

AFD-2-86-2-2018. 4450 Ware Creek Road Croaker AFD Addition

Staff Report for the March 6, 2019, Planning Commission Public Hearing

SUMMARY FACTS

Applicant: Mr. Jonathan Kinney of Bean, Kinney, and Korman Attorneys

Land Owner: Mr. Jonathan Kinney, Trustee

Proposal: Addition of ± 14.18 acres of land to the Croaker Agricultural and Forestal District (AFD)

Location: 4450 Ware Creek Road

Tax Map/Parcel No.: 1410100046

Project Acreage: ± 14.18 acres

Current Zoning: A-1, General Agricultural

Comprehensive Plan: Low-Density Residential

Primary Service Area: Inside

Staff Contact: Roberta Sulouff, Senior Planner

PUBLIC HEARING DATES

AFD Advisory Committee: January 24, 2019, 4:00 p.m.

Planning Commission: March 6, 2019, 6:00 p.m.

Board of Supervisors: April 9, 2019, 5:00 p.m. (tentative)

FACTORS FAVORABLE

1. With the proposed Ordinance, the proposal is compatible with surrounding development.
2. The proposal is consistent with the recommendations of the James City County Comprehensive Plan adopted in 2015, "*Toward 2035: Leading the Way*."
3. The proposal is consistent with local and State Code governing the addition of lands into AFDs.

FACTORS UNFAVORABLE

1. No factors unfavorable.

STAFF RECOMMENDATION

Staff finds that the proposed addition meets all state and local requirements for inclusion in the Croaker AFD and recommends that the Planning Commission recommend approval of the proposed addition to the Croaker AFD subject to the conditions listed in the attached Ordinance.

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE RECOMMENDATION

At its January 24, 2019 meeting, the AFD Advisory Committee voted 7-0 to recommend approval of this addition to the Planning Commission and Board of Supervisors.

PROJECT DESCRIPTION

- Mr. Jonathan Kinney has applied to add an approximate 14.18-acre parcel to the Croaker AFD.

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- The land is currently undeveloped and wooded, and under the care of a professional forester.
- Per the United States Department of Agriculture Soil Survey, the majority of soil on this parcel is Suffolk fine sandy loam (31B). The Soil Survey indicates this soil has very high potential for the production of important trees with very limited or insignificant limitations on production such as slope, seedling mortality, and potential equipment usage limitations.

DISTRICT HISTORY

- The Croaker AFD was created in 1986 for a term of four years and originally consisted of 13 parcels totaling ± 1,341 acres.
- The District was last renewed earlier in 2018. The District consists of approximately 1,182.23 acres of land located between I-64 and York River State Park.
- If this addition were approved, the District would consist of approximately 1,197.3 acres.

SURROUNDING ZONING AND DEVELOPMENT

- All surrounding properties are zoned A-1, General Agricultural, and designated Rural Lands or Low-Density Residential on the Comprehensive Plan.
- The District consists primarily of forested land. The principal land use on adjacent properties is undeveloped, forested land with single-family residences.

COMPREHENSIVE PLAN AND ZONING

The Comprehensive Plan designates this parcel as Low-Density Residential. Land Use Action 6.1.1 of the 2035 Comprehensive Plan

states the County shall “support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*.”

STATE AND LOCAL CODE

- Section 15.2-4301 of the Virginia State Code, Agricultural and Forestal Districts Act-Declaration of Policy Findings and Purpose states that:

“It is the policy of the Commonwealth 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. It is also the policy of the Commonwealth 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...”

- State Code establishes the AFD Advisory Committee to:

“...advise the local planning commission and the local governing body and assist in creating, reviewing, modifying, continuing, or terminating districts within the locality. In particular, the committee shall render expert advice as to the nature of farming and forestry and agricultural and forestal resources within the district and their relation to the entire locality.”

- Section 15.2-4305 states that a parcel may be added to a District if it is directly contiguous to the core of the District, within a mile of the core, or directly contiguous to a parcel whose boundary lines are within a mile to the core. This parcel is directly contiguous to the core of the Croaker AFD.

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- Section 15.2-4306 (Attachment No. 3) includes factors for consideration in the addition of lands to AFDs. One such factor includes the presence of any significant forestal lands within the District and in areas adjacent thereto that are not now in active forestal production. The Code later states that the presence of suitable soils may be considered in the determination of forestal significance.

STAFF RECOMMENDATION

Staff finds that the proposed addition meets all state and local requirements for inclusion in the Croaker AFD and recommends that the Planning Commission recommend approval of the proposed addition to the Croaker AFD subject to the conditions listed in the attached Ordinance.

RS/nb

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Attachments:

1. Location Map
2. Croaker 2018 AFD Renewal Staff Report and Ordinance
3. State Code Regarding AFD Application Criteria
4. Property Narrative Provided by the Applicant