TOWN OF Blacksburg EST 1798

TO: Planning Commission/
Agricultural and Forestal District Advisory Committee

FROM: Andrew Warren, Development Administrator

DATE: July 13, 2007

SUBJECT: Application for Removal of Property from AFD

*Planning Commission Work Session 7/17
AFD Advisory Committee meeting 7/27

Request
On May 31, 2007, the Town of Blacksburg received a written request from Eric Sallee of Glade Heights LLC, to withdraw property from the Agricultural and Forestal District (AFD). The total land area is a 38.858 acre tract that is a portion of Tax Map Number 225(A)3, which is a total of 41.713 acres. A major subdivision was approved for 30 lots in April of 2007. Originally named Glade Heights, the owners have renamed the subdivision to Glade Springs.

Purpose of District
The AFD was adopted by Town Council on June 11, 1991 (amended and continued, Ordinance 1228, 12-14-99). The purpose of the AFD is to conserve, protect and encourage the development and improvement of agricultural and forestal lands for the production of food and other agricultural and forestal products. Districts are also intended to conserve and protect agricultural and forestal lands as valued natural and ecological resources that provide essential open spaces for clean air sheds, watershed protection, wildlife habitat, as well as for aesthetic purposes.

Lands in the AFD are eligible for an agricultural or forestal use-value assessment, if the requirements for such an assessment are met. The use-value assessment, in combination with participation in the County's Land Use Assessment Program, provides a tax benefit to the property owner. The tax benefit results in a reduced tax rate to the Town and County based on the use of the property, rather than it's assessed value.

An additional benefit to a landowner in the District is that the local government may not exercise any of its powers to enact local laws or ordinances that would unreasonably restrict farming or forestry operation on the property.

Procedure
In accordance with Section 3-210 of the Town Code, at any time after the creation of a district any owner of land lying in such district may file a written request to withdraw all or part of his or her land from the district for good and reasonable cause. Code of

Virginia, 15.2-4314 shall govern the procedure and criteria for review of the application, and the effects of any such withdrawal. The land proposed for withdrawal may be reevaluated through the Virginia or local Land Evaluation and Site Assessment (LESA) System.

Upon withdrawal of any land from a district, land that is no longer part of a district is subject to roll-back taxes and subject to those local laws and ordinances previously prohibited in the AFD. Upon approval of withdrawal, the Town will submit a copy of the ordinance to the local commissioner of revenue, the State Forester and the State Commissioner of Agriculture and Consumer Services. Furthermore, identification of the parcel as part of the AFD will be deleted from the zoning map.

Evaluation Criteria
According to the Code of Virginia, the Agricultural and Forestal District Advisory Committee and the Planning Commission are charged with the task of reviewing applications for withdrawal of land from the AFD according to specific criteria as follows:

1. The agricultural and forestal significance of land within the district and in areas adjacent thereto;

2. The presence of any significant agricultural or forestal lands within the district and in areas adjacent thereto that are now in active agricultural or forestal production;

3. The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto;

4. Local development patterns and needs;

5. The Comprehensive Plan and, if applicable, the zoning regulations;

6. The environmental benefits of retaining the lands in the district for agricultural and forestal uses; and

7. Any other matter which may be relevant.

Evaluation
Significance of land within the district
The property has been historically an agricultural use. There are no adjacent AFD properties. (evaluation criteria 1)

Significant agricultural and forestal lands within the district and adjacent areas
The property has been used for pasturage and hay production. There is not any agricultural and forestall land immediately adjacent to this property. (evaluation criteria 2)

Other land uses
Currently, there is a single family residential dwelling, a cemetery, a barn, and other various dilapidated agricultural-related outbuildings on the property. Adjacent property uses to the north, south, and west of the AFD district are single family dwellings. U.S. 460 runs along the eastern boundary line of the subject area. (evaluation criteria 3)

Local development patterns
The development of the land to single-family housing at the proposed density is consistent with the zoning district and with the growth pattern in this area of Town adjacent to the highway. (evaluation criteria 4)

Comprehensive Plan and Zoning
The Comprehensive Plan future land use for this area is split between low density residential and very low density residential.

The underlying zoning district for the property is RR-1, Rural Residential 1 District, which allows for a gross density of 1 unit per acre. It also requires 50 percent of the land be designated as open space. (evaluation criteria 5)

Environmental benefits of retaining the land in the AFD
The environmental benefit of maintaining this area within the AFD is minimal given the 50% open space requirement, which surrounds the environmentally sensitive hydrological areas of the site. In addition, a portion of this area is protected by the creek valley overlay district. (evaluation criteria 6)

Other relevant matters
The property is currently included in the County's land use assessment program and the owners pay real estate taxes on the land use value of the property as opposed to the fair market assessed value of the property. Withdrawal will subject the land to full value taxation.

The State Code requires that property included in an AFD must lie within one mile of another property in the District and the District must have a core of at least 200 acres. The District as currently established is comprised of 1952 acres. If approved, this approximately 39-acre withdrawal will not affect the integrity of the District with regard to the State Code requirements. It will not infringe upon the other properties in the District with respect to creating conditions non-conducive to farming activities.

The State Code provides for the withdrawal of lands from the AFD for "good and reasonable cause." Staff finds that its removal will not affect the integrity of the District and will not immediately affect other farming activities within the district given there are no other adjacent AFD parcels. (evaluation criteria 7)

Conclusion
The committee should consider the following information in making their recommendation:

- The AFD area is surrounded by single-family residential dwellings and U.S. 460 highway.
- Withdrawal to develop the property as single-family residential is consistent with the low density residential and very low density residential future land use designations in the Comprehensive Plan.
- Withdrawal will subject the land to full value taxation.
- State Code provides for the withdrawal for "good and reasonable cause."
- Withdrawal will not effect the integrity of the District overall.

Attachments:

AFD map

Subject area map

Withdrawal request letter

Preliminary Plat