



POWHATAN COUNTY
Agricultural and Forestal District Advisory Committee
Agenda: Regular Meeting
Monday, October 5, 2020
9:30 a.m.
Powhatan Village Building Conference Room
3910 Old Buckingham Road

AGENDA ITEMS

1. Call to Order

Mr. Carson Tucker (Chairman)

2. Administrative Items

a. Approval of Meeting Minutes (September 14, 2020)

3. Public Comment Period

At this time, the Agricultural and Forestal District Advisory Committee (AFDAC) will hear citizen comments on matters not scheduled for a public hearing that involve the services, policies, and affairs of Powhatan County government related to agricultural, forestal, and open space land uses.

4. Old Business

a. Discussion: Future of the Agricultural and Forestal District (AFD) Program
(Continued from September 14, 2020)

Requested Action: Forward recommendation to the Board of Supervisors as to whether the AFD Program should continue.

5. Public Hearings

None

6. New Business

None

7. Adjourn



AGENDA ITEM #2A

Approval of Meeting Minutes (September 14, 2020)

Requested Action:

*Approve (as presented or with any requested revisions) the meeting minutes from
September 14, 2020.*

The following pages include draft minutes from the AFDAC meeting on September 14, 2020.

September 14, 2020

VIRGINIA: AT A REGULAR MEETING OF THE AGRICULTURAL AND FORSTAL DISTRICT ADVISORY COMMITTEE (AFDAC) HELD IN THE POWHATAN VILLAGE BUILDING CONFERENCE ROOM, 3910 OLD BUCKINGHAM ROAD IN POWHATAN COUNTY, VIRGINIA, MONDAY, SEPTEMBER 14, 2020 AT 9:30 A.M.

Members Present	Bill Cox Robert Harper David Moyer Pam Pleasants Bill Sifers Jamie Timberlake (Arrived at 9:42 A.M.) Max Timberlake Carson Tucker
Members Absent	None
Staff Members Present	Ned Smither, County Administrator Bret Schardein, Assistant County Administrator Andrew Pompei, Planning Director

1. Call to Order

Mr. Pompei called the meeting to order at 9:30 A.M.

2. Organizational Meeting

a. Member Introductions

Members present introduced themselves.

b. Election of Chairman (2020 – 2021)

Mr. Pompei opened the floor for nominations for the position of Chairman (2020 – 2021).

Mr. Cox motioned to nominate Mr. Tucker.

Mr. Cox, Mr. Harper, Mr. Moyer, Ms. Pleasants, Mr. Sifers, Mr. M. Timberlake, and Mr. Tucker voted AYE.

**VOTE 7 – 0
Motion PASSED**

c. Election of Vice Chairman (2020 – 2021)

Mr. Carson opened the floor for nominations for the position of Vice Chairman (2020 – 2021).

Mr. Cox motioned to nominate Mr. M. Timberlake.

Mr. Cox, Mr. Harper, Mr. Moyer, Ms. Pleasants, Mr. Sifers, Mr. M. Timberlake, and Mr. Tucker voted AYE.

**VOTE 7 – 0
Motion PASSED**

September 14, 2020

3. Administrative Items

a. Adoption of the Agenda

Mr. Tucker requested that Item #4 (Public Comment Period) be moved after Item #7a (Discussion: Future of the AFD Program).

Members agreed to this amendment to the agenda.

4. Public Comment Period (Moved After Item #7A)

The public comment period was moved after Item #7a (Discussion: Future of the Agricultural and Forestal District Program).

5. Old Business

None

6. Public Hearings

None

7. New Business

a. Discussion: Future of the Agricultural and Forestal District (AFD) Program

Mr. Cox provided an overview of the AFD Program and how it relates to the Land Use Deferral Program.

Members discussed the following issues:

- *History of the AFD Program*

Members discussed the history of the AFD Program and the review process conducted for previous AFD renewals.

- *Options for the Future of the AFD Program*

Members discussed three potential actions regarding the future of the AFD Program:

- Option #1: Conduct a full review of the AFD Program;
- Option #2: Continue all AFDs as last renewed on April 12, 2010 (conducting the next review by April 12, 2030); or
- Option #3: Terminate the AFD Program.

- *Administration of the AFD Program*

Committee members expressed concerns regarding how the AFD Program has been administered over the past ten years and discussed potential actions that could be taken to increase awareness of the AFD Program.

After discussion, the members decided to reconvene on Monday, October 5, 2020 (9:30 A.M.), directing staff to draft a memo (1) stating the AFDAC recommends that the AFD Program continue without a full review of each parcel enrolled and (2) identifying ways that the AFDAC could work to improve awareness of the AFD Program and its administration. At the next meeting, members will review the draft memo and make a formal recommendation to the Planning Commission and Board of Supervisors. Members also indicated that, in addition to preparing the memo, Mr. Tucker would present the findings/recommendation of the AFDAC to the Planning Commission and Board of Supervisors.

September 14, 2020

8. Public Comment Period

Sally Taylor owns property within the Appomattox River AFD and shared her experience participating in the AFD Program and the positive attributes the AFD Program.

Mary Ann Stockner suggested that the AFDAC provide more information to landowners about the long-term implications of participating in the AFD Program, so that future generations understand their obligations.

Lynn Moore asked about the review process, how it would apply to individual properties, and requirements regarding rollback taxes.

Jeanette Ridings asked questions about the recertification process associated with the Land Use Deferral Program.

Rachel Henley discussed the benefits of the AFD Program and expressed interest in helping increase awareness of the AFD Program.

9. Adjourn

There being no further business, Mr. Tucker adjourned the meeting at 10:59 A.M.

Carson Tucker
Chairman

Andrew Pompei
Planning Director



AGENDA ITEM #4A

Discussion: Future of the Agricultural and Forestal District (AFD) Program
(Continued from September 14, 2020)

Requested Action:

Forward recommendation to the Board of Supervisors as to whether the AFD Program should continue.

The following pages include a draft memo that will be transmitted from the AFDAC to the Planning Commission and Board of Supervisors regarding the recommended future of the AFD Program.

Board of Supervisors
David T. Williams
Larry J. Nordvig
Michael W. Byerly
William L. Cox
Karin M. Carmack



Planning Director
Andrew J. Pompei, CZA, AICP

Theodore L. Voorhees

The County Of
Powhatan

TO: Powhatan County Board of Supervisors
FROM: Agricultural and Forestal Districts Advisory Committee (AFDAC)
DATE: October 5, 2020
SUBJECT: Recommendation Regarding Continuation of the Local Agricultural and Forestal District (AFD) Program **(Draft for Review by AFDAC)**

Current Situation

The Agricultural and Forestal District (AFD) program in Powhatan County is organized under Code of Virginia § 15.2-4300, which allows localities to create local AFD programs. Powhatan County does not have its own separate ordinance within the County Code regarding AFDs.

The first AFDs were created in 1991 and have been renewed/continued several times since then. The last renewal was on April 12, 2010, with the Board of Supervisors continuing the AFDs for ten (10) years.

On December 19, 2019, the Board of Supervisors began discussing the AFD Program.

On January 27, 2020, the Board of Supervisors passed Resolution #R-2020-05, which continued all AFDs through July 31, 2020, allowing additional time to determine whether a full review of the AFD Program is necessary.

On July 27, 2020, the Board of Supervisors passed Resolution #R-2020-47, which continued all AFDs through December 31, 2020, allowing additional time to determine whether a full review of the AFD Program is necessary. At that meeting, the Board of Supervisors also directed the Department of Community Development to convene the Agricultural and Forestal District Advisory Committee (AFDAC).

On September 14, 2020 and October 5, 2020, the AFDAC held meetings to discuss the future of the AFD Program.

Recommendation

The AFDAC recommends that the AFD Program continue, renewing AFD Districts for another ten years. An in-depth review of individual parcels participating in the AFD Program is not necessary at this time.

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Future of AFDAC

To increase awareness of the AFD Program, the AFDAC recommends that:

- *Annual Meetings*

The AFDAC should meet annually (at a minimum), which helps keep members engaged and increases awareness of the AFD Program.

- *Education and Awareness*

Members of the AFDAC should actively participate in programs related to agriculture and land preservation, helping plan and/or promote these events. Examples include:

- Planning and/or participating in a workshop related to conservation easements or other land preservation tools (similar to the event hosted by Powhatan County and the Capital Region Land Conservancy on October 30, 2019).
- Helping prepare and sharing educational materials promoting the AFD Program and other land preservation programs.

- *Review of Land Use Applications*

The AFDAC should be convened to review applications requesting rezoning or a conditional use permit involving:

- Parcels enrolled in the AFD Program; and/or
- Parcels immediately adjacent to a parcel(s) enrolled in the AFD Program.



SUPPLEMENTAL MATERIALS

The following pages include an excerpt from the minutes of the Board of Supervisors meeting on April 12, 2010, when existing AFDs were last renewed.

Mr. Walton moved to deny 09-10 CUP based on public necessity, general welfare, and good zoning practices. Messrs. Cosby, Bustos, Daniel, Tucker and Walton voted AYE.

**VOTE 5-0
MOTION CARRIED**

E. Early Review of Agricultural and Forestal Districts (AFDs)
Mr. Dameron presented the following:

On March 2, 2010, the Powhatan County Planning Commission held a public meeting as part of the early review of all Agricultural & Forestal Districts (AFD) in the County. The Commission issued a recommendation to the Board of Supervisors parallel to that of the Agricultural & Forestal District Advisory Committee.

This recommendation consists of a proposal to continue all AFDs as currently constituted with two exceptions:

- The first exception is the withdrawal of four parcels from the Appomattox River AFD that are owned by Mr. H. David Cave. Mr. Cave has submitted a written request stating his desire to withdraw his parcels from the Appomattox River AFD.
- The second is the addition of 91-1B-AFD (Tax Map 16-66) to the Roseneath AFD. The addition became necessary due to the withdrawal of parcels of land from the Branch Creek AFD, of which 91-1B-AFD has been a part of since 1991. The withdrawal of these lots left the remaining parcels of Branch Creek AFD physically separated by more than a mile, which under state code would prohibit them from inclusion in the same AFD. As a result; it is proposed that 91-1B-AFD be added to Roseneath AFD as this parcel is within a mile of that AFD. The remaining two parcels of Branch Creek AFD will remain as the core of the AFD with a total of 360 acres.

On April 1, 2010, a letter from Ms. Addie Weisiger was received in the Planning Department requesting that her parcel (Tax Map 52-1) be withdrawn from the Pineview AFD, The Board can act on this request during the public hearing without a recommendation from the Planning Commission or AFD Advisory Committee. This withdrawal creates a secondary issue as it leaves one residual parcel (Tax Map 52-1A) that consists of only five acres in the AFD. The question of residual parcels of less than 200 acres in an AFD as it relates to continuation of that AFD has been referred to the County Attorney for further review by the AFD Advisory Committee.

The Board has the option to continue, modify or terminate AFDs. If the AFDs are not terminated or modified, they shall continue as originally constituted with the same conditions and period before the next review as that established when the AFDs were created.

Staff has no outstanding concerns with these recommendations and it has been advertised for public hearing at your April 12 meeting.

Mr. Tucker asked who would notify the citizens on roll back taxes if they withdrew from the AFD.

Mr. Dameron and Mr. Rick did not know the answer.

Mr. Tucker asked if the Board approved the request to withdraw from the AFD.

Mr. Rick said that the AFD authorizes the withdrawal and would communicate with the Commissioner of Revenue, Planning Department, or County Administrator, whoever was in charge of this.

Mr. Cosby said that sometimes they already have their land in land use taxation. He said that rezoning to residential should automatically trigger the Planning Office.

Mr. Dameron said that six acres would not qualify because one acre was taken out for the house on the property.

Mr. Rick said that anyone who wants to withdraw can and anyone who wants to remain can.

Mr. Tucker asked if a five acre parcel could stay because it was part of a two hundred acre parcel at one time.

Mr. Rick said if the Board approved.

Mr. Cosby said it was fine with him and asked if the owner could sell the house and land.

Mr. Rick said yes but only when you develop do you get the roll back taxes.

Mr. Dameron said the five acre parcel wished to remain.

Mr. Tucker asked how much land has been withdrawn.

Mr. Dameron said there was 251.6 acres left and 246.6 had withdrawn.

Mr. Cosby asked if this could stand alone because everyone else has withdrawn.

Mr. Dameron answered yes.

Mr. Cosby opened the public hearing, seeing no one he closed the public hearing.

Mr. Tucker moved to accept the analysis and recommendation as presented. Messrs. Cosby, Bustos, Daniel, Tucker and Walton voted AYE.

**VOTE 5-0
MOTION CARRIED**