

**AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY,  
VIRGINIA, HELD ON THE 22ND DAY OF JULY 2014, AT 4:00 P.M. IN THE COUNTY  
GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY,  
VIRGINIA.**

**A. CALL TO ORDER**

**B. ROLL CALL**

Mary K. Jones, Chairman, Berkeley District  
Michael J. Hipple, Vice Chairman, Powhatan District  
James G. Kennedy, Stonehouse District  
Kevin D. Onizuk, Jamestown District  
John J. McGlennon, Roberts District

M. Douglas Powell, Acting County Administrator  
Leo P. Rogers, County Attorney

**C. BOARD DISCUSSIONS**

**1. Tourism**

Mr. Powell addressed the Board stating that today's tourism discussion is a follow-up to previous Board discussions on the topic over the last few months. He stated that during the budget process the Board allocated \$256,500 in the Tourism Investment Fund, but left the monies undesignated. He stated that the purpose of this work session is to give staff direction on how the Board would like those monies designated. He introduced Ms. Karen Riordan, Chief Executive Officer (CEO) of the Greater Williamsburg Chamber and Tourism Alliance, and Ms. Corina Ferguson, Executive Director of Williamsburg Area Destination Marketing Committee (WADMC). Mr. Powell stated that Ms. Riordan has indicated that if the Board is willing to allocate an additional \$100,000 of those monies to the Alliance, then her plan would be to use those monies to attract and incent other sport tournaments to the area. He mentioned that included in the Agenda Packet is a draft scorecard for the Alliance, basically a set of matrixes that the Alliance can be measured against. Mr. Powell noted that he had recommended the creation of a tourism coordinator position as well, although the Board did not approve it during the budget process. He stated that in the Agenda Packet is a draft job description for the position and continues to recommend the creation of the position. He is recommending \$60,000 be spent on the position, which would fund the salary of the position as well as some of the startup costs associated with the position. He stated that the Board could create the position as temporary and then reevaluate it during the next budget cycle. He also recommended that the Board allocate \$15,000 for transportation services to be used during tourist events and sport tournaments. He recommended that the remaining \$81,500 be transferred over to the incentive line item, although he is doubtful that all of it would be needed or used.

Mr. Kennedy stated that he is not very fond of using tourism dollars to reimburse parks and recreation for the waiving of fees at the fields when tournaments come to the County. He understands that there are some expenses incurred at the fields, but there are a lot of benefits to the County and the community as well.

Mr. McGlennon asked Ms. Riordan for a summary of the tourist season so far this year.

Ms. Riordan stated that the Alliance is disappointed with the year so far. There were some challenges in the beginning of the year, specifically a very harsh winter. April and May were strong months and the June numbers are not yet completely calculated. However, she believes it is safe to say that everyone in the destination community had a soft June. She stated that the 4th of July was a very strong weekend and the hope is that July will be strong month. She stated that the Alliance decided to be proactive and begin working on a marketing campaign for the month of August. She stated that once the August campaign is over, the focus changes to the arts months which are September and October.

Ms. Ferguson stated that WADMC is focused on driving marketing for the summer months. She stated that WADMC is constantly evaluating the success of the marketing campaigns and for campaigns that are underperforming; those campaign funds are quickly diverted to other promotions to maximize the media dollars.

Mr. McGlennon stated that he applauds the initiative of the Alliance and WADMC for marketing the area as a destination rather than individual attractions. He asked if this type of campaign was going to be used for the holidays.

Ms. Riordan stated that at this point it has not been discussed.

Mr. McGlennon stated that it seems that now would not be too early to begin planning such a campaign.

Ms. Riordan stated that they would take that under advisement.

Mr. Kennedy stated that this is the time that tourism dollars should be coming in and being put away for the winter. The winter months are notoriously lean months, if the summer months are struggling it only makes the winter that much more difficult. He stated that his industry has not seen very good numbers since the 4th of July weekend. He asked why the weather seems to have such an impact on the tourism in this area as opposed to other tourist areas that are seeing good tourism numbers, like Virginia Beach.

Ms. Riordan stated that the Alliance has a fraction of the marketing budget of Virginia Beach and we are not on the oceanfront. She stated that it is two totally different types of destinations. She stated that comparing ourselves to Virginia Beach is neither a fair nor productive comparison.

Mr. Kennedy asked who we should compare ourselves to.

Ms. Riordan stated that that is a fair question and one that the Alliance will be taking on during its strategic planning for the coming year. It needs to be determined who really is our true competitive set. She stated that Virginia Beach gets a large portion of its overnight stays from the business traveler who is attending conferences. She said that Virginia Beach is not as dependent on the leisure traveler like we are here and that is a very big difference.

Ms. Jones stated that it is important to recognize that we are unique. She stated that it has been only recently that the County has really delved into the sports tourism aspect. She believes the County is going through a transition and identifying all of the various assets that the County has to offer, including the sports facilities, agri-business and tourism, the waterway access, and the historical components. She stated that Colonial Williamsburg is not the only tourism asset that we have. She stated that she likes the tourism scorecard that was provided.

Ms. Riordan stated that the vision is to provide a scorecard for the entire destination and one specifically for James City County every quarter. Similar scorecards would be provided to the City of Williamsburg and York County as well.

Ms. Jones questioned the budget request of another \$100,000, specifically how that number was arrived at and what is the intent of those funds.

Ms. Riordan stated that the Alliance is beginning the strategic planning process and the Alliance will be coming back to the Board with a very specific funding request in the next five to six weeks regarding these additional monies. She stated that the Alliance has put together a taskforce, with the help of Supervisor Onizuk, that is specifically looking at sports tourism and how to get at the economic impact and what is feasible to take the sports marketing to the next level.

Mr. Kennedy questioned if these sporting events would be exclusive to James City County or if they are regional.

Ms. Riordan stated that the sporting events are more regional in nature due to the number of fields and facilities needed for the events. She stated that there are other art events, culinary events, and festivals that are more specific to the County. She stated that the Alliance is trying to keep the balance of destination wide events that benefit everyone and events that focus specifically on the individual areas.

Mr. Kennedy asked what we are doing to revive the business conference industry that the County used to have prior to the recession.

Ms. Riordan stated that the Alliance does have a staff member that focuses specifically on that aspect, but one of the main things that the Alliance is hearing is that James City County does not have the venues that the big conferences are looking for. She stated that our lodging stock is decidedly more leisure focused rather than business focused.

Mr. Onizuk stated that it sounds like the Alliance is not specifically asking for funds today. Once the proposal from the Alliance is ready, they will bring it back to the Board. With that in mind, perhaps the Board should discuss the tourism coordinator position and the other items mentioned by Mr. Powell.

Ms. Jones mentioned that the James City County magazine and coupon book. She questioned if the Board was interested in continuing to promote it as it does have a cost associated with it. She clarified that for 20,000 magazines distributed the cost was \$25,000.

Mr. Onizuk stated that he is not really opposed to the magazine, but would question the return on the investment of it. He stated that he is more in favor of digital media. In regards to the tourism coordinator position, he is very much in favor of it. He believes that having a coordinator that will help focus these groups that are coming to James City County businesses and restaurants.

Mr. Kennedy stated that we have seen declining returns on investments. In regards to this position, it needs to start at the beginning. Every month needs to be mapped out. He stated that he supports the position, but it needs to be very specific and a definition of what is expected to be accomplished.

Mr. Powell stated that his vision for position is the primary link for all of the tourism partners in the area and then coordinate with the County businesses. This position would also coordinate the logistics for events that are coming to the area.

Mr. Onizuk stated that he agrees with Mr. Powell. The coordinator will need to make sure that events happen smoothly, that the calendar information is communicated out to the community, and act as the point of contact for the various tourism partners in the area. He believes that it will be a positive impact.

Mr. Hipple stated that he does not believe that adding one more employee will make that big of a difference. He stated that we need to focus more on what the County can do specifically to attract groups and visitors. He does not believe that adding one more staff person will fill the void in that regard. He questioned what the County is getting out of its investment to the Alliance. He stated that we need to fix what we have going on now, there are several thoughts and ideas floating around, but nothing is being focused on or moved forward. He stated that those things need to be focused on, rather than adding one more employee.

Mr. Kennedy stated that these monies coming in are coming from the hotel industry and we need to be inclusive of them. He asked if the scorecard was presented to the hotel industry. One of the changes that need to be focused on is getting heads in beds. He stated that he would like to see businesses weigh in on the scorecard as well.

Ms. Riordan stated that the scorecard is based on best practices and then tailored to our unique destination situation. She stated that she would like to see the scorecard matrices be the same for the City and for York County, if that can be agreed upon. She stated that she is supportive of the proposal made by Mr. Powell for a tourism coordinator. She stated that having that person work closely with the Alliance and focus on the logistics of coordinating events would be very beneficial.

Mr. Onizuk stated that he sees the coordinator monetize these events and take some of the burden off the Economic Development and the Communications departments.

Mr. Kennedy asked what analytics were done to determine that a tourism coordinator was needed. He asked if hours were tracked by the Economic Development and Communications.

Mr. Powell stated he does not have that data, that it was not tracked in such a manner.

Mr. Kennedy stated that he would like to see that information before making this decision. He stated that it will answer several questions, specifically, is one person enough, is one person too much, or do we need to define further what one person is going to do.

Ms. Jones stated that she agrees with Mr. Kennedy. She questioned if there is a person already on staff that could handle this coordination. She stated that she is not very supportive of creating a permanent position. She asked if this is what is needed, is there someone already on staff that can fill this role and this need. She requested that the information that the Board is asking for be disseminated out.

Mr. Powell stated that he understands what the Board is asking for, but in regard to the time from the various departments, it would only be an estimate. He stated that the departments have not been set up to track that information, though it could be done moving forward. He stated that there is no one currently on staff that focuses on tourism. He stated that if tourism is a priority for this Board then some resources need to be put into it.

Mr. Kennedy agreed, but stated it needs to be done right.

Mr. McGlennon stated that current employees are being pulled into focusing on specific tourism events and that is distracting their focus from their primary job duties. He stated that is not to say that there needs to be a specific person that is a point of contact and provide more coordination for those coming from the outside. He stated that the Board needs to determine what it wants to get out of the investment in tourism.



Mr. Onizuk stated that if the Board wants more clarity in the expectations of a coordinator position, then the Board needs to communicate those to Mr. Powell.

Ms. Jones thanked Ms. Riordan and Ms. Ferguson for joining the Board for this discussion.

## 2. Accessory Apartments

Ms. Jennifer VanDyke, Planner I, addressed the Board giving a summary of the memorandum included in the Agenda Packet. She noted that Mr. Paul Holt, Planning Director, Mr. Rich Krapf, Chairman of the Planning Commission, and Mr. Tim O'Connor, Chairman of the Policy Committee of the Planning Commission, are also available to answer any questions.

Mr. McGlennon stated that he had not heard a lot of discussion among the community desiring a change to this ordinance, so he is curious as to what lead to the Policy Committee making the change.

Mr. O'Connor stated that he was approached by a general contractor who was being contracted to build an accessory apartment for an older family that wanted their daughter to be able to care for them. He stated that due to the current language of the ordinance, the structure has to be attached to the main houses, which lead to this family having to build a 75-foot structure to connect their existing detached garage to the house. He stated that more recently during the Comprehensive Plan meetings and the Community Participation Team (CPT) meetings the Commissioners are constantly hearing about affordable options for seniors and "aging in place." He stated that these reasons really drove the discussion with the Policy Committee.

Mr. Krapf stated that family dynamics are changing as well. More adult children are moving back home due to the economy and there are more blended families. He stated that the Commission felt that it was important to include a detached apartment as part of the ordinance, with sufficient safeguards in place, to meet the needs of the community.

Mr. McGlennon stated that his main concern is that detached apartments could fundamentally change the character of an existing neighborhood. He stated that he appreciates the fact that this is a tightly crafted amendment to the existing ordinance. His only question would be if there is any way, on the application, to have the homeowner certify that this structure would not violate any existing covenants of the neighborhood.

Mr. Rogers stated absolutely. He stated that the question then would be, if the structure is prohibited by the neighborhood covenants, then the structure is restricted by the ordinance as well.

Mr. McGlennon stated that the ordinance would state unless prohibited by covenants. He stated that would allow the neighborhoods to change their covenants if the structures became an issue in the future.

Mr. Rogers stated that the County could go so far as to require the homeowner to submit a copy of their neighborhood covenants along with the application.

Mr. Hipple asked if that would set a precedent for neighborhood covenants running the County instead of the County running its business.

Mr. Rogers stated that yes, every decision can set a precedent for down the road, although in this case, this is a by-right use and something that covenants would normally address.

Mr. Hipple stated that he believes the ordinance amendment is well crafted and follows current regulations and would like to not change anything and leave the amendment as it is presented. He stated that there are plenty of safeguards already built in to the amendment.

Ms. Jones concurred with Mr. Hipple.

Mr. Onizuk questioned if the covenant question is involved, does that make it the responsibility of County staff to review and interpret covenants.

Mr. Rogers stated that staff already does review covenants as part of other planning applications. He stated that having the citizen certify that it is permitted under the covenants is not the best idea. Either the Board adds to the ordinance that the structure must be permitted by the covenants, and the covenants must be included with the application, or the County stays out of it and it is a private issue between the homeowner and the homeowners association (HOA).

Ms. Jones stated that she agrees with Mr. Hipple and would like to see the ordinance amendment as it stands and to not add any other language in. She stated that she appreciates all of the work that has gone in to the ordinance.

Mr. McGlennon questioned what the will of the Board is regarding the issue of covenants.

Ms. Jones stated that restrictive covenants would overrule the ordinance anyway, so why does the County need to get involved. It should be the responsibility of the homeowner to determine what is allowed by their restrictive covenants.

Mr. Rogers stated that on specially permitted uses, the Planning staff does look at covenants to make sure that the legislative process is not stepping on the covenants. But in a by-right use, he cannot think of a time when policy has stated that a review of the covenants be part of the application.

Mr. Krapf stated that the maximum size of the structure allowed is 400 square feet and that was in an attempt to mitigate the impacts on the character of the neighborhood and prevent a family subdivision from occurring on a single residential lot.

Mr. O'Connor stated that the requirement for a shared driveway is there as well for the same reasons.

As there were no other questions, Ms. Jones thanked staff, Mr. Krapf, and Mr. O'Connor for joining the Board for this discussion.

Mr. Rogers stated that the Board previously deferred this case for an indefinite amount of time, so there needs to be action from the Board to bring this case back before the Board at the August 12 meeting.

Ms. Jones made a motion to include Case No. ZO-0008-2013, Accessory Apartments, on the agenda for the August 12, 2014, meeting.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

#### **D. CLOSED SESSION**

Mr. McGlennon made a motion to enter Closed Session pursuant to the Code Sections listed on the Agenda.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

At 5:45 p.m., the Board entered Closed Session.

1. Consideration of personnel matter(s) involving performance pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
  - a. County Attorney
2. Consideration of a Personnel Matter, the Appointment of Individuals to County Boards and/or Commissions Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
  - a. Williamsburg Regional Library Board of Trustees
  - b. Colonial Community Criminal Justice Board
  - c. Clean County Commission

At 6:52 p.m. the Board reentered Open Session.

Mr. McGlennon made a motion to certify the Closed Session.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (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 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, Section 2.2-3711(A)(1), the consideration of a personnel matter, 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, Section 2.2-3711(A)(1), the consideration of personnel matter(s) involving performance of the County Attorney.

Mr. McGlennon made a motion to reappoint The Honorable Judge Colleen Killilea to represent James City County on the Colonial Community Criminal Justice Board for a term that will expire on July 31, 2017, to appoint Mr. Marcus Meiring to the Clean County Commission for a term that will expire on July 30, 2017, and to defer the Williamsburg Regional Library Board of Trustees appointments until the August 12, 2014, meeting.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

**E. RECESS** – until the Regular Meeting at 7 p.m.

At 6:54 p.m., Ms. Jones recessed the Board.

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M. Douglas Powell  
Clerk to the Board

072214bosws-min

**AT A SPECIAL MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF AUGUST 2014, AT 3:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. CALL TO ORDER**

**B. ROLL CALL**

Mary K. Jones, Chairman, Berkeley District  
Michael J. Hipple, Vice Chairman, Powhatan District  
James G. Kennedy, Stonehouse District-Absent  
Kevin D. Onizuk, Jamestown District  
John J. McGlennon, Roberts District

M. Douglas Powell, Acting County Administrator  
Leo P. Rogers, County Attorney

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE** – Kristen, Samuel, and William Hipple led the Board and citizens in the Pledge of Allegiance.

**E. BOARD CONSIDERATION**

**1. Appointment of County Administrator**

Mr. Hipple made a motion to appoint Mr. Bryan J. Hill as the County Administrator, effective September 8, 2014.

Ms. Jones stated that she had a statement from Mr. Kennedy that he asked her to read. He stated that he deeply regrets not being able to attend the meeting today due to responsibilities at his restaurant. He stated that he fully supports the appointment and hiring of Mr. Hill and welcomes him and his family to the community.

Mr. McGlennon stated that the process has been long, but it has provided a great result. He stated that he is confident that the County will have a very successful tenure with Mr. Hill as the County Administrator.

Mr. Onizuk echoed the statements of Mr. McGlennon. He stated that he is very excited for Mr. Hill to take over as the County Administrator. He is exactly the type of person that he stated he wanted when the Board started this process.

Mr. Hipple stated that the Board has invested a lot of time in making this decision and going through this process. He stated that he is very excited to be bringing Mr. Hill on board and he will be an asset to our community.

Mr. Onizuk expressed his appreciation of Mr. Powell for hanging in with the Board during this process, that he has done an excellent job as the Interim County Administrator, and looks forward to his many more years of service at the James City Service Authority (JCSA).

Ms. Jones echoed Mr. Onizuk's comments. She stated that all of the time and effort put into this process was worth it. She believes Mr. Hill will be a considerable asset to the County and that he brings many assets to the position including a strong financial background, experience in tourism, and experience in youth activities.

On a roll call vote, the vote was: AYE: Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (4). NAY: (0). ABSENT: Mr. Kennedy (1).

Ms. Jones introduced Mr. Bryan Hill to the citizens present.

Mr. Hill addressed the Board and citizens stating that he and his family are excited to be here and are looking forward to becoming part of the community. He thanked his family for their support and the Board for its vote of confidence.

## **RESOLUTION**

### **APPOINTING BRYAN J. HILL AS COUNTY ADMINISTRATOR**

WHEREAS, the Board of Supervisors recently concluded a nationwide search to find a new County Administrator; and

WHEREAS, the Board of Supervisors is unanimous in its enthusiastic support for Bryan J. Hill to serve as the County Administrator of James City County commencing September 8, 2014; and

WHEREAS, the Board of Supervisors is of the unanimous and unqualified opinion that Bryan J. Hill has the education, experience and training to fulfill the duties of County Administrator for James City County; and

WHEREAS, the Board of Supervisors and Bryan J. Hill have agreed to terms of an employment agreement for Bryan J. Hill to serve as County Administrator for renewable three-year terms effective September 8, 2014.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia that Bryan J. Hill is appointed to the position of County Administrator of James City County effective September 8, 2014.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Chairman of the Board of Supervisors is hereby authorized to execute an employment agreement with Bryan J. Hill based on the terms and conditions agreed to by the Board of Supervisors.

**F. ADJOURNMENT** – until 7 p.m. on August 12, 2014, for the Regular Meeting.

Mr. Hipple made a motion to adjourn.

On a roll call vote, the vote was: AYE: Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (4).  
NAY: (0). ABSENT: Mr. Kennedy (1).

At 3:08 p.m., Ms. Jones adjourned the Board.

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M. Douglas Powell  
Clerk to the Board

080814bossm-min





**MEMORANDUM**

DATE: September 9, 2014

TO: The Board of Supervisors

FROM: Leo P. Rogers, County Attorney


SUBJECT: Resolution Appointing Bryan J. Hill as County Clerk and Adam R. Kinsman as Deputy County Clerk

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The County Clerk serves as the custodian of the corporate seal of the County, records the proceedings of the Board in a book provided for that purpose, and preserves and files all accounts and papers acted upon by the Board with its action thereon.

Section 3.7 of the Charter of James City County (the "Charter") states that "the board of supervisors may appoint a county clerk who shall serve at the pleasure of the board." If the Board does not appoint a County Clerk, then, pursuant to the Charter, the County Administrator becomes the County Clerk by default. Section 15.2-407 of the *Code of Virginia*, 1950, as amended, states that "the board may designate the county administrator as clerk of the board by resolution." In the interest of creating a formal record, I recommend the Board of Supervisors of James City County adopt a resolution appointing Bryan J. Hill as County Clerk, and Adam R. Kinsman as Deputy County Clerk.

I recommend adoption of the attached resolution appointing Mr. Bryan J. Hill as County Clerk, and appointing Mr. Adam R. Kinsman as Deputy County Clerk, to be effective on September 9, 2014.

  
Leo P. Rogers

LPR/tlc  
ApptCoClerk-mem

Attachment

# RESOLUTION

## APPOINTING BRYAN J. HILL AS COUNTY CLERK AND

## ADAM R. KINSMAN AS DEPUTY COUNTY CLERK

WHEREAS, the Board of Supervisors recently appointed Bryan J. Hill to serve as the County Administrator of James City County commencing September 8, 2014; and

WHEREAS, the James City County Charter grants the Board of Supervisors the power and discretion to appoint a County Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that Bryan J. Hill, County Administrator, is appointed to the position of County Clerk of James City County effective September 9, 2014.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Board of Supervisors of James City County, Virginia, that Adam R. Kinsman, Assistant County Administrator, is appointed to the position of Deputy County Clerk of James City County effective September 9, 2014.

\_\_\_\_\_  
Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

ApptCoClerk-res

**MEMORANDUM**

DATE: September 9, 2014

TO: The Board of Supervisors

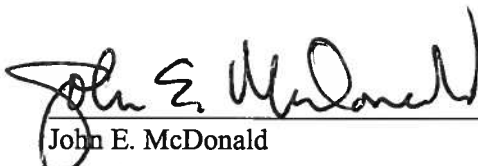
FROM: John E. McDonald, Director of Financial and Management Services

SUBJECT: Bank Resolution Amendment

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The James City County (JCC) bank resolution needs to be updated to add the County Administrator and change the Assistant County Administrator.

The attached resolution, amending the JCC bank resolution to include Bryan J. Hill and Adam R. Kinsman as authorized signers of checks, is recommended for approval.

  
John E. McDonald

JEM/gb  
BankResAmend-mem

Attachment

## RESOLUTION

### BANK RESOLUTION AMENDMENT

WHEREAS, James City County (JCC) has multiple financial institutions designated as depositories for the JCC funds and that funds so deposited may be withdrawn upon a check, draft, note, or order of the Board of Supervisors.

BE IT RESOLVED that all checks, drafts, notes, or orders drawn against said accounts be signed by two of the following:

M. Ann Davis	OR	Treasurer
Bryan J. Hill	OR	County Administrator
Adam R. Kinsman	OR	Assistant County Administrator
Jennifer D. Tomes		Assistant Treasurer

whose signatures shall be duly certified to these financial institutions and that no checks, drafts, notes, or orders drawn against these financial institutions shall be valid unless so signed.

BE IT FURTHER RESOLVED, that these financial institutions are hereby authorized and directed to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders be payable to the order of any such persons signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or the individual credit of any of the other officers or not. For cash investment purposes, the institution is also authorized and directed to honor requests for the transfer of money from savings to checking, checking to savings, and transfers from checking or savings to purchase Certificates of Deposit, repurchase agreements or to make other lawful investments when requested by M. Ann Davis, Treasurer, or Jennifer D. Tomes, Assistant Treasurer. This resolution shall continue in force and these financial institutions may consider the facts concerning the holders of said offices, respectively, and their signatures to be and continue as set forth in the Certificate of the Secretary, accompanying a copy of this resolution when delivered to these financial institutions or in any similar subsequent certificate, until written notice to the contrary is duly served on these financial institutions.

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Mary Jones  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

BankResAmend-res



**M E M O R A N D U M**

DATE: September 9, 2014

TO: The Board of Supervisors

FROM: John H. Carnifax, Jr., Director of Parks and Recreation

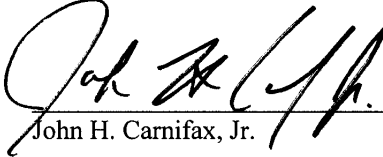
SUBJECT: Grant Award - Chesapeake Bay Restoration Fund Grant - \$3,000

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James City County's Department of Parks and Recreation has been awarded a \$3,000 Chesapeake Bay Restoration Fund grant from the Commonwealth of Virginia's Division of Legislative Services.

The purpose of the matching grant is to assist with the cost of offering a special environmental education program for every REC Connect Summer Camp site for children to study the Chesapeake Bay watershed and its importance to the community. As part of the experience, over 300 children will visit a James City County park to conduct water quality testing and go on an eco-boat tour of the Chesapeake Bay.

Staff recommends approval of the attached resolution to accept the \$3,000 grant for the special environmental education program and to appropriate the funds as described in the attached resolution.

  
\_\_\_\_\_  
John H. Carnifax, Jr.

JHC/gb  
GA-CBRF-mem

Attachment

## RESOLUTION

### GRANT AWARD - CHESAPEAKE BAY RESTORATION FUND GRANT - \$3,000

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 environmental component to the Division's REC Connect Camp Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the \$3,000 grant awarded by the Chesapeake Bay Restoration Fund to help fund a special environmental education program for Rec Connect Summer Camp participants.

Revenue:

From the Commonwealth	<u>\$3,000</u>
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Expenditure:

Chesapeake Bay Restoration Fund	<u>\$3,000</u>
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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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M. Douglas Powell  
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

GA-CBRF-res



**M E M O R A N D U M**

DATE: September 9, 2014  
TO: The Board of Supervisors  
FROM: Bradley J. Rinehimer, Chief of Police  
SUBJECT: Justice Assistance Grant (JAG) - \$10,144

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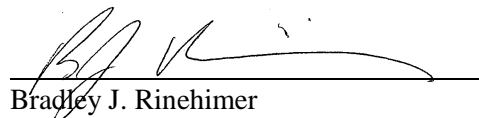
The James City County Police Department has been awarded a Justice Assistance Grant (JAG) through the Department of Justice/Bureau of Justice Assistance for \$10,144.

The funds will be used for the purchase of mobile Child ID systems for the Department's Community Services Unit and an under door camera system to be used in tactical situations by the Department's SWAT Team.

The JAG allocation is typically an annually recurring grant allocation; however, this is the first year that the Department has been awarded the grant since 2011. Police Department staff has prioritized needs to determine items to be purchased with these funds. These purchases will not take the place of budgeted expenses.

This grant is a direct allocation and requires no matching funds.

Staff recommends adoption of the attached resolution.

  
Bradley J. Rinehimer

BJR/nb  
JusticeAGrnt-mem

Attachment

## RESOLUTION

### JUSTICE ASSISTANCE GRANT (JAG) - \$10,144

WHEREAS, the James City County Police Department has been awarded a Justice Assistance Grant (JAG) through the Department of Justice/Bureau of Justice Assistance for \$10,144; and

WHEREAS, funds will be used for the purchase of mobile Child ID systems for the Department's Community Services Unit and an under door camera system to be used in tactical situations by the Department's SWAT Team; and

WHEREAS, the grant is a direct allocation and requires no match.

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

Revenue:

JAG (FY 14 Funds)	<u>\$10,144</u>
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Expenditure:

JAG (FY 14 Funds)	<u>\$10,144</u>
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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

---

Bryan J. Hill  
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

JusticeAGrnt-res

**MEMORANDUM**

DATE: September 9, 2014

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

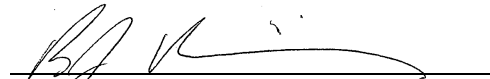
SUBJECT: Grant Award – Department of Motor Vehicles (DMV) – Alcohol Enforcement – \$23,164

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The James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$23,164. The funds are to be used toward alcohol traffic enforcement overtime. The grant requires only an in-kind match, which is available through the fuel and maintenance costs for Police vehicles that participate in traffic enforcement duties. These funds will not take the place of budgeted expenses.

The DMV typically administers annual recurring grants passed through the National Highway Transportation Safety Administration for the purpose of supporting statewide goals in enforcing highway safety laws. Each grant has a different enforcement focus area including alcohol and speed. Enforcing occupant protection laws is a primary goal of each of these grants, as well.

Staff recommends adoption of the attached resolution.

  
\_\_\_\_\_  
Bradley J. Rinehimer

BJR/nb  
GA-DMVAlcoholE-mem

Attachment

## RESOLUTION

### GRANT AWARD – DEPARTMENT OF MOTOR VEHICLES (DMV) –

#### ALCOHOL ENFORCEMENT – \$23,164

WHEREAS, the James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$23,164; and

WHEREAS, the funds are to be used towards alcohol traffic enforcement overtime; and

WHEREAS, the grant requires only an in-kind match, which is available through the fuel and maintenance costs for Police vehicles that participate in traffic enforcement duties.

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

Revenue:

FY15 DMV – Alcohol Enforcement	<u>\$23,164</u>
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Expenditure:

FY15 DMV – Alcohol Enforcement	<u>\$23,164</u>
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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

---

Bryan J. Hill  
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

GA-DMVAlcoholE-res

**M E M O R A N D U M**

DATE: September 9, 2014

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

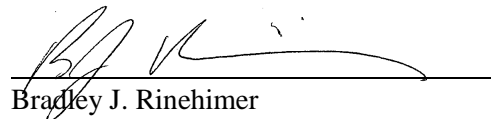
SUBJECT: Grant Award – Department of Motor Vehicles (DMV) – Speed Enforcement – \$19,404

---

The James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$19,404. The funds are to be used toward speed traffic enforcement overtime. The grant requires only an in-kind match, which is available through the fuel and maintenance costs for Police vehicles that participate in traffic enforcement duties. These funds will not take the place of budgeted expenses.

The DMV typically administers annual recurring grants passed through the National Highway Transportation Safety Administration for the purpose of supporting statewide goals in enforcing highway safety laws. Each grant has a different enforcement focus area including alcohol and speed. Enforcing occupant protection laws is a primary goal of each of these grants, as well.

Staff recommends adoption of the attached resolution.

  
\_\_\_\_\_  
Bradley J. Rinehimer

BJR/nb  
GA-DMVSpeed-mem

Attachment

## RESOLUTION

### GRANT AWARD – DEPARTMENT OF MOTOR VEHICLES (DMV) –

#### SPEED ENFORCEMENT – \$19,404

WHEREAS, the James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$19,404; and

WHEREAS, the funds are to be used towards speed traffic enforcement overtime; and

WHEREAS, the grant requires only an in-kind match, which is available through the fuel and maintenance costs for Police vehicles that participate in traffic enforcement duties.

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

Revenue:

FY15 DMV – Speed Enforcement	<u>\$19,404</u>
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Expenditure:

FY15 DMV – Speed Enforcement	<u>\$19,404</u>
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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

GA-DMVSpeed-res

**M E M O R A N D U M**

DATE: September 9, 2014

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Federal Grant Award – Bulletproof Vest Partnership (BVP) – \$17,312.99

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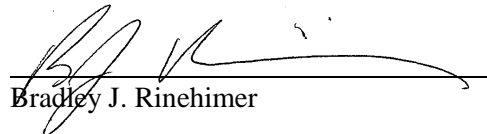
The James City County Police Department has been awarded a Bulletproof Vest Partnership (BVP) grant from the Office of Justice Programs' Bureau of Justice Assistance for \$17,312.99 (\$8,287.73 Federal funds/\$9,025.26 local match). The funds are to be used to purchase approximately 19 replacement bulletproof vests for officers.

The Bulletproof Vest Partnership has typically been a recurring grant program made available each year to law enforcement agencies throughout the United States. This grant expires August 31, 2016, allowing replacement of vests as needed, or the purchase of vests for new officers throughout the grant period.

Each sworn officer within the Department is offered a bulletproof vest as part of their normal issued equipment. Unless recalls are made or the vest is damaged, the lifespan of vests is typically five years. The vests used by the Department are engineered for superior performance and integrate high-performance ballistic materials with a temperature regulating carrier for maximum comfort. Additionally, the vest carriers utilize a fabric designed to dissipate the electric charge delivered by electronic control devices such as the TASER.

The grant requires a match of \$9,025.26, which is available in the Special Projects/Grants Fund.

Staff recommends adoption of the attached resolution to appropriate funds.

  
Bradley J. Rinehimer

BJR/nb  
GA-BulletprfVst-mem

Attachment

## RESOLUTION

### FEDERAL GRANT AWARD – BULLETPROOF VEST PARTNERSHIP (BVP) – \$17,312.99

WHEREAS, the James City County Police Department has been awarded a Bulletproof Vest Partnership (BVP) grant from the Office of Justice Programs' Bureau of Justice Assistance for \$17,312.99 (\$8,287.73 Federal funds/\$9,025.26 local match); and

WHEREAS, the grant requires a match of \$9,025.26, which is available in the Special Projects/Grants Fund; and

WHEREAS, the funds are to be used to purchase approximately 19 replacement bulletproof vests for officers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and the following appropriation amendment to the Special Projects/Grants Fund:

Revenues:

BVP-FY 14	\$ 8,287.73
Grant Match Account	<u>9,025.26</u>
Total	<u>\$17,312.99</u>

Expenditure:

BVP – FY 14	<u>\$17,312.99</u>
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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

BulletprfVst-res



**M E M O R A N D U M**

DATE: September 9, 2014

TO: The Board of Supervisors

FROM: John H. Carnifax, Jr., Director of Parks and Recreation

SUBJECT: Contract Award – Freedom Park Playground – \$110,824

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The County began Phase IV improvements to Freedom Park as previously approved by the James City County Board of Supervisors on July 22, 2014.

Phase IV improvements under this proposed contract will consist of the purchase and installation of a new playground structure. A Request for Proposals (RFP) for design of the new playground was released in June 2014 and six vendors responded. Bliss Products and Services, Inc. were selected to work with staff to complete the final design of the new playground. The final design incorporates the existing outdoor and nature inspired themes, includes separate play areas for preschoolers and school-age children that will be fully accessible, and the playground will also include seating areas and bike racks.

Bliss Products and Services Inc. has an exemplary reputation in the State for providing quality playgrounds and technical support. The contract amount of \$110,824 is consistent with the project estimate and funds are available in the approved Capital Budget. The attached resolution would authorize the contract award to Bliss Products and Services Inc. for completion of the new playground at Freedom Park.

Staff recommends approval of the attached resolution.

  
\_\_\_\_\_  
John H. Carnifax, Jr.

JHC/nb  
CA-FPkPlaygrnd-mem

Attachments

## RESOLUTION

### CONTRACT AWARD – FREEDOM PARK PLAYGROUND – \$110,824

WHEREAS, funds are available in the Capital Improvement Budget to cover the design and installation of a new playground at Freedom park; and

WHEREAS, Bliss Products and Services Inc. was selected to complete the final design of the Freedom Park playground through a Request for Proposals (RFP) process; and

WHEREAS, the installation of a playground at Freedom Park meets the approved Master Plan of the park.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract for the installation of a new playground at Freedom Park to Bliss Products and Services Inc. in the total amount of \$110,824.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

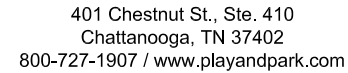
CA-FPkPlaygrnd-res

## Bliss Products & Services

Minimum Area Required:  
100'-0" x 50'-0"

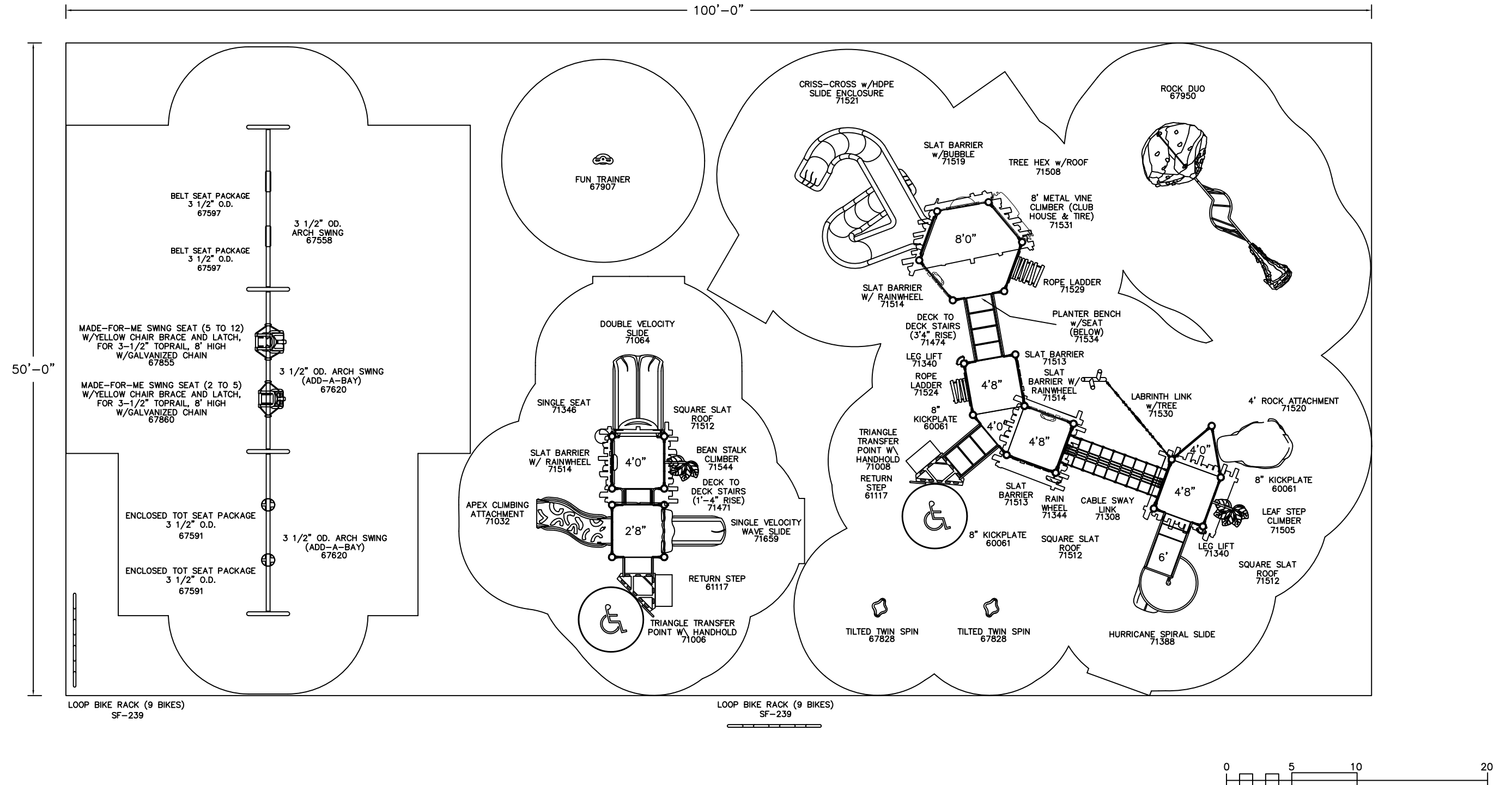
This drawing can be scaled only when in an 11" x 17" format

Date:  
8/8/2014  
Drawing Name:  
645-81476C



Elevated Play Components  
Elevated Play Components Accessible by Ramp  
Elevated Components Accessible by Transfer  
Accessible Ground Level Components Shown  
Different Types of Ground Level Components

1  
Capacity  
35-95  
Fall Height  
8'-0"



**IMPORTANT:** Never install play equipment over hard, unresilient surfaces such as asphalt, concrete, or compacted earth. It is the owner's responsibility to ensure the "minimum area required" contains an appropriate amount of resilient material to cushion accidental falls.



**FREEDOM PARK**  
WILLIAMSBURG, VA

645-81476

**Bliss Products  
and Services, Inc.**

**(800) 248-2547**

[info@blissproducts.com](mailto:info@blissproducts.com)



1.800.727.1907  
[www.playandpark.com](http://www.playandpark.com)

**play&park  
structures**  
a PLAYCORE Company

**M E M O R A N D U M**

DATE: September 9, 2014

TO: The Board of Supervisors

FROM: William J. Mann, Jr., MD, Executive Medical Director of Olde Towne Medical and Dental Center

SUBJECT: Establishment of a Full-time Nurse Practitioner/Physician's Assistant Position, Olde Towne Medical and Dental Center (OTMDC)

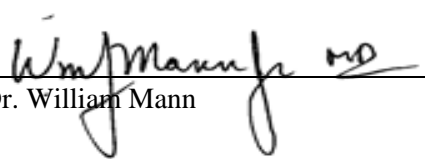
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On behalf of the Board of Directors of the Williamsburg Area Medical Assistance Corporation (WAMAC), Olde Towne Medical and Dental Center (OTMDC) requests that the James City County Board of Supervisors approve the establishment of a full-time Nurse Practitioner/Physician's Assistant position at the OTMDC. Funding for this position is available in OTMDC's current budget.

Currently, OTMDC sees 16,000 patient visits annually for 5,000 different patients. At the present time, there is over a three-week wait for a new first appointment, as our current providers are fully scheduled and patient demand appears to be increasing. Further, our patient population is aging, and our patients are presenting with more complex medical problems, requiring longer appointment times. Establishment of this position will allow us to meet the demands of our patients.

At its July 28, 2014, meeting, the WAMAC Board of Directors affirmed the need to establish this position and set aside funding.

At this time, the WAMAC Board of Directors requests that the James City County Board of Supervisors approve the establishment of a full-time Nurse Practitioner/Physician's Assistant position effective September 1, 2014.

  
Dr. William Mann

WJM/nb  
NPractPASst-mem

Attachment

## RESOLUTION

### ESTABLISHMENT OF A FULL-TIME NURSE PRACTITIONER/PHYSICIAN'S ASSISTANT

#### POSITION, OLDE TOWNE MEDICAL AND DENTAL CENTER (OTMDC)

WHEREAS, the James City Board of Supervisors has the authority to establish County full-time positions; and

WHEREAS, the Board of Directors of the Williamsburg Area Medical Assistance Corporation (WAMAC) desires to establish a full-time Nurse Practitioner/Physician's Assistant position at Olde Towne Medical Center (OTMDC) and has allocated funds for the position effective September 1, 2014.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the establishment of a full-time (2,080 hours/year) Nurse Practitioner/Physician's Assistant for OTMDC effective September 1, 2014, to support its mission of providing preventative care, early intervention services, and chronic disease management to the vulnerable and disadvantaged population, with services to children and their families a priority.

\_\_\_\_\_  
Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
M. Douglas Powell  
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

NPractPASst-res



**MEMORANDUM**

DATE: September 9, 2014

TO: The Board of Supervisors

FROM: Scott J. Thomas, Engineering and Resource Protection Director

SUBJECT: Dedication of Streets within New Town Subdivision

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Attached is a resolution requesting acceptance of most of the streets proposed as public rights-of-way in the New Town Subdivision into the State Secondary Highway System. The streets proposed for acceptance are as shown in red on the attached map and are in Sections 2, 4, 3, and 6 of the New Town subdivision. The streets have been inspected and approved by representatives of the Virginia Department of Transportation (VDOT) as meeting the minimum requirements for secondary roadways. The remaining streets proposed as public rights-of-way either have not met the requirements for acceptance into the State's maintenance system or were constructed by a different developer than the streets shown on the attached exhibit and will be entered into the State's maintenance system in the future.

VDOT's Secondary Street Acceptance Requirements (SSAR), effective March 2009, outline processes on how streets are designed, constructed, and officially accepted for maintenance as part of the secondary system of State highways. Upon the satisfactory completion of construction of streets, VDOT advises and coordinates with the local governing body of the street's readiness for acceptance through the use of VDOT's Form AM-4.3. As part of the initial acceptance process, the County Board of Supervisors must request, by resolution, that VDOT accept the street for maintenance as part of the secondary system of State highways. Administrative procedures outlined in the SSAR/24VAC30-92-70 list criteria for street acceptance and what information is required on the local resolution. Once the resolution is approved, the signed Form AM-4.3 with the resolution is then returned to VDOT. VDOT then officially notifies the locality of the street's acceptance into the secondary system of State highways and the effective date of such action. This notification serves as start of VDOT maintenance responsibility. As part of the process, the County will hold an appropriate amount of subdivision or public improvement surety for the roadway, as required by local ordinances, until the acceptance process is complete. Also, within 30 days of the local governing body's request (resolution), VDOT requires a maintenance surety to be posted by the developer to guarantee performance of the street for one year from the date of acceptance.

Staff recommends the adoption of the attached resolution.

  
Scott J. Thomas

SJT/gb  
DedNewTownSts-mem

Attachments

## RESOLUTION

### DEDICATION OF STREETS WITHIN THE NEW TOWN SUBDIVISION

WHEREAS, the streets described on the attached Form AM-4.3, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Residency Administrator for the Virginia Department of Transportation advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on July 1, 1994, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described in the attached Additions Form AM-4.3 to the secondary system of State highways, pursuant to § 33.1-229 of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described and any necessary easements for cuts, fills, and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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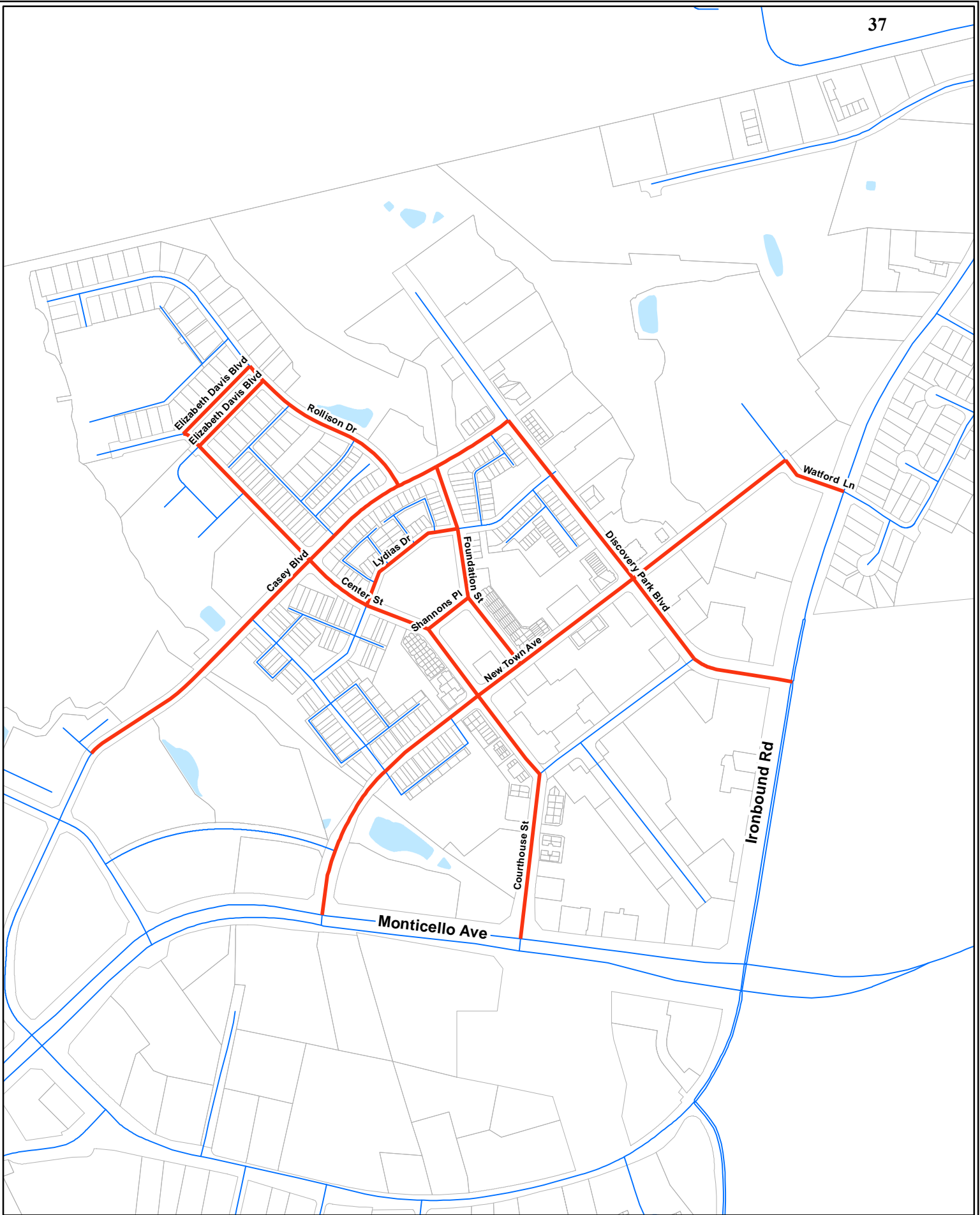
Bryan J. Hill  
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

DedNewTownSts-res





# In the County of James City

By resolution of the governing body adopted September 9, 2014

*The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.*

A Copy Testee

Signed (County Official): \_\_\_\_\_

## Report of Changes in the Secondary System of State Highways

Project/Subdivision New Town

Type Change to the Secondary System of State Highways: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: §33.1-229

### Street Name and/or Route Number

† Courthouse Street, State Route Number 1831

Old Route Number: 0

-----  
I From: Monticello Avenue (Route 321)

To: .04 north of Monticello Avenue (Route 321), a distance of: 0.04 miles.

Recordation Reference: 030010942

Right of Way width (feet) = 84ft-120ft

### Street Name and/or Route Number

† Elizabeth Davis NB, State Route Number 1839

Old Route Number: 0

-----  
I From: Center Street (Route 1832)

To: Rollison Drive (Route 1838), a distance of: 0.08 miles.

Recordation Reference: 090006228

Right of Way width (feet) = 42ft

### Street Name and/or Route Number

† Center Street, State Route Number 1832

Old Route Number: 0

-----  
I From: Lydias Drive (Route 1835)

To: Casey Boulevard (Route 1837), a distance of: 0.06 miles.

Recordation Reference: 060004140

Right of Way width (feet) = 64ft

**Street Name and/or Route Number**

† Center Street, State Route Number 1832

Old Route Number: 0

-----  
 | From: Casey Boulevard (Route 1837)

To: Elizabeth Davis NB (Route 1839), a distance of: 0.14 miles.

Recordation Reference: 120016286

Right of Way width (feet) = 58ft

**Street Name and/or Route Number**

† Center Street, State Route Number 1832

Old Route Number: 0

-----  
 | From: Elizabeth Davis NB (Route 1839)

To: Elizabeth Davis SB (Route 1839), a distance of: 0.02 miles.

Recordation Reference: 090006228

Right of Way width (feet) = 50ft

**Street Name and/or Route Number**

† Discovery Park Boulevard, State Route Number 1833

Old Route Number: 0

-----  
 | From: Ironbound Road (Route 615)

To: .09 west of Ironbound Road (Route 615), a distance of: 0.09 miles.

Recordation Reference: 050009867

Right of Way width (feet) = 100ft

**Street Name and/or Route Number**

† Lydias Drive, State Route Number 1835

Old Route Number: 0

-----  
 | From: Center Street (Route 1832)

To: Foundation Street (Route 1836), a distance of: 0.11 miles.

Recordation Reference: 060004140

Right of Way width (feet) = 50ft

**Street Name and/or Route Number**

† Center Street, State Route Number 1832

Old Route Number: 0

-----  
 | From: New Town Avenue (Route 1830)

To: Shannon Place (Route 1834), a distance of: 0.07 miles.

Recordation Reference: 040027333

Right of Way width (feet) = 64ft

**Street Name and/or Route Number**

† Shannon Place, State Route Number 1834

Old Route Number: 0

-----  
 | From: Center Street (Route 1832)

To: Foundation Street (Route 1836), a distance of: 0.04 miles.

Recordation Reference: 060004140

Right of Way width (feet) = 64ft

**Street Name and/or Route Number**

† Watford Lane, State Route Number 763

Old Route Number: 0

-----  
 I From: Ironbound Road (Route 615)

To: New Town Avenue (Route 1830), a distance of: 0.06 miles.

Recordation Reference: 060026876

Right of Way width (feet) = 64ft

**Street Name and/or Route Number**

† Courthouse Street, State Route Number 1831

Old Route Number: 0

-----  
 I From: .04 north of Monticello Avenue (Route 321)

To: Center Street (Route 1832), a distance of: 0.10 miles.

Recordation Reference: 030010942

Right of Way width (feet) = 64ft-84ft

**Street Name and/or Route Number**

† New Town Avenue, State Route Number 1830

Old Route Number: 0

-----  
 I From: Monticello Avenue (Route 321)

To: 0.08 miles north of Monticello Avenue (Route 321), a distance of: 0.08 miles.

Recordation Reference: 040009441

Right of Way width (feet) = 53ft-90ft

**Street Name and/or Route Number**

† Foundation Street, State Route Number 1836

Old Route Number: 0

-----  
 I From: New Town Avenue (Route 1830)

To: Shannon Place (Route 1834), a distance of: 0.07 miles.

Recordation Reference: 060004140

Right of Way width (feet) = 64ft

**Street Name and/or Route Number**

† New Town Avenue, State Route Number 1830

Old Route Number: 0

-----  
 I From: 0.08 miles north of Monticello Avenue (Route 321)

To: Town Creek Drive, a distance of: 0.05 miles.

Recordation Reference: 040009441

Right of Way width (feet) = 53ft

**Street Name and/or Route Number**

† Foundation Street, State Route Number 1836

Old Route Number: 0

-----  
 I From: Shannon Place (Route 1834)

To: Lydias Drive (Route 1835), a distance of: 0.06 miles.

Recordation Reference: 060004140

Right of Way width (feet) = 64ft

**Street Name and/or Route Number**

† Foundation Street, State Route Number 1836

Old Route Number: 0

-----  
 I From: Lydias Drive (Route 1835)

To: Casey Boulevard (Route 1837), a distance of: 0.06 miles.

Recordation Reference: 060004140

Right of Way width (feet) = 64ft

**Street Name and/or Route Number**

† Casey Boulevard, State Route Number 1837

Old Route Number: 0

-----  
 I From: Foundation (Route 1836)

To: Rollison Drive (Route 1838), a distance of: 0.04 miles.

Recordation Reference: 060004140

Right of Way width (feet) = 74ft

**Street Name and/or Route Number**

† Casey Boulevard, State Route Number 1837

Old Route Number: 0

-----  
 I From: Rollison Drive (Route 1838)

To: Center Street (Route 1832), a distance of: 0.10 miles.

Recordation Reference: 060004140

Right of Way width (feet) = 74ft

**Street Name and/or Route Number**

† Casey Boulevard, State Route Number 1837

Old Route Number: 0

-----  
 I From: Center Street (Route 1832)

To: Town Creek Drive, a distance of: 0.07 miles.

Recordation Reference: 060004140

Right of Way width (feet) = 74ft

**Street Name and/or Route Number**

† Casey Boulevard, State Route Number 1837

Old Route Number: 0

-----  
 I From: Town Creek Drive

To: Property Line, a distance of: 0.06 miles.

Recordation Reference: 060004140

Right of Way width (feet) = 74ft

**Street Name and/or Route Number**

† Rollison Drive, State Route Number 1838

Old Route Number: 0

-----  
 I From: Casey Boulevard (Route 1837)

To: Elizabeth Davis Boulevard (Route 1839), a distance of: 0.15 miles.

Recordation Reference: 090006228

Right of Way width (feet) = 58ft

**Street Name and/or Route Number**

† Rollison Drive, State Route Number 1838

Old Route Number: 0

-----  
 I From: Elizabeth Davis Boulevard NB (Route 1839)

To: Elizabeth Davis Boulevard SB (Route 1839), a distance of: 0.02 miles.

Recordation Reference: 090006228

Right of Way width (feet) = 58ft

**Street Name and/or Route Number**

† New Town Avenue, State Route Number 1830

Old Route Number: 0

-----  
 I From: Center Street (Route 1832)

To: Foundation Street (Route 1836), a distance of: 0.04 miles.

Recordation Reference: 050009867

Right of Way width (feet) = 64ft

**Street Name and/or Route Number**

† New Town Avenue, State Route Number 1830

Old Route Number: 0

-----  
 I From: Foundation Street (Route 1836)

To: Discovery Park Boulevard (Route 1833), a distance of: 0.12 miles.

Recordation Reference: 050009867

Right of Way width (feet) = 64ft

**Street Name and/or Route Number**

† New Town Avenue, State Route Number 1830

Old Route Number: 0

-----  
 I From: Discovery Park Boulevard (Route 1833)

To: Watford Lane (Route 763), a distance of: 0.16 miles.

Recordation Reference: 060026876

Right of Way width (feet) = 64ft

**Street Name and/or Route Number**

† Discovery Park Boulevard, State Route Number 1833

Old Route Number: 0

-----  
 I From: Lydias Drive (Route 1835)

To: Casey Boulevard (Route 1837), a distance of: 0.06 miles.

Recordation Reference: 060004140

Right of Way width (feet) = 74ft

**Street Name and/or Route Number**

† Elizabeth Davis Boulevard SB, State Route Number 1839

Old Route Number: 0

-----  
 I From: Rollison Street (Route 1838)

To: Center Street (Route 1832), a distance of: 0.08 miles.

Recordation Reference: 090006228

Right of Way width (feet) = 42ft

**Street Name and/or Route Number**

† New Town Avenue, State Route Number 1830

Old Route Number: 0

-----  
 I From: Town Creek Drive

To: Center Street (Route 1832), a distance of: 0.10 miles.

Recordation Reference: 050008278

Right of Way width (feet) = 64ft

**Street Name and/or Route Number**

† Center Street, State Route Number 1832

Old Route Number: 0

-----  
 I From: Courthouse Street (Route 1831)

To: New Town Avenue (Route 1830), a distance of: 0.09 miles.

Recordation Reference: 040009441

Right of Way width (feet) = 64ft

**Street Name and/or Route Number**

† Discovery Park Boulevard, State Route Number 1833

Old Route Number: 0

-----  
 I From: .09 west of Ironbound Road (Route 615)

To: New Town Avenue (Route 1830), a distance of: 0.09 miles.

Recordation Reference: 050009867

Right of Way width (feet) = 74ft

**Street Name and/or Route Number**

† Discovery Park Boulevard, State Route Number 1833

Old Route Number: 0

-----  
 I From: New Town Avenue (Route 1830)

To: Lydias Drive (Route 1835), a distance of: 0.11 miles.

Recordation Reference: 060004140

Right of Way width (feet) = 74ft

**Street Name and/or Route Number**

† Casey Boulevard, State Route Number 1837

Old Route Number: 0

-----  
 I From: Discovery Park Boulevard (Route 1833)

To: Foundation (Route 1836), a distance of: 0.07 miles.

Recordation Reference: 060004140

Right of Way width (feet) = 74ft

**Street Name and/or Route Number**

† Center Street, State Route Number 1832

Old Route Number: 0

-----  
 I From: Shannon Place (Route 1834)

To: Lydias Drive (Route 1835), a distance of: 0.05 miles.

Recordation Reference: 060004140

Right of Way width (feet) = 64ft





**MEMORANDUM**

DATE: September 9, 2014

TO: The Board of Supervisors

FROM: W. Scott Whyte, Senior Landscape Planner II

SUBJECT: Case Nos. ZO-0001-2014, ZO-0002-2014, ZO-0003-2014, Zoning Ordinance Amendments for the keeping of chickens in R-2, General Residential, and R-3, Residential Redevelopment zoned areas of the County

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On June 10, 2014, the Board of Supervisors adopted an ordinance to allow for the keeping of chickens on properties zoned R-1, Limited Residential, and requested that the Planning Commission explore expanding the ordinance to allow for the keeping of chickens in both the R-2, General Residential, and R-3, Residential Redevelopment, districts. An initiating resolution was approved on June 24, 2014 (copy attached).

On July 10, 2014, the Policy Committee generally discussed ordinances from other localities (including New Kent, Williamsburg, York County, Newport News, Hampton, and Prince William County). The Policy Committee noted that these were some of the same localities which they had reviewed previously. The Policy Committee also discussed the City of Williamsburg. Staff stated to the Policy Committee that there is no section within the City's Zoning Ordinance that specially addresses chickens and as such, there is no permitting process in the City for the keeping of chickens. Within the City, residents are allowed to keep chickens and complaints are addressed to, and enforced by, Animal Control and coops must meet general setback requirements that are applicable generally to any accessory structure. The Policy Committee then reviewed the Statements of Intent, the lists of permitted residential uses, and minimum lot sizes for the R-1, R-2, and R-3 zoning districts (copy of matrix attached). The Policy Committee then reviewed and discussed a listing of subdivisions by zoning district. The Policy Committee noted that there are no properties in the County that are currently zoned R-3. As this is a new district that was first created in 2012 to encourage the replacement or reuse of existing buildings or previously developed sites, no such zoning request has yet been submitted. The Committee further noted that there are no minimum lot sizes for dwelling units in the R-3 district.

The Policy Committee then directed staff to prepare two draft ordinances to allow for the keeping of chickens, one for properties zoned R-2, General Residential, and one for properties zoned R-3, Residential Redevelopment. The Committee directed staff to prepare both ordinances to keep the same performance provisions currently found in R-1, with the exception that no dispatching or harvesting of chickens be permitted.

The draft ordinances were prepared and presented to the Planning Commission on August 6, 2014. The Commission discussed the statements of intent for the R-2, General Residential, and R-3, Residential Redevelopment, districts, Homeowners Association (HOA) covenant restrictions, homeowners' expectations, and harvesting of chickens.

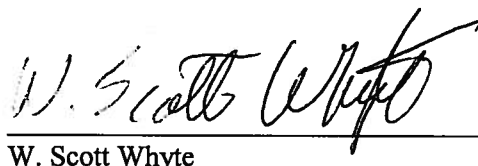
**Recommendation**

At the August 6, 2014, Planning Commission meeting, a motion to approve the amended ordinance (ZO-0001-2014) to eliminate the possibility of harvesting chickens within residential districts passed by a vote of 6-0. In considering ZO-0001-2014, the Planning Commission believed it was important that standards for the keeping of chickens were consistent among all residential districts; in other words, that standards for the keeping of chickens in R-1 not be different than those in R-2 or R-3, as may be considered by the Board. Further, in

Case Nos. ZO-0001-2014, ZO-0002-2014, ZO-0003-2014, Zoning Ordinance Amendments for the keeping of chickens in R-2, General Residential and R-3 Residential Redevelopment zoned areas of the County  
September 9, 2014  
Page 2

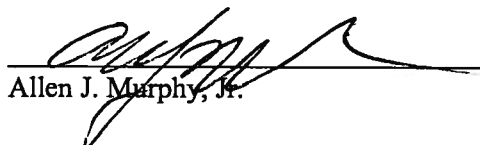
considering a possible expansion of the ability to keep chickens in other residential districts, the Commission also believed it was important that residential harvesting of chickens not be allowed. The Commission noted that the dispatching of chickens, which many people consider to be pets, was inconsistent with the nature of residential communities. While the Board previously adopted provisions for the dispatching of chickens, in reconsidering the keeping of chickens in residential districts, the Commission does not recommend approval of the dispatching provision; therefore, approval of ZO-0001-2014 as recommended by the Planning Commission would eliminate the ability to harvest chickens on residentially zoned property.

A motion to deny approval of ordinance (ZO-0002-2014) to allow chicken keeping in R-2, General Residential, was passed 6-0. A motion to deny approval of ordinance (ZO-0003-2014) to allow chicken keeping in R-3, Residential Redevelopment, was passed 6-0. (Aye: Mr. Wright, Mr. Krapf, Mr. Richardson, Mr. Basic, Mr. Drummond, Mr. O'Conner, and Mrs. Bledsoe. (Mr. Richardson was absent). Staff supports the recommendations of the Planning Commission.



W. Scott Whyte

CONCUR:



Allen J. Murphy, Jr.

WSW/gb  
OrdsAmen-Chicks-mem

Attachments:

1. Ordinance
  - a) Article II, Special Regulations, Section 24-47, Chicken-Keeping
  - b) Article V, Division 4 General Residential District, R-2
  - c) Article V, Division 4.1, Residential Redevelopment, R-3
2. Unapproved Minutes of the July 10, 2014, Policy Committee Meeting
3. Unapproved Minutes of the August 6, 2014, Planning Commission Meeting
4. Initiating Resolution dated June 24, 2014
5. Comparison Matrix
6. Listing of subdivisions by zoning district

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION I, IN GENERAL, BY AMENDING SECTION 24-47, KEEPING OF CHICKENS IN RESIDENTIALLY ZONED AREAS.

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 Section 24-47, Keeping of chickens in residentially zoned areas.

Chapter 24. Zoning  
Article II. Special Regulations  
Division 1. In General

**Chapter 24**

**ARTICLE 11. SPECIAL REGULATIONS**

**DIVISION 1. IN GENERAL**

**Sec. 24-47. Keeping of chickens in residentially zoned areas.**

Keeping and housing domestic chickens on residentially-zoned and occupied property shall be solely for purposes of household consumption and shall comply with the following requirements:

- (a) Chickens allowed pursuant to this section shall be kept and raised only for domestic purposes and no commercial activity such as selling of eggs or selling chickens for meat shall be allowed. ~~Commercial~~ ~~h~~Harvesting of chickens is not permitted.
- (b) The maximum number of chickens permitted on a residential lot shall be two (2) for the first 5,000 square feet of lot area, and one additional bird for each additional 5,000 square feet of total lot area thereof. The total number of birds is not to exceed a maximum of twelve (12) hens.
- (c) Chickens shall only be allowed on properties consisting of single family homes and which are on lots of at least 15,000 square feet in size.
- (d) No roosters shall be allowed.

- (e) Coops or cages and runs shall only be located in the rear yard area. The zoning administrator may grant an exception to this requirement in cases where due to unusual lot configuration, topography, or proximity of neighbors, another area of the yard is more suitable for such an activity.
- (f) Coops cages and runs shall be situated at least five (5) feet from adjoining property lines and twenty-five (25) feet from any dwelling on a property not owned by the applicant. On corner lots, all pens coops or cages shall be situated no closer than 35 feet from the side street.
- (g) Coops or cages and runs shall be located outside of resource protection areas and any conservation easements dedicated to the County.
- (h) Coops or cages and runs shall be required, a portion of which shall be covered. Such coops, cages, or runs shall be enclosed with a minimum four (4) feet high chicken wire fence. All coops cages or runs shall provide at least three (3) square feet of area per bird.
- (i) Each property owner seeking to keep chickens shall file an application with James City County zoning office. Such application shall be accompanied by a \$20.00 processing fee. The application shall include a sketch showing the area where the chickens will be housed and the type and size of enclosure in which the chickens shall be housed. The sketch must show all dimensions and setbacks. Upon review and determination that the proposed chicken keeping complies with the standards set forth in this section, the zoning office shall issue a permit. Any permit that is found in violation or not in compliance with this section may be revoked.

---

Mary K. Jones, Chairman  
Chairman, Board of Supervisors

ATTEST:

---

Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

OrdsAmen-Chicks-ord

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 4, GENERAL RESIDENTIAL DISTRICT, R-2, SECTION 24-252, USE LIST.

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 Section 24-252, Use list.

### ARTICLE V. DISTRICTS

#### DIVISION 4. GENERAL RESIDENTIAL DISTRICT, R-2

##### Sec. 24-252. Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
<i>Residential Uses</i>	<i>Keeping of chickens in accordance with section 24-47</i>	<i>P</i>	

\_\_\_\_\_  
Mary K. Jones, Chairman  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

OrdsAmen-Chicks-ord2

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 4.1, RESIDENTIAL REDEVELOPMENT DISTRICT, R-3, SECTION 24-273.2, USE LIST.

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 Section 24-273.2, Use list.

### ARTICLE V. DISTRICTS

#### DIVISION 4.1. RESIDENTIAL REDEVELOPMENT DISTRICT, R-3

##### Sec. 24-273.2. Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
<i>Residential Uses</i>	<i>Keeping of chickens in accordance with section 24-47</i>	<i>P</i>	

\_\_\_\_\_  
Mary K. Jones, Chairman  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

OrdsAmen-Chicks-ord3

**POLICY COMMITTEE MEETING**

July 10, 2014

3:00 p.m.

County Government Center, Building D

**1.) Roll Call**

**Present**

Mr. Tim O'Connor  
Mr. Rich Krapf  
Ms. Robin Bledsoe

**Staff Present**

Mr. Paul Holt  
Mr. Scott Whyte  
Ms. Savannah Pietrowski

**Absent**

Mr. John Wright

Mr. Tim O'Connor called the meeting to order at 3:00 p.m.

**2.) Minutes**

a. May 15, 2014

Mr. Rich Krapf moved to approve the minutes.

In a unanimous voice vote, the minutes were approved as submitted (3-0; Mr. Wright being absent.)

**3.) New Business**

A. Case No. ZO-0001-2014, Chicken Keeping in R-2, General Residential and R-3, Residential Development

Mr. O'Connor stated that the role of the Policy Committee is to make recommendations in regards to what the ordinance for the R-2 and R-3 Districts will look like when they are presented to the Planning Commission.

Mr. Krapf asked if the Policy Committee could make a recommendation that an ordinance not be drafted for R-2 and/or R-3, or if the expectation is that a draft ordinance must be prepared.

Mr. Paul Holt stated that based on the Board request and the way in which ordinance amendments are advertised, Staff must prepare a draft ordinance.

Ms. Robin Bledsoe inquired if the ordinance could be sent to the Board without a recommendation from the Planning Commission.

Mr. Holt stated that the Commission would have to vote on the ordinances, but a narrative from the Commission could be included when the vote is presented to the Board.

Mr. O'Connor stated that the reasons for the Commission's vote should be communicated to the Board.

Mr. Holt confirmed that it could be included in the Memorandum that is sent to the Board.

Mr. O'Connor asked the citizen in the audience if he has attended any of the previous meetings, and where he lives.

The citizen responded that he has attended two other meetings and lives in James Terrace.

Mr. O'Connor inquired if he had any comments he would like to share.

The citizen responded that he would like to be able to keep chickens.

Mr. Krapf inquired if Mr. Scott Whyte had any comments he would like to share with the Committee.

Mr. Whyte noted that the Board adopted an initiating resolution to examine chicken keeping in the R-2 and R-3 Districts.

Mr. Holt stated that Mr. Whyte has been in contact with adjoining localities to gather information, and staff has provided Zoning maps for the Commissioners to look at.

Ms. Bledsoe noted that she shared a comprehensive discussion on urban chicken keeping with the other Commissioners.

Mr. O'Connor stated that the direction from the most recent Board meeting was to consider the policies of neighboring localities. Mr. O'Connor stated that throughout the process, the Committee has looked at several different localities, and noted that New Kent has not adopted a chicken keeping policy.

Mr. Whyte stated that most of New Kent County is zoned A-1, where chickens are permitted. Mr. Whyte also noted that New Kent County has not had any issues with people keeping chickens in other residential area, although they know they exist.

Ms. Bledsoe inquired if New Kent has gated communities similar to those found in James City County or an area comparable to New Town.

Mr. Whyte noted that there are some similar communities surrounding the golf courses.

Mr. Krapf inquired regarding the City of Williamsburg's policy.

Mr. Whyte stated that they allow chicken keeping and rely on their Animal Control ordinance. Mr. Whyte noted the coop locations are regulating by the setback rules for accessory structures.

Mr. O'Connor inquired if there will be two different ordinances for R-2 and R-3.

Mr. Holt confirmed and stated that staff has replicated the R-1 criteria for those districts, pending guidance from the Policy Committee.



Mr. Whyte noted that there are no subdivisions currently located in the R-3 District.

Mr. O'Connor noted that the R-3 District was created to accommodate infill and redevelopment and includes uses such as group homes and multi-family dwellings.

Ms. Bledsoe inquired if there are any single-family dwellings in R-3.

Mr. Holt replied that there is currently no R-3 on the ground at all.

Ms. Bledsoe inquired regarding the purpose of creating an ordinance for an area in which there are not any homes.

Mr. Holt stated that it would be for future developments, and confirmed that it would not currently affect any existing properties.

Ms. Bledsoe stated that she does not believe it would be beneficial to create an ordinance for R-3 when there is not currently a need.

Mr. Krapf stated that R-3 lends itself to multi-family development, in which chicken keeping would not be recommended. Mr. Krapf stated that he recommends moving forward to the Board of Supervisors and that the Commission not consider allowing chickens R-3 because there are no existing units, and any future development will most likely be multi-family housing, making it incompatible with residential chicken keeping.

Mr. Holt stated that no minimum lot sizes have been established for R-3 because the intention is that any single-family development would have very small lots.

Mr. O'Connor noted that older lots may not meet the Stormwater requirements.

Ms. Bledsoe stated that the Committee members brought forward the same concerns in the past.

Mr. O'Connor stated that although the Committee does feel that way, an ordinance still must be drafted.

Mr. Holt confirmed.

Mr. O'Connor stated that he does not feel that dispatching of chickens is a residential use.

Mrs. Bledsoe inquired if the Committee can recommend that dispatching not be allowed.

Mr. Holt confirmed that they can make a recommendation that dispatching not be included if the ordinances are adopted.

Ms. Bledsoe asked for clarification in regards to what the Policy Committee must accomplish that day.

Mr. O'Connor stated that because an ordinance must be drafted for R-2 and R-3, the Policy Committee must determine what they would like to see in those ordinances.

Mr. Holt stated that it may or may not be different than the R-1 ordinance criteria.

Mr. O'Connor stated that the Committee must determine what changes they would like to make, if any, to the R-1 ordinance.

Mr. Holt noted that it can include the removal of dispatching.

Mr. O'Connor stated that he does not believe chickens should be permitted in multi-family areas.

Mr. Whyte stated that the ordinance is limited to single-family lots with a minimum size of 15,000 square feet.

Mr. O'Connor inquired if staff anticipates lots larger than 15,000 square feet in R-3.

Mr. Holt stated that that is unknown because no proposals have been made for development in R-3.

Mr. Krapf inquired if a motion could be made to have the R-3 ordinance mirror the R-1 ordinance.

Mr. Holt confirmed and stated that the Committee does not have to vote on the ordinance itself, but could make a motion to move the draft ordinance forward to the Planning Commission for consideration.

Mr. O'Connor stated that ordinance for R-3 should include the same criteria as R-1, with the exception of dispatching. Mr. O'Connor noted that it is difficult to draft an ordinance for the district because there is no existing neighborhood to look at as an example.

Mr. Krapf made a motion to move the draft R-3 ordinance forward to the Planning Commission, with the removal of dispatching.

The motion passed with a vote of 2-1; Ms. Bledsoe voting Nay.

Mr. O'Connor stated that discussion will begin for the R-2 District.

Mr. Holt provided the Committee members with Zoning maps showing existing neighborhoods in R-2. Mr. Holt noted that Chickahominy Haven is the only R-2 subdivision located outside of the Primary Service Area (PSA).

Mr. O'Connor noted that a discussion regarding having the PSA as a distinguishing factor was brought forward at a previous Board meeting.

Mr. O'Connor asked the citizen in the audience if James Terrace has restrictive covenants or a Homeowners' Association.

The citizen responded that there is no HOA but he does not know if there are restrictive covenants.

Mr. Whyte stated that James Terrace does have restrictive covenants, but he does not know if they contain anything regarding chicken keeping.

Mr. O'Connor inquired how the Committee can reference which neighborhoods inside the PSA have restrictions.

Mr. Holt stated that there is no way to do so because those restrictions are not County-wide.

Mr. O'Connor stated that he would like to avoid the same conundrum regarding covenants that has been brought forward with recent cases.

Mr. Holt stated that Chickahominy Haven was the only neighborhood examined, and even within that subdivision there is a mix of homes with restrictive covenants and those without.

Mr. Whyte noted that within Chickahominy Haven, some areas have covenants that have expired, where others are still active. Mr. Whyte also noted that there is only a small number of properties within Chickahominy Haven that would be affected by the ordinance.

Mr. Holt stated that only 30 out of 390 lots would be eligible.

Mr. Krapf noted that that number is after Resource Protection Areas and restrictive covenants are considered.

Mr. Holt stated that even if the ordinance is passed, there are many properties that are not eligible because of restrictive covenants.

Mr. Krapf inquired if there is an obligation to sort out covenant issues when dealing with the ordinance changes.

Mr. Holt replied that there is not an obligation when it is County-wide versus parcel specific.

Mr. Krapf inquired if it would be up to the individual developments to determine if they will or will not allow chickens if the ordinance passes.

Mr. Holt confirmed and stated that the cost to enforce those issues would fall on the HOA's. Mr. Holt further stated that if there is no HOA, any neighbor could bring civil action against another for being in violation of the covenants.

Ms. Bledsoe inquired how many applications have been submitted so far.

Mr. Whyte stated that no applications have been turned in yet, but he has received three or four telephone calls.

Mr. Krapf asked if the other Committee members would like to discuss the content of the R-2 ordinance.

Mr. O'Connor stated that staff needs a recommendation on whether the ordinance will only apply to properties outside of the PSA. Mr. O'Connor inquired if the 15,000 square feet lot size requirement would only apply to lots established after 1985.

Mr. Holt stated that as currently written, only lots over 15,000 are eligible.

Mr. Krapf stated that because R-1 applies to areas both inside and outside of the PSA would be difficult to determine that R-2 should be limited to lots outside of the PSA.

Mr. Whyte stated that it would also only apply to 30 lots.

Mr. Krapf stated that this would lead to inconsistencies between the ordinances.

Mr. Holt confirmed that making a distinction between being inside or outside of the PSA, it would be different than the R-1 ordinance.

Mr. Krapf stated that the difference between the statements of intent for the R-1 and R-2 districts is that R-2 notes the promotion of cluster developments in order to preserve open space.

Mr. Whyte confirmed.

Mr. Holt stated that if the R-1 ordinance is mimicked, there would still be a 15,000 square feet minimum lot size.

Ms. Bledsoe noted that the Committee was concerned with the cluster developments when considering chicken keeping in the past.

Mr. Holt noted that many of the lots in Chickahominy Haven are non-conforming in respect to lot size because they are on private water and sewer, which require a lot size of 30,000 square feet.

Mr. O'Connor stated that he believes making a distinction between being inside or outside of the PSA is moot because of the few lots that would be eligible. Mr. O'Connor inquired if the other Committee members have a preference.

Mr. Krapf stated that he believes they should not make a distinction in R-2 because they did not in R-1.

Ms. Bledsoe agreed.

Mr. O'Connor stated that the ordinance for R-2 should include the same criteria as R-1, with the exception of dispatching.

Mr. Krapf inquired if the Planning Commission would address each ordinance separately.

Mr. Holt confirmed.

Mr. O'Connor inquired if separate case numbers should be established for R-2 versus R-3.

Mr. Holt stated that the case can be split if the Policy Committee makes such a recommendation.

Mr. O'Connor stated that he would like for them to be split.

Ms. Bledsoe agreed that it would be easier for the public to understand.

Mr. Krapf made a motion to move the draft R-2 ordinance forward to the Planning Commission, inclusive of the PSA and with the removal of dispatching.

The motion passed with a vote of 2-1; Ms. Bledsoe voting Nay.

Mr. O'Connor stated that the cases will be heard by the Planning Commission in August.

Mr. Krapf informed the citizen present that staff will now prepare draft ordinances, the Planning Commission will make a recommendation, and a final decision will be made by the Board of Supervisors in September.

The citizen inquired how soon chicken keeping will be allowed if it is approved in September.

Mr. Whyte stated that it would be almost immediate.

The citizen inquired how he obtains an application and how long it will take for it to be approved.

Mr. Holt stated that an application could be filled out the day after the Board of Supervisors meeting.

Mr. Whyte stated that applications are available at the Planning office and approval will require a few days in order for a staff member to ensure all requirements are met.

The citizen inquired if staff will visit the site.

Mr. Whyte stated that staff will review the plans that are turned in with the application and only visit the site if complaints are received.

The citizen asked if there will be a fee for the application and if it is a yearly or one-time fee.

Mr. Whyte replied that there is a one-time \$20.00 fee for the permit.

The citizen inquired if there will be regulations on the number of chickens allowed.

Mr. Whyte stated that two chickens are allowed with the first 2,500 square feet, and one more with each additional 2,500 square feet, up to 12 chickens total.

Mr. O'Connor inquired if the August Policy Committee meeting will be cancelled.

Mr. Holt stated that there is nothing on the agenda at the time, but he will confirm that a meeting is not needed.

Mr. Krapf stated that there are Comp Plan work sessions scheduled for Aug. 7 and Aug. 21.

Mr. Holt stated that the intention is to cancel the Policy Committee meeting because of those other commitments.

Mr. O'Connor stated that there is also a work session for Accessory Apartments scheduled for July 22.

**5.) Adjournment**

Ms. Bledsoe made a motion to adjourn.

The meeting was adjourned at approximately 3:45 p.m.

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Tim O'Connor, Chair of the Policy Committee

## Unapproved Minutes of the August 6, 2014 Planning Commission Meeting

- N. Case Nos. ZO-0001-2014, ZO-0002-2014, ZO-0003-2014, Zoning Ordinance Amendments for the Keeping of Chickens in R-2, General Residential and R-3, Residential Redevelopment Zoned Areas of the County

Mr. Krapf stated that one public hearing would be held for all of the cases listed; however, each case would require a separate vote.

Mr. Holt noted that there had been a typographical error on page 121 and a corrected page has been provided. Mr. Holt further clarified that Case No. ZO-00001-2014 related to amendments to Special Regulations, ZO-0002-2014 related to amendments to the R-2, General Residential District and ZO-0003-2014 related to the R-3, Residential Redevelopment District.

Mr. Scott Whyte, Landscape Planner, presented a report to the Commission on the proposed ordinance amendments.

Mr. Krapf opened the floor to questions by the Commissioners.

Mr. Wright stated that he did not see any language in the proposed ordinances stipulating that the regulations were subject to being superseded by HOA covenants and restrictions.

Mr. Whyte responded that HOA covenants and restrictions were not addressed at the recommendation of the County Attorney and that violations of HOA covenants and restrictions would be a civil matter. Mr. Whyte further stated that the County would not approve chicken keeping applications where there was a conflict with HOA restrictions.

Mr. Wright inquired whether County staff would be checking to determine if HOA restrictions existed.

Mr. Whyte stated that the applicant would be required to state on the application whether there are HOA restrictions.

Mr. Wright stated that he is concerned that the County could incur costs if involved in litigation related to an HOA violation.

Mr. Krapf inquired if the application requires the applicant to state whether there are HOA restrictions.

Mr. Whyte confirmed.

Mr. Krapf inquired if the applicant is required to provide a copy of the HOA covenants and restrictions.

Mr. Whyte stated that a copy of the HOA covenants and restrictions is not required.

Ms. Bledsoe inquired how many applications have been filed to date.

Mr. Whyte responded that no applications have been received.

Mr. Krapf clarified that currently the ordinance only allows for chicken keeping in R-1, Limited Residential District.

Mr. Drummond stated that he has a concern about the five-foot setback for coops.

Mr. Krapf stated that this portion of the ordinance is for R-1, Limited Residential District and has already been approved by the Board of Supervisors.

Mr. Whyte confirmed and stated that the setbacks are five feet from the property line and twenty-five feet from any adjacent dwelling.

Mr. Krapf suggested that since the setbacks had already acted on by the Board, if Mr. Drummond had a concern about the setbacks he could make a comment for the record during Commission Discussions and Requests for review of the setbacks.

Mr. Wright inquired whether a chicken keeping permit could be revoked if it is later found that HOA restrictions exist.

Mr. Whyte confirmed.

Mr. Wright stated that this would give the HOA recourse through the County to abate a violation.

Ms. Bledsoe requested clarification whether the County would act on violations.

Mr. Krapf stated that the County would revoke the permit; however, violations of HOA covenants and restrictions would remain a civil matter.

Mr. O'Connor inquired about the lot size requirement for R-3, Residential Redevelopment District.

Mr. Holt confirmed that the lot size is 1,500 square feet.

Mr. O'Connor inquired whether 1,500 square foot lots were anticipated in the R-3 district due to the nature of the district.

Mr. Holt stated that no applications have been submitted for an R-3 district to be able to gauge potential lot size. Mr. Holt further stated that it was the desire of the Policy Committee to keep the requirements the same across the three districts.

Mr. Basic noted that currently there is no land zoned R-3.

Mr. Krapf opened the floor for disclosure by the Commissioners regarding any conversations with applicants.

No disclosures were noted.

Mr. Krapf opened the public hearing for Case Nos. ZO-0001-2014, ZO-0002-2014 and ZO-0003-2014.



There being none, Mr. Krapf closed the public hearing.

Mr. Krapf opened the floor for discussion by the Commission. Mr. Krapf requested that the cases be discussed individually, starting with ZO-0003-2014.

Mr. Wright inquired whether chicken keeping could be reconsidered when an application for an R-3 development plan is reviewed.

Mr. Holt clarified that, if the ordinance amendments are approved, then it could not be reconsidered as part of a development plan review. Mr. Holt noted that any changes would require a separate legislative action for an ordinance amendment.

Ms. Bledsoe inquired whether there was an advantage or disadvantage to creating an ordinance for a zoning designation that is not currently in use.

Mr. Rogers responded that this is done frequently and the regulations provide a framework for the future use of the land.

Mr. Holt noted that the same situation exists with the EO district. The zoning designation exists and regulations have been established for land in that district; however, there are currently no properties with that designation.

Ms. Bledsoe noted that she did not find an advantage to regulating chickens in R-3 when there were no property owners requesting to keep chickens.

Mr. Basic concurred but noted that establishing such land use regulations would give more definition to the district which could be used to determine compatibility with surrounding land use during consideration of rezoning cases.

Mr. O'Connor noted that the subdivision ordinance would apply to any R-3 development plan and the subdivision ordinance requires there to be an HOA.

Mr. Rogers confirmed.

Mr. Krapf noted that the HOA might or might not allow chickens.

Ms. Bledsoe noted that the primary reason for not recommending chicken keeping in the R-3 district during the first review was the land use issue.

Mr. O'Connor noted that one of the concerns was the potential for there to be cluster developments in R-3 where lots were close together.

Ms. Bledsoe inquired whether there had been any recent changes to warrant a different analysis.

Mr. Basic stated that the Policy Committee's earlier determination was on target.

Ms. Bledsoe moved to recommend denial of ZO-0003-2014.

Mr. Holt noted that a yes vote would be to deny ZO-0003-2014.

On a roll call vote, the Planning Commission voted to recommend denial of ZO-0003-2014 by a vote of 6-0; Mr. Richardson being absent.

Mr. Krapf requested that the next item for discussion be the draft ordinance for ZO-0002-2014, R-2, General Residential District.

Mr. Basic noted that neighboring jurisdictions have not had a large number of applications for chicken keeping and the County has not yet received any applications. Mr. Basic stated that, regardless of the benefits of backyard chicken keeping, the impact of making sweeping changes for a large portion of the County was too great.

Mr. Krapf stated that when chicken keeping was considered in R-1, he voted in favor of it because of the low density in that district. Mr. Krapf also stated that he had been interested to see how many applications were generated and what types of complaints were reported using chicken keeping in R-1 as a test case.

Mr. Krapf further stated that the Statement of Intent for the R-2, General Residential District calls for the district to be composed of certain quiet, low-density residential areas plus certain open areas where similar residential development is likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage the clustering of residential developments to maximize shared and purposeful open space. Mr. Krapf noted that the emphasis on clustering the residential development was contrary to the criteria he considered when reviewing the ordinance to allow chicken Keeping in R-1, Limited Residential. Mr. Krapf stated that he would not be supportive of permitting chicken keeping in the R-2 district.

Mr. Wright stated that he is reluctant to encourage something that might result in legal disputes. Mr. Wright further noted that he does not see a need for allowing chicken keeping in the R-2 district where the density is higher.

Mr. O'Connor stated that it would be possible for a master planned R-2 community to have town homes or clustered homes, apartments and single family residences. Mr. O'Connor further stated that based on the results of the regional survey, with a majority opposed to chicken keeping, he would not support chicken keeping in the R-2 district.

Ms. Bledsoe stated that she believes individuals choose to reside in a neighborhood based on the experience they expect to get. For example, someone choosing to live in New Town would anticipate a different lifestyle than a person choosing to live in Kingsmill. Ms. Bledsoe further noted that changing that experience for those residents who are currently in a neighborhood because a few individuals want to keep chickens is the wrong way to proceed. Ms. Bledsoe stated that she believed the discussion should occur when the majority of residents favor or request the change. Ms. Bledsoe noted that she was anticipated the County receiving more applications for chicken keeping and individuals asking when chicken keeping would be allowed in R-2 and R-3. Ms. Bledsoe stated that the lack of interest indicates that there is not a large interest in chicken keeping. Ms. Bledsoe further noted that she appreciated the diligence and passion of the group that supported chicken keeping; however, she did not feel they represented a majority of the citizens. Ms. Bledsoe stated that she did not support allowing chicken keeping in R-2.

Ms. Bledsoe moved to recommend denial of ZO-0002-2014.

Mr. Krapf clarified that a yes vote would be to deny ZO-0002-2014.

On a roll call vote, the Planning Commission voted to recommend denial of ZO-0002-2014 by a vote of 6-0; Mr. Richardson being absent.

Mr. Krapf called for discussion of ZO-001-2014.

Mr. Holt clarified that staff understood that the recommendation of the Policy Committee was that in drafting ordinances, R-1, R-2 and R-3 should have the same stipulations on chicken keeping. Mr. Holt stated that staff also understood that the Policy Committee requested that the harvesting of chickens not be permitted in the residential districts. Mr. Holt stated that the proposed ordinance amends the existing language so that harvesting of chickens would not be permitted in R-1, R-2 or R-3.

Mr. O'Connor stated the dispatching of chickens which many people consider to be pets was inconsistent with the nature of residential communities.

Ms. Bledsoe moved to recommend approval of the ordinance amendment for ZO-0001-2014.

Mr. Drummond asked for confirmation that the motion was to approve and ordinance amendment to prohibit the harvesting of chickens in any of the residential districts.

Mr. Holt confirmed.

On a roll call vote, the Planning Commission voted to recommend approval of ZO-0002-2014 by a vote of 6-0; Mr. Richardson being absent.

# RESOLUTION

CASE NO. ZO-0001-2014. INITIATION OF A ZONING ORDINANCE AMENDMENT TO  
CONSIDER THE KEEPING OF CHICKENS IN R-2, GENERAL RESIDENTIAL, AND R-3,  
RESIDENTIAL REDEVELOPMENT ZONED AREAS OF THE COUNTY AND  
THE SPECIAL REGULATIONS RELATED THERETO

WHEREAS, in order to make the Zoning Ordinance more conducive to proper development, public review and comment of draft amendments is required pursuant to Virginia Code §15.2-2286; and


WHEREAS, the Board of Supervisors is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of amendments.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate review of the Zoning Ordinance and amending the language of Article II Special Regulations, by adding provisions and procedures relating to the raising of chickens in residential areas of James City County, and amending the language of Article V, Districts to add the keeping of chickens as a matter of right in the R-2, General Residential, and/or the R-3, Residential Redevelopment zoning districts.

The Board of Supervisors shall hold at least one public hearing on the consideration of amendments of said ordinance.

  
 Mary K. Jones  
 Chairman, Board of Supervisors

ATTEST:

  
 M. Douglas Powell  
 Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	___	<u>X</u>	___
JONES	<u>X</u>	___	___
MCGLENNON	___	<u>X</u>	___
ONIZUK	<u>X</u>	___	___
HIPPLE	<u>X</u>	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of June, 2014.

ZO-1-14ChickR2R3-res

### Zoning Districts R1 through R3

District	Statement of Intent	By_Right Residential Category Uses	Minimum Lot Size
R-1	The Limited Residential District, R-1, is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development is likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to limit activities of a commercial nature and to implement the policies and designations of the Comprehensive Plan applicable to low-density residential areas. To these ends, development is limited to low-density residential and generally permitted uses are limited to single-family dwellings, plus certain additional community-oriented uses that serve the residents of this district.	1) Accessory buildings or structures as defined (P) 2) Group home or residential facility, for eight or fewer adults (P) 3) Single-family detached dwellings with a maximum gross density of one dwelling unit per acre in accordance with section 24-233(a) (P)	(a) Public water/sewage disposal. Lots served by public water and public sewage disposal systems shall have a minimum area of 10,000 square feet. (b) Public sewage disposal only. Lots served by a public sewage disposal system but not a public water distribution system shall have a minimum area of 12,000 square feet. (c) Public water distribution only. Lots served by a public water distribution system but not a public sewage disposal system shall have a minimum area of 20,000 square feet. (d) Individual water/sewage disposal. Lots served by individual water and sewage disposal system shall have a minimum area of 30,000 square feet. Supp. No. 36, 12-13 24-5-4-4 (e) Applicability to certain lots. These minimum sizes shall not apply to lots of less than 12,000 square feet recorded or legally in existence prior to April 8, 1985.
R-2	The General Residential District, R-2, is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development is likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage the clustering of residential developments to maximize shared and purposeful open space, to protect the natural environment and to promote a sense of community, to limit activities of a commercial nature and to implement the policies and designations of the Comprehensive Plan applicable to low-density residential areas. To these ends, development is limited to low-density residential and permitted uses are limited to dwellings designed to be occupied by one family or more than one family under certain conditions plus certain additional community-oriented uses that serve the residents of the district.	1) Accessory apartments in accordance with Section 24-32 (P) 2) Accessory buildings or structures as defined (P) 3) Group home or residential facilities, for eight or fewer adults (P) 4) Multifamily dwellings, up to and including four units, with a maximum gross density of one unit per acre, contained within residential cluster development in accordance with article VI, division 1 of this chapter (P) 5) Single-family detached dwellings with a maximum gross density of one dwelling unit per acre, either <ul style="list-style-type: none"> <li>• in accordance with section 24-253(a), or</li> <li>• contained within residential cluster development in accordance with article VI, division 1 of this chapter (P)</li> </ul>	(a) Public water/sewage disposal. Lots served by public water and public sewage disposal systems shall have a minimum area of 10,000 square feet. (b) Public sewage disposal only. Lots served by a public sewage disposal system but not a public water distribution system shall have a minimum area of 12,000 square feet. (c) Public water distribution only. Lots served by a public water distribution system but not a public sewage disposal system shall have a minimum area of 20,000 square feet. (d) Individual water/sewage disposal. Lots served by individual water and sewage disposal system shall have a minimum area of 30,000 square feet. Supp. No. 36, 12-13 24-5-4-4 (e) Applicability to certain lots. These minimum sizes shall not apply to lots of less than 12,000 square feet recorded or legally in existence prior to April 8, 1985.
R-3	The purpose of the residential redevelopment district is to encourage the replacement or reuse of existing buildings or previously developed sites to accommodate new residential development that provides benefits to the county, but would be difficult to achieve with other zoning districts. The principal uses and development form should preserve or improve the desirable and viable characteristics of the previous use and the adjacent parcels. The desired result is improved function and appearance of the same use or introduction of a use or uses compatible and/or complementary to the surrounding developed areas. All parcels to be zoned residential redevelopment should conform to the residential redevelopment policy.	Accessory buildings or structures as defined (P) Accessory apartments in accordance with section 24-32 (P) Apartments (P) Group homes or residential facilities, for eight or fewer adults (P) Multifamily dwellings up to and including four units (P) Multifamily dwellings greater than four units (P) Single-family dwellings (P)	A Residential Redevelopment District, R-3, is permitted in areas designated Low Density Residential by the Comprehensive Plan. The minimum site size is five acres.

**R1**

**Acreage Lots**  
**Adam's Hunt**  
**Berkeley's Green**  
**Boughsprings**  
**Bozarth & Mahone**  
**Brandon Woods**  
**Bush Springs**  
**Canterbury Hills**  
**Chanco Estate**  
**Chestnut Hills**  
**Druid Hills**  
**Drummond's Quarter on the James**  
**Durfey's Mill**  
**Fernbrook**  
**Fieldcrest**  
**First Colony**  
**Five Lots on Jamestown Road**  
**Frank Armistead (Jamestown Road)**  
**Gatehouse Farms**  
**Gilliam's Woods**  
**Graylin Woods**  
**Greensprings Plantation**  
**Heritage Landing**  
**Hollybrook**  
**Hunter's Creek**  
**Indigo Park**  
**Jamestown Farms**  
**Kingsmill**  
**Kingspoint**  
**Kingswood**  
**Lake Powell Forest**  
**Lake Powell Pointe**  
**Lake Toano Estates**  
**Lakewood**  
**Marywood**  
**Mill Creek Landing**  
**Mirror Lakes Estates**  
**Neck-O-Land Hundred**  
**Paddock Green**  
**Paddock Lane**  
**Page Landing**  
**Peleg's Point**  
**Powhatan Crossing**  
**Powhatan Shores**  
**Riverview Plantation**  
**Sand Hill**

Settler's Mill  
Shellbank  
Shellbank Woods  
Sheppard & Kinley  
Smith Grove  
Springhill  
St. George's Hundred  
Steers  
Temple Hall Estates  
The Colony  
The Pointe at Jamestown  
Toano Woods  
Villas at Five Forks  
Vineyards at Jockey's Neck  
Ware Creek Manor  
Wellington  
Westray Downs  
White Oaks  
Williamstown  
Windsor Forest  
R1 Total

**R2**

Acreage Lots  
Albemarle Condos  
Baron Woods  
Belen & Carriage Heights, Parker  
Benjamin & Helen Clark  
Benjamin Jones  
Birchwood Park & Marlboro  
Bradshaw Ordinary  
Brook Haven  
Burlington Woods  
Cardinal Acres  
Chickahominy Haven  
Chisel Run  
Colonial Park  
Colonial Terrace  
Cottages at Stonehaven  
D.C. Renick on Indigo Dam Road  
Davis/Clark/JCC  
Deer Run  
Eustis Terrace  
Ewell Hall  
Farmville Estates  
Fenwick Hills  
Ford's Colony

Forest Glen  
Fox Ridge  
Frank Armistead Estate  
Gilley Properties LLC  
Green Cove  
Greensprings Plantation  
Greyhound Estates  
Grove  
Grove Area  
Harwood  
Higg, Katherine Smith  
Hill  
Holly Ridge  
Indigo Terrace  
Ironbound Square  
J. W. Moore Estate  
James Terrace  
Jamestown 1607  
Jamestown Hundred  
John Henry Lee  
Kensington Woods  
Kingsmill  
Kristiansand  
Landfall at Jamestown  
Landfall Village  
Larson's Lane  
Longhill Gate  
Longhill Station  
Magruder Heights  
Magruder View  
Marlboro Apartments  
Minichiello Villa  
Mulberry Place  
Neal's Grant  
Nelson  
Norge  
Norge Court  
Norvalla  
Oak Hill Condos  
Old Stage Manor  
Pendleton, Elijah  
Pine Grove  
Poplar Hall  
Powhatan Secondary  
Raintree  
Raintree Villas  
Raleigh Square



**Rolling Woods**  
**Sadie Lee Taylor**  
**Schulyer & Troy Smith**  
**Scott's Pond**  
**Season's Trace**  
**Settler's Mill**  
**Solomon Orange**  
**Springhill**  
**The Colonies Williamsburg Timeshares**  
**The Colony**  
**The Hamlet**  
**The Meadows**  
**The Pointe at Jamestown**  
**Toano Terrace**  
**Toano Trace**  
**Tom & Hazel Kearney**  
**Vass Meadows**  
**Village Square**  
**Villages at Westminster**  
**Villas at Five Forks**  
**Wallace Woods**  
**Walnut Grove**  
**Weatherly @ Whitehall**  
**Westmoreland**  
**White Hall**  
**Whiting, William L.**  
**Williams Circle**  
**Williamsburg Plantation**  
**Williamsburg Terrace**  
**Williamsburg West**  
**Williamstown**  
**Windmill Meadows**  
**Windsor Estates**  
**Windsor Forest**  
**Winston Terrace**  
**Wynn's**  
**R2 Total**

**R4**

**Acreage Lots**  
**Druid Hills**  
**Fenwick Hills**  
**Fieldcrest**  
**First Colony**  
**Ford's Colony**  
**Governors Land**  
**Greensprings Plantation**

**Jamestown 1607**

**Kingsmill**

**Mallard Hill**

**Monticello Marketplace**

**Monticello Woods**

**Poplar Hall**

**Powhatan Secondary**

## M E M O R A N D U M

DATE: September 9, 2014

TO: The Board of Supervisors

FROM: A. Vaughn Poller, Housing and Community Development Administrator

SUBJECT: Disposition of Property in the Ironbound Square Redevelopment Plan Area


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On February 26, 2002, the Board of Supervisors of James City County, Virginia (the "Board"), approved the Ironbound Square Redevelopment Plan and the Implementation Agreement (the "Plan") with the Williamsburg Redevelopment and Housing Authority (the "WHRA"). The Plan was reaffirmed by the Board on February 22, 2005. Acting as the conduit for the County, the WHRA acquired the necessary parcels for the project. At the County's direction, the WHRA conveyed residential lots to builders and/or homeowners.

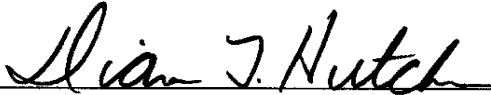
Following a recent reorganization, the WHRA no longer desired to hold title to the remaining parcels and transferred ownership of the unsold 18 residential lots and common areas to the County. Because the County now holds title to the property shown on the list attached as Exhibit A (the "Remaining Property"), the Board must adopt a resolution authorizing its disposition. The process by which the property will be sold is set forth in the Lot Sales Plan attached as Exhibit B.

The Lot Sales Plan conforms to the recorded plat and covenants for Ironbound Square. The net proceeds of all lot sales will first be used to repay funds expended for the Ironbound Square Redevelopment and subsequently be used for affordable housing projects administered by the Office of Housing and Community Development.

Staff recommends approval of the attached resolution authorizing the sale or disposition of all of the Remaining Property pursuant to the Lot Sales Plan. This authorization will permit the Ironbound Square Redevelopment project to be completed.

  
A. Vaughn Poller

CONCUR:

  
Diana F. Hutchens

AVP/nb  
DispPropIbdSq-mem

Attachments



## **RESOLUTION**

### **DISPOSITION OF PROPERTY IN THE IRONBOUND SQUARE**

#### **REDEVELOPMENT PLAN AREA**

WHEREAS, on February 26, 2002, the Board of Supervisors of James City County, Virginia (the “Board”), authorized the Ironbound Square Redevelopment Plan and the Implementation Agreement with the [Williamsburg Redevelopment and] Housing Authority (the “Redevelopment Plan”); and

WHEREAS, on February 22, 2005, the Board reaffirmed the Redevelopment Plan; and

WHEREAS, pursuant to the Redevelopment Plan, various parcels (the “Property”) were acquired and titled in the name of the Williamsburg Redevelopment and Housing Authority (WRHA); and

WHEREAS, to provide for the orderly redevelopment of the Property, the County recorded the “Plat of Subdivision and Boundary Line Adjustment, Williamsburg Redevelopment and Housing Authority, Ironbound Square, Phase II, Lots 3-11, 13, 14, 16-21, 25-43, and 57” and the “Declaration of Covenants, Conditions, and Restrictions of Ironbound Square Subdivision” (the “Declaration”); and

WHEREAS, WRHA has held and conveyed parcels as directed by the County; and

WHEREAS, WRHA requested it be released from the obligations of ownership of the remaining Property in the Ironbound Square Subdivision; and

WHEREAS, WRHA conveyed to the County the remaining 18 residential lots and the three common areas; and

WHEREAS, the Board of Supervisors has considered and approved the Ironbound Square Housing Production and Lot Sales Plan (the “Sales Plan”); and

WHEREAS, the Board of Supervisors held a public hearing on September 9, 2014, to receive public comment on the sale of all or portions of the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator, or his designee, to sign on behalf of the County, any sales contract, development agreement, deed, and all other documents consistent with the Sales Plan and Declaration to enable the County to develop and convey, in whole or in part, ownership of the Property in Ironbound Square.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

DispPropIbdSq-res

## EXHIBIT A

## Disposition of Property in the Ironbound Square Redevelopment Plan Area

<b>Street</b>	<b>Address</b>	<b>Property Identification Number</b>	<b>Lot Number</b>
4352	Ironbound Road	3910100090A	Common Area 1
4368	Ironbound Road	3911900027	27
4370	Ironbound Road	3911900035	35
4374	Ironbound Road	3911900036	36
4380	Ironbound Road	3911900038	38
5306	Rhoda Lane	3911900004	4
5307	Rhoda Lane	3911900010	10
5308	Rhoda Lane	3911900005	5
5309	Rhoda Lane	3911900009	9
5310	Rhoda Lane	3911900006	6
5404	Robinson Lane	3911900028	28
5500	Vaughan Lane	3911900043	43
5506	Vaughan Lane	3911900040	40
5507	Vaughan Lane	3911900034	34
5508	Vaughan Lane	3911900039	39
101	Watford Lane	3911900016	16
103	Watford Lane	3911900017	17
104	Watford Lane	3911900014	14
121	Watford Lane	3911900031	31
125	Watford Lane	3911900001A	Common Area 2, 3 and 4

## EXHIBIT B

### LOT SALES AND HOUSING PRODUCTION PLAN FOR IRONBOUND SQUARE

The Board of Supervisors for the County of James City, Virginia, authorized property acquisition and redevelopment for the Ironbound Square Redevelopment Area (the “Redevelopment”). The Redevelopment provides public roads, other infrastructure, and affordable housing on parcels of land owned by or purchased by the County. This Lot Sales and Housing Production Plan sets forth the guidelines for the development and sale of lots and homes in the Project areas.

#### **Eligible Builders**

Eligible builders were selected from respondents to a Request for Proposal which was publicly advertised in February 2008. Construction and sale of homes in the Redevelopment area is restricted to those builders. Should additional builders be needed they will be solicited and selected by a similar process that will include a publicly advertised Request for Proposal. Builders shall be selected based on the Office of Housing and Community Development’s (OHCD) evaluation of responses to the advertisement. Selection criteria shall include value, price, unit design, qualifications, and experience of the builder.

#### **Eligible Buyers**

Homebuyer(s) must apply to the OHCD which will determine their eligibility to purchase a home on a County owned lot in the Redevelopment area. Homebuyers must be first-time homebuyers who will occupy the homes and who otherwise meet the underwriting criteria for a purchase-money mortgage loan program approved by OHCD. Eligible buyers must have incomes at or below the then applicable Virginia Housing Development Authority (“VHDA”) limits.

#### **Lot Sales Prices**

The sales price will be \$35,000 per lot, which price may be modified, at the sole discretion of the Administrator of Housing and Community Development, if market, location or physical conditions or cost of development of the lot warrant a reduction or increase in price.

#### **Home Sales Prices**

The homes shall be sold at an amount not to exceed the then published VHDA maximum sales price.



**Contract Terms and Conditions**

Builders will be required to enter into a development agreement for each lot purchased which shall specify the house plan, intended purchaser and maximum sales price of each home to be built.

**Down Payment and Closing Cost Assistance**

Homebuyers may be eligible for loans to assist with financing required closing costs, down payment, and/or interest rate buy-down. OHCD will make a preliminary determination of the availability of and homebuyer's qualification for these loans. All loans will be secured by a deed of trust.

All homebuyers will be required to pay a minimum of \$3,000 in cash toward the expense of purchasing the home. All homebuyers will be required to complete a VHDA Homebuyer Education Class prior to closing.



**AGENDA ITEM NO. I-3****Agricultural and Forestal District-01-89-1-2014. Armistead AFD Renewal  
Staff Report for the September 9, 2014, Board of Supervisors Public Hearing**


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*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

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**PUBLIC HEARINGS**

AFD Advisory Committee:  
Planning Commission:  
Board of Supervisors:

**Building F Board Room; County Government Complex**

July 7, 2014, 4:00 p.m. (Human Services Building)  
August 6, 2014, 7:00 p.m.  
September 9, 2014, 7:00 p.m.

**SUMMARY FACTS**

<u>Owners:</u>	<u>Parcel Number</u>	<u>Acres</u>
Sarah H. Armistead	3120100017 .....	84.50
Sarah H. Armistead	3120100014 .....	53.78
Sarah H. Armistead	3130100029 .....	132.08
Sarah H. Armistead	3140100001 .....	<u>41.17</u>

TOTAL ACRES ..... 311.50

Zoning: A-1, General Agricultural and R-8, Rural Residential

Comprehensive Plan: Low Density Residential and Conservation Area

Primary Service Area: Inside

Staff Contact: Luke Vinciguerra Phone: 253-6783

**STAFF RECOMMENDATION**

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Board of Supervisors renew the Armistead AFD for a period of four years, subject to the conditions in the attached resolution.

**PLANNING COMMISSION RECOMMENDATION**

At its August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the district by a vote of 6-0 (Richardson absent).

**AFD ADVISORY COMMITTEE RECOMMENDATION**

At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the district to the Planning Commission and Board of Supervisors.

**Proposed Changes Made Since the Planning Commission Meeting**

None.

**SUMMARY**

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-1-89, Armistead, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the expiration date October 31, 2018.

## **DISTRICT HISTORY**

The Armistead AFD was created in 1989 for a term of four years and originally consisted of five parcels totaling 403 acres. The District was renewed in 1994 and 1998 for four-year terms with no additions or withdrawals. On February 9, 1999, the Board of Supervisors approved the withdrawal of approximately 90 acres (Elizabeth Carter Tract) as part of a rezoning for Ford's Colony on the south side of Longhill Road. The District was renewed in 2002, 2006, and 2010 for four-year terms with no additions or withdrawals.

The District includes all the land in the above properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road and/or drainage improvements.

The Armistead AFD consists of approximately 311.5 acres located between Longhill Road and Centerville Road and is bounded by the Warhill Sports Complex, Ford's Colony, Burlington Woods, Forest Glen, Fox Ridge, Longhill Station, and Adam's Hunt subdivisions.

## **ANALYSIS**

The majority of the District is woodland zoned R-8, Rural Residential, with one parcel zoned A-1, General Agricultural. The parcels in the District are designated as Low Density Residential by the Comprehensive Plan and are all within the Primary Service Area. 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 potential use of the property.

## **REQUEST NOT TO CONTINUE IN THE AFD**

No property owner has requested to not continue their participation in the AFD.

## **ADDITIONS**

No property owner has requested land be added to the District during this renewal period.

## **CHANGE IN CONDITIONS**

Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:


~~"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 Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. 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 Within the Primary Service Area, adopted September 24, 1996, as amended."~~

*No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.*

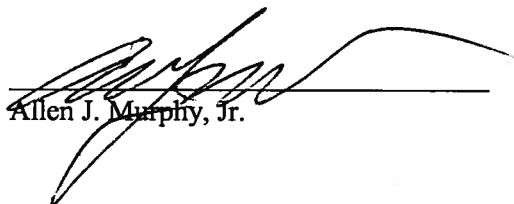
## **STAFF RECOMMENDATION:**

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its August 6, 2014 meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 6-0 (Richardson absent). At its July 7, 2014, meeting, the AFD

Advisory Committee voted 8-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors. Staff recommends the Board of Supervisors renew the Armistead AFD for a period of four years, subject to the conditions listed in the attached resolution.

  
Luke Vinciguerra

CONCUR:

  
Allen J. Murphy, Jr.

LV/gb  
AFD01-89-1-14Armistead.doc

ATTACHMENTS:

1. Ordinance
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Approved minutes of the July 7, 2014, AFD Advisory Committee meeting (under separate cover)
5. Unapproved minutes of the August 6, 2014, Planning Commission meeting (under separate cover)

**ORDINANCE NO. \_\_\_\_\_**AGRICULTURAL AND FORESTAL DISTRICT-01-89-2014ARMISTEAD AFD RENEWAL

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

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") 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 Armistead Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee, at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission, following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the district with the conditions listed below.

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

1. The Armistead Agricultural and Forestal District is hereby continued to October 31, 2018, 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, provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Sarah H. Armistead	3120100017	84.50
Sarah H. Armistead	3120100014	53.78
Sarah H. Armistead	3130100029	132.08
Sarah H. Armistead	3140100001	<u>41.17</u>
Total:		<u>311.50</u>

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Armistead 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 Wireless Communications Facilities (WCF), 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 and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from AFDs, adopted September 28, 2010.
- c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

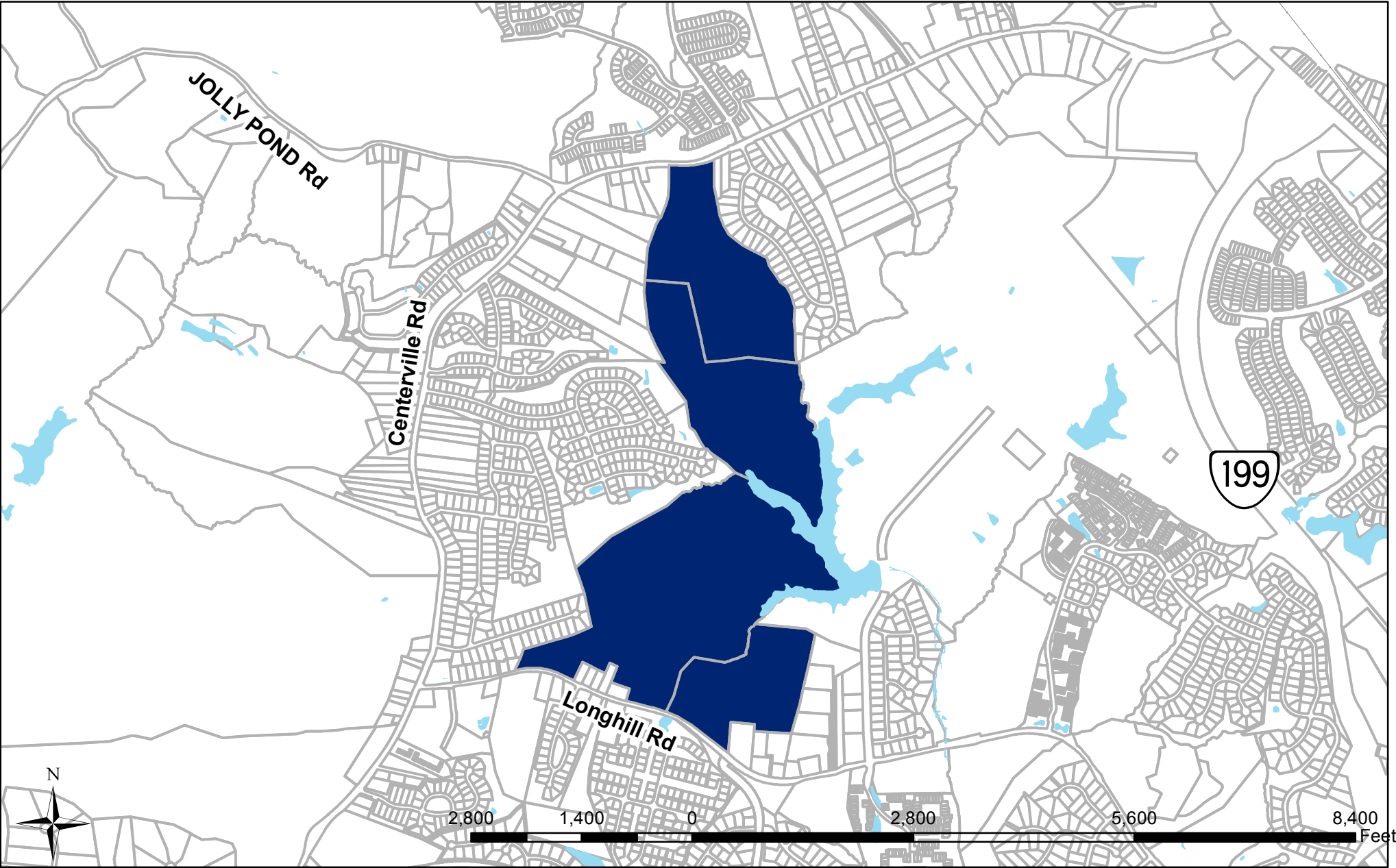
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

AFD01-99-1-14Armistead-res

# Case No. AFD-01-89

## Armistead 2014 Renewal





SEP 28 2010

ORDINANCE NO. 182A-8BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIAAGRICULTURAL AND FORESTAL DISTRICT-1-89ARMISTEAD 2010 RENEWAL

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

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") 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 Armistead AFD; and

WHEREAS, the AFD Advisory Committee at its meeting on August 23, 2010, voted 9-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on September 1, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to recommend renewal of the district with the conditions listed below.

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

1. The Armistead AFD is hereby continued from its current date of expiration (January 10, 2006) for a period of four years, one month and three days to October 31, 2010, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. The district shall include the following parcels provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

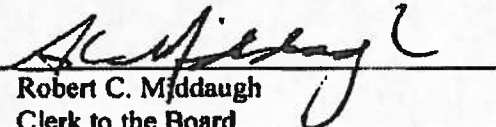
<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Sarah H. Armistead	3120100017	84.50
Sarah H. Armistead	3120100014	53.78
Sarah H. Armistead	3130100029	132.08
Sarah H. Armistead	3140100001	<u>41.17</u>
	Total:	<u>311.5</u>

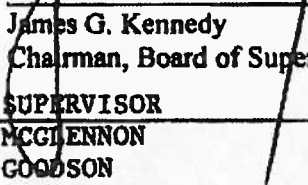
3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Armistead AFD be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision 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 Wireless Communications Facilities (WCF), 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 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 outside 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 Outside the Primary Service Area, adopted September 24, 1996, as amended. 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, as amended.
- c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

ATTEST:

  
Robert C. Middaugh  
Clerk to the Board

  
James G. Kennedy  
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCGLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

AFD1-89Armistead\_res

UNAPPROVED MINUTES OF THE AGRICULTURAL AND FORESTAL ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14<sup>th</sup> DAY OF JULY, TWO THOUSAND AND FOURTEEN, AT 4:00 P.M. AT THE HUMAN SERVICES BUILDING, 5249 OLDE TOWNE ROAD, WILLIAMSBURG, VIRGINIA.

1. Roll Call:

Members Present

Mr. Hitchens  
Mr. J. Harcum  
Mr. W. Harcum  
Mr. Ford  
Ms. Smith  
Mr. Taylor  
Ms. Garrett

Also Present

Mr. Luke Vinciguerra (Planning)

Absent

Mr. Kennedy  
Mr. Bradshaw  
Mr. Abbott

2. New Business:

**Approval of the July 7, 2014 Meeting Minutes**

On a vote of 7-0, the minutes of the previous meeting were approved with corrections.

**4346 Centerville Road & 8557 Diascund Road additions**

The Committee recognized Mr. Bradshaw's birthday.

Mr. Vinciguerra stated that the application for 2035 Bush Neck Road has been withdrawn by the applicant as the property would not be eligible to receive land use valuation. Mr. Vinciguerra recommended the Committee recommend approval of the applications for 4346 Centerville Road and 8557 Diascund Road. Mr. Vinciguerra noted it is unclear if the Centerville Road property would be eligible for land use valuation.

Mr. Hitchens asked if the property located at 4346 Centerville road has 20 acres of timber. Mr. Vinciguerra responded that staff has not yet confirmed this and will use aerial photography to make the determination.

Mr. Hitchens asked if there was a standard deduction for each property owner eligible for land use. Mr. Ford responded the state defines forestal and agricultural uses and their land use value. He further stated that market value is different for each property.

Ms. Smith asked how property not eligible for land use valuation could be eligible for an AFD. Mr. Vinciguerra stated any property can be within an AFD as long as it's within a mile of an existing AFD, properties that are forested and within an AFD are eligible for land use valuation.

Mr. J. Harcum asked about rollback taxes. Mr. Ford responded that term of the AFD does not affect rollback taxes; it is defined by state law.

Mr. J. Harcum asked who sets the terms of the AFD. Mr. Ford responded that it is the Board of Supervisors.

Mr. J. Harcum asked about the advantages of being in an AFD. Mr. Ford responded it was for land protection and could limit surrounding development. Mr. Ford stated there isn't a single clear source for understanding AFDs.

Mr. Hitchens asked if there was a difference between eminent domain and condemnation. Mr. Ford responded he used the words interchangeably.

Mr. Taylor asked if being in an AFD affected road widening and if the school site on Jolly Pond road was removed from an AFD. Mr. Vinciguerra responded affirmatively regarding the school site. He stated the AFD excluded land within 25' of the right-of-way and that an AFD doesn't prevent the County from implementing road improvement projects.

Mr. Taylor requested that staff prepare a general synopsis of AFDs and its benefits. Mr. Ford stated the information can be found in state code.

Mr. Hitchens made a motion requesting staff prepare a document stating the advantages and disadvantages of AFD's. The Committee agreed, and asked staff to prepare such a document. Mr. Ford stated there are no disadvantages and it prevents property owners from being over taxed. He stated the easiest way to provide the information requested is by providing a copy of the state code to each member.

Mr. J. Harcum asked if the Committee should vote on the applications individually or concurrently. The Committee agreed to vote on the applications concurrently.

Ms. Smith asked why previous staff reports referenced more additions than are currently under review. Mr. Vinciguerra stated some applications have been withdrawn and one application has been found as ineligible. Mr. Vinciguerra stated that staff is considering ordinance changes that would permit AFDs of local significance as now permitted by the state.

On a vote of 7-0, the Committee recommended approval of both applications to the Planning Commission and Board of Supervisors.

The meeting was adjourned at 4:30 p.m.

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Ms. Smith, Chair

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Luke Vinciguerra, Planner

## **Unapproved Minutes of the August 6, 2014 Planning Commission Meeting**

Mr. Krapf noted that the first thirteen cases for Public Hearing were Agricultural and Forestal District (AFD) renewals or additions and that the process would be to hold one Public Hearing; however, each case would be voted on separately.

Mr. Holt noted that the Commission had two documents in front of them; one being an FAQ sheet on Agricultural and Forestal Districts and the second a copy of an e-mail from Mr. Carter Cowles, III in support of renewing the Mill Creek AFD.

### A.- M. Agricultural and Forestal District Renewals and Additions.

Mr. Luke Vinciguerra, Planner, provided Commission with a summary of the AFD renewal process and the districts under review. Mr. Vinciguerra also provided an overview of the property being considered for addition in the Mill Creek AFD.

Mr. Krapf opened the floor for questions from the Commission.

Mr. O'Connor inquired if there was only one AFD withdrawal.

Mr. Vinciguerra stated that the property owner of the parcels in the Williamsburg Farms AFD has requested not to renew the district; therefore the district will cease to exist.

Mr. Krapf opened the public Hearing for the following cases:

Case No. AFD-01-89-1-2014, Armistead Agricultural & Forestal District Renewal  
 Case No. AFD-05-86-1-2014, Barnes Swamp Agricultural & Forestal District Renewal  
 Case No. AFD-01-02-1-2014, Carter's Grove Agricultural & Forestal District Renewal  
 Case No. AFD-10-86-1-2014, Christenson's Corner Agricultural & Forestal District Renewal  
 Case No. AFD-06-86-1-2014, Cranston's Pond Agricultural & Forestal District Renewal  
 Case No. AFD-02-86-1-2014, Croaker Agricultural & Forestal District Renewal  
 Case No. AFD-09-86-1-2014, Gordon Creek Agricultural & Forestal District Renewal  
 Case No. AFD-12-86-1-2014, Gospel Spreading Church Farm Agricultural & Forestal District Renewal  
 Case No. AFD-03-86-1-2014, Hill Pleasant Farm Agricultural & Forestal District Renewal  
 Case No. AFD-07-86-1-2014, Mill Creek Agricultural & Forestal District Renewal  
 Case No. AFD-11-86-1-2014, Yarmouth Creek Agricultural & Forestal District Renewal  
 Case No. AFD-09-86-4-2014, 4346 Centerville Rd., Gordon Creek Addition  
 Case No. AFD-07-86-2-2014, 8557 Diascund Rd., Mill Creek Addition

Mr. Krapf noted that he would recuse himself from the vote on Case No. AFD-07-86-1-2014, Mill Creek Agricultural & Forestal District Renewal as he resides within that district.

There being none, Mr. Krapf closed the public hearing.

Mr. Krapf opened the floor for discussion by the commission or motions.

Mr. Basic inquired if the motions were to be for individual districts.

Mr. Krapf confirmed.

Mr. Wright inquired if there were residences on any of the parcels enrolled in an AFD and could more residence be added by a property owner.

Mr. Holt stated that additional properties could be added. Mr. Holt further stated that information on adding properties to an AFD had been included with the property owner and adjacent property owner notification letters which were sent out at the beginning of the renewal process.

Mr. Wright inquired about limitations on commercial enterprises on land enrolled in an AFD.

Mr. Holt responded that commercial agricultural or silvicultural activities are permitted. Mr. Holt stated that any other activities are reviewed on an individual basis and the activity must be directly related to an agricultural or forestal use.

Mr. Basic moved to recommend approval of Case No. AFD-01-89-1-2014, Armistead Agricultural & Forestal District Renewal

On a roll call vote, the Planning Commission voted to recommend approval of the application with the conditions listed in the staff report by a vote of 6-0; Mr. Richardson being absent.

Mr. Wright moved to recommend approval of Case No. AFD-05-86-1-2014, Barnes Swamp Agricultural & Forestal District Renewal.

On a roll call vote, the Planning Commission voted to recommend approval of the application with the conditions listed in the staff report by a vote of 6-0; Mr. Richardson being absent.

Mr. Drummond moved to recommend approval of Case No. AFD-01-02-1-2014, Carter's Grove Agricultural & Forestal District Renewal

On a roll call vote, the Planning Commission voted to recommend approval of the application with the conditions listed in the staff report by a vote of 6-0; Mr. Richardson being absent.

Ms. Bledsoe moved to approve Case No. AFD-10-86-1-2014, Christenson's Corner Agricultural & Forestal District Renewal.

On a roll call vote, the Planning Commission voted to recommend approval of the application with the conditions listed in the staff report by a vote of 6-0; Mr. Richardson being absent.

Mr. O'Connor moved to recommend approval of Case No. AFD-06-86-1-2014, Cranston's Pond Agricultural & Forestal District Renewal.

On a roll call vote, the Planning Commission voted to recommend approval of the application with the conditions listed in the staff report by a vote of 6-0; Mr. Richardson being absent.

Mr. Wright moved to recommend approval of Case No. AFD-02-86-1-2014, Croaker Agricultural & Forestal District Renewal.

On a roll call vote, the Planning Commission voted to recommend approval of the application with the conditions listed in the staff report by a vote of 6-0; Mr. Richardson being absent.

Mr. Drummond moved to recommend approval of Case No. AFD-09-86-1-2014, Gordon Creek Agricultural & Forestal District Renewal.

On a roll call vote, the Planning Commission voted to recommend approval of the application with the conditions listed in the staff report by a vote of 6-0; Mr. Richardson being absent.

Ms. Bledsoe move to recommend approval of Case No. AFD-12-86-1-2014, Gospel Spreading Church Farm Agricultural & Forestal District Renewal.

On a roll call vote, the Planning Commission voted to recommend approval of the application with the conditions listed in the staff report by a vote of 6-0; Mr. Richardson being absent.

Mr. Basic moved to recommend approval of Case No. AFD-03-86-1-2014, Hill Pleasant Farm Agricultural & Forestal District Renewal.

On a roll call vote, the Planning Commission voted to recommend approval of the application with the conditions listed in the staff report by a vote of 6-0; Mr. Richardson being absent.

Mr. O'Connor moved to recommend approval of Case No. AFD-07-86-1-2014, Mill Creek Agricultural & Forestal District Renewal.

On a roll call vote, the Planning Commission voted to recommend approval of the application with the conditions listed in the staff report by a vote of 5-0; Mr. Krapf abstaining and Mr. Richardson being absent.

Mr. Wright moved to recommend approval of Case No. AFD-11-86-1-2014, Yarmouth Creek Agricultural & Forestal District Renewal.

On a roll call vote, the Planning Commission voted to recommend approval of the application with the conditions listed in the staff report by a vote of 6-0; Mr. Richardson being absent.

Mr. Holt noted that Case No. AFD-09-86-4-2014, 4346 Centerville Rd., Gordon Creek Addition had been withdrawn after it had been advertised and while the required public hearing was held, no vote was required.

Mr. Drummond moved to recommend approval of Case No. AFD-07-86-2-2014, 8557 Diascund Rd., Mill Creek Addition.

On a roll call vote, the Planning Commission voted to recommend approval of the application with the conditions listed in the staff report by a vote of 6-0; Mr. Richardson being absent.



**Case No. AFD-05-86-1-2014. Barnes Swamp Agricultural and Forestal District Renewal  
Staff Report for the September 9, 2014, Board of Supervisors meeting.**

*This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, Planning Commission, and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

<b>PUBLIC HEARINGS</b>	<b>Building F Board Room; County Government Complex</b>
AFD Advisory Committee:	July 7, 2014, 4:00 p.m. (Human Services Building)
Planning Commission:	August 6, 2014, 7:00 p.m.
Board of Supervisors:	September 9, 2014, 7:00 p.m.

**SUMMARY FACTS**

<u>Owners:</u>	<u>Parcel Number</u>	<u>Acres</u>
Jane B. Farmer & Betty B. Rady	0310100002.....	64.00
Katherine Leon Hockaday	0310100003.....	65.26
Alvin L. Beahm	0330100003.....	70.00
Alvin L. Beahm	0330100004.....	70.00
Arline H. Bowmer Estate	0330100006.....	96.75
Arline H. Bowmer Estate	0240100012.....	62.19
Martha W. McMurren & SWR-Misc, LLC	1010100001.....	61.61
Charles Douglas Harwood	0320100001.....	43.52
Estate of Mick Zuzma	0320100002.....	13.85
Estate of Mick Zuzma	0320100002A.....	17.20
Betty L. Johnson & Lynne J. Fischer	0320100003.....	19.07
Betty L. Johnson & Lynne J. Fischer	0320100003A.....	93.98
Robert Michael Dzula	0320100004.....	28.07
John Avery Richardson	0410100005.....	42.00
John Avery Richardson	0410100006.....	10.00
H.P. & Mary Hazelwood	0420100008.....	227.98
Cherri U. Spellmeyer	0420100014.....	134.00
Pamaka, LLC	0430100015.....	21.99
Pamaka, LLC	0430100016.....	52.00
Frances E. & Steven M. Bagwell	0920100001.....	114.58
Alex Lamar Penland	0240100029.....	55.90
Donald A. Hazelwood	0420100020.....	112.44
Donald A. Hazelwood	0420100018.....	3.46
Donald A. Hazelwood	0440100001.....	6.11
Dennis Wayne Leonituk, Jr.	0310100001A.....	10.00
Pamaka, LLC	0430100014A.....	1.34
Steven M. & Michelle T. Johnson	0340800003.....	52.63
Steven M. & Michelle T. Johnson	0340800005.....	68.43

TOTAL ACRES ..... 1,618.00

Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands and Conservation Area
Primary Service Area:	Outside

**STAFF RECOMMENDATION**

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Board of Supervisors renew the Barnes Swamp AFD for a period of four years, subject to the conditions listed in the attached resolution.

Staff Contact:

Luke Vinciguerra, Planner

Phone: 253-6783

**PLANNING COMMISSION RECOMENDATION**

At its August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the district by a vote of 6-0 (Richardson absent).

**AFD ADVISORY COMMITTEE RECOMMENDATION**

At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the district to the Planning Commission and Board of Supervisors.

**Proposed Changes Made Since the Planning Commission Meeting**

The property owners of 346 and 338 Racefield Drive have requested not to continue in the district.

**SUMMARY**

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-5-86, Barnes Swamp, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the expiration date October 31, 2018.

**DISTRICT HISTORY**

The District was approved on December 1, 1986, for a term of four years. One 114-acre parcel was added in 1987. The District 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 District was renewed again on October 19, 1994, for a term of four years. The Board approved an addition of 127.36 acres on July 8, 1997. The District was renewed for a term of four years by the Board in September 1998, with the withdrawal of a 58.6-acre parcel owned by R.E. and Mary Mountcastle. On January 26, 1999, the Board approved the addition of the 58.6-acre Mountcastle property. When the District was renewed in 2002, the same 58.6-acre Mountcastle parcel was withdrawn. In 2006, during the renewal process, 271.51 acres were not renewed. In 2008, 1.34 acres was added and in 2010 the Board of Supervisors approved the addition of 121.06 acres to the District.

The District includes all the land on the previously listed properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road and/or drainage improvements.

The Barnes Swamp AFD currently consists of approximately 1,737.06 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.

**ANALYSIS**

The District consists primarily of forested land. Records indicate that approximately 80 percent of the District is used for forestry purposes and the remainder of the District is used for agriculture. All of the land within the District is zoned A-1, General Agricultural. Most of the surrounding land is agricultural in nature, although two parcels located on Fire Tower Road are adjacent to the Stonehouse subdivision which is zoned PUD-R. The entire District is located outside the PSA and designated Rural Lands and Conservation Area by the Comprehensive Plan.

**REQUEST NOT TO CONTINUE IN THE AFD**

The property owners of 346 and 338 Racefield Drive have requested not to continue in the district (Attachments 7 and 8).

**ADDITIONS**

No property owner has requested land be added to the District during this renewal period.

**CHANGE IN CONDITIONS**


Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~"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 Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. 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 Within the Primary Service Area, adopted September 24, 1996, as amended."~~

*No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.*

**STAFF RECOMMENDATION:**

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the district by a vote of 6-0 (Richardson absent). At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 recommending the continuation of the district to the Planning Commission and Board of Supervisors. Staff recommends the Board of Supervisors renew the Barnes Swamp AFD for a period of four years, subject to the conditions listed in the attached resolution.

  
Luke Vinciguerra

CONCUR:

  
Allen J. Murphy, Jr.

LV/nb

AFD05-86-1-14BarnesSwmp

Attachments:

1. Resolution
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Ordinance for the addition of property, dated November 9, 2010
5. Approved minutes of the July 7, 2014, AFD Advisory Committee meeting (under separate cover)
6. Unapproved Minutes of the August 6, 2014, Planning Commission meeting (under separate cover)
7. Request to not continue in district – 338 Racefield Drive
8. Request to not continue in district – 346 Racefield Drive

**ORDINANCE NO. \_\_\_\_\_****AGRICULTURAL AND FORESTAL DISTRICT 5-86****BARNES SWAMP 2014 RENEWAL**

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, 1950, as amended (the "Virginia Code") 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, the Agricultural and Forestal District Advisory Committee, at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission, following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the district with the conditions listed below.

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

1. The Barnes Swamp Agricultural and Forestal District is hereby continued to October 31, 2018, 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, provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Jane B. Farmer & Betty B. Rady	0310100002.....	64.00
Katherine Leon Hockaday	0310100003.....	65.26
Alvin L. Beahm	0330100003.....	70.00
Alvin L. Beahm	0330100004.....	70.00
Arline H. Bowmer Estate	0330100006.....	96.75
Arline H. Bowmer Estate	0240100012.....	62.19
Martha W. McMurrin & SWR-Misc, LLC	1010100001.....	61.61
Charles Douglas Harwood	0320100001.....	43.52
Estate of Mick Zuzma	0320100002.....	13.85
Estate of Mick Zuzma	0320100002A.....	17.20
Betty L. Johnson & Lynne J. Fischer	0320100003.....	19.07
Betty L. Johnson & Lynne J. Fischer	0320100003A.....	93.98
Robert Michael Dzula	0320100004.....	28.07
John Avery Richardson	0410100005.....	42.00

John Avery Richardson	0410100006.....	10.00
H.P. & Mary Hazelwood	0420100008.....	227.98
Cherri U. Spellmeyer	0420100014.....	134.00
Pamaka, LLC	0430100015.....	21.99
Pamaka, LLC	0430100016.....	52.00
Frances E. & Steven M. Bagwell	0920100001.....	114.58
Alex Lamar Penland	0240100029.....	55.90
Donald A. Hazelwood	0420100020.....	112.44
Donald A. Hazelwood	0420100018.....	3.46
Donald A. Hazelwood	0440100001.....	6.11
Dennis Wayne Leonituk, Jr.	0310100001A.....	10.00
Pamaka, LLC	0430100014A.....	1.34
Steven M. & Michelle T. Johnson	0340800003.....	52.63
Steven M. & Michelle T. Johnson	0340800005.....	<u>68.43</u>
Total:.....		<u>1,618.00</u>

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Barnes Swamp Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCF), 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 and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Properties from AFDs, adopted September 28, 2010, as amended.
  - c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

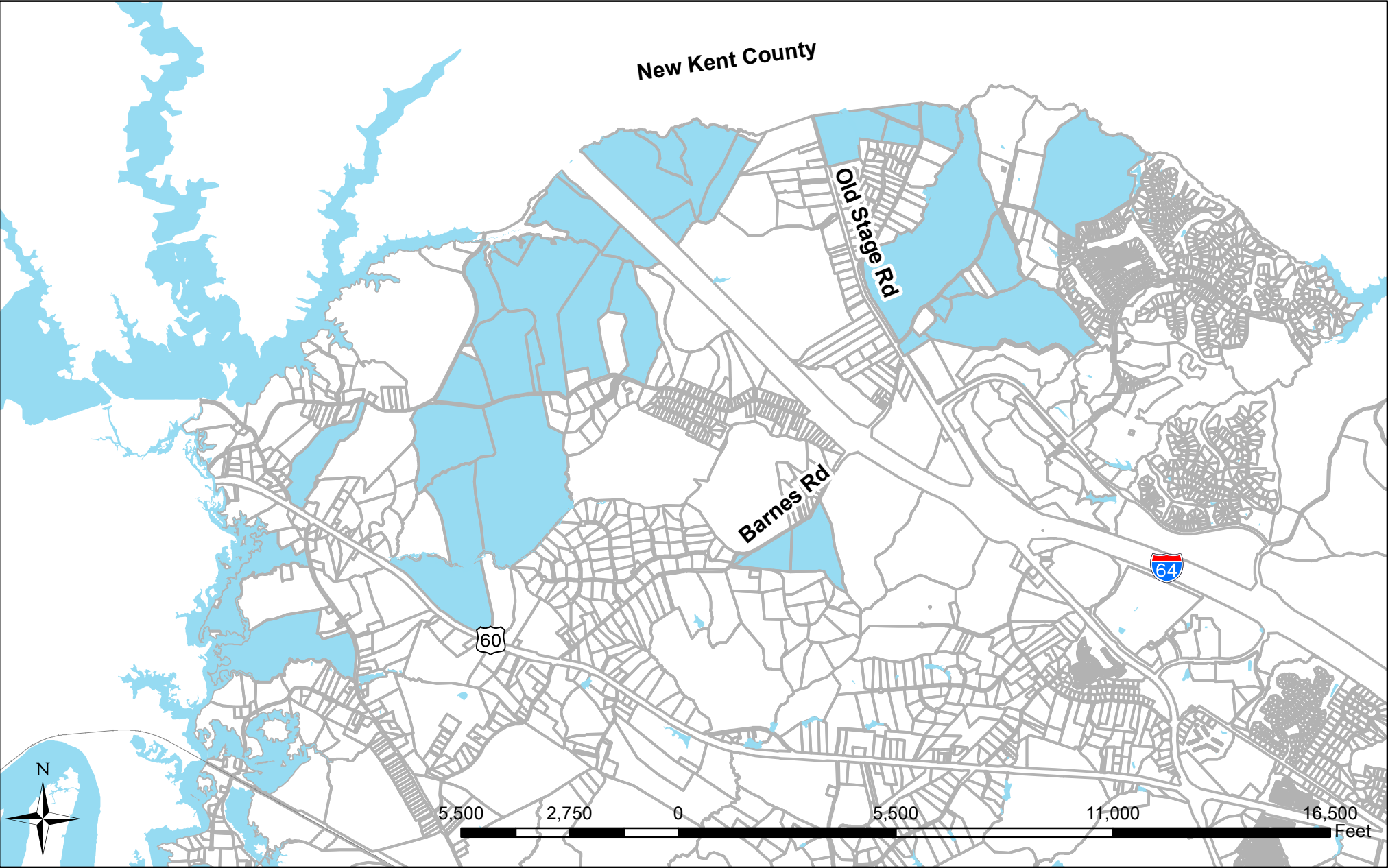
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

AFD05-86-1-14BarnesSwmp-res

# Case No. AFD-05-86

## Barnes Swamp 2014 Renewal





SEP 28 2010

ORDINANCE NO. 167A-11BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIAAGRICULTURAL AND FORESTAL DISTRICT 5-86BARNES SWAMP 2010 RENEWAL

WHEREAS, James City County has completed a review of the Barnes Swamp Agricultural and Forestal District (AFD); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") 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 Barnes Swamp AFD; and

WHEREAS, the AFD Advisory Committee, at its meeting on August 23, 2010, voted 9-0 to approve the application; and

WHEREAS, the Planning Commission, following its public hearing on September 1, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to renew this district with the conditions listed below.

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

1. The Barnes Swamp AFD is hereby continued for a period of four years, one month, and three days to October 31, 2014, in accordance with the provisions of the Virginia AFD Act, Virginia Code Section 15.2-4300 et. seq.
2. The District shall include the following parcels provided, however, that all land within 25 feet of the road rights-of-way be excluded from the District to allow for possible road improvements:

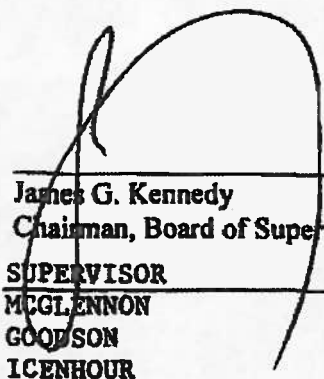
<u>Owners</u>	<u>Parcel No.</u>	<u>Acres</u>
SD and SKI, LLC	0310100001 .....	108.47
Jane B. Farmer and Betty B. Rady	0310100002 .....	64.00
Katherine L. Hockaday	0310100003 .....	65.26
Alvin Beahm	0330100003 .....	70.00
Alvin Beahm	0330100004 .....	70.00
Arline H. Bowmer	0330100006 .....	96.75
Arline H. Bowmer	0240100012 .....	62.19
Martha W. McMurran and SWR-Misc, LLC	1010100001 .....	61.61
Charles Douglas Harwood	0320100001 .....	43.52
Estate of Mick Zuzma	0320100002 .....	13.85
Estate of Mick Zuzma	0320100002A .....	17.20
Betty L. Johnson and Lynne J. Fischer	0320100003 .....	19.07
Betty L. Johnson and Lynne J. Fischer	0320100003A .....	93.98
Robert Michael Dzula	0320100004 .....	28.07

John A. Richardson	0410100005 .....	42.00
John A. Richardson	0410100006 .....	10.00
H.P. and Mary Hazelwood	0420100008 .....	227.98
Cherri U. Spellmeyer	0420100014 .....	134.00
Pamaka, LLC	0430100015 .....	21.99
Pamaka, LLC	0430100016 .....	52.00
Frances Isabell Woodard	0920100001 .....	114.58
Alex Lamar Penland	0240100029 .....	55.90
Donald A. Hazelwood	0420100020 .....	112.44
Donald A. Hazelwood	0420100018 .....	3.46
Donald A. Hazelwood	0440100001 .....	6.11
John P. Latoski Trustee	0310100001B .....	10.23
Dennis Wayne Leonituk, Jr.	0310100001A .....	10.00
Pamaka, LLC	0430100014A .....	1.34
Total	.....	<u>1,616.1</u>

3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Barnes Swamp AFD 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 Wireless Communication Facilities (WCF), 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 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 outside 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 AFDs Outside the PSA, adopted September 24, 1996, as amended. 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, as amended.
  - c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

-3-

ATTEST:

  
Robert C. Middaugh  
Clerk to the Board  
James G. Kennedy  
Chairman, Board of Supervisors

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

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

AFD5-86BarnesSwamp\_res

NOV 9 2010

ORDINANCE NO. 167A-12BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIAAFD-5-86-2-2010. BARNES SWAMP AFD RACEFIELD ADDITION

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia (the "Board of Supervisors") to add 121.06 acres of land owned by Mr. and Mrs. Steven and Michelle Johnson located at 230 and 260 Racefield Drive and identified as James City County Real Estate Tax Map Nos. 0340800003 and 0340800005 to AFD 5-86, which is generally known as the "Barnes Swamp Agricultural and Forestal District" (the "Application"); and

WHEREAS, at its September 23, 2010, meeting the Agricultural and Forestal District (AFD) Advisory Committee voted 7-0 to recommend approval of the Application; and

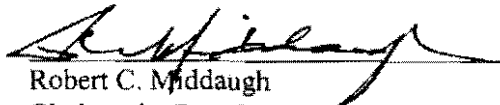
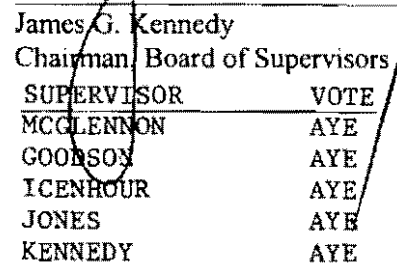
WHEREAS, a public hearing was advertised and held by the Planning Commission (the "Commission") at its October 6, 2010, meeting, pursuant to Section 15.2-4314 of the Code of Virginia, 1950, as amended (the "Virginia Code"), after which the Commission voted 7-0 to recommend approval of the Application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adds 121.06 acres owned by Mr. and Mrs. Steven and Michelle Johnson, as referenced herein to the Barnes Swamp Agricultural and Forestal District (the "District") with the following conditions:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, 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 Wireless Communication Facilities (WCF), 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 within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land may be withdrawn from the District in accordance with the Board of Supervisors Policy Governing Withdrawals of Property from Agricultural and Forestal Districts, adopted September 28, 2010, as amended.
3. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

ATTEST:

  
Robert C. Middaugh  
Clerk to the Board

James G. Kennedy	
Chairman, Board of Supervisors	
SUPERVISOR	VOTE
MCCLENNON	AYE
GOONSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of November, 2010.

Afd-5-86-2-10Swamp\_res

SD & SKI, LLC  
7001 Caffee Creek Lane  
Gloucester, VA 23061

Mr. Luke Vinciguerra  
James City County Planning

August 28, 2014


RE: Property Removal from Barnes Swamp AFD

Dear Mr. Vinciguerra:

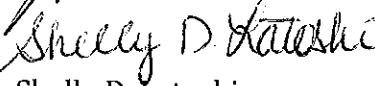
This letter is to serve as an official request to remove the parcel located at 338 Racefield Drive, Toano, Virginia from the Barnes Swamp AFD effective with the upcoming AFD renewal. The parcel is further identified by RPC # 2816 and totals approximately 108.47 acres. The property is currently listed for sale and as such needs to be removed from the AFD.

The undersigned are all members of SD & SKI, LLC and are the only owners of this particular property. Thank you for your consideration of this request.

Respectfully submitted,



John P. Latoski



Shelly D. Latoski

SD & SKI, LLC  
7001 Caffee Creek Lane  
Gloucester, VA 23061

Mr. Luke Vinciguerra  
James City County Planning

August 28, 2014

RE: Property Removal from Barnes Swamp AFD

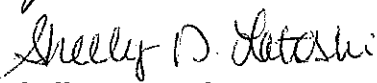
Dear Mr. Vinciguerra:

This letter is to serve as an official request to remove the parcel located at 346 Racefield Drive, Toano, Virginia from the Barnes Swamp AFD effective with the upcoming AFD renewal. The parcel is further identified by RPC # 28656 and totals approximately 10.23 acres. The property is currently listed for sale and as such needs to be removed from the AFD.

Thank you for your consideration of this request.

Respectfully submitted,

  
John P. Latoski

  
Shelly D. Latoski





**AGENDA ITEM NO. I-5****Agricultural and Forestal District-01-02-1-2014. Carter's Grove AFD Renewal  
Staff Report for the September 9, 2014, Board of Supervisors Public Hearing**

*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

**PUBLIC HEARINGS**

AFD Advisory Committee:

Planning Commission:

Board of Supervisors:

**Building F Board Room; County Government Complex**

July 7, 2014, 4:00 p.m. (Human Services Building)

August 6, 2014, 7:00 p.m.

September 9, 2014, 7:00 p.m.

**SUMMARY FACTS****Owners:****Parcel Number****Acres**

Carter's Grove, LLC

5820100002 ..... 76.10

Carter's Grove, LLC

5910100030 ..... 240.04

Colonial Williamsburg Foundation

5910100021 ..... 1.56

TOTAL ACRES.....317.70

Zoning: R-8, Rural Residential, R-2, General Residential and LB, Limited Business

Comprehensive Plan: Park, Public, Semi-Public Open Space; Federal, State, County Land; Conservation Area; and Neighborhood Commercial

Primary Service Area: Inside

Staff Contact: Luke Vinciguerra Phone: 253-6783

**STAFF RECOMMENDATION**

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Board of Supervisors renew the Carter's Grove AFD for a period of four years, subject to the conditions listed in the attached resolution.

**PLANNING COMMISSION RECOMMENDATION**

At its August 6, 2014, meeting, the Planning Commission recommended the continuation of the District by a vote of 6-0 (Richardson absent).

**AFD ADVISORY COMMITTEE RECOMMENDATION**

At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

**Proposed Changes Made Since the Planning Commission Meeting**

None.

## **SUMMARY**

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-1-02, Carter's Grove, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the expiration date October 31, 2018.

## **DISTRICT HISTORY**

The Carter's Grove AFD District was created by the Board of Supervisors on October 8, 2002, for a term of four years. During the 2006 renewal, Colonial Williamsburg removed a portion of land totaling approximately 2.26 acres. The area encompasses the 1,650-foot-long entrance road to Carter's Grove Plantation and would allow the flexibility for future widening. In 2007, the parcel that the mansion is located on was combined with the surrounding parcel. The entire area of the previously delineated parcel, along with the aforementioned entrance road, is not included in the Carter's Grove AFD.

The District includes land on the above properties as previously described with the exception of all land within 25 feet of arterial road rights-of-way, land within the Colonial Pipeline and HRSD easements, and land within ten feet adjacent to both sides of the HRSD easement. That property has been excluded from the District to allow for possible road and/or drainage improvements and expansion.

The Carter's Grove AFD consists of approximately 317.7 acres located generally between the James River, Ron Springs Road, and south of Pocahontas Trail (Route 60). One parcel containing 1.5 acres is located north of Pocahontas Trail. The main two parcels surround the Carter's Grove Plantation and the Hampton Roads Sanitation District (HRSD) sewer station and are west of the James River Commerce Center.

## **ANALYSIS**

The property included in this District is wooded or cleared pasture and does not include the Carter's Grove Plantation House and Visitor Center. The District also has direct frontage on the James River and contains some marshland that drains directly into the James River.

The entire District lies within the Primary Service Area and property within the District is zoned R-2, General Residential, R-8, Rural Residential, and LB, Limited Business. The majority of the property is designated Park, Public, Semi-Public Open Space; Federal, State, County Land; or as a Conservation Area on the 2009 James City County Comprehensive Plan Land Use Map. One parcel is designated Neighborhood Commercial.

The locations of parcels within the District provide natural buffers surrounding the HRSD sewer station and the Carter's Grove Plantation historical site and help to preserve the natural, wooded, and rural character of that area of the County. The continuation of this AFD will help to ensure that some property in the predominantly urban southern end of the County remains in forestal and/or agricultural uses for the duration of the District.

## **REQUEST NOT TO CONTINUE IN THE AFD**

No property owner has requested to not continue their participation in the AFD.

## **ADDITIONS**

No property owner has requested land be added to the District during this renewal period.

## **CHANGE IN CONDITIONS**

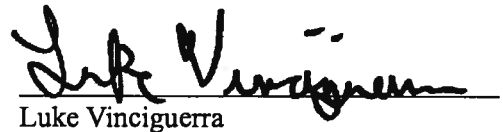
Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~"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 Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. 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 Within the Primary Service Area, adopted September 24, 1996, as amended."~~

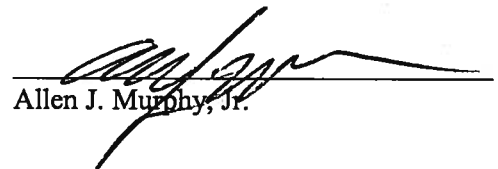
*No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.*

**STAFF RECOMMENDATION:**

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 6-0 (Richardson absent). At its July 7, 2014, meeting, the AFD Advisory Committee voted to recommend the continuation of the District to the Planning Commission and Board of Supervisors by a vote of 8-0. Staff recommends the Board of Supervisors renew the Carter's Grove AFD for a period of four years, subject to the conditions listed in the attached resolution.

  
Luke Vinciguerra

CONCUR:

  
Allen J. Murphy, Jr.

LV/gb  
AFD01-02-1-14CartersGrove

**ATTACHMENTS:**

1. Ordinance
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Approved minutes of the July 7, 2014, AFD Advisory Committee meeting (under separate cover)
5. Unapproved minutes of the August 6, 2014, Planning Commission meeting (under separate cover)

ORDINANCE NO. \_\_\_\_\_

AGRICULTURAL AND FORESTAL DISTRICT-01-02

CARTER'S GROVE 2014 RENEWAL

WHEREAS, James City County has completed a review of the Carter's Grove Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") 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 District Advisory Committee at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the district with the conditions listed below.

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

1. The Carter's Grove Agricultural and Forestal District is hereby continued to October 31, 2018, 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, provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Carter's Grove, LLC	5820100002	76.10
Carter's Grove, LLC	5910100030	240.04
Colonial Williamsburg Foundation	5910100021	<u>1.56</u>
Total:		<u>317.70</u>

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Carter's Grove 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 Wireless Communications Facilities (WCF), 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 and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from AFDs, adopted September 28, 2010.
- c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

---

Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

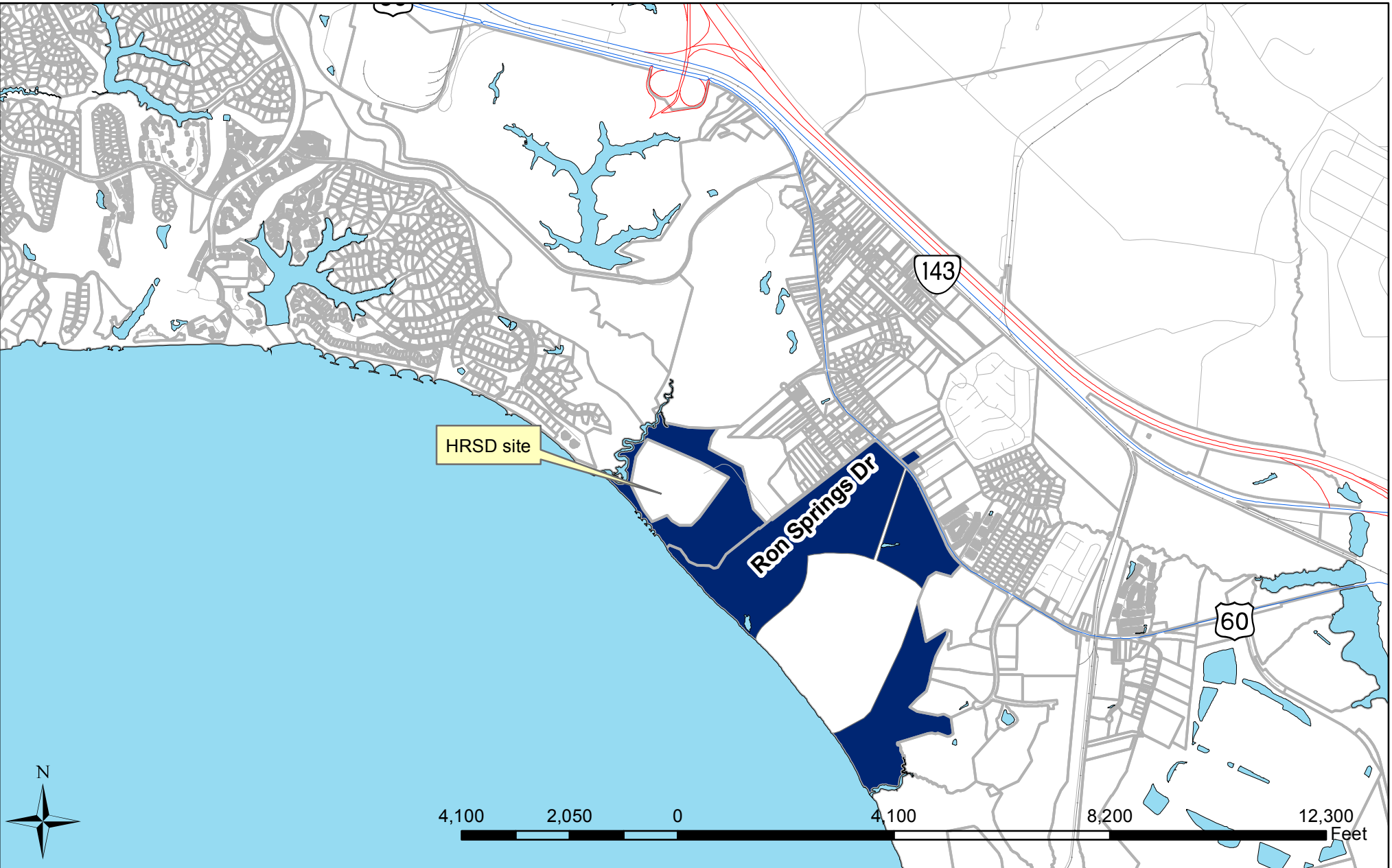
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

AFD01-02-1-14CartersGrove-res

# Case No. AFD-01-02

## Carter's Grove 2014 Renewal



ADOPTED

SEP 28 2010

ORDINANCE NO. 197A-2BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIAAGRICULTURAL AND FORESTAL DISTRICT 1-02CARTER'S GROVE 2010 RENEWAL

WHEREAS, James City County has completed a review of the Carter's Grove Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") 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 Carter's Grove Agricultural and Forestal District; and

WHEREAS, the AFD Advisory Committee, at its meeting on August 23, 2010, voted 9-0 to approve the application; and

WHEREAS, the Planning Commission, following its public hearing on September 1, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 with two abstentions to renew this district with the conditions listed below.

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

1. The Carter's Grove AFD is hereby continued for a period of four years, one month, and three days to October 31, 2014, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. The District shall include the following parcels provided, however, that all land within 25 feet of the road rights-of-way be excluded from the District to allow for possible road improvements:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Carter's Grove, LLC	5820100002	76.10
Carter's Grove, LLC	5910100030	240.04
Colonial Williamsburg Foundation	5910100021	1.56
	Total:	<u>317.7</u>

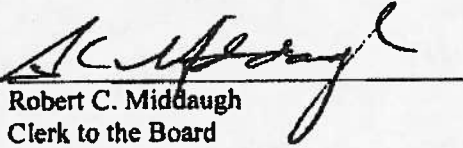
3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Carter's Grove AFD be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision 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

-2-

roads, may be subdivided for the siting of Wireless Communication Facilities (WCF), 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 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 outside 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 Outside the Primary Service Area, adopted September 24, 1996, as amended. 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, as amended.
- c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

ATTEST:

  
Robert C. Middaugh  
Clerk to the Board

  
James G. Kennedy  
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCCLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

AFD1-02CartersGrve\_res



**Case No. AFD-10-86-1-2014. Christenson's Corner Agricultural and Forestal District Renewal Staff Report for the September 9, 2014, Board of Supervisors Public Hearing**

*This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

**PUBLIC HEARINGS**

AFD Advisory Committee:  
Planning Commission:  
Board of Supervisors:

**Building F Board Room; County Government Complex**

July 7, 2014, 4:00 p.m. (Human Services Building)  
August 6, 2014, 7:00 p.m.  
September 9, 2014, 7:00 p.m.

**SUMMARY FACTS**

<u>Owners:</u>	<u>Parcel No.</u>	<u>Acres</u>
C.M. Chandler	1540100011.....	151.25
C.M. Chandler	1630100001.....	8.01
Stieffen Co, LLC and B. P. Stieffen	1640100003.....	402.89
Hampton 41, LLC and Abbitt Land Co.	2520100007.....	410.79
Hampton 41, LLC and Abbitt Land Co.	1630100011.....	156.85
	<b>TOTAL ACRES</b>	<b>.....1,129.79</b>

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands and Conservation Area

Primary Service Area: Outside

**STAFF RECOMMENDATION**

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Board of Supervisors renew the Christenson's Corner AFD for a period of four years, subject to the conditions listed in the attached resolution.

Staff Contact: Luke Vinciguerra Phone: 253-6783

**PLANNING COMMISSION RECOMMENDATION**

At its August 6, 2014, meeting, the Planning Commission recommended the continuation of the District by a vote of 6-0 (Richardson absent).

**AFD ADVISORY COMMITTEE RECOMMENDATION**

At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

**Proposed Changes Made Since the Planning Commission Meeting**

None.

## **SUMMARY**

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-10-86, Christenson's Corner, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the proposed expiration date October 31, 2018.

## **DISTRICT 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, 1998, 2002, and 2010 with no additions or withdrawals of property. In December 2011 the Board approved the addition of two parcels on Newman Road totaling 567 acres.

The District includes all the land on the above properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road improvements.

The Christenson's Corner AFD consists of approximately 1,129.79 acres located south of Riverview Road between Newman Road and Riverview Plantation.

## **ANALYSIS**

The majority of the District contains woodland. The remainder of the property in the District is open farmland and swamp or wetlands. 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.

## **REQUEST NOT TO CONTINUE IN THE AFD**

No property owner has requested to not continue their participation in the AFD.

## **ADDITIONS**

No property owner has requested land be added to the District during this renewal period.

## **CHANGE IN CONDITIONS**


Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~"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 Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. 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 Within the Primary Service Area, adopted September 24, 1996, as amended."~~

*No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.*

### **STAFF RECOMMENDATION**

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 6-0 (Richardson absent). At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 recommending the continuation of the District to the Planning Commission and Board of Supervisors. Staff recommends the Board of Supervisors renew the Christenson's Corner AFD for a period of four years, subject to the conditions listed in the attached resolution.

  
 Luke Vinciguerra

CONCUR:

  
 Allen L. Murphy, Jr.

LV/nb  
 AFD10-86-1-14Christensons

### **Attachments:**

1. Ordinance
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Ordinance for the addition of property, dated December 13, 2011
5. Approved minutes of the July 7, 2014, AFD Advisory Committee meeting (under separate cover)
6. Unapproved minutes of the August 6, 2014, Planning Commission meeting (under separate cover)

**ORDINANCE NO. \_\_\_\_\_**AGRICULTURAL AND FORESTAL DISTRICT 10-86CHRISTENSON'S CORNER 2014 RENEWAL

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, 1950, as amended (the "Virginia Code") 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 Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the district with the conditions listed below.

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

1. The Christenson's Corner Agricultural and Forestal District is hereby continued to October 31, 2018, 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, provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
C.M. Chandler	1540100011 .....	151.25
C.M. Chandler	1630100001 .....	8.01
Stieffen Co, LLC and , B. P. Stieffen	1640100003 .....	402.89
Hampton 41, LLC and Abbitt Land Co.	2520100007.....	410.79
Hampton 41, LLC and Abbitt Land Co.	1630100011.....	<u>156.85</u>
Total: .....		<u>1,129.79</u>

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, 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, 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 Wireless Communications Facilities (WCF), 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 and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Properties from AFDs, adopted September 28, 2010, as amended.
- c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

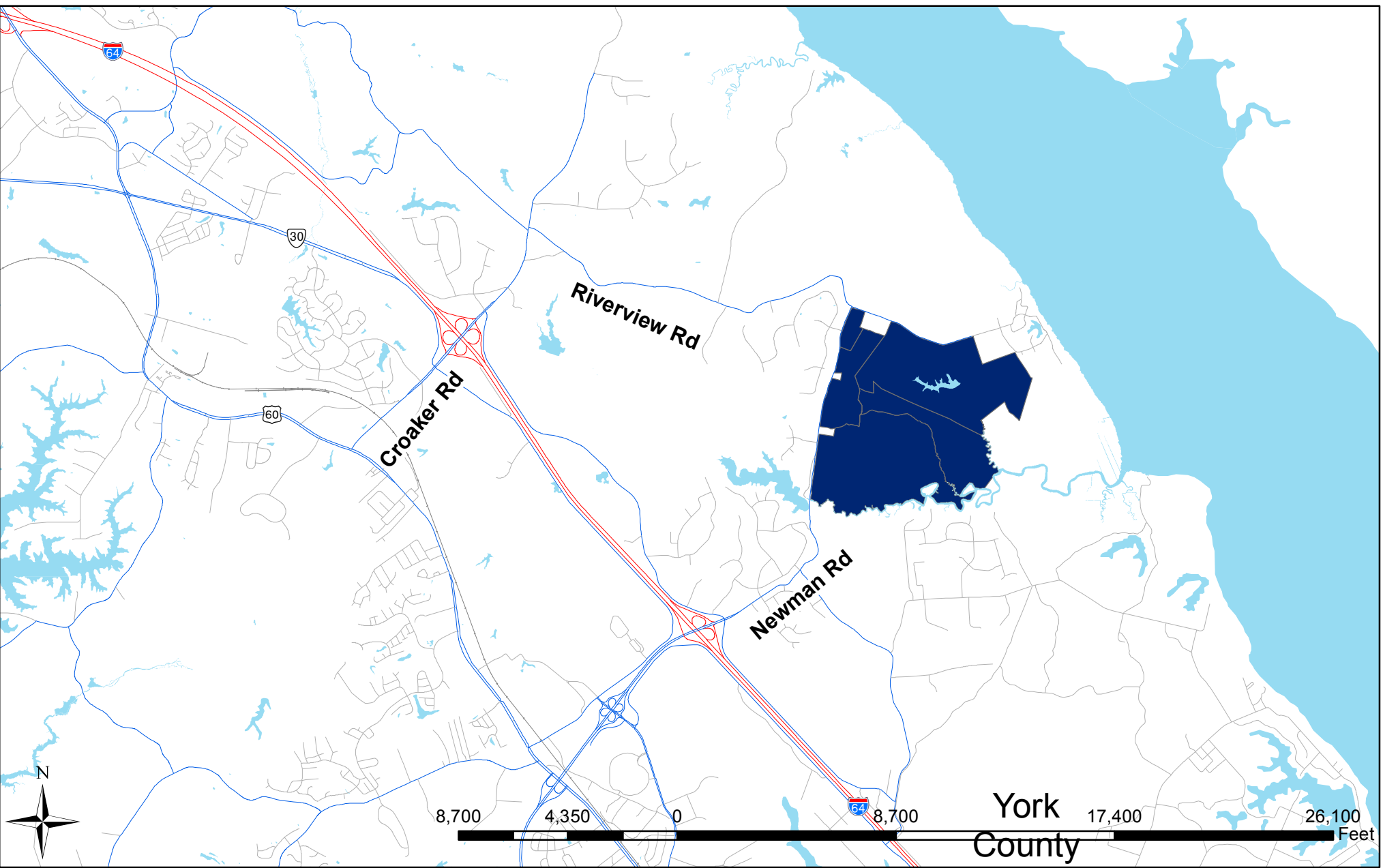
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

AFD10-86-1-14Christensons-res

# Case No. AFD-10-86

## Christenson's Corner 2014 Renewal



SEP 28 2010

**ORDINANCE NO. 171A-6****BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA****AGRICULTURAL AND FORESTAL DISTRICT 10-86****CHRISTENSON'S CORNER 2010 RENEWAL**

**WHEREAS,** James City County has completed a review of the Christenson's Corner Agricultural and Forestal District (AFD); and

**WHEREAS,** in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") 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 Christenson's Corner AFD; and

**WHEREAS,** the AFD Advisory Committee, at its meeting on August 23, 2010, voted 9-0 to approve the application; and

**WHEREAS,** the Planning Commission, following its public hearing on September 1, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to renew this district with the conditions listed below.

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

1. The Christenson's Corner AFD is hereby continued for a period of four years, one month, and three days to October 31, 2014, in accordance with the provisions of the Virginia AFD Act, Virginia Code Section 15.2-4300 et. seq.
2. The District shall include the following parcels provided, however, that all land within 25 feet of the road rights-of-way be excluded from the District to allow for possible road improvements:

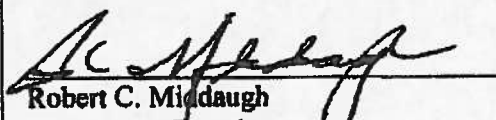
<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
C.M. Chandler	1540100011	151.25
C.M. Chandler	1630100001	8.01
Stieffen Co, LLC and Stieffen, B. P.	1640100003	402.89
	<b>Total:</b>	<b><u>562.2</u></b>

3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Christenson's Corner AFD 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 Wireless Communication Facilities (WCF), 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 PSA and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land outside 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 Outside the Primary Service Area, adopted September 24, 1996, as amended. 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, as amended.
- c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

ATTEST:

  
Robert C. Middaugh  
Clerk to the Board

  
James G. Kennedy  
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCGLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

AFD10-86Christenson\_res



DEC 13 2011

ORDINANCE NO. 171A-7BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIACASE NO. AFD-10-86-1-2011. CHRISTENSON'S CORNER AFD -NEWMAN ROAD ADDITION

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, (the "Board of Supervisors") to add 567.64 acres of land owned by Hampton 41, LLC and Abbitt Land Co located at 7664 and 7680 Newman Road and identified as James City County Real Estate Tax Map/Parcels Nos. 2520100007, and 1630100011 to Agricultural and Forestal District (AFD) Case No. 10-86, which is generally known as the 562.2-acre "Christenson's Corner Agricultural and Forestal District" (the "Application"); and


WHEREAS, at its October 12, 2011, meeting, the AFD Advisory Committee voted 6-0 to recommend approval of the Application; and

WHEREAS, a public hearing was advertised and held by the Planning Commission (the "Commission") at its November 2, 2011, meeting, pursuant to Section 15.2-4314 of the Code of Virginia, 1950, as amended (the "Virginia Code"), after which the Commission voted 6-0 to recommend approval of the Application; and

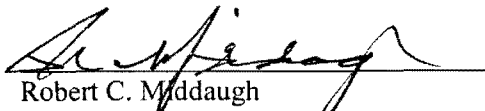
WHEREAS, pursuant to Section 15.2-4214 of the Virginia Code, a public hearing was advertised and held by the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adds 567.64 acres owned by Hampton 41, LLC and Abbitt Land Co, as referenced herein to the 562.2 acres of the Christenson's Corner AFD with the following conditions:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, 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 AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.
3. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

  
\_\_\_\_\_  
Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
Robert C. Muddaugh  
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of December, 2011.

afd10-86-1-11\_ord

**AGENDA ITEM NO. I-7****Agricultural and Forestal District-02-86-1-2014. Croaker AFD Renewal  
Staff Report for the September 9, 2014, Board of Supervisors Public Hearing**

*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

**PUBLIC HEARINGS**

AFD Advisory Committee:

Planning Commission:

Board of Supervisors:

**Building F Board Room; County Government Complex**

July 7, 2014, 4:00 p.m. (Human Services Building)

August 6, 2014, 7:00 p.m.

September 9, 2014, 7:00 p.m.

**SUMMARY FACTS****Owners:**

<u>Owners:</u>	<u>Parcel Number</u>	<u>Acres</u>
Hankins Land Trust	1530100044.....	119.00
William and Mary Margaret Apperson	1440100015.....	51.45
V.D. McManus Estate	1530100043.....	119.85
V.D. McManus Estate	1530100042.....	10.10
V.D. McManus Estate	1530100036.....	40.40
Hazel M. Richardson & L.A. Richardson	1530100002.....	39.76
Clarence D. Richardson, Jr.	1530100034.....	39.78
J. Rosalie Will, Trustee	1440100010.....	40.00
Stephanie L. Billon-Wolfe, Trustee	1440100009.....	49.07
Wenger Farms, LLC	1320100018.....	95.30
Wenger Farms, LLC	1410100001.....	150.00
Wenger Farms, LLC	1410100014.....	143.50
Thomas B. Ballard	1530100035.....	53.17
Lasata, LLC	1530100018.....	16.05
Lasata, LLC	1530100019.....	16.39
Lasata, LLC	1530100029.....	30.93
Milly Wallis c/o Doris Lockley	1540100004.....	40.00
Thomas B. Ballard	1530100035A.....	4.91
Thomas B. Ballard	1530100032.....	16.21
Wenger Farms, LLC	1410100007.....	7.00
Katherine Mann	1510400003.....	50.00

TOTAL ACRES..... 1,132.90

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands and Conservation Area

Primary Service Area: Outside

Staff Contact: Luke Vinciguerra Phone: 253-6783

**STAFF RECOMMENDATION**

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Board of Supervisors renew the Croaker AFD for a period of four years, subject to the conditions listed in the attached resolution.

**PLANNING COMMISSION RECOMMENDATION**

At its August 6, 2014, meeting, the Planning Commission recommended the continuation of the District by a vote of 6-0 (Richardson absent).

**AFD ADVISORY COMMITTEE RECOMMENDATION**

At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

**Proposed Changes Made Since the Planning Commission Meeting**

None.

**SUMMARY**

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-2-86, Croaker, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the proposed expiration date October 31, 2018.

**DISTRICT HISTORY**

The District was originally approved on November 17, 1986, for a term of 4 years. In July 1989, the Board of Supervisors approved the withdrawal of 421.773 acres associated with the Old Dominion French Winery property. The District was renewed a second time in 1994. Twenty-nine acres were added to the District on January 14, 1997, and 40 acres were added on January 13, 1998. The District was renewed by the Board in 1998 and 2002 with no additions or withdrawals. In 2006, 29 acres were withdrawn and in May 2007, 21 acres were added to the District. In 2010, the District was renewed and seven acres were added. In February 2014, an additional 50 acres were added.

The District includes all the land on the above-referenced properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road and/or drainage improvements.

The Croaker AFD consists of approximately 1,132.9 acres located in and around the Croaker Road area, containing parcels which front on Ware Creek Road and Riverview Road.

**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. The majority of the District is forested and remains rural in nature. 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. The entire District is located outside the Primary Service Area and is designated Rural Lands and Conservation Area by the Comprehensive Plan.

**REQUEST NOT TO CONTINUE IN THE AFD**

No property owner has requested to not continue their participation in the AFD.

**ADDITIONS**

No property owner has requested land be added to the District during this renewal period.

**CHANGE IN CONDITIONS**

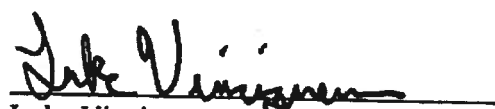
Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~"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 Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. 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 Within the Primary Service Area, adopted September 24, 1996, as amended."~~

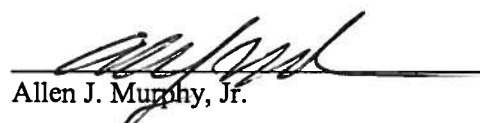
*No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.*

**STAFF RECOMMENDATION:**

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 6-0 (Richardson absent). At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 recommending the continuation of the District to the Planning Commission and Board of Supervisors. Staff recommends the Board of Supervisors renew the Croaker AFD for a period of four years, subject to the conditions listed in the attached resolution.

  
 Luke Vinciguerra

CONCUR:

  
 Allen J. Murphy, Jr.

LV/gb  
 AFD02-86-1-14Croaker

**ATTACHMENTS:**

1. Ordinance
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Ordinance for the addition of property, dated January 11, 2011
5. Ordinance for the addition of property, dated February 11, 2014
6. Approved minutes of the July 7, 2014, AFD Advisory Committee meeting (under separate cover)
7. Unapproved minutes of the August 6, 2014, Planning Commission meeting (under separate cover)

**ORDINANCE NO. \_\_\_\_\_****AGRICULTURAL AND FORESTAL DISTRICT-02-86****CROAKER 2014 RENEWAL**

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, 1950, as amended (the "Virginia Code") 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 District Advisory Committee at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the district with the conditions listed below.

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

1. The Croaker Agricultural and Forestal District is hereby continued to October 31, 2018, 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, provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Hankins Land Trust	1530100044.....	119.00
William and Mary Margaret Apperson	1440100015.....	51.45
V.D. McManus Estate	1530100043.....	119.85
V.D. McManus Estate	1530100042.....	10.10
V.D. McManus Estate	1530100036.....	40.40
Hazel M. Richardson & L.A. Richardson	1530100002.....	39.76
Clarence D. Richardson, Jr.	1530100034.....	39.78
J. Rosalie Will, Trustee	1440100010.....	40.00
Stephanie L. Billon-Wolfe, Trustee	1440100009.....	49.07
Wenger Farms, LLC	1320100018.....	95.30
Wenger Farms, LLC	1410100001.....	150.00
Wenger Farms, LLC	1410100014.....	143.50
Thomas B. Ballard	1530100035.....	53.17
Lasata, LLC	1530100018.....	16.05
Lasata, LLC	1530100019.....	16.39
Lasata, LLC	1530100029.....	30.93
Milly Wallis c/o Doris Lockley	1540100004.....	40.00

Thomas B. Ballard	1530100035A.....	4.91
Thomas B. Ballard	1530100032.....	16.21
Wenger Farms, LLC	1410100007.....	7.00
Katherine Mann	1510400003.....	50.00

Total: .....1,132.90

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, 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:
- 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 Wireless Communications Facilities (WCF), 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.
  - No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Properties from AFDs, adopted September 28, 2010, as amended.
  - No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

---

Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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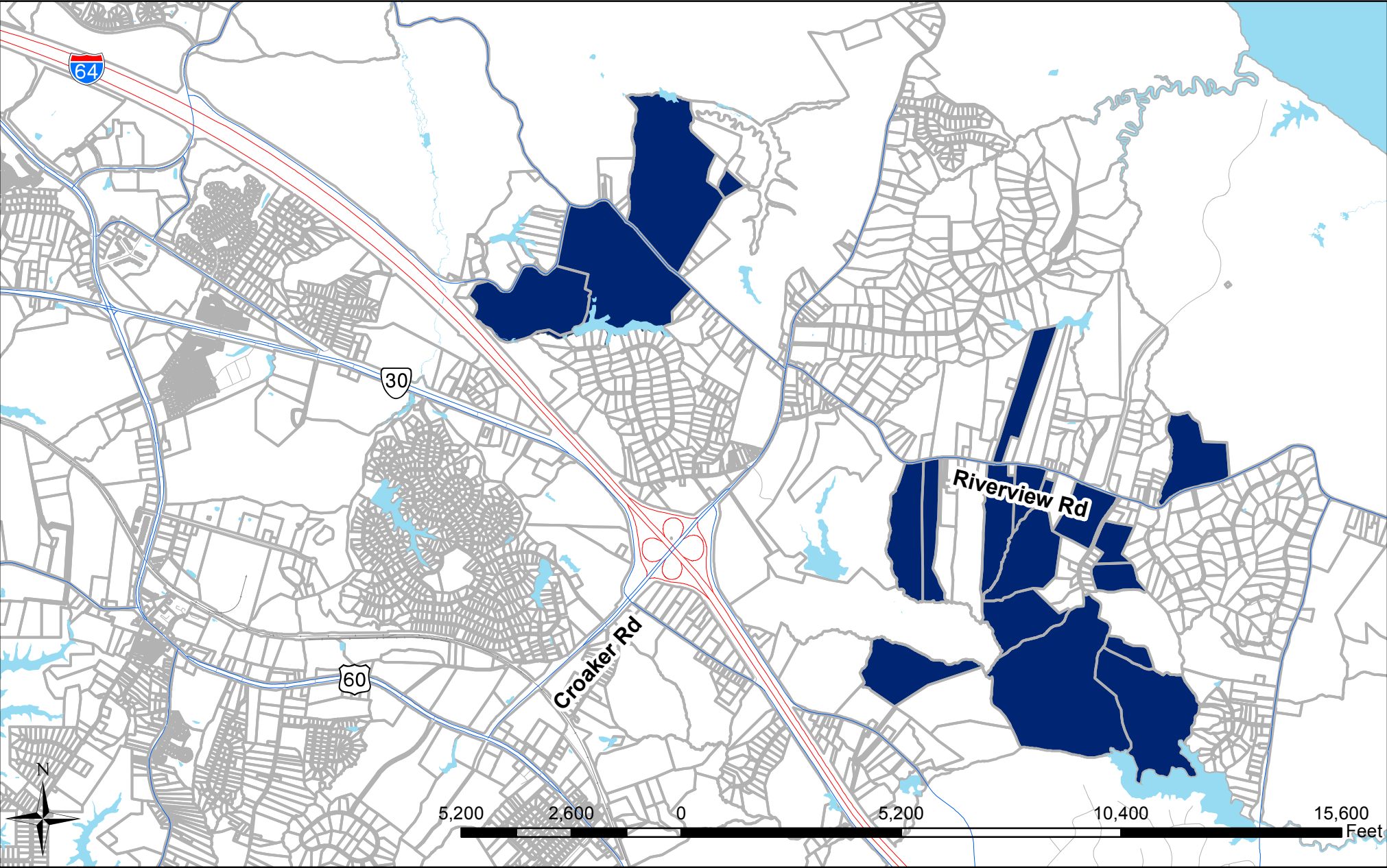
Bryan J. Hill  
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

# Case No. AFD-02-86

## Croaker 2014 Renewal





SEP 28 2010

ORDINANCE NO. 164A-12

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AGRICULTURAL AND FORESTAL DISTRICT 2-86

CROAKER 2010 RENEWAL

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

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") 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 AFD; and

WHEREAS, the AFD Advisory Committee at its meeting on August 23, 2010, voted 9-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on September 1, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to recommend renewal of the district with the conditions listed below:

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

1. The Croaker AFD is hereby continued for a period of four years, one month and three days to October 31, 2014, in accordance with the provisions of the Virginia AFD Act, Virginia Code Section 15.2-4300 et. seq.
2. That the district shall include the following parcels provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Hankins Land Trust	1530100044 .....	119.00
William and Mary Margaret Apperson	1440100015 .....	51.45
V. D. McManus Estate	1530100043 .....	119.85
V. D. McManus Estate	1530100042 .....	10.10
V. D. McManus Estate	1530100036 .....	40.40
Hazel M. Richardson and L. A Richardson	1530100002 .....	39.76
Clarence D. Richardson, Jr.	1530100034 .....	39.78
Judith R. Pieper	1440100010 .....	40.00
Linda Ann Winston	1440100009 .....	49.07
Wenger Farms, LLC	1320100018 .....	95.30
Wenger Farms, LLC	1410100001 .....	150.00
Wenger Farms, LLC	1410100014 .....	143.50
Thomas B. Ballard	1530100035 .....	53.17
Lasata, LLC	1530100018 .....	16.05
Lasata, LLC	1530100019 .....	16.39
Lasata, LLC	1530100029 .....	30.93
Milly Wallis, c/o Doris Lockley	1540100004 .....	40.00

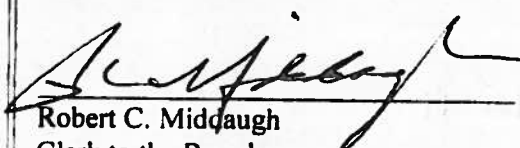
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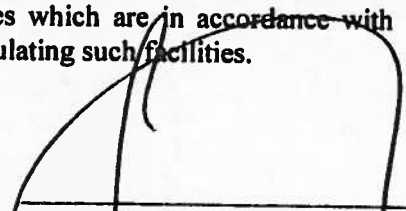
Thomas B. Ballard  
Thomas B. Ballard

1530100035A.....4.91  
1530100032 .....16.21  
Total: .....1,075.9

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Croaker AFD 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 Wireless Communications Facilities (WCF), 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 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 outside 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 Outside the Primary Service Area, adopted September 24, 1996, as amended. 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, as amended.
  - c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

ATTEST:

  
Robert C. Middaugh  
Clerk to the Board

  
James G. Kennedy  
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCGLENNON	AYE
GOBSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

AFD2-86Croaker\_res

JAN 11 2011

ORDINANCE NO. 164A-13BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIAAFD-2-86-3-2010. CROAKER AFD - 4474 WARE CREEK ROAD ADDITION

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, to add seven acres of land owned by Wenger Farms, LLC located at 4474 Ware Creek Road and identified as James City County Real Estate Tax Map No. 1410100007 to AFD 2-86, which is generally known as the 1,075.9-acre "Croaker Agricultural and Forestal District (AFD)"; 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 addition of land to the Croaker AFD; and

WHEREAS, the AFD Advisory Committee, at its meeting on November 15, 2010, voted 8-0 to recommend approval of this application; and

WHEREAS, the Planning Commission, following its public hearing on December 1, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby adds seven acres owned by Wenger Farms, LLC as referenced herein to the 1,075.9 acres of the Croaker AFD with the following conditions:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, 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 AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.
3. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the 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 SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

  
\_\_\_\_\_  
Mary K. Jones

Chairman, Board of Supervisors

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

ATTEST:

  
\_\_\_\_\_  
Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of  
January, 2011.

AFD2-86-3-2010\_res

FEB 11 2014

**ORDINANCE NO. 164A-14****Board of Supervisors  
James City County, VA****CASE NO. AFD-02-86-1-2013. CROAKER AGRICULTURAL AND****FORESTAL DISTRICT (AFD) ADDITION – 420 STONEHOUSE ROAD**

WHEREAS, a request has been filed (the “Application”) to add ±50 acres of land owned by William and Katherine Mann located at 420 Stonehouse Road and identified as James City County Real Estate Tax Map Parcel No. 1510400003 in AFD - 02-86, the “Croaker Agricultural and Forestal District” (the “AFD”); and

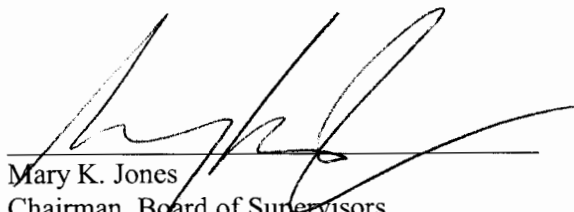
WHEREAS, at its December 12, 2013, meeting, the Agricultural and Forestal District Advisory Committee voted 8-0 to recommend approval of the Application; and

WHEREAS, a public hearing was advertised and held by the Planning Commission at its January 8, 2014, meeting, pursuant to Section 15.2-4314 of the Code of Virginia, 1950, as amended (the “Virginia Code”), after which the Planning Commission voted 6-0 to recommend approval of the Application; and

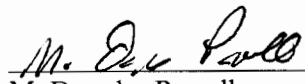
WHEREAS, pursuant to Section 15.2-4214 of the Virginia Code, a public hearing was advertised and held by the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adds ±50 acres owned by William and Katherine Mann, as referenced herein, to the 1,083 acres of the Croaker AFD with the following conditions:

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

  
\_\_\_\_\_  
Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
M. Douglas Powell  
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of February, 2014.

AFD02-86-1-13Croaker-res

**THE KNICELY LAW FIRM**

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

POST OFFICE DRAWER GK

WILLIAMSBURG, VIRGINIA 23187

(757) 253-0026

487 MCLAWS CIRCLE, SUITE TWO  
QUARTERLAND COMMONS  
BUSCH CORPORATE CENTER  
WILLIAMSBURG, VIRGINIA 23185

FAX: (757) 253-5825

August 21, 2014

EMAIL: LAW@KNICELYLAW.COM  
WEBSITE: WWW.KNICELYLAW.COM

**BY HAND AND EMAIL**

Mr. Luke Vinciguerra, Planner  
James City County Development Management  
101-A Mounts Bay Road  
Williamsburg, Virginia 23185

Case No. AFD-09-86-1-2014, Gordon Creek Agricultural & Forestal  
District Renewal, R.T. Armistead & Letitia A. T. Hanson, Parcel Nos.  
3520100016, 3630100001, 3030100004.

Dear Mr. Vinciguerra:

I represent Michael J. Cavanaugh, Sole Surviving Trustee of the Letitia Armistead Hanson Revocable Trust dated December 5, 2003 (the "Hanson Trust"). The Hanson Trust is the owner of one-half interest in the above referenced parcels under a Deed of Gift from Mrs. Hanson dated December 5, 2003, recorded in the land records of James City County, Virginia, as Instrument No. 030038497. As owner of the parcels, and for the reasons stated below, the Hanson Trust hereby requests that the County's consideration of the renewal of Parcel Nos. 3520100016, 3630100001, 3030100004 for inclusion within the Gordon's Creek Agricultural & Forestal District be terminated.

First, my client did not learn that the AFD status of parcels was under consideration by the County for renewal until I noticed by happenstance in early August that the County Planning Commission was scheduled to consider the AFD renewal on August 6, 2014. Nor did my client know of the proposed amendment to the County policy on withdrawal of property from AFDs.

As I understand it, the notice letters to AFD property owners dated May 27, 2014, and June 9, 2014, for the above referenced parcels were sent to "R. T. Armistead, 207 West Duke of Gloucester Street, Williamsburg, Virginia 23185." Unfortunately, R. T. Armistead became deceased in 1999. Neither he nor his Estate has any interest whatsoever in Parcels 3520100016 (369 Acres) or 3630100001 (124 Acres). The County would have been aware of the multiple ownership of the latter parcel by virtue of its condemnation suit taking a portion of that parcel for the Matoaka Middle School. The R.

Mr. Luke Vinciguerra  
August 21, 2014  
PAGE TWO

T. Armistead Estate and Trustees of trusts formed under his last will and testament do own a one-half interest in Parcel 3030100004 (23 Acres), but neither the Executor of his Estate, nor any Trustee of said trusts forwarded the County's notice letters to my client or informed him of the County's proposed action. Thus, my client had no notice of the proposed action by the AFD Committee, and had barely a few days indirect notice before the Planning Commission meeting, and most certainly did not make or join in any request for renewal of the AFD status on the properties.

Second, my client now wishes to affirm clearly that the Hanson Trust does not want the AFD status of Parcel Nos. 3520100016, 3630100001, 3030100004 to be renewed. It hereby respectfully requests that the County's consideration of the renewal of the AFD status for said parcels be terminated forthwith.

I would appreciate your confirming in writing immediately that Parcel Nos. 3520100016, 3630100001, and 3030100004 are no longer under consideration for renewal as part of the Gordon Creek Agricultural & Forestal District.

Thank you for your assistance.

Very truly yours,

  
James J. Knicely

jjk/j

cc: Leo P. Rogers, Jr., Esquire  
Michael J. Cavanaugh, Trustee  
Scott Reichle, Esquire  
Sheldon Franck, Esquire



**Case No. AFD-09-86-1-2014. Gordon Creek Agricultural and Forestal District Renewal  
Staff Report for the September 9, 2014, Board of Supervisors Public Hearing**

*This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

**PUBLIC HEARINGS**

AFD Advisory Committee:  
Planning Commission:  
Board of Supervisors:

**Building F Board Room; County Government Complex**

July 7, 2014, 4:00 p.m. (Human Services Building)  
August 6, 2014, 7:00 p.m.  
September 9, 2014, 7:00 p.m.

**SUMMARY FACTS**

<u>Owners:</u>	<u>Parcel No.</u>	<u>Acres</u>
Martha W. McMurran and SWR-Pinewood	3540100001.....	394.50
Edward Warburton, III and Regina L.	3520100001B.....	29.00
Edward Warburton	2940100011.....	56.20
David H. Allen and Stephanie M.	3420100002.....	132.98
Thomas R. Tucker, Trustee	3420100002A.....	25.02
Martha W. McMurran and SWR-Pinewood	3630100003.....	264.00
Thomas L. Hitchens	3610100006.....	35.00
W.A. Thompson and Charles Flemming	3620100040.....	136.96
Claybank Landing, LLC	4320100012.....	33.83
Claybank Landing, LLC	4320100013.....	46.04
Claybank Landing, LLC	4320100014.....	44.92
Richardson Holdings Limited Partnership	3640100007.....	116.65
Richardson Holdings Limited Partnership	3030100003.....	33.00
Jane T. Carswell	3610100003.....	44.00
Martha W. McMurran and SWR-MISC, LLC	3610100004.....	37.62
Powhatan Associates	4410100001.....	387.42
Powhatan Associates	3530100001.....	241.68
Mary Rebecca Richardson Abbott	3620100018.....	43.55
Trust Company of Virginia, c/o Greg Davis	3540100009.....	57.60
Linda Henderson Gordon	3420100001.....	35.30
Williamsburg Pottery, Inc.	4410100002.....	26.00
Naysey Bay Land Co.	3510100003.....	32.00
Naysey Bay Land Co.	3510100006.....	34.30
William Kane	2940100003.....	4.00
William Kane	3030100007.....	8.00
William Kane	3520100007.....	131.00
William Kane	3610100001.....	8.33
William Kane	3610100002.....	13.00
Baxter I. Bell Jr., Trustee	4320100003.....	207.95
Robert Anson and S. Carswell	3520100010.....	28.36
Beatrice Richardson Est.	3640100009.....	22.00
Richardson Holdings Limited Partnership	3640100008.....	38.00
Pickett Holdings, LLC	3510100001.....	349.00
Jerry W. Nixon and Martha M.	3730100003.....	30.74
Michael B. Isler and Michelle Ann	3630100004.....	1.10
	<b>TOTAL ACRES .....</b>	<b><u>3,129.05</u></b>

Zoning: A-1, General Agricultural

Comprehensive Plan: Low Density Residential, Rural Lands and Conservation Area

Primary Service Area: Two parcels inside, with the remainder located outside the Primary Service Area (PSA)

### **STAFF RECOMMENDATION**

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Board of Supervisors renew the Gordon Creek AFD for a period of four years, subject to the conditions listed in the attached resolution.

Staff Contact: Luke Vinciguerra Phone: 253-6783

### **PLANNING COMMISSION RECOMMENDATION**

At its August 6, 2014, meeting, the Planning Commission recommended the continuation of the District by a vote of 6-0 (Richardson absent).

### **AFD ADVISORY COMMITTEE RECOMMENDATION**

At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

### **Proposed Changes Made Since the Planning Commission Meeting**

A property owner has requested not to continue 516.17 acres in the AFD (Attachment No. 9).

### **SUMMARY**

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-9-86, Gordon Creek, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the expiration date October 31, 2018.

### **DISTRICT HISTORY**

The District was approved on December 1, 1986, for a term of four years. It was subsequently renewed for four-year terms in October 1990, October 1994, September 1998, August 2002, and July 2006. There have been several additions to the Gordon Creek AFD since 1994. Approximately 40 acres of land was taken out of the District in May 2006 for the purpose of constructing the 8th Williamsburg-James City County (W-JCC) Elementary School. Originally, the property was a part of the approximately 164-acre parcel placed in the AFD by the previous owner. During the April 2006 renewal, the Barrett's Ferry AFD was terminated and the remaining land was transferred to the Gordon Creek AFD. The transfer consisted of one parcel of approximately 210 acres in land, mostly wooded in nature. On July 8, 2008, the Board of Supervisors removed 165.50 acres of land from the Gordon Creek AFD District as a part of the Ford's Colony, Section 37 rezoning. In 2010, the District was renewed for a four-year term with no addition or withdrawal of property. Since the 2010 renewal, property owned by Claybank Landing, LLC has been subdivided; however, this does not affect the size of the district. Additionally, 30.74 acres were added by Martha and Jerry Nixon, 349 acres were added by Pickett Holdings LLC, 38 acres were added by Richardson Holdings Limited Partnership, and 22 acres were added by Beatrice Richardson Estate.

The District includes all the land on the above-referenced properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road and/or drainage improvements.

The Gordon Creek AFD consists of approximately 3,129.05 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.

### **ANALYSIS**

The majority of the District contains woodlands. 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. Most of the District is designated Rural Lands by the Comprehensive Plan. The Nayses Bay area is designated as Conservation Area by the Comprehensive Plan. The majority of the District is located outside of the PSA and the area remains relatively rural in nature. A small portion (340.74 acres) is located inside the PSA, 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 potential use of the property.

### **REQUEST NOT TO CONTINUE IN THE AFD**

A property owner of 3010 Jolly Pond Road, 4085 Centerville Road, and additional unaddressed property has requested not to continue in the AFD (Attachment No.9).

### **ADDITIONS**

No property owner has requested land be added to the District during this renewal period.

### **CHANGE IN CONDITIONS**


Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~"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 Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. 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 Within the Primary Service Area, adopted September 24, 1996, as amended."~~

*No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.*

### **STAFF RECOMMENDATION**

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 6-0 (Richardson absent). At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 recommending the continuation of the District to the Planning Commission and Board of Supervisors. Staff recommends the Board of Supervisors renew the Gordon Creek AFD for a period of four years, subject to the conditions listed in the attached resolution.

  
Luke Vinciguerra

CONCUR:

  
Allen J. Murphy, Jr.

LV/nb  
AFD09-86-14GordonCk

Attachments:

1. Ordinance
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Ordinance for the addition of property, dated December 14, 2010
5. Ordinance for the addition of property, dated March 8, 2011
6. Ordinance for the addition of property, dated July 9, 2013
7. Approved minutes of the July 7, 2014, AFD Advisory Committee meeting (under separate cover)
8. Unapproved minutes of the August 6, 2014, Planning Commission meeting (under separate cover)
9. Property owner non-continue request.

**ORDINANCE NO. \_\_\_\_\_**AGRICULTURAL AND FORESTAL DISTRICT 09-86GORDON CREEK 2014 RENEWAL

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, 1950, as amended (the "Virginia Code") 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, the Agricultural and Forestal District Advisory Committee at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the district with the conditions listed below.

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

1. The Gordon Creek Agricultural and Forestal District is hereby continued to October 31, 2018, 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, provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Martha W. McMurran and SWR-Pinewood	3540100001 .....	394.50
Edward Warburton, III and Regina L	3520100001B .....	29.00
Edward Warburton	2940100011 .....	56.20
David H. Allen and Stephanie M.	3420100002 .....	132.98
Thomas R. Tucker, Trustee	3420100002A .....	25.02
Martha W McMurran and SWR-Pinewood	3630100003 .....	264.00
Thomas L. Hitchens	3610100006 .....	35.00
W.A. Thompson and Charles Flemming	3620100040 .....	136.96
Claybank Landing, LLC	4320100012 .....	33.83
Claybank Landing, LLC	4320100013 .....	46.04
Claybank Landing, LLC	4320100014 .....	44.92
Richardson Holdings Limited Partnership	3640100007 .....	116.65
Richardson Holdings Limited Partnership	3030100003 .....	33.00
Jane T. Carswell	3610100003 .....	44.00

Martha W. McMurran and SWR-MISC,LLC	3610100004.....	37.62
Powhatan Associates	4410100001.....	387.42
Powhatan Associates	3530100001.....	241.68
Mary Rebecca Richardson Abbott	3620100018.....	43.55
Trust Company of Virginia, c/o Greg Davis	3540100009.....	57.60
Linda Henderson Gordon	3420100001.....	35.30
Williamsburg Pottery, Inc.	4410100002.....	26.00
Naysey Bay Land Co.	3510100003.....	32.00
Naysey Bay Land Co.	3510100006.....	34.30
William Kane	2940100003.....	4.00
William Kane	3030100007.....	8.00
William Kane	3520100007.....	131.00
William Kane	3610100001.....	8.33
William Kane	3610100002.....	13.00
Baxter I. Bell Jr., Trustee	4320100003.....	207.95
Robert Anson and S. Carswell	3520100010.....	28.36
Beatrice Richardson Est.	3640100009.....	22.00
Richardson Holdings Limited Partnership	3640100008.....	38.00
Pickett Holdings, LLC	3510100001.....	349.00
Jerry W. Nixon and Martha M.	3730100003.....	30.74
Michael B. Isler and Michelle Ann	3630100004.....	<u>1.10</u>
	Total:.....	<u>3,129.05</u>

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, 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, 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 Wireless Communications Facilities (WCF), 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 and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from AFDs, adopted September 28, 2010.
  - c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

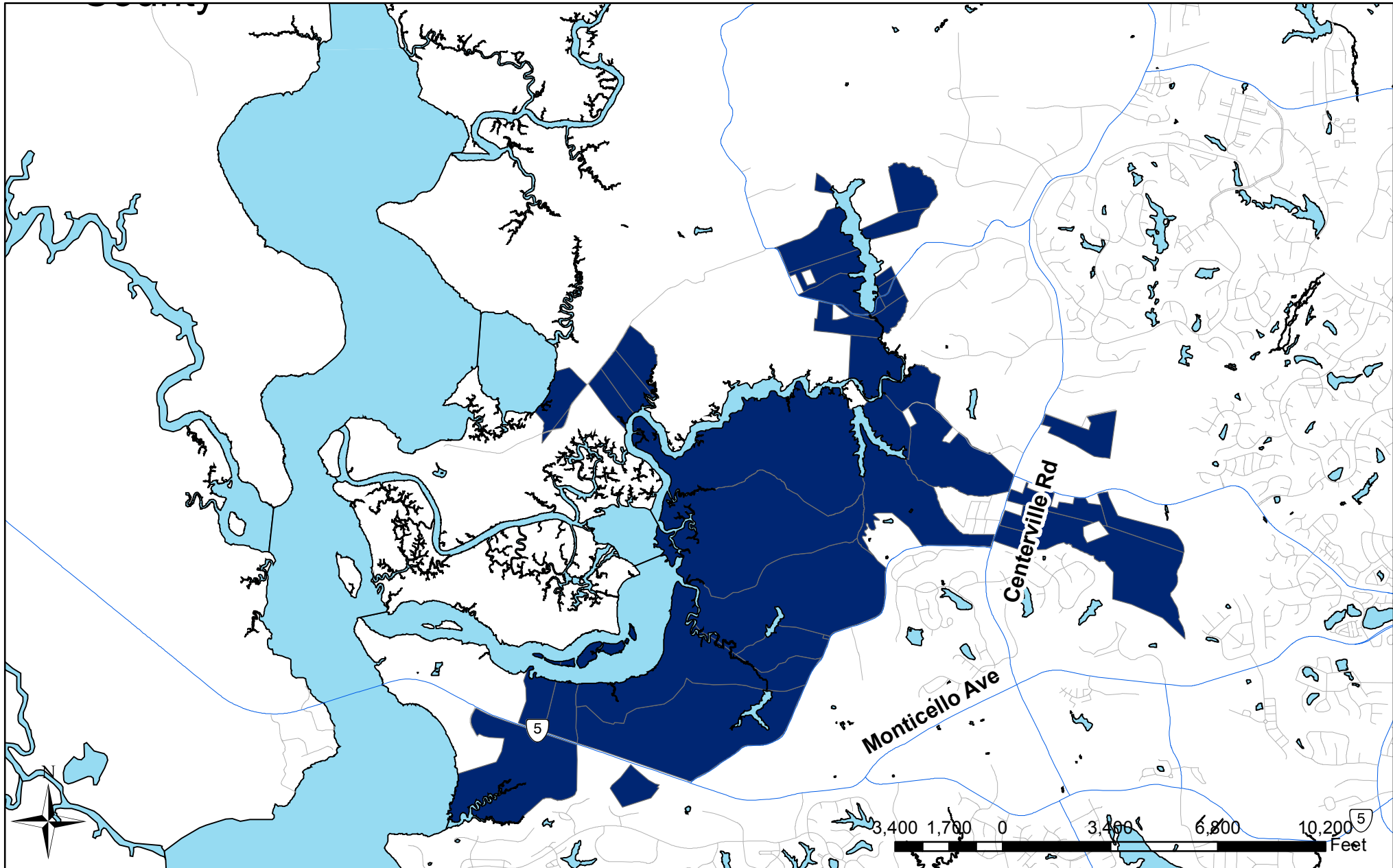
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

AFD09-86-14GordonCk-res

# Case No. AFD-09-86

## Gordon's Creek 2014 Renewal





SEP 28 2010

ORDINANCE NO. 170A-16BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIAAGRICULTURAL AND FORESTAL DISTRICT-9-86GORDON CREEK 2010 RENEWAL

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, 1950, as amended (the "Virginia Code") 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, Edward Warburton III and Regina Warburton have requested the withdrawal of three acres from their parcel which is identified as Tax Map ID 3520100001B; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting on August 23, 2010, voted 9-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on September 1, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to recommend renewal of 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 Gordon Creek Agricultural and Forestal District is hereby continued for a period of four years, one month and three days to October 31, 2014, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. The district shall include the following parcels:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
R. T. Armistead & Letitia A. T. Hanson	3520100016	369.00
R. T. Armistead & Letitia A. T. Hanson	3630100001	124.17
R. T. Armistead & Letitia A. T. Hanson	3030100004	23.00
Martha W. McMurren & SWR-Pinewood	3540100001	394.50
Edward Warburton III & Regina L.	3520100001B	29.00
Edward Warburton	2940100011	56.20
Allen, David H. & Stephanie M.	3420100002	132.98
Patrick, Matthew CH & Teresa L.	3420100002A	25.02
Martha W. McMurren & SWR-Pinewood	3630100003	264.00
Thomas L. Hitchens	3610100006	35.00
W.A. Thompson & Charles Flemming	3620100040	136.96

-2-

Claybank Landing, LLC	4320100001	124.10
Richardson Holdings Limited Partnership	3640100007	116.83
Richardson Holdings Limited Partnership	3030100003	33.00
Jane T. Carswell	3610100003	44.00
Martha W. McMurren & SWR-MISC LLC	3610100004	37.62
Powhatan Associates	4410100001	387.42
Powhatan Associates	3530100001	241.68
Mary Abbott	3620100018	43.55
Trust Company of Virginia, c/o Greg Davis	3540100009	57.60
Linda Henderson Gordon	3420100001	35.30
Williamsburg Pottery Inc.	4410100002	26.00
Naysey Bay Land Co.	3510100003	32.00
Naysey Bay Land Co.	3510100006	34.30
William Kane	2940100003	4.00
William Kane	3030100007	8.00
William Kane	3520100007	131.00
William Kane	3610100001	8.33
William Kane	3610100002	13.00
Baxter I. Bell Jr. Trustee	4320100003	207.95
Madeline Carswell Est	3520100010	<u>28.36</u>
Total:		<u>3,203.8</u>

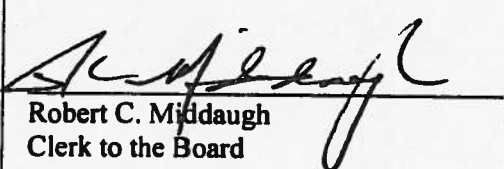
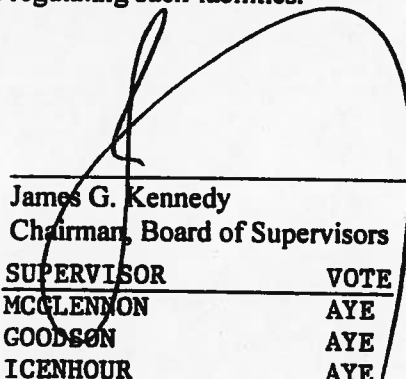
provided, however, that all land within 25 feet of road rights-of-way is excluded from the district.

3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, 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, 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 Wireless Communications Facilities (WCF), 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 outside 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, as amended. 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 Within the Primary Service Area, adopted September 24, 1996, as amended.

-3-

- c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

ATTEST:

  
Robert C. Middaugh  
Clerk to the Board  
James G. Kennedy  
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCGLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

AFD9-86GordonCrk\_res



DEC 14 2010

ORDINANCE NO. 170A-17BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIAAFD-9-86-3-2010. GORDON CREEK - 3603 NEWS ROAD ADDITION

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, to add 30.74 acres of land owned by Jerry and Martha Nixon located at 3603 News Road and identified as James City County Real Estate Tax Map No. 3730100003 to AFD 9-86, which is generally known as the 3,203.8-acre "Gordon Creek Agricultural and Forestal District (AFD)"; 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 addition of land to the Gordon Creek AFD; and

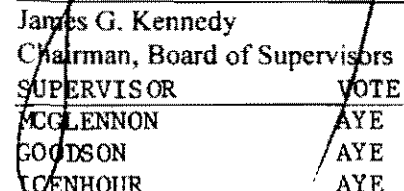
WHEREAS, the AFD Advisory Committee, at its meeting on October 19, 2010, voted 6-0 to recommend approval of this application; and

WHEREAS, the Planning Commission, following its public hearing on November 3, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby adds 30.74 acres owned by Jerry and Martha Nixon as referenced herein to the 3,203.8 acres of the Gordon Creek AFD with the following conditions:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, 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 AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.
3. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the 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 SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

ATTEST:

  
Robert C. Middaugh  
Clerk to the Board

James G. Kennedy	
Chairman, Board of Supervisors	
SUPERVISOR	VOTE
MCGLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of December, 2010.

AFD9-86-3-2010\_res

MAR 8 2011

ORDINANCE NO. 170A-18BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIACASE NO. AFD-09-86-4-2010, CENTERVILLE ROAD, GORDON CREEKAGRICULTURAL AND FORESTAL DISTRICT (AFD) ADDITION

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, (the "Board of Supervisors") to add 60.0 acres of land owned by the Beatrice Richardson Estate and Richardson Holdings Limited Partnership located at 4130 and 4176 Centerville Road and identified as James City County Real Estate Tax Map/Parcel Nos. 3640100008 and 3640100009 to Agricultural and Forestal District (AFD) 9-86, which is generally known as the 3,203.8 acre "Gordon Creek Agricultural and Forestal District" (the "Application"); and

WHEREAS, at its December 15, 2010, meeting the AFD Advisory Committee voted 6-0-2 (2 abstained) to recommend approval of the Application; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adds 60.0 acres owned by the Beatrice Richardson Estate and Richardson Holdings Limited Partnership, as referenced herein to the 3,203.8 acres of the Gordon Creek AFD with the following conditions:

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

discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

  
\_\_\_\_\_  
Mary K. Jones

Chairman, Board of Supervisors

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

ATTEST:

  
\_\_\_\_\_  
Robert C. Midgough  
Clerk to the Board

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

AFD9-86-4-10\_res



JUL 09 2013

Board of Supervisors  
James City County, VAORDINANCE NO. 170A-19CASE NO. AFD-09-86-1-2013. GORDON CREEK AGRICULTURAL ANDFORESTAL DISTRICT (AFD), PICKETT HOLDINGS ADDITION

WHEREAS, a request has been filed (the "Application") with the Board of Supervisors of James City County, Virginia, (the "Board of Supervisors") to add 349 acres of land owned by Pickett Holdings LLC, located at 2171 Bush Neck Road and identified as James City County Real Estate Tax Map Parcel No. 3510100001 to AFD 9-86, which is generally known as the "Gordon Creek Agricultural and Forestal District" (the "AFD"); and

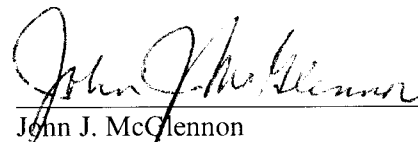
WHEREAS, at its May 9, 2013, meeting, the AFD Advisory Committee voted 6-0 to recommend approval of the Application; and

WHEREAS, a public hearing was advertised and held by the Planning Commission (the "Commission") at its June 5, 2013, meeting, pursuant to Section 15.2-4314 of the Code of Virginia, 1950, as amended (the "Virginia Code"), after which the Commission voted 6-0 to recommend approval of the Application; and

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

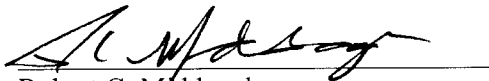
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adds 349 acres owned by Pickett Holdings LLC, as referenced herein to the 3,203 acres of the Gordon Creek AFD with the following conditions:

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



John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:



Robert C. Muddaugh  
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<u>X</u>	_____	_____
JONES	<u>X</u>	_____	_____
KENNEDY	<u>X</u>	_____	_____
ICENHOUR	<u>X</u>	_____	_____
BRADSHAW	<u>X</u>	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of July,  
2013.

AFD09-86-1-13GordonC\_res

**Case No. AFD 12-86-1-2014. Gospel Spreading Church Farm Agricultural and Forestal District Renewal**

**Staff Report for the September 9, 2014, Board of Supervisors Public Hearing**

*This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

**PUBLIC HEARINGS**

AFD Advisory Committee:

Planning Commission:

Board of Supervisors:

**Building F Board Room; County Government Complex**

July 7, 2014, 4:00 p.m. (Human Services Building)

August 6, 2014, 7:00 p.m.

September 9, 2014, 7:00 p.m.

**SUMMARY FACTS**

**Owners:**

	<b><u>Parcel No.</u></b>	<b><u>Acres</u></b>
JCC Bible and Agricultural Training School	4830100035.....	403.55
JCC Bible and Agricultural Training School	5620100001.....	457.79
Roderick B. Perkinson	4740100037.....	27.92
Robert E. Gilley, II and Meredith H. Gilley	4740100042C.....	2.89
REGJAG, LLC	4740100042F .....	56.58
REGJAG, LLC	4740100042E.....	56.40
REGJAG, LLC	4740100041.....	56.63
REGJAG, LLC	4830100042.....	<u>71.33</u>

TOTAL ACRES ..... 1,133.09

Zoning: A-1, General Agricultural; R-8, Rural Residential; R-2, General Residential; and R-1, Limited Residential

Comprehensive Plan: Rural Lands; Low Density Residential and Conservation Area

Primary Service Area: Inside and Outside

**STAFF RECOMMENDATION**

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Board of Supervisors renew the Gospel Spreading Church Farm AFD for a period of four years, subject to the conditions listed in the attached resolution.

Staff Contact:

Luke Vinciguerra

Phone: 253-6783

**PLANNING COMMISSION RECOMMENDATION**

At its August 6, 2014, meeting, the Planning Commission recommended the continuation of the District by a vote of 6-0 (Richardson absent).

**AFD ADVISORY COMMITTEE RECOMMENDATION**

At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

### **Proposed Changes Made Since the Planning Commission Meeting**

The property owner of 131 Smokehouse Lane has requested not to continue 3,200 square feet of his 56-acre property (see Attachment Nos. 6 and 7) in the District. Additionally, the property owner has applied for a special use permit (SUP-0008-2014) to allow the parking of construction equipment. This case is scheduled for the September 3, 2014, Planning Commission meeting. A plat subdividing land owned by Regjag, LLC and Leigh Ann Gilley (S-008-2014) was approved August 11, 2014, which has resulted in changes to parcel ID's and acreages compared to the 2010 Ordinance.

### **SUMMARY**

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-12-86, Gospel Spreading Church Farm, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the proposed expiration date October 31, 2018.

### **DISTRICT 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, 1998, and 2002. The following changes have occurred since 2002: a 26.46-acre parcel has been withdrawn and added several times, finally withdrawing for the final time in 2002; a 22.97-acre parcel was withdrawn in 2002; the former Gilley District (AFD-13-86) of approximately 198 acres was added in 2002 (a 27-acre parcel did not transfer, making the addition approximately 173 acres); and an additional 71.33 acres was added in 2004. In 2006, two properties totaling 57 acres were removed. In 2010 the District was renewed for a four-year term with no addition or withdrawal of property.

The District includes all the land on the above properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road improvements.

The Gospel Spreading Church Farm AFD consists of approximately 1,133.09 acres located from College Creek extending west to Neck-O-Land Road.

### **ANALYSIS**

The majority of the District primarily consists of woodland. The remainder of the property in the District is in open land and swamp or wetlands. Property within this District is zoned mostly R-8, Rural Residential, R-2, General Residential, and R-1, Limited Residential, and is not developed. Portions of parcels are zoned A-1, General Agricultural. The majority of surrounding property has been developed residentially. The majority of the District (approximately 950 acres) is designated Rural Lands or Conservation Area by the Comprehensive Plan, with the several parcels (approximately 240 acres) 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 lie within the PSA, an 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 potential use of the property.

### **REQUEST NOT TO CONTINUE IN THE AFD**

The property owner of 131 Smokehouse Lane has requested not to continue 3,200 square feet of his 56-acre property (see Attachment Nos. 6 and 7) in the District.

**ADDITIONS**

No property owner has requested land be added to the District during this renewal period.

**CHANGE IN CONDITIONS**


Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~"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 Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. 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 Within the Primary Service Area, adopted September 24, 1996, as amended."~~


*No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.*

**STAFF RECOMMENDATION**

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 6-0 (Richardson absent). At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 recommending the continuation of the District to the Planning Commission and Board of Supervisors. Staff recommends the Board of Supervisors renew the Gospel Spreading Church Farm AFD for a period of four years, subject to the conditions listed in the attached resolution.

  
 Luke Vinciguerra

CONCUR:

  
 Allen J. Murphy, Jr.

LV/nb  
 AFD12-86-1-14GospelC

**Attachments:**

1. Ordinance
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Approved minutes of the July 7, 2014, AFD Advisory Committee meeting (under separate cover)
5. Unapproved minutes of the August 6, 2014, Planning Commission meeting (under separate cover)
6. 131 Smokehouse Lane non-continue request
7. 131 Smokehouse Lane exhibit

**ORDINANCE NO. \_\_\_\_\_**AGRICULTURAL AND FORESTAL DISTRICT 12-86GOSPEL SPREADING CHURCH FARM 2014 RENEWAL

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

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") 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 Farm Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the district with the conditions listed below.

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

1. The Gospel Spreading Church Farm Agricultural and Forestal District is hereby continued to October 31, 2018, 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, provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
JCC Bible and Agricultural Training School	4830100035 .....	403.55
JCC Bible and Agricultural Training School	5620100001 .....	457.79
Roderick B. Perkinson	4740100037 .....	27.92
Robert E. Gilley, II & Meredith H. Gilley	4740100042C .....	2.89
REGJAG, LLC	4740100042F .....	56.58
REGJAG, LLC	4740100042E .....	56.40
REGJAG, LLC	4740100041 .....	56.63
REGJAG, LLC	4830100042 .....	<u>71.33</u>
Total: .....		<u>1,133.09</u>

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Gospel Spreading Church 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 Wireless Communications Facilities (WCF), 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 and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Properties from AFDs, adopted September 28, 2010, as amended.
  - c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

---

Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

---

Bryan J. Hill  
Clerk to the Board

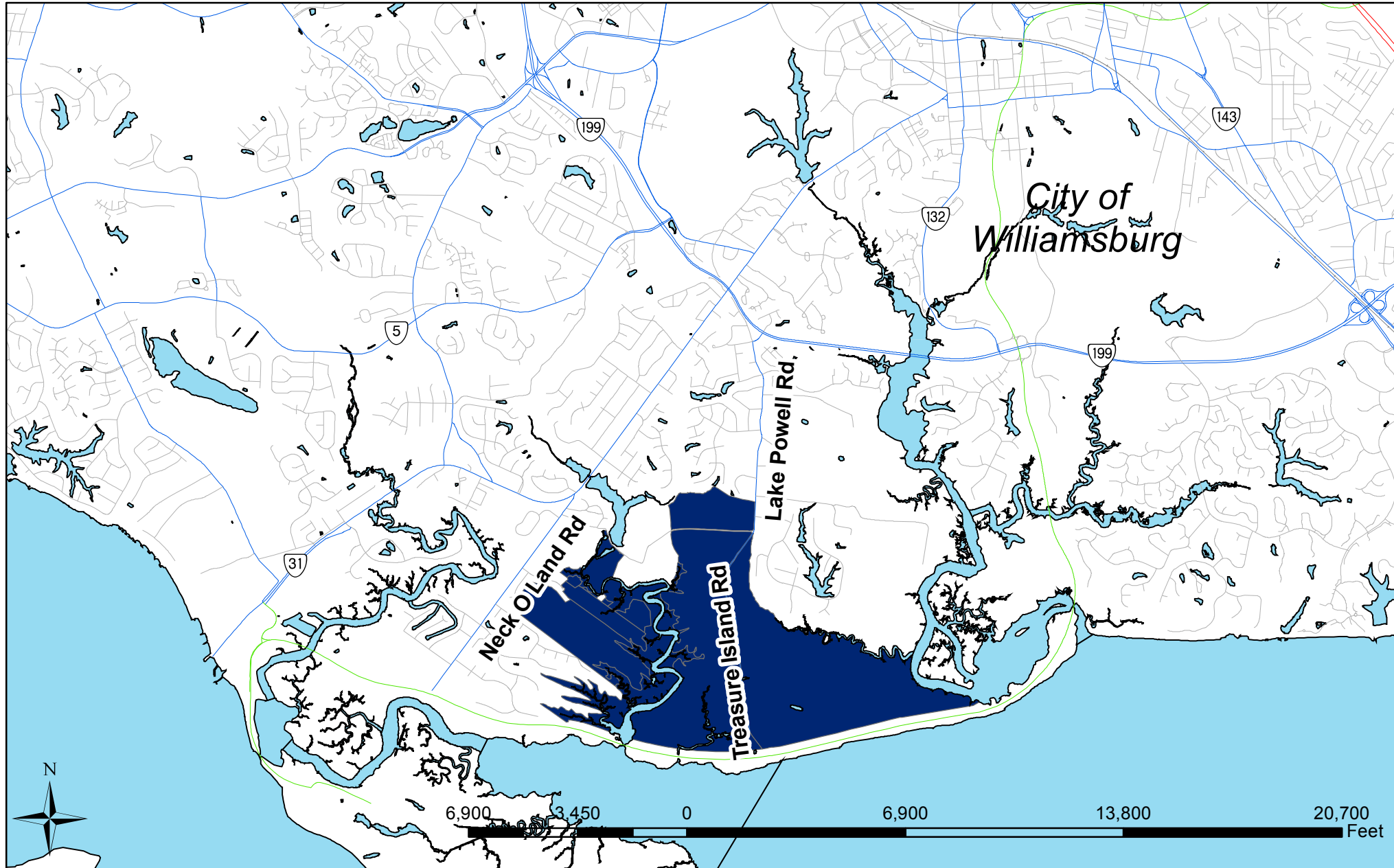
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

AFD12-86-1-14GospelC-res

# Case No. AFD-12-86

## Gospel Spreading Church 2014 Renewal





**ADOPTED**

SEP 28 2010

ORDINANCE NO. 173A-18BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIAAGRICULTURAL AND FORESTAL DISTRICT -12-86GOSPEL SPREADING CHURCH FARM 2010 RENEWAL

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

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") 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 Gospel Spreading Church Farm Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee, at its meeting on August 23, 2010, voted 9-0 to approve the application; and

WHEREAS, the Planning Commission, following its public hearing on September 1, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to renew this district with the conditions listed below.

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

1. The Gospel Spreading Church Farm Agricultural and Forestal District is hereby continued for a period of four years, one month and three days to October 31, 2014, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. The District shall include the following parcels:

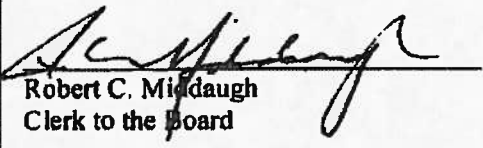
<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
JCC Bible & Agricultural Training School	4830100035	403.55
JCC Bible & Agricultural Training School	5620100001	457.79
Floyd B. Carmines	4740100037	27.92
Robert E. Gilley, II & Meredith H. Gilley	4740100042C	2.89
REGJAG LLC	4740100042D	2.81
REGJAG LLC	4740100042E	16.29
REGJAG LLC	4740100040	42.84
REGJAG LLC	4740100041	108.27
REGJAG LLC	4830100042	71.33
	<b>Total:</b>	<b><u>1,133.70</u></b>

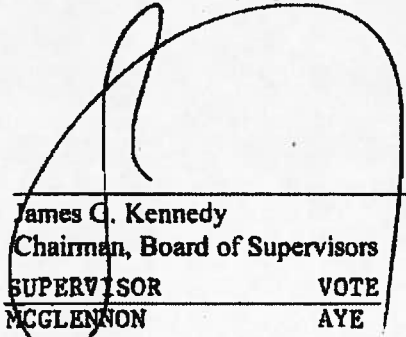
provided, however, that all land within 25 feet of the road rights-of-way is excluded from the District to allow for possible road improvements.

-2-

3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Gospel Spreading Church 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 Wireless Communication Facilities (WCF), 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 outside 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, as amended. 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 Within the Primary Service Area, adopted September 24, 1996, as amended.
  - c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

ATTEST:

  
Robert C. Mindaugh  
Clerk to the Board

  
James C. Kennedy  
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCGLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

AFD12-86GospelCh\_res

**KAUFMAN & CANOLES**  
attorneys at law

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4801 Courthouse Street  
Suite 300  
Williamsburg, VA 23188

*Mailing Address*  
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T (757) 259.3800  
F (757) 259.3838

kaufCAN.com

Gregory R. Davis  
(757) 259.3820  
grdavis@kaufcan.com

August 14, 2014

**Via e-mail**

Paul Holt  
Director of Planning  
James City County  
101-A Mount Bays Road  
Williamsburg, VA 23185

**Re: SUP – 0008-2014**  
**R. Edwin Gilley**

Dear Paul:

On behalf of my client Edwin Gilley, I write to request that the area which is the subject of the above-referenced special use permit application not be included within the Gospel Spreading Church Agricultural and Forestal district when the same is renewed. The details of this request are as follows.

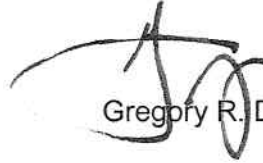
My client has applied for a special use permit which will allow the parking of construction equipment associated with his business on a gravel parking area approximately 40 x 80 feet in size, as more particularly shown on the illustrative plan submitted with the SUP application entitled: "EXHIBIT SHOWING PROPOSED PARCEL 2 OF THE PROPERTIES OF REGJAG, LLC & LEIGH ANN GILLEY" dated May 5, 2014 made by LandTech Resources, Inc. The remainder of Mr. Gilley's property will remain in agricultural and forestal use. Accordingly, this request is that, upon renewal of the subject AFD this fall, the County not include the 40 x 80 foot area described above in the renewed AFD.

In the event that, after renewal of the AFD excluding the subject 40 x 80 foot area, the Board of Supervisors does not approve the SUP at issue, my client will seek to place the 40 x 80 foot portion of his property into the AFD.

Page 2

This letter has been signed below by Robert Edwin Gilley II manifesting his consent to the request.  
Thank you for your kind attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to be "Gregory R. Davis", written over a horizontal line.

Gregory R. Davis

GRD:fmy

cc: Luke Vinceiguerra, Planner

SEEN AND AGREED TO:

A handwritten signature in black ink, appearing to be "Robert Edwin Gilley II", written over a horizontal line.  
ROBERT EDWIN GILLEY II



SUP-0008-2014

EXHIBIT SHOWING PROPOSED PARCEL 2

OF THE PROPERTIES OF

REGJAG, LLC & LEIGH ANN GILLEY

JAMES CITY COUNTY JAMESTOWN DISTRICT VIRGINIA  
DATE: 05/05/2014 SCALE: 1"=250' JOB #08-109



Surveying • Engineering • GPS  
3925 Midlands Road, Suite E, Williamsburg, Virginia 23188  
Phone: (757) 565-1677 Fax: (757) 565-0782  
web: landtechresources.com

SHEET: 1 OF 1

ADJOINING PROPERTY INFORMATION

- PARCEL 'C'  
P.B. 45, PG. 54
- PARCEL 'B'  
P.B. 45, PG. 27
- PARCEL 'A'  
P.B. 45, PG. 66
- PARCEL 'A-1'  
LEIGH ANN GILLEY  
INSTR. #080025894 (DEED)  
INSTR. #050002188 (PLAT)
- PARCEL 'C' & PART OF PARCEL 'A'  
ROBERT E. GILLEY, II &  
MEREDITH H. GILLEY  
INSTR. #000017549 (DEED)  
P.B. 78, PG. 62 (PLAT)

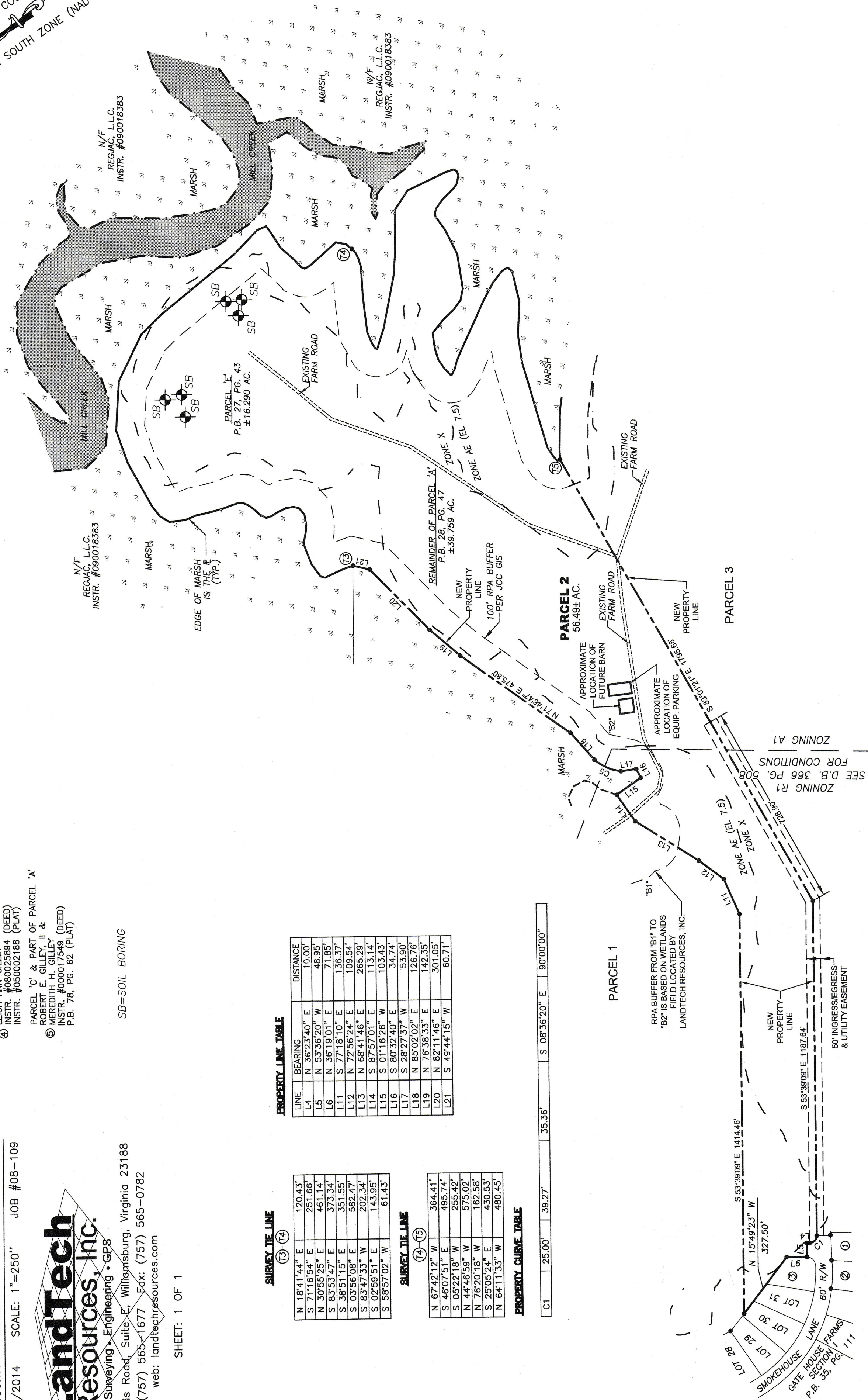
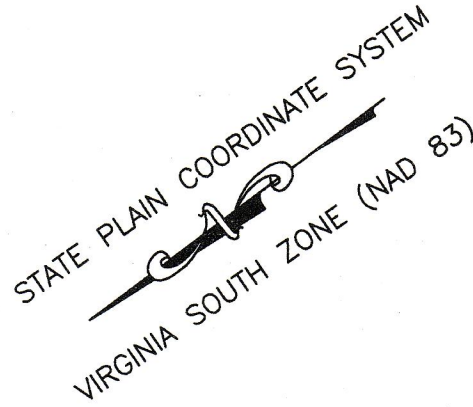
SB=SOIL BORING

EXISTING 20' INGRESS/EGRESS  
& UTILITY EASEMENT  
P.B. 78, PG. 62

PLANNING DIVISION

JUL 28 2014

RECEIVED







**Case No. AFD-03-86-1-2014. Hill Pleasant Farm Agricultural & Forestal District Renewal Staff Report for the September 9, 2014, Board of Supervisors Public Hearing**

*This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

**PUBLIC HEARINGS**

AFD Advisory Committee:  
Planning Commission:  
Board of Supervisors:

**Building F Board Room; County Government Complex**

July 7, 2014, 4:00 p.m. (Human Services Building)  
August 6, 2014, 7:00 p.m.  
September 9, 2014, 7:00 p.m.

**SUMMARY FACTS**

<u>Owners:</u>	<u>Parcel No.</u>	<u>Acres</u>
Margaret S. Stevens	2410100004.....	105.82
Hill Pleasant Farm, Inc.	2410100005.....	391.30
Wayne A. Moyer Revocable Trust	2410100015D.....	32.27
Williamsburg Pottery Factory, Inc.	2430100017.....	27.00

TOTAL ACRES ..... 556.39

Zoning: A-1, General Agricultural and M-1, Limited Business/Industrial

Comprehensive Plan: Economic Opportunity, Rural Lands and Conservation Area

Primary Service Area: Outside except for parcel 2430100031B

**STAFF RECOMMENDATION**

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Board of Supervisors renew the Hill Pleasant Farm AFD for a period of four years, subject to the conditions listed in the attached resolution.

Staff Contact: Luke Vinciguerra Phone: 253-6783

**PLANNING COMMISSION RECOMMENDATION**

At its August 6, 2014, meeting, the Planning Commission recommended the continuation of the District by a vote of 6-0 (Richardson absent).

**AFD ADVISORY COMMITTEE RECOMMENDATION**

At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

**Proposed Changes Made Since the Planning Commission Meeting**

The owner of the property located at 6534 Richmond Road has requested not to continue in the District (Attachment No. 6).

**SUMMARY**

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-3-86, Hill Pleasant Farm, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the proposed expiration date October 31, 2018.

### **DISTRICT 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 approved the withdrawal of 2.2 acres from the District in 1991. This withdrawal was for the purpose of installing a Hampton Roads Sanitation District (HRSD) sewer main. The 1994 renewal was approved by the Board of Supervisors on October 19, 1994, for a term of four years. Subsequently, 32 acres were added on September 10, 1996, 27 acres were added on October 23, 1996, and 12 acres were added on November 12, 1997. The District was renewed in 1998 and 2002 for terms of four years with no additions or withdrawals. In 2006, six acres were removed from the District. In 2010, the District was renewed for a four-year term with no addition or withdrawal of property.

The District includes the land previously described with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road and/or drainage improvements.

The Hill Pleasant Farm AFD consists of approximately 556.39 acres located southwest of Norge in between the CSX Railway and Interstate 64.

### **ANALYSIS**

The bulk of this District has remained essentially the same since the time it was created. 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 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 potential use of the property. Additionally, the Comprehensive Plan states no development should occur within the Economic Opportunity designation unless incorporated into an area/corridor master plan. As there is no master plan yet under consideration, agricultural uses are appropriate.

Most of the surrounding land to the north of the District are 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; R-2, General Residential; and MU, Mixed Use. 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.

### **REQUEST NOT TO CONTINUE IN THE AFD**

The owner of the property located at 6534 Richmond Road has requested not to continue in the District (Attachment No. 6).

### **ADDITIONS**

No property owner has requested land be added to the District during this renewal period.



**CHANGE IN CONDITIONS**


Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~"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 Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. 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 Within the Primary Service Area, adopted September 24, 1996, as amended."~~

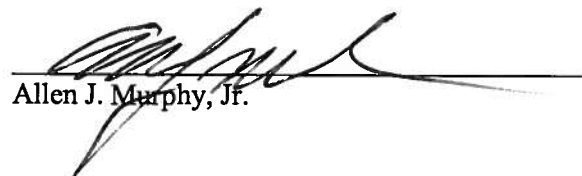
*No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.*

**STAFF RECOMMENDATION:**

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 6-0 (Richardson absent). At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 recommending the continuation of the District to the Planning Commission and Board of Supervisors. Staff recommends the Board of Supervisors renew the Hill Pleasant Farm AFD for a period of four years, subject to the conditions listed in the attached resolution.

  
Luke Vinciguerra

CONCUR:

  
Allen J. Murphy, Jr.

LV/nb  
AFD03-86HillPleasantF

**Attachments:**

1. Ordinance
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Approved minutes of the July 7, 2014, AFD Advisory Committee meeting (under separate cover)
5. Unapproved minutes of the August 6, 2014, Planning Commission meeting (under separate cover)
6. Property owner non-continue request

**ORDINANCE NO. \_\_\_\_\_**AGRICULTURAL AND FORESTAL DISTRICT 03-86HILL PLEASANT FARM 2014 RENEWAL

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, 1950, as amended (the "Virginia Code") 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 Hill Pleasant Farm Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee, at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission, following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the district with the conditions listed below.

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

1. The Hill Pleasant Farm Agricultural and Forestal District is hereby continued to October 31, 2018, 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, provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Margaret S. Stevens	2410100004 .....	105.82
Hill Pleasant Farm, Inc.	2410100005 .....	391.30
Wayne A. Moyer Revocable Trust	2410100015D.....	32.27
Williamsburg Pottery Factory, Inc.	2430100017 .....	<u>27.00</u>
	Total: .....	<u>556.39</u>

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, 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 Wireless Communications Facilities (WCF), 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 and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Properties from AFDs, adopted September 28, 2010, as amended.
- c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

---

Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

---

Bryan J. Hill  
Clerk to the Board

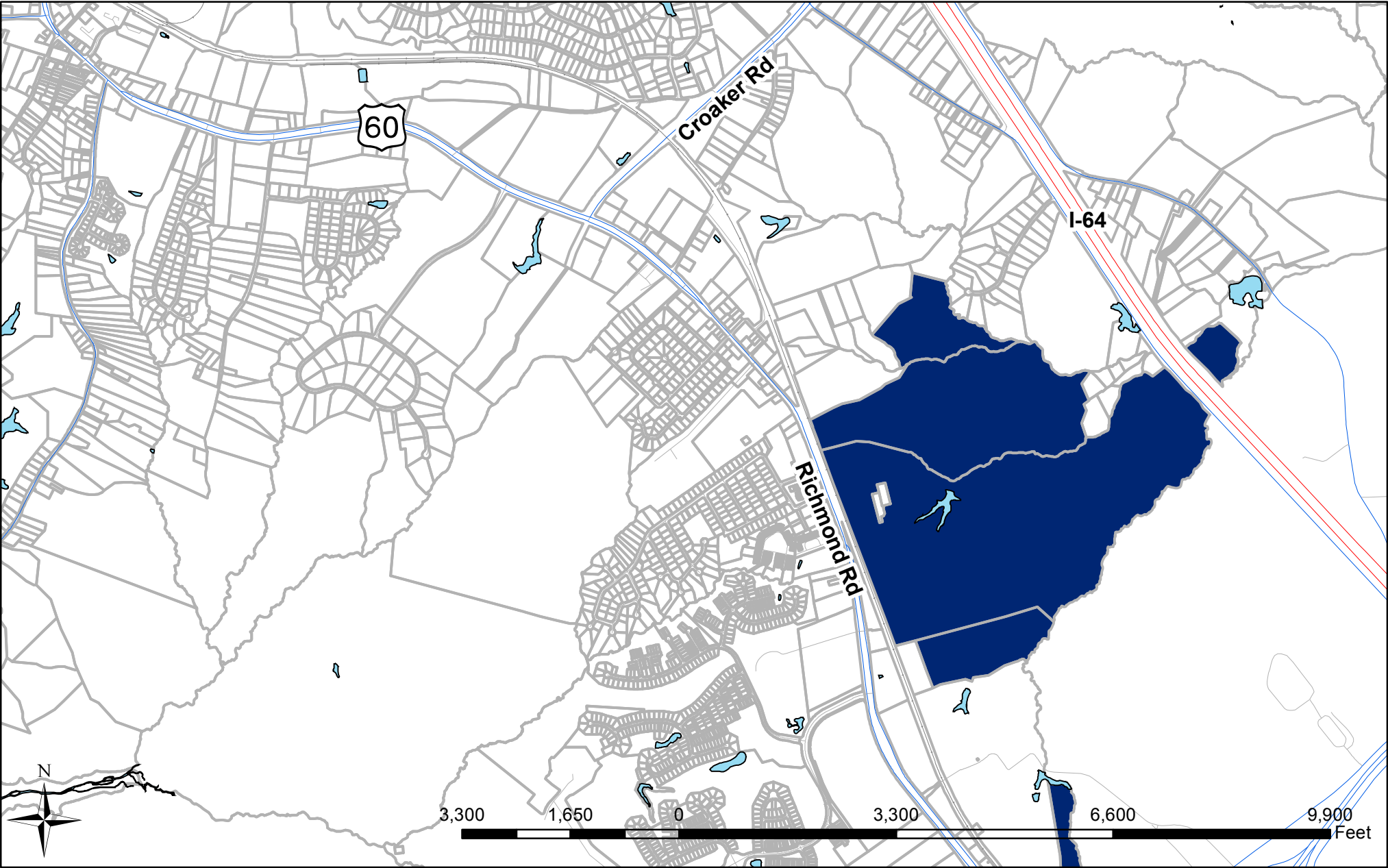
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

AFD03-86HillPleasantF-res

# Case No. AFD-03-86

## Hill Pleasant Farm 2014 Renewal



SEP 28 2010

ORDINANCE NO. 165A-10BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIAAGRICULTURAL AND FORESTAL DISTRICT -3-86HILL PLEASANT FARM 2010 RENEWAL

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, 1950, as amended (the "Virginia Code") 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 August 23, 2010, voted 9-0 to approve the application; and

WHEREAS, the Planning Commission, following its public hearing on September 1, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to renew this district with the conditions listed below.

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

1. The Hill Pleasant Farm Agricultural and Forestal District is hereby continued for a period of four years, one month and three days to October 31, 2014, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. The District shall include the following parcels:


<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Margaret S. Stevens	2410100004	105.82
Hill Pleasant Farm, Inc.	2410100005	391.30
Wayne A. Moyer Revocable Trust	2410100015D	32.27
Williamsburg Pottery Factory, Inc.	2430100017	27.00
Williamsburg Pottery Factory, Inc.	2430100031B	<u>12.39</u>
	Total:	<u>568.80</u>

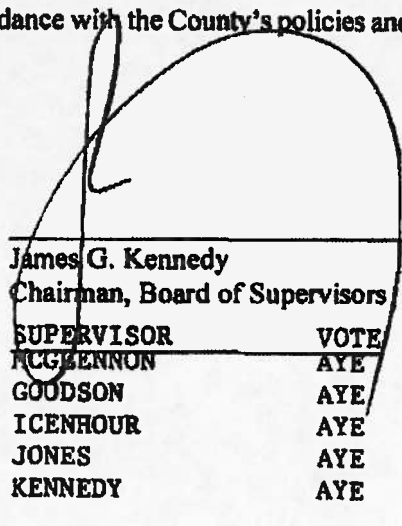
provided, however, that all land within 25 feet of the road rights-of-way is excluded from the District to allow for possible road improvements.

3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, 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 Wireless Communication Facilities (WCF), 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 outside 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, as amended. 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 Within the Primary Service Area, adopted September 24, 1996, as amended.
- c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

ATTEST:

  
Robert C. McLaughlin  
Clerk to the Board

  
James G. Kennedy  
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCGLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

AFD3-86HPfarm\_res



Williamsburg Pottery Factory, Inc.

[www.williamsburgpottery.com](http://www.williamsburgpottery.com)

August 19, 2014

PLANNING DIVISION

Mr. Luke Vinciguerra  
Planner 1, Planning Department  
James City County  
PO Box 8784  
Williamsburg, VA 23187-8784

AUG 25 2014

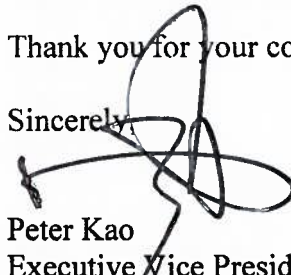
RECEIVED

Dear Mr. Vinciguerra;

The Williamsburg Pottery Factory, Inc., wishes to withdraw Parcel No. 2430100031B, consisting of 12.39 acres, from the pending renewal of AFD 3-86 Hill Pleasant Farm. This parcel was previously included in the 2010 AFD 3-86 Renewal Adopted on September 28, 2010. The James City County Commissioner of the Revenue has determined that no rollback taxes are due on this parcel since no land use applications have been filed on this property since 1999.

Thank you for your consideration of this request.

Sincerely,

  
Peter Kao  
Executive Vice President  
Williamsburg Pottery Factory, Inc.





AGENDA ITEM NO. I-11
**Agricultural and Forestal District-07-86-1-2014. Mill Creek AFD Renewal  
Staff Report for the September 9, 2014, Board of Supervisors Public Hearing**

*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

**PUBLIC HEARINGS**

AFD Advisory Committee:  
Planning Commission:  
Board of Supervisors:

**Building F Board Room; County Government Complex**

July 7, 2014, 4:00 p.m. (Human Service Building)  
August 6, 2014, 7:00 p.m.  
September 9, 2014, 7:00 p.m.

**SUMMARY FACTS****Owners:**

<u>Owners:</u>	<u>Parcel Number</u>	<u>Acres</u>
Carter C. Cowles, Sr. & Linda B. Cowles Estate	2020100006 .....	352.96
Melinda Cowles Barbour & Ruth Dozier	2020100003 .....	102.66
Melinda Cowles Barbour & Ruth Dozier	2020100001 .....	8.75
Mayes & Cheryl Matthews	2110100005.....	46.01
Pamela C. Massie Trustee & Steve Massie	1130100028.....	99.45
Steve L. & Pamela C. Massie	1130100028A.....	32.61
Richard W. & Margaret Krapf	1140100006.....	4.73
Nancy Cottrell Kruse & M. Anderson Bradshaw	1140100002.....	297.28
Linda B. Cowles Estate	1040100005 .....	249.88
Carter C. Cowles, Sr. & Linda B. Cowles Estate	1040100006 .....	124.76
Cynthia Cowles Cragg & Robert Patrick	1040100003 .....	103.26
Century Development	1010100037 .....	104.00
Sarah H. Armistead	1010100038 .....	50.00
Daniel R. Winall & Marion Virginia	1030100019 .....	97.59
Pamaka LLC	1020100017 .....	244.50
Albert T. & Joan Lloyd Slater	1010100028 .....	69.69
McRae O. Selph	1010100007 .....	50.00
Walter N. Marshall, III Trustee	1140100005.....	79.94
Martha Ware Trust	2020100002 .....	57.41
John Lee Darst	0920100036 .....	41.22
Pamaka LLC	1030100003 .....	42.00
Caroline W. Dozier	2020100005 .....	186.16
Caroline W. Dozier	2020100007 .....	16.50
Caroline W. Dozier	2020100008 .....	12.00
Dennis P. & Christine A. Weygand	1030100013 .....	34.02
John M. L. Barnes Estate	1020100004 .....	215.76
John M. L. Barnes Estate	1110100001.....	29.00
Linda B. Cowles Estate	2010100002 .....	2.00
Randolph G. Gulden	1020100012 .....	62.20
Randolph G. Gulden	1020100032 .....	25.00
Eugene C. Andrews Living Trust	0940100008N.....	57.81
John G. & Marie Antoinette Findlay	0940100008H.....	118.29
TOTAL ACRES.....		<u>3,017.44</u>

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands and Conservation Area

Primary Service Area: Outside

Staff Contact: Luke Vinciguerra

Phone: 253-6783

### **STAFF RECOMMENDATION**

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Board of Supervisors renew the Mill Creek AFD for a period of four years, subject to the conditions listed in the attached resolution.

### **PLANNING COMMISSION RECOMMENDATION**

At its August 6, 2014, meeting, the Planning Commission recommended the continuation of the District by a vote of 5-0-1 (Krapf abstaining; Richardson absent).

### **AFD ADVISORY COMMITTEE RECOMMENDATION**

At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

### **Proposed Changes Made Since the Planning Commission Meeting**

None.

### **SUMMARY**

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-7-86, Mill Creek, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the expiration date October 31, 2018.

### **DISTRICT 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 renewal, approximately 25 acres was withdrawn. Following the 1998 renewal, 19.0 acres were added into the District. The District was renewed again in 2002 for a term of four years. In April 2004, the Board approved an addition of 87 acres. In July 2005, an addition of 102 acres was approved and in September 2005 an addition of 73 acres was approved. During the 2006 renewal, one 433 acre parcel was removed. In December 2012, the Board approved an addition of 104 acres. Staff notes that property owned by Randolph G. Gulden has been subdivided since 2010; however, this does not affect the size of the district.

The District includes all the land on the above properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road and/or drainage improvements.

The Mill Creek AFD consists of approximately 3,017.44 acres located from Richmond Road in the north to Uncle's Creek in the south. The bulk of the land lies between Forge Road and the CSX railroad tracks.

### **ANALYSIS**

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 the majority 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 and Conservation Area on the Comprehensive Plan Land Use Map.

**REQUEST NOT TO CONTINUE IN THE AFD**

No property owner has requested to not continue their participation in the AFD.

**ADDITIONS**

An application has been filed to add 95 acres of property located at 8557 Diascund Road; this application will be reviewed under separate cover.

**CHANGE IN CONDITIONS**

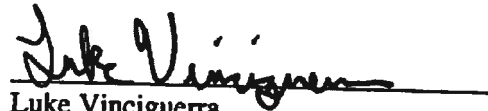
Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~"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 Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. 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 Within the Primary Service Area, adopted September 24, 1996, as amended."~~

*No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.*

**STAFF RECOMMENDATION:**

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 5-0-1 (Krapf abstaining; Richardson absent). At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 recommending the continuation of the District to the Planning Commission and Board of Supervisors. Staff recommends the Board of Supervisors renew the Mill Creek AFD for a period of four years, subject to the conditions listed in the attached

  
Luke Vinciguerra

CONCUR:

  
Allen J. Murphy, Jr.

LV/gb  
AFD07-86-1-14MillCreek

ATTACHMENTS:

1. Ordinance
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Ordinance for the addition of property, dated December 11, 2012
5. Approved minutes of the July 7, 2014, AFD Advisory Committee meeting (under separate cover)
6. Unapproved minutes of the August 6, 2014, Planning Commission meeting (under separate cover)

## RESOLUTION

### AGRICULTURAL AND FORESTAL DISTRICT-07-86

#### MILL CREEK 2014 RENEWAL

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, 1950, as amended (the “Virginia Code”) 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 Mill Creek Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0-1 to recommend renewal of the district with the conditions listed below.

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

1. The Mill Creek Agricultural and Forestal District hereby continued to October 31, 2018, 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, provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Carter C. Cowles, Sr. & Linda B. Cowles Estate	2020100006 .....	352.96
Melinda Cowles Barbour & Ruth Dozier	2020100003 .....	102.66
Melinda Cowles Barbour & Ruth Dozier	2020100001 .....	8.75
Mayes & Cheryl Matthews	2110100005 .....	46.01
Pamela C. Massie Trustee & Steve Massie	1130100028 .....	99.45
Steve L. & Pamela C. Massie	1130100028A .....	32.61
Richard W. & Margaret Krapf	1140100006 .....	4.73
Nancy Cottrell Kruse & M. Anderson Bradshaw	1140100002 .....	297.28
Linda B. Cowles Estate	1040100005 .....	249.88
Carter C. Cowles, Sr. & Linda B. Cowles Estate	1040100006 .....	124.76
Cynthia Cowles Cragg & Robert Patrick	1040100003 .....	103.26
Century Development	1010100037 .....	104.00
Sarah H. Armistead	1010100038 .....	50.00
Daniel R. Winall & Marion Virginia	1030100019 .....	97.59

Pamaka LLC	1020100017 .....	244.50
Albert T. & Joan Lloyd Slater	1010100028 .....	69.69
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Caroline W. Dozier	2020100008 .....	12.00
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Linda B. Cowles Estate	2010100002 .....	2.00
Randolph G. Gulden	1020100012 .....	62.20
Randolph G. Gulden	1020100032 .....	25.00
Eugene C. Andrews Living Trust	0940100008N .....	57.81
John G. & Marie Antoinette Findlay	0940100008H .....	<u>118.29</u>
Total: .....		<u>3,017.44</u>

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, 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 Wireless Communications Facilities (WCF), 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 and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from AFDs, adopted September 28, 2010.
  - c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

---

Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

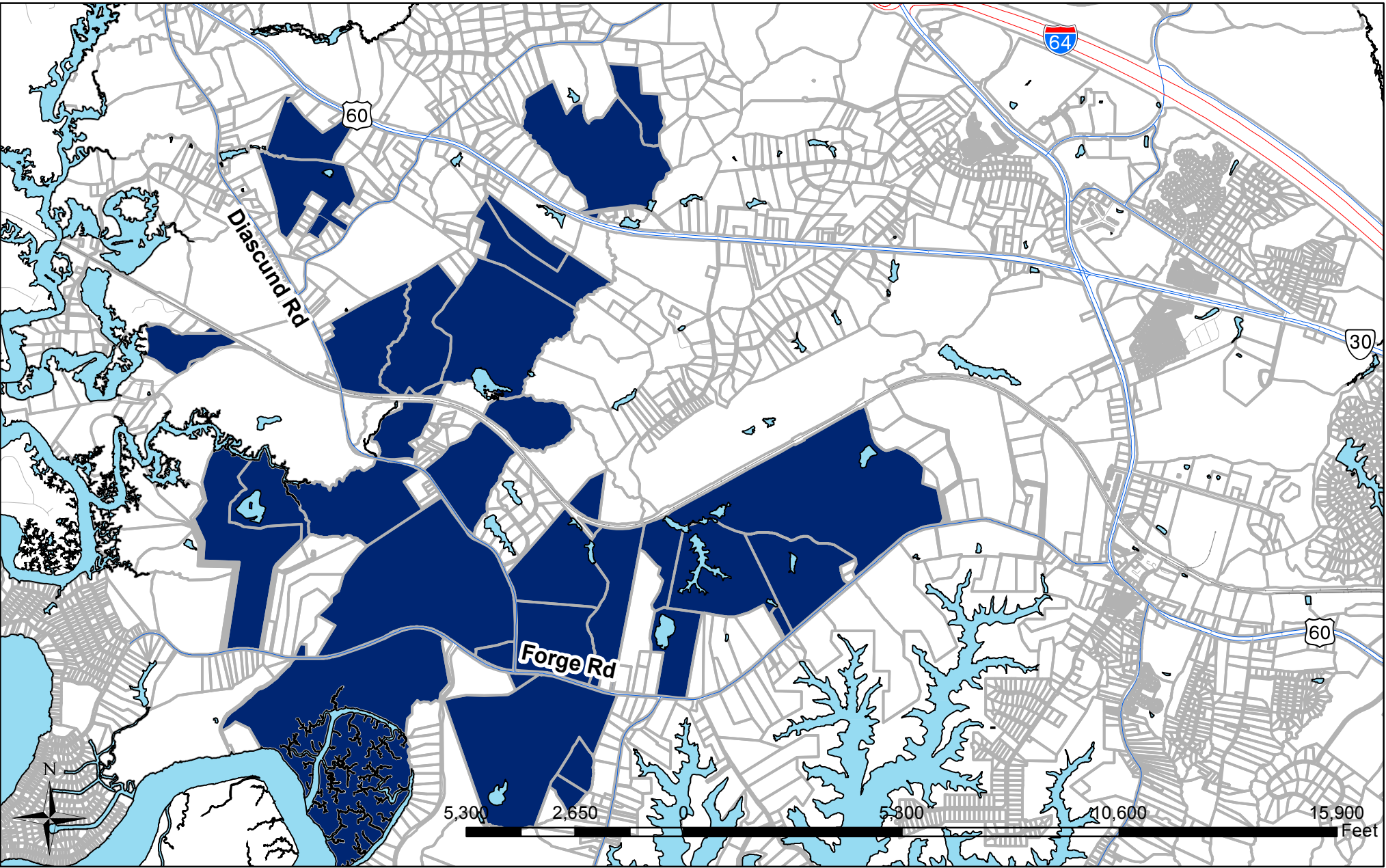
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

AFD07-86-1014MillCreek-res

# Case No. AFD-07-86

## Mill Creek 2014 Renewal





SEP 28 2010

ORDINANCE NO. 169A-13BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIAAGRICULTURAL AND FORESTAL DISTRICT-7-86MILL CREEK 2010 RENEWAL

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, 1950, as amended (the "Virginia Code") 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 Mill Creek Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee, at its meeting on August 23, 2010, voted 9-0 to approve the application; and

WHEREAS, the Planning Commission, following its public hearing on September 1, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 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, that:

1. The Mill Creek Agricultural and Forestal District is hereby continued for a period of four years, one month, and three days to October 31, 2014, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. The District shall include the following parcels:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Carter C. Cowles, Sr. & Linda B. Cowles Estate	2020100006	352.96
Melinda Cowles Barbour & Ruth Dozier	2020100003	102.66
Melinda Cowles Barbour & Ruth Dozier	2020100001	8.75
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Carter C. Cowles, Sr. & Linda B. Cowles Estate	1040100006	124.76
Cynthia Cowles Cragg & Robert Patrick	1040100003	103.26
Sarah H. Armistead	1010100038	50.00
Daniel R. Winall & Marion Virginia	1030100019	97.59
Pamaka LLC	1020100017	244.50

-2-

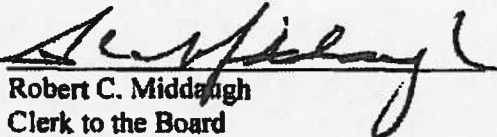
Albert T. & Joan Lloyd Slater	1010100028	69.69
McRae O. Selph	1010100007	50.00
Walter N. Marshall, III Trustee	1140100005	79.94
Martha Ware Trust	2020100002	57.41
John Lee Darst	0920100036	41.22
Pamaka LLC	1030100003	42.00
Caroline W. Dozier	2020100005	186.16
Caroline W. Dozier	2020100007	16.50
Caroline W. Dozier	2020100008	12.00
Dennis P. & Christine A. Weygand	1030100013	34.02
John M. L. Barnes Estate	1020100004	215.76
John M. L. Barnes Estate	1110100001	29.00
Linda B. Cowles Estate	2010100002	2.00
Randolph G. Gulden	1020100012	87.20
Eugene C. Andrews Living Trust	0940100008N	57.81
John G. & Marie Antoinette Findlay	0940100008H	<u>118.29</u>
Total:		<u>2,913.50</u>

provided, however, that all land within 25 feet of the road rights-of-way is excluded from the District to allow for possible road improvements.

3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, 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 Wireless Communication Facilities (WCF), 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 outside 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, as amended. 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 Within the Primary Service Area, adopted September 24, 1996, as amended.
  - c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of

Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

ATTEST:

  
Robert C. Middaugh  
Clerk to the Board

  
James G. Kennedy  
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCGLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

AFD7-86MillCrk\_res

DEC 11 2012

Board of Supervisors  
James City County, VAORDINANCE NO. 169A-14AFD-7-86-1-2012. MILL CREEK AFD ADDITION (8700 BARNES ROAD)

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, (the "Board of Supervisors") to add 104 acres of land owned by Barnes Road LLC located at 8700 Barnes Road and identified as James City County Real Estate Tax Map No. 1010100037 to AFD 7-86, which is generally known as the 3,361-acre "Mill Creek Agricultural and Forestal District" (the "Application"); and

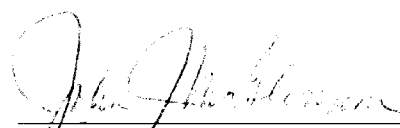
WHEREAS, at its October 18, 2012, meeting the Agricultural and Forestal District (AFD) Advisory Committee voted 8-0 to recommend approval of the Application; and

WHEREAS, a public hearing was advertised and held by the Planning Commission (the "Commission") at its November 7, 2012, meeting, pursuant to Section 15.2-4314 of the Code of Virginia, 1950, as amended (the "Virginia Code"), after which the Commission voted 6-0 to recommend approval of the Application; and

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

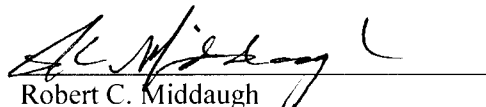
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors, James City County, Virginia, hereby adds 104 acres owned by Barnes Road LLC, as referenced herein to the 3,361 acres of the Mill Creek Agricultural and Forestal District, which is scheduled to expire October 31, 2014, with the following conditions:

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



John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:



Robert C. Middaugh  
Secretary to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<u>X</u>	_____	_____
JONES	<u>X</u>	_____	_____
KENNEDY	<u>X</u>	_____	_____
ICENHOUR	<u>X</u>	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of December, 2012.

AFD-7-86-12MillCrkAdd\_res



**AGENDA ITEM NO. I-12****Agricultural and Forestal District-11-86-1-2014. Yarmouth Island AFD Renewal  
Staff Report for the September 9, 2014, Board of Supervisors Public Hearing**

*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

**PUBLIC HEARINGS**

AFD Advisory Committee:  
Planning Commission:  
Board of Supervisors:

**Building F Board Room; County Government Complex**

July 7, 2014, 4:00 p.m. (Human Services Building)  
August 6, 2014, 7:00 p.m.  
September 9, 2014, 7:00 p.m.

**SUMMARY FACTS****Owners:**

	<u>Parcel Number</u>	<u>Acres</u>
Richardson Holdings Limited Partnership	2930100005 .....	172.84
Richardson Holdings Limited Partnership	2930100002 .....	68.50
Richardson Holdings Limited Partnership	2840100005 .....	940.00
John C. Richardson	2910100001 .....	28.50
Richardson Holdings Limited Partnership	2920100001 .....	123.00
McMurrin, Martha W. & SWR-MISC LLC	2940100001 .....	38.70
Franciscan Brethren of St. Philip	2940100002 .....	34.65
Shield's Point, LLC	2840100008 .....	625.20
Shield's Point, LLC	3510100011 .....	27.34
Shield's Point, LLC	3510100012 .....	7.35
Shield's Point, LLC	2840100006 .....	12.30
Shield's Point, LLC	2840100007 .....	77.50
Richardson's Holdings Limited Partnership	2930100003 .....	10.00

TOTAL ACRES..... 2,165.89

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands and Conservation Area

Primary Service Area: Outside

Staff Contact: Luke Vinciguerra Phone: 253-6783

**STAFF RECOMMENDATION**

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Board of Supervisors renew the Yarmouth Island AFD for a period of four years, subject to the conditions listed in the attached resolution.

**PLANNING COMMISSION RECOMMENDATION**

At its August 6, 2014, meeting, the Planning Commission recommended the continuation of the District by a vote of 6-0 (Richardson absent).

**AFD ADVISORY COMMITTEE RECOMMENDATION**

At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

**Proposed Changes Made Since the Planning Commission Meeting**

None.

## **SUMMARY**

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-11-86, Yarmouth Island, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the proposed expiration date October 31, 2018.

## **DISTRICT HISTORY**

The District was approved on December 1, 1986, for a term of 4 years and was subsequently renewed for four-year terms in October 1990, October 1994, and September 1998. In 1999, approximately 746 acres was added into the District. The District was renewed again in 2002 and 2006 for four-year terms, with approximately 52 acres withdrawn as part of the 2002 renewal. The District was renewed in 2010 and 134.49 acres was added.

The District includes all land on the above-referenced properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road and/or drainage improvements.

The Yarmouth Island AFD consists of approximately 2,165.89 acres located along Jolly Pond Road, between Yarmouth Creek and the Chickahominy River.

## **ANALYSIS**

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

## **REQUEST NOT TO CONTINUE IN THE AFD**

No property owner has requested to not continue their participation in the AFD.

## **ADDITIONS**

No property owner has requested land be added to the District during this renewal period.

## **CHANGE IN CONDITIONS**

Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

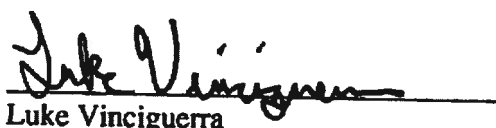
~~"No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. 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 Within the Primary Service Area, adopted September 24, 1996, as amended."~~



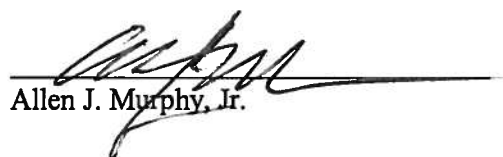
*No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.*

# **STAFF RECOMMENDATION**

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 6-0 (Richardson absent). At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 recommending the continuation of the District to the Planning Commission and Board of Supervisors. Staff recommends the Board of Supervisors renew the Yarmouth Island AFD for a period of four years, subject to the conditions listed in the attached resolution.

  
 Luke Vinciguerra

CONCUR:

  
 Allen J. Murphy, Jr.

LV/gb  
 AFD11-86-1-14Yarmouth

# **ATTACHMENTS:**

1. Ordinance
2. Location Map
3. Existing ordinance and conditions, September 28, 2010
4. Ordinance for the addition of property, dated February 8, 2011
5. Ordinance for the addition of property, dated March 8, 2011
6. Approved minutes of the July 7, 2014, AFD Advisory Committee meeting (under separate cover)
7. Unapproved minutes of the August 6, 2014, Planning Commission meeting (under separate cover)

**ORDINANCE NO. \_\_\_\_\_**AGRICULTURAL AND FORESTAL DISTRICT-11-86YARMOUTH ISLAND 2014 RENEWAL

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, 1950, as amended (the "Virginia Code") 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 Yarmouth Island Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee, at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission, following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the district with the conditions listed below.

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

1. The Yarmouth Island Agricultural and Forestal District is hereby continued to October 31, 2018, 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, provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Richardson Holdings Limited Partnership	2930100005	172.84
Richardson Holdings Limited Partnership	2930100002	68.50
Richardson Holdings Limited Partnership	2840100005	940.00
John C. Richardson	2910100001	28.50
Richardson Holdings Limited Partnership	2920100001	123.00
McMurrin, Martha W. & SWR-MISC LLC	2940100001	38.70
Franciscan Brethren of St. Philip	2940100002	34.65
Shield's Point LLC	2840100008	625.20
Shield's Point LLC	3510100011	27.34
Shield's Point LLC	3510100012	7.35
Shield's Point LLC	2840100006	12.30
Shield's Point LLC	2840100007	77.50
Richardson's Holdings Limited Partnership	2930100003	<u>10.00</u>
Total:		<u>2,165.89</u>

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, 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 Wireless Communications Facilities (WCF), 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 and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from AFDs, adopted September 28, 2010.
  - c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

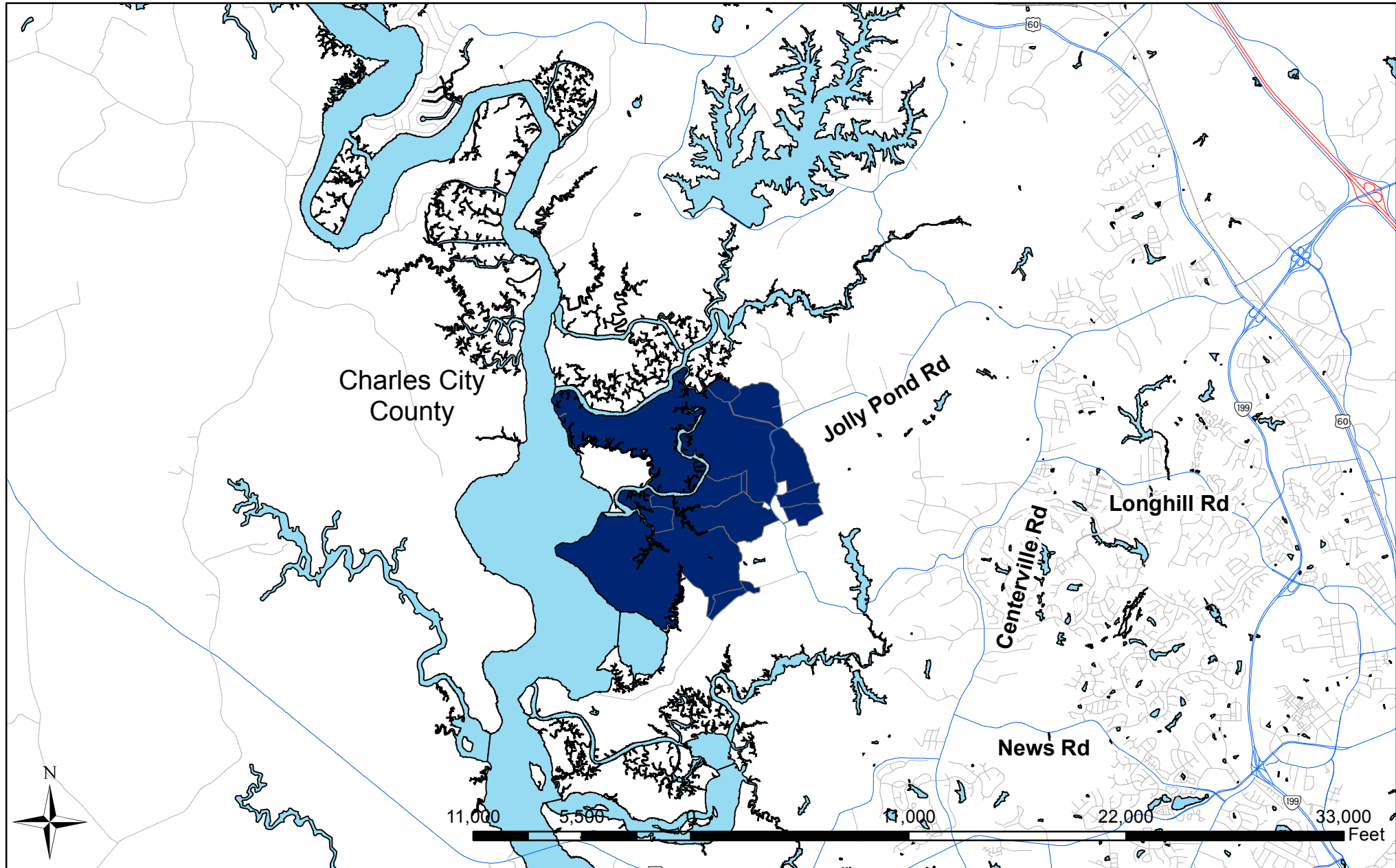
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

AFD11-86-1-14Yarmouth-res

# Case No. AFD-11-86

## Yarmouth Island 2014 Renewal



SEP 28 2010

ORDINANCE NO. 172A-7BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIAAGRICULTURAL AND FORESTAL DISTRICT-11-86YARMOUTH ISLAND 2010 RENEWAL

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, 1950, as amended (the "Virginia Code") 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 Yarmouth Island Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting on August 23, 2010, voted 9-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on September 1, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to recommend renewal of 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 Yarmouth Island Agricultural and Forestal District is hereby continued for a period of four years, one month and three days to October 31, 2014, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. The District shall include the following parcels:

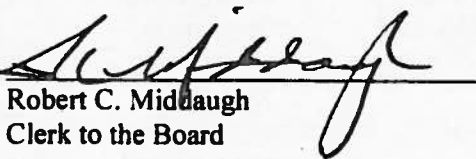
<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Richardson Holdings Limited Partnership	2930100005	172.84
Richardson Holdings Limited Partnership	2930100002	68.50
Richardson Holdings Limited Partnership	2840100005	940.00
John C. Richardson	2910100001	28.50
Richardson Holdings Limited Partnership	2920100001	123.00
McMurrin, Martha W. & SWR-MISC LLC	2940100001	38.70
Franciscan Brethren of St. Philip	2940100002	34.65
Shield's Point LLC	2840100008	<u>625.20</u>
Total:		<u>2031.40</u>

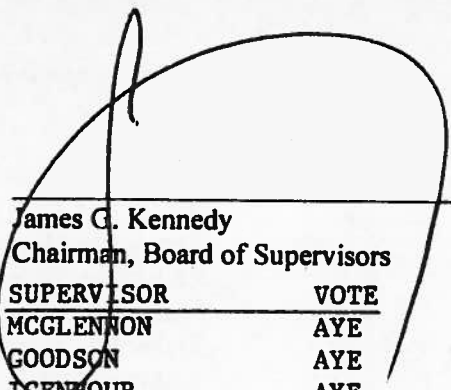
provided, however, that all land within 25 feet of the road rights-of-way is excluded from the District to allow for possible road improvements.

-2-

3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, 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 Wireless Communications Facilities (WCF), 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 outside 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, as amended. 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 Within the Primary Service Area, adopted September 24, 1996, as amended.
  - c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

ATTEST:

  
Robert C. Middaugh  
Clerk to the Board

  
James G. Kennedy  
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MC GLENNON	AYE
GOODSON	AYE
ICEWORTH	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

AFD11-86YaMols\_res

FEB 8 2011

ORDINANCE NO. 172A-8BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIAAFD-11-86-3-2010. YARMOUTH ISLAND AFD (SHIELDS POINT ADDITION)

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

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

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

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

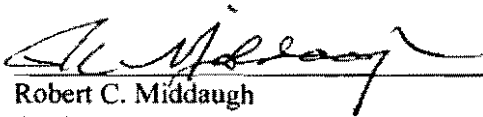
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adds 124.49 acres owned by Shields Point LLC, as referenced herein to the 2,031.40 acres of the Yarmouth Island Agricultural and Forestal District with the following conditions:

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

  
\_\_\_\_\_  
Mary K. Jones  
Chairman, Board of Supervisors

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

ATTEST:

  
\_\_\_\_\_  
Robert C. Middaugh  
Clerk to the Board

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

AFD11-86-3-10\_Yar\_res



MAR 8 2011

ORDINANCE NO. 172A-9BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIACASE NO. AFD-11-86-2-2010. JOLLY POND ROAD, YARMOUTH ISLANDAGRICULTURAL AND FORESTAL DISTRICT (AFD) ADDITION

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, (the "Board of Supervisors") to add 10.0 acres of land owned by Richardson Holdings Limited Partnership at 1975 Jolly Pond Road and identified as James City County Real Estate Tax Map/Parcel No. 2930100003 to Agricultural and Forestal District (AFD) 11-86, which is generally known as the 2,031.40-acre "Yarmouth Island Agricultural and Forestal District" (the "Application"); and

WHEREAS, at its December 15, 2010, meeting, the AFD Advisory Committee voted 6-0-2 (2 abstained) to recommend approval of the Application; and

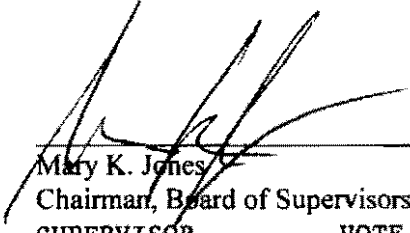
WHEREAS, a public hearing was advertised and held by the Planning Commission (the "Commission") at its January 5, 2011, meeting, pursuant to Section 15.2-4314 of the Code of Virginia, 1950, as amended (the "Virginia Code"), after which the Commission voted 7-0 to recommend approval of the Application;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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adds 10.0 acres owned by Richardson Holdings Limited Partnership, as referenced herein to the 2,031.40 acres of the Yarmouth Island AFD with the following conditions:

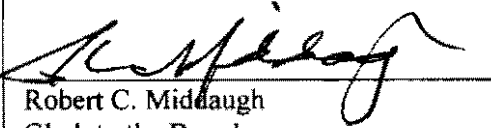
1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications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

are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

  
Mary K. Jones  
Chairman, Board of Supervisors

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

ATTEST:

  
Robert C. Middaugh  
Clerk to the Board

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

AFD11-86-2-10\_Jolly\_res

**Case. No. AFD-06-86-1-2014. Cranston's Pond Agricultural and Forestal District Renewal Staff Report for the September 9, 2014, Board of Supervisors Public Hearing**

*This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

**PUBLIC HEARINGS**

AFD Advisory Committee:  
Planning Commission:  
Board of Supervisors:

**Building F Board Room; County Government Complex**

July 7, 2014, 4:00 p.m. (Human Services Building)  
August 6, 2014, 7:00 p.m.  
September 9, 2014, 7:00 p.m.

**SUMMARY FACTS**

<u>Owners:</u>	<u>Parcel Number</u>	<u>Acres</u>
Hidden Acres Farm, Inc.	2330100001.....	416.50
Bertrand E. Geddy Jr., Trustee	2230100026.....	167.50
Edward K. English	2240100001A.....	101.67
Payten J. Harcum	2220100087.....	62.55
Otto C. and Thelma Ripley	3120100003B.....	21.01

TOTAL ACRES ..... 769.23

Zoning: A-1, General Agricultural and R-8, Rural Residential  
Comprehensive Plan: Rural Lands, Low Density Residential and Conservation Area  
Primary Service Area: One parcel (3120100003B) inside and the remaining outside

**STAFF RECOMMENDATION**

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Board of Supervisors renew the Cranston's Pond AFD for a period of four years, subject to the conditions listed in the attached resolution.

Staff Contact: Luke Vinciguerra Phone: 253-6783

**PLANNING COMMISSION RECOMMENDATION**

At its August 6, 2014, meeting, the Planning Commission recommended the continuation of the District by a vote of 6-0 (Richardson absent).

**AFD ADVISORY COMMITTEE RECOMMENDATION**

At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

**Proposed Changes Made Since the Planning Commission Meeting**

None.

**SUMMARY**

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-6-86, Cranston's Pond, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the expiration date October 31, 2018.

### **DISTRICT HISTORY**

The District was approved on December 1, 1986, for a term of four years and has been renewed by the Board of Supervisors for additional four-year terms in October 1990, November 1994, September 1998, August 2002, April 2006, and September 2010. This District has remained essentially the same since the AFD was created, with the following changes: approximately 32 acres were added to the District in 1994, approximately 14 acres were added in 2002, and approximately 130 acres were removed between 1998 and 2002. During the 2006 renewal, 111.82 acres was removed from the District. The District was renewed in 2010 with no additions or withdrawals.

The District includes all the land on the above properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road and/or drainage improvements.

The Cranston's Pond AFD consists of approximately 769.2 acres and is located southeast of Chickahominy Road and Little Creek Dam Road.

### **ANALYSIS**

The District consists primarily of forested land. Records indicate that approximately 75 percent of the District is used for forestry and the remainder is in marsh land. Most of the District is located outside of the Primary Service Area (PSA) and is designated Rural Lands by the Comprehensive Plan. The Ripley parcel is located inside the PSA and is 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 potential use of the property. The Comprehensive Plan also designates Cranston's Pond and its tributaries as Conservation Areas.

### **REQUEST NOT TO CONTINUE IN THE AFD**

No property owner has requested to not continue their participation in the AFD.

### **ADDITIONS**

No property owner has requested land be added to the District during this renewal period.

### **CHANGE IN CONDITIONS**

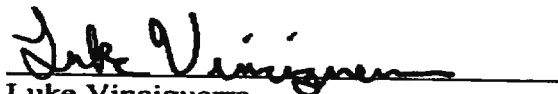
Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~"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 Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. 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 Within the Primary Service Area, adopted September 24, 1996, as amended."~~

*No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.*

### **STAFF RECOMMENDATION**

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 6-0 (Richardson absent). At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 recommending the continuation of the District to the Planning Commission and Board of Supervisors. Staff recommends the Board of Supervisors renew the Cranston's Pond AFD for a period of four years, subject to the conditions listed in the attached resolution.

  
 Luke Vinciguerra

CONCUR:

  
 Allen J. Murphy, Jr.

LV/nb  
 AFD06-86-14Cranstons

### **Attachments:**

1. Ordinance
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Approved minutes of the July 7, 2014 AFD Advisory Committee meeting (under separate cover)
5. Unapproved minutes of the August 6, 2014 Planning Commission meeting (under separate cover)

**ORDINANCE NO. \_\_\_\_\_**AGRICULTURAL AND FORESTAL DISTRICTS 06-86CRANSTON'S POND 2014 RENEWAL

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, 1950, as amended (the "Virginia Code") 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 District Advisory Committee at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the district with the conditions listed below.

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

1. The Cranston's Pond Agricultural and Forestal District is hereby continued to October 31, 2018 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, provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Hidden Acres Farm, Inc.	2330100001 .....	416.50
Bertrand E. Geddy Jr., Trustee	2230100026 .....	167.50
Edward K. English	2240100001A.....	101.67
Payten J. Harcum	2220100087 .....	62.55
Otto C. and Thelma Ripley	3120100003B .....	<u>21.01</u>
	TOTAL:.....	<u>769.23</u>

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, 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, 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 Wireless Communications Facilities (WCF), 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 and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from AFDs, adopted September 28, 2010.
- c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

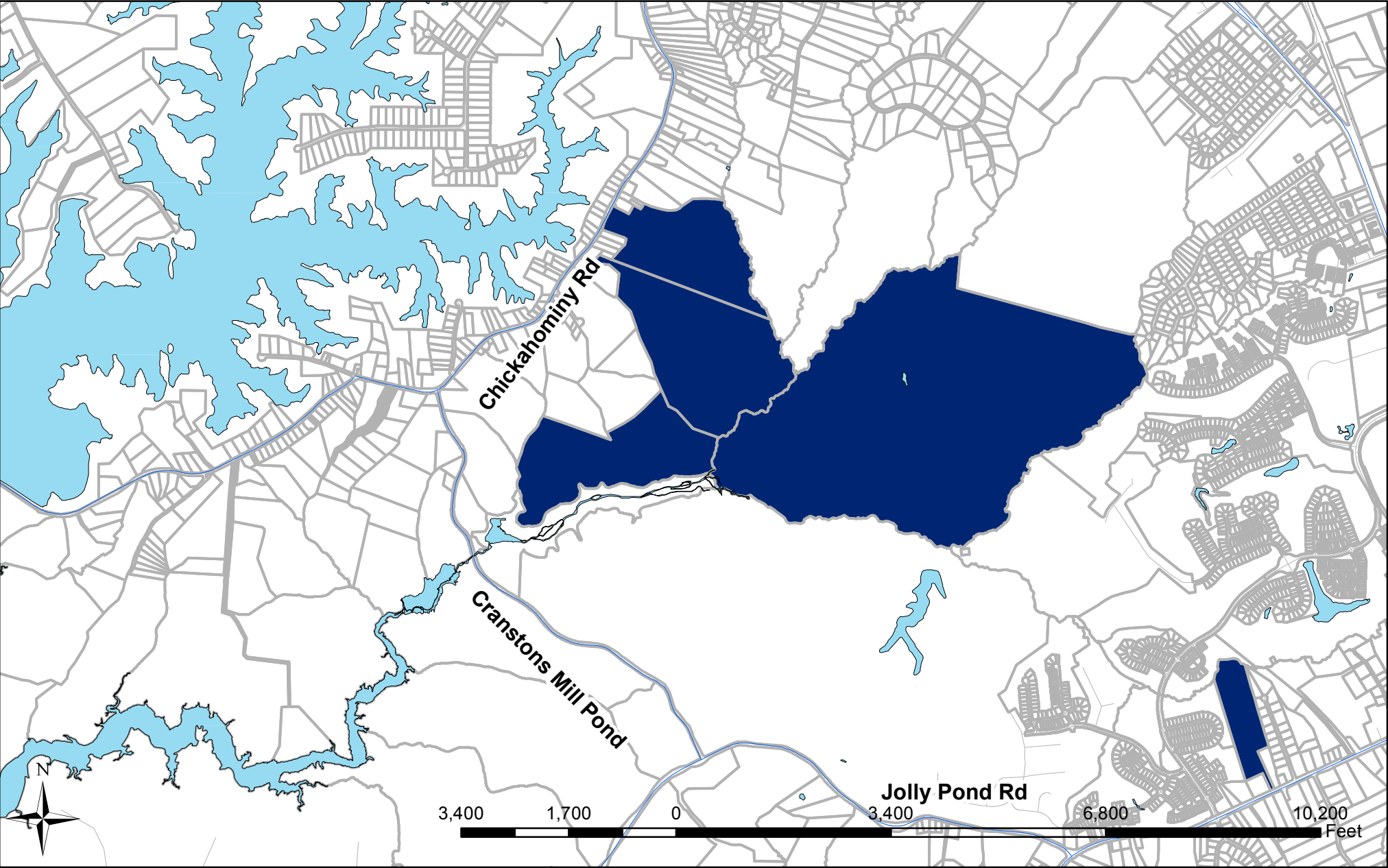
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

AFD06-86-14Cranstons-res

# Case No. AFD-06-86

## Cranston's Pond AFD 2014 Renewal





SEP 28 2010

ORDINANCE NO. 168A-10BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIAAGRICULTURAL AND FORESTAL DISTRICT 6-86CRANSTON'S POND 2010 RENEWAL

WHEREAS, James City County has completed a review of the Cranston's Pond Agricultural and Forestal District (AFD); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") 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 AFD; and

WHEREAS, the AFD Advisory Committee at its meeting on August 23, 2010, voted 9-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on September 1, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to recommend renewal of the district with the conditions listed below.

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

1. The Cranston's Pond AFD is hereby continued for a period of four years, one month and three days to October 31, 2014, 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 provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Hidden Acres Farm, Inc.	2330100001.....	416.50
Bertrand E. Geddy Jr., Trustee	2230100026.....	167.50
Edward K. English	2240100001A.....	101.67
Payton J. Harcum	2220100087.....	62.55
Otto C. and Thelma Ripley	3120100003B.....	21.01
	Total: .....	<u>769.2</u>

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, 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:

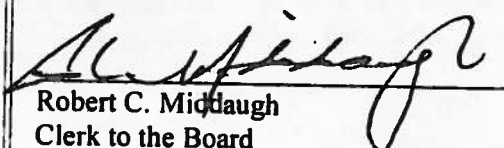
- a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications

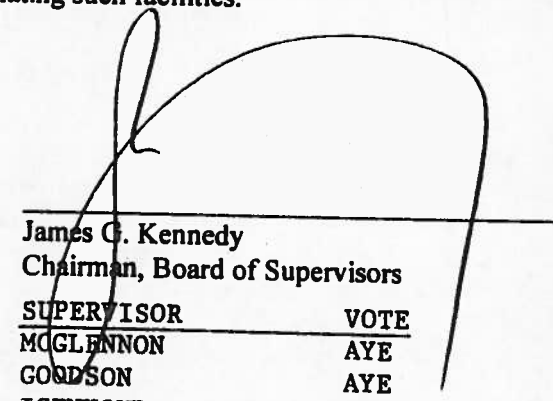
-2-

Facilities (WCF), 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 PSA and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside 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 Outside the Primary Service Area, adopted September 24, 1996, as amended. 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 Within the Primary Service Area, adopted September 24, 1996, as amended.
- c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

ATTEST:

  
Robert C. McLaughlin  
Clerk to the Board

  
James G. Kennedy  
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
MCLENNON	AYE
GORDSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

AFD6-86CransonPond\_res

**AGENDA ITEM NO. I-14****Agricultural and Forestal District-07-86-2-2014. 8557 Diascund Road, Mill Creek Addition  
Staff Report for the September 9, 2014, Board of Supervisors Public Hearing**


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*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

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**PUBLIC HEARINGS**

AFD Advisory Committee:  
Planning Commission:  
Board of Supervisors:

**Building F Board Room; County Government Complex**

July 14, 2014, 4:00 p.m. (Human Services Building)  
August 6, 2014, 7:00 p.m.  
September 9, 2014, 7:00 p.m.

**SUMMARY FACTS**

Applicant: Charles Wornom

Land Owner: Richard F. Abbitt Investments, LC

Proposal: Addition of ±95.51 acres of land to the Mill Creek Agricultural and Forestal District (AFD)

Location: 8557 Diascund Road

Tax Map/Parcel No.: 0920100040

Parcel Size: ±95.51 acres

Existing Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands / Conservation Area

Primary Service Area: Outside

Staff Contact: Luke Vinciguerra Phone: 253-6783

**STAFF RECOMMENDATION**

Staff finds the proposed addition meets the minimum size and proximity requirements for inclusion in the Mill Creek AFD. Staff recommends the Board of Supervisors approve the application, subject to the conditions listed in the attached resolution.

**PLANNING COMMISSION RECOMENDATION**

At its August 6, 2014, meeting, the Planning Commission voted to recommend approval of the application by a vote of 6-0 (Richardson absent).

**AFD ADVISORY COMMITTEE RECOMMENDATION**

At its July 14, 2014, meeting, the AFD Advisory Committee voted 7-0 to recommend approval of the proposed addition to the Planning Commission and Board of Supervisors.

**Proposed Changes Made Since the Planning Commission Meeting**

None.

### **PROJECT DESCRIPTION**

Mr. Charles Wornom has applied to enroll  $\pm 95.51$  acres of land into the Mill Creek AFD. The property is entirely wooded and is undeveloped. The property is eligible for inclusion in the AFD as it is within a mile of other properties in the district; however, it is yet to be determined whether the property would be eligible for land use valuation.

The Mill Creek AFD consists of approximately 3,017.44 acres located from Richmond Road in the north to Uncle's Creek in the south. The majority of the land lies between Forge Road and the CSX railroad tracks.

### **SURROUNDING LAND USES AND DEVELOPMENT**

Surrounding properties are zoned A-1, General Agricultural. The property has frontage on Diascund Road adjacent to approximately 20 other small, wooded residential lots which are part of the King's Corner subdivision. To the north and west, the property borders undeveloped land. The south side of the property is adjacent to the CSX railroad. Staff finds the forestal use on this property to be compatible with the surrounding land uses and development in the area.

### **COMPREHENSIVE PLAN**

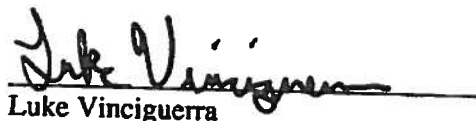
The Comprehensive Plan designates this parcel as Rural Lands and Conservation Area. Land Use Action 6.1.1 of the 2009 Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

### **ANALYSIS**

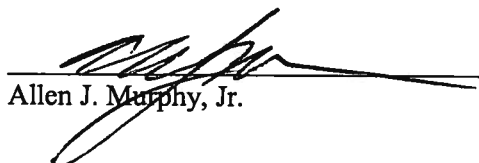
Staff finds the proposed addition meets the minimum area and proximity requirements for inclusion in an AFD. The existing Mill Creek AFD contains 3,017.44 acres. If the  $\pm 95.51$  acre addition is approved, the District will have approximately 3,112.95 acres and would be subject to conditions consistent with other properties in the district.

### **STAFF RECOMMENDATION**

Staff finds the proposed addition meets the minimum size and proximity requirements for inclusion in the Mill Creek AFD. At its July 14, 2014 meeting, the AFD Advisory Committee voted 7-0 to recommend approval of the proposed addition to the Planning Commission and Board of Supervisors. At its August 6, 2014 meeting, the Planning Commission voted to recommend approval of the application by a vote of 6-0 (Richardson absent). Staff recommends the Board of Supervisors approve the application, subject to the conditions listed in the attached resolution.

  
Luke Vinciguerra

CONCUR:

  
Allen J. Murphy, Jr.

LV/gb  
AFD7-86-2-14MC-Add

### **ATTACHMENTS:**

1. Ordinance
2. Location Map
3. Unapproved minutes of the July 14, 2014, AFD Advisory Committee meeting
4. Unapproved minutes of the August 6, 2014, Planning Commission meeting (under separate cover)

**ORDINANCE NO. \_\_\_\_\_****AGRICULTURAL AND FORESTAL DISTRICT-07-86-2-2014.****8557 DIASCUND ROAD, MILL CREEK ADDITION**

WHEREAS, a request has been filed (the "Application") with the Board of Supervisors of James City County, Virginia (the "Board of Supervisors") to add  $\pm 95.51$  acres of land owned by Richard F. Abbitt Investments, LC located at 8557 Diascund Road and identified as James City County Real Estate Tax Map No. 0920100040 to AFD 7-86, which is generally known as the "Mill Creek Agricultural and Forestal District" (the "AFD"); and

WHEREAS, at its July 14, 2014, meeting, the AFD Advisory Committee voted 7-0 to recommend approval of the Application; and

WHEREAS, a public hearing was advertised and held by the Planning Commission (the "Commission") at its August 6, 2014, meeting, pursuant to Section 15.2-4314 of the Code of Virginia, 1950, as amended (the "Virginia Code"), after which the Commission voted 6-0 to recommend approval of the Application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adds  $\pm 95.51$  acres owned by Richard F. Abbitt Investments, LC, as referenced herein to the 3,017.44 acres of the Mill Creek AFD with the following conditions:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, 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 Wireless Communications Facilities (WCF), 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 and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from AFDs, adopted September 28, 2010, as amended.
3. No special use permit shall be issued except for agricultural, forestal, or other activities an uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

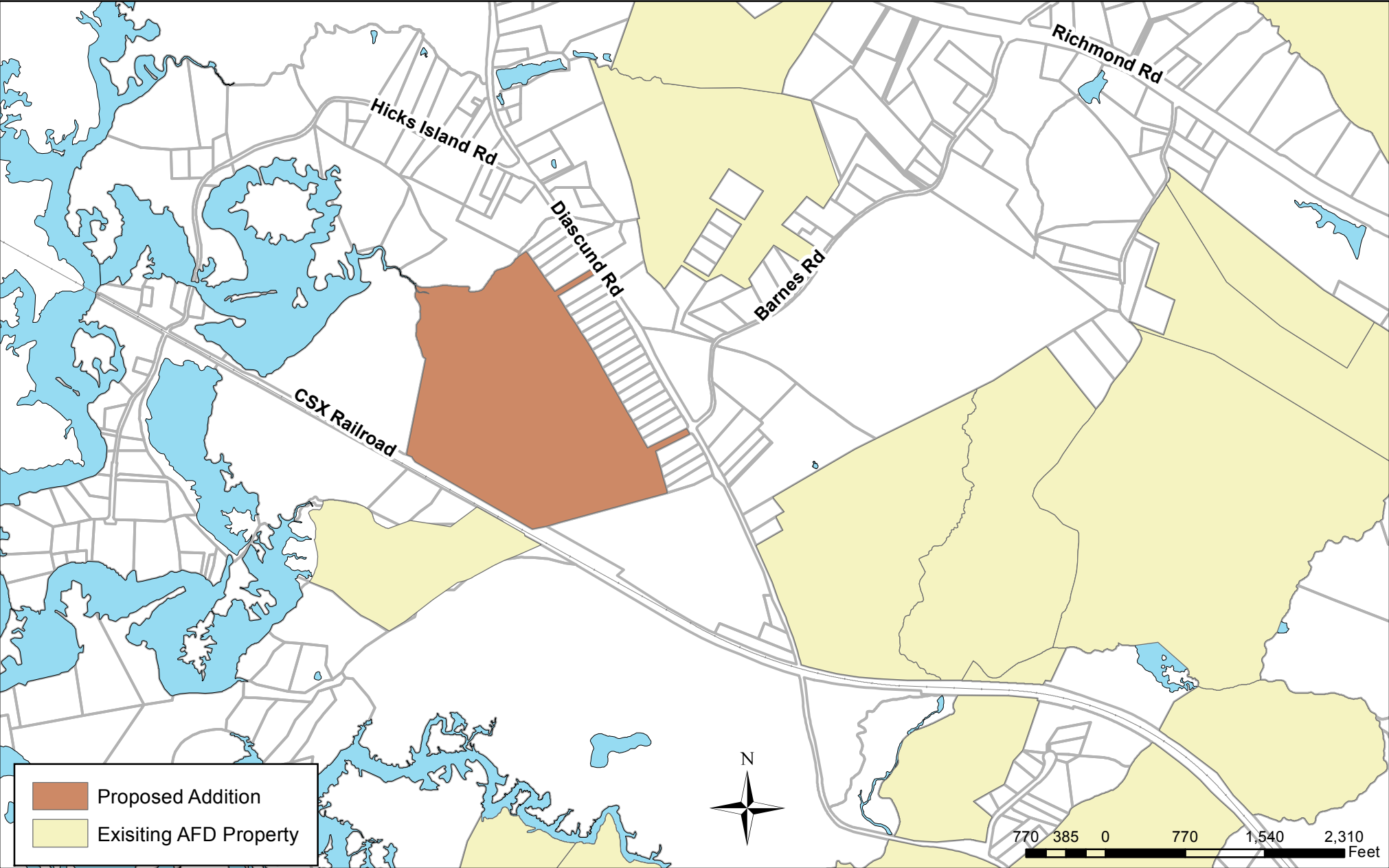
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

AFD07-86-2-14MC-Add-res

# Case No. AFD-07-86-2-2014

## 8557 Diascund Rd., Mill Creek Addition







**AGENDA ITEM NO. J-1****SPECIAL USE PERMIT-0006-2014. 2604 John Tyler Highway Public Sewer Connection  
Staff Report for the September 9, 2014, Board of Supervisors Public Hearing**

*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

**PUBLIC HEARINGS**

Planning Commission:

Board of Supervisors:

**Building F Board Room; County Government Complex**

June 4, 2014, 7:00 p.m.

July 8, 2014, 7:00 p.m. (deferred)

August 12, 2014, 7:00 p.m. (deferred)

September 9, 2014

**SUMMARY FACTS**

Applicant:

Mr. Vernon Geddy, III

Land Owner:

Bayshore Development

Proposal:

Permit a public sewer connection to the Governor's Land Force Main

Location:

2604 John Tyler Hwy

Tax Map/Parcel No.:

4420100010

Parcel Size:

± 3.18 acres

Existing Zoning:

A-1, General Agricultural

Comprehensive Plan:

Rural Lands

Primary Service Area:

Outside

**STAFF RECOMMENDATION**

Staff finds that the extension of a public utility outside the Primary Service Area (PSA) is inconsistent with the land use goals, strategies, and actions of the Comprehensive Plan and the Public Utilities Policy adopted as part of the 1997 Comprehensive Plan. Approval of this application would set a precedent for similarly situated properties outside the PSA where property owners seek connections to nearby public utilities regardless of cost or need. Staff recommends that the Board of Supervisors deny this Special Use Permit (SUP) application and that the property owner continue to rely upon a private septic system. Should the Board of Supervisors wish to approve the application, staff recommends that the approval be subject to the conditions listed in the attached resolution.

Staff Contact:

Ellen Cook and Luke Vinciguerra

Phone: 253-6693/253-6783

**Proposed Changes Since the August 12, 2014 Meeting**

None. This case was deferred by the Board at its August 12, 2014, meeting, as additional information was requested. At the August 12 meeting the Board of Supervisors received a letter from Mr. Vernon Geddy, III. The letter states "we are essentially asking the Board to find that a connection to both water and sewer is permissible if the lot is adjacent to either line." The letter further indicates that Mr. Geddy does not believe this situation exists elsewhere in the County and which he believed would lead to no new development nor set a precedent for others.

Having reviewed the letter and the circumstances throughout the County, staff respectfully differs from Mr. Geddy's analysis, and continues to assert that approval of this case under the terms suggested by Mr. Geddy, would set a precedent for similarly situated properties elsewhere in the County. Using Mr. Geddy's proposed standard (lots adjacent to one type of utility line would be permitted to connect to the other) there are many instances throughout the County where one type of line is present, but not the other, including Matoaka Elementary School, Jolly Pond Road, Cranston's Mill Pond Road, Chickahominy Road (maps included as Attachment Nos. 3 and 4), Greensprings Mobile Home Park on Centerville Road, and neighborhoods in the County with central well systems operated by the James City Service Authority (JCSA) (maps included as Attachment Nos. 5 and 6). Accordingly, with this rationale, all of these areas would be permitted to connect.

Staff continues to find that the result of the rationale proposed by Mr. Geddy is that it would have the effect of weakening the Utility Policy set forth in the 1997 Comprehensive Plan (and subsequent 2003 and 2009 Comprehensive Plans), would produce results which are contrary to the basis of this policy, and would set a further precedent for weakening or artificially expanding the PSA. Staff finds this would undermine the County's ability to have a credible basis with which to deny any future applications.

#### **Previous Proposed Changes Between the July 8, 2014 and August 12, 2014 Board of Supervisors Meetings**

None. This case was deferred by the Board at the July 8, 2014, meeting as additional information was requested. This supplemental information was previously provided for the August 12, 2014, meeting.

#### **PLANNING COMMISSION RECOMMENDATION**

At its June 4, 2014, meeting, the Planning Commission voted to recommend denial of the application by a vote of 4-3 (nay: Drummond, Basic, Bledsoe).

#### **Proposed Changes Made Since the Planning Commission Meeting**

The application has not changed since the Planning Commission meeting.

#### **PROJECT DESCRIPTION**

Mr. Vernon Geddy, III, has applied on behalf of the property owner of 2604 John Tyler Highway for an SUP to allow for a connection to an existing public sanitary sewer force main. As the property is not adjacent to the force main, a private extension of approximately 220 feet would be required to serve the lot. The lot is currently vacant; however, the applicant has stated the owner intends to construct a single-family house.

#### **History**

Utility extensions to this area outside the PSA stemmed from the approval of the Governor's Land project in 1989 where approximately 1,500 acres of agricultural land was rezoned to R-4, Residential Planned Community. Staff had recommended denial of the project due to its location outside the PSA at densities higher than the Rural Lands designation supported, as well as its potential to open other vacant land along Route 5 to growth and related impacts. To preserve the integrity of the Rural Lands and the PSA, the conditions for the related Governor's Land utility lines limited connections to the Governor's Land development and existing structures adjacent to the lines. To address concerns from property owners with vacant lots adjacent to the lines and to prevent more widespread extension of the PSA, the Board revised the utility policy in 1997 and authorized adjacent vacant lots platted before January 28, 1997, outside the PSA to connect for a single residential structure. Staff prepared detailed maps as part of the utility policy and SUP amendments showing which lots would be permitted to connect to the Route 5 water and sewer lines.

**Staff Comments:** In 1989, adjacent property owners were notified of the sewer line project and in 1997 adjacent property owners were notified of the revised policy. The map shown to property owners illustrating which lots are permitted to connect to public water, sewer, or not permitted to connect was

previously included as Attachment No. 4 (August 12, 2014, Board packet). Staff has confirmed that in 1989 the property owner of the subject parcel was notified of the sewer expansion; however, there is no indication that the property owner was notified during the 1997 policy revision. The applicant has not stated it was assumed on purchase that the property would have access to sewer.

## **PUBLIC IMPACTS**

### **Engineering and Resource Protection**

**Watershed:** Gordon Creek

**Engineering and Resource Protection Staff Comments:** The Engineering and Resource Protection Division has no comments on the proposed SUP application.

### **James City Service Authority (JCSA)**

The subject property is not adjacent to the public sewer line, as was shown in previous Attachment No. 2 (August 12, 2014, Board packet). Any connection would likely require an extension in the right-of-way in front of the neighboring parcel. The applicant has notified the neighboring property owner of the proposal recommending the owner co-sign the SUP application and attempt sewer access as well. This attempt was unsuccessful.

Connection to the waterline is currently permitted. As the existing waterline extends approximately 120 feet further west along Route 5 than the sewer line, the approved SUP considers the lot adjacent and would permit a connection. Should the application be approved, Planning staff recommends the following SUP condition to limit future connections to the sewer force main.

#### **Proposed Condition Recommended by Planning**

Except for James City County Real Estate Tax Map Parcel No. 4420100010, no connections shall be made to the force main which would serve any property located outside the PSA except for connections to the Governor's Land project and existing structures as of January 28, 1997, located on property outside the PSA adjacent to the force main. In addition, for each platted lot recorded in the James City County Circuit Court Clerk's office as of January 28, 1997, that is vacant, outside the PSA, and adjacent to the main and the property located at 2604 John Tyler Highway, which can be further identified as Real Estate Tax Map Parcel No. 4420100010, one connection shall be permitted with no larger than a 1-1/4-inch service line.

#### **JCSA Staff Comments**

The JCSA has reviewed the proposal and has confirmed there is capacity in the existing force main to accommodate two additional lots. The JCSA mentions this as a factual statement, not a recommendation to permit the proposed connections.

### **Health Department**

The Health Department has issued a permit for the installation of an alternative on-site sewage disposal system capable of accommodating a four-bedroom house. The system has not yet been installed.

**Staff Comments:** As the applicant has not demonstrated a valid need for public sewer connection (such as failing septic system), staff finds the request for a public sewer connection as a convenience rather than a public health, safety, or welfare issue.

## **COMPREHENSIVE PLAN**

The project area is designated as Rural Lands on the 2009 Comprehensive Plan. Rural Lands are areas containing farms, forests, and scattered houses, exclusively outside of the PSA, where a lower level of public service delivery exists or where utilities and urban services do not exist and are not planned for in the future. Appropriate primary uses include agricultural and forestal activities, together with certain recreational, public or semi-public, and institutional uses that require a spacious site and are compatible with the natural and rural surroundings.

The PSA policy is James City County's long-standing principal tool for managing growth. As a growth management tool it attempts to direct growth in one area (where public facilities and services are planned) and away from another (where the majority of agricultural and forestal activities occur). The PSA, first established in 1975, utilizes many of the same principles as Urban Growth Boundaries or Urban Service Areas found in other localities. They are all concepts for promoting growth in a defined geographical area in order to accomplish the following goals:

- To encourage efficient utilization of public facilities and services (water and sewer, roadways, schools, fire and police stations, libraries, etc.);
- To help ensure such facilities and services are available where and when needed;
- To increase public benefit per dollar spent;
- To promote public health and safety through improved emergency response time;
- To minimize well and septic failures; and
- To preserve rural lands.

The PSA is most effective when it is tied to the provision of public utilities. Connecting developments to public utilities facilitates development and increases the need for associated peripheral uses. Extending utilities to the rural lands encourages previously farmed or forested lands to convert to development. Development pressures could entice more rural landowners into selling their lands, which could increase the pace of development and increase the amount of forest and farmland developed.

The effectiveness of the PSA as a policy tool is affected as more housing and amenities are allowed. More intensive expansion outside of the PSA boundary creates a need for additional core services, such as health facilities, supermarkets, post offices, and so forth. While the County does not necessarily directly bear the cost of providing these types of services, there are indirect effects: the new services require staffing, which brings traffic to the Rural Lands; the creation of new businesses and services in the Rural Lands increases the demands for new housing. As more new houses are built, the demand for businesses, services, and amenities increases, creating a cycle of "providing amenities leading to demanding additional amenities." The net effect of this cycle is that the PSA boundary could quickly become an ineffectual way of controlling or limiting growth.

Any extension of utilities beyond the PSA boundary is essentially an artificial expansion of the PSA. The incremental expansion of public utilities outside the PSA undermines the County's growth management efforts. Should this application be approved, a precedent will be set and other properties further west on Route 5 will likely attempt to gain access to public utilities as well. Should this occur, the County would lack a credible basis to deny any future applications. This undermines the County's ability to ensure growth proceeds in a logical and orderly fashion.

Public water and sewer are catalyst to dense residential and commercial development. A water and sewer extension could put tremendous pressure on the County to approve zoning changes that permit higher densities and commercial development along Route 5.

#### **Examples of Previously Approved Water and Sewer Extensions Outside the PSA**

One of the basic legal tenets of land use planning is that similarly situated parcels must be treated similarly. For this reason, allowing any extension of public utilities outside the PSA must be carefully considered to avoid setting a precedent for other landowners to make a similar request. During the 2009 update, the County's land use consultant recommended if the Board elects to expand the PSA or allow for a utility extension outside the PSA, it should *outline the unique reasons why such an extension is appropriate for a particular site and what public purpose is met by the extension*. Furthermore, the consultant stated utility extensions for environmental or health reasons or to serve public facilities will generally have the least potential to weaken the PSA concept, while *extensions for economic development or to encourage a specific private development have greater potential to weaken the PSA concept* more because they can be extended more generally to adjacent, similarly situated properties.

The Board has often followed this guidance. The following are specific examples where utility lines were extended outside the PSA for a public purpose or for a health issue:

Jolly Pond Road Water and Sewer extension – This extension was to serve Hornsby Middle School and Blayton Elementary School. This is an example of an extension to serve a public benefit.

Brick Bat Road Water and Sewer extension – This extension was to serve Matoaka Elementary School. This is an example of an extension to serve a public benefit.

Greensprings Mobile Home Park – In this instance, the mobile home park's aging septic system was failing. This is an example of extending service to address a public health, safety, and welfare issue.

Riverview Plantation – This extension was approved to address a failing water system within the development that was maintained by the James City Service Authority (JCSA). This is an example of extending service for a public health issue.

Chickahominy Road – The intent of constructing the lines was to improve the quality of housing and living conditions for the existing residents of that area, many of whom did not have indoor plumbing. This extension was also to help protect the reservoir from aging septic systems.

Cranston's Mill Pond Road – This transmission line was constructed to connect to the Jolly Pond Road line. This loop provided the Centerville Road area with a more reliable water source.

In the instances mentioned above, the Board made the judgment that sufficient and significant public benefit existed to permit extensions of public utilities to occur outside the PSA, with minimal impact due to limitations placed on additional connections to the utilities. This rationale is consistent with the consultant's recommendations.

#### **Other Considerations**

1. One point of discussion was whether this request would be an isolated and unique situation. Staff expects that if this SUP were approved, additional requests would be submitted for connections to public water, sewer, or both. Interest on the part of a neighboring property owner was expressed during the Planning Commission meeting and staff has checked with JCSA staff, who indicated that other property owners along Route 5 have inquired about this possibility in the past.
2. The current utility policy, which is reflected in the adopted Comprehensive Plan, states that only the lots immediately adjacent to the public water or sewer utility main can connect. During discussion, some members of the Commission discussed that since the current lot is adjacent to other lots with access to water and sewer utilities, that this could be a rationale for approving this request. Staff would note that if this alternative principle were applied, it would mean that granting a sequence of SUP requests involving 11 property owners on the south side of Route 5 and 11 property owners on the north side of Route 5 could bring one or both utilities to the James City County border at the Dresser Bridge.
3. Points one and two above focus on the Route 5 area, but the implications of applying a new principle would be widespread throughout the County. Other areas of the County have similar situations (i.e., lots which would currently not be permitted to have water or sewer, which have some adjacency to lots that are permitted, and do have, water, sewer, or both). Examples include Centerville Road, Jolly Pond Road, Chickahominy Road, and Riverview Road.
4. Staff would want to bring to the Board's attention that there are important technical engineering considerations that would likely result from this decision and future SUP requests that could then raise other questions about the regulations and policies that are in place such as the A-1 zoning regulations and

the requirement for central wells for major subdivisions. Staff would like to make the Board aware of the following as immediate issues of this nature:

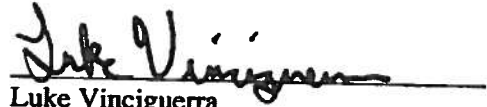
- This lot and others along Route 5 would need to use grinder pumps if sewer line connections were allowed. JCSA has a policy that if the grinder pump is designed to JCSA standards, the property owners have the ability to enter into a maintenance agreement which then obligates JCSA to 24-hour service for repair or replacement of the pump.
- Staff has been informed by Virginia Department of Transportation (VDOT) that private sewer lines are not permitted in the right-of-way. The applicant has been informed of this limitation. Should the Board approve the application, two possible options are for the property owner to construct the connection to JCSA standards and dedicate it to the JCSA or run the line through private easements.

### **RECOMMENDATION**

Staff finds that the extension of a public utility outside the PSA is inconsistent with the land use goals, strategies, and actions of the Comprehensive Plan and the Public Utilities Policy adopted as part of the 1997 Comprehensive Plan. Approval of this application would set a precedent for similarly situated properties outside the PSA where property owners seek connections to nearby public utilities regardless of cost or need. At its June 4, 2014, meeting, the Planning Commission voted to recommend denial of the application by a vote of 4-3 (nay: Drummond, Basic, Bledsoe). Staff recommends that the Board of Supervisors deny this SUP application and that the property owner continue to rely upon a private septic system. Should the Board of Supervisors wish to approve the application, staff recommends that the approval be subject to the conditions listed in the attached resolution.

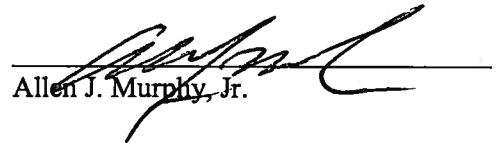


Ellen Cook



Luke Vinciguerra

CONCUR:



Allen J. Murphy, Jr.

EC/LV/nb

SUP06-14JTH-PSewerC

Attachments:

1. Resolution
2. Letter prepared on August 12, 2014, by Vernon M. Geddy, III
3. Jolly Pond Rd/Freedom Park Utility Lines & Adjacent Properties
4. Brick Bat Road Utility Area Map
5. Water and Sewer Outside the PSA – Map 1
6. Water and Sewer Outside the PSA – Map 2

Attachments Available on the Web Agenda:

7. Location Map
8. Approved Minutes of the June 4, 2014, Planning Commission Meeting
9. Map Showing Lots Permitted to Connect to Public Water and Sewer from Previously Approved SUP
10. Properties Connected to Water/Sewer Map
11. Properties Adjacent to Route 5 that Do Not Have Water/Sewer Access
12. Community Development Block Grant Project Area
13. Responses to Questions at the July 8, 2014, Meeting

## RESOLUTION

### CASE NO. SUP-0006-2014. 2604 JOHN TYLER HIGHWAY PUBLIC SEWER CONNECTION

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

WHEREAS, Mr. Vernon Geddy, III, has applied for an SUP to allow for a connection to an existing public sanitary sewer force main at 2604 John Tyler Highway and further identified as James City County Real Estate Tax Map Parcel No. 4420100010; and

WHEREAS, the Planning Commission, following its public hearing on June 4, 2014, voted 4-3 to recommend denial of this application; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this application to be consistent with the land use goals, strategies, and actions of the Comprehensive Plan and the Public Utilities Policy.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0006-2014 as described herein with the following conditions:

1. Sewer Connections. Except for James City County Real Estate Tax Map Parcel No. 4420100010, no connections shall be made to the force main which would serve any property located outside the Primary Service Area (PSA) except for connections to the Governor's Land project and existing structures as of January 28, 1997, located on property outside the PSA adjacent to the force main. In addition, for each platted lot recorded in the James City County Circuit Court Clerk's office as of January 28, 1997, that is vacant, outside the PSA and adjacent to the main and the property located at 2604 John Tyler Highway which can be further identified as James City County Real Estate Tax Map Parcel No. 4420100010, one connection shall be permitted with no larger than a 1-1/4-inch service line.
2. Site Plan. A site plan shall be approved in advance of a Certificate to Construct. The site plan shall meet the minimum design and connection criteria of the JCSA to the satisfaction of the James City Service Authority (JCSA) General Manager or his designee. Final approval of the site plan and a Certificate to Construct shall be obtained within 24 months of issuance of this SUP or the SUP shall become void.
3. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2014.

SUP06-14JTH-PSewerC-res

**GEDDY, HARRIS, FRANCK & HICKMAN, L.L.P.**

ATTORNEYS AT LAW

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VERNON M. GEDDY, JR. (1926-2005)  
 STEPHEN D. HARRIS  
 SHELDON M. FRANCK  
 VERNON M. GEDDY, III  
 SUSANNA B. HICKMAN  
 RICHARD H. RIZK  
 ANDREW M. FRANCK

August 12, 2014

James City County Board of Supervisors  
 101-D Mounts Bay Road  
 Williamsburg, VA 23185

Re: Case No. SUP-0006-2014  
2604 John Tyler Highway Public Sewer Connection

Dear Board Members:

I am writing regarding the concern that approval of this application would set a precedent allowing unbridled growth outside the PSA. That is not the case.

This is a unique situation where two utility lines were extended outside the PSA to serve Governor's Land. The lines run together until they enter Governor's Land, where the sewer line enters the development about 200 feet east of the water line. This lot is considered adjacent to the water line. The conditions allowing vacant lots to connect to the line are threefold. The lot must have been in existence as of January 28, 1997. There could only be one residential size connection. Finally, the lot must be adjacent to the line in question. We are essentially asking the Board to find that a connection to both water and sewer is permissible if the lot is adjacent to either line, since the lines were built together to serve the same development. We do not suggest that it is good enough to be near a line or adjacent to a lot that can connect. I do not believe this situation exist anywhere else in the County. Approval of this case will lead to no new development nor would it set a precedent for others who are not adjacent to either line since they would have to still meet the three criteria and it would be impossible to do so for new development.

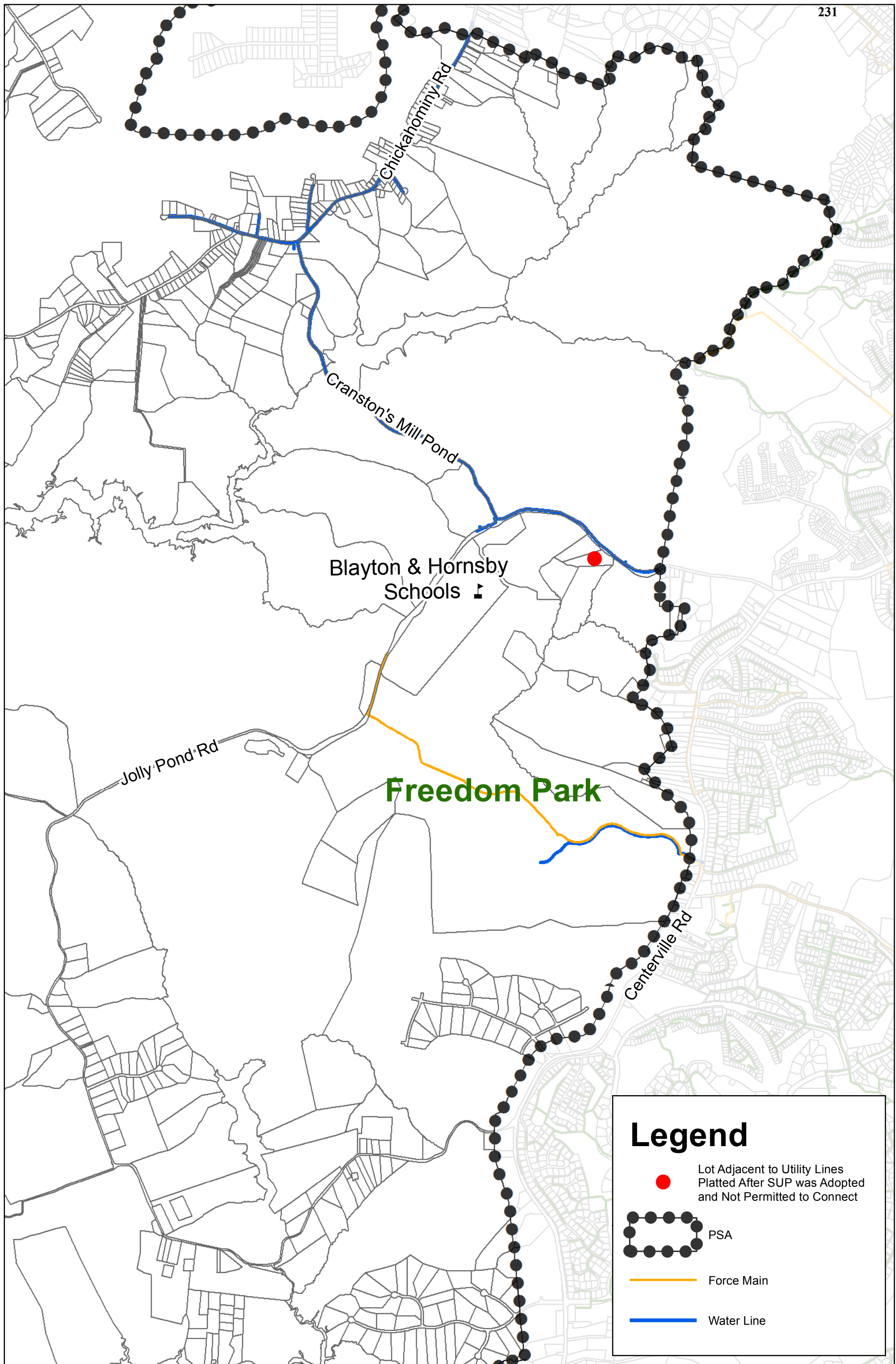
I realize the public hearing is closed but would be happy to answer any questions or address the Board briefly.

Sincerely,



Vernon M. Geddy, III

VMGIII/rlc



# Legend

Lot Adjacent to Utility Lines  
Platted After SUP was Adopted  
and Not Permitted to Connect

PSA

Force Main

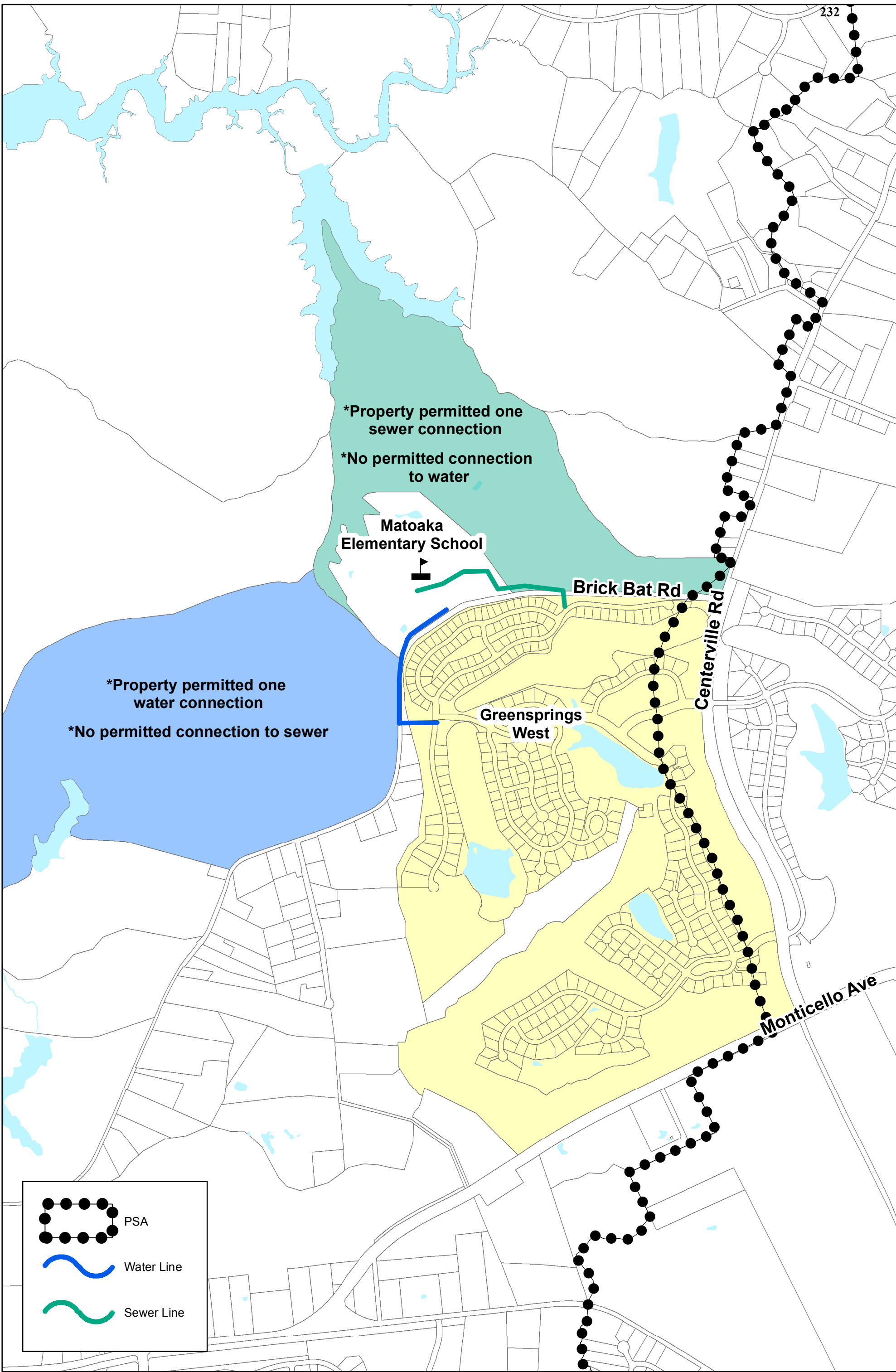
Water Line

1 inch = 1,808 feet  
0 1,250 2,500 Feet

Jolly Pond Rd/Freedom Park  
Utility Lines & Adjacent Properties

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be.

Copyright James City County GIS Office 7/31/2014  
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# James City County

## Water and Sewer Outside the PSA

2,500 1,250 0 Feet

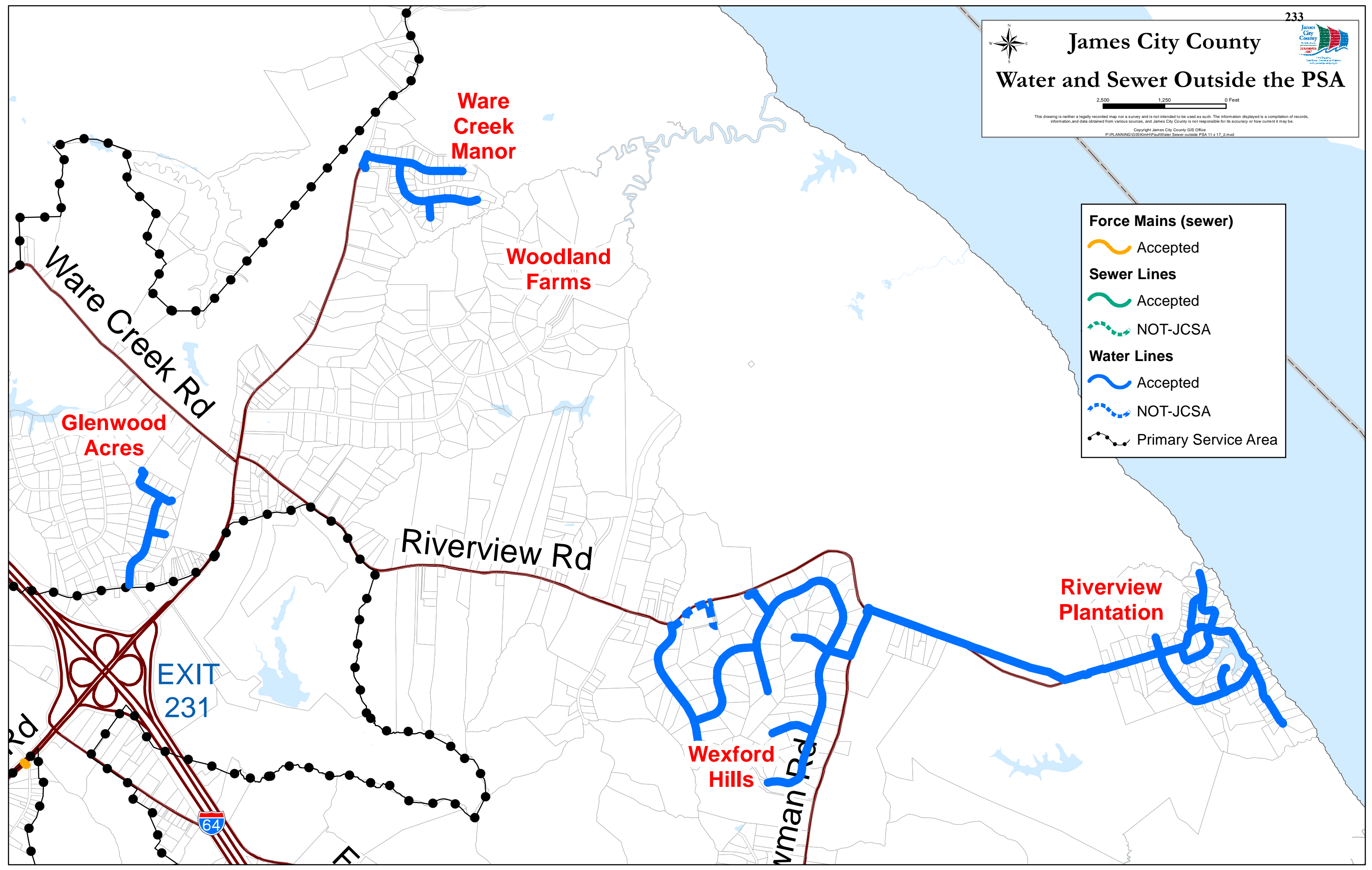
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**Force Mains (sewer)**  
 Accepted

**Sewer Lines**  
 Accepted  
 NOT-JCSA

**Water Lines**  
 Accepted  
 NOT-JCSA  
 Primary Service Area





New Kent  
County

Old House Rd

King's  
Village

64

Racefield

30

The  
Retreat

EXIT  
227

Barnes Rd

Upper County  
Park

Meadow  
Lake

Richmond Rd

60

Merry  
Oaks

Force Mains (sewer)

Accepted

Sewer Lines

Accepted

NOT-JCSA

Water Lines

Accepted

NOT-JCSA

Primary Service Area