

AUG 13 2002

ORDINANCE NO. 172A-5

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

YARMOUTH 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 15.2-4311 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, James City County has requested the withdrawl of 52 acres - Tax Map IDs (30-1)(1-7) and (30-3)(1-1); and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee, at its meeting on July 22, 2002, voted 8-0 to continue this district for a period of four years; 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 5-0 to renew this district with the conditions listed below.

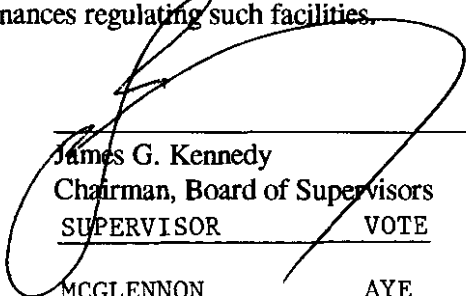
NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of James City County, Virginia:

1. That the Yarmouth Island 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>
Richardson Holdings Limited Partnership	(29-3)(1-5)	172.840
Richardson Holdings Limited Partnership	(29-3)(1-2)	68.500
Richardson Holdings Limited Partnership	(28-4)(1-5)	940.000
John C. Richardson	(29-1)(1-1)	28.500
Richardson Holdings Limited Partnership	(29-2)(1-1)	123.000
J. G. Warburton, Est., c/o M. McMurrin	(29-4)(1-1)	38.700
Margaret Walubuka	(29-4)(1-2)	34.655
Shield's Point LLC	(28-4)(1-8)	<u>625.200</u>
	Total:	<u>2,031.395</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 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

ATTEST:



 Sanford B. Wanner
 Clerk to the Board

SUPERVISOR	VOTE
MCGLENNON	AYE
BROWN	AYE
GOODSON	AYE
HARRISON	AYE
KENNEDY	AYE

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