

AUG 13 2002

ORDINANCE NO. 167A-8BOARD 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 15.2-4311 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Barnes Swamp Agricultural and Forestal District; and
- WHEREAS, Sallie M. Powers, daughter and executor of the Estate of Richard Edloe Mountcastle Jr., has requested the withdrawal of 58.6 acres - Tax Map ID (2-4)(1-61); and
- WHEREAS, the Agricultural and Forestal Districts Advisory Committee, at its meeting on July 22, 2002, voted 8 to 0 to recommend approval of the application; and
- WHEREAS, the Planning Commission, following its public hearing on August 5, 2002, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5 to 0 to renew this district with the conditions listed below.

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

1. That the Barnes Swamp Agricultural and Forestal District is hereby continued for a period of four years beginning the thirteenth day of August, 2002, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. That the district shall include the following parcels:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Dennis Leonituk and Anna Hollins	(3-1)(1-1)	128.700
Eunice P. Stewart	(3-1)(1-2)	64.000
Katherine L. Hockaday	(3-1)(1-3)	62.560
Alvin Beahm	(3-3)(1-3)	70.000
Alvin Beahm	(3-3)(1-4)	70.000
Arlene H. Bowmer	(3-3)(1-6)	96.750
Arlene H. Bowmer	(2-4)(1-12)	62.200
Estate of John G. Warburton	(10-1)(1-1)	78.000
Harwood, Cary & Charles	(3-2)(1-1)	43.530
Estate of Mick Zuzma	(3-2)(1-2)	32.030
Henry B. & Myrtle Johnson	(3-2)(1-3)	19.080
Henry B., Myrtle & John B. Johnson	(3-2)(1-3A)	93.990
Robert M. Dzula	(3-2)(1-4)	28.080
John A. Richardson	(4-1)(1-5)	42.000
John A. Richardson	(4-1)(1-6)	10.000

Cowles Family LP	(4-1)(1-8)	79.120
H.P. & Mary Hazelwood	(4-2)(1-8)	249.880
Edith Bell Hazelwood	(4-2)(1-14)	99.400
Florence S. Carter	(4-3)(1-15)	22.000
W.A. Stater, c/o Florence Carter	(4-3)(1-16)	52.000
Hazelwood Farms LLC	(4-3)(1-17)	184.296
J.W. Jr. and IAB Woodward	(9-2)(1-1)	114.000
Alex Lamar Penland	(2-4)(1-29)	55.900
Donald A. Hazelwood	(4-2)(1-20)	117.000
Donald A. Hazelwood	(4-2)(1-18)	3.460
Donald A. Hazelwood	(4-4)(1-1)	<u>6.900</u>
	Total:	<u>1,884.876</u>

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

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

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

The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

James G. Kennedy  
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
MCLENNON	AYE
BROWN	AYE
GOODSON	AYE
HARRISON	AYE
KENNEDY	AYE

ATTEST:



Sanford B. Wanner  
Clerk to the Board

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