

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

August 13, 2002

7:00 P.M.

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J. BOARD REQUESTS AND DIRECTIVES

K. CLOSED SESSION

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 - a. Historical Commission
 - b. Industrial Development Authority
 - c. Lower James River Advisory Committee
 - d. Williamsburg Area Medical Assistance Commission
 - e. Williamsburg Arts Commission
2. Acquisition of Parcels of Property for Public Use, Pursuant to Section 2.2-3711 (A) (3) of the Code of Virginia.
 - a. Purchase of Development Rights Committee – Final Application Rankings

L. ADJOURNMENT

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AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 23RD DAY OF JULY, 2002, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Jay T. Harrison, Sr., Vice Chairman, Berkeley District

John J. McGlennon, Jamestown District
Michael J. Brown, Powhatan District
Bruce C. Goodson, Roberts District

Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. BOARD CONSIDERATION

1. Greenspace Land Acquisition Update

Mr. John T. P. Horne, Manager of Development Management, provided the Board with the overall objectives of the County's Greenspace Program, the criteria utilized, the current status of potential greenspace parcels, and stated that the Purchase of Development Rights recommendations will be brought before the Board soon.

Mr. Wanner recommended the Board go into closed session pursuant to Section 2.2-3711 (A) (3) of the Code of Virginia for the consideration of the acquisition of parcels of property for public use; pursuant to Section 2.2-3711 (A) (1) of the Code of Virginia for consideration the appointments of individuals to County Boards and/or Commissions; and pursuant to Section 2.2-3711 (A) (1) of the Code of Virginia for consideration of a personnel matter involving the annual performance review of the County Administrator.

C. CLOSED SESSION

Mr. McGlennon made a motion to go into closed session as recommended by the County Administrator.

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

The Board went into closed session at 4:20 p.m.

At 6:35 p.m., Mr. Kennedy reconvened the Board into open session.

Mr. McGlennon made a motion to adopt the two closed session resolutions.

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and, ii) only such public business matters were heard, discussed or considered by the Board as were identified in the motion and Section 2.2-3711(A)(1) to consider personnel matters, the appointment of individuals to County boards and/or commissions.

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and, ii) only such public business matters were heard, discussed or considered by the Board as were identified in the motion and Section 2.2-3711(A)(1) to consider a personnel matter involving the annual performance review of the County Administrator, and pursuant to Section 2.2-3711(A)(3) to consider the acquisition of parcels of property for public use.

Mr. McGlennon made a motion to reappoint Alan Bennett and Kathleen Lindsay to three-year terms on the Clean County Commission, terms to expire on July 22, 2005; to appoint Tammy Baber, Mary Bates, Dwight Beamon, Andy Bradshaw, Richard Bradshaw, Jim Bradsher, David Daigneault, Norman Danuser, Lois Danuser, Ann Davis, Loretta Garrett, Sylvia Hazelwood, Doris Heath, Ken Jacovelli, Katie Jones, Lynn Miller, Richard Miller, Margaret Mondul, Ed Overton, Diana Perkins, Bill Porter, Ellen Powell, Brad Rinehimer, Charlie Rupe, Angie Sims, Sandy Wanner, Shirley Webster, and Ellen E. Wolverton to the 2002 James City County Fair Committee; to reappoint Sterling Nichols and Skip Campana to four-year terms on the Industrial Development Authority, terms to expire on July 22, 2006; to reappoint Dwight Dansby to a three-year term on the Peninsula Alcohol Safety Action Program, term to expire on June 30, 2005; and to reappoint Bonnie Winston to a four-year term on the Williamsburg Regional Library System Board, term to expire on June 30, 2006.

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

Mr. McGlennon made a motion to approve a salary increase of 4.5 percent for the County Administrator with an additional 5 percent contribution to deferred compensation.

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

D. ADJOURNMENT

At 6:38 p.m. Mr. Kennedy and the Board met for supper until 7:00 p.m.

Sanford B. Wanner
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 23RD DAY OF JULY, 2002, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Jay T. Harrison, Sr., Vice Chairman, Berkeley District

John J. McGlennon, Jamestown District
Michael J. Brown, Powhatan District
Bruce C. Goodson, Roberts District

Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. MOMENT OF SILENCE

Mr. Kennedy requested the Board and citizens observe a moment of silence.

C. PLEDGE OF ALLEGIANCE

Ms. Cassandra Da-Costa, a student at D. J. Montague School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATIONS

1. Volunteer Recognition – Donald Greenhow

Mr. Kennedy recognized Donald Greenhow for his extraordinary voluntary service to the County as a member of the James City County Fire Department Auxiliary for more than 20 years.

2. 2001 Historic Preservation Awards

Mr. Brown and Mr. John Labanish, Chairman of the Historical Commission, recognized members of the Historical Commission and presented three Historic Preservation Awards to individuals that have made a significant contribution to the preservation of historic resources in the County.

The recipients were: Dr. Marley R. Brown, for his direction in the preparation of the first archaeological preservation plan on the Peninsula and his continued advocacy for archaeological ordinances and policies for local government; Mr. Paul B. Tubach, Jr., for his Williamsburg Historic Necklace concept linking 13 historical and interpretive sites between the James City County District Park and Yorktown, his creation of the Greensprings Greenway Interpretive History Trail, and his interest in the preservation effort

to save 217-acres of Mainland Farm; and Ms. Doris Benson Wildenberger, for her life-long devotion to the assimilation and preservation of local history as the primary historian of Our Saviour's Lutheran Church in Norge, Virginia, for which she has accumulated a comprehensive written and pictorial history comprising a 100th anniversary history book.

3. Resolution of Appreciation – Marie E. Sheppard

Mr. McGlennon presented a posthumous Resolution of Appreciation for Marie E. Sheppard for her contributions as a charter member of the Historical Commission and her contributions to the community in the awareness of historical information available about the African-American experience in James City County during the Colonial period.

Mr. Arthur Mallory and Ms. Marie E. Reed accepted the award on behalf of the family.

Mr. John Labanish, Chairman of the Historical Commission, stated that a special exhibit honoring Ms. Sheppard will be displayed in February.

4. 2002 National Association of Counties Achievement Awards

Mr. Harrison presented a 2002 National Association of Counties Achievement (NACo) Award for the program entitled, *Youth Sports Expo Program* and a 2002 NACo Achievement Award for the program entitled, *District Park Sports Complex* to Mr. Ned Cheely, Director of Parks and Recreation.

5. Williamsburg Land Conservancy Award for Commitment to Conservation

Mr. Kennedy stated that the County was the first recipient of the *Commitment to Conservation Award* from the Williamsburg Land Conservancy.

E. PUBLIC COMMENT

1. Mr. Michael Hipple, P. O. Box 85, Lightfoot, provided the Board with an overview of the James City-Bruton Fire Department and Fire Station No. 1, provided the Board with an update on renovations to the fire station and estimates of savings in renovation costs through volunteer work, and invited citizens to visit the station.

2. Mr. Ed Oyer, 139 Indian Circle, inquired about the current level of the Chickahominy Piney-Point Aquifer, stated that the revenue stream from the State is weaker each day and encouraged the Board to put on hold all Capital Projects not already committed, and requested the second shell building be put on hold until the John Deere issue is resolved.

3. Mr. Arthur C. Hilstrom, 3724 Brick Bat Road, requested assistance with the replacement cost for a new pump and deeper well, stated concern about water restrictions without controlling growth and development, stated concern about the County allocating water resources to the Primary Service Area (PSA) customers and not considering the impacts upon those outside the PSA, and requested the County stop new development.

F. HIGHWAY MATTERS

Mr. Jim Brewer, Acting Resident Engineer for the Virginia Department of Transportation (VDOT), was available to answer questions from the Board.

Mr. Harrison requested that VDOT continue to maintain the causeways of Route 31 (Jamestown Road) and monitor the causeways of Route 5 (John Tyler Highway).

Mr. Goodson inquired about the process for the renaming a road.

Mr. Brewer stated that renaming of a road begins at a local government level and the Board forwards a recommended name to the Virginia Department of Transportation.

Mr. McGlennon requested that the missing stop sign be replaced at the intersection of Route 1330 (Rolling Woods Drive) and Route 617 (Lake Powell Road).

Mr. McGlennon requested the intersection of Route 612 (Longhill Road) and Route 614 (Centerville Road) be reviewed for traffic pattern concerns.

Mr. Brewer stated that a meeting has been scheduled with County staff and designer to review the intersection.

Mr. McGlennon requested that VDOT alert motorists of that intersection.

G. CONSENT CALENDAR

Mr. Kennedy asked if a member wished to pull an item from the Consent Calendar.

Mr. Wanner withdrew the item pertaining to the Lease Agreement with the James City-Bruton Volunteer Fire Department from the agenda.

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

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

1. Minutes

- a. June 25, 2002, Work Session
- b. July 9, 2002, Regular Meeting

2. Chesapeake Bay Restoration Fund Grant

RESOLUTION

CHESAPEAKE BAY RESTORATION FUND GRANT

WHEREAS, the Chesapeake Bay Restoration Fund, which is funded through the sale of Chesapeake Bay license plates, has made funds available for the restoration and education of the Bay; and

WHEREAS, funds are needed to provide an enriching and SOL based environmental component to the Division’s Total Rec Camp Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$4,340 grant awarded by the Chesapeake Bay Restoration Fund to help with the additions to the summer camp program.

BE IT FURTHER RESOLVED that this resolution hereby authorizes the following appropriation:

Revenues:

From the Commonwealth	<u>\$4,340</u>
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Expenditures:

Contractual Services (001-161-0335)	\$3,840
Supplies (001-161-0318)	<u>500</u>
Total	<u>\$4,340</u>

3. Resolution of Appreciation – Marie E. Sheppard

RESOLUTION

MARIE E. SHEPPARD

WHEREAS, Marie E. Sheppard was a charter member of the James City County Historical Commission appointed by the Board of Supervisors on August 26, 1985, and passed away on June 27, 2002; and

WHEREAS, Ms. Sheppard was a lifelong member of the First Baptist Church, where she served as Chairperson of the Church History Committee, and also served as Chairperson of the Friends of African-American History; and

WHEREAS, Ms. Sheppard’s tireless efforts have resulted in the awareness of historical information available about the African-American experience in James City County during the colonial period; and

WHEREAS, the Board of Supervisors and the Historical Commission express their deepest sympathy to Ms. Sheppard’s family.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that Marie E. Sheppard is hereby recognized as an exemplary member of the James City County community and honors her for her contribution in preserving the history of James City County.

BE IT FURTHER RESOLVED that this resolution be recorded in the minutes of the Historical Commission to be preserved in perpetuity and that a copy of this resolution be presented to the descendants of Marie E. Sheppard.

4. Agreement to Maintain Dam for Warhill Trail Road

RESOLUTION

AGREEMENT TO MAINTAIN DAM FOR WARHILL TRAIL ROAD

WHEREAS, the County built Warhill Trail Road as the entrance to the District Sports Park; and

WHEREAS, the County will receive certain grant funds to reimburse the cost for building Warhill Trail Road once it is accepted in the Virginia Department of Transportation (VDOT) Secondary Roads System; and

WHEREAS, prior to acceptance of Warhill Trail Road into the Secondary Roads System, VDOT requires the County to assume certain responsibilities to maintain the dam over which Warhill Trail Road is situated.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized and directed to execute a Dam Maintenance Agreement with VDOT to insure maintenance of a dam for Warhill Trail Road.

5. Microsoft Desktop Licensing Expenditure

RESOLUTION

MICROSOFT DESKTOP LICENSE ENTERPRISE AGREEMENT

WHEREAS, funds are available in Operating Expense Accounts for the purchase of Microsoft desktop software licenses; and

WHEREAS, the purchase of these licenses is necessary for continued cost-effective operation and the licenses are only available and must be purchased from Microsoft Corporation; and

WHEREAS, Commonwealth of Virginia Enterprise-wide contract licensing is available to the County only through July 31, 2002, and based on the number of County computers to be included under the license the cost will not exceed \$140,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with Microsoft Corporation not to exceed the amount of \$140,000.

H. PUBLIC HEARINGS

1. An Ordinance to Amend Chapter 11, Section 11-65, Restrictions on Outdoor Watering and Section 11-66, Violation of Article

Mr. Larry Foster, General Manager of the James City Service Authority, stated that in follow up to the adopted Emergency Ordinance on June 11, 2002, staff has prepared the Ordinance for the Board's consideration with modifications including an effective period from May 1 through September 30 of each year, that violations constitute a Class I misdemeanor; and stated that through the Ordinance, staff will try to manage water demands to reduce water system pressure losses during peak demand periods.

The Board and staff discussed the seasonal limitations for the restrictions, new turf establishment exemptions, water restrictions for public safety concerns vs. conservation of water due to drought, benchmarks under which water restrictions are implemented, shallow wells drying up, and the Well Mitigation Program.

Mr. Kennedy opened the Public Hearing.

1. Mr. John Streeter, 4709 Yarrow Court, stated that reseeded lawns need only one inch of water, which is about five to ten minutes of irrigation per day - once weekly; stated support for the irrigation restrictions as mentioned in the Ordinance and requested that other outdoor watering activities be permitted within the Ordinance.

2. Mr. Tony Dion, 102 Fairmont Drive, stated concern about the unrestricted residential development with water limits, and requested the Board implement a parallel ban limiting new residential building in the County with the limitations on outdoor water use.

3. Mr. Garrett E. Duncan, 104 Windstar, stated concern that only a limited number of residents of the County will be impacted by the Ordinance not those commercial portions of the County or residential well users, stated concern about the enforcement of the Ordinance, and requested a moratorium on new housing developments until 2003 at which time the County can review the water situation and issue another moratorium if warranted.

4. Mr. Jay Everson, 103 Branscome Boulevard, stated support for the Ordinance, concern regarding the enforcement, and stated concern that with no outdoor watering on Mondays, that the Monday water demand levels have not dropped to levels experienced in February.

5. Mr. Arthur C. Hilstrom, 3724 Brick Bat Road, recommended the Board poll the residents of the County for a consensus on continued development, and stated that continued development negatively impacts the growing water issues.

6. Mr. Richard Costello, 10026 Sycamore Landing Drive, recommended the Board review the Ordinance's impact on the water levels in October and adjust the Ordinance as warranted.

As no one else wished to speak, Mr. Kennedy closed the Public Hearing.

Mr. Kennedy requested Mr. Morton explain the County's ability to implement a moratorium on development.

Mr. Morton stated that localities are not permitted by the Attorney General and the General Assembly to enact moratoriums, however, if staff and the County Administrator felt that there is an emergency of such consequence that water is inadequate to meet public safety and sanitation needs, then move forward to take whatever actions are necessary to protect the citizens.

The Board and staff held a discussion concerning water demands, benchmarks for water restrictions, and ability of the system to keep up with seasonal demands.

Mr. Kennedy requested water demand readings in February for the past few years to gauge growth impacts on the demands.

The Board and staff held a discussion regarding growth impacting the increasing demands for water, weather conditions impacting water demands, development demands on water, citizen concerns about well levels dropping, and the enforcement of the Ordinance.

Mr. Wanner stated that Police has been directed to be more diligent in enforcing the Ordinance in areas where known warnings have been issued; and if citizens observe a violation and wish to report the violation, they are encouraged to contact the Service Authority.

Mr. McGlennon proposed the Board consider changing the morning cutoff watering time from 8:00 a.m. to 9:00 a.m. and that he could support reducing the evening watering hours by an hour to compensate.

Mr. Goodson made a motion to adopt the resolution with the proposed amendment by Mr. McGlennon to change the morning watering cutoff time to 9 a.m.

Mr. Goodson then made a motion to further amend the Ordinance by permitting outdoor watering by hose with an automatic turnoff nozzle that is continuously attended.

Mr. Goodson then made a second motion to amend the Ordinance to have a sunset date of September 30, 2002, at which time the Board could reevaluate the Ordinance and water issue.

Mr. Goodson requested independent votes on each amendment.

The Board held a discussion concerning the proposed amendments and concentrated most of the discussion on the issue of water demand's correlation to the County's development.

Mr. Morton asked that if the Board would like to authorize hand watering, then eliminate the odd/even aspect of the Ordinance.

The Board continued discussion concerning non-irrigation outdoor watering uses and came to a consensus on the modified watering times.

Mr. Goodson removed his motion to amend the resolution concerning a sunset clause of September 30, 2002.

Mr. Kennedy requested a roll call vote on the motion to adopt the Ordinance with a 9:00 a.m. cutoff watering time and permissibility for utilizing a hose with an automatic shutoff nozzle that is continuously attended.

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

2. An Ordinance to Amend Chapter 20, of the James City County Code to Provide a Tax on Local Telecommunication Service

Mr. John E. McDonald, Manager of Financial and Management Services, stated that Section 20-25 of the Code of James City County, Virginia, as authorized by the Code of Virginia, would establish a

Consumer Utility Tax, per month, not to exceed \$1.20 on telecommunications services and that the amendment to Sections 20-70 and 20-71 of the Code of James City County, Virginia, would reduce the current E-911 tax from \$2.20 per month to \$.75 per month to compensate for the establishment of the Consumer Utility Tax.

Mr. Harrison inquired about the revenue neutral aspect of the proposed amendment.

Mr. McDonald stated that gathering information regarding the number of cell phones in the County has been difficult, therefore, the estimation on revenue generated from the proposal may not be accurate, and if the Ordinance needs to be adjusted after implementation of the Consumer Utility Tax to remain revenue neutral, staff will bring an amendment before the Board.

Mr. Kennedy requested information regarding an estimate number of cell phones in the County.

Mr. McDonald stated that there appears to be about 10,000 cell phones in the County and about 47,000 land-line phones, both residential and commercial.

Mr. Goodson inquired if the tax is a percentage of the customer's service so those with less expensive phone services would pay less.

Mr. McDonald stated that the tax will be a percentage of the customer's service, but not based on long distance charges.

Mr. McGlennon inquired if the E-911 tax to assist localities in recovering costs for providing 911 service would be met with this proposal.

Mr. McDonald stated that to provide emergency communication system costs about \$1.4 million, and with the old E-911 tax about \$960,000 would have been recovered.

Mr. McGlennon stated that since this proposal is intended to be revenue neutral, the entire cost for providing the emergency communication system would not be covered.

Mr. McDonald stated that with State requirements for utilities to notify its customer of the change, the Ordinance is to take effect on January 1, 2003.

Mr. Kennedy opened the Public Hearing.

1. Mr. Ed Oyer, 139 Indian Circle, requested clarification on the phrasing within the Ordinance, and inquired about the County increasing the tax after this adoption.

Mr. McDonald stated that the wording of the Ordinance comes from the State Code and that the County has the latitude to increase the tax up to the State ceiling after the Board follows the public hearing process.

As no one else wished to speak to this matter, Mr. Kennedy closed the Public Hearing.

Mr. Harrison made a motion to adopt the Ordinance.

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

3. An Ordinance to Amend Section 16-7, Use of Public Park and Recreational Facilities by Children, of the James City County Code

Mr. Needham S. Cheely, III, Director of the Division of Parks and Recreation, stated that there has been increase usage of County parks and facilities and the Department has been working to develop a park users guide to educate the public about the laws and regulation that govern the use of the parks for the safety and enjoyment of the patrons and the public facilities. Mr. Cheely stated that during the development of the guide, staff discovered an inconsistency related to the age of children being left unsupervised in the parks and recommends the Ordinance be amended to be consistent with policies and practices of the Division of Social Services and the Commonwealth's Attorney's Office.

The Board and staff held a discussion regarding the age of 12 as a benchmark, the role of a lifeguard at park facilities, the need to be consistent with the Division of Social Services and the Commonwealth's Attorney's Office, and the children's safety.

Mr. Kennedy opened the Public Hearing.

As no one wished to speak, Mr. Kennedy closed the Public Hearing.

Mr. Harrison made a motion to adopt the Ordinance.

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

I. BOARD CONSIDERATION

1. FY 03 Annual Grounds Maintenance Agreement for Williamsburg-James City County School Division

Mr. Wanner stated that an agreement has been developed that the School Board unanimously approved on July 16, 2002. The agreement has been developed with the School Superintendent and upon entering into the agreement with the Schools, the County can transfer the funds in the County's Contingency for Schools Ground to the Williamsburg-James City County School Board Local Contribution by resolution.

Mr. Wanner recommended the Board approve the two resolutions.

The Board and staff discussed the ownership and purchase of grounds equipment, and desire to recover the County's costs to maintain grounds.

Mr. McGlennon made a motion to adopt the resolution to enter into the FY 03 Annual Grounds Maintenance Agreement for Williamsburg-James City County School Division, and to adopt the resolution to transfer funds from the County's Contingency for School Grounds account to the Local Contribution to the School Board account.

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

The Board held a brief discussion commending staff for working towards this Agreement, and other opportunities for consolidated services.

RESOLUTION

FY 03 ANNUAL GROUNDS MAINTENANCE AGREEMENT FOR

WILLIAMSBURG-JAMES CITY COUNTY SCHOOL DIVISION

WHEREAS, the Board of Supervisors of James City County, Virginia, and the School Board of the Williamsburg-James City County School Division desire to formalize the arrangement for maintaining school grounds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute the FY 03 Annual Grounds Maintenance Agreement for Williamsburg-James City County School Division, by and between the County of James City and the Williamsburg-James City County School Division.

RESOLUTION

CONTINGENCY TRANSFER-SCHOOLS GROUNDS MAINTENANCE

WHEREAS, the Board of Supervisors has entered into an agreement with the James City County-Williamsburg School Board to provide grounds maintenance services; and

WHEREAS, funds were budgeted in the FY 2003 budget to provide for this function.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby transfers \$326,221 from the Contingency for School Grounds account to the Local Contribution to the School Board account.

J. PUBLIC COMMENT

1. Mr. Arthur C. Hilstrom, 3724 Brick Bat Road, stated concern for a neighbor who is without running water due to a well failure, concern for another neighbor who is experiencing difficulty replacing a burnt-out dwelling, and concern regarding his dried-up well, requested assistance with the cost to replace the pump and to dig a deeper well, and inquired if the well dried up as a result of the County providing water to residents with in the Primary Service Area.

Mr. Wanner stated that he will direct staff to look into assistance for the neighbor with the fire-damaged structure, assistance for the elderly woman without water, and requested Mr. Hilstrom submit his bill for the replacement of the pump and digging a deeper well to the James City Service Authority for consideration in the Well Mitigation Program.

2. Mr. Garrett E. Duncan, 104 Windstar, requested the County develop ground rules for next year in anticipation of further water concerns associated with continued growth in the County.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended that at the conclusion of the agenda, the Board recess until 1 p.m. on July 29, 2002, for a County-hosted tour of James City County for the *Daily Press* Editorial Team.

Mr. Wanner reminded citizens that the only August Board meeting will be held on August 13, 2002.

Mr. Wanner recapped the appointments made during the Board's Work Session earlier:

Alan Bennett and Kathleen Lindsay were reappointed to three-year terms on the Clean County Commission; Tammy Baber, Mary Bates, Dwight Beamon, Andy Bradshaw, Richard Bradshaw, Jim Bradsher, David Daigneault, Norman Danuser, Lois Danuser, Ann Davis, Loretta Garrett, Sylvia Hazelwood, Doris Heath, Ken Jacovelli, Katie Jones, Lynn Miller, Richard Miller, Margaret Mondul, Ed Overton, Diana Perkins, Bill Porter, Ellen Powell, Brad Rinehimer, Charlie Rupe, Angie Sims, Sandy Wanner, Shirley Webster, and Allen E. Wolverton were appointed to the 2002 James City County Fair Committee; Sterling Nichols and Skip Campana were reappointed to four-year terms on the Industrial Development Authority; Dwight Dansby was reappointed to a three-year term on the Peninsula Alcohol Safety Action Program; and Bonnie Winston was reappointed to a four-year term on the Williamsburg Regional Library System Board.

L. BOARD REQUESTS AND DIRECTIVES

Mr. Harrison requested the Board and staff look at benchmarks for limiting new growth in the County.

Mr. Brown requested information regarding the County's ability to enact moratoriums on growth.

Mr. Morton stated that a memorandum will be provided to the Board on moratoriums after the Board meeting.

Mr. McGlennon congratulated the local baseball team of 11-year-olds that are playing in the playoffs for entry into the championship playoffs.

M. ADJOURNMENT

Mr. Kennedy recessed the Board until 1 p.m. on July 29, 2002, for a tour of the County for the *Daily Press* Editorial Board.

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

Mr. Kennedy recessed the Board at 9:30 p.m.

Sanford B. Wanner
Clerk to the Board

AT A MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY,
VIRGINIA, HELD ON THE 29TH DAY OF JULY, 2002, AT 1:00 P.M. IN THE COUNTY
GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY,
VIRGINIA.

A. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Jay T. Harrison, Sr., Vice Chairman, Berkeley District, Absent
John J. McGlennon, Jamestown District
Michael J. Brown, Powhatan District
Bruce C. Goodson, Roberts District

Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

A. COUNTY TOUR

The Board of Supervisors and staff conducted a tour of the County for members of the Editorial Board of the *Daily Press*.

B. ADJOURNMENT

At 3:10 p.m. Mr. Kennedy adjourned the Board until 7:00 p.m. on August 13, 2002.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Kennedy (4) NAY: (0).
ABSENT: Harrison.

Sanford B. Wanner
Clerk to the Board

M E M O R A N D U M

DATE: August 13, 2002
TO: The Board of Supervisors
FROM: David A. Daigneault, Chief of Police
SUBJECT: Award of Contract - Police Records Management System

The Police Department applied for and received a \$134,900 grant from the Department of Criminal Justice Services for a new Records Management System. This System will meet the Department's critical need for a state-of-the-art solution that will expand its current records management capabilities. In addition, the System will provide both the interoperability needed to establish external criminal justice data sharing links and the compatibility required to add important records related modules such as mobile data terminals.

The Records Management System project Request for Proposal (RFP) was advertised in conjunction with the Computer Aided Dispatch System replacement to identify one vendor capable of providing both Systems with a minimum of interoperability concerns. Nine firms submitted RFPs describing their interest, qualifications, product specifications, and experience in providing similar work. Three firms were interviewed and provided demonstrations of their Records Management and Computer Aided Dispatch System. A panel of staff members including representatives from the Police Department, Fire Department, and Information Technology selected Open Software Systems, Inc., as the most qualified firm. After selection, a price of \$134,434 was negotiated to complete the scope of services associated with the Records Management System.

Funds for the project are included in the FY 2003 Budget.

Staff recommends that the Board approve the attached resolution awarding a contract to Open Software Systems, Inc., in the amount of \$134,434 for the Police Records Management System.

David A Daigneault

CONCUR:

Sanford B. Wanner

DAD/adw
records2.mem

RESOLUTION

AWARD OF CONTRACT - POLICE RECORDS MANAGEMENT SYSTEM

WHEREAS, a request for proposals for a Police Records Management System was advertised, nine interested firms submitted proposals; and

WHEREAS, staff reviewed all proposals, interviewed three proposers, and selected Open Software Solutions, Inc., as the most qualified firm to provide the services associated with the project; and

WHEREAS, a fee of \$134,434 was negotiated with Open Software Solutions, Inc., for providing the services with funds available in the Fiscal Year 2003 Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, awards the contract to provide the Records Management System to Open Software Solution, Inc., for \$134,434.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

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

records2.mem

MEMORANDUM

DATE: August 13, 2002
TO: The Board of Supervisors
FROM: Carol M. Luckam, Human Resource Manager
SUBJECT: New Position - Part-Time Permanent Convenience Center Attendant

The County has a part-time temporary Convenience Center Attendant position that has been in existence continuously for seven years and is projected to continue indefinitely. Staff recommends the Board establish a part-time permanent Convenience Center Attendant position and eliminate the temporary position.

The reason the current position is temporary is that, for a period of time, the future of convenience centers in James City County was uncertain. They are not self-supporting, and staff had recommended that they be closed. Two convenience centers, one at Barnes Road and one in Grove, have been closed.

The existing part-time temporary position has a regular schedule of 20 hours per week at the Tewning Road and Toano sites, both of which are planned to remain open for the foreseeable future. Therefore, staff recommends that the Board create a part-time permanent position, which is more appropriate under the circumstances. The establishment of this position will ensure that the County will meet the policy definitions of permanent and temporary positions and that the incumbent will receive the same benefits as other employees who work part-time jobs that are projected to continue indefinitely and have regular schedules.

The additional cost of establishing the part-time permanent Convenience Center Attendant position is about \$1,000 for paid leave and holidays. Funds are available to cover the additional cost. Staff recommends adoption of the attached resolution.

Carol M. Luckam

CML/gb
ConvenAttend.mem

Attachment

RESOLUTION

NEW POSITION - PART-TIME PERMANENT

CONVENIENCE CENTER ATTENDANT

WHEREAS, there is a need for 20 hours per week of work by a Convenience Center Attendant to staff the Tewning Road and Toano Convenience Center sites; and

WHEREAS, similar County positions have part-time permanent status and receive benefits such as pro-rated leave and holidays; and

WHEREAS, upon filling this part-time permanent position, the current part-time temporary Convenience Center Attendant position will be eliminated; and

WHEREAS, money is available in the Solid Waste budget to fund the position.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a 20-hour per week part-time permanent Convenience Center Attendant position be established.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

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

ConvenAttend.res

MEMORANDUM

DATE: August 13, 2002
TO: The Board of Supervisors
FROM: John E. McDonald, Manager of Financial and Management Services
SUBJECT: Carry Forward of Funds - Colonial Narcotics Task Force Grant/Police Budget

James City County acts as fiscal agent for the regional Colonial Narcotics Task Force and spending is included in the Police Department budget. The Task Force has \$2,065 in carry forward funds from FY 2002 and the attached resolution appropriates those funds.

Staff recommends approval of the attached resolution.

John E. McDonald

JEM/gs
narcotic3.mem

Attachment

RESOLUTION

CARRY FORWARD OF FUNDS -

COLONIAL NARCOTICS TASK FORCE GRANT/POLICE BUDGET

WHEREAS, the Board of Supervisors of James City County is the fiscal agent for a regional law enforcement program known as the Colonial Narcotics Task Force; and

WHEREAS, the Colonial Narcotics Task Force will have \$2,065 in carry forward funds from FY 2002.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby makes the following appropriation to the FY 2003 General Fund Budget:

Revenues:

Carry Forward Funds (001-390-0700)	<u>\$2,065</u>
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Expenditures:

Police Department (001-062-0395)	<u>\$2,065</u>
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James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

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

narcotic3.res

MEMORANDUM

DATE: August 13, 2002

TO: The Board of Supervisors

FROM: Jill E. Schmidle, Senior Planner

SUBJECT: Case No. ZO-1-02. Adult Day Care Center

Staff is processing an amendment to add the use “adult day care center” to several additional zoning districts where it currently is not a permitted or specially permitted use. The Zoning Ordinance defines adult day care center as “a facility that provides care to adults during part of the day only and which includes personal supervision of the adults and promotes social, physical, and emotional well-being through companionship, self-education, and leisure time activities.”

The request was brought to staff’s attention by officials from Wellspring United Methodist Church, located on Longhill Road, who want to open an adult day care center. However, the property is zoned R-2, General Residential, which does not permit the use. Adult day care centers currently are permitted in business districts (LB, Limited Business; B-1, General Business; and PUD, Planned Unit Development) only. Staff does not support rezoning to a business district for Wellspring United Methodist Church since the church is surrounded by residentially zoned property and there is no other business zoning nearby.

In addition, while researching the zoning districts that permit adult day care centers, staff discovered inconsistencies where *child day care centers* are permitted (either by-right or with a special use permit) but adult day care centers are not permitted.

Below is a chart showing the districts where adult day care centers and child day care centers currently are permitted.

Existing Zoning Ordinance

	Child day care center	Adult day care center
A-1, General Agricultural	SUP	
R-1, Limited Residential	SUP	
R-2, General Residential	SUP	
R-5, Multi-Family Residential	By-right	
R-6, Low-Density Residential	SUP	
R-8, Rural Residential	SUP	
LB, Limited Business	By-right	By-right
B-1, General Business	By-right	By-right
M-1, Limited Business/Industrial	By-right	
PUD, Planned Unit Development	By-right	By-right

Staff finds that impacts generated by adult day care centers will be similar, if not fewer, than the impacts generated by child day care centers (such as traffic and noise). Staff also finds that with the growing retired and elderly population in the area, the demand for adult day care centers will increase. For these reasons, staff proposes the following ordinance amendments which would make the use “adult day care centers” consistent with the zoning of child day care centers. In chart form, staff proposes the use “adult day care centers” be permitted, either by-right or with a special use permit, in the following districts.

Proposed Ordinance Amendments

	Child day care center	Adult day care center
A-1, General Agricultural	SUP	<u><i>SUP</i></u>
R-1, Limited Residential	SUP	<u><i>SUP</i></u>
R-2, General Residential	SUP	<u><i>SUP</i></u>
R-5, Multi-Family Residential	By-right	<u><i>By-right</i></u>
R-6, Low-Density Residential	SUP	<u><i>SUP</i></u>
R-8, Rural Residential	SUP	<u><i>SUP</i></u>
LB, Limited Business	By-right	By-right
B-1, General Business	By-right	By-right
M-1, Limited Business/Industrial	By-right	<u><i>By-right</i></u>
PUD, Planned Unit Development	By-right	By-right

RECOMMENDATION:

On August 5, 2002, the Planning Commission voted 5-0 to approve the ordinance amendment. Staff finds the addition of the use adult day care center to the A-1, R-1, R-2, R-5, R-6, R-8, and M-1 zoning districts will serve a growing community need and allow the Zoning Ordinance to be more consistent with allowed uses.

Jill E. Schmidle

CONCUR:

O. Marvin Sowers, Jr.

JES/gb
daycare.mem

Attachments:

1. Planning Commission minutes
2. Revised Ordinance

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1, SECTION 24-213, USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 3, LIMITED RESIDENTIAL DISTRICT, R-1, SECTION 24-233, USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 4, GENERAL RESIDENTIAL DISTRICT, R-2, SECTION 24-253, USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 6, MULTI-FAMILY RESIDENTIAL DISTRICT, R-5, SECTION 24-305, PERMITTED USES; DIVISION 7, LOW-DENSITY RESIDENTIAL DISTRICT, R-6, SECTION 24-329, USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 8, RURAL RESIDENTIAL DISTRICT, R-8, SECTION 24-349, USES PERMITTED BY SPECIAL USE PERMIT ONLY; AND DIVISION 11, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1, SECTION 24-411, PERMITTED USES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, Division 2, General Agricultural District, A-1, Section 24-213, Uses permitted by special use permit only; Division 3, Limited Residential District, R-1, Section 24-233, Uses permitted by special use permit only; Division 4, General Residential District, R-2, Section 24-253, Uses permitted by special use permit only; Division 6, Multi-Family Residential District, R-5, Section 24-305, Permitted uses; Division 7, Low-Density Residential District, R-6, Section 24-329, Uses permitted by special use permit only; Division 8, Rural Residential District, R-8, Section 24-349, Uses permitted by special use permit only; and Division 11, Limited Business/Industrial District, M-1, Section 24-411, Permitted uses.

Chapter 24. Zoning

Article V. Districts

Division 2. General Agricultural District, A-1

Sec. 24-213. Uses permitted by special use permit only.

In the General Agricultural District, A-1, buildings to be erected or land to be used for the following uses shall be permitted only after the issuance of a special use permit approved by the board of supervisors in accordance with the procedures, guides and standards of sections 24-9 and 24-10 and such other guides and standards as may be contained in this chapter.

Adult day care centers

Division 3. Limited Residential District, R-1

Sec. 24-233. Uses permitted by special use permit only.

In the Limited Residential District, R-1, buildings, to be erected or land to be used for the following or similar uses shall be permitted only after the issuance of a special use permit by the board of supervisors:

Adult day care centers.

Division 4. General Residential District, R-2

Sec. 24-253. Uses permitted by special use permit only.

In the General Residential District, R-2, buildings to be erected or land to be used for the following or similar uses shall be permitted only after issuance of a special use permit by the board of supervisors:

Adult day care centers.

Division 6. Multifamily Residential District, R-5

Sec. 24-305. Permitted uses.

In the Multifamily Residential District, R-5, structures to be erected or land to be used shall be for the following uses held for rent, for sale by individual unit or for sale in condominium:

Adult day care centers.

Division 7. Low-density Residential District, R-6

Sec. 24-329. Uses permitted by special use permit only.

In the Low-Density Residential, R-6, buildings to be erected or land to be used for the following or similar uses shall be permitted only after the issuance of a special use permit by the board of supervisors:

Adult day care centers.

Division 8. Rural Residential District, R-8

Sec. 24-349. Uses permitted by special use permit only.

In the Rural Residential District, R-8, structures to be erected or land to be used for the following uses shall be permitted only after the issuance of a special use permit approved by the board of supervisors in accordance with the procedures, guides and standards of sections 24-9 and 24-10 and such other guides and standards as may be contained in this chapter:

Adult day care centers.

Division 11. Limited Business/Industrial District, M-1

Sec. 24-411. Permitted uses.

In the Limited Business/Industrial District, M-1, buildings to be erected or land to be used shall be for one or more of the following or similar uses:

Adult day care centers.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

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

daycare.ord

MEMORANDUM

DATE: August 13, 2002
TO: The Board of Supervisors
FROM: Jill E. Schmidle, Senior Planner
SUBJECT: 2002 Agricultural and Forestal District (AFD) Renewals

Agricultural and Forestal Districts

In 1977, the Virginia General Assembly created a process to “provide a means for a *mutual* undertaking by landowners and local governments to protect and enhance agricultural and forestal land as a viable segment of the Commonwealth’s economy and an economic and environmental resource of major importance.” The process also provides land owners an opportunity to try to protect their land from the pressure to develop. This process is known as the Agricultural and Forestal Districts (AFD) Act. The Act gives local governments authority, upon landowners’ voluntary application, to establish agricultural districts, forestal districts, and agricultural and forestal districts.

Land within a district is directly affected in three ways:

1. District land qualifies for the benefits of use-value taxation, subject to local regulations; and
2. Restraints are imposed on government, as it may affect a property. More specifically, local governments may not restrict farming or forestry practices, except to protect public health or safety. Local comprehensive plans and zoning/subdivision ordinances apply to district land only to the extent that they do not conflict with either the conditions of the district or the purposes of the AFD Act. Local plans, ordinances, and decisions affecting land adjacent to a district must take into account both the district and the AFD Act. State agencies must modify regulations and procedures to encourage farming and forestry within Districts. Land acquisition by agencies, political subdivisions, or public service corporations (including acquisition by eminent domain) must be reviewed by the Board of Supervisors if the land in question exceeds ten acres from the district or one acre from any one district farm or forestry operation. Finally, no special purpose assessments or taxes may be imposed on the basis of frontage, acreage, or value of land used for agricultural or forestal production within a district; and
3. A property owner wishing to keep his land in farming or forestry is protected from adjacent incompatible uses when his neighbors join with him in an AFD.

Current AFD Statistics and Facts

As shown in the following spreadsheet, there are currently 18,151± acres of land within the AFD program. This acreage represents approximately 20 percent of the total land area of the County. The AFD program began in James City County in 1986 and there have been three previous major review periods of AFD districts (1990, 1994, and 1998).

Of the 16 districts, 11 are set to expire in September and one is set to expire in October. The districts set to expire are highlighted in bold print below.

Agricultural and Forestal Districts
(As of April 2002)

<u>District</u>	<u>Name and Term of District in Years ()</u>	<u>Acres</u>	<u>Exp. Date</u>
AFD 1-94	Wright's Island (8)	1,544.41	10/19/2002
AFD 2-86	Croaker (4)	1,081.82	9/22/2002
AFD 3-86	Hill Pleasant Farm (4)	573.62	9/22/2002
AFD 4-86	Pates Neck (6)	624.30	11/17/2006
AFD 5-86	Barnes Swamp (4)	1,943.48	9/22/2002
AFD 6-86	Cranston's Pond (4)	1,073.58	9/22/2002
AFD 7-86	Mill Creek (4)	3,126.04	9/22/2002
AFD 8-86	Casey (4)	197.05	9/22/2002
AFD 9-86	Gordon Creek (4)	3,352.60	9/22/2002
AFD 10-86	Christenson's Corner (4)	562.16	9/22/2002
AFD 11-86	Yarmouth Island (4)	2,082.17	9/22/2002
AFD 12-86	Gospel Spreading Church (4)	971.94	9/22/2002
AFD 13-86	Gilley (4)	202.89	9/22/2002
AFD 1-89	Armistead (4)	311.83	1/27/2006
AFD 1-93	Williamsburg Farms (4)	294.30	1/27/2006
AFD-1-98	Barrett's Ferry (4)	210.49	4/28/2006

	<u>Acres</u>	<u>Square Miles</u>
AFD Total	18,151.84	28.36
Total County Area: Land	92,224.00	144.1
Total County Area: Water	20,224.00	31.6
Total County Area: Land & Water	112,448.00	175.7
AFD % of Total County Area	16.14%	
AFD % of Total Land Area	19.68%	

Length of Terms for Individual Districts

Of the 16 AFD's in existence today, 14 have four-year terms, one has a six-year term, and one has an eight-year term. The State Code governing AFD's allows the establishment of a District for a minimum of four years and to a maximum of ten years. The Code also provides the Board discretion to establish districts for any term it deems appropriate, which may be from four-year to ten-year terms. In the past, the length of the term has been left up to the property owner.

When an AFD Comes Up for Renewal

The review process is similar to other land use cases that come before the Board with several exceptions. The review of Districts begins at least 90 days before the expiration date of the district or districts. If there are any proposed changes to the AFD policy or to the conditions of any of the districts, the County must convey those proposed changes to the affected property owners. During this review period the County sends notice of the renewal to all affected property owners. During this time, the County must give all AFD property owners the opportunity to withdraw any or all of their property from the AFD. Owners do not need Board approval to withdraw at this time. If the Board chooses to renew or "continue" the particular district, the Board simply

renews the district without the acreage that has been voluntarily withdrawn. Owners who choose to add more land to an AFD, either during the review period or during the term of the district, must file a written application to do so. The AFD Advisory Committee, the Planning Commission, and the Board of Supervisors review these requests. Other agencies involved in the review process include the Virginia Department of Forestry and the Soil and Water Conservation Service. The AFD Advisory Committee and the Planning Commission review each new district, and any addition to, or withdrawal from, any existing district. The County notifies adjacent property owners, posts signs, and places public hearing ads in the local newspapers for renewals and additions as required by State Code. While the District renewals require public hearings, voluntary withdrawals of individual properties *during the review period* do not require Board approval or public hearing.

Withdrawal of Property from an AFD

Before a proposed district is created, and during the review of an existing district, landowners may withdraw their land simply by filing a written request. Also, when a landowner dies, the heirs may withdraw the land from a district at any time within two years of the date of death. Land withdrawn from a district by these two methods neither terminates a district nor causes a rollback tax to become due. The district continues at least until the time of its expiration date. The rollback tax (five years worth), becomes due only if the use of the withdrawn land is changed to a non-qualifying use (i.e., non-agricultural or non-forestal) during the six succeeding tax-years. At other times, withdrawals must be approved by the Board, which has established withdrawal policies.

Conditions of Approval on the Districts Up for Renewal

When AFD's 2-86, 3-86, 5-86, 6-86, 7-86, 8-86, 9-86, 10-86, 11-86, 12-86, and 13-86 were last renewed in 1998, the following conditions were placed on the districts:

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, 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.
2. 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.
3. 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.

Also, generally any land within the district that is within 25 feet of an adjoining public road is excluded from the district. This exclusion allows for possible future road and/or drainage improvements. Conditions of approval for AFD-1-94 are unique and are discussed separately in the attached staff report.

Summary of Changes to Districts During This Renewal Period and Recommendations

AFD 2-86 Croaker

- No changes are currently proposed.
- Staff recommends continuation of the district.
- On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0.
- On August 5, 2002, the Planning Commission recommended continuation by a vote of 5-0.

AFD 3-86 Hill Pleasant Farm

- No changes are currently proposed.
- Staff recommends continuation of the district.
- On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 6-0, with two abstentions.
- On August 5, 2002, the Planning Commission recommended continuation by a vote of 4-0, with one abstention.

AFD 5-86 Barnes Swamp

- The estate of Richard Montcastle has requested the withdrawal of 58.60 acres - Tax Map ID (2-4)(1-61).
- Staff recommends continuation of the district.
- On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0.
- On August 5, 2002, the Planning Commission recommended continuation by a vote of 5-0.
- After the withdrawal, the size of this district will be 1,884.876 acres.

AFD 6-86 Cranston's Pond

- No changes are currently proposed.
- Staff recommends continuation of the district.
- On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0.
- On August 5, 2002, the Planning Commission recommended continuation by a vote of 5-0.

AFD 7-86 Mill Creek

- The estate of William A. Thompson has requested the withdrawal of 24.681 acres - Tax Map ID (19-2)(1-5).
- Staff recommends continuation of the district.
- On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0.
- On August 5, 2002, the Planning Commission recommended continuation by a vote of 5-0.
- After the withdrawal, the size of the district will be 3,101.359 acres.

AFD 8-86 Casey

- This district no longer meets the minimum size requirements for an AFD (200 ac.).
- There are two properties within the Casey AFD. Parcel No. (37-3)(1-4) which is 165 acres can be transferred into the Gordon Creek AFD. Because of distance restrictions, the other parcel (47-2)(1-1) which is 31 acres cannot be located within another AFD. This parcel will not be eligible to continue in the AFD program.
- Staff recommends this AFD be terminated.
- On July 22, 2002, the AFD Advisory Committee recommended termination by a vote of 8-0.
- On August 5, 2002, the Planning Commission recommended termination by a vote of 5-0.

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AFD 9-86 Gordon Creek

- William Kane has requested the withdrawal of (29-4)(1-3), (30-3)(1-7), (35-2)(1-7),(36-1)(1-1), and (36-1)(1-2), which total 164.33 acres.
- The Gordon Creek Corporation has requested a withdrawal of all of its land within the AFD. This consists of Parcel Nos. (36-2)(1-1), (36-2)(1-1B), (36-2)(1-2), and (36-2)(1-3) which all total 242.427 acres.
- Parcel No. (37-3)(1-4) which is 165 acres will be added from the Casey AFD.
- Staff recommends continuation of the district.
- On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0.
- On August 5, 2002, the Planning Commission recommended continuation by a vote of 5-0.
- After the withdrawals and with the addition, the size of the district will be 3,111.420 acres.

AFD 10-86 Christenson's Corner

- No changes are currently proposed.
- Staff recommends continuation of the district.
- On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0.
- On August 5, 2002, the Planning Commission recommended continuation by a vote of 5-0.

AFD 11-86 Yarmouth Island

- James City County has requested the withdrawal of 52 acres - Tax Map ID's (30-1)(1-7) and (30-3)(1-1).
- Staff recommends continuation of the district.
- On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0.
- On August 5, 2002, the Planning Commission recommended continuation by a vote of 5-0.
- After the withdrawals, the size of the district will be 2,030.445 acres.

AFD 12-86 Gospel Spreading Church

- No changes are currently proposed.
- Staff recommends continuation of the district.
- On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0.
- On August 5, 2002, the Planning Commission recommended continuation by a vote of 5-0.

AFD 13-86 Gospel Spreading Church (Gilley)

- No changes are currently proposed.
- Staff recommends continuation of the district.
- On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 7-0, with one abstention.
- On August 5, 2002, the Planning Commission recommended continuation by a vote of 5-0.

AFD 1-94 Wright's Island

- Ilene B. Menzels et. al, has requested the withdrawal of 90 acres - Tax Map ID (20-3)(1-2).
- Staff recommends continuation of the district.
- On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0.
- On August 5, 2002, the Planning Commission recommended continuation by a vote of 5-0.
- After the withdrawal, the size of this district will be 1,454.405 acres.

Attached to this report are memorandums containing the detailed reports for each district that is up for renewal. In total, approximately 663 acres of land will be removed from the James City County AFD program during this renewal period, leaving approximately 17,485 acres remaining in AFD.

Jill E. Schmidle

CONCUR:

O. Marvin Sowers, Jr.

JES/gs
AFDrenewcover.mem

Attachments:

1. Planning Commission Minutes
2. Map showing Mill Creek Withdrawals
3. Map showing Casey Withdrawals
4. Map showing Gordon Creek Withdrawals
5. Map showing Barnes Swamp Withdrawals
6. Map showing Yarmouth Island Withdrawals
7. Map showing Wright's Island Withdrawals

MEMORANDUM

DATE: August 13, 2002
 TO: The Board of Supervisors
 FROM: Dave Anderson, Planner
 SUBJECT: Renewal of AFD-2-86, Croaker

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must either be continued, modified, or terminated. This report will review AFD-2-86, Croaker, which is scheduled to expire in September.

The Croaker AFD consists of approximately 1,082 acres located in and around the Croaker area. Properties within this AFD front on Riverview Road, Fenton Mill Road, Ware Creek Road, Saddletown Road, and Mount Laurel Road. Specifically, the AFD is currently comprised of the following:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Hankins Land Trust	(15-3)(1-44)	119.000
William Apperson	(14-4)(1-15)	51.450
V.D. McManus Estate	(15-3)(1-43)	119.850
V.D. McManus Estate	(15-3)(1-42)	10.100
V.D. McManus Estate	(15-3)(1-36)	40.400
Debra Hicks	(15-3)(1-2)	39.760
Clarence D. Richardson, Jr.	(15-3)(1-34)	34.000
Judith R. Pieper	(14-4)(1-10)	40.000
Robert I. Solomon	(14-4)(1-9)	49.079
Wenger Land Trust	(13-2)(1-18)	95.300
Wenger Land Trust	(14-1)(1-1)	150.000
Wenger Land Trust	(14-1)(1-14)	143.500
Thomas B. Ballard	(15-3)(1-35) 3 parts	57.000
Lasata LLC	(15-3)(1-18)	16.051
Lasata LLC	(15-3)(1-19)	16.397
Lasata LLC	(15-3)(1-29)	30.937
William Ferguson, III	(14-4)(1-3)	29.000
Milly Wallis c/o Doris Lockley	(15-4)(1-4)	40.000

History

The District was originally approved on November 17, 1986, for a term of four years and at a size of 1,341.683 acres. In July 1989, the Board of Supervisors approved the withdrawal of 421.773 acres associated with the Old French Winery property. At the time of the 1994 renewal, the Board approved a district consisting of 1,042.61 acres. 29 acres were added to the District on January 14, 1997, and 40 acres were added on January 13, 1998, bringing the total acreage to 1,081.824 acres. The District was last renewed by the Board in September 1998 with no additions or withdrawals. At this time, no property owners have requested any additions or withdrawals to the District. Therefore, the total acreage to be renewed in 2002 remains 1,081.824 acres.

This includes all the land on the above-referenced properties with the exception of all land within 25 feet of the road rights-of-way of Riverview Road (Route 606), Fenton Mill Road (Route 602), and Moss Side Lane

(Route 609) as that property has been excluded from the District to allow for possible road and/or drainage improvements.

Analysis

The bulk of the District appears to consist of soils well suited for agriculture and is located a considerable distance from the I-64/Croaker Road interchange. Most of the District is forested and remains rural in nature. All of the land within this District is zoned A-1, General Agriculture, and a major portion of the surrounding property is presently zoned A-1. The Old French Winery/Kiskiack development, zoned R-5, Multi-Family Residential, and M-1, Limited Business/Industrial, abuts two of the AFD tracts found on James City County Real Estate Tax Map No. (14-4). The entire District is outside the Primary Service Area (PSA) and is designated Rural Lands by the Comprehensive Plan.

Recommendation

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the District for a period of four years with no change in the conditions of approval. A four-year approval would be consistent with prior action and would allow for the re-evaluation of the District for consistency with possible policy changes and Comprehensive Plan revisions. On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0. On August 5, 2002, the Planning Commission recommended continuation by a vote of 5-0.

Dave Anderson

CONCUR:

O. Marvin Sowers, Jr.

DA/gs

AFD-2-86renew.mem

Attachments:

1. Location Map
2. Ordinance

ORDINANCE NO. _____

WRIGHT’S ISLAND AGRICULTURAL AND FORESTAL DISTRICT (AFD-1-94)

WHEREAS, James City County has completed a review of the Wright’s Island Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified, public meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Wright’s Island Agricultural and Forestal District; and

WHEREAS, Llene B. Menzels et. al. has requested the withdrawal of 90 acres - Tax Map ID (20-3) (1-2); and

WHEREAS, the Agricultural and Forestal District Advisory Committee, at its meeting on July 22, 2002, voted 8-0 to approve the application; 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 Wright’s Island Agricultural and Forestal District is hereby continued for a period of eight 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>
Wright’s Island Game Association	(20-3)(1-1)	1,320.480
Amos, Heather Alicia	(20-3)(1-3)	4.900
Menzel, Gary Est.	(20-3)(1-4)	4.900
Menzel, Llene B. et al	(20-2)(1-28)	74.752
Queijo, Manuel J. & Isabell Queijo Rev. Living Trust; G. Baxter Stanton & Francesca Stanton	(20-2)(1-27)	<u>49.373</u>
Total:		<u>1,454.405</u>

provided, however, that all land within 25 feet of the road right-of-way of Menzels Road Road (Route 659) and Little Creek Dam Road (Route 631) be excluded from the District to allow for possible road improvements.

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Wright’s Island 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 telecommunications towers and related equipment, provided, a) The subdivision does not cause 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 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 Outside 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.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

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

afd194.res

MEMORANDUM

DATE: August 13, 2002
 TO: The Board of Supervisors
 FROM: Karen Drake, Senior Planner
 SUBJECT: Renewal of AFD-3-86, Hill Pleasant Farm

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must either be continued, modified, or terminated. This report will review AFD-3-86, Hill Pleasant Farm, which is scheduled to expire in September.

The Hill Pleasant Farm AFD consists of approximately 574 acres located southwest of Norge in between the CSX Railway and Interstate 64. Specifically, the AFD is currently comprised of the following:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
C.E. Stevens	(24-1)(1-4)	105.04
Hill Pleasant Farm, Inc.	(24-1)(1-5)	397.30
Wayne Moyer	(24-1)(1-15D)	32.28
Williamsburg Pottery, Inc.	(24-3)(1-17)	27.00
Williamsburg Pottery, Inc.	(24-3)(1-31B)	12.00

History

The Hill Pleasant Farm AFD was created on November 17, 1986, for a term of four years and renewed again on October 1, 1990, for a period of four years. The Board of Supervisors' approval of the withdrawal of 2.2 acres was withdrawn from the property prior to the 1994 renewal. This withdrawal was for the purpose of installing an HRSD trunk main. The 1994 renewal, approved by the Board of Supervisors on October 19, 1994, consisted of 502.34 acres. Subsequently, 27 acres were added to the District on October 23, 1996, and 12 acres were added on November 12, 1997, for a current total of 573.620 acres. The District was renewed on September 22, 1998, for a term of four years with the conditions listed at the beginning of this report. No property owners have requested property to be withdrawn from the District for the proposed 2002 renewal. The District includes all the land on the above properties with the exception of all land within 25 feet of the road right-of-way of Rochambeau Drive (Route 755) as that property has been excluded from the District to allow for possible road and/or drainage improvements.

Analysis

The bulk of this District has remained essentially the same since the time it was put in the District. Except for a few residences, all acreage in this District is in agriculture or forestal uses. The properties have been managed in the past for food and fiber production and have the potential to support significant agriculture and commercial timber operations. The majority of land within the District is zoned A-1, General Agricultural, and is located outside the PSA. The one exception is the 12-acre parcel owned by the Williamsburg Pottery which is located inside the PSA and is zoned M-1, Limited Business/Industrial. The Primary Service Area (PSA) is the area of the County that has been designated for growth. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created, maximizing the beneficial use of the property. The District is designated rural lands on the Comprehensive Plan Land Use Map except for the one 12-acre parcel located inside the PSA. This parcel is designated Mixed Use.

Most of the surrounding land to the north of the District is zoned A-1. The property to the west of the District is a mixture of businesses, residences, and developed property within the PSA zoned B-1, General Business, and R-2, General Residential. The property to the south of the District is mostly zoned M-1, Limited Business/Industrial. Although it is located in the vicinity of existing commercial development along Richmond Road, the District is separated from Richmond Road by the CSX Railway. The District borders York County to the east.

Recommendation

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the District for a period of four years with no change in the conditions of approval. A four-year approval would be consistent with prior action and would allow for the re-evaluation of the District for consistency with possible policy changes and Comprehensive Plan revisions. On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 6-0, with two abstentions. On August 5, 2002, the Planning Commission recommended continuation by a vote of 4-0, with one abstention.

Karen Drake

CONCUR:

O. Marvin Sowers, Jr.

KD/gs

AFD-3-86renew.mem

Attachments:

1. Location Map
2. Ordinance

ORDINANCE NO. _____

CROAKER AGRICULTURAL AND FORESTAL DISTRICT (AFD-2-86)

WHEREAS, James City County has completed a review of the Croaker 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 advertised, and public hearings have been held on the continuation of the Croaker Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee, at its meeting on July 22, 2002, voted 8 to 0 to recommend approval of the application; and

WHEREAS, the Planning Commission, following its public hearing on August 5, 2002, voted 5 to 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 Croaker 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>
Hankins Land Trust	(15-3)(1-44)	119.000
William Apperson	(14-4)(1-15)	51.450
V.D. McManus Estate	(15-3)(1-43)	119.850
V.D. McManus Estate	(15-3)(1-42)	10.100
V.D. McManus Estate	(15-3)(1-36)	40.400
Debra Hicks	(15-3)(1-2)	39.760
Clarence D. Richardson, Jr.	(15-3)(1-34)	34.000
Judith R. Pieper	(14-4)(1-10)	40.000
Robert I. Solomon	(14-4)(1-9)	49.079
Wenger Land Trust	(13-2)(1-18)	95.300
Wenger Land Trust	(14-1)(1-1)	150.000
Wenger Land Trust	(14-1)(1-14)	143.500
Thomas B. Ballard	(15-3)(1-35) 3 parts	57.000
Lasata LLC	(15-3)(1-18)	16.051
Lasata LLC	(15-3)(1-19)	16.397
Lasata LLC	(15-3)(1-29)	30.937
William Ferguson, III	(14-4)(1-3)	29.000
Milly Wallis c/o Doris Lockley	(15-4)(1-4)	<u>40.000</u>

Total: 1,081.824

Provided, however, that all land within 25 feet of the road rights-of-way of Riverview Road (Route 606), Fenton Mill Road (Route 602), and Moss Side Lane (Route 609) 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 Croaker 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. 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.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

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

afd286.res

M E M O R A N D U M

DATE: August 13, 2002

TO: The Board of Supervisors

FROM: Dave Anderson, Planner

SUBJECT: Renewal of AFD-5-86, Barnes Swamp

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must either be continued, modified, or terminated. This report will review AFD-5-86, Barnes Swamp, which is scheduled to expire in September.

The Barnes Swamp AFD consists of approximately 1,943 acres and adjoins the New Kent County border, extending from a point approximately 5,000 feet east of Holly Forks Road west to Diascund Reservoir and south to Richmond Road. The properties in this District front on 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. Specifically, the AFD is currently comprised of the following:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Dennis Leonituk and Anna Hollins	(3-1)(1-1)	128.700
Eunice P. Stewart	(3-1)(1-2)	64.000
Katherine L. Hockaday	(3-1)(1-3)	62.560
Alvin Beahm	(3-3)(1-3)	70.000
Alvin Beahm	(3-3)(1-4)	70.000
Arlene H. Bowmer	(3-3)(1-6)	96.750
Arlene H. Bowmer	(2-4)(1-12)	62.200
Estate of John G. Warburton	(10-1)(1-1)	78.000
Harwood, Cary & Charles	(3-2)(1-1)	43.530
Estate of Mick Zuzma	(3-2)(1-2)	32.030
Henry B. & Myrtle Johnson	(3-2)(1-3)	19.080
Henry B., Myrtle & John B. Johnson	(3-2)(1-3A)	93.990
Robert M. Dzula	(3-2)(1-4)	28.080
John A. Richardson	(4-1)(1-5)	42.000
John A. Richardson	(4-1)(1-6)	10.000
Cowles Family LP	(4-1)(1-8)	79.120
H.P. & Mary Hazelwood	(4-2)(1-8)	249.880
Edith Bell Hazelwood	(4-2)(1-14)	99.400
Florence S. Carter	(4-3)(1-15)	22.000
W.A. Stater, c/o Florence Carter	(4-3)(1-16)	52.000
Hazelwood Farms LLC	(4-3)(1-17)	184.296
J.W. Jr. and Isab Woodward	(9-2)(1-1)	114.000
Alex Lamar Penland	(2-4)(1-29)	55.900
Donald A. Hazelwood	(4-2)(1-20)	117.000
Donald A. Hazelwood	(4-2)(1-18)	3.460
Donald A. Hazelwood	(4-4)(1-1)	6.900
R.E. & Mary Mountcastle	(2-4)(1-61)	58.600

History

The District was approved on December 1, 1986, for a term of four years. It was renewed for a period of four years by the Board in October 1990. One addition to the District of 60.7 acres was approved by the Board in February 1991. The AFD was renewed again on October 19, 1994, with a total of 1,803.46 acres. The Board of Supervisors approved an addition of 127.36 acres on July 8, 1997, bringing the total to 1,943.476 acres. It was last renewed for a period of four years by the Board in September 1998, with the acreage dropping to 1,884.876 with the withdrawal of the 58.6 acre parcel (2-4)(1-61) owned by R. E. and Mary Mountcastle. On January 26, 1999, the Board approved the addition of the 58.6 acre parcel (2-4)(1-61) owned by R. E. and Mary Mountcastle to bring the total acreage of the Barnes Swamp AFD to its current total of 1,943.476 acres.

The District includes all the land on the above properties with the exception of 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 as that property has been excluded from the District to allow for possible road and/or drainage improvements.

Analysis

This District has remained essentially the same since the time it was put in the District. The District consists mainly of forested land. Records indicate that approximately 80 percent of the District is used for forestry purposes and the balance of the District is used for agriculture. Most of the land within the District is zoned A-1, General Agricultural, with the exception of part of Parcel No. (1-17) on Tax Map No. (4-3) which is zoned B-1, General Business. Most of the surrounding land is agricultural in nature, although two parcels located on Fire Tower Road are adjacent to the Stonehouse PUD-R Development. The vast majority of the District is located outside the PSA and designated Rural Lands and Conservation by the Comprehensive Plan. A small portion near the Route 30/Interstate 64 interchange is within the PSA and is designated Mixed Use on the Comprehensive Plan Land Use Map; however, the utilities necessary for the commercial development of the property are not currently available to the site. The PSA is the area of the County that has been designated for growth. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created, maximizing the beneficial use of the property.

The estate of Richard Mountcastle has requested the withdrawal of 58.60 acres - Tax Map ID (2-4)(1-61).

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the District for a period of four years with no change in the conditions of approval. A four year approval would be consistent with prior action and would allow for the re-evaluation of the District for consistency with possible policy changes and Comprehensive Plan revisions.

Recommendation

After the withdrawal, the size of this District will be 1,884.876 acres. On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0. On August 5, 2002, the Planning Commission recommended continuation by a vote of 5-0.

Renewal of AFD-5-86, Barnes Swamp

August 13, 2002

Page 3

Dave Anderson

CONCUR:

O. Marvin Sowers, Jr.

DA/gs

AFD-5-86renew.mem

Attachments:

1. Location map
2. Withdrawal request letter
3. Ordinance

ORDINANCE NO. _____

HILL PLEASANT FARM AGRICULTURAL AND FORESTAL DISTRICT (AFD-3-86)

WHEREAS, James City County has completed a review of the Hill Pleasant Farm Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified, public meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Hill Pleasant Farm Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee, at its meeting on July 22, 2002, voted 6-0 with two abstentions to continue this district for a period of four years; and

WHEREAS, the Planning Commission, following its public hearing on August 5, 2002, voted 4-0 with one abstention 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 Hill Pleasant Farm 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>
C.E. Stevens	(24-1)(1-4)	105.04
Hill Pleasant Farm, Inc.	(24-1)(1-5)	397.30
Wayne Moyer	(24-1)(1-15D)	32.28
Williamsburg Pottery, Inc.	(24-3)(1-17)	27.00
Williamsburg Pottery, Inc.	(24-3)(1-31B)	<u>12.00</u>
	Total:	<u>573.62</u>

provided, however, that all land within 25 feet of the road right-of-way of Rochambeau Drive (Route 755) be excluded from the District to allow for possible road improvements and/or drainage improvements

3. That pursuant to the Virginia Code, Section 15.2-4312, and 15.2-43.13, as amended, the Board of Supervisors requires that no parcel in the Hill Pleasant Farm 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 telecommunications towers and related equipment, provided, a) The subdivision does not cause 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 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 Outside 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.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

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

afd386.res

MEMORANDUM

DATE: August 13, 2002
 TO: The Board of Supervisors
 FROM: Jill E. Schmidle, Senior Planner
 SUBJECT: Renewal of AFD-6-86, Cranston's Pond

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must be either continued, modified, or terminated. This report will review AFD-6-86, Cranston's Pond, which is scheduled to expire in September.

The Cranston's Pond AFD consists of 1,073.579 acres and is located southeast of Chickahominy Road and Little Creek Dam Road. The bulk of the property straddles the Virginia Power easement. Specifically, the AFD is currently comprised of the following:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Hidden Acres Farm, c/o Wayne Nunn	(23-3)(1-1)	416.500
Bert Geddy	(22-3)(1-26)	167.500
Michael A. and Margaret Constanzo	(22-3)(1-33)	19.410
Edward K. English	(22-4)(1-1A)	101.670
Harcum Trust	(22-2)(1-87)	62.559
George A. Marston, Jr.	(22-2)(1-90)	40.000
Otto C. and Thelma Ripley	(31-2)(1-3)	22.830
Michael A. and Margaret Constanzo	(21-4)(1-39)	6.500
Douglas L. Hornsby Trust	(21-4)(1-46)	205.000
George A. Marston, Jr.	(22-2)(1-33)	12.000
George A. and Dorothy A. Marston, Jr.	(22-2)(1-35)	1.000
George A. and Dorothy A. Marston, Jr.	(22-2)(1-36)	2.110
George A. and Dorothy A. Marston, Jr.	(22-2)(1-37)	16.500

History

The District was approved on December 1, 1986, for a term of four years and has been renewed for additional four-year terms by the Board of Supervisors in October 1990, November 1994, and September 1998. This District has remained essentially the same since the AFD was created, although approximately 30 acres were added to the District in 1994 and approximately 130 acres were removed since 1998. The District includes all the land on the above properties with the exception of all land within 50 feet of the road rights-of-way of Chickahominy Road (Route 631) and Centerville Road (Route 614). That property has been excluded from the District to allow for possible road and/or drainage improvements.

Analysis

The District consists mainly of forested land, about 75 percent. The remainder of the District is in marsh land. A majority of the land (over 920 acres) within the District is zoned A-1, General Agricultural. However, Parcel No. (22-3)(1-33) and part of Parcel No. (22-2)(1-87) are zoned R-8, Rural Residential, and all five Marston properties are zoned R-1, Limited Residential. Most of the District, 1,022 acres, is located outside of the Primary Service Area (PSA) and is designated Rural Lands by the Comprehensive Plan. The Ripley parcel and two of the Marston parcels, (22-2)(1-33) and (22-2)(1-37) are located inside the PSA and are

designated Low Density Residential. The PSA is the area of the County that has been designated for growth. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created, maximizing the beneficial use of the property. The Comprehensive Plan also designates Cranston's Pond and its tributaries as conservation areas. All land within 50 feet of the road rights-of-way of Chickahominy Road (Route 631) and Centerville Road (Route 614) has been excluded from the District to allow for possible road and/or drainage improvements.

Recommendation

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the District for a period of four years with no change in the conditions of approval. A four-year approval would be consistent with prior action and would allow for the re-evaluation of the District for consistency with possible policy changes and Comprehensive Plan revisions. On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0. On August 5, 2002, the Planning Commission recommended continuation by a vote of 5-0.

Jill E. Schmidle

CONCUR:

O. Marvin Sowers, Jr.

JES/gs

AFD-6-86renew.mem

Attachments:

1. Location Map
2. Ordinance

ORDINANCE NO. _____

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

- WHEREAS, James City County has completed a review of the Barnes Swamp 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 advertised, and public hearings have been held on the continuation of the Barnes Swamp Agricultural and Forestal District; and
- WHEREAS, Sallie M. Powers, daughter and executor of the Estate of Richard Edloe Mountcastle Jr., has requested the withdrawal of 58.6 acres - Tax Map ID (2-4)(1-61); and
- WHEREAS, the Agricultural and Forestal Districts Advisory Committee, at its meeting on July 22, 2002, voted 8 to 0 to recommend approval of the application; 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 to 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 Barnes Swamp 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>
Dennis Leonituk and Anna Hollins	(3-1)(1-1)	128.700
Eunice P. Stewart	(3-1)(1-2)	64.000
Katherine L. Hockaday	(3-1)(1-3)	62.560
Alvin Beahm	(3-3)(1-3)	70.000
Alvin Beahm	(3-3)(1-4)	70.000
Arlene H. Bowmer	(3-3)(1-6)	96.750
Arlene H. Bowmer	(2-4)(1-12)	62.200
Estate of John G. Warburton	(10-1)(1-1)	78.000
Harwood, Cary & Charles	(3-2)(1-1)	43.530
Estate of Mick Zuzma	(3-2)(1-2)	32.030
Henry B. & Myrtle Johnson	(3-2)(1-3)	19.080
Henry B., Myrtle & John B. Johnson	(3-2)(1-3A)	93.990
Robert M. Dzula	(3-2)(1-4)	28.080
John A. Richardson	(4-1)(1-5)	42.000
John A. Richardson	(4-1)(1-6)	10.000
Cowles Family LP	(4-1)(1-8)	79.120
H.P. & Mary Hazelwood	(4-2)(1-8)	249.880

Edith Bell Hazelwood	(4-2)(1-14)	99.400
Florence S. Carter	(4-3)(1-15)	22.000
W.A. Stater, c/o Florence Carter	(4-3)(1-16)	52.000
Hazelwood Farms LLC	(4-3)(1-17)	184.296
J.W. Jr. and IAB Woodward	(9-2)(1-1)	114.000
Alex Lamar Penland	(2-4)(1-29)	55.900
Donald A. Hazelwood	(4-2)(1-20)	117.000
Donald A. Hazelwood	(4-2)(1-18)	3.460
Donald A. Hazelwood	(4-4)(1-1)	<u>6.900</u>
	Total:	<u>1,884.876</u>

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.

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 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. 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.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

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

afd586.res

M E M O R A N D U M

DATE: August 13, 2002

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Senior Planner

SUBJECT: Renewal of AFD-7-86, Mill Creek

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, Districts must be either continued, modified, or terminated. This report will review AFD-7-86, Mill Creek, which is scheduled to expire in September.

The Mill Creek AFD consists of approximately 3,126 acres located from Richmond Road in the north to below Uncle's Creek in the south. The bulk of the land lies between Forge Road and the CSX railroad tracks. Specifically, the AFD is currently comprised of the following:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
William A. Thompson	(19-2)(1-5)	24.681
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)	17.000

History

The District was originally approved in December 1986 for a period of four years. In March 1989, the Board of Supervisors approved the withdrawal of 41.124 acres. In November 1990, the Board approved the continuation of the District for another four years. In January 1992, the Board approved the withdrawal of three acres and in April 1992, the Board approved the addition of 33.62 acres. In 1994, before the District's renewal, 77 acres were removed. In 1995, the Board approved a 303.97 acre addition and the District was renewed for four years in 1998. During the 1998 renewals, approximately 25 acres was withdrawn. Following the 1998 renewal, 19.0 acres were added into the District.

Analysis

At present, the District contains approximately 3,126 acres and includes all land on the above-referenced properties with the exception of 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) as that property has been excluded from the District to allow for possible road and/or drainage improvements.

The bulk of the District contains many agricultural and forestry uses. All of the land within this District is zoned A-1, General Agricultural, and a major portion of the surrounding property is presently zoned A-1 and is forested. This District is located outside of the Primary Service Area (PSA) and remains relatively rural in nature. The District is designated Rural Lands on the Comprehensive Plan Land Use Map.

As part of this renewal, the Estate of William A. Thompson would like to remove Parcel No. (19-2)(1-5). This parcel is 24.681 acres and would bring the size of the District to approximately 3,101 acres.

Recommendation

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the District for a period of four years with no change in the conditions of approval. A four-year approval would be consistent with prior action and would allow for the re-evaluation of the District for consistency with possible policy changes and Comprehensive Plan revisions. On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0. On August 5, 2002, the Planning Commission recommended continuation by a vote of 5-0.

Paul D. Holt, III

CONCUR:

O. Marvin Sowers, Jr.

PDH/gs
AFD7-86renew.mem

Attachments:

1. Location Map
2. Letter from the Estate of William Thompson requesting the withdrawal of (19-2)(1-5)
3. Ordinance

ORDINANCE NO. _____

CRANSTON'S POND AGRICULTURAL AND FORESTAL DISTRICT (AFD-6-86)

WHEREAS, James City County has completed a review of the Cranston's Pond 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 advertised, and public hearings have been held on the continuation of the Cranston's Pond Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee, at its meeting on July 22, 2002, voted 8-0 to recommend renewal of the district; 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 the district with the conditions listed below.

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

1. That the Cranston's Pond 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>
Hidden Acres Farm, c/o Wayne Nunn	(23-3)(1-1)	416.500
Bert Geddy	(22-3)(1-26)	167.500
Michael A. and Margaret Constanzo	(22-3)(1-33)	19.410
Edward K. English	(22-4)(1-1A)	101.670
James P. Harcum	(22-2)(1-87)	62.559
George A. Marston, Jr.	(22-2)(1-89)	40.000
Otto C. and Thelma Ripley	(31-2)(1-3)	22.830
Michael A. and Margaret Constanzo	(21-4)(1-39)	6.500
Douglas L. Hornsby Trust	(21-4)(1-46)	205.000
George A. Marston, Jr.	(22-2)(1-33)	12.000
George A. & Dorothy A. Marston, Jr.	(22-2)(1-35)	1.000
George A. & Dorothy A. Marston, Jr.	(22-2)(1-36)	2.110
George A. & Dorothy A. Marston, Jr.	(22-2)(1-37)	<u>16.500</u>
Total:		<u>1,073.579</u>

provided, however, that all land within 50 feet of the road rights-of-way of Chickahominy Road (Route 631) and Centerville Road (Route 614) shall be excluded from the district.

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Cranston's Pond 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. 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 (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 inside the PSA and within the AFD 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.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

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

afd686.res

MEMORANDUM

DATE: August 13, 2002

TO: The Board of Supervisors

FROM: Karen Drake, Senior Planner

SUBJECT: Renewal of AFD-8-86, Casey

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, Districts must either be continued, modified, or terminated. This report will review AFD-8-86, Casey, which is scheduled to expire in September.

The Casey AFD currently consists of two parcels totaling 197 acres located on John Tyler Highway and News Road. Specifically, the AFD is currently comprised of the following:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
J.G. Warburton Estate	(37-3)(1-4)	165.58
J.G. Warburton Estate	(47-2)(1-1)	31.47

The District includes all the land on the above properties with the exception of within 25 feet of the road right-of-way of News Road (Route 613) and John Tyler Highway (Route 5) as that property has been excluded from the District to allow for possible road and/or drainage improvements.

History

The District was created on December 1, 1986, for a term of four years. In September 1988, the Board of Supervisors approved the withdrawal of seven acres from the District. In 1994, the Board renewed the District for a period of four years. In 1995, the Board of Supervisors approved a ten-acre withdrawal to accommodate the then proposed location of the James City County/Williamsburg Courthouse. The site for the Courthouse subsequently shifted to a parcel to the south of Monticello Avenue. The Board of Supervisors in September 1996, adopted a policy and withdrawal criteria for AFD parcels within the Primary Service Area (PSA). In December 1997, the Board of Supervisors approved the withdrawal of 87.25 acres to accommodate the development of the new James City County/Williamsburg Courthouse (11.5 acres) and a portion of the New Town development (75.75 acres).

In September of 1998, approximately 240 acres were withdrawn when the District was reviewed for renewal and the District now containing 620 acres, was renewed for a period of four years with the conditions listed at the beginning of this report. In December of 2000, approximately 46 acres of land was withdrawn for the construction of the new St. Bede Catholic Church. In June of 2001, the Board of Supervisors again approved the withdrawal of 378 acres for the development of New Town. This last withdrawal left the District currently containing 197 acres.

Analysis

The District is primarily used for forestry. Land located on News Road is zoned R-8, Rural Residential, and the land located on John Tyler Highway is zoned R-1, Limited Residential. Both parcels are designated Low Density Residential on the 1997 Comprehensive Plan Land Use Map.

The District is located within the PSA and residential development has taken place surrounding both parcels.

However, in accordance with the State Code, the core minimum size requirement of an AFD is 200 acres. Thus the Casey AFD is three acres short of the minimum size requirement. For the Casey AFD to continue as it currently exists, qualified land must be added to the District. To date, the Warburton Estate has not contacted staff about adding land to the District nor withdrawing land from the District. One option is to transfer the 165 acre parcel located on News Road from the Casey AFD to the adjacent Gordon Creek AFD. The 31-acre parcel on John Tyler Highway is not located close enough to another district and cannot be transferred to another district in accordance with the State Code.

Recommendation

Due to the minimum core district requirements not being met, staff recommends that the Casey AFD be terminated after the 165 acre parcel located on News Road is transferred to the adjacent Gordon Creek AFD. On July 22, 2002, the AFD Advisory Committee recommended termination by a vote of 8-0. On August 5, 2002, the Planning Commission recommended termination by a vote of 5-0.

Karen Drake

CONCUR:

O. Marvin Sowers, Jr.

KD/gs

AFD-8-86renew.mem

Attachments:

1. Location map
2. Ordinance

ORDINANCE NO. _____

MILL 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., Melinda Cowles Barbour, et.al.	(20-2)(1-6)	385.963
Melinda Cowles Barbour, et.al.	(20-2)(1-3)	102.669
Mayes and Cheryl Matthews	(20-2)(1-1)	8.759
Cowles Family Limited Partnership	(21-1)(1-5)	46.010
Steve L. & Pamela C. Massie	(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.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

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

afd786.res

MEMORANDUM

DATE: August 13, 2002

TO: The Board of Supervisors

FROM: Dave Anderson, Planner

SUBJECT: Renewal of AFD-9-86, Gordon Creek

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must either be continued, modified, or terminated. This report will review AFD-9-86, Gordon Creek, which is scheduled to expire in September.

The Gordon Creek AFD consists of approximately 3,352 acres located in and around the Centerville Road/News Road area. The AFD contains parcels which front on the following roads: News Road, John Tyler Highway, Centerville Road, Bush Neck Road, Jolly Pond Road, and Brick Bat Road. Specifically, the AFD is currently comprised of the following:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Sarah Armistead	(35-2)(1-16)	369.000
Sarah Armistead	(36-3)(1-1)	163.880
Rosa Armistead Est.	(30-3)(1-4)	23.000
Warburton, J. G. Est., c/o M. McMurrin	(35-4)(1-1)	394.500
Edward D. Warburton	(35-2)(1-1)	86.643
Olson, Selby, Nicodemus	(34-2)(1-2)	186.600
Warburton, J. G. Est., c/o M. McMurrin	(36-3)(1-3)	264.000
Thomas L. Hitchens	(36-1)(1-6)	35.000
W.A. Thompson & Charles Flemming	(36-2)(1-40)	143.032
Gordon Creek Corp.	(36-2)(1-1)	142.147
Gordon Creek Corp.	(36-2)(1-1B)	24.784
Gordon Creek Corp.	(36-2)(1-2)	50.296
Gordon Creek Corp.	(36-2)(1-3)	25.200
Claybank Landing, LLC	(43-2)(1-1)	124.100
Richardson Holding LP	(36-4)(1-7)	116.935
Richardson Holding LP	(36-4)(1-8)	38.000
Richardson Holding LP	(30-3)(1-3)	33.000
Jane T. Carsewell	(36-1)(1-3)	44.000
Warburton, J. G. Est., c/o M. McMurrin	(36-1)(1-4)	37.620
Powhatan Assoc.	(44-1)(1-1)	387.420
Powhatan Hunt Club, c/o J. Kenneth Timmons	(35-3)(1-1)	241.680
Mary Abbott	(36-2)(1-18)	95.530
John C. Jamison	(35-4)(1-9)	57.600
Linda Henderson Gordon	(34-2)(1-1)	35.300
Williamsburg Pottery Inc.	(44-1)(1-2)	26.000
Nayses Bay Land Co.	(35-1)(1-3)	32.000
Nayses Bay Land Co.	(35-1)(1-6)	11.000

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
William Kane	(29-4)(1-3)	4.000
William Kane	(30-3)(1-7)	8.000
William Kane	(35-2)(1-7)	131.000
William Kane	(36-1)(1-1)	8.330
William Kane	(36-1)(1-2)	13.000

History

The District was approved on December 1, 1986, for a term of four years. There have been several additions to the Gordon Creek AFD since 1994. The Kane addition consisting of five parcels totaling 164.3 acres was approved by the Board of Supervisors in February 1995. The Nayses Bay Land Company addition consisting of three parcels totaling 42.5 acres was approved by the Board of Supervisors in December, 1995.

The District includes all the land on the above properties with the exception of all land within 25 feet of the road rights-of-way of News Road, Centerville Road, and John Tyler Highway, Bush Neck Road, Jolly Pond Road, and Brick Bat Road as that property has been excluded from the District to allow for possible road and/or drainage improvements. In November 1990, October 1994, and September 1998, the Board approved the continuation of the District for a period of four years for each renewal.

Analysis

The bulk of the District contains woodland. All of the land within this District is zoned A-1, General Agriculture, and a major portion of the surrounding property is presently zoned A-1 and is forested. Most of the District is designated Rural Lands by the Comprehensive Plan. The Nayses Bay area is designated a Conservation Area by the Comprehensive Plan. The bulk of the District is located outside of the Primary Service Area (PSA) and the area remains relatively rural in nature. A small portion (250 acres) is located inside the PSA, however; infrastructure is currently lacking to support major development on these parcels. The PSA is the area of the County that has been designated for growth. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created, maximizing the beneficial use of the property.

William C. Kane has requested to withdraw Parcel Nos. (29-4)(1-3), (30-3)(1-7), (35-2)(1-7), (36-1)(1-1), and (36-1)(1-2) totaling 164.33 acres. The Gordon Creek corporation has also requested a withdrawal of all of its land within the AFD. This consists of Parcel Nos. (36-2)(1-1), (36-2)(1-1B), (36-2)(1-2), and (36-2)(1-3) which all total 242.427 acres.

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the District for a period of four years with no change in the conditions of approval. A four-year approval would be consistent with prior action and would allow for the re-evaluation of the District for consistency with possible policy changes and Comprehensive Plan revisions.

Recommendation

Staff also recommends that the 165.58 acre parcel (37-3)(1-4), which is currently in AFD-8-86 (Casey), be added to this District. After the withdrawals, and the addition, the District will total approximately 3,111 acres. On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0. On August 5, 2002, the Planning Commission recommended continuation by a vote of 5-0.

Renewal of AFD-9-86, Gordon Creek

August 13, 2002

Page 3

Dave Anderson

CONCUR:

O. Marvin Sowers, Jr.

DA/gs

AFD-9-86renew.mem

Attachments:

1. Location Map
2. Withdraw request letter form William C. Kane
3. Withdraw request letter from Gordon Creek
4. Ordinance

ORDINANCE NO. _____

TERMINATION OF CASEY AGRICULTURAL AND FORESTAL DISTRICT (AFD-8-86)

WHEREAS, James City County (JCC) has completed a review of the Casey Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified, public meetings have been held, public hearings have been advertised, and public hearings have been held on the termination of the Casey Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee, at its meeting on July 22, 2002, by a vote of 8-0 recommended that the Casey Agricultural and Forestal District be terminated as the district no longer meets the minimum size requirement for a district; and

WHEREAS, the Planning Commission, following its public hearing on August 5, 2002, voted 5-0 to terminate 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 district contained the following parcels:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
J.G. Warburton Estate, c/o M. McMurrin	(37-3)(1-4)	165.500
J.G. Warburton Estate, c/o M. McMurrin	(47-2)(1-1)	<u>31.470</u>
Total:		<u>197.050</u>

And that Parcel No. (1-4) on the James City County Real Estate Tax Map No. (37-3) be transferred to the Gordon Creek AFD with the exception of land within 25 feet of the road right-of-way of News Road (Route 613). And that Parcel No. (1-1) on the James City County Real Estate Tax Map No. (47-2) be withdrawn from the Casey Agricultural and Forestal District.

- 2. That the Casey Agricultural and Forestal District is hereby terminated 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.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

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

MEMORANDUM

DATE: August 13, 2002
 TO: The Board of Supervisors
 FROM: Jill E. Schmidle, Senior Planner
 SUBJECT: Renewal of AFD-10-86, Christenson's Corner

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must be either continued, modified, or terminated. This report will review AFD-10-86, Christenson's Corner, which is scheduled to expire in September.

The Christenson's Corner AFD consists of 562.16 acres located south of Riverview Road between Newman Road and Riverview Plantation. Specifically, the AFD is currently comprised of the following:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Wallace Steiffen, <i>et al</i>	(16-4)(1-3)	402.90
C.M. Chandler	(16-3)(1-1)	8.01
C.M. Chandler	(15-4)(1-11)	151.25

History

The District was approved on December 1, 1986, for a term of four years, and the Board of Supervisors approved four-year renewals in 1990, 1994, and 1998. The District includes all the land on the above properties with the exception of all land within 25 feet of the road rights-of-way of Newman Road (Route 646) and Riverview Road (Route 606). That property has been excluded from the District to allow for possible road improvements.

Analysis

The bulk of the District contains woodland. The remainder of the property in the District is in open land, swamp, or low-lying land. All of the land within this District is zoned A-1, General Agricultural, and a major portion of the surrounding property is zoned A-1 and is forested. Most of the District is designated Rural Lands by the Comprehensive Plan. A very small portion of the District is designated Conservation Area by the Comprehensive Plan.

The entire District is located outside of the Primary Service Area (PSA) and the area remains relatively rural in nature. All land within 25 feet of the road rights-of-way of Newman Road (Route 646) and Riverview Road (Route 606) shall be excluded from the District.

Recommendation

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the District for a period of four years with no change in the conditions of approval. A four- year approval would be consistent with prior action and would allow for the re-evaluation of the District for consistency with possible policy changes and Comprehensive Plan revisions. On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0. On August 5, 2002, the Planning Commission recommended

continuation by a vote of 5-0.

Jill E. Schmidle

CONCUR:

O. Marvin Sowers, Jr.

JES/gs
AFD-10-86renew.mem

Attachments:

1. Location Map
2. Ordinance

ORDINANCE NO. _____

GORDON CREEK AGRICULTURAL AND FORESTAL DISTRICT (AFD-9-86)

WHEREAS, James City County has completed a review of the Gordon 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 advertised, and public hearings have been held on the continuation of the Gordon Creek Agricultural and Forestal District; and

WHEREAS, William C. Kane has requested the withdrawal of 164.33 acres - Tax Map ID's (30-3)(1-7), (35-2)(1-7), (29-4)(1-3), (36-1)(1-1), and (36-1)(1-2); and

WHEREAS, Gordon Creek Corporation has requested the withdrawal of 242.427 acres - Tax Map ID's (36-2)(1-1), (36-2)(1-1B), (36-2)(1-2), and (36-2)(1-3); and

WHEREAS, J.G. Warburton Estate, c/o M. McMurrin has requested the transfer of 165.500 acres - Tax Map ID (37-3)(1-4) to the Gordon Creek Agricultural and Forestal District from the Casey Agricultural and Forestal District (AFD-8-86) due to the termination of the Casey Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District 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 Gordon 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>
Sarah Armistead	(35-2)(1-16)	369.000
Sarah Armistead	(36-3)(1-1)	163.880
Rosa Armistead Est.	(30-3)(1-4)	23.000
Warburton, J. G. Est., c/o M. McMurrin	(35-4)(1-1)	394.500
Edward D. Warburton	(35-2)(1-1)	86.643
Olson, Selby, Nicodemus	(34-2)(1-2)	186.600
Warburton, J. G. Est., c/o M. McMurrin	(36-3)(1-3)	264.000

Thomas L. Hitchens	(36-1)(1-6)	35.000
W.A. Thompson & Charles Flemming	(36-2)(1-40)	143.032
Claybank Landing, LLC	(43-2)(1-1)	124.100
Richardson Holding LP	(36-4)(1-7)	116.935
Richardson Holding LP	(36-4)(1-8)	38.000
Richardson Holding LP	(30-3)(1-3)	33.000
Jane T. Carsewell	(36-1)(1-3)	44.000
Warburton, J. G. Est., c/o M. McMurrin	(36-1)(1-4)	37.620
Powhatan Assoc.	(44-1)(1-1)	387.420
Powhatan Hunt Club, c/o J. Kenneth Timmons	(35-3)(1-1)	241.680
Mary Abbott	(36-2)(1-18)	95.530
John C. Jamison	(35-4)(1-9)	57.600
Linda Henderson Gordon	(34-2)(1-1)	35.300
Williamsburg Pottery Inc.	(44-1)(1-2)	26.000
Nayses Bay Land Co.	(35-1)(1-3)	32.000
Nayses Bay Land Co.	(35-1)(1-6)	11.000
J.G. Warburton Estate, c/o M. McMurrin	(37-3)(1-4)	<u>165.500</u>
	Total:	<u>3,111.340</u>

provided, however, that all land within 25 feet of the road rights-of-way of News Road, Centerville Road, John Tyler Highway, Bush Neck Road, Jolly Pond Road, and Brick Bat Road.

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Gordon 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. 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.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

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

afd986.res

MEMORANDUM

DATE: August 13, 2002
 TO: The Board of Supervisors
 FROM: Paul D. Holt, III, Senior Planner
 SUBJECT: Renewal of AFD-11-86, Yarmouth Island

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD) prior to their expiration. During this review, districts must be either continued, modified, or terminated. This report will review AFD-11-86, Yarmouth Island, which is scheduled to expire in September.

The Yarmouth Island AFD consists of approximately 2,082 acres and is generally located west of Jolly Pond Road near Yarmouth Creek. Specifically, the AFD is currently comprised of the following:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Richardson Holdings Limited Partnership	(29-3)(1-5)	172.840
Richardson Holdings Limited Partnership	(29-3)(1-2)	68.500
Richardson Holdings Limited Partnership	(28-4)(1-5)	940.000
John C. Richardson	(29-1)(1-1)	28.500
Richardson Holdings Limited Partnership	(29-2)(1-1)	123.000
J. G. Warburton, Est., c/o M. McMurrin	(29-4)(1-1)	38.700
James City County	(30-1)(1-7)	26.000
James City County	(30-3)(1-1)	26.000
Margaret Walubuka	(29-4)(1-2)	34.655
Shield's Point LLC	(28-4)(1-8)	625.200

History

The District was approved on December 1, 1986, for a term of four years. It was subsequently renewed for four-year periods in October 1990, October 1994, and September 1998. In 1999, approximately 625 acres was added into the District.

At present, the District contains approximately 2,082 acres and includes all land on the above-referenced properties with the exception of all land within 25 feet of the road right-of-way of Jolly Pond Road (Route 611), as that property has been excluded from the District to allow for possible road and/or drainage improvements.

Analysis

The majority of the District contains woodland. The remainder of the property in the District is in open, swamp, and low lying land. All of the property within this District is zoned A-1, General Agriculture, and a major portion of the surrounding property is zoned A-1 and is forested. The District is designated Rural Lands by the Comprehensive Plan, is located outside of the Primary Service Area (PSA), and remains relatively rural in nature.

James City County has requested the withdrawal of 52 acres - Tax Map IDS (30-1)(1-7) and (30-3)(1-1).

Renewal of AFD-11-86, Yarmouth Island

August 13, 2002

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Recommendation

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the District for a period of four years with no change in the conditions of approval. A four-year approval would be consistent with prior action and would allow for the re-evaluation of the District for consistency with possible policy changes and Comprehensive Plan revisions. After the withdrawals, the size of the District will be 2,031.395 acres. On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0. On August 5, 2002, the Planning Commission recommended continuation by a vote of 5-0.

Paul D. Holt, III

CONCUR:

O. Marvin Sowers, Jr.

PDH/adw
afd11-86bos.mem

Attachment:

1. Location Map
2. Withdrawal request
3. Ordinance

ORDINANCE NO. _____

CHRISTENSON'S CORNER AGRICULTURAL AND FORESTAL DISTRICT (AFD-10-86)

WHEREAS, James City County has completed a review of the Christenson's Corner 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 advertised, and public hearings have been held on the continuation of the Christenson's Corner Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee, at its meeting on July 22, 2002, voted 8-0 to recommend renewal of the district; 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 the district with the conditions listed below.

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

1. That the Christenson's Corner 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>
Wallace Steiffen, <i>et al</i>	(16-4)(1-3)	402.900
C.M. Chandler	(16-3)(1-1)	8.010
C.M. Chandler	(15-4)(1-11)	<u>151.250</u>
Total:		<u>562.160</u>

provided, however, that all land within 25 feet of the road rights-of-way of Newman Road (Route 646) and Riverview Road (Route 606) shall be excluded from the district.

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Christenson's Corner 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. 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 (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 inside the PSA and within the AFD 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.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

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

afd1086.res

MEMORANDUM

DATE: August 13, 2002
 TO: The Board of Supervisors
 FROM: Jill E. Schmidle, Senior Planner
 SUBJECT: Renewal of AFD-12-86, Gospel Spreading Church Farm

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must be either continued, modified, or terminated. This report will review AFD-12-86, Gospel Spreading Church Farm, which is scheduled to expire in September.

The Gospel Spreading Church Farm AFD 12-86 consists of 971.94 acres located from College Creek extending west to Neck-O-Land Road. Specifically, the AFD is currently comprised of the following:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
JCC Bible and Agricultural Training School	(48-3)(1-35)	403.56
JCC Bible and Agricultural Training School	(56-2)(1-1)	457.00
Floyd P. Carmines	(47-4)(1-37)	27.92
Lyman Hall	(47-4)(1-11)	17.89
Lyman Hall	(47-4)(1-13)	39.11
Colley Avenue Associates LLC	(47-4)(1-33)	26.46

History

This District was approved on December 1, 1986, for a term of four years, and the Board of Supervisors approved four-year renewals in 1990, 1994 and 1998. The District includes all the land on the above properties with the exception of all land within 25 feet of the road right-of-way of Treasure Island Road (Route 617), Lake Powell Road (Routes 617 and 618), Neck-O-Land Road (Route 682), and Jamestown Road (Route 31) as that property has been excluded from the District to allow for possible road improvements.

Analysis

The bulk of the District consists primarily of woodland. The remainder of the property in the District is in open land, swamp, or low-lying land. Property within this District is zoned R-8, Rural Residential, and R-2, Limited Residential, and is not developed. Surrounding property for the most part has developed residentially. The bulk of the District (860 acres) is designated Rural Lands by the Comprehensive Plan, with the Carmines, Hall, and Colley Avenue Associates parcels designated Low-Density Residential. Most of the AFD is located along Lake Powell Road and Treasure Island Road. A majority of the land within this District (860 acres) is located outside of the Primary Service Area (PSA). The remaining parcels, totaling 111 acres, lie within the PSA. The PSA is the area of the County that has been designated for growth. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created, maximizing the beneficial use of the property. All land within 25 feet of the road rights-of-way of Treasure Island Road (Route 617), Lake Powell Road (Routes 617 and 618), Neck-O-Land Road (Route 682), and Jamestown Road (Route 31) shall be excluded from the District.

Recommendation:

Renewal of AFD-12-86, Gospel Spreading Church Farm

August 13, 2002

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Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the District for a period of four years with no change in the conditions of approval. A four-year approval would be consistent with prior action and would allow for the re-evaluation of the District for consistency with possible policy changes and Comprehensive Plan revisions. On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0. On August 5, 2002, the Planning Commission recommended continuation by a vote of 5-0.

Jill E. Schmidle

CONCUR:

O. Marvin Sowers, Jr.

JES/adw

afd-12-86renewal.mem

Attachments:

1. Location map
2. Ordinance

ORDINANCE NO. _____

YARMOUTH ISLAND AGRICULTURAL AND FORESTAL DISTRICT (AFD-11-86)

- WHEREAS, James City County, has completed a review of the Yarmouth Island 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 Yarmouth Island Agricultural and Forestal District; and
- WHEREAS, James City County has requested the withdrawl of 52 acres - Tax Map IDs (30-1) (1-7) and (30-3) (1-1); 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 Yarmouth Island 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>
Richardson Holdings Limited Partnership	(29-3)(1-5)	172.840
Richardson Holdings Limited Partnership	(29-3)(1-2)	68.500
Richardson Holdings Limited Partnership	(28-4)(1-5)	940.000
John C. Richardson	(29-1)(1-1)	28.500
Richardson Holdings Limited Partnership	(29-2)(1-1)	123.000
J. G. Warburton, Est., c/o M. McMurrin	(29-4)(1-1)	38.700
Margaret Walubuka	(29-4)(1-2)	34.655
Shield's Point LLC	(28-4)(1-8)	<u>625.200</u>
	Total:	<u>2,031.395</u>

provided, however, that all land within 25 feet of the road right-of-way of Jolly Pond Road (Route 611) is 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 Yarmouth Island 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.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sandy Wanner
Clerk to the Board

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

yarmouth.res

MEMORANDUM

DATE: August 13, 2002
 TO: The Board of Supervisors
 FROM: Paul D. Holt, III, Senior Planner
 SUBJECT: Renewal of AFD-13-86, Gospel Spreading Church (Gilley)

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD) prior to their expiration. During this review, districts must be either continued, modified, or terminated. This report will review AFD-13-86, Gospel Spreading Church (Gilley), which is scheduled to expire in September.

The Gilley AFD consists of approximately 203 acres located off Neck-O-Land Road near the Colonial Parkway. Specifically, the AFD is currently comprised of the following:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
R.E. Gilley	(47-4)(1-42C)	2.890
R.E. Gilley	(47-4)(1-42D)	3.750
R.E. Gilley	(47-4)(1-42E)	16.300
REGJAG LLC	(47-4)(1-40)	44.579
REGJAG LLC	(47-4)(1-41)	108.545
Helen J. Rees	(47-3)(25-2)	26.830

History

AFD-12-86, Gospel Spreading Church was approved on December 1, 1986, for a term of four years. The Gilley addition (AFD-13-86) was added to the district on March 2, 1987. Approximately 65 acres was added to AFD 13-86 in January 1991. The District was renewed for four years in 1990, 1994, and 1998. In 2000, approximately 81 acres was removed from the District.

Presently, the District contains approximately 203 acres and includes all land on the above-referenced properties with the exception of all land within 25 feet of the road rights-of-way of Treasure Island Road (Route 617), Lake Powell Road (Route 618), Jamestown Road (Route 31), and Neck-O-Land Road (Route 682) as that property has been excluded from the District to allow for possible road and/or drainage improvements.

Analysis

The bulk of the District consists primarily of woodland. The remainder of the property is in open, swamp, or low-lying land. Property within this district is zoned R-8, Rural Residential, and R-1, Limited Residential, and is not developed. The District is designated Low Density Residential by the Comprehensive Plan and is located inside of the Primary Service Area (PSA). The PSA is the area of the County that has been designated for growth. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created, maximizing the beneficial use of the property. Surrounding property has developed into residential uses in accordance with the Comprehensive Plan.

Renewal of AFD-13-86, Gospel Spreading Church (Gilley)

August 13, 2002

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Recommendation:

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the District for a period of four years with no change in the conditions of approval. A four-year approval would be consistent with prior action and would allow for the re-evaluation of the District for consistency with possible policy changes and Comprehensive Plan revisions. On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 7-0, with one abstention. On August 5, 2002, the Planning Commission recommended continuation by a vote of 5-0.

Paul D. Holt, III

CONCUR:

O. Marvin Sowers, Jr.

PDH/adw

afd-13-86.mem

Attachments:

1. Location map
2. Ordinance

ORDINANCE NO. _____

GOSPEL SPREADING CHURCH AGRICULTURAL AND FORESTAL DISTRICT (AFD-12-86)

WHEREAS, James City County has completed a review of the Gospel Spreading Church 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 advertised, and public hearings have been held on the continuation of the Gospel Spreading Church Agricultural and Forestal District; and

WHEREAS, Colley Avenue Associates, LLC, has requested the withdrawal of 26.460 acres, Tax Map ID (47-4)(1-3); and

WHEREAS, property is being transferred into this District from AFD-13-86, as that District is being discontinued; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee, at its meeting on July 22, 2002, voted 8-0 to recommend renewal of the district; 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 the district with the conditions listed below.

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

1. The Gospel Spreading Church 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>
JCC Bible and Agricultural Training School	(48-3)(1-35)	403.560
JCC Bible and Agricultural Training School	(56-2)(1-1)	457.000
Floyd P. Carmines	(47-4)(1-37)	27.920
Lyman Hall	(47-4)(1-11)	17.890
Lyman Hall	(47-4)(1-13)	39.110
R.E. Gilley	(47-4)(1-42C)	2.890
R.E. Gilley	(47-4)(1-42D)	3.750
R.E. Gilley	(47-4)(1-42E)	16.300
REGJAG LLC	(47-4)(1-40)	44.579
REGJAG LLC	(47-4)(1-41)	<u>108.545</u>

Total: 1,121.544

provided, however, that all land within 25 feet of the road rights-of-way of Treasure Island Road (Route 617), Lake Powell Road (Routes 617 and 618), Neck-O-Land

Road (Route 682), and Jamestown Road (Route 31) shall be excluded from the district.

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Gospel Spreading Church 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. 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 (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 inside the PSA and within the AFD 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.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

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

M E M O R A N D U M

DATE: August 13, 2002

TO: The Board of Supervisors

FROM: Christopher M. Johnson, Senior Planner

SUBJECT: Renewal of AFD-1-94, Wright's Island (formerly AFD-1-86)

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must be either continued, modified, or terminated. This report will review AFD-1-94, Wright's Island, which is scheduled to expire in October.

History

When last renewed in 1994, the following conditions were placed on this District:

1. The subdivision of land is to be limited to parcels of 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.
2. No land within the Agricultural and Forestal District may be rezoned to any residential, business, or industrial zone.
3. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with State Code Section 15.1-1506 et seq., which are not in conflict with the policies of this District.

In 1998, the Board of Supervisors approved revisions to the conditions of a series of AFD renewal applications to reflect recent changes to the Virginia State Code. In order to make the conditions for the District consistent with the other districts, the following conditions are recommended:

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, 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.
2. 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 outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996.
3. 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.

Conditions No. 1 and No. 3 were revised to include provisions to accommodate the citing of communications towers on land included in an AFD. Condition No. 2 has been revised to reflect the Board's withdrawal policy. Other than these revisions, the conditions are the same as those which were adopted when the District was renewed in 1994.

The Wright's Island AFD consists of approximately 1,544 acres located along Little Creek Dam Road and Menzels Road extending west toward the Chickahominy River (see attached location map). Part of the District is adjacent to the Little Creek Reservoir. Specifically, the AFD is currently comprised of the following:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Wright's Island Game Association	(20-3)(1-1)	1,320.480
Menzel, Llene B. et. als	(20-3)(1-2)	90.000
Amos, Heather, Alicia	(20-3)(1-3)	4.900
Menzel, Gary Est.	(20-3)(1-4)	4.900
Menzel, Llene B. et. als.	(20-2)(1-28)	74.752
Queijo, Manuel J. & Isabell Queijo Rev. Living Trust; G. Baxter Stanton & Francesca Stanton	(20-2)(1-27)	49.373

The District does not currently exclude any land along Little Creek Dam Road or Menzels Road. In order to make the District consistent with the other districts, VDOT has recommended that the following language be included as part of the renewal of the District:

"All land within 25-feet of the road right-of-way of Little Creek Dam Road (Route 631) and Menzels Road (Route 659) is excluded from the District to allow for possible road improvements."

The Wright's Island AFD was adopted by the Board of Supervisors in October 1986. The District originally consisted of five parcels comprising approximately 1,495 acres and was established for a term of eight years. The originally adopted District (AFD-1-86) expired in September 1994, and a new District (AFD-1-94) was subsequently created in October 1994. The new District was established for a term of eight years. In November 1999, the Board of Supervisors approved the addition of 49.373 acres to the District.

Analysis

The bulk of the District consists primarily of woodlands. All of the land is zoned A-1, General Agricultural, and is located entirely outside the Primary Service Area (PSA). The majority of the land in the District is designated Rural Lands on the Comprehensive Plan Land Use Map. The remaining areas included in the District are designated as Conservation Area and Park, Public, or Semi-Public Open Space. Llene B. Menzels et. al. has requested the withdrawal of 90 acres - Tax Map ID (20-3)(1-2).

Recommendation

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the District for a period of eight years with the changes in conditions noted above. An eight-year approval would be consistent with prior action and would allow for the re-evaluation of the District for consistency with possible policy changes and Comprehensive Plan revisions. After the withdrawal, the size of this District will be 1,454.405 acres. On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0. On August 5, 2002, the Planning Commission recommended continuation by a vote of 5-0.

Renewal of AFD-1-94, Wright's Island (formerly AFD-1-86)

August 13, 2002

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Christopher M. Johnson

CONCUR:

O. Marvin Sowers, Jr.

CMJ/gs

AFD-1-94renew.mem

Attachments:

1. Location map
2. Withdrawal request
3. Ordinance

ORDINANCE NO. _____

GOSPEL SPREADING CHURCH (GILLEY) AGRICULTURAL AND FORESTAL DISTRICT

(AFD-13-86)

WHEREAS, James City County, has completed a review of the Gospel Spreading Church (Gilley) 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 Gospel Spreading Church (Gilley) Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee, at its meeting on July 22, 2002, voted 7-0 with one abstention 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 Gospel Spreading Church (Gilley) 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>
R.E. Gilley	(47-4)(1-42C)	2.890
R.E. Gilley	(47-4)(1-42D)	3.750
R.E. Gilley	(47-4)(1-42E)	16.300
REGJAG LLC	(47-4)(1-40)	44.579
REGJAG LLC	(47-4)(1-41)	108.545
Helen J. Rees	(47-3)(25-2)	<u>26.830</u>
	Total:	<u>202.894</u>

provided, however, that all land within 25 feet of the road rights-of-way of Treasure Island Road (Route 617), Lake Powell Road (Route 618), Jamestown Road (Route 31), and Neck-O-Land Road (Route 682) 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 Gospel Spreading Church

(Gilley) 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.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

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

afd1386.res

M E M O R A N D U M

DATE: August 13, 2002

TO: The Board of Supervisors

FROM: David A. Daigneault, Police Chief
Richard M. Miller, Fire Chief
Ann Davis, Treasurer
Greg H. Dohrman, Assistant County Attorney

SUBJECT: Amendments to Certain Provisions of Chapter 13, Motor Vehicles and Traffic, Governing Parking Violations

The Police Department, the Fire Department, the Treasurer's Office, and the County Attorney's Office have been considering appropriate revisions to the current ordinance governing parking violations in the County. The existing ordinance requires updating to remain consistent with State Code sections. Also, the various departments involved all agree that having a fixed fee schedule and providing a monetary incentive for violators to pay their fines promptly would promote effective enforcement.

The proposed amendments affect the following sections of the County Code: 13-40.1 through 13-40.6, 13-52, and 13-62. These sections, as proposed, are attached to this memorandum. The following list summarizes the significant amendments for each section:

- ▶ **13-40.1:** Updates the Section Governing Parking in Handicapped Spaces, and deletes the "not more than \$250.00" fine in favor of a uniform fine schedule.
- ▶ **13-40.2:** Deletes the "not more than \$100.00" fine in favor of a uniform fine schedule.
- ▶ **13-40.3:** Updates regulations of certain areas reserved for Fire Department use, and deletes the "not more than \$100.00" fine in favor of a uniform fine schedule.
- ▶ **13-40.4:** Clarifies that it applies to license plate decals and not County decals, and deletes the "not more than \$100.00" fine in favor of a uniform fine schedule.
- ▶ **13-40.5:** Revises and updates procedures for issuance of citations, adopts a uniform fine schedule (\$100 for handicapped parking violations, \$50 for fire lane/fire hydrant violations, and \$10 for other violations), provides that all fines double if not paid within five days, and provides procedure for protesting citations.
- ▶ **13-40.6:** Updates requirements for notices to violators and gives violators one last chance to pay the fine before the issuance of a court summons.
- ▶ **13-52, 13-62:** Clarifies the existing sections.

We recommend that the Board adopt the attached ordinance.

David A. Daigneault,
Police Chief

Richard M. Miller,
Fire Chief

Ann Davis,
Treasurer

Greg H. Dohrman,
Assistant County Attorney

GHD/gb
parking.mem

Attachments

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, STOPPING, STANDING, AND PARKING, SECTION 13-40.1, PARKING SPACES RESERVED FOR HANDICAPPED; SUMMONS FOR UNAUTHORIZED USE; PENALTY; SECTION 13-40.2, PARKING IN THE STATE SECONDARY SYSTEM OF HIGHWAYS; SECTION 13-40.3, PARKING IN FIRE LANES; SECTION 13-40.4, PARKING WITHOUT A VALID LICENSE DECAL; SECTION 13-40.5, UNCONTESTED PAYMENT OF PARKING CITATION PENALTIES; CERTIFICATION OF CONTEST OF CITATION; SECTION 13-40.6, PROCEDURE FOR DELINQUENT PARKING CITATIONS; AND SECTION 13-52, PRESUMPTION WHERE VEHICLE ILLEGALLY PARKED; AND BY AMENDING ARTICLE IV, VEHICLE DECALS, SECTION 13-62, PRESUMPTION ARISING FROM ABSENCE OF COUNTY DECAL.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Motor Vehicles and Traffic, is hereby amended and reordained by amending Section 13-40.1, Parking spaces reserved for handicapped; Section 13-40.2, Parking in the state secondary system of highways; Section 13-40.3, Parking in fire lanes; Section 13-40.4, Parking without a valid license plate decal; Section 13-40.5, Issuance of citation; Amount and pre-payment of fines; Protests; Section 13-40.6, Conditions precedent to issuance of summons for violation of parking ordinance; Section 13-52, Presumption where vehicle illegally parked; and Section 13-62, Presumption arising from absence of county decal.

Sec. 13-40.1. Parking spaces reserved for handicapped; ~~summons for unauthorized use; penalty.~~

(a) It shall be unlawful for any ~~operator of~~ *person to park* a motor vehicle to park in a parking space identified by an above-grade sign as reserved for the handicapped, except:

- (1) A person with a disability that limits or impairs his or her ability to walk who is driving a motor vehicle displaying state disabled *parking* license plates, an organizational *removable windshield* placard, a permanent removable windshield placard, or a temporary removable windshield placard issued under ~~section 46.2-731 of the Code of Virginia~~ *Code § 46.2-1241*, or a person using a motor vehicle displaying such license plate or placard described above who is transporting a person with a disability that limits or impairs his or her ability to walk; or
- (2) A disabled veteran driving a motor vehicle displaying special license plates issued pursuant to ~~section~~ *subsection B of Virginia Code § 46.2-739* of the Code of Virginia or a person transporting a disabled veteran in a motor vehicle displaying such special license plates.

~~(b) Any police officer of James City County may issue a summons charging a person parking in violation of paragraph (a) of this section, or if such person is not known, then the registered owner of the motor vehicle parked in violation of paragraph (a).~~

~~————(c) Violation of the provisions of paragraph (a) of this section shall be a traffic infraction punishable by a fine of not more than \$250.00.~~

~~————(d) The owner or duly authorized agent of a private parking space, or an agent of a public authority having control of a public space, which space is properly designated and marked for handicapped parking, shall have authority to have any vehicle not displaying handicapped parking permits or plates as described in paragraph (a) removed and stored. Possession may be regained by payment to the person who removed the vehicle of all reasonable costs for the removal and storage. The vehicle owner may contest the removal in the manner provided by ~~section 46.2-1237 of the Code of Virginia~~ *Virginia Code § 46.2-1246 (B)*.~~

(c) No violation of this section shall be dismissed for a property owner's failure to comply strictly with the requirements for disabled parking signs set forth in Virginia Code § 36-99.11, provided the space is clearly distinguishable as a parking space reserved for persons with disabilities that limit or impair their ability to walk.

State law reference—Authority of County to regulate parking in spaces reserved for persons with disabilities, Virginia Code § 46.2-1242.

Sec. 13-40.2. Parking in the state secondary system of highways.

(a) ~~No~~ **It shall be unlawful for any** person ~~shall~~ **to** park a vehicle on any highway which is part of the state secondary system of highways within James City County which has been designated and marked a no parking zone, ~~Any violation of this section shall constitute a traffic infraction punishable by a fine of not more than \$100.00.~~

(b) The prohibition set forth in this section shall have no application when a vehicle is parked or stopped in compliance with the order of a law enforcement officer or a traffic-control device, or in case of vehicular breakdown, or in an emergency which renders it necessary.

Sec. 13-40.3. Parking in fire lanes:

~~It shall be unlawful for any person to park a vehicle~~ ***or near fire hydrants.***

No person shall park a vehicle or permit it to stand, whether attended or unattended, in a designated fire lane. Any violation of this section shall constitute a traffic infraction punishable by a fine of not more than \$100.00., on a highway in front of a private driveway, within fifteen feet of a fire hydrant or the entrance to a fire station, within fifteen feet of the entrance to a plainly designated building housing rescue squad equipment or ambulances, or within twenty feet from the

intersection of curb lines or, if none, then within fifteen feet of the intersection of property lines at any highway intersection.

State law reference—Virginia Code § 46.2-1239.

Sec. 13-40.4. Parking without a valid license *plate* decal.

It shall be unlawful for any owner of a vehicle required to have a *license plate* decal to park his or her vehicle (including motorcycles, motor-bikes and minibikes), trailer or semitrailer on any highway which is part of the state secondary system of highways within James City County without having obtained a valid license *plate* decal which is displayed on such vehicle (including motorcycles, motorbikes and minibikes), trailer or semitrailer. ~~Any violation of this section shall constitute a traffic infraction punishable by a fine of not more than \$100.00.~~

~~Sec. 13-40.5. Uncontested payment of parking citation penalties; certification of contest of citation.~~ *Issuance of citation; Amount and Pre-Payment of Fines; Protest.*

~~———— (a) ———— Every person receiving a citation from a~~

(a) Any law enforcement officer that he has violated a of James City County may issue a citation charging a person parking in violation of this Article, or if such person is not known, then the registered owner of the motor vehicle parked in violation of this Article. Such citations may be posted on the windshield or other conspicuous place of each vehicle found illegally parked.

(b) Except as otherwise noted in this Article, violation of any provision of the County Code regulating parking may waive his right to appear and be tried for the offense set forth in the citation. Such waiver shall be effective upon voluntary payment of \$10.00 to the county treasurer's office, within five days after receipt of the citation, or upon voluntarily placing \$10.00 in a reply mail envelope and mailing it to the county treasurer's office, so that it is postmarked within 48 hours after receipt of the citation; provided, however, that any citation for a violation of section 13-40.1 shall require a voluntary payment of \$50.00 to effectuate the aforesaid waiver. Such person shall not thereafter be required to appear before the general district court for trial upon the charge set forth in the citation.

~~(b) All uncontested parking citations paid under this section shall be~~ *This Article shall be a traffic infraction punishable by a fine according to the following schedule:*

<i>Type of violation:</i>	<i>Fine paid within 5 days of violation:</i>	<i>Fine paid more than 5 days after violation:</i>
<i>Sec. 13-40.1 (handicapped parking)</i>	<i>\$100</i>	<i>\$200</i>
<i>Sec. 13-40.3 (fire lanes/near fire hydrants)</i>	<i>\$50</i>	<i>\$100</i>

<i>Other violations</i>	<i>\$10</i>	<i>\$20</i>
<i>of this Article</i>		

(c) Fines assessed pursuant to this Article that are paid before the issuance of a summons pursuant to section 13-40.6 shall be collected and accounted for by the county treasurer.
~~All contested~~ *County Treasurer.*

(d) Every person charged with a violation of any provision of this Article or of any parking provision of this Chapter may, before the issuance of a summons pursuant to section 13-40.6, elect to contest the charge by filing a written protest and a copy of the relevant traffic citation with the County Treasurer. Such protest shall identify the charge by traffic citation number and date of issue and shall be signed by the party charged. All parking citations contested pursuant to this section shall be certified in writing, upon an appropriate form, to the Clerk of the ~~g~~ *General*
~~d~~ *District c* ~~Court~~ *for the County* by the county treasurer.

~~(c)~~ *County Treasurer. The Clerk shall thereupon establish a hearing date and give written notification of the date and time of the hearing to the protestor, the County's Treasurer, and the law enforcement officer who issued the citation. If the General District Court finds the protestor guilty, the fine imposed shall be as specified herein as applicable to payment made more than five days after the date of the violation, and the protestor shall pay all court costs resulting from the proceeding.*

(e) Whenever a reply mail envelope is used for transmitting cash, check, draft or money order by mail to the county treasurer's office pursuant to the provisions of this section, the responsibility for receipt of the cash, check, draft or money order by the treasurer shall be that of the registered owner of the vehicle on which the citation was placed.

Sec. 13-40.6. Procedure for delinquent parking citations:

~~———— (a) The treasurer shall cause a complaint, summons or warrant to be issued for delinquent parking citations:~~

~~———— (b) Notwithstanding the provisions of subsection (a) above, before any complaint, summons or warrant shall be issued for the *Conditions precedent to issuance of summons for violation of parking ordinance.*~~

(a) *Before a summons shall issue for* prosecution of a violation of *any provisions in* this Code or other ordinance of the county Chapter regulating parking, the violator shall have been first notified, by registered mail at his last known address or at the address shown for such violator on the records of the state division of motor vehicles, that he may *Treasurer shall first cause to be sent to the violator a notice, as required by Virginia Code § 46.2-941, which notice shall require the violator to* pay the fine provided by law *Section 13-40.5* for such violation within five days of receipt of such notice. ~~The notice to the violator required by the provisions of this section shall be~~

~~contained in an envelope bearing the words "Law Enforcement Notice" stamped or printed on the face thereof in type at least one-half inch in height.~~

(b) If the violator *shall* fails to pay such fine within the required time, the officer issuing such summons shall be notified *such five-day period, the Treasurer shall cause the appropriate law enforcement officer to issue a summons to the violator requiring such violator's appearance in the General District Court for the County to be tried for the offense charged thereunder.*

Sec. 13-52. Presumption where vehicle illegally parked.

In any prosecution charging a violation of any parking regulation contained in this article, proof that the vehicle described in the complaint, summons or warrant was parked in violation of such regulation, together with proof that the defendant was at the time of such parking the registered owner of the vehicle, as required by chapter 6 of title 46.2 of the Code of Virginia, shall ~~constitute in evidence~~ *give rise to a rebuttable prima facie* presumption that ~~such the~~ registered owner of the vehicle was the person who parked *committed* the vehicle at the place where, and for the time during which, such violation occurred.

State law references-Similar state law, Code of Va. §§ 46.2-1220, 46.2-1221, *46.2-1222*.

Sec. 13-62. Presumption arising from absence of county decal.

The finding of any motor vehicle, trailer or semitrailer registered in the county on any of the streets, alleys, lanes, ~~parking lots or~~ public places of *the county, or parking lots that are open to the public within* the county, without a proper county motor vehicle decal attached thereto, shall be a prima facie evidence that such motor vehicle, trailer or semitrailer is normally garaged, stored or parked in the county by the owner thereof.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

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

parking.ord

MEMORANDUM

DATE: August 13, 2002

TO: The Board of Supervisors

FROM: Larry M. Foster, General Manager, James City Service Authority
Leo P. Rogers, Deputy County Attorney

SUBJECT: Sale of Property to the James City Service Authority for Pump Station and Force Main at 3950 John Tyler Highway

Attached is a resolution authorizing the sale of County property to the James City Service Authority ("JCSA") for construction of a pump station and a sewer force main. Also attached is an area map, Exhibit A, to show the location of the 13.549 acres of County-owned property commonly known as 3950 John Tyler Highway. This land was acquired from Greensprings Office Park Associates as a public-use site.

The JCSA needs an additional pump station in this area because development will soon exceed the capacity of existing sewer infrastructures. The JCSA anticipates that this pump station will eventually handle more than 1.25 million gallons of sewage per day. Once that amount is reached, the pump station will be transferred to the Hampton Roads Sanitation District which will assume operation and maintenance.

Attached as Exhibit B are plats which show the property the JCSA wishes to acquire from the County for the pump station and the force main. The JCSA needs 0.478± acres of land for the pump station site. In addition, the JCSA needs 0.224± acres of permanent easement and 0.301± acres of temporary construction easement for the force main. The County's Office of Real Estate Assessment estimates that the property required by the JCSA is worth \$73,333.

We recommend adoption of the attached resolution.

Larry M. Foster

Leo P. Rogers

LMF/LPR/gb
property.mem

Attachments

RESOLUTION

SALE OF PROPERTY TO THE JAMES CITY SERVICE AUTHORITY FOR

PUMP STATION AND FORCE MAIN AT 3950 JOHN TYLER HIGHWAY

WHEREAS, James City County owns 13.549 acres commonly known 3950 John Tyler Highway and designated as Parcel No. (1-7A) on James City County Real Estate Tax Map No. (46-1); and

WHEREAS, the James City Service Authority wishes to purchase 0.478± acres of land in fee simple for construction of a pump station and 0.224± acres of permanent easement and 0.301± acres for temporary construction easement to install a force main; and

WHEREAS, the James City Service Authority has offered to pay \$73,333, an amount determined by the County's Office of Real Estate Assessment, to acquire the property from the County; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that it is in the public interest to sell the property to the James City Service Authority.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to execute such deed and other documents as may be necessary to sell the above-referenced property to the James City Service Authority for \$73,333.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

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

property.res