

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF FEBRUARY 2011, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. CALL TO ORDER**

**B. ROLL CALL**

Mary K. Jones, Chairman, Berkeley District  
Bruce C. Goodson, Vice Chair, Roberts District  
James G. Kennedy, Stonehouse District  
James O. Icenhour, Jr., Powhatan District  
John J. McGlennon, Jamestown District

Robert C. Middaugh, County Administrator  
Leo P. Rogers, County Attorney

**C. PLEDGE OF ALLEGIANCE** – Raquan Grant, a fourth-grade student at Stonehouse Elementary School, led the Board and citizens in the Pledge of Allegiance.

**D. PRESENTATIONS**

1. Historical Commission – Historic Preservation Awards

Mr. Gerald White, Historical Commission Co-Chairman, presented the Commission's Historic Preservation Awards. Mr. White presented awards to Mr. Lafayette Jones for his outstanding efforts to preserve local history at Freedom Park and Mr. Alain Outlaw for his outstanding efforts to preserve historical archaeological sites.

2. Clean County Commission

Ms. Peg Boarman of the James City Clean County Commission gave a brief update on the Commission's activities over the last year. She gave an overview of gifts to schools, including scholarships and benches. She reviewed presentations and exhibits by the Commission at various community events and forums. Ms. Boarman highlighted the distribution of recycling bins to County organizations and the Earth Day celebration. She made note of the Spring Cleanup event, which had 23 participant organizations, and sponsorship of chemical and computer recycling days. She reviewed volunteer hours contributed by the Commission members and the conferences and workshops attended by members. She stated that the Commission would like to expand its membership and be assigned a permanent staff liaison in order to make a greater contribution to the County.

Ms. Jones presented a Distinguished Service Award to Mr. Kennedy for his service as Chairman in 2009 and 2010.

## **E. PUBLIC COMMENT**

1. Mr. Jack Fowler, 109 Wilderness Lane, commented on the cost of parks and recreation facilities.
2. Ms. Tab Broyles, 11 James Square, commented on the Jamestown Road traffic signal. She commented on safety on Jamestown Road and in the James Square community and other neighborhoods. She commented on the limited scope of the study by the Virginia Department of Transportation (VDOT) and looking at the area in a comprehensive way.
3. Mr. Ed Oyer, 139 Indian Circle, commented on property assessments in his neighborhood; increase in older people in the County in relation to school enrollment; decreased funds from the State and Federal government; and unnecessary school construction based on enrollment projections.
4. Mr. David Neiman, 105 Broomfield Circle, commented on the Kingsmill cellular towers and the handling of wireless towers in residential areas. He stated these towers should be approved in a legislative process rather than administratively. He commented that the County should have a wireless communications master plan as a primary infrastructure element.

## **F. BOARD REQUESTS AND DIRECTIVES**

Mr. Goodson stated that he recently attended the Winter Conference of the Virginia Association of Planning District Commissioners in Richmond. He noted that there was discussion about electric vehicles and local planning for the necessary infrastructure. He noted that James City County had a high level of hybrid vehicles in the area, which implies that the County could be prominent in electric vehicles. He gave an overview of the charging process and permitting requirements for installing the necessary receptacles. He noted that commercial charging stations could be installed in retailers' parking lots, which could create different demands. He asked staff to investigate this as part of the Zoning Ordinance update.

Mr. McGlennon stated support for this initiative and asked staff to investigate possible funding opportunities to get the process started.

Mr. Kennedy commented that Guiseppe's Italian Restaurant parking lot has receptacles and could be a model for other sites. He commented on the parking in New Town and stated his concern about the new gymnasium. He stated this has decreased the walkability of the community and affected area businesses. He asked to look at this issue as well as exclusive security for New Town.

Ms. Jones stated that she attended the Hampton Roads Federal Facilities Alliance meeting and received an update on the Joint Forces Command and the Congressional outlook for military facilities. She stated that she also attended the Hampton Roads Mayors and Chairs meeting and received a legislative update, as well as attending the Virginia Municipal League/Virginia Association of Counties (VML/VACo) Legislative Day in Richmond on February 3, 2011. She noted that she also attended the VACo Chairperson's Institute, which was an excellent learning opportunity.

Mr. McGlennon responded to comments from Mr. Fowler and noted that he had seen the Capital Trail utilized a great deal, contrary to what Mr. Fowler suggested. Mr. McGlennon further commented that the baseball fields at Mid County Park preceded the roadway which has created problems for using the baseball facilities. He noted the extensive use of the parks and recreation facilities.

**G. CONSENT CALENDAR**

Mr. McGlennon made a motion to adopt the items on the Consent Calendar.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

1. Minutes –
  - a. January 22, 2011, Budget Retreat
  - b. January 25, 2011, Work Session Meeting
  - c. January 25, 2011, Regular Meeting
  - d. February 3, 2011, VML/VACo Legislative Day Meeting
2. Grant Award – Living Shoreline Restoration Program – \$100,000

**RESOLUTION**

**GRANT AWARD - LIVING SHORELINE RESTORATION PROGRAM - \$100,000**

WHEREAS, the Chesapeake Bay Trust, in partnership with the National Oceanic and Atmospheric Administration Restoration Center and the Maryland Department of Environment, has grant funds available for shoreline stabilization and erosion projects; and

WHEREAS, funds are needed to remove rubble, stabilize the shoreline, and install grasses at Jamestown Beach Park.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the \$100,000 grant awarded by the Chesapeake Bay Trust to help with the improvements at Jamestown Beach Park.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants Fund:

Revenue:

Chesapeake Bay Trust Federal Grant	<u>\$100,000</u>
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Expenditure:

Jamestown Beach Stabilization	<u>\$100,000</u>
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**H. PUBLIC HEARINGS**

Ms. Jones recognized Planning Commissioner Joe Poole in attendance.

1. Case No. SUP-0024-2009. Hospice House and Support Care of Williamsburg Wireless Communication Facility Tower (Deferred from December 14, 2010; Deferral Requested until April 12, 2011)

Ms. Jones noted that this item was deferred from December 14, 2010, and a deferral has been requested until April 12, 2011.

Ms. Jones opened the Public Hearing.

As no one wished to speak to this matter, Ms. Jones continued the Public Hearing.

This item was deferred until April 12, 2011.

2. Case No. HW-0004-2010/SUP-0028-2010. Busch Gardens New Attraction – Oktoberfest

Ms. Leanne Reidenbach, Senior Planner, stated that Mr. Ronnie Orsborne of VHB-LandMark has applied for a Special Use Permit (SUP) to construct a new attraction with an approximately 26,100-square-foot building and separate locker room addition. A height limitation waiver has also been requested for parts of the attraction that will not exceed 95 feet above grade. The attraction location is proposed for where the Big Bad Wolf roller coaster was recently removed. The site is already at a lower elevation than much of the surrounding park and the applicant proposes additional grading that further reduces the potential visual impacts of the attraction from surrounding areas. The attraction is proposed to exceed the 60-foot height limitation imposed by the M-1 Zoning District, reaching no more than 95 feet above existing grade (measured at 55 feet above sea level) at its highest point. Given the location of the proposed attraction, there will be no visual impacts and limited noise impacts outside the theme park. Staff finds the proposal consistent with surrounding zoning and development and consistent with the Comprehensive Plan.

At its meeting on January 5, 2011, the Planning Commission recommended approval of this application by a vote of 7-0.

Staff recommended approval of the SUP and the height waiver resolutions.

Ms. Jones opened the Public Hearing.

1. Mr. Larry Giles, Vice President of Engineering on behalf of Busch Gardens, stated that he was available for questions.

As no one else wished to speak to this matter, Ms. Jones closed the Public Hearing.

Mr. Goodson made a motion to adopt the resolutions. He noted that this attraction was in a low area and the ride was inside a building, which would be less obtrusive to Kingsmill residents than the previous attraction.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

## RESOLUTION

### CASE NO. SUP-0028-2010. BUSCH GARDENS NEW ATTRACTION - OKTOBERFEST

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Mr. Ronnie Orsborne of VHB-LandMark has applied on behalf of SeaWorld Parks and Entertainment, LLC for an SUP to allow for the construction of an event building and locker room addition collectively totaling approximately 26,100 square feet in size to serve a theme-park attraction in the Oktoberfest area of Busch Gardens, Williamsburg, ("Attraction") which will be laid out over a total area of approximately nine acres; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0028-2010; and

WHEREAS, the proposed Attraction is depicted on the plan prepared by Vanasse Hangen Brustlin, Inc., dated November 23, 2010, and entitled "BGW Oktoberfest Attraction Expansion"; and

WHEREAS, the proposed Attraction will be constructed in its entirety on property zoned M-1, Limited Business Industrial, further identified as Parcel No. (1-9) on James City County Real Estate Tax Map Parcel No. (51-4) and commonly known as "Busch Gardens" (the "Property"); and

WHEREAS, the Planning Commission, following its public hearing on January 5, 2011, voted 7-0 to recommend approval of SUP No. 0028-2010.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve SUP No. 0028-2010, as described herein, pursuant to the following conditions:

1. Plan: This SUP shall be valid for an approximately 26,100-square-foot event building and separate locker room addition for an attraction (the "Attraction") as generally shown on the plan prepared by Vanasse Hangen Brustlin, Inc., dated November 23, 2010, and entitled "BGW Oktoberfest Attraction Expansion."
2. Lighting: A lighting plan shall be submitted to, and approved by, the Director of Planning or his designee prior to final site plan approval for the Attraction. The lighting plan shall show that no glare will be cast beyond the any boundary line of the Property by any lighting installed as a component of or result of this Attraction.
3. Commencement of Construction: Construction on the Attraction shall commence within 24 months from the date of approval of this SUP or this permit shall be void. Construction shall be defined as the obtaining of permits for the construction of foundations and/or footings.
4. Severability: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

## RESOLUTION

### CASE NO. HW-0004-2010. BUSCH GARDENS NEW ATTRACTION - OKTOBERFEST

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Height Limitation Waiver process; and

WHEREAS, Mr. Ronnie Orsborne of VHB-LandMark has applied on behalf of SeaWorld Parks and Entertainment, LLC for a Height Limitation Waiver to allow the height of an event building and portion of a new attraction in Oktoberfest (the "Attraction") not to exceed 95 feet above existing grade; and

WHEREAS, existing grade is defined as 55 feet above sea level for the purposes of this Height Limitation Waiver; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. HW-0004-2010; and

WHEREAS, the proposed Attraction is depicted on the plan prepared by Vanasse Hangen Brustlin, Inc., dated November 23, 2010, and entitled "BGW Oktoberfest Attraction Expansion"; and

WHEREAS, the proposed Attraction will be constructed in its entirety on property zoned M-1, Limited Business Industrial, further identified as Parcel No. (1-9) on James City County Real Estate Tax Map Parcel No. (51-4) and commonly known as "Busch Gardens" (the "Property"); and

WHEREAS, the Board of Supervisors finds that the requirements of Section 24-419(c) of the James City County Zoning Ordinance have been satisfied, in order to grant a height limitation waiver to allow for the erection of structures in excess of 60 feet in height.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Height Limitation Waiver HW-0004-2010 to grant the applicant a 35-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of an event building and sections up to 95 feet above existing grade as described herein, pursuant to the following conditions:

1. Plan: This Height Waiver shall be valid for a 35-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of portions of a new attraction (the "Attraction") up to 95 feet above existing grade as generally shown on the plan prepared by Vanasse Hangen Brustlin, Inc., dated November 23, 2010, and entitled "BGW Oktoberfest Attraction Expansion." For the purposes of this waiver, "existing grade" shall be defined as 55 feet above sea level.
2. Lighting: A lighting plan shall be submitted to, and approved by, the Director of Planning or his designee prior to final site plan approval for the Attraction. The lighting plan shall show that no glare will be cast beyond the any boundary line of the Property by any lighting installed as a component of or result of this Attraction.
3. Commencement of Construction: Construction on the Attraction shall commence within 24 months from the date of approval of this Height Waiver or this waiver shall be void. Construction shall be defined as the obtaining of permits for the construction of foundations and/or footings.

4. Severability: This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. Case No. AFD-11-86-3-2010. Shields Point Yarmouth Island Agricultural and Forestal District (AFD) Addition

Mr. Luke Vinciguerra, Planner, stated that Mr. Hunter Vermillion has applied to enroll 124.49 acres of property located at 2150, 2260, 2312, and 2190 Bush Neck Road into the Yarmouth Island Agricultural and Forestal District (AFD). Parcel Nos. 3510100011 and 3510100012 on Attachment No. 3 are completely wooded and are undeveloped. Parcel No. 2840100006 is wooded with a single residential structure on the property. Parcel No. 2840100007 is undeveloped and is approximately one-fourth wooded; the remainder of the property is marshlands. All the parcels are contiguous to other properties in the Yarmouth Island AFD.

At its meeting on December 15, 2010, the AFD Advisory Committee recommended approval of the application by a vote of 8-0.

At its meeting on January 5, 2011, the Planning Commission recommended approval of the AFD addition by a vote of 7-0.

Staff recommended approval of the addition to the Yarmouth Island AFD.

Ms. Jones opened the Public Hearing.

As no one wished to speak to this matter, Ms. Jones closed the Public Hearing.

Mr. Icenhour made a motion to adopt the ordinance.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

4. Case No. AFD-11-86-2-2010. Jolly Pond Road Yarmouth Island AFD Addition (Deferral Requested)

Ms. Jones stated that a deferral has been requested for this case.

Ms. Jones opened the Public Hearing.

As no one wished to speak to this matter, Ms. Jones continued the Public Hearing until March 8, 2011.

Mr. Goodson asked if there was notification to the owners in these cases.

Mr. Vinciguerra stated that during the AFD Advisory Commission meeting, the possibility of multiple owners was brought up and that Mr. James Richardson was unable to satisfy the requirement. He stated that Mr. Richardson is currently working with legal counsel to provide adequate documentation.

Mr. Goodson asked if the County verifies ownership for these cases.

Mr. Vinciguerra stated it was incumbent upon the applicant to provide proof of ownership.

Mr. Goodson made a motion for deferral.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

The case was deferred.

5. Case No. AFD-09-86-4-2010. Centerville Road Gordon Creek AFD Addition (Deferral Requested)

Ms. Jones stated that a deferral has been requested for this case.

Ms. Jones opened the Public Hearing.

As no one wished to speak to this matter, Ms. Jones continued the Public Hearing until March 8, 2011.

Mr. Goodson made a motion for deferral.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

The case was deferred.

**I. BOARD CONSIDERATION**

**I. Jamestown Road Traffic Signal**

Mr. Middaugh stated that the Board has received a resolution pertaining to the Jamestown Road traffic signal which would modify the process. He stated that the assumptions and work provided by VDOT would be reviewed along with a simulation of the intersection. He stated that a community meeting would be held and this matter could come back to the Board at a later time.

Mr. Goodson asked if the resolution was necessary.

Mr. Middaugh stated that it was a formality.

Mr. McGlennon stated that the resolution provided critical feedback to VDOT about the specific concerns of the public in relation to the traffic signal. He expressed his appreciation for the County Administrator for working on this resolution and for the Chairman for meeting with residents. He made a motion to adopt the resolution.

Mr. Kennedy stated concern that the goals of the study may be unrealistic. He understood the reevaluation of the traffic signal necessity, but stated concern about the costs associated with reconfiguring the area. He stated that private property owners cannot be forced to fund the reconfiguration. He asked what may trigger the non-conforming status of the property at James Square.

Mr. Rogers stated that the traffic signal may cause the property to comply, but the Planning office would need to speak with the Stormwater division regarding other required improvements.

Mr. McGlennon stated that the study could not commit additional County or private funding for the project.

Mr. Kennedy stated there could be a conflict between businesses and homeowners in the area in relation to a reconfiguration.

Mr. McGlennon stated this was an opportunity for everyone to surface the issues related to the traffic light. He stated that there was a community meeting that was not accounted in the planning for the traffic signal.

Mr. Kennedy asked if there was a risk of losing the funding for this project.

Mr. Steven Hicks, Manager of Development Management, stated that there was value in the resolution to allow VDOT to share how the study was developed, the impacts, and what improvements could be considered in the future. He stated it was in the FY 12 budget and scheduled for installation in the fall. Mr. Hicks stated that if the study revealed additional improvements and funding needs, there could be flexibility in the installation schedule.

Mr. Kennedy asked if VDOT would take the money away if the traffic signal was not moving forward.

Mr. Hicks stated his experience was that the project would stay in the budget until there was a final determination.

Mr. Kennedy asked how quickly the study could be done.

Mr. Hicks estimated a few weeks to complete the study.

Mr. Goodson confirmed that County staff is working with VDOT to complete the study.

Mr. Middaugh stated that was correct.

Ms. Jones stated she was comfortable that the funding would not be lost as a result of this resolution.

Mr. Goodson stated that the study would be done well in advance of the installation.

Mr. Kennedy asked if the traffic signal would be installed if the study so indicated.

Mr. McGlennon stated that he did not believe that was ultimately the County's decision.

Mr. Kennedy asked what stance the County would take.

Mr. McGlennon indicated that the Board should wait to see what the results were.

Mr. Icenhour stated that he would like to see the results of the study and the public impacts.

Mr. Goodson stated that he would respect the study regardless of its results.

Mr. Icenhour stated that the County does not make a determination about the traffic signal, but the Board should represent the County citizens' interests.

Ms. Jones stated that VDOT has done two studies and concluded that a traffic signal should be installed. She stated that the intention of the resolution was to allow County citizens to give input to VDOT. She asked that the Board move forward with this resolution and not use it as a tool to postpone the installation.

Mr. Goodson stated that he was previously in support of this resolution, but now had reservations.

Mr. McGlennon stated that there was concern that VDOT could make changes that citizens oppose.

Mr. Goodson stated that he wanted to have a study conducted that would be respected regardless of the results.

Mr. Kennedy stated his support and that the study should be conducted to give a concrete resolution that the Board will adhere to.

Ms. Jones stated her support for the results of the study.

Mr. McGlennon made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

## **RESOLUTION**

### **REQUEST THAT THE VIRGINIA DEPARTMENT OF TRANSPORTATION EXPAND ITS PRELIMINARY DESIGN FOR A PROPOSED TRAFFIC SIGNAL AT THE INTERSECTION OF JAMESTOWN AND COLONY ROADS**

WHEREAS, the Virginia Department of Transportation (VDOT), upon the request of James City County, completed a traffic signal warrant analysis for the intersection of Jamestown Road and Colony Road in James City County; and

WHEREAS, on two occasions VDOT analysis of the intersection indicated that required traffic warrants were met to qualify for the design and installation of a signalized intersection; and

WHEREAS, a number of businesses and residents in the vicinity of the intersection of Jamestown Road and Colony Road have expressed concern that unanticipated safety issues may arise and negative impact may result to their property as a result of the installation of a traffic signal at Jamestown Road and Colony Road; and

WHEREAS, it is the desire of the James City County Board of Supervisors that VDOT expand upon the preliminary engineering design concept for the traffic signal to assure that a traffic signal is the best option for Jamestown Road and Colony Road and to assess and to mitigate to the extent possible those valid concerns to make the intersection and its approaches safe for all residents and businesses.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests VDOT to work collaboratively with the James City County staff and concerned citizens to review, discuss, and suggest mitigations to the extent they are justified for concerns expressed regarding the installation and related impacts of a traffic signal at the intersection of Jamestown Road and Colony Road in James City County.

**J. PUBLIC COMMENT**

I. Mr. Ed Oyer, 139 Indian Circle, commented on possible excess positions in the school budget; additional school construction without adequate enrollment; and historical population, commercial, and residential growth rates in the County.

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Middaugh stated that February 10, 2011, there would be a Transfer of Development Rights (TDR) workshop with the consultant and staff. He stated that County offices would be closed on February 21, 2011, in recognition of President's Day.

**L. BOARD REQUESTS AND DIRECTIVES**

Mr. Kennedy asked about meeting requirements for the TDR workshop.

Mr. Rogers stated that the meeting has been announced as a public meeting, which is sufficient for Freedom of Information Act (FOIA) requirements. He stated that if three or more members attend and discuss public business, meeting minutes would need to be taken.

Ms. Jones asked if the workshop would be televised.

Mr. Middaugh stated that it would not be televised since it was at Warhill High School.

Mr. Kennedy asked if the Joint Work Session with the Schools and the City would be televised.

Mr. Middaugh stated that it has become technologically difficult, but pricing was being done for equipment and noted that the TDR workshop would be recorded.

Mr. Kennedy stated that public broadcast and transparency should be paramount in organizing these meetings. He stated that the Board should have a policy to record all meetings.

Mr. Middaugh stated that discussion was held recently to provide the technology necessary and that it was a possibility those capabilities could be provided in the renovated Building D.

Mr. Kennedy stated these meetings were important for citizens to watch and that there was historical significance.

Mr. Goodson stated that he agreed with providing the technological capabilities in Building D.

Mr. Kennedy made a motion to reappoint Mr. Martin Mathes to the Purchase of Development Rights (PDR) Committee and Mr. Rich Krapf to the Regional Issues Committee (RIC).

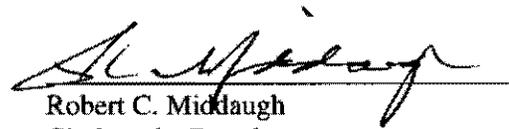
(0). On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY:

**M. ADJOURNMENT** to 7 p.m. on February 10, 2011.

Mr. Icenhour made a motion to adjourn.

(0). On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY:

At 8:20 p.m. Ms. Jones adjourned the Board until 7 p.m. on February 10, 2011, for the TDR workshop.

  
Robert C. Middaugh  
Clerk to the Board

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# ADOPTED

FEB 8 2011

ORDINANCE NO. 172A-8

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AFD-11-86-3-2010. YARMOUTH ISLAND AFD (SHIELDS POINT ADDITION)

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, (the "Board of Supervisors") to add 124.49 acres of land owned by Shields Point LLC located at 2150, 2260, 2312, and 2190 Bush Neck Road and identified as James City County Real Estate Tax Map/Parcel Nos. 3510100011, 3510100012, 2840100006, and 2840100007 to Agricultural and Forestal District (AFD) 11-86, which is generally known as the 2,031.40-acre "Yarmouth Island Agricultural and Forestal District" (the "Application"); and

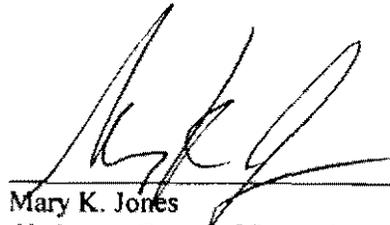
WHEREAS, at its December 15, 2010, meeting, the AFD Advisory Committee voted 8-0 to recommend approval of the Application; and

WHEREAS, a public hearing was advertised and held by the Planning Commission (the "Commission") at its January 5, 2011, meeting, pursuant to Section 15.2-4314 of the Code of Virginia, 1950, as amended (the "Virginia Code"), after which the Commission voted 7-0 to recommend approval of the Application; and

WHEREAS, pursuant to Section 15.2-4214 of the Virginia Code a public hearing was advertised and held by the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adds 124.49 acres owned by Shields Point LLC, as referenced herein to the 2,031.40 acres of the Yarmouth Island Agricultural and Forestal District with the following conditions:

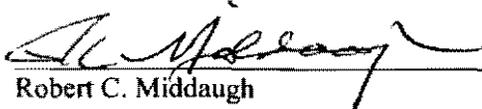
1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area (PSA) and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.
3. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Virginia Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties that are in accordance with the County's policies and ordinances regulating such facilities.



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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:



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Robert C. Middaugh  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
KENNEDY	AYE
GOODSON	AYE
MCGLENNON	AYE
ICENHOUR	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of February, 2011.

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