

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 9TH DAY OF NOVEMBER 2010, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Mary Jones, Vice Chair, Berkeley District
Bruce C. Goodson, Roberts District
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

Robert C. Middaugh, County Administrator
Leo P. Rogers, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Davis Tarvin, a tenth-grade student at Jamestown High School, led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATION

1. Greater Hampton Roads Top Cop Award – Investigator Dave Rochard

Mr. Kennedy and Ms. Jones presented a Certificate of Achievement to Investigator Dave Rochard in recognition of his receipt of the Greater Hampton Roads Top Cop Award.

Police Chief Emmett Harmon commended Investigator Rochard for his hard work and achievement.

F. PUBLIC COMMENT

1. Mr. Jay Everson, 103 Branscome Boulevard, commented on the stormwater management bond referendum and political involvement in the process. He commented on the split support of the Board for the referendum and the effect that it had on the vote. He noted that the lack of specificity in the referendum question also led to opposition.

2. Mr. Ed Oyer, 139 Indian Circle, commented on Veteran's Day and commemoration of those who fought for our country; application process for the Superintendent of schools; financial bond ratings, and investment decisions.

3. Mr. Chris Henderson, 101 Keystone, commented on concerns about the Courthouse Commons project. He stated that the applicant had exceeded County requirements and was following the approved master plan. He commented that the landscape plan for Courthouse Commons was extensive and additional public water supply was needed.

G. BOARD REQUESTS AND DIRECTIVES

Mr. Middaugh introduced Mr. Russell Seymour, the new County Economic Development Director, who started on November 1, 2010. He gave a brief biography of Mr. Seymour and welcomed him to the community.

Mr. Kennedy recognized Planning Commissioner Al Woods in attendance.

Mr. Icenhour stated that he attended the State Water Commission meeting on October 28, 2010, and discussed the Chesapeake Bay Cleanup and Watershed Management Planning. He gave an overview of the public comment and documents from the meeting. He commented on the economic loss of not cleaning the Bay, cooperation from the Environmental Protection Agency (EPA) on plans to clean the Bay, and support for Bay cleanup.

Mr. Icenhour noted that he attended the Virginia Association of Counties (VACo) Annual Conference and reported on the Finance Steering Committee meeting he attended. He commented on State financial obligations that would impact localities.

Mr. Goodson commented that he also attended the VACo Conference and reported on a presentation by the Virginia Department of Health and commented on new regulations on alternative septic systems. He asked staff to investigate what the potential would be at buildout for these alternative systems, which can be a point source for Chesapeake Bay runoff. He stated this was a policy issue that should be investigated during the evaluation of Rural Lands.

Mr. McGlennon commented that he attended a meeting of the Coalition of High Growth Communities, which has been encouraging localities to take a strong position on minimizing the impact of the alternative systems. He stated that the County should be ready to express its opinion.

Mr. Kennedy asked that the Board members who have attended these meetings write up reports that can be passed on to the staff and the Board.

H. CONSENT CALENDAR

Mr. Icenhour asked to pull Item H-2 for discussion.

Mr. Goodson asked to pull Item H-3 for a separate vote.

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

1. Minutes –
 - a. October 26, 2010, Work Session Meeting
 - b. October 26, 2010, Regular Meeting

4. Contract Award – Jamestown Yacht Basin Archaeology – \$8,810

RESOLUTION

CONTRACT AWARD - JAMESTOWN YACHT BASIN ARCHAEOLOGY - \$8,810

WHEREAS, the County has undertaken archaeological work on the Workman/Ambler Plantation site, partially included within the Jamestown Yacht Basin, acquired by the County in December 2006; and

WHEREAS, the site has been explored over a three-year period and the artifacts need to be documented and catalogued and the site preserved from erosion; and

WHEREAS, the next stage of work includes fieldwork completing the excavation and documentation (drawings and photographs) of the remaining exposed portions of the site and performing laboratory processing of artifacts (washing, boxing, and bagging in archival materials) as well as a management summary containing a brief interpretation of the site; and

WHEREAS, project records and all archival boxes of artifacts will be delivered to James City County upon completion of the study.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the transfer of \$8,810 from Operating Contingency to allow the acceptance of a proposal from Archaeological & Cultural Solutions, Inc. (ACS) to perform the work described.

2. Contract Award – Upper County and Chickahominy Riverfront Park Pools – \$155,456

Mr. Icenhour asked staff to explain the funding for this project for the benefit of the public. He stated that the Parks and Recreation referendum funds were borrowed in 2006.

Mr. John Carnifax, Director of Parks and Recreation, stated that the referendum funding was broken down with \$8.7 million for Warhill, \$4.3 million for Freedom Park, \$1.5 million for Greenways, and \$500,000 for Chickahominy Riverfront Park, which was being proposed for the pool funding.

Mr. Icenhour asked if the Greenways project were part of the bond referendum.

Mr. Carnifax stated that was correct.

Mr. Icenhour stated that he understood \$11 million has been spent and the remainder was mostly allocated for Freedom Park.

Mr. Carnifax stated that was correct.

Mr. Icenhour asked about the time schedule for the expenditure of the funds.

Mr. Carnifax explained that the bid for the remaining project requirements is due back in December. He stated that he expected the bid would come in below estimates. He stated that there was approximately \$3 million left to be spent on Freedom Park and staff expected that the bid for the interpretive center and

improvements would come in at about \$1.5 million. He stated if that is the case, staff planned to move forward on other projects on the Freedom Park master plan.

Mr. Icenhour asked how the balance remaining in the Greenways project would be spent.

Mr. Carnifax stated that the project would connect the Capital Trail to the desalination plant.

Mr. Icenhour asked if this was the project that was recently before the Board.

Mr. Carnifax stated that was correct.

Mr. Icenhour stated that this funding would draw down the funding for Chickahominy Riverfront Park.

Mr. Carnifax stated that was correct.

Mr. Icenhour made a motion to adopt the resolution.

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

RESOLUTION

CONTRACT AWARD – UPPER COUNTY AND CHICKAHOMINY

RIVERFRONT PARK POOLS – \$155,456

WHEREAS, competitive proposals were advertised and received for necessary improvements to outdoor pools at Upper County Park and Chickahominy Riverfront Park; and

WHEREAS, three proposals were received and evaluated with the preferred proposer being Contracting Solutions Inc.; and

WHEREAS, staff has negotiated a satisfactory scope of services and fees of \$155,456 that are appropriate for the work to be performed; and

WHEREAS, Referendum Bond Funds are available to fund this contract award.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator or his designee to execute the necessary contract documents for the Upper County and Chickahominy Riverfront Park pools improvements in the total amount of \$155,456.

3. Budget Adjustments – Asphalt Overlay Projects

Mr. McGlennon made a motion to adopt Item H-3.

On a roll call vote, the vote was AYE: McGlennon, Icenhour, Jones, Kennedy (4). NAY: (0). ABSTAIN: Goodson (1).

RESOLUTION

BUDGET ADJUSTMENT – ASPHALT OVERLAY PROJECTS

WHEREAS, on October 27, 2009, the County/State Project Administration Agreement for Federal Aid Projects was adopted to authorize the County Administrator to execute the Project Administration Agreement for the Overlay/Resurfacing contract (UPC No. 95044), completing the appropriation of \$535,421 for a contract with Branscome, Inc.; and

WHEREAS, an additional \$210,305 of excess American Reinvestment and Recovery Act Funds, \$53,542 Regional Surface Transportation Program funds, and \$40,440 Secondary Construction funds have been identified to fund Additive Bid No. 2 with Branscome and associated oversight services expenses provided by the Virginia Department of Transportation; and

WHEREAS, the County’s Purchasing Policy requires Board approval when a change order exceeds either 25 percent of the original contract amount or \$50,000 whichever is greater.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the FY 2010 Special Projects/Grant fund for the purpose indicated below and authorizes the County Administrator to execute a change order for Additive Bid No. 2 to Branscome, Inc. up to the amount of \$192,517.

BE IT FURTHER RESOLVED that the Board hereby approves the appropriation of funds as follows:

Revenue:

American Recovery and Reinvestment Act (ARRA) Funds	\$210,305
Regional Surface Transportation Program Funds	53,542
Secondary Construction Funds	<u>40,440</u>
Resurfacing Funds	<u>\$304,287</u>

Expenditures:

Additive Bid No. 2 Overlay/Resurfacing (UPC No. 95044)	\$192,517
Virginia Department of Transportation Professional Engineer and Construction Inspection (UPC No. 95044)	75,374
Contingency (UPC No. 95044)	<u>36,396</u>
	<u>\$304,287</u>

I. PUBLIC HEARINGS

1. Case No. SUP-0024-2009. Hospice House and Support Care of Williamsburg Wireless Communication Facility Tower (Deferred from July 13, 2010, Deferral Requested)

Mr. Jason Purse, Senior Planner, stated that the applicant has requested a deferral until December 14, 2010.

Mr. Kennedy commented that the Public Hearing was open.

The Public Hearing remained open.

2. Case No. SUP-0018-2010. American Heritage RV Park Expansion (Continued from October 12, 2010)

Ms. Kate Sipes, Senior Planner, stated that Mr. Vernon Geddy, III, has applied on behalf of Mr. and Mrs. Rhoads for a Special Use Permit (SUP) to expand the existing American Heritage RV Park from the current 95 campsites to a proposed 327 sites. Eighty-six of the sites would be modular cabins (identified on the exhibit as cabins/RV units). In addition to the cabins/RV units and an additional 146 campsites, the applicant is proposing a building for the storage of RV units, expanded recreational and picnic areas, a storage building, and an office addition.

At its meeting on September 1, 2010, the Planning Commission recommended approval of the application by a vote of 7-0.

Following the September Planning Commission Public Hearing, as a result of concerns raised by residents of Maxton Lane, the Virginia Department of Transportation (VDOT) conducted additional site visits and issued revised comments recommending trench widening to provide shoulder stability and increased lane widths. Condition No. 17 has been added to address the off-site road improvements recommended by VDOT and adjacent property owners.

At the Board of Supervisors Public Hearing on October 12, 2010, concerns were raised regarding the Economic Opportunity (EO) designation and the appropriateness of permitting the proposed expansion. The Board deferred the case to November 9, 2010, and requested the Planning Commission review the case, with additional conditions proposed, for consistency with the Comprehensive Plan. As a result of that discussion, Condition Nos. 15, 16, and 18 have been added to provide additional assurances that future master planning efforts and development of the property are not precluded by this expansion.

Staff found the proposal to be generally consistent with surrounding land uses and the Comprehensive Plan.

Staff recommended approval of the SUP with attached conditions.

Mr. Kennedy opened the Public Hearing.

1. Mr. Vernon M. Geddy, III, on behalf of the applicant, gave a brief overview and requested approval of the application.

Mr. Icenhour commented that staff advised the applicant to wait until the completion of the Comprehensive Plan to pursue this project. He asked if the applicant was ready at that time to move forward on the plans.

Mr. Rhodes, applicant, stated that he believed staff recommended waiting to move forward on the project because of specific wording in the previous Comprehensive Plan.

Mr. Icenhour asked if the previous designation was Light Industrial for the property.

Mr. Allen Murphy, Planning Director, stated that in the previous Comprehensive Plan, a tourism and recreation facility was not permitted in the Mixed Use property designation.

Mr. Icenhour stated that he was unaware that there was any Mixed Use property outside the Primary Service Area (PSA).

Mr. Murphy stated this property was inside the PSA.

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

Mr. Goodson made a motion to adopt the resolution.

Mr. Icenhour made a motion to amend the resolution by deleting Condition Nos. 15, 16, and 18, because he felt these conditions unduly restricted the property for future property owners.

Mr. Goodson stated that he would accept the amendment.

Mr. Rogers stated that the motion was to adopt the resolution without Condition Nos. 15, 16, and 18.

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

RESOLUTION

CASE NO. SUP-0018-2010 – AMERICAN HERITAGE RV PARK EXPANSION

WHEREAS, Mr. and Mrs. William Rhoads own a parcel of property located at 146 Maxton Lane and further identified as James City County Real Estate Tax Map No. 1340100035 (the "Property"); and

WHEREAS, the Property is currently zoned R-8, Rural Residential, and designated Economic Opportunity on the 2009 Comprehensive Plan Land Use Map; and

WHEREAS, Mr. Vernon Geddy, III, has applied on behalf of Mr. and Mrs. William Rhoads to obtain a Special Use Permit (SUP) to expand the existing campground (the "RV Park") from 95 sites to 327 sites, including 86 cabin/RV units, an RV storage building, recreational and picnic facilities, storage and office space; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled; and

WHEREAS, the Planning Commission of James City County, following its public hearing on September 1, 2010, recommended approval of Case No. SUP-0018-2010 by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing, does hereby approve Case No. SUP-0018-2010 with the following conditions:

1. This SUP shall be valid for the operation of a 327-unit campground and accessory uses thereto located at 146 Maxton Lane, also known as James City County Real Estate Tax Map Parcel No. 1340100035. The Property shall be developed generally as shown on the exhibit "Special Use Permit Exhibit for American Heritage RV Park" dated July 2, 2010, prepared by LandTech Resources Inc ("Master Plan"). A maximum of 86 units may be temporary cabins as shown on the Master Plan. Such temporary cabins shall be no greater than 450 square feet in area. The Property shall be developed generally as shown on the Master Plan. Minor changes may be permitted by the Development Review Committee, as long as they do not change the basic concept or character of the development.

2. No accessory structure or parking area shall be within 100 feet of the property line of adjacent residential properties fronting on Maxton Lane.
3. The Property shall be limited to one egress/ingress from Maxton Lane. Internal roads shall remain private and shall be designed and maintained in a manner that minimizes dust during use. Accessory structures used by guests shall have at minimum one handicapped parking space and comply with the Americans with Disability Act (ADA) standards. Parking for accessory structures shall be limited to the number of spaces required for maintenance and handicapped parking only. All structures and accessory structures shall be connected by an internal ADA-compliant multi-use path and/or sidewalk.
4. Any exterior or building lighting shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source are not visible from the side. Fixtures which are horizontally mounted on poles shall not exceed 15 feet in height unless otherwise approved by the Planning Director. No light spillage, for purposes of this condition defined as 0.1 foot-candle or higher, shall extend outside the property lines.
5. No more than one freestanding sign shall be allowed along Maxton Lane. The sign shall be a monument style sign no more than eight feet tall with ground-mounted lighting and not larger than 32 square feet.
6. All open spaces shall be kept free from litter and debris.
7. A minimum 50-foot landscape buffer, free of structures, roads and campsites, shall be preserved along the property line of adjacent residential properties fronting on Maxton Lane. The buffer shall be landscaped, at a minimum, in accordance with the landscaping requirements of the Zoning Ordinance and such landscaping shall be approved by the Planning Director or his designee.
8. Outdoor activities shall be conducted in such a manner that they shall not be audible from adjacent properties later than 10 p.m. or before 7 a.m.
9. Vehicular camping units shall be licensed and registered by a governmental body and shall be legal to travel on Virginia highways without special permits for size, weight, or other reasons.
10. No person, other than the owner(s) or employees of the campground, may stay overnight for a period exceeding 30 consecutive days in any 60-day period.
11. The property owner shall be required to maintain a daily log of all campers staying at the campground (the "Log"). The Log shall include arrival and departure dates of each camper, shall be kept on file for a period of two years, and shall be available for review at the request of the Zoning Administrator.
12. If the property is not required to connect to public utilities, approval from the Virginia Department of Health for required drainfields must be obtained prior to final site plan approval being granted by the County. Primary and reserve drainfield locations must be shown on the submitted site plan prior to final site plan approval being granted by the County.

13. If the property is not required to connect to public utilities, applicable approvals from the Virginia Department of Environmental Quality and/or the Virginia Office of Drinking Water must be obtained prior to final site plan approval being granted by the County.
14. If in the future a connection is made to the James City Service Authority (JCSA) water system, a Water Conservation Agreement shall be required.
15. Prior to County issuance of any Certificate of Occupancy for the property, the property owner shall complete the following improvements, subject to the approval of VDOT and the Planning Director:
 - a. Clear two feet of right-of-way on either side of the existing pavement from 101 Maxton Lane to the entrance to the RV Park. Said clearing shall include the removal of trees, branches, shrubs, and dirt.
 - b. Place and compact gravel on two feet of either side of the existing pavement from 101 Maxton Lane to the entrance to the RV Park.
 - c. Replace the crushed culvert at 101 Maxton Lane.
 - d. Install W14-1 "Dead End," W14-2 "No Outlet," or similar signs as approved by VDOT near the entrance to the RV Park. The location of said sign shall be subject to VDOT approval.
16. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. Case No. AFD-5-86-2-2010. Racefield Property Barnes Swamp AFD Addition

Ms. Kate Sipes, Senior Planner, stated that Mr. and Mrs. Steven Johnson have applied to enroll two properties into the Barnes Swamp Agricultural and Forestal District (AFD). These properties total approximately 121.06 acres of land located at 230 and 260 Racefield Drive.

The parcel at 230 Racefield Drive is comprised of 52.63 acres. Approximately five acres is being actively farmed and the remainder of the parcel is wooded. The parcel at 260 Racefield Drive totals 68.44 acres. Approximately 20 acres is being actively farmed and the remainder of the parcel is wooded.

At its meeting on September 23, 2010, the AFD Advisory Committee recommended approval of this application by a vote of 7-0.

At its meeting on October 6, 2010, the Planning Commission recommended approval of this application by a vote of 7-0.

Staff recommends that the Board of Supervisors approve the addition to the Barnes Swamp AFD, subject to the conditions of the existing District.

Mr. Kennedy opened the Public Hearing.

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

Mr. Icenhour made a motion to adopt the ordinance.

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

4. Case No. SUP-0024-2010. Pierce Family Subdivision

Mr. Luke Vinciguerra, Planner, stated that Mr. Tracy Pierce has applied for an SUP to allow a family subdivision resulting in lots of less than three acres in size for family residential use. The 2.13-acre property is currently owned by Tracy and Lisa Pierce. The proposal is to subdivide roughly half the property and give the lot with the existing house to their daughter, Tanay Pierce. Mr. and Mrs. Pierce would then keep for themselves the remainder of the parent parcel and eventually build a new house. Mr. and Mrs. Pierce inherited the property over ten years ago. The applicant has lived on the property all his life. The lot is zoned A-1, General Agricultural, and is designated Rural Lands on the 2009 Comprehensive Plan Land Use Map.

Mr. Vinciguerra stated that the property is located in the A-1, General Agricultural, District. The minimum lot size in A-1 for single-family detached units is three acres. Section 24-214 of the Zoning Ordinance allows for a minimum lot size of less than three acres, but not less than one acre, if the creation of said lot is for use by a member of the owner's immediate family (children 18 years of age or older or parents of an owner) and an SUP is issued. The Zoning Ordinance requires the Board of Supervisors to review and approve this type of application. The application submitted is for an SUP only. Should the Board approve the SUP, the applicant will need to submit a subdivision plat for further administrative review and comment.

Staff found the proposal to be consistent with the surrounding development and Section 19-17 of the James City County Subdivision Ordinance.

Staff recommended approval of this SUP with conditions listed in the resolution.

Mr. Kennedy opened the Public Hearing.

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

Mr. Goodson made a motion to adopt the resolution. He commented that he supported this case, but would like to take measures to update the policy on family subdivisions.

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

RESOLUTION

CASE NO. SUP-0024-2010. PIERCE FAMILY SUBDIVISION

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 (SUP) process; and

WHEREAS, the applicant has requested an SUP to allow for a family subdivision with lots less than three acres in size in an A-1, General Agricultural, District, located at 3049 Jolly Pond Road and further identified as James City County Real Estate Tax Map No. 3030100016; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that the SUP to allow for the above-mentioned family subdivision should be approved.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0024-2010 as described herein with the following conditions:

1. This SUP is valid for a family subdivision for the creation of one new lot no less than one acre in size as generally shown on the plan titled "Conceptual Family Subdivision," prepared by Tracy D. Pierce and dated October 28, 2010.
2. Final subdivision approval must be received from the County within 12 months from the issuance of this SUP or the permit shall become void.
3. The SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

5. Case No. SUP-0022-2010. Charlie's Antiques

Ms. Leanne Reidenbach, Senior Planner, stated that Mr. Charlie Crawford of Charlie's Antiques has applied for an SUP to allow for development of a retail plant, garden, and antique sales building along Richmond Road/Route 60 in Toano (at the current site of Pumpkinville). Items proposed for sale include natural stone, bronze, marble, and stone statues, garden benches, antique and garden furniture, antique and reproduced fencing, conservatories and gazebos, specialty plants, garden pots, and pottery. Retail sales of plant and garden supplies, retail sales of antiques, and storage of gravel and crushed stone require an SUP in the A-1, General Agricultural, District. The existing 1,250-square-foot house located on the property will be retained and converted into an office for the retail business. A 4,000-square-foot retail building and approximately two-acre stone storage area would be added for the retail component of the project.

At its meeting on October 6, 2010, the Planning Commission recommended approval of this SUP by a vote of 6-1 with an addition to Condition No. 4 stating that permanent natural landscaping materials and rock would be permitted within the Community Character Corridor (CCC) buffer.

Staff recommends approval subject to the conditions.

Mr. McGlennon clarified about the CCC buffer in relation to landscaping materials.

Ms. Reidenbach stated that the landscaping would be a permanent feature that was not for sale. She stated that a stone wall would have to be in one piece rather than segmented.

Mr. Icenhour commented that this SUP did not have a master plan. He asked how to differentiate the master plans referred to in this SUP and for the previously approved B-1 rezoning and how they affect the ability of the current or any future owner to develop either property "by-right" rather than as laid out in the master plans.

Ms. Reidenbach stated that in this case, the SUP was tied to a particular use whereas the proffers in the rezoning bound the property to a master plan. She stated that if the applicant wished to continue this particular use, the master plan would be binding, but a by-right use in the A-1 district would be allowed.

Mr. Icenhour stated that if the property was sold to someone else, the uses under B-1 would be allowed if the owners adhered to the master plan, but under the A-1 designation, a by-right use would be allowed regardless of the SUP.

Ms. Reidenbach stated that was correct.

Mr. Kennedy opened the Public Hearing.

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

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

RESOLUTION

CASE NO. SUP-0022-2010. CHARLIE'S ANTIQUES

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 ("SUP") process; and

WHEREAS, Mr. Charlie Crawford of Charlie's Antiques has applied for an SUP to allow for retail sales of plant and garden supplies and antiques, office, and landscape stone storage on a parcel of land zoned A-1, General Agricultural; and

WHEREAS, the facility would be located at 7691 Richmond Road and 3645 Toano Woods Drive, and can be further identified as James City County Real Estate Tax Map Nos. 1330100004 and 1330100003A; and

WHEREAS, following its public hearing on October 6, 2010, the Planning Commission voted 6-1 to recommend approval of this application with an amendment to Condition No. 4.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0022-2010 as described herein with the following conditions:

1. Master Plan. This SUP shall be valid for the construction of an approximately 4,000-square-foot retail building for the sale of plant and garden supplies and antiques. Development and use of the Property shall be generally in accordance with and bound by the Master Plan entitled "Special Use Permit Exhibit for Charlie's Antiques," prepared by LandTech Resources, Inc., and dated July 15, 2010, with revisions dated September 22, 2010 (the "Master Plan"), with such minor changes as the Director of Planning determines does not change the basic concept or character of the development.
2. Water Conservation Guidelines. The applicant shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems, the use of approved landscaping materials including the use of drought-tolerant plants where appropriate, and the use of water-conserving fixtures to promote water conservation and minimize the use of public water resources.
3. Landscape Buffer. A landscape plan ("Landscape Plan") designed to enhance the visual buffer from adjacent properties and development on the Property shall be prepared by a landscape architect licensed in the Commonwealth of Virginia and submitted to the

Director of Planning for review and approval with any site plan for development on the Property. The Landscape Plan shall include a 30-foot landscape buffer around the "gravel landscape stone storage area" as shown as "30' MINIMUM LANDSCAPE BUFFER" on the Master Plan. The buffer shall be comprised of (i) a minimum of 50 percent native, evergreen trees and shrubs with all plantings exceeding existing ordinance size requirements by a minimum of 25 percent or; (ii) a combination of landscaping and fencing that achieves the same or greater effect.

4. Community Character Corridor Buffer. The Landscape Plan shall also include a 50-foot Community Character Corridor Buffer in area shown as "50' COMMUNITY CHARACTER CORRIDOR LANDSCAPE BUFFER" on the Master Plan comprised of (i) landscaping that consists of predominately native trees and shrubs and that exceeds existing ordinance size requirements by 25 percent or; (ii) a combination of landscaping and fencing and/or stone walls that achieves the same or greater effect, and; (iii) shall include only permanent natural landscape elements and rock incorporated as part of a landscape design.
5. Special Stormwater Criteria. Special Stormwater Criteria (SSC) as adopted by the County in the Yarmouth Creek watershed shall apply to this project. The owner shall demonstrate the application of SSC on development plans to the satisfaction and approval of the County's Environmental Division Director prior to final development plan approval.
6. Lighting. All exterior lighting on the property shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. Glare, defined as light intensity measured at 0.1 foot-candle or higher at a property line or any direct view of the lighting source from adjacent residential properties, shall be prohibited from extending beyond any property line external to the retail operation.
7. Hours of Operation and Deliveries. The receipt of any commercial shipments of goods to the Property shall occur during the normal hours of operation of any business located on the Property and shall be between the hours of 7 a.m. and 7 p.m.
8. Commencement of Construction. Construction on this project shall commence within 24 months from the date of approval of this SUP or this permit shall be void. Construction shall be defined as obtaining building permits and an approved footing inspection and/or foundation inspection for the 4,000-square-foot retail building.
9. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

6. Case No. SUP-0020-2010. Diamond Healthcare SUP Amendment

Mr. Jason Purse, Planner, stated that Mr. Greg Davis of Kaufman and Canoles has applied on behalf of Diamond Healthcare of Williamsburg, Inc. for an SUP to allow a 17-bed psychiatric care facility expansion on the site of Williamsburg Place on a parcel zoned M-1, Limited Business/Industrial. The proposed expansion would result in a 57-bed inpatient psychiatric treatment services facility. The site is located at 5477 and 5485 Mooretown Road and can further be identified as James City County Real Estate Tax Map Nos. 3330100011B and 3330100011C. The site is shown by the Comprehensive Plan as Limited Industry. Recommended uses

include warehousing, office, service industries, and public facilities with moderate impacts on surrounding areas.

At its meeting on October 6, 2010, the Planning Commission recommended approval of the application by a vote of 7-0.

Staff found the proposal with conditions to be generally consistent with the Comprehensive Plan and surrounding land uses, and the proposal creates additional economic development and employment opportunities for the County with minimal effects on the environment and character of the surrounding community.

Staff recommended approval of the resolution.

Mr. Kennedy opened the Public Hearing.

1. Mr. Greg Davis, Kaufman and Canoles, on behalf of Diamond Healthcare of Williamsburg, gave an overview of the project and the need for the expansion at the Williamsburg Place facility. He noted the changes from the SUP approved in 2008 and the benefits of the project. Mr. Davis requested approval.

Mr. McGlennon asked if there was room for additional expansion if needed.

Mr. Davis stated that the applicant owned two more acres on the parcel.

Mr. McGlennon asked if there was an expectation that the property would be further developed.

Mr. Davis stated that there were no plans at this time, but Diamond Health Care was open to future opportunities.

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

Ms. Jones made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. SUP-0020-2010. DIAMOND HEALTHCARE SUP AMENDMENT

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 (SUP) process; and

WHEREAS, Mr. Gregory Davis of Kaufman and Canoles has applied on behalf of Diamond Healthcare of Williamsburg, Inc. for an SUP to allow a 17-bed psychiatric care facility expansion on the site of Williamsburg Place; and

WHEREAS, the proposed expansion is shown on a master plan, entitled "The Pavilion at Williamsburg Place" ("Master Plan") prepared by AES Consulting Engineers, dated August 20, 2010; and

WHEREAS, the property is located at 5477 and 5485 Mooretown Road on land zoned M-1, Limited

Business Industrial, and can be further identified as James City County Real Estate Tax Map/Parcel Nos. 3330100011B and 3330100011C; and

WHEREAS, the Planning Commission of James City County, following its public hearing on October 6, 2010, recommended approval of this application by a vote of 7-0; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2009 Comprehensive Plan Land Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing does hereby approve the issuance of SUP No. 0020-2010 as described herein with the following conditions:

1. Use: This SUP shall allow the establishment and/or continued operation of (i) a 57-bed inpatient psychiatric treatment services facility, (ii) a 30-bed intermediate care substance abuse treatment facility and transitional domiciliary facility, (iii) and a 48-bed domiciliary outpatient unit with four-bed residential unit for visitors. The facility shall maintain at all times a current Certificate of Public Need issued by the Commissioner of Health of the Commonwealth of Virginia.
2. Commencement of Construction: Construction on this project shall commence within 24 months from the date of approval of this SUP or this permit shall be void. Construction shall be defined as obtaining building permits and an approved footing inspection and/or foundation inspection.
3. Master Plan: As determined by the Director of Planning, the plan of development shall be in accordance with the "The Pavilion at Williamsburg Place" ("Master Plan") prepared by AES Consulting Engineers, dated August 20, 2010. Access to the two parcels shall be limited to the two entrances depicted, the shared main entrance and the service entrance.
4. Architectural Review: Prior to final site plan approval, the Director of Planning shall review and approve the final architectural design of the building. Such building shall be generally consistent, as determined by the Director of Planning, with the architectural elevations titled "Front Perspective" and "Back Perspective" for Diamond Healthcare Williamsburg Place Expansion dated August 12, 2010, and drawn by Guernsey Tingle Architects.
5. Lighting: All exterior lighting on the property shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. Modifications to this requirement may be approved by the Director of Planning if it is determined that the modifications do not have any negative impact on the property or surrounding properties.
6. Runoff to CSX Property: There shall be no net increase in runoff to the CSX railroad right-of-way. No new impervious area shall drain to the CSX property without water quality treatment in a 10-point Best Management Practice (BMP) per the County BMP Guidelines. This shall be demonstrated on the plan of development and shall be approved by the County's Environmental Division Director prior to final plan of development approval.
7. Bioretention Facility: The proposed bioretention facility shall be sized to comply with the existing stormwater management master plan. At a minimum, the proposed bioretention

facility will be sized for at least one inch per impervious acre for the net increase in impervious area developed in the currently proposed expansion as compared to the impervious area approved on James City County site plan SP-0097-2007. This shall be demonstrated on the plan of development and shall be approved by the County's Environmental Division Director prior to final site approval.

8. Landscaping: A landscaping plan shall be approved by the Director of Planning prior to final site plan approval for this project. The landscaping plan shall include enhanced landscaping 10 feet in width along the first 200 feet along both sides of the new proposed main entrance and enhanced landscaping 10 feet in width along the first 100 feet on both sides of the service entrance to help screen service activities from Mooretown Road. Enhanced landscaping shall be defined so that the required number of plants and trees equals, at a minimum, 125 percent of the requirements of the James City County Landscape Ordinance. A minimum of 50 percent of the trees within the landscape buffers shall be evergreen.
9. Water Conservation: The applicant shall be responsible for amending the existing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems, the use of approved landscaping materials including the use of drought tolerant plants where appropriate, and the use of water conserving fixtures to promote water conservation and minimize the use of public water resources.
10. Signage: Signage for the site shall be limited to one main entrance sign and "Service Only" entrance signage. The number, size and design of the "Service Only" signs will be approved by the Director of Planning prior to final site plan approval. The Director of Planning shall approve the location of all signage prior to final site plan approval that shall be in accordance with the County Zoning Ordinance.
11. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

7. Case No. SUP-0023-2010. Cranston's Mill Pond Dam Repair

Ms. Jones disclosed that a family member was employed by the firm representing the applicant, but she did not have a conflict with this case.

Mr. Jose Ribeiro, Senior Planner, stated that Mr. Brent Fults has applied for an SUP to allow the restoration of a water impoundment, Cranston's Mill Pond, in excess of 20 acres. The 50-acre pond has been used by its owners as a private recreational hunting and fishing club. The Cranston's Mill Pond dam was breached in 2006 by Tropical Storm Ernesto and much of the pond's water surface was released downstream. The proposed improvements to the dam will bring the structure into conformance with all regulations set forth by the Virginia's Dam Safety Act and reestablish the pond's water level surface near its original pool elevation.

At its meeting on October 6, 2010, the Planning Commission recommended approval of this application by a vote of 7-0.

Staff found the proposed development compatible with adjacent uses, in accordance with the 2009 Comprehensive Plan Land Use Map and with the adopted Yarmouth Creek Watershed Management Plan.

Staff finds that the proposed improvements to the dam will provide benefits to the environment by creating additional wildlife habitat. Further, the damming of the pond may alleviate or reduce the risk of flooding that could occur at Cranston's Mill Pond Road.

Staff recommends approval of this SUP with the conditions listed in the resolution.

Mr. Kennedy opened the Public Hearing.

1. Mr. Shannon Barner of Troutman Sanders, on behalf of the applicant, requested support of the application and that he was available for questions.

Mr. Icenhour asked the estimated cost for repairing this dam.

Mr. Barner stated that the Dam Safety Act has created a significant burden to restore the dam.

Mr. Fults commented that the restoration of the dam would cost approximately \$1.1 to \$1.5 million.

Mr. McGlennon asked the length of the spillway.

Mr. Fults stated that the current requirements called for the spillway to be 100 feet.

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

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. SUP-0023-2010. CRANSTON'S MILL POND DAM REPAIR

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 (SUP) process; and

WHEREAS, Mr. Brent Fults has applied on behalf of Cranston's Mill Pond, LLC for an SUP to allow for the restoration of a water impoundment in excess of 20 acres or more on two parcels of land zoned A-1, General Agricultural, District; and

WHEREAS, the proposed development is shown on a plan prepared by Koontz-Bryant, P.C., dated August 20, 2010, revised October 14, 2010 (the "Master Plan"), and entitled "Cranston's Mill Pond Special Use Permit"; and

WHEREAS, the properties are located at 6616 and 6750 Cranston's Mill Pond Road and can be further identified as James City County Real Estate Tax Map Parcel Nos. 2230100044 and 2230100042; and

WHEREAS, the Planning Commission, following its public hearing on October 6, 2010, voted 7-0 to recommend approval of this application; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2009 Comprehensive Plan Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0023-2010 as described herein with the following conditions:

1. Master Plan: This SUP shall be valid for the restoration of a water impoundment in excess of 20 acres located at 6616 and 6750 Cranston's Mill Pond Road and further identified as James City County Real Estate Tax Map Parcel Nos. 2230100044 and 2230100042 (together the "Properties"). Development of the Properties shall be generally in accordance with the plan entitled "Cranston Mill Pond Special Use Permit" prepared by Koontz-Bryant, P.C., dated August 20, 2010, and revised October 14, 2010, with such minor changes as the Planning Director or his designee determines does not change the basic concept or character of the development.
2. Boundary Line Adjustment (BLA): Prior to final site plan approval, a plat showing the adjustment of the common property line between the Properties must be submitted to the Planning Director or his designee for review and approval.
3. Emergency Action Plan ("EAP"): Prior to obtaining preliminary site plan approval for the restoration of the water impoundment, an EAP depicting potential impounding structure emergency conditions and specifying pre-planned actions to be followed to minimize loss of life and property damage shall be submitted to the County Director of Emergency Management or her designee for review and approval.
4. Permits: Prior to issuance of a land disturbing permit for the restoration of the water impoundment, documentation shall be provided to the County Environmental Director or his designee that all permits, authorizations, and approvals required by local, State, and Federal agencies, for construction of the proposed dam alterations, including wetland permits, have been obtained by the applicant.
5. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

J. BOARD CONSIDERATION

1. Authorization of a Cost-Sharing Agreement with York County

Fire Chief Tal Luton stated that in 2004, York County and James City County entered into a purchasing agreement to buy a joint E911 system, and it was now at the end of its technological life. He stated that York County and James City County were working together to replace the E911 equipment in both centers which would operate in a standalone capacity, but information would be synced between the two counties. He stated this would eliminate the need to call Verizon to switch E911 calls as they would be forwarded in real time from one center to the other in times of need. He stated that the contract would make the cost much lower than purchasing the system solely for James City County. He explained that York County was responsible for a larger portion of the cost because that facility would be bigger and more equipment was being replaced. He requested approval of the resolution.

Mr. Icenhour stated that this resolution allows the County Administrator to authorize the agreement and asked how it would be financed.

Chief Luton stated that in the past, the lease finance payments have come from debt service funds and that would continue.

Mr. Goodson made a motion to adopt the resolution.

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

RESOLUTION

AUTHORIZATION OF A COST-SHARING AGREEMENT WITH YORK COUNTY

WHEREAS, the Enhanced 911 (E911) equipment and Computer Aided Dispatch System (CAD) that services James City County and York County has reached the end of its useful life and will no longer be compatible with new technologies; and

WHEREAS, James City County and York County have been given the option to purchase from the existing contract with Motorola, Inc. that was entered into jointly by York County and James City County for the purchase of the jointly operated E911 emergency communications system; and

WHEREAS, James City County and York County have agreed to enter into an agreement to purchase replacement equipment for the E911 equipment; and

WHEREAS, York County will act as the fiscal contracting agent for both Counties who will each purchase equipment for their respective agencies, financing such purchase through a lease-purchase agreement with Motorola, Inc.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a purchase agreement jointly with York County to purchase E911 equipment and the IP telephone network with associated equipment from Motorola, Inc.

K. PUBLIC COMMENT

1. Mr. Jay Everson, 103 Branscome Boulevard, commented on the VACo report on the Chesapeake Bay requirements and the price to restore the Cranston's Mill Pond Dam. He commented that Lake Powell was a functioning wetland that did not require restoration. He urged the Board not to move forward on damming Lake Powell.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh requested that Mr. Steven Hicks, Development Manager, give some information about asphalt overlay projects in the County.

Mr. Hicks commented that Lake Powell Road and Olde Towne Road would be completed by November 21, 2010 and that November 16 through November 21 would be Strawberry Plains Road. He stated that news releases have been written explaining the overlay areas.

Mr. Middaugh noted that there would be a special work session on December 14, 2010, at 4 p.m. for discussion on Transfer of Development Rights. He noted that County offices would be closed on Thursday, November 11, 2010 in observance of Veteran's Day. He stated that when the Board completed its business it should go into closed session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the consideration of a personnel matter, the appointment of individuals to County boards and/or commissions, specifically the Colonial Behavioral Health Board and the Chesapeake Bay/Wetlands Board. He stated that after the closed session, the Board should then adjourn to 4 p.m. on Tuesday, November 23, 2010, for work sessions on the County's Legislative Program, the proposed Lake Powell Service District, and Vision Hampton Roads.

M. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon responded to Mr. Everson's question of specificity in the bond referendum question. He noted that the Purchase of Development Rights bond referendum lacked specificity because of the sensitive nature of property acquisition.

Mr. Icenhour asked if Highway Matters could be added to the agenda once a month to funnel all the road requests through one point of contact at the meetings. He commented that mowing had started on Route 199.

Mr. Icenhour asked if the oversized Planning materials could be submitted to the Board members with the Board of Supervisors packet rather than with the Planning Commission packets.

Mr. Middaugh stated that could be done and that Highway Matters could be added during the meeting.

Mr. Goodson stated that the staff designee, such as the Development Management Manager, could stand in for VDOT requests.

Mr. Kennedy commented that there was a work session on November 23, 2010, which was a meeting with the State delegation to the General Assembly. He stated that if citizens had issues with the State legislature, they should contact members of the Board with their concerns so they can be heard. He noted that there would be discussion about the dam at Lake Powell at the work session and noted that he would like to also see information related to the dam at Mirror Lakes. He also asked for additional tax decrease information for Cranston's Mill Pond Dam. He asked for any information on Jolly Pond Dam to address questions about the various dams at the same time.

N. CLOSED SESSION

Mr. Goodson made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the consideration of a personnel matter, the appointment of individuals to County boards and/or commissions, specifically the Colonial Behavioral Health Board and the Chesapeake Bay/Wetlands Board.

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

At 8:28 p.m. Mr. Kennedy recessed the Board into Closed Session.

At 8:42 p.m., Mr. Kennedy reconvened the Board.

Mr. Goodson made a motion to adopt the Closed Session resolution.

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

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

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

Mr. Goodson made a motion to appoint Mr. Charles Roadley to an unexpired term on the Wetlands Board/Chesapeake Bay Board, term to expire on October 1, 2013, and Mr. Roger Schmidt to an unexpired alternate term on the Wetlands Board/Chesapeake Bay Board, term to expire on October 1, 2013.

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

Mr. McGlennon made a motion to reappoint Ms. Diana Hutchens to the Board of Colonial Behavioral Health, term to expire on June 30, 2013.

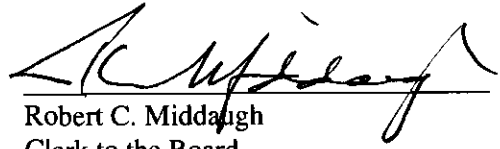
On a roll call vote, the vote was AYE: McGlennon, Goodson, Icenhour, Jones, Kennedy (5). NAY: (0).

O. ADJOURNMENT to 4 p.m. on November 23, 2010.

Mr. Icenhour made a motion to adjourn.

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

At 8:44 p.m., Mr. Kennedy adjourned the Board until 4 p.m. on November 23, 2010.



Robert C. Middaugh
Clerk to the Board

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ADOPTED

NOV 9 2010

ORDINANCE NO. 167A-12

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AFD-5-86-2-2010. BARNES SWAMP AFD RACEFIELD ADDITION

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

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

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

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

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

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the sitting of Wireless Communication Facilities (WCF), provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
2. No land within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land may be withdrawn from the District in accordance with the Board of Supervisors Policy Governing Withdrawals of Property from Agricultural and Forestal Districts, adopted September 28, 2010, as amended.
3. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

James G. Kennedy
Chairman, Board of Supervisors

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

ATTEST:


Robert C. Middaugh
Clerk to the Board

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

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