BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA

R-12-12

At the regular meeting of the Board of Supervisors of the County of New Kent in the Boardroom of the Administration Building in New Kent, Virginia, on the 13th day of February, 2012:

Present:	Vote:
C. Thomas Tiller, Jr.	Nay
Thomas W. Evelyn	Aye
Ron Stiers	Aye
W.R. Davis, Jr.	Aye
James H. Burrell	Aye

Motion was made by Mr. Davis, which carried 4:1, to adopt the following resolution:

RESOLUTION SUSPENDING THE PROCESSING OF AGRICULTURAL AND FORESTAL DISTRICT APPLICATIONS

WHEREAS, the Board adopted and has subsequently amended the Agricultural and Forestal Districts Ordinances ("Ordinance") for New Kent County ("County"); and

WHEREAS, the purpose of the Ordinance, as stated in §62-31 of the New Kent County Codes is, *inter alia,* to conserve and protect and to encourage the development and improvement of the agricultural and forestal lands in the County for the production of food and other agricultural and forestal products; and

WHEREAS, as an incentive to landowners to place their land in agricultural, forestal, or agricultural and forestal districts, the land lying within any such district and used in agricultural or forestal production will qualify for use-value assessment pursuant to §62-42 of the New Kent County Code; and

WHEREAS, the County, much like other localities in the Commonwealth of Virginia, is undergoing significant fiscal stress due to a decrease in revenues as well as assessments and an increase in obligations, liabilities, and mandates; and

WHEREAS, the Board must balance the need to conserve, protect, and encourage the development and improvement of the County's agricultural and forestal lands for the production of food and other agricultural and forestal products with the need to maintain and expand sources of revenue; and

WHEREAS, the potential impact that the creation and expansion of agricultural, forestal, and agricultural and forestal districts will have on the County's revenue is a relevant factor for the Board to consider in evaluating applications to create or expand agricultural, forestal, and agricultural and forestal districts; and

WHEREAS, upon balancing the County's fiscal stress against purposes of the Ordinance, the Board finds that it would not be in the best interests of the County to approve the creation or expansion of any districts during the 2012-2013 and 2013-2014 application cycles, even if the lands subject to such applications are of agricultural and forestal significance; and

WHEREAS, the Board finds that it is in the best interests of the County to suspend the processing of applications to create or expand agricultural, forestal, and agricultural and forestal districts; and

WHEREAS, the Board finds that it is in the best interests of the County to see if the County's fiscal situation improves over the next two years before determining whether to resume the processing of agricultural and forestal district applications; and

WHEREAS, the Board finds that it is not in the best interest of the County to use County resources to carry out the mandatory advertisements, notices, and public hearings associated with processing applications to create or expand agricultural, forestal, or agricultural and forestal districts when the Board has found that it will not approve any such districts even if the lands proposed for inclusion in the districts are of agricultural and forestal significance; and

WHEREAS, the Board finds that it is in the best interest of the County to refund the application fee paid by those individuals who have already submitted applications for the 2012-2013 application cycle.

NOW THEREFORE BE IT RESOLVED that the Board hereby suspends the processing of all applications or proposed applications for the creation or expansion of agricultural, forestal, or agricultural and forestal districts pursuant to the Ordinance for the 2012-2013 and 2013-2014 application cycles.

The County Administrator is directed to not accept applications and to not process applications that have already been accepted for agricultural, forestal, or agricultural and forestal districts until further notice.

The County Administrator is further directed to refund the application fees to applicants who have submitted applications for the 2012-2013 application cycle.

This suspension is temporary and the Board will revisit this decision in early 2014 so as to provide potential applicants with ample notice to prepare and file applications, if appropriate, before the March 1application deadline.

The Board hereby authorizes and directs the County Administrator to undertake all other actions reasonably necessary to carry out the purposes of this resolution.

This resolution shall take effect immediately.

G. Cabell Lawton, IV
County Administrator

James H. Burrell
Chairman