

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF SEPTEMBER, 1998, AT 7:03 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. PUBLIC COMMENT**

1. Mr. Grant Olson, 105 Holman Road, read an article from Leesburg, Virginia newspaper regarding Loudoun County's Board of Supervisors intentions to control growth with an adequate public facilities ordinance.

2. Mr. Jeff Cattell, 2805 Sassafras Court, asked for a response regarding the dollar amount in Governor's Land proffers for construction of Alternate Route 5 and believed money should have been spent to study changing the western terminus of that road; and he stated a public discussion of the Freedom of Information Act and the use of electronic mail was needed.

Mr. Wanner responded that \$2,125,000 was the amount listed in the Governor's Land proffers to be contributed to Alternate Route 5 road project and that amount was being held in an escrow account by the County Treasurer. He further stated that the proffers and public documents are recorded at the Williamsburg-James City County Courthouse.

**C. PRESENTATIONS**

1. Hampton Roads Flag Presentation, Robert Hershberger

Mr. Robert Hershberger, Executive Director, Williamsburg Area Chamber of Commerce, stated that the Hampton Roads flag had been designed to represent the 16 cities and counties. He presented a flag to Chairman Edwards.

2. Planning Commission Annual Report, Martin Garrett

Martin Garrett, Chairman, Planning Commission, gave an update of a few of the past year's accomplishments. He was receptive to the suggestion of periodic meetings of the Board of Supervisors and the Planning Commission.

**D. HIGHWAY MATTERS**

Mr. James Brewer, Williamsburg Assistant Resident Engineer, stated all projects were on schedule.

Mr. Bradshaw expressed thanks to Virginia Department of Transportation for the repaving of Route 60 through Norge and Toano and for the pedestrian safety improvements and lowering of speed limit to 35 mph on Route 60 in Toano.

Mr. McGlennon asked when reflectors on Jamestown Road (Route 31) would be replaced.

Mr. McGlennon asked whether information had been received regarding the reduction of speed limit on Jamestown Road (Route 31) from Colony Square Shopping Center to Lake Powell Road (Route 618).

Mr. McGlennon asked when contractors would return to repair roughness of shoulder on Neck-O-Land Road (Route 682) near Page Landing.

Mr. McGlennon asked for a check of access to Jamestown Road (Route 31) at the dangerous intersection at Lake Wood subdivision, and to consider installation of a large flashing intersection sign at that location.

Mr. Brewer stated the requests would be reviewed.

**E. CONSENT CALENDAR**

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

Mr. Bradshaw asked that Item No. 5 be removed.

Mr. Edwards made a motion to approve Items No. 1 through 4 of the Consent Calendar.

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

1. Minutes of Regular Meeting September 8, 1998
2. Fire Prevention Week, October 4-10, 1998

**RESOLUTION****FIRE PREVENTION WEEK**

WHEREAS, the Fire Department provides a vital contribution to the quality of life enjoyed by the citizens and visitors to James City County; and

WHEREAS, career and volunteer teams are ready to provide lifesaving care to those in need, and assist in home escape planning which dramatically improves the survival and recovery rate of those who experience a fire; and

WHEREAS, the 1998 Fire Prevention Week theme "Fire Drills: The Great Escape" emphasizes the importance of home escape planning and practice; and

WHEREAS, the James City County Fire Department is dedicated to the safety of people and property from fire.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby proclaims the week of October 4-10, 1998, as FIRE PREVENTION WEEK and encourages County citizens to participate in fire prevention programs, ceremonies; and activities.

3. City of Williamsburg Contribution to Extension Office

**RESOLUTION**

**WILLIAMSBURG CONTRIBUTION TO EXTENSION**

WHEREAS, the Board of Supervisors has been asked to appropriate \$12,000 in monies received from the City of Williamsburg for programs sponsored by the James City County Unit of the Virginia Cooperative Extension program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the following budget amendment, and adjustment in appropriations in the County's FY 1999 General Fund:

Sources of Funds:

Fund Balance	\$ 6,000
City of Williamsburg	<u>6,000</u>
	<u>\$12,000</u>

Uses of Funds:

Extension City Program	<u>\$12,000</u>
------------------------	-----------------

4. Budget Amendment - Communications and Neighborhood Connections

**RESOLUTION**

**BUDGET AMENDMENT - COMMUNICATIONS AND NEIGHBORHOOD CONNECTIONS**

WHEREAS, James City County has received \$18,000 as part of a \$66,000 grant from the Williamsburg Health Foundation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation of additional monies within the FY 99 Operating Budget.

Revenues:

Neighborhood Connections	<u>\$18,000</u>
--------------------------	-----------------

Expenditures:

Professional Services 001-034-0203	\$ 3,000
Salaries - Full-Time Employment 001-034-0110	<u>15,000</u>
Total	<u>\$18,000</u>

5. Subdivision Street Improvements

Mr. Wanner stated that the FY 99 Capital Improvement Program budget contained funds to upgrade subdivision streets in areas that were developed before the County required developers to bond road improvements to meet Virginia Department of Transportation (VDOT) standards for inclusion in the State Secondary Road system for maintenance by VDOT.

Mr. Bradshaw made a motion to approve the resolution.

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

**RESOLUTION**

**SUBDIVISION STREET IMPROVEMENTS**

WHEREAS, an acceptable bid has been received from B and H Contractors for improving Meadow Circle, South Cove Court, and Barlows Run to meet the Virginia Department of Transportation's requirements; and

WHEREAS, funds are available in the FY 99 Capital Improvement Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a construction contract for subdivision street improvements with the firm of B and H Contractors in the amount of \$51,385.

**E. PUBLIC HEARINGS**

1. Case No. SUP-17-98. Gagne Bed and Breakfast (Continued from 9/8/98)

Mr. Paul D. Holt, III, Senior Planner, stated that this case had been deferred at the September 8, 1998, Board of Supervisors meeting to clarify special use permit conditions. He further stated that John and Pamela Gagne had applied to operate a bed and breakfast in a single-family detached residence, on 0.49± acre, zoned R-1, Limited Residential, located at 1407 Jamestown Road, further identified as Parcel No. (4-16B) on James City County Real Estate Tax Map No. (48-1).

Staff determined that the proposal was consistent with surrounding development and zoning and the Comprehensive Plan; public water and sewer are on-site; and access was by a single driveway from Jamestown Road.

In concurrence with staff, the Planning Commission, by a vote of 4-0, recommended approval of the case with conditions listed in the resolution.

Mr. Edwards reopened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Nervitt asked what the current plans were for the bed and breakfast.

Mr. John Gagne, applicant, stated that he did not foresee a need for a Certificate of Occupancy to allow more than eight persons to inhabit the structure at any one time. He complimented County staff for being pleasant and helpful.

Mr. McGlennon made a motion to approve the resolution permitting no more than eight persons, including owners and/or operators.

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

## RESOLUTION

### CASE NO. SUP-17-98. GAGNE BED AND BREAKFAST

- WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and
- WHEREAS, the applicant has requested a special use permit to allow for the operation of a Bed and Breakfast at 1407 Jamestown Road; and
- WHEREAS, the property is located on land zoned R-1, Limited Residential, and can be further identified as Parcel No. (4-16B) on the James City County Real Estate Tax Map No. (48-1); and
- WHEREAS, the Planning Commission, following its public hearing on August 3, 1998, voted 4-0 with three absences to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-17-98 as described herein with the following conditions:

1. All necessary James City Service Authority (JCSA) fees relating to the installation of the required 3/4-inch water meter shall be paid within 90 days from the date of this special use permit becoming valid. If these fees are not paid within that time period, this special use permit shall become void.
2. No more than two (2) rooms shall be rented out at any one time. No more than eight (8) persons, including the owners and/or operators, shall be permitted to inhabit the structure at any one time.
3. This special use permit shall allow the rental of two rooms to visitors. For the purposes of this condition, "visitor" shall be defined as a person who secures lodging and a meal for less than 21 consecutive days.
4. No persons other than members of the family, as defined in Section 24-2 of the James City County Zoning Ordinance, residing on the premises shall be involved in the rental of the permitted rooms.
5. No changes shall be made to the exterior of the existing structure which changes the appearance of the structure to that of a nonresidential structure.
6. Unless otherwise required by the Virginia Department of Transportation, access to this property shall be limited to the existing driveway and no increases in the existing parking area shall be permitted.

### Renewals of Agricultural and Forestal Districts

Mr. Holt stated that 11 Agricultural and Forestal Districts were due for renewal, with the following property owner withdrawal requests: AFD-5-86, Barnes Swamp, 58.60 acres; AFD-6-86, Cranston's Pond, 40.40 acres; AFD-7-86, Mill Creek, 31.30 acres; AFD-8-86, Casey, 193.80; and AFD-12-86, Gospel Spreading Church, 26.46 acres.

Mr. Holt explained that additions to the districts would be a separate process and public hearing.

Staff determined that the districts were consistent with the Comprehensive Plan and recommended renewal of the districts for a period of four years with the exclusions for rights-of-way and conditions listed in the ordinances.

In concurrence with staff, the Agricultural and Forestal District Advisory Committee and the Planning Commission recommended approval of the ordinances.

Mr. Nervitt asked that during the next four years, staff consider changing the Agricultural and Forestal District zoning structure and give more incentives for owners to request a longer term than four years for AFDs.

Mr. Edwards opened the public hearings.

1. Mr. Carlyle Ford, Commissioner of the Revenue, stated that reduction in tax dollars, growth of trees for timber, and protection of property from zoning changes were current incentives for property owners, and State legislation would be required for longer terms.

Mr. Edwards closed the public hearings.

Mr. Bradshaw stated that he would abstain from the vote on two cases of which he was trustee of land trust.

2. Case No. AFD-2-86. Croaker

Mr. Nervitt made a motion to approve the ordinance.

On a roll call, the vote was: AYE: Sisk, McGlennon, Nervitt, Edwards (4). NAY: (0). ABSTAIN: Bradshaw (1).

3. Case No. AFD-3-86. Hill Pleasant Farm

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).

4. Case No. AFD-5-86. Barnes Swamp

Mr. Sisk made a motion to approve the ordinance.

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

5. Case No. AFD-6-86. Cranston's Pond

Mr. Nervitt made a motion to approve the ordinance.

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

6. Case No. AFD-7-86. Mill Creek

Mr. Nervitt made a motion to approve the ordinance.

On a roll call, the vote was: AYE: Sisk, McGlennon, Nervitt, Edwards (4). NAY: (0). ABSTAIN: Bradshaw (1).

7. Case No. AFD-8-86. Casey

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).

8. Case No. AFD-9-86. Gordon Creek

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).

9. Case No. AFD-10-86. Christenson's Corner

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).

10. Case No. AFD-11-86. Yarmouth Island

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).

11. Case No. AFD-12-86. Gospel Spreading Church Farm

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).

12. Case No. AFD-13-86. Gilley

Mr. Sisk made a motion to approve the ordinance.

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

F. **BOARD CONSIDERATIONS**

1. State Grant for School Capital Projects

Mr. John E. McDonald, Manager of Financial and Management Services, stated that the 1998 General Assembly appropriated \$322,318 in grant funds for school capital projects to James City County, offset by a local match of \$196,227.

Staff recommended approval of the resolution amending the budget and appropriating the additional State grant money to the seventh elementary school.

Board and staff discussed that the appropriation would be controlled by the County until the final cost figures for the seventh elementary school was available.

Mr. Edwards made a motion to approve the resolution.

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

## RESOLUTION

### STATE GRANT FOR SCHOOL CAPITAL PROJECTS

WHEREAS, the Board of Supervisors of James City County, Virginia, is the recipient of a State Grant for School Capital Projects in the amount of \$322,318 under legislation passed by the recent session of the Virginia General Assembly.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the following budget amendment and appropriations in the County's FY 1999 Capital Budget:

Sources of Funds:

State Grant - School Capital	<u>\$322,318</u>
------------------------------	------------------

Uses of Funds:

New Elementary School	<u>\$322,318</u>
-----------------------	------------------

2. Peninsula Work Force Development Center Funding Agreement

Mr. Sanford B. Wanner, County Administrator, stated that the Peninsula Mayors and Chairs and the community had worked to facilitate construction of the Peninsula Work Force Development Center (PWFDC) located on Thomas Nelson Community College main campus as a source for upgrading the skills of the region's work forces to support globally competitive business.

He further stated that PWFDC received State funding from the 1998 General Assembly which required a local match, and adopted resolutions are needed to obtain financing for the construction of the permanent facility.

Mr. Wanner recommended approval of the funding agreement according to parameters set forth in the resolution of a 20-year maximum lease rental payment, which would be a moral obligation on an annual basis subject to annual appropriation.

Following a brief Board and staff discussion, Mr. McGlennon made a motion to approve the resolution.

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



RESOLUTION

AUTHORIZING A FUNDING AGREEMENT FOR THE BENEFIT OF  
THOMAS NELSON COMMUNITY COLLEGE IN SUPPORT OF THE  
PENINSULA WORK FORCE DEVELOPMENT CENTER

- WHEREAS, the Peninsula Work Force Development Center (the Project) is a regional effort to provide tailored training of employees to meet the specific needs of existing industries and new industries in Hampton Roads; and
- WHEREAS, such training will include individuals in secondary and higher education, military personnel transitioning to civilian jobs and civilians seeking additional work force training; and
- WHEREAS, the Project will be located on a 30-acre parcel in the eastern-most portion of the campus of Thomas Nelson Community College (Thomas Nelson) which is a component of the Commonwealth of Virginia Community College System (the System); and
- WHEREAS, the Project will consist of an approximately 92,000 gross square foot three-story building together with surface parking to be owned by the Industrial Development Authority of the City of Hampton, Virginia (the Authority), and leased to Thomas Nelson, Old Dominion University, the Virginia Employment Commission, and other governmental or quasi-governmental agencies engaged in work force development such as, for example, the Peninsula Work Force Development Commission and the Greater Peninsula Private Industry Council; and
- WHEREAS, the Appropriation Act of 1998 (the Appropriation Act) authorizes the conveyance of the Project from the State Board of Community Colleges (with the consent of the Governor) to the Authority, subject to a restrictive covenant providing that the Project shall at all times be used for municipal purposes and that upon failure to do so title shall revert to the Commonwealth; and
- WHEREAS, the Appropriation Act also authorizes the lease of a portion of the Project to Thomas Nelson for a term of five (5) years and appropriates up to \$330,000 for each of Fiscal Years 1998-1999 and 1999-2000 for lease rental payments subject to at least a one-third (1/3) match from local or private sources; and
- WHEREAS, it is anticipated that similar appropriations will be made by the General Assembly for the balance of the term of the Thomas Nelson lease; and
- WHEREAS, it is currently estimated that annual lease payments by Thomas Nelson will be in an amount up to \$540,000 necessitating a local annual match during the term of the Thomas Nelson lease, and any extension or renewal thereof, of up to \$210,000 in order to comply with the Appropriation Act and future such acts and to fully cover annual rental payments; and
- WHEREAS, Thomas Nelson has requested that the City of Hampton, the City of Newport News, the City of Poquoson, the City of Williamsburg, York County, and James City County (collectively, the Local Jurisdictions) collectively and on an equitable basis agree to provide the funds necessary to cover the difference between the total annual rental payment described above and the annual Commonwealth appropriation described above; and

WHEREAS, the Board of Supervisors of the County of James City, Virginia (the County), has found and determined that the Project will substantially enhance the educational opportunities in the County and serve as an essential public benefit; and

WHEREAS, in accordance with such finding, the Board of Supervisors of the County has determined that it is appropriate that the Local Jurisdictions provide funding for the Thomas Nelson lease, together with any extension or renewal thereof, and that the County, subject to annual appropriation, agree to pay a portion of the local match and annual rental payments described above to assist in the development and financing of the Project, which financing is expected to be secured by the rental payments (less operating costs) derived from the Project.

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

1. The County Administrator, or his designee, is hereby authorized and directed to execute and deliver a funding agreement with respect to the Project (the Funding Agreement) whereby a portion of the annual rental payments under the Thomas Nelson lease, together with any extension or renewal thereof, shall be paid by the County; provided, however, that such lease, together with any extension or renewal thereof, shall have a rental payment term not in excess of twenty (20) years. Such payment shall be in an amount not to exceed \$21,000 in each fiscal year of the County commencing in the fiscal year beginning July 1, 2000, shall be made to the party designated in the Funding Agreement and shall be subject annual appropriation by this Board; provided, however, that if such a party is not either Thomas Nelson or the trustee or escrow agent designated to collect rental payments in the financing documents with respect to the Project, such payee must be specifically designated and appointed by the Board of Supervisors by separate resolution thereof. The form and substance of the Funding Agreement shall be approved by the County Attorney and the County Administrator, or his designee, the execution and delivery thereof by the County Administrator, or his designee, to constitute conclusive evidence of their approval of the form and substance of the Funding Agreement.
2. The payment obligation of the County under the Funding Agreement shall be subject to annual appropriation by this Board and shall not constitute an unconditional general contractual obligation of the County extending beyond any fiscal year of the County and shall not constitute debt of the County within the meaning of the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991. All payments made by the County in accordance with the Funding Agreement shall be made in lawful money of the United States of America.
3. All other acts of the officers of the County which are in conformity with the purposes and intent of this resolution, subject to the limitations set forth herein, are hereby approved and confirmed.
4. This resolution shall take effect immediately upon its adoption.

3. Archaeological Policy

Mr. Holt introduced Mr. Jeff Barra, Cochair of the Grab Bag Committee, one of the committees charged with updating the Zoning Ordinance.

Mr. Edwards congratulated Mr. Barra for being chosen for one of two awards from the State-wide Virginia Citizens Planners Association.

Mr. Barra thanked Mr. Edwards.

Mr. Barra stated that the Committee recommended that the Archaeological Policy should be updated and revised in advance of the Comprehensive Plan update; County should acknowledge developers archaeological efforts by resolutions and on-site signs; develop videos to be shown on the public access channel; and provide public areas for display of findings.

In concurrence with staff, the Grab Bag Committee, and the Site Committee of the James City County Historical Commission, the Planning Commission endorsed the policy.

Mr. McGlennon made a motion to approve the resolution.

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

## RESOLUTION

### ARCHAEOLOGICAL POLICY

- WHEREAS, the task of revising the archaeological policy was undertaken by one of the four citizen committees charged with updating the Zoning Ordinance; and
- WHEREAS, the committee, in drafting the proposed policy, used the 1997 Comprehensive Plan and "Preserving Our Hidden Heritage: An Archaeological Assessment of James City County" for guidance; and
- WHEREAS, after meeting several weeks to discuss this topic, the Zoning Ordinance update committee responsible for developing this item recommends the following policy; and
- WHEREAS, on June 25, 1998, the site committee of the James City County Historical Commission endorsed the following policy; and
- WHEREAS, on August 3, 1998, the Planning Commission endorsed the policy by a vote of 4-0, with three absences.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following:

As one of the oldest settlement areas in the United States, James City County has numerous documented and unknown archaeological and historic sites. Where it appears that significant archaeological potential exists, the County seeks to identify and protect these areas and staff will recommend the following condition be added to all special use permit and rezoning cases. In making a final determination of when studies may be required, staff will consult existing archaeological studies and will seek the recommendation of representatives of the County Historical Commission or other qualified archaeologists if necessary.

*A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for his review and approval prior to land disturbance. A treatment plan shall be submitted to, and approved by, the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation, and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be*

*eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study area. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standard and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon.*

I. In interpreting this condition, the following procedures and guidelines will be followed:

1. *A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for his review and approval prior to land disturbance. Since the County lacks the expertise to review such documents, the County will send the studies to the Virginia Division of Historic Resources (VDHR) for review. VDHR's responsibility is to determine if the study meets the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and has been conducted under the supervision of a qualified archaeologist who meets the qualification set forth in the Secretary of the Interior's Professional Qualification Standards. This is the preferred option for review of these studies.*

The developer may request staff to hire an independent archaeologist to review the study. The Director of Planning shall select the independent archaeologist. The developer will pay the full costs of this review. It would be the independent archaeologist's responsibility to determine if the study meets the Virginia Department of Historic Resource's Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and has been conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. The developer will take risk in this matter. If at some point in the future the developer needs to go before the VDHR, and comments are made regarding previous studies, it will be the County's position that all VDHR issues need to be resolved. The County's archaeologist will not participate in this process.

2. *A treatment plan shall be submitted to, and approved by, the Director of Planning for all sites in the Phase I study, that are recommended for a Phase II evaluation and/or identified as being eligible for inclusion on the National Register of Historic Places. The treatment plan shall list treatment measures for each of the sites meeting the criteria listed in the condition and shall include, at a minimum, the extent of impact to the area, a description of the probable boundaries and recommendations for treatment of the area. These plans shall be reviewed by staff who may, if necessary, consult with VDHR. The developer may request review by an independent archaeologist subject to the provisions of Guideline No. 1. Once identified concerns have been addressed, staff (not VDHR) will approve the study. At this time acceptable treatment measures can include the preparation*

of a Phase II study or preservation of the site in situ. Site in situ can include leaving the site completely undisturbed and/or preserving the site in a manner acceptable to the Director of Planning.

3. *If a Phase II study is undertaken, such a study shall be approved by the Planning Director and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. The study will be reviewed as outlined in Guideline No. 1.*

The treatment plan shall list treatment measures for each of the sites meeting the criteria listed in the condition. If there is a question as to whether or not sites are impacted by development, staff will examine these sites and determine if a treatment plan is necessary. These plans shall be reviewed by staff who may, if necessary, consult with VDHR. The developer may request review by an independent archaeologist subject to the provisions of Guideline No. 1. Once identified concerns have been addressed, staff (not VDHR) will approve the study. At this time acceptable treatment measures can include the preparation of a Phase III study or preservation of the site in situ. Site in situ can include leaving the site completely undisturbed and/or preservation of the site in a manner acceptable to the Director of Planning.

4. *If, in the Phase II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. The developer shall pursue the nomination of eligible sites. However, submission of the application to initiate this process will fully satisfy the condition.*
5. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study area. The study will be reviewed as outlined in Guideline No. 1.
6. All approved treatment plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon.

II. In Implementing and updating this condition, the following procedures and guidelines will be followed:

1. The policy and archaeological assessment shall be updated and revised as appropriate in advance of the Comprehensive Plan update to keep the documents current with new findings, professional archaeological standards and practices, and Virginia Department of historical Resources (VDHR) policy.
2. The following note shall be included on all future revisions of the Comprehensive Plan Land Use Map:

“Depending upon certain environmental conditions, highly-sensitive archaeological sites may occur within 3 km (1.9 mi.) of the James and Chickahominy rivers and within 2 km (1.2 mi.) of the York River. Ultrasensitive zones may occur where these high-sensitivity areas fall within the Primary Service Area. Please refer to the text of the Comprehensive Plan for further information.”

3. Maps indicating the general extent of high- and moderate-sensitivity areas shall be included within the text of the Comprehensive Plan with appropriate cross-references to documents such as the James City County Archaeological Assessment.
4. Upon nomination of a developer engaging in successful archaeological preservation, the Board of Supervisors shall consider the issuance of a resolution of appreciation.
5. A developer may advertise on-site preservation efforts in accordance with the regulations of the sign ordinance and after consultation with a professional archaeologist and the Director of Planning.
6. A developer may advertise on-site preservation efforts through promotional videos to be shown on the County's cable channel.
7. To the greatest extent possible, the County shall make display areas available in public areas of all County-owned and operated buildings.
8. Any developer who completes a Phase II study shall make available a portion of the artifacts for display in public buildings.

#### **G. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, praised the Peninsula Work Force Development Center project and suggested that the information regarding County participation be provided to industry and technical industry.

#### **H. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner stated that the Natural Gas Cooperative Agreement documents would be on the October 13, 1998, Board of Supervisors agenda. He announced a Work Session, Wednesday, September 23, 1998, at 2:00 p.m., with Parks and Recreation reporting on the three public meetings and Board discussion of moral obligation bonds.

Mr. Wanner reported that he had received a telephone call from Senator Charles Robb's Virginia Beach office that staff would visit local government. He recommended adjournment.

#### **I. BOARD REQUESTS AND DIRECTIVES**

Mr. Edwards read a Reading File memorandum from County Attorney Frank Morton regarding the Freedom of Information Act and Board's closed executive sessions.

Mr. Bradshaw asked Mr. Wanner to report on highway safety in Toano. Mr. Wanner stated that Mr. Home would speak to the subject.

Mr. Home reported that Mr. Wayland Bass had been working with Virginia Power to install several street lights by November 1 to increase level of lighting along Route 60.

Mr. Edwards read a portion of a press release from the Peninsula Alliance for Economic Development announcing the selection of Richard D. Weigel as President and Chief Executive Officer. Mr. Weigel had been

Regional Director of New York State Department of Economic Development North Country's Office for the past ten years.

Mr. McGlennon 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 8:45 p.m.



Sanford B. Wanner  
Clerk to the Board

092298bs.min

SEP 22 1998

ORDINANCE NO. 164A-8BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIACROAKER AGRICULTURAL AND FORESTAL DISTRICT (AFD-2-86)

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

WHEREAS, in accordance with Section 15.2-4305 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Croaker Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on August 27, 1998, voted 7 to 0 with one abstention to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on September 2, 1998, voted 6 to 0, with one absence, to renew the district with the conditions listed below.

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

1. The Croaker Agricultural and Forestal District is hereby continued for a period of four years beginning the twenty-second day of September, 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:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Hankins Land Trust	(15-3)(1-44)	119.000
William Apperson	(14-4)(1-15)	51.450
V. D. McManus Estate	(15-3)(1-43)	119.850
V. D. McManus Estate	(15-3)(1-42)	10.100
V. D. McManus Estate	(15-3)(1-36)	40.400
Debra Hicks	(15-3)(1-2)	39.760
Clarence D. Richardson, Jr.	(15-3)(1-34)	34.000
Judith R. Pieper	(14-4)(1-10)	40.000
Robert I. Solomon	(14-4)(1-9)	49.079
Wenger Land Trust	(13-2)(1-18)	95.300
Wenger Land Trust	(14-1)(1-1)	150.000
Wenger Land Trust	(14-1)(1-14)	143.500
Thomas B. Ballard	(15-3)(1-35) 3 parts	57.000
Audre S. Atkins	(15-3)(1-18)	16.051
Audre S. Atkins	(15-3)(1-19)	16.397
Audre S. Atkins	(15-3)(1-29)	30.937
William Ferguson, III	(14-4)(1-3)	29.000
Milly Wallis c/o Doris Lockley	(15-4)(1-4)	<u>40.000</u>
Total:		<u>1,081.824</u>



provided, however, that all land within 25 feet of the road rights-of-way of Riverview Road (Route 606), Ware Creek Road (Route 606), Saddletown Road, and Mount Laurel Road (Route 608) shall be excluded from the district.

- 3. That pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Croaker Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) The subdivision does not result in the total acreage of the district to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
  - b. No land outside the Primary Service Area (PSA) and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land inside the PSA and within the AFD may be withdrawn from the district in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts within the Primary Service Area, adopted September 24, 1996.
  - c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this district. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.



Jack D. Edwards  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

SUPERVISOR	VOTE
SISK	AYE
MCGLENNON	AYE
BRADSHAW	ABSTAIN
NERVITT	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of September, 1998.

SEP 22 1998

ORDINANCE NO. 165A-7

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

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

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

WHEREAS, in accordance with Section 15.2-4305 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Hill Pleasant Farm Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on August 27, 1998, voted 7 to 0 with one abstention to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on September 2, 1998, voted 5 to 0 with one absence and one abstention to renew the district with the conditions listed below.

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

1. The Hill Pleasant Farm Agricultural and Forestal District is hereby continued for a period of four years beginning the twenty-second day of September, 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:


<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
C. E. Stevens	(24-1)(1-4)	105.040
Hill Pleasant Farm, Inc.	(24-1)(1-5)	397.300
Wayne Moyer	(24-1)(1-15D)	32.280
Williamsburg Pottery, Inc.	(24-3)(1-17)	27.000
William Pettit	(24-3)(1-31B)	<u>12.000</u>
Total:		<u>573.620</u>

provided, however, that all land within 25 feet of the road rights-of-way of Interstate 64 and Rochambeau Drive (Route 755) shall be excluded from the district.

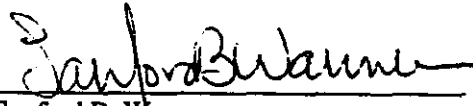
3. That pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Hill Pleasant Farm Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the 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. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) The subdivision does not result in the total acreage

of the district to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.

- b. No land outside the Primary Service Area (PSA) and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land inside the PSA and within the AFD may be withdrawn from the district in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts within the Primary Service Area, adopted September 24, 1996.
- c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this district. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

  
 \_\_\_\_\_  
 Jack D. Edwards  
 Chairman, Board of Supervisors

ATTEST:

  
 \_\_\_\_\_  
 Sanford B. Wanner  
 Clerk to the Board

SUPERVISOR	VOTE
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
NERVITT	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of September, 1998.

afd386.res

SEP 22 1998

ORDINANCE NO. 167A-6BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIABARNES SWAMP AGRICULTURAL AND FORESTAL DISTRICT (AFD-5-86)

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

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

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on August 27, 1998, voted 7 to 0 with one abstention to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on September 2, 1998, voted 6 to 0, with one absence, to renew the district with the conditions listed below.

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

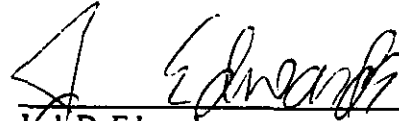
1. The Barnes Swamp Agricultural and Forestal District is hereby continued for a period of four years beginning the twenty-second day of September, 1998, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. That the district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

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Dennis Leonituk and Anna Hollins	(3-1)(1-1)	128.700
Eunice P. Stewart	(3-1)(1-2)	64.000
Katherine L. Hockaday	(3-1)(1-3)	62.560
Elizabeth S. Beahm	(3-3)(1-3)	70.000
Alvin and Elizabeth Beahm	(3-3)(1-4)	70.000
Arlene H. Bowmer	(3-3)(1-6)	96.750
James H. and Fannie J. Timberlake	(2-4)(1-12)	62.200
Estate of John G. Warburton	(10-1)(1-1)	78.000
A. T. and O. P. Harwood Living Trust	(3-2)(1-1)	43.530
Estate of Mick Zuzma	(3-2)(1-2)	32.030
Henry B. and Myrtle Johnson	(3-2)(1-3)	19.080
Henry B., Myrtle and John B. Johnson	(3-2)(1-3A)	93.990
Robert M. Dzula	(3-2)(1-4)	28.080
John A. Richardson	(4-1)(1-5)	42.000
John A. Richaradson	(4-1)(1-6)	10.000
J. B. and Richard Cowles	(4-1)(1-8)	79.120
H. P. and Mary Hazelwood	(4-2)(1-8)	249.880
Edith Bell Hazelwood	(4-2)(1-14)	99.400
Florence S. Carter	(4-3)(1-15)	22.000
W. A. Stater, c/o Florence Carter	(4-3)(1-16)	52.000
R. M. Hazelwood	(4-3)(1-17)	184.296

J. W. Jr., and Isab Woodward	(9-2)(1-1)	114.000
Alex Lamar Penland	(2-4)(1-29)	55.900
Donald A. Hazelwood	(4-2)(1-20)	117.000
Donald A. Hazelwood	(4-2)(1-18)	3.460
Donald A. Hazelwood	(4-4)(1-1)	<u>6.900</u>
 Total:		 <u>1,884,876</u>

provided, however, that all land within 25 feet of the road rights-of-way of Racefield Drive (Route 622), Stewarts Road (Route 621), Richmond Road (Route 60), Old Stage Road (Route 30), Richardson Road (Route 705), Holly Forks Road (Route 601), Fire Tower Road (Route 634), and Interstate 64 shall be excluded from the district.

3. That pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Barnes Swamp Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) The subdivision does not result in the total acreage of the district to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
  - b. No land outside the Primary Service Area (PSA) and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land inside the PSA and within the AFD may be withdrawn from the district in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts within the Primary Service Area, adopted September 24, 1996.
  - c. No special use permit shall be issued except for agricultural, forestal or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this district. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.



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 22nd day of September, 1998.

afd586.res

SEP 22 1998

ORDINANCE NO. 168A-5BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIACRANSTON'S POND AGRICULTURAL AND FORESTAL DISTRICT (AFD-6-86)

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

WHEREAS, in accordance with Section 15.2-4305 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Cranston's Pond Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on August 27, 1998, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on September 2, 1998, voted 6-0, with one absence, to renew the district with the conditions listed below.


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

1. The Cranston's Pond Agricultural and Forestal District is hereby continued for a period of four years beginning the twenty-second day of September, 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:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Hidden Acres Farm	(23-3)(1-1)	416.500
Bert Geddy	(22-3)(1-26)	167.500
Michael A. and Margaret Constanzo	(22-3)(1-33)	19.410
Edward K. English	(22-4)(1-1A)	101.670
James P. Harcum	(22-2)(1-87)	62.559
George A. Marston, Jr.	(22-2)(1-90)	40.000
Otto C. and Thelma Ripley	(31-2)(1-3)	22.830
Michael A. and Margaret Constanzo	(21-4)(1-39)	6.500
Douglas L. Hornsby Trust	(21-4)(1-46)	205.000
George A. Marston, Jr.	(22-2)(1-33)	12.000
George A. Marston, Jr.	(22-2)(1-35)	1.000
George A. Marston, Jr.	(22-2)(1-36)	2.110
George A. Marston, Jr.	(22-2)(1-37)	<u>16.500</u>
Total:		<u>1,073.579</u>

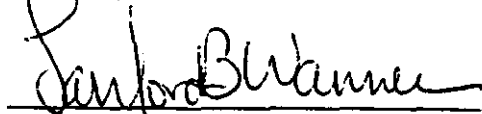
provided, however, that all land within 50 feet of the road rights-of-way of Chickahominy Road (Route 631) and Centerville Road (Route 614) shall be excluded from the district.

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Cranston's Pond Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a) The subdivision does not result in the total acreage of the district to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
  - b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District (AFD) may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land inside the PSA and within the AFD may be withdrawn from the district in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996.
  - c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this district. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.



Jack D. Edwards  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

SUPERVISOR	VOTE
SISK	AYE
MCGLENNON	AYE
BRADSHAW	ABSTAIN
NERVITT	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of September, 1998.



SEP 22 1998

ORDINANCE NO. 169A-6BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIAMILL CREEK AGRICULTURAL AND FORESTAL DISTRICT (AFD-7-86)

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

WHEREAS, in accordance with Section 15.2-4305 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertized, and public hearings have been held on the continuation of the Mill Creek Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on August 27, 1998, voted 6-0 (with two abstentions - Cowles, Bradshaw) to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on September 2, 1998, concurred with the recommendation of staff and the Agricultural and Forestal District Advisory Committee and voted 6-0, with one absence, to renew the district with the conditions listed below.

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

1. The Mill Creek Agricultural and Forestal District is hereby continued for a period of four years beginning the twenty second day of September, 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:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
William A. Thompson	(19-2)(1-5)	24.681
Linda B. Cowles Estate, c/o Carter C.,	(20-2)(1-6)	385.963
Melinda Cowles Barbour, et. al.	(20-2)(1-3)	102.669
Melinda Cowles Barbour, et. al.	(20-2)(1-1)	8.786
James G. and Penny R. Crow	(21-1)(1-5)	46.010
J. B. Cowles, Jr.	(20-1)(1-1)	400.000
Steve L. and Pamela C. Massie	(11-3)(1-28)	99.457
Steve L. and Pamela C. Massie	(11-3)(1-28A)	32.610
Steve W. and Margaret J. Kraph	(11-4)(1-6)	4.730
Nancy Cottrell, c/o M. Anderson Bradshaw	(11-4)(1-2)	297.288
Linda B. Cowles Estate, c/o Carter C. Cowles, III	(10-4)(1-5)	250.000
Linda B. Cowles Estate, c/o Carter C. Cowles, III	(10-4)(1-6)	124.768
C. C. Cowles Sr. Estate, c/o Carter C. Cowles, III	(10-4)(1-3) 2 pts.	103.260
R. T. Armistead	(10-1)(1-38)	50.000
Roxie Price Sheldon	(10-3)(1-19)	97.590
W. A. Slater, c/o Florence Carter	(10-2)(1-17)	244.500
Albert T. and Joan Lloyd Slater	(10-1)(1-28)	69.790
McRae O. Selph	(10-1)(1-7)	50.000
Walter Nelson Marshall	(11-4)(1-5)	80.500

-2-

Martha Ware	(20-2)(1-2)	57.748
John Lee Darst	(9-2)(1-36)	41.225
W. A. Slater, c/o Florence Carter	(10-3)(1-3)	42.000
Caroline W. Dozier	(20-2)(1-5)	186.170
Caroline W. Dozier	(20-2)(1-7)	16.500
Caroline W. Dozier	(20-2)(1-8)	12.000
Edward W. Maynard IV	(10-3)(1-13)	34.030
John M. L. Barnes Est., c/o James F. Cowles, III	(10-2)(1-4)	215.768
James F. Cowles	(11-1)(1-1)	<u>29.000</u>

Total: 3,107.043

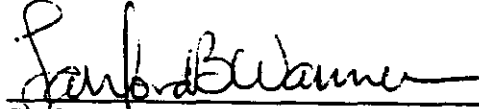
provided, however, that all land within 25 feet of the road rights-of-way of Forge Road (Route 610), Little Creek Dam Road (Route 631), Menzel's Road (Route 659), North Riverside Drive (Route 715), Diascund Road (Route 603), and Richmond Road (Route 60) shall be excluded from the district.

3. That pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Mill Creek Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) The subdivision does not result in the total acreage of the district to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
  - b. No land outside the Primary Service Area (PSA) and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land inside the PSA and within the AFD may be withdrawn from the district in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts within the Primary Service Area, adopted September 24, 1996.
  - c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this district. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.



Jack D. Edwards  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

SUPERVISOR	VOTE
SISK	AYE
MCLENNON	AYE
BRADSHAW	AYE
NERVITT	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of September, 1998.

afd786.res

SEP 22 1998

ORDINANCE NO. 174A-8BOARD OF SUPERVISORS  
JAMES CITY COUNTYCASEY AGRICULTURAL AND FORESTAL DISTRICT (AFD-8-86) VIRGINIA

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

WHEREAS, in accordance with Section 15.2-4305 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Casey Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on August 27, 1998, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on September 2, 1998, voted 6-0, with one absence, to renew the district with the conditions listed below.

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

1. The Casey Agricultural and Forestal District is hereby continued for a period of four years beginning the twenty-second day of September, 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:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
J. G. Warburton Est., c/o M. McMurrin	(37-3)(1-4)	165.58
C. C. Casey LTD, Co.	(38-4)(1-1)	177.63
C. C. Casey LTD, Co.	(38-4)(1-7)	200.71
J. G. Warburton Est., c/o M. McMurrin	(47-2)(1-1)	31.47
Sasha L. and Mary Digges	(38-3)(1-18)	<u>45.28</u>
Total:		<u>620.67</u>

provided, however, that all land within 60 feet of the road right-of-way of Ironbound Road and within 25 feet of News Road and John Tyler Highway shall be excluded from the district. Also, all land within the proposed rights-of-way of Route 199, the extension of Monticello Avenue, and the potential realignment of Ironbound Road shall be excluded from the district.

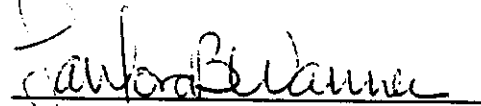
3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Casey Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

- a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) The subdivision does not result in the total acreage of the district to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
- b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District (AFD) may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land inside the PSA and within the AFD may be withdrawn from the district in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts within the Primary Service Area adopted September 24, 1996.
- c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this district. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.



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 22nd day of September, 1998.

SEP 22 1998

ORDINANCE NO. 170A-9BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIAGORDON CREEK AGRICULTURAL AND FORESTAL DISTRICT (AFD-9-86)

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

WHEREAS, in accordance with Section 15.2-4305 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Gordon Creek Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on August 27, 1998, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on September 2, 1998, voted 6-0, with one absence, to renew the district with the conditions listed below.

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

1. The Gordon Creek Agricultural and Forestal District is hereby continued for a period of four years beginning the twenty-second day of September, 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:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
R. T. Armistead	(35-2)(1-16)	369.0
R. T. Armistead	(36-3)(1-1)	163.9
Rosa Armistead Est.	(30-3)(1-4)	23.0
Walburton, J. G. Est., c/o M. McMurrin	(35-4)(1-1)	394.5
Edward D. Warburton	(35-2)(1-1)	86.6
Olson, Selby, Nicodemus	(34-2)(1-2)*	186.6
Walburton, J. G. Est., c/o M. McMurrin	(36-3)(1-3)	264.0
Thomas L. Hitchens	(36-1)(1-6)	35.0
W. A. Thompson & Charles Flemming	(36-2)(1-40)	143.0
Gordon Creek Corp.	(36-2)(1-1)	142.1
Gordon Creek Corp	(36-2)(1-1B)	24.8
Gordon Creek Corp	(36-2)(1-2)	50.3
Gordon Creek Corp	(36-2)(1-3)	25.2
Claybank Landing, LLC	(43-2)(1-1)	124.1
John C. Richardson, et.al.	(36-4)(1-7)	116.9
John C. Richardson, et.al.	(36-4)(1-8)	38.0
John C. Richardson, et.al.	(30-3)(1-3)	33.0
Jane T. Carsewell	(36-1)(1-3)	44.0
Warburton, J. G. Est., c/o M. McMurrin	(36-1)(1-4)	37.6
Powhatan Association	(44-1)(1-1)	387.4
Powhatan Hunt Club, c/o J. Kenneth Timmons	(35-3)(1-1)	241.7

-2-

Lorene Richardson	(36-2)(1-18)	95.5
John C. Jamison	(35-4)(1-9)	57.6
Linda Henderson Gordon	(34-2)(1-1)	35.3
Williamsburg Pottery, Inc.	(44-1)(1-2)	26.0
Nayses Bay Land Co.	(35-1)(1-3)	32.0
Nayses Bay Land Co.	(35-1)(1-6)*	11.0
William Kane	(29-4)(1-3)	4.0
William Kane	(30-3)(1-7)	8.0
William Kane	(35-2)(1-7)	131.0
William Kane	(36-1)(1-1)	8.3
William Kane	(36-1)(1-2)	<u>13.0</u>

Total: 3,352.6

\* Notes:

TM (34-2)(1-2), Olson changed from 244.6 to 186.6 based on REA records.

TM (34-3)(1-1) does not exist per REA records.

Parcel (35-1)(1-6) Nayses Bay Land Co. Has total acreage of 34.3 but only 11 acres are in an AFD.

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

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Gordon Creek Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) The subdivision does not result in the total acreage of the district to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
  - b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District (AFD) may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land inside the PSA and within the AFD may be withdrawn from the district in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts within the Primary Service Area adopted September 24, 1996.
  - c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this district. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.



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 22nd day of September, 1998.

Afd986.res



SEP 22 1998

ORDINANCE NO. 171A-3BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIACHRISTENSON'S CORNER AGRICULTURAL AND FORESTAL DISTRICT (AFD-10-86)

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

WHEREAS, in accordance with Section 15.2-4305 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Christenson's Corner Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on August 27, 1998, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on September 2, 1998, voted 6-0, with one absence, to renew the district with the conditions listed below.

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

1. The Christenson's Corner Agricultural and Forestal District is hereby continued for a period of four years beginning the twenty-second day of September, 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:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Wallace Steiffen, <i>et al</i>	(16-4)(1-3)	402.90
C.M. Chandler	(16-3)(1-1)	8.01
C.M. Chandler	(15-4)(1-11)	<u>151.25</u>
Total:		<u>562.16</u>

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

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Christenson's Corner Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a) The subdivision does not result in the total acreage of the district to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.

- b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District (AFD) may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land inside the PSA and within the AFD may be withdrawn from the district in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996.
- c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this district. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.



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 22nd day of September, 1998.

afd1086.res

SEP 22 1998

ORDINANCE NO. 172A-3BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIAYARMOUTH ISLAND AGRICULTURAL AND FORESTAL DISTRICT (AFD-11-86)

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

WHEREAS, in accordance with Section 15.2-4305 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertized, and public hearings have been held on the continuation of the Yarmouth Island Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on August 27, 1998, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on September 2, 1998, concurred with the recommendation of staff and the AFD advisory committee and voted 6-0, with one absence, to renew the district with the conditions listed below.

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


1. The Yarmouth Island Agricultural and Forestal District is hereby continued for a period of four years beginning the twenty second day of September, 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:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
J. C. Richardson, et. al.	(29-3)(1-5)	172.840
J. C. Richardson, et. al.	(29-3)(1-2)	68.500
John C. and Lorraine Richardson	(28-4)(1-5)	940.000
John Coleman Richardson	(29-1)(1-1)	28.500
John C. and Lorraine Richardson	(29-2)(1-1)	123.000
J. G. Warburton, Est., c/o M. McMurrin	(29-4)(1-1)	37.750
David W. Ware Trust, c/o Wallace Sink	(30-1)(1-7)	26.000
David W. Ware Trust, c/o Wallace Sink	(30-3)(1-1)	26.000
Clyde and Mary H. Van Calhoun, Jr.	(29-4)(1-2)	<u>34.890</u>
Total:		<u>1,457.480</u>

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

3. That pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Yarmouth Island Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

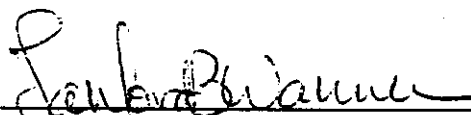
- a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) The subdivision does not result in the total acreage of the district to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
- b. No land outside the Primary Service Area (PSA) and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land inside the PSA and within the AFD may be withdrawn from the district in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts within the Primary Service Area, adopted September 24, 1996.
- c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this district. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.


---

 Jack D. Edwards  
 Chairman, Board of Supervisors

ATTEST:


---

 Sanford B. Wanner  
 Clerk to the Board

SUPERVISOR	VOTE
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
NERVITT	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of September, 1998.

SEP 22 1998

ORDINANCE NO. 173A-9

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

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

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

WHEREAS, in accordance with Section 15.2-4305 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Gospel Spreading Church Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on August 27, 1998, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on September 2, 1998, voted 6-0, with one absence, to renew the district with the conditions listed below.

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

1. The Gospel Spreading Church Agricultural and Forestal District is hereby continued for a period of four years beginning the twenty-second day of September, 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:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
JCC Bible and Agricultural Training School	(48-3)(1-35)	403.56
JCC Bible and Agricultural Training School	(56-2)(1-1)	457.00
Floyd P. Carmines	(47-4)(1-37)	27.92
Lyman Hall	(47-4)(1-11)	17.89
Lyman Hall	(47-4)(1-13)	39.11
Thomas M. and Elva Mikula	(48-3)(1-39)	14.42
Thomas M. and Elva Mikula	(48-3)(1-40)	<u>8.55</u>
Total:		<u>968.45</u>

provided, however, that all land within 25 feet of the road rights-of-way of Treasure Island Road (Route 617), Lake Powell Road (Routes 617 and 618), Neck-O-Land Road (Route 682), and Jamestown Road (Route 31) shall be excluded from the district.

3. That pursuant to the Virginia Code, Section 15.2-4312 and 14.2-4313, as amended, the Board of Supervisors requires that no parcel in the Gospel Spreading Church Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision of land is limited to 25 acres or more, except where the Board

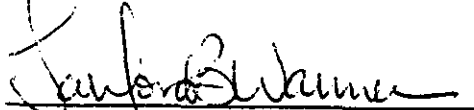
of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a) The subdivision does not result in the total acreage of the district to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.

- b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District (AFD) may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land inside the PSA and within the AFD may be withdrawn from the district in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996.
- c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this district. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.



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 22nd day of September, 1998.

SEP 22 1998

ORDINANCE NO. 173A-10

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

GOSPEL SPREADING CHURCH (GILLEY)

AGRICULTURAL AND FORESTAL DISTRICT (AFD-13-86)

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

WHEREAS, in accordance with Section 15.2-4305 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertized, and public hearings have been held on the continuation of the Gospel Spreading Church (Gilley) AFD; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on August 27, 1998, voted 7-0 (with one abstention - Gilley) to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on September 2, 1998, concurred with the recommendation of staff and the AFD advisory committee and voted 6-0, with one absence, to renew the district with the conditions listed below.

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

1. The Gospel Spreading Church (Gilley) AFD is hereby continued for a period of four years beginning the twenty second day of September, 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:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
R. E. Gilley	(47-4)(1-42A)	18.020
Joann H. Gilley	(47-4)(1-40)	45.730
Joann H. Gilley	(47-4)(1-41)	108.545
Helen J. Rees	(47-3)(1-67)	25.000
Helen J. Rees	(47-3)(1-66)	<u>83.698</u>
Total:		<u>280.993</u>

provided, however, that all land within 25 feet of the road rights-of-way of Treasure Island Road (Route 617), Lake Powell Road (Route 618), Jamestown Road (Route 31), and Neck-O-Land Road (Route 682) shall be excluded from the district.

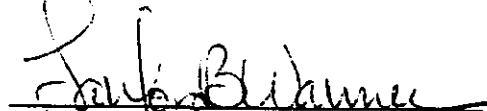
3. That pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Gospel Spreading Church (Gilley) AFD be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions 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 communications towers and related equipment, provided: a) The subdivision does not result in the total acreage of the district to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
- b. No land outside the Primary Service Area (PSA) and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land inside the PSA and within the AFD may be withdrawn from the district in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts within the Primary Service Area, adopted September 24, 1996.
- c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this district. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.



Jack D. Edwards  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

SUPERVISOR	VOTE
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
NERVITT	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of September, 1998.