

MEMORANDUM

To: Planning Commission

From: Matthew Sampa; Planner I

Date: April 12, 2024

Subject: ORD 2052/AFD 24-1 Application for Withdrawal of Land from the AFD at 701 Bishop Rd.

Property Location	701 Bishop Road
Tax Parcel Numbers	137-T A 1
Parcel(s) Size	36.058
Present Zoning District	RR-1 Rural Residential 1
Proposed Use	Single-family homes
Adjacent Zoning District	North: RR (Montgomery County) East: RR-1 Rural Residential 1 South: RR-1 Rural Residential 1 West: RR-1 Rural Residential 1
Adjacent Uses	North: Single Family Sub-Urban (Montgomery County) East: Single-family residential South: Single-family residential West: Single-family residential; Agriculture
Current Acreage in AFD	36.058
Acreage to be Withdrawn	3.036

REQUEST & BACKGROUND

This request is to remove 3.036 acres of land from the Agricultural and Forestal District (AFD) at 701 Bishop Rd. for the development of single-family homes on three proposed lots along Treetop Ridge Road. The parcel currently consists of one single-family home on a single, 36.058 acre parcel.

The parcel is located on the northern edge of Town, with frontage on Bishop Road and Treetop Ridge Road in Montgomery County. A small portion of the parcel is located outside of Town limits, and therefore, is not included in the AFD withdrawal. More information about this portion of land, and the proposed subdivision can be found later in the staff report.

The application, staff GIS maps, including maps showing the location of the request, and neighborhood meeting notes are attached.

FORMATION AND PURPOSE OF AFD

The Blacksburg Town Code makes provisions for the creation of agricultural and forestal districts within the Town, as allowed by the Code of Virginia (Title 15.2, Chapter 43, 1950 as amended). Chapter 3 of the Blacksburg Town Code states:

It is the policy of the Town to conserve and protect and to encourage the development and improvement of the Town's agricultural and forestal lands for the production of food and other agricultural and forestal products. It is also the policy of the Town 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.

The Town has an existing Agricultural and Forestal District (AFD) that is designed to meet these policy goals by protecting agricultural lands and encouraging agricultural uses. The district was created in 1981 and consisted of approximately 406 acres across several parcels with different land owners. Lands within the AFD have a tax valuation based on the agricultural or forestal land uses which is less than the assessed value if the property were assessed at a residential rate. This is a financial benefit to the property owner, especially in consideration of large parcel size where taxes may be costly. The AFD also provides protections for the landowners from zoning regulations that may otherwise prohibit agricultural or forestal uses, but also prohibits more intensive development than a single-family home and related agricultural outbuildings. Property owners who have land-use value taxation from the County automatically receive the tax benefit from the Town as well. Eligible properties include those whose primary use is agriculture or forestry.

Taxation issues must be addressed upon withdrawal of land from the AFD. Upon termination of a district or withdrawal or removal of any land from a district, land that is no longer part of a district shall be subject to and liable for roll-back taxes as are provided in State Code § 58.1-3237. The Town's Finance Department calculates tax rates and determines the roll-back taxes if applicable.

Properties may be added to the AFD at designated times, or withdrawn from the AFD at any time. There are criteria for additions to, or withdrawals from the district. In consideration of the removal of land from the AFD, the Town or County cannot prohibit a landowner from withdrawing all or part of their land from the district, but the evaluation should consider the effect on the entire district. Using the stipulations in Town of Blacksburg Code §3-201, the withdrawal of land from the district cannot render the entire district inconsistent with these requirements.

Recent AFD Withdrawal Applications

In August of 2021, the Town began the process for the required review for continuance of the district and notified all landowners within the AFD to determine if there were requests from owners for land to be removed from the AFD. All current AFD landowners received notification of the process and the exit period was advertised in *The Burgs* and via Blacksburg Citizens Alert. At the time, one property owner requested a withdrawal of 35.25 acres for the Northside Park/Givens Farm subdivision, which was actively under construction. The Town Council approved the request for the withdrawal of land via Ordinance 1973. At the same time, the Town Council also approved Ordinance 1974, which continued the district for another 10 years, to be reviewed again in 2029.

In March of 2022, the Town received an application to withdraw 40.34 acres at 1900 Toms Creeks Road for the Berewick subdivision, which had previously been rezoned from RR-1 Rural Residential to PR

Planned Residential. The Town Council approved the request for the withdrawal of land via Ordinance 1992.

FOR CONSIDERATION

The current request is to remove approximately 3 acres of land from the AFD for the purpose of further subdividing the applicant's 36 acre parcel into four total parcels – 3 new 1.5 acre lots along Treetop Ridge Rd. and the existing structure retained on the remaining 33 acres. The larger existing lot will have frontage on both Treetop Ridge Rd. and Bishop Rd. Through the approval of the subdivision and AFD withdrawal, the applicant wishes to accommodate the future development of single family homes on the three proposed lots.

For the proposed withdrawal from the AFD, the Planning Commission is asked to evaluate the application based on the following criteria as set forth in the Town Code Section 3-210 (ref: Code of Virginia §§ 15.2-4314, 15.2-4311):

- No request for withdrawal from the district shall serve to terminate the district in its entirety (Code of Virginia §15.2-4314).
 - *The withdrawal of this property will not affect the integrity of the district as a whole. The criteria for district size and distance of other parcels are not negatively affected by this request.*
- At any time after the creation of a district under this chapter, 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 property owner wishes to withdraw from the AFD to accommodate future development plans. A request for minor subdivision of the subject area is currently under administrative review. The request consists of three newly subdivided 1.522 acre parcels with frontage on Treetop Ridge Road.*

Advisory Committee Meeting

The AFD Advisory Committee meeting was held on April 3rd, 2024. Five committee members were in attendance, and unanimously voted in favor of the withdrawal request.

Members of the Coal Bank Ridge community were also in attendance. During the public comment portion of the meeting they expressed concern over the number of lots being subdivided on the Burger property, and how the subdivision may conflict with a deed that was signed by the Burgers and the Coal Bank Ridge HOA in 2003. Staff has determined that the subdivision does adhere to the language of the 2003 deed, and the AFD withdrawal along with the administrative review of the minor subdivision plat can proceed accordingly.

Summary

Planning Commission is asked to evaluate the application to withdraw 3.036 acres of land from the Agricultural and Forestal District and make a recommendation to Town Council based on the criteria set forth in Town Code Section 3-210, referenced from Code of Virginia §§ 15.2-4314, 15.2-4311. Based on this criteria, staff has determined that the withdrawal will not affect the integrity of the district as a whole, and the purpose for withdrawal is for good and reasonable cause.

AFD-24-01 Burger AFD Withdrawal
701 Bishop Rd.
12 APR 2024
4





ATTACHMENTS

- Staff GIS maps
- AFD Committee to PC memo
- AFD-24-01 Burger Withdrawal Request Application

AFD-24-1

**Burger
AFD Withdrawal
3.036 acres**

**AFD Parcels
as of
April 1, 2024**

-  Subject Parcel
-  Corporate Limits
-  Parcels
-  AFD

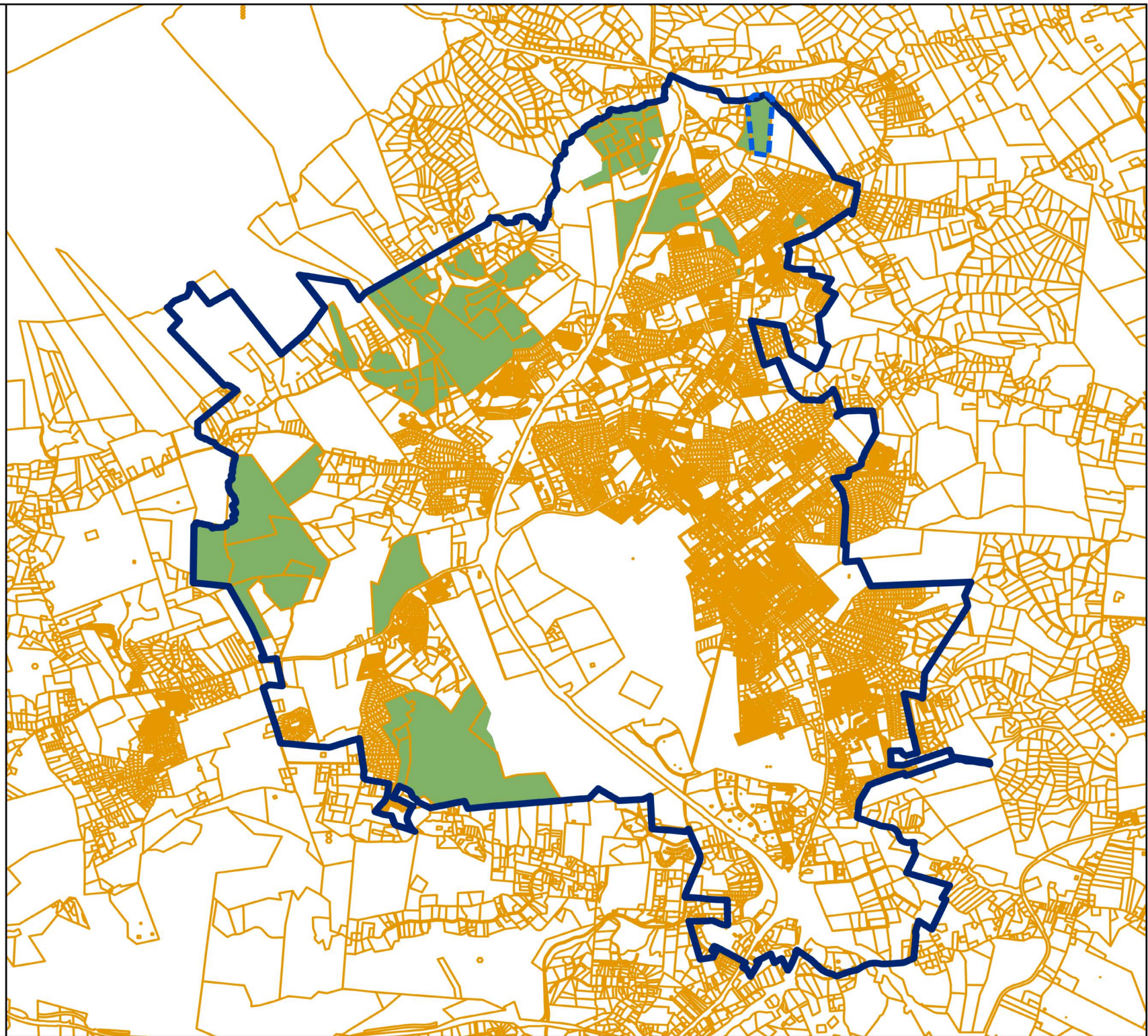
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TOWN OF
Blacksburg
VIRGINIA

Town of Blacksburg, PBEGIS Dept.
03 APR 2024



AFD-24-1

**Burger
AFD Withdrawal
3.036 acres**

**AFD Parcels
if Withdrawal
Approved**

 Subject Parcel

 Corporate Limits

 Parcels

 AFD

N



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TOWN OF
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VIRGINIA

Town of Blacksburg, PBEGIS Dept.
03 APR 2024

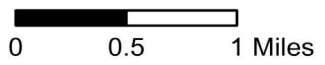


AFD-24-1

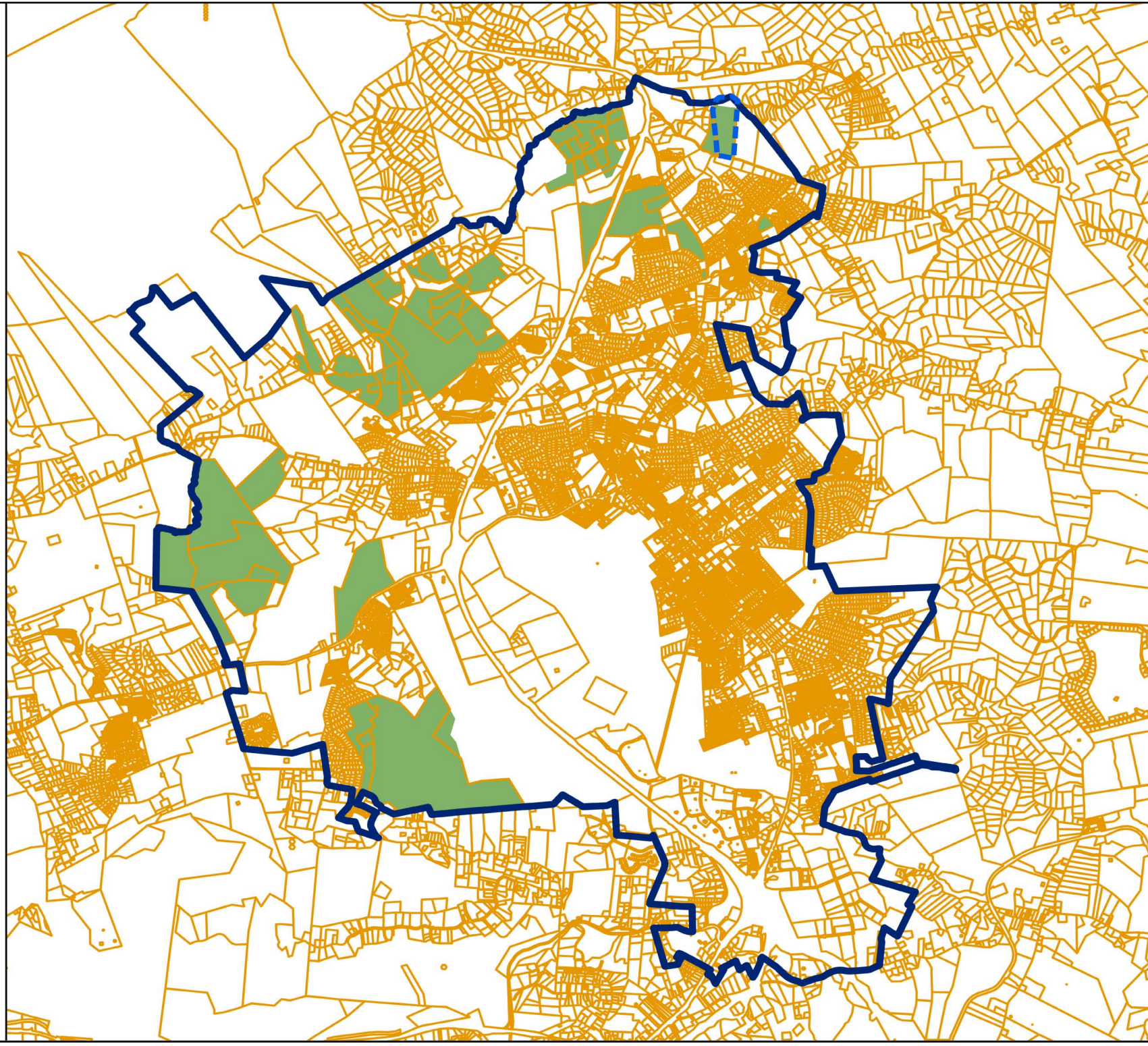
**Burger
AFD Withdrawal
3.036 acres**

**AFD Parcels
if Withdrawal
Approved**

-  Subject Parcel
-  Corporate Limits
-  Parcels
-  AFD



Blacksburg TOWN OF
VIRGINIA



MEMORANDUM

TO: Planning Commission

FROM: Agricultural and Forestal District Advisory Committee

DATE: April 12, 2024

SUBJECT: ORD 2052/AFD-24-1--Withdrawal of 3.036 acres of land from the Agricultural and Forestal District at 701 Bishop Road (Tax Map No. 137-T A 1, Parcel # 006339) by James and Carol Burger (property owner).

* * * * *

Agricultural and Forestal District Advisory Committee Recommendation:

APPROVAL of ORD 1992/AFD 22-0001-a request for withdrawal of land from the district at 701 Bishop Road.

For: Freyman; Pall; Piscura; Watson; Wilsie
Against:
Abstain:
Absent: Fraser; Herndon; Houska; Kaiser; Swift; Walker

In so recommending approval of ORD 2052/AFD-24-1, the AFD Committee finds the request for withdrawal from the AFD to be in conformity with the Comprehensive Plan, the Zoning Ordinance, and to have minimum adverse impact on the surrounding neighborhood or community.