

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27th DAY OF JANUARY, 1998, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District
David L. Sisk., Vice Chairman, Roberts District

John J. McGlennon, Jamestown District
Ronald A. Nervitt, Powhatan District
M. Anderson Bradshaw, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. PRESENTATIONS

1. Virginia Municipal Liability Pool Safety Performance Award, Margaret A. Nichols

Mr. Edwards introduced Ms. Margaret A. Nichols, Administrator, VML Insurance Programs, who presented the Virginia Municipal Liability Pool Safety Performance Award for 1996, for James City County's outstanding safety performance. Mr. Sisk., Vice Chairman, on behalf of the Board of Supervisors, accepted the award.

2. Annual Financial Report, KPMG Peat Marwick, LLP

Mr. Edwards welcomed Ms. Elizabeth Foster, Partner, KPMG Peat Marwick, LLP, who gave a brief positive overview of the FY 1997 audit.

Following a short discussion of several aspects of the audit, the Board requested staff to give a briefing on the audit at the Financial Trends work session in February.

3. Route 5 Capital to Capital Bikeway Feasibility Study, Vanasse, Hangen, Bristlin, Inc.

Mr. O. Marvin Sowers, Jr., Director of Planning, introduced Ms. Elizabeth Waters, Virginia Department of Transportation Citizen Participation Consultant for the Bikeway Feasibility Study, stated the study examined the feasibility of effect of wetlands, historic resources, etc., and whether the public would support the bikeway. She emphasized public involvement was critical throughout the study and public meetings were being scheduled in the near future.

Discussion of the completion of the study, bikeway routing, and financial funding sources ensued.

C. MINUTES - January 13, 1998

Mr. Edwards asked if there were additions or corrections to the minutes.

Mr. Sisk made a motion to approve the minutes.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

D. HIGHWAY MATTERS

No representative from the Virginia Department of Transportation was in attendance.

Mr. Bradshaw asked staff to provide a report on pedestrian safety in Toano.

E. CONSENT CALENDAR

Mr. Edwards asked if a Board member wished to remove any items from the Consent Calendar.

Mr. Sisk requested the removal of Item No. 1.

Mr. Nervitt requested the removal of Item No. 2.

Mr. Bradshaw requested the removal of Item No. 3.

Mr. Edwards made a motion to approve Item No. 4 on the Consent Calendar.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

4. FY 1998 Budget - Juror Payments

RESOLUTION

FY 1998 BUDGET - JUROR PAYMENTS

WHEREAS, the Board of Supervisors of James City County, Virginia, is responsible for the payment of daily fees to jurors in civil cases and the number of cases heard, and to be heard, has increased beyond our expectations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the FY 1998 Budget and appropriates the following funds:

Increase in Juror Payment Expenditures	\$10,000
Increase in City Reimbursement	<u>(\$ 5,000)</u>
Transfer from Operating Contingency	<u>\$ 5,000</u>

1. Four-for-Life Initiative, Emergency Medical Services

Mr. Sisk asked Fire Chief Richard Miller to explain the item.

Chief Miller stated that the Virginia Emergency Medical Services (EMS) community was seeking legislation in the General Assembly to increase the EMS Two-for-Life fee, a \$2.00 fee assessed as part of the annual car registration for Virginia car owners, to a Four-for-Life fee, doubling the only State source of revenue for EMS services.

Mr. Sisk made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

RESOLUTION

FOUR-FOR-LIFE INITIATIVE

WHEREAS, the Emergency Medical Services of Virginia provides life-saving service to citizens throughout the Commonwealth; and

WHEREAS, there exists an immediate and critical need to adequately fund the infrastructure of the EMS System including funds returned to localities, matching grants to localities for EMS equipment, and basic and advanced life support training and support of Volunteer Rescue Squads; and

WHEREAS, the Virginia EMS System receives no State General Fund revenues, but is financed by a Special Fund attached to automobile registrations and known as the Two-for-Life Fund.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the proposed Four-for-Life initiative by Virginia's EMS System to the Virginia General Assembly at its 1998 session.

2. Trash and Grass Lien - 3376 Chickahominy Road

Mr. Nervitt asked for a report on whether the County could repair, replace, or remove structures that are a safety hazard in somewhat the same manner as that of the trash and grass lien.

Mr. Nervitt made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

RESOLUTION

CODE VIOLATION LIEN

WHEREAS, the Zoning Administrator has certified to the Board of Supervisors of James City County, Virginia, that the property owners as described below have failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owner and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, James City County, Virginia, that in accordance with Sections 10-4 and 10-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT: Robert and Traci Flanary
3376 Chickahominy Road
Toano, VA 23168

DESCRIPTION: 3376 Chickahominy Road

TAX MAP NO.: (22-2)(08-0-0001)
James City County, Virginia

AMOUNT DUE: \$120

3. Relocation and Restoration of Norge Depot

Mr. Bradshaw applauded the relocation and restoration of the Norge Depot for public use, and made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

R E S O L U T I O NNORGE DEPOT RELOCATION AND RESTORATION

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or State agency in order that the Virginia Department of Transportation program an enhancement project in the County of James City.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, requests the Commonwealth Transportation Board to establish a project for the improvement of the relocation and restoration of the Norge Depot.

BE IT FURTHER RESOLVED, that the James City Historical Commission hereby agrees to pay 20 percent of the total cost for planning and design, right of way, and construction of this project, and that, if the James City County Historical Commission subsequently elects to cancel this project, the James City County Historical Commission hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

F. PUBLIC HEARINGS

1. Case No. AFD-1-93. Williamsburg Farms Agricultural and Forestal District (Renewal)
2. Case No. AFD-1-89. Armistead Agricultural and Forestal District (Renewal)

Mr. Gary A. Pleskac, Senior Planner, stated that Mr. Patrick Duffeler had applied to renew approximately 306 acres of the existing Williamsburg Farms Agricultural and Forestal District, located on the

east side of Lake Powell Road, adjacent to the Vineyards at Jockey's Neck subdivision, further identified as Parcel Nos. (1-10) and (1-12) on James City County Real Estate Tax Map No. (48-4).

Mr. Pleskac explained that a five-acre, unsubdivided tract at the extreme eastern side of the property was being withdrawn, as allowed by State code during renewal, for possible development of residential estate lots.

Mr. Pleskac stated that Mr. R. T. Armistead had applied to renew 403 acres of the existing Armistead Agricultural and Forestal District, located between Longhill Road and Centerville Road, bounded by the Warhill Tract, Forest Glen, Longhill Station and Fox Ridge subdivisions, further identified as Parcel Nos. (1-29) and (1-30) on James City County Real Estate Tax Map No. (31-3); Parcel Nos. (1-14) and (1-17) on James City County Tax Map No. (31-2); and Parcel No. (1-1) on James City County Tax Map No. (31-4).

Staff determined that the proposed land uses were consistent with the Comprehensive Plan.

The Agricultural and Forestal District Advisory Committee, by a vote of 9-0, and the Planning Commission, by a vote of 7-0, unanimously recommended approval of the cases.

Mr. Edwards opened the public hearing on Case No. SUP-1-93, Williamsburg Farms, and as no one wished to speak, he closed the public hearing.

Mr. Bradshaw made a motion to approve the ordinance.

The Board requested staff to provide information about offering a longer time period for agricultural and forestal district renewals.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

Mr. Edwards opened the public hearing on Case No. SUP-1-89, Armistead, and as no one wished to speak, he closed the public hearing.

Mr. McGlennon made a motion to approve the ordinance.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

H. PUBLIC COMMENT

1. Mr. Robert McGaw, 2416 Sarah Spence, spoke of code violations at his home and two newspaper articles which emphasized honesty was the only policy.

2. Mr. Arthur C. Hilstrom, 3724 Brick Bat Road, asked whether the Brick Bat Road tower site ruling by the judge would be appealed.

Mr. Edwards responded that the Board would be briefed later in the meeting by legal staff in an executive session.

3. Mr. Ed Oyer, 139 Indian Circle, stated that access to the Badische Road was needed before development of Greenmount properties, so that traffic would be controlled by the traffic light. He also summarized the Virginia Gazette citizen surveys done for the area representatives in the General Assembly.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner responded to Mr. Bradshaw's request for highway safety improvements in Toano. He stated that Quintin Elliott, Resident Engineer, Virginia Department of Transportation, had asked Suffolk Division to do traffic safety studies; Mr. John Horne, Manager, Development Management, has directed the County Engineer to review need for sidewalks; and Police Chief Robert Key had increased police type activities.

Mr. Wanner, in answer to Mr. Oyer's concern, stated that the County had worked with BASF for access to Badische Road, but had no leverage with which to accomplish the request.

Mr. Wanner announced a Board of Supervisors' Work Session, Wednesday, January 28, 1998, 2:00 p.m., James City - Williamsburg Community Center, Room C; Industrial Development Authority reception for former Board members on Wednesday, February 4, 1998, at a private residence in Governor's Land; Virginia Municipal League/Virginia Association of Counties Legislative Day in Richmond, Virginia on Thursday, February 5, 1998, 12:30 p.m.; and a Greensprings Plantation tour on Saturday, February 7, 1998.

Mr. Wanner recommended a recess for a James City Service Authority Board of Directors' meeting and then go into executive session pursuant to Section 2.1-344(A)(1) of the Code of Virginia to consider a personnel matter, appointment of individuals to County boards and/or commissions and pursuant to Section 2.1-344(A)(7) of the Code of Virginia to consult with the County Attorney on a matter involving probable litigation.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Edwards declared a recess for a James City Service Authority Board of Directors' meeting at 8:45 p.m.

Mr. Edwards reconvened the Board of Supervisors and made a motion to go into executive session as recommended by the County Administrator, at 8:56 p.m.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

Mr. Edwards reconvened the Board into open session and made a motion to approve the executive session resolution, at 9:53 p.m.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

RESOLUTION**CERTIFICATION OF EXECUTIVE MEETING**

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened an executive 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 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive 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 executive meeting to which this certification resolution applies; and, ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board.

Mr. Bradshaw made a motion to approve the resolution for Case No. SUP-11-96, Virginia Metronet/360° Communications as ordered by Federal Court.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Edwards (4). NAY: Nervitt (1).

R E S O L U T I O N

CASE NO. SUP-11-96. VIRGINIA METRONET/360° COMMUNICATIONS

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance certain land uses requiring a special use permit; and

WHEREAS, James City County has developed certain policies for the placement of personal wireless communications towers; and

WHEREAS, the Planning Commission following its public hearing on October 7, 1996, voted 6-1 to recommend the Board defer the request until the completion of a revised ordinance or master plan for the placement of personal wireless communications towers in the County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby issue SUP-11-96, as ordered by the United States District Court for the Eastern District of Virginia, as described herein with the following conditions:

1. All towers shall be designed and constructed for at least three (3) users and shall be certified to that effect by an engineering report prior to the site plan approval.
2. The tower shall meet or exceed the structural requirements as set out in the most current version of "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," published by the Electronic Industries Association. A report certifying that these structural requirements will be met shall be submitted prior to preliminary site plan approval. Where the tower meets the structural criteria outlined above, the minimum side and rear yard setback may be consistent with the corresponding zoning district requirement or 110 percent of the document collapse radius, whichever is greater. In the event the tower does not meet the above requirements, then the minimum setback requirement from the base of the tower to any property line shall be equal to one hundred and ten (110) percent of the height of the tower. Additionally, no tower shall be located closer than two hundred (200) feet from an existing residential structure, regardless of the district in which the structure is located. However, in no case, shall setbacks or tower design be such that a collapsed tower will fall outside a property line as documented in the aforementioned report. The tower shall also be setback from any public planned right-of-way a minimum distance equal to one-half the height of the structure, including any attachments.
3. A statement from a registered engineer that NIER (nonionizing electromagnetic radiation) emitted from any equipment on or serving the facility does not result in a ground level exposure at any point outside such facility which exceeds the lowest applicable exposure standards established by any regulatory agency of the U. S. Government or the American National Standards Institute shall be submitted prior to preliminary site plan approval.
4. Following construction of the facility, certification by the manufacturer, or an engineering report by a Virginia-registered structural engineer, shall be filed by the

applicant indicating the tower height, design, structure, installation and total anticipated capacity of the structure, including number and type of antennas which could be accommodated, demonstrating to the satisfaction of the building official that all structural requirements and other safety considerations set forth in the BOCA Basic Building Code and Section 222(D) of the standards adopted by the Electronics Industries Association, or any amendment thereof, have been met.

5. Towers shall be located on the site in a manner that maximizes the buffering effects of trees. Tree clearing shall be limited to the minimum necessary to accommodate the tower and related facilities. Access drives shall be designed in a manner that provides no view of the tower's base or related facilities. A minimum buffer of 100 feet in width shall be maintained around the tower. Where existing vegetation on the site is not of a sufficient depth to provide this buffer, enhanced landscaping shall be provided within the 100 foot buffer area. A screening and landscaping plan for the enhanced buffer shall be provided for approval by the Planning Director or his designee prior to final site plan approval.
6. The applicant shall allow other users to locate on the tower and site and shall provide the County upon request verifiable evidence of having made good faith efforts to allow such locations. To this end, the applicant agrees to execute a letter of intent prior to final site plan approval stating that the applicant will make every reasonable effort to accommodate all future requests to share space and that the applicant will negotiate in good faith with any party requesting space on the tower or site.
7. The tower(s) shall have a finish that is grey in color.
8. Maximum height of all towers shall not be greater than 185 feet.
9. Lighting, beacons and other similar devices shall be prohibited unless required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA). When required by the FCC or FAA, a red beacon light of low-medium intensity shall be used rather than a white strobe light. Should the regulations and requirements of this subsection conflict with any regulation or requirement by the FCC or FAA, then the regulations of the FCC and FAA shall govern. At the time of site plan review, a copy of the FAA and/or FCC findings shall be made available to the County.
10. No advertising material or signs shall be placed on the tower.
11. Prior to the installation of equipment other than that of the applicant's, an intermodulation study prepared by a licensed engineer shall be submitted to, and approved by, the Planning Director or his designee, indicating that no interference with County operated emergency communications equipment will take place.
12. If the use of the tower or portions of the tower above the level of the uppermost equipment ceases and the tower or said portion remains unused for a period of six (6) months, the tower or unused portion and associated and unused accessories shall be removed from the property by its owners. The applicant shall post a surety, performance bond, or cash equivalent in an amount sufficient to guarantee removal of an unused facility or part thereof prior to final site plan approval.
13. The applicant shall allow the placement of County communications equipment on the proposed tower, rent free, at a height of 185 feet. County communication

equipment may, at the County's request, be placed at an elevation on the tower lower than 185 feet, rent free, if the County deems the lower elevation is suitable for effective public safety communications. Prior to final site plan approval and prior to leasing space on the tower to additional users, the applicant shall offer a lease option to this effect to the County to install public communications equipment on the tower. The County shall, within a reasonable time period, make a final determination regarding its desire to locate on the tower and shall notify the applicant of its intentions.

14. A Permanent Certificate of Occupancy shall be obtained within one (1) year of approval of this special use permit, or the permit shall become void.
15. The tower shall be freestanding and shall not use guy wires for support.
16. Any supporting structures, such as equipment sheds and huts, shall be of a similar design and material to that generally used on a single-family residence and shall be approved by the Planning Director prior to final site plan approval. A gable or shed roof shall be used on all equipment sheds and huts as determined by the Director of Planning prior to final site plan approval.
17. There shall be a future lease area to accommodate one additional tower and supporting equipment as generally depicted on the site plan, prepared by Timmons Engineering, titled "360° Communications - Governor's Landing Site," dated June 17, 1997. Such lease shall remain free of all structures until such time a second tower is constructed and the additional tower shall be subject to administrative approval only.
18. The fencing used to enclose the lease area shall be vinyl-coated and shall be dark green or black in color and shall be reviewed and approved by the Director of Planning prior to final site plan approval.
19. The applicant shall install an evergreen landscape buffer along Brick Bat Road as generally depicted on the conceptual site plan prepared by Timmons Engineering, dated June 17, 1997. The final landscape buffer along Brick Bat Road shall be reviewed and approved by the Director of Planning prior to final site plan approval.

Mr. Nervitt made a motion to appoint Wilford Kale, Jr., Powhatan District, to the Planning Commission for a four-year term, term expiring January 31, 2002.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

Mr. McGlennon made a motion to reappoint Martin Garrett, At-Large, to the Planning Commission for a four-year term, term expiring January 31, 2002.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

Mr. Nervitt made a motion to appoint Mr. Sisk to the Virginia Peninsula Chamber of Commerce, term expiring January 13, 1999.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

Mr. Edwards made a motion to adjourn.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

The Board adjourned at 9:58 p.m.

A handwritten signature in black ink, appearing to read "Sanford B. Wanner", written over a horizontal line.

Sanford B. Wanner
Clerk to the Board

JAN 27 1998

AED-1-93. WILLIAMSBURG FARMS AGRICULTURAL AND FORESTAL DISTRICTBOARD OF SUPERVISORS
JAMES CITY COUNTY

- WHEREAS, James City County, has completed a review of the Williamsburg Farms Agricultural and Forestal District; and
- WHEREAS, in accordance with Sections 15.2-4307 and 15.2-4311 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Williamsburg Farms Agricultural and Forestal District; and
- WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on December 30, 1997, unanimously recommended approval of the application; and
- WHEREAS, the Planning Commission following its public hearing on January 5, 1998, unanimously recommended approval of the application.

NOW, THEREFORE, BE IT ORDAINED,

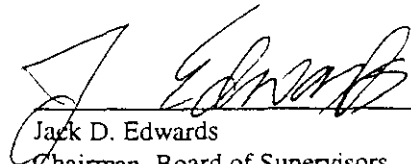
1. The Williamsburg Farms Agricultural and Forestal District is hereby continued for a period of four years beginning the twenty-seventh day of January, 1998, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. The district shall include the following parcels:

(46-4)(1-10)	Williamsburg Farms, Inc.	277.00 acres
(46-4)(1-12)	Williamsburg Farms, Inc.	<u>29.00</u> acres
Total:		<u>306.00</u> acres

provided, however, that all land within 25 feet of the road right-of-way of Lake Powell Road (Route 618) shall be excluded from the District.

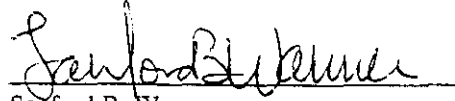
3. That pursuant to the Virginia Code, Section 15.2-4312, as amended, the Board of Supervisors requires that no parcel in the Williamsburg Farms Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is to be limited to parcels of 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family.
 - b. No land outside the primary service area 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. Parcels inside the Primary Service Area and within the Agricultural and Forestal District may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to "Withdrawal of Lands From Agricultural and Forestal Districts Within the Primary Service Area," adopted September 24, 1996.

c. No special use permit shall be issued except for agricultural, forestal or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this District.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of January, 1998.

afd193.res

ORDINANCE NO. 182A-4

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AED-1-89, ARMISTEAD AGRICULTURAL AND FORESTAL DISTRICT

- WHEREAS, James City County, has completed a review of the Armistead Agricultural and Forestal District; and
- WHEREAS, in accordance with Sections 15.2-4307 and 15.2-4311 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Armistead Agricultural and Forestal District; and
- WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on December 30, 1997, unanimously recommended approval of the application; and
- WHEREAS, the Planning Commission following its public hearing on January 5, 1998, unanimously recommended approval of the application.

NOW, THEREFORE, BE IT ORDAINED,

1. The Armistead Agricultural and Forestal District is hereby continued for a period of four years beginning the twenty-seventh day of January, 1998, 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:

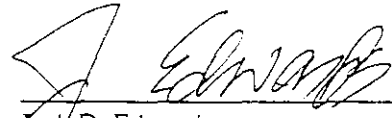
(31-3)(1-30)	Elizabeth Carter	90.075 acres
(31-2)(1-17)	R. T. Armistead	84.005 acres
(31-2)(1-14)	R. T. Armistead	54.033 acres
(31-3)(1-29)	R. T. Armistead	132.008 acres
(31-4)(1-1)	R. T. Armistead	<u>41.779</u> acres
	Total:	<u>403.439</u> acres

provided, however, that all land within 25 feet of the road right-of-way of Centerville Road (Route 614) shall be excluded from the District, and that all land within 45 feet of the road right-of-way of Longhill Road (Route 612) be excluded from the District.

- 3. That pursuant to the Virginia Code, Section 15.2-4312, as amended, 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 to be limited to parcels of 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family.
 - b. No land outside the primary service area 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. Parcels inside the Primary

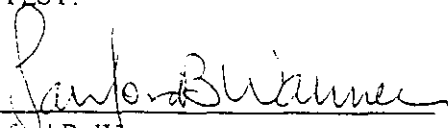
Service Area and within the Agricultural and Forestal District may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to "Withdrawal of Lands From Agricultural and Forestal Districts Within the Primary Service Area," adopted September 24, 1996.

- c. No special use permit shall be issued except for agricultural, forestal or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this District.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of January, 1998.