
Agricultural and Forestal District-18-0020. 8328 Diascund Road Mill Creek AFD Addition

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

Applicant: Mr. John Michael Sim

Land Owner: Mr. John Michael Sim

Proposal: Addition of \pm 10 acres to the Mill Creek Agricultural and Forestal District (AFD)

Location: 8328 Diascund Road

Tax Map/Parcel No.: 1040100001A

Project Acreage: \pm 10 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 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 Mill Creek AFD and recommends that the Planning Commission recommend approval of the proposed addition to the Mill Creek 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. John Michael Sim has applied to enroll \pm 10 acres of land located at 8328 Diascund Road into the Mill Creek AFD.
- The proposed addition includes the entirety of the subject parcel.
- The parcel is currently undeveloped and wooded.

- Per the United States Department of Agriculture Soil Survey, the majority of soil on this parcel is Craven-Uchee Complex, 6-10% slopes (11C) and Emporia Complex 15-25% slopes (15F) and Kempsville-Emporia fine sandy loams 2-6% slopes (19B). The Soil Survey indicates that both 11C and 15F soils have moderately 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 Mill Creek AFD was created in 1986 for a term of four years and originally consisted of 28 parcels totaling ± 3,547 acres.
- The District was renewed at four-year intervals again in 1990, 1994, 1998, 2002, 2006, 2010, 2014 and 2018 with various additions and withdrawals taking place during that period.
- If this addition is approved the District would consist of approximately 3,223.66 acres.

SURROUNDING ZONING AND DEVELOPMENT

All surrounding properties are zoned A-1, General Agricultural and designated Rural Lands on the Comprehensive Plan.

COMPREHENSIVE PLAN AND ZONING

The Comprehensive Plan designates this parcel as Rural Lands. Appropriate primary uses in Rural Lands include traditional agricultural and forestal activities. 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...”

- 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 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 Mill Creek AFD.
- Section 15.2-4306 (Attachment No. 3) includes 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

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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 Mill Creek AFD and recommends that the Planning Commission recommend approval of the proposed addition to the Mill Creek AFD subject to the conditions listed in the attached Ordinance.

RS/nb
AFD18-20-8328DiascundRd

Attachments:

1. Location Map
2. Mill Creek AFD 2018 Renewal Staff Report and Ordinance
3. State Code Regarding AFD Application Criteria