After receiving the recommendations of the Planning Commission and the Advisory Committee:
 - a. *Public hearing.* The Board of Supervisors shall hold a public hearing on the request.
 - b. *Notice of the public hearing.* The Clerk for the Board shall ensure that notice of the public hearing is published as provided by Virginia Code § 15.2-1427(F). The Director of Planning shall also provide written notice to all landowners in the district at least two weeks before the public hearing.
 - 6. *Factors to be considered when acting.* The Board of Supervisors shall reasonably consider the recommendations of the Advisory Committee and the Planning Commission, the criteria in subsection (D)(2), and any other factors relevant to whether good and reasonable cause exists.
 - 7. *Action.* After the public hearing, the Board of Supervisors may, by ordinance, approve the request to withdraw, or it may disapprove the request.
 - 8. *Time for action.* The Board of Supervisors shall act within 180 days after the request is received by the Director of Planning.
- 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. Withdrawing land from a district shall not, itself, terminate the district.

(§ 3-305, Ord. 98-A(1), 8-5-98; Ord. 09-3(1), 6-10-09; Ord. 18-3(1), 11-7-18)

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

Sec. 3-306 Fees.

A landowner is required to pay a fee to create a district as follows:

- A. *Amount.* The fee to apply to create a district pursuant to County Code § 3-301 is \$50.

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- B. *When the fee must be paid.* The fee must be paid at the time the application or request is filed. An application or request shall not be filed if the required fee is not paid.
- C. *Form of payment accepted.* The fee must be paid in cash, by a check payable to the “County of Albemarle,” or by any other means accepted by the County, provided that the County may add to any amount due the amount charged to the County for accepting any payment by a means that incurs a charge to the County or the amount negotiated and agreed to in a contract with the County, whichever is less.

(9-15-93; Code 1988, § 2.1.1-4; § 3-306, Ord. 98-A(1), 8-5-98; Ord. 18-3(1), 11-7-18)

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” was created and continues as follows:

- A. *Date created.* The district was created on October 6, 1999.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 - 1. Tax map 8: parcels 26 and 28 (part consisting of 2 acres).
- C. *Review.* The district is reviewed once every eight years and will next be reviewed prior to December 13, 2025.

(§ 3-307, Ord. 99-3(5); 10-6-99; Ord. 07-3(3), 9-12-07; Ord. 17-3(1), 12-13-17; Ord. 18-3(1), 11-7-18)