



DATE: May 14, 2021
 TO: Agricultural & Forestal District Advisory Committee
 FROM: Sheri L. Adams, AFD Program Administrator, Planning Department *sla*
 RE: **AFD-01-21**, Re-creation of **Diascund Creek AFD**

REQUEST

The **Diascund Creek** Agricultural and Forestal District (AFD) was originally set to expire on August 31, 2020 but due to last years moratorium and public hearing to defer until this year; the expiration date was extended until August 31, 2021. With the public hearing action to defer the re-creation of the district until this year, tax map parcel number 45-19, owned by Mr. Edgar Walls, was allowed to expire through Board of Supervisors ordinance O-03-20. Therefore, the district now currently consists of 123 parcels totaling approximately 4,020.91 acres.

All members of the district were contacted by the Planning Department and were informed of the new district expiration date of August 31, 2021 caused by last years deferreal. All members indicated their desire to continue their membership in the district and request the re-creation of the district. The supporting response letters are included in your meeting packet and all previously approved land uses continue to be reported annually to the Commissioner of Revenue.

PUBLIC HEARINGS

Planning Commission: tentatively Monday, June 21, 2021
 Board of Supervisors: tentatively Monday, July 12, 2021

LOCATION

The **Diascund Creek** District is located in the Southeastern portion of the County and borders James City County. It is roughly a mile North of Route 60 and 2 miles South of Interstate 64.

PROPERTY INFORMATION

TM#: 35-3	GPIN: I23-0549-4010	
TM#: 34-28A	GPIN: H21-3596-3332	
TM#: 35-5	GPIN: I22-3031-2413	
TM#: 35-7B	GPIN: H22-0095-3683	
TM#: 35-19A	GPIN: I22-3984-0089	
TM#: 35-23	GPIN: I23-3756-2851	
TM#: 35-4	GPIN: I22-2446-2946	
TM#: 35-23E	GPIN: I24-0573-4360	
TM#: 34-29	GPIN: H21-3528-0391	
TM#: 25-25	GPIN: J22-1617-2028	
TM#: 35-2A	GPIN: J22-3738-0126	
TM#:35-7A	GPIN: H22-0568-4290	

TM#: 34-28B	GPIN: H21-2318-2077	
TM#: 35-1-8	GPIN: I22-2042-4127	
TM#: 35-23D	GPIN: I24-0249-3685	
TM#: 35-23G	GPIN: I24-0937-5044	
TM#: 35-1-7	GPIN: I22-2352-4600	
TM#: 34-34	GPIN: H20-1904-3431	
TM#: 34-28	GPIN: H21-2690-2789	
TM#: 35-7B	GPIN: H22-1020-2605	
TM#: 35-18	GPIN: H23-1542-2219	
TM#: 45-80	GPIN: E26-0484-2147	
TM#: 45-81	GPIN: E26-1692-1890	
TM#: 34-31	GPIN: G20-2422-2476	
TM#: 34-32	GPIN: H20-2193-2029	
TM#: 34-27	GPIN: H21-2913-4577	
TM#: 35-6A	GPIN: H22-0832-4916	
TM#: 35-1-11	GPIN: I22-1094-3789	
TM#: 35-4	GPIN: I23-0327-5216	
TM#: 35-1-13	GPIN: I22-1582-4494	
TM#: 35-2	GPIN: I22-1287-5288	
TM#: 34-33A	GPIN: G20-0729-4143	
TM#: 35-8-4	GPIN: I22-1434-2519	
TM# 35-8-3	GPIN: I22-1891-2901	
TM#: 35-8-2	GPIN: I22-0462-3435	
TM#: 35-8-9	GPIN: I22-1838-1240	
TM#: 43-7-1	GPIN: F21-0461-3731	
TM#: 43-7-2	GPIN: F21-0649-4916	
TM#: 43-7-3	GPIN: G21-1437-0465	
TM#: 43-7-4	GPIN: G21-2249-1580	
TM#: 43-7-5	GPIN: G21-2952-2390	
TM#: 43-7-6	GPIN: G21-3381-1419	
TM#: 43-7-7	GPIN: G21-2838-0509	
TM#: 43-7-8	GPIN: F21-2045-4971	
TM#: 43-7-9	GPIN: F21-1563-4098	
TM#: 43-7-10	GPIN: F21-1018-3144	
TM#: 43-7-11	GPIN: F21-1137-1809	
TM#: 43-7-12	GPIN: F21-3216-3487	
TM#: 43-7-13	GPIN: F21-2456-3846	
TM# 43-7-14	GPIN: F21-2207-4824	
TM#: 43-7-15	GPIN: G22-0327-0659	
TM#: 43-7-16	GPIN: G22-1129-0776	
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TM#: 43-7-19	GPIN: F22-0207-3414	
TM#: 43-7-20	GPIN: F21-3452-2534	
TM#: 43-7-21	GPIN: F21-3958-1641	

TM#: 43-7-22	GPIN: F22-0680-1980	
TM#: 43-7-23	GPIN: F22-1115-2862	
TM#: 43-7-24	GPIN: F22-1894-3221	
TM#: 43-7-25	GPIN: F22-1304-4131	
TM#: 43-7-26	GPIN: F22-2391-5031	
TM#: 43-7-27	GPIN: F22-2644-4033	
TM#: 43-7-28	GPIN: F22-3506-3487	
TM#: 43-7-29	GPIN: F22-3599-2641	
TM#: 43-7-30	GPIN: F23-0916-2941	
TM#: 43-7-31	GPIN: F23-1327-2031	
TM#: 43-7-32	GPIN: F22-4042-1445	
TM#: 43-7-33	GPIN: F23-0651-1254	
TM#: 43-7-34	GPIN: F22-3005-0843	
TM#: 43-7-35	GPIN: F22-2739-2075	
TM#: 43-7-36	GPIN: F22-2041-1925	
TM#: 43-7-37	GPIN: F22-1470-1335	
TM#: 43-7-38	GPIN: F22-0865-0538	
TM#: 43-7-40	GPIN: E22-0636-4307	
TM#: 43-7-41	GPIN: E22-1352-3124	
TM#: 43-7-42	GPIN: E22-0935-2891	
TM#: 43-7-43	GPIN: E22-0519-2516	
TM#: 43-7-44	GPIN: E22-0250-2034	
TM#: 43-7-45	GPIN: E21-2471-2994	
TM#: 43-7-46	GPIN: E21-2801-3421	
TM#: 43-7-47	GPIN: E21-2921-3906	
TM#: 43-7-48	GPIN: E21-3113-4317	
TM#: 43-6-2	GPIN: F20-0432-4930	
TM#: 43-6-5	GPIN: F20-1353-4795	
TM#: 43-6-16	GPIN: F21-0052-2612	
TM#: 43-6-17	GPIN: F20-3738-1868	
TM#: 43-6-18	GPIN: F20-3619-1021	
TM#: 43-7-17	GPIN: F22-1617-5132	
TM#: 43-7-39	GPIN: F22-2270-0329	
TM#: 43-7-49	GPIN: E21-3844-4380	
TM#: 35-9-6	GPIN: H22-2044-2396	
TM#: 35-9-7	GPIN: H22-3097-2380	
TM#: 35-9-8	GPIN: H23-0927-1564	
TM#: 35-9-9	GPIN: H22-3555-1784	
TM#: 35-9-10	GPIN: H22-2333-1374	
TM#: 35-9-11	GPIN: H22-1507-0633	
TM#: 35-9-12	GPIN: H22-0805-0428	
TM#: 35-9-13	GPIN: G22-0145-4564	
TM#: 35-9-14	GPIN: G21-3739-3754	
TM#: 35-9-15	GPIN: H23-1143-0673	
TM#: 35-9-16	GPIN: H22-4108-0778	

TM#: 35-9-17	GPIN: H22-3184-0519	
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TM#: 35-9-20	GPIN: G23-0234-4068	
TM#: 35-9-21	GPIN: G22-3397-3987	
TM#: 35-9-22	GPIN: G22-2386-3742	
TM#: 35-9-23	GPIN: G22-1145-3820	
TM#: 35-9-24	GPIN: G22-0604-3128	
TM#: 35-9-25	GPIN: G22-1679-2719	
TM#: 35-9-26	GPIN: G22-2538-2216	
TM#: 35-9-27	GPIN: G22-3504-2342	
TM#: 35-9-28	GPIN: G23-0267-2723	
TM#: 35-9-29	GPIN: G23-1253-3238	
TM#: 35-9-18	GPIN: H22-2346-0326	
TM#: 35-10-B	GPIN: H22-1074-3257	
TM#: 35-10-C	GPIN: H22-0783-2084	
TM#: 35-10-D	GPIN: H22-0650-1466	
TM#: 35-10-E	GPIN: H21-4007-1139	
TM#: 35-10-1	GPIN: H22-1833-4835	
TM#: 35-10-2	GPIN: H22-1725-4468	
TM#: 35-10-3	GPIN: H22-1622-4053	
TM#: 35-10-A	GPIN: H22-1339-3686	
TM#: 35-1-9	GPIN: I22-2071-3616	

Total 2020 Assessed Value: **\$ 16,808,300.00**

Current Zoning: **A-1**

Comprehensive Plan Future Land Use: **Rural Lands**

COMPREHENSIVE PLAN

The Comprehensive Plan designates portions of this area for **RURAL LANDS** along Route 60 for those parcel not directly on the water. The Comprehensive Plan provides the following definition for Rural Lands:

***Rural lands** – The designation of Rural Lands is the most extensive designation on the Land Use map, representing the majority of land contained within the County. Rural Lands incorporate traditional rural development patterns including agriculture and silviculture. Rural lands contain historic sites, including historic commercial sites such as general stores, mills, etc. and the preservation and perpetuation of these sites and activities is allowed and encouraged. Rural Lands are also intended to include very low-density housing in cluster or open space developments or on very large lots. The intensity of development in Rural Lands as a whole is to be kept at low levels; however, the spot intensity of a particular development in a specific location may be greater than in other areas because of density trades or the use of open space development techniques. Rural Lands are not intended to be served by public utilities and the existence of utilities along a corridor is not to be viewed as sufficient reason for increasing the intensity of use.*

By renewing these parcels into the AFD Program, the properties could not be developed into a more intense use and would promote consistency with the intent of the 'rural lands' future land

use designation in that "the intensity of development in Rural Lands as a whole is to be kept at low levels".

COUNTY CODE REQUIREMENTS

The use of Agricultural and Forestal Districts by counties is authorized by the Code of Virginia as a way of preserving agricultural and forestal production for commercial and environmental purposes. They provide landowners with certain tax benefits and restrictions on public utility and government actions to protect the agricultural and forestal use of the land. Typically, landowners agree not to subdivide their land to a more intensive non-agricultural or non-forestal use during the term of the district. In return, the government agrees to provide various protections from non-agricultural and non-forestal interference and development pressure.

The Code of Virginia Chapter 43 and the New Kent County Code of Ordinances Chapter 62 discuss these requirements at length and is included in your meeting packet.

In general, land being considered for inclusion in a district may be evaluated by the following factors:

- a) The Agricultural and Forestal significance of the land within the District and area adjacent thereto;
- b) The presence of any significant Agricultural lands or significant Forestal lands within the District and in areas adjacent thereto that are not now in active Agricultural Forestal production;
- c) The nature and extent of land uses other than active farming or forestry within the District and in areas adjacent thereto;
- d) Local development patterns and needs;
- e) The Comprehensive Plan and, if applicable, the Zoning Ordinance;
- f) The environmental benefits of retaining the lands in the District for agricultural and/or forestal uses, and;
- g) Any other matter which may be relevant.

RECOMMENDATION

The district appears to comply with the requirements of State and County codes regulating the Agricultural and Forestal District Program. The request also promotes land use patterns that are consistent with the current Comprehensive Plan therefore, staff recommends re-creating the Diascund Creek AFD to conserve and protect viable agricultural and forestal lands.

SUGGESTED MOTIONS

____I move to forward a favorable recommendation to the Planning Commission and Board of Supervisors to approve application **AFD-01-21**, a request to re-create the Diascund Creek AFD for a period of ten years

OR

____I move to send an **unfavorable** recommendation to the Planning Commission and Board of Supervisors of application **AFD-01-21** for the following reasons:

Charles Moss, Chairman,
AFD Advisory Committee

Date

Attachments: District Renewal Response Letters and Diascund Creek District Map

Cc: Diascund Creek AFD Applicants and File AFD-01-21