

JAN 26 1999

ORDINANCE NO. 167A-7

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

BARNES SWAMP AGRICULTURAL AND FORESTAL DISTRICT (AFD-5-86)

MOUNTCASTLE ADDITION

WHEREAS, an Agricultural and Forestal District has been established in the Barnes Swamp area; and

WHEREAS, in accordance with Section 15.2-4305 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the application for an addition to the Barnes Swamp Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee recommended approval of the application by a vote of 9 to 0 at its meeting on December 16, 1998; and

WHEREAS, the Planning Commission, following its public hearing on January 11, 1999, recommended approval of the application by a vote 6 to 0.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that:

1. The Barnes Swamp Agricultural and Forestal District is hereby amended by the addition of the following parcel:

R. E. and Mary Mountcastle                      (2-4)(1-61)                      58.6 acres

provided, however, that all land within 25 feet of the road rights-of-way of Racefield Drive (Route 622), Stewarts Road (Route 621), Richmond Road (Route 60), Old Stage Road (Route 30), Richardson Road (Route 705), Holly Forks Road (Route 601), Fire Tower Road (Route 634), and Interstate 64 shall be excluded from the district. The parcel shall be subject to the same term as the Barnes Swamp Agricultural and Forestal District, which is four years beginning the twenty-second day of September, 1998.

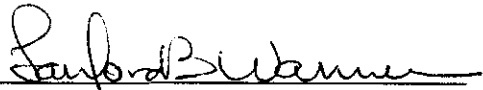
2. That pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Barnes Swamp Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. 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, as defined in the James City County Subdivision Ordinance. 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.

- b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land inside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to withdrawal of lands from Agricultural and Forestal Districts within the Primary Service Area, adopted September 24, 1996.
- c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State 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 special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.



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 Jack D. Edwards  
 Chairman, Board of Supervisors

ATTEST:



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 Sanford B. Wanner  
 Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NERVITT	AYE
SISK	AYE
MCLENNON	AYE
BRADSHAW	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of January, 1999.