

AUG 13 2002

ORDINANCE NO. 169A-8BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIAMILL CREEK AGRICULTURAL AND FORESTAL DISTRICT (AFD-7-86)

WHEREAS, James City County has completed a review of the Mill Creek Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertized, and public hearings have been held on the continuation of the Mill Creek Agricultural and Forestal District; and

WHEREAS, the Estate of William A. Thompson has requested the withdrawal of 24.681 acres - Tax Map ID (19-2)(1-5); and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee, at its meeting on July 22, 2002, voted 8-0 to continue this district for a period of four years; and

WHEREAS, the Planning Commission, following its public hearing on August 5, 2002, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 to renew this district with the conditions listed below.

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

1. That the Mill Creek Agricultural and Forestal District is hereby continued for a period of four years beginning the thirteenth day of August, 2002, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. That the district shall include the following parcels:

| <u>Owner</u>                                     | <u>Parcel No.</u>  | <u>Acres</u> |
|--|--------------------|--------------|
| Linda B. Cowles Estate, c/o Carter C.,           | (20-2)(1-6)        | 385.963      |
| Melinda Cowles Barbour, et.al.                   | (20-2)(1-3)        | 102.669      |
| Melinda Cowles Barbour, et.al.                   | (20-2)(1-1)        | 8.759        |
| Mayes and Cheryl Matthews                        | (21-1)(1-5)        | 46.010       |
| Cowles Family Limited Partnership                | (20-1)(1-1)        | 400.000      |
| Steve L. & Pamela C. Massie                      | (11-3)(1-28)       | 99.457       |
| Steve L. & Pamela C. Massie                      | (11-3)(1-28A)      | 32.610       |
| Steve W. & Margaret J. Kraph                     | (11-4)(1-6)        | 4.730        |
| Nancy Cottrell, c/o M. Anderson Bradshaw         | (11-4)(1-2)        | 297.288      |
| Linda B. Cowles Estate, c/o Carter C. Cowles III | (10-4)(1-5)        | 249.885      |
| Linda B. Cowles Estate, c/o Carter C. Cowles III | (10-4)(1-6)        | 124.768      |
| C.C. Cowles Sr. Estate, c/o Carter C. Cowles III | (10-4)(1-3) 2 pts. | 103.260      |
| Sarah Armistead                                  | (10-1)(1-38)       | 50.000       |

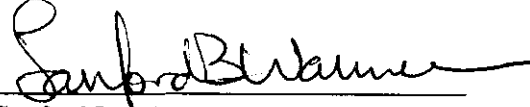
|  |              |                  |
|--|--------------|------------------|
| Cowles Family Limited Partnership                | (10-3)(1-19) | 97.590           |
| W.A. Slater, c/o Florence Carter                 | (10-2)(1-17) | 244.500          |
| Albert T. & Joan Lloyd Slater                    | (10-1)(1-28) | 69.690           |
| McRae O. Selph                                   | (10-1)(1-7)  | 50.000           |
| Walter Nelson Marshall                           | (11-4)(1-5)  | 79.947           |
| Martha Ware                                      | (20-2)(1-2)  | 57.411           |
| John Lee Darst                                   | (9-2)(1-36)  | 41.225           |
| W.A. Slater, c/o Florence Carter                 | (10-3)(1-3)  | 42.000           |
| Caroline W. Dozier                               | (20-2)(1-5)  | 186.170          |
| Caroline W. Dozier                               | (20-2)(1-7)  | 16.500           |
| Caroline W. Dozier                               | (20-2)(1-8)  | 12.000           |
| Dennis P. and Christine A. Weygand               | (10-3)(1-13) | 34.030           |
| John M.L. Barnes Est., c/o James F. Cowles III   | (10-2)(1-4)  | 215.768          |
| John M.L. Barnes Est., c/o James F. Cowles III   | (11-1)(1-1)  | 29.000           |
| Linda B. Cowles Est., c/o Carter C. Cowles III   | (20-1)(1-2)  | 2.000            |
| C.C. Cowles, Sr., Est., c/o Carter C. Cowles III | (10-4)(1-5A) | <u>17.000</u>    |
|  | Total:       | <u>3,100.230</u> |

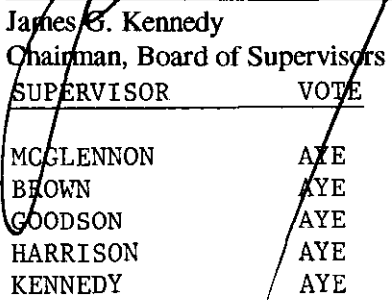
Provided, however, that all land within 25 feet of the road rights-of-way of Forge Road (Route 610), Little Creek Dam Road (Route 631), Menzel's Road (Route 659), North Riverside Drive (Route 715), Diascund Road (Route 603), and Richmond Road (Route 60) shall be excluded from the district.

3. 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 Mill Creek 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.

ATTEST:

  
Sanford B. Wanner  
Clerk to the Board

  
James G. Kennedy  
Chairman, Board of Supervisors

| SUPERVISOR | VOTE |
|------------|------|
| MCGLENNON  | AYE  |
| BROWN      | AYE  |
| GOODSON    | AYE  |
| HARRISON   | AYE  |
| KENNEDY    | AYE  |

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of August, 2002.

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