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**AFD-18-0017. 9888 Sycamore Landing Road Croaker AFD Addition****Staff Report for the March 6, 2019, Planning Commission Public Hearing**

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**SUMMARY FACTS**

Applicant: Ms. Kelly Fulton

Land Owner: Mr. Thomas W. Dana, III, Trustee

Proposal: Addition of ± 62.35 acres of land to the Croaker Agricultural and Forestal District (AFD)

Location: 9888 Sycamore Landing Road

Tax Map/Parcel No.: 0720100006

Project Acreage: ± 62.35 acres

Current Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

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 the 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.*”

**FACTORS UNFAVORABLE**

1. No factors unfavorable.

**STAFF RECOMMENDATION**

This parcel is more than one mile away from property that makes up the core of the Croaker AFD District. Per State Code, a parcel of land over one mile from the core may be added to an AFD only upon finding that the property contains agriculturally and forestally significant land. At its January 24, 2019 meeting, the AFD Advisory Committee found the parcel is agriculturally and forestally significant and recommended approval of this application to the Planning Commission by a vote of 7-0. With the AFD Advisory Committee’s recommendation of approval and finding that this property is agriculturally significant, staff recommends that the Planning Commission recommend approval of the proposed addition to the Croaker AFD, subject to the conditions listed in the attached Ordinance, consistent with other properties in the District.

**AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE RECOMMENDATION**

At its January 24, 2019 meeting, the AFD Advisory Committee recommended approval of this addition by a vote of 7-0.

**PROJECT DESCRIPTION**

- Ms. Kelly Fulton has applied to add an approximately 62.35-acre parcel to the Croaker AFD.

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- The majority of the land is currently undeveloped and wooded, with a home site also located on the parcel.
- Per the United States Department of Agriculture Soil Survey, the majority of soil on this parcel is Craven-Uchee Complex, 6-10% slopes (11C), Emporia Complex 25-50% slopes (15F) and Suffolk fine sandy loam (31B). The Soil Survey indicates that both 11C and 15F soils have moderately high potential for the production of important trees with moderate to significant limitations on timbering, due to slope limitations on equipment usage. The Survey also indicates that 31B soils are well-suited to crop cultivation and moderately high timbering potential 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  $\pm$  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 1,244.58 acres.
- This parcel is over one mile away from the core parcels in the Croaker AFD; therefore, as specified in the Code of Virginia, the governing body must decide if this property contains agriculturally and forestally significant land to be added to the Croaker AFD (see Attachment No. 3). The Committee reviewed a similar case for addition to the Croaker AFD on an adjacent property in 2017 (AFD-2-86-1-2017, 9730 Sycamore Landing Road).

#### **SURROUNDING ZONING AND DEVELOPMENT**

- All surrounding properties are zoned A-1, General Agricultural, or M-1, Limited Business/Industrial and designated Rural Lands or Mixed-Use on the Comprehensive Plan.
- The District consists primarily of forested land. The principal land use on most adjacent properties is undeveloped, forested land with single-family residences. The Hankins-Croaker Mixed-Use District lies north/northwest of the parcel and is actively mined.

#### **COMPREHENSIVE PLAN AND ZONING**

The Comprehensive Plan designates this parcel as Rural Lands. 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 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...”*

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- The 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 forestall resources within the district and their relation to the entire locality.”*

- Section 15.2-4305 (Attachment No. 3) states that a parcel may be added to a District if it is outside of a mile radius of the core of the District if the Agricultural and Forestal District Advisory Committee finds that the property contains agriculturally and forestally significant land.
- Section 15.2-4306 (Attachment No. 3) states the 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

This parcel is more than one mile away from property that makes up the core of the Croaker AFD District. Per State Code, a parcel of land over one mile from the core may be added to an AFD only upon finding that the property contains agriculturally and forestally significant land. At its January 24, 2019 meeting, the AFD Advisory Committee found the parcel is agriculturally and forestally significant and recommended approval of this application to the Planning Commission by a vote of 7-0. With the AFD Advisory Committee's recommendation of approval and finding that this property is agriculturally significant, staff recommends that the Planning

Commission recommend approval of the proposed addition to the Croaker AFD, subject to the conditions listed in the attached Ordinance, consistent with other properties in the District.

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. Applicant Narrative

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