

JUL 25 2006

ORDINANCE NO. 167A-9BOARD 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 15.2-431I 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, Toano Business Center has requested the withdrawal of 88.376 acres from their parcels which are identified as Tax Map IDs (4-1)(5-1), (4-1)(5-2), (4-1)(5-3), (4-1)(5-4), and (4-1)(5-5); and
- WHEREAS, Mr. Sam Hazelwood of Hazelwood Farms, LLC has requested the withdrawal of 183.14 acres from the parcel which is identified as Tax Map ID (4-3)(1-17); and
- WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on June 27, 2006, voted 8 to 0 to recommend renewal of the District; and
- WHEREAS, the Planning Commission following its public hearing on July 10, 2006, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6 to 0 to recommend renew of the District with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED 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 and three months beginning the twenty-fifth day of July, 2006, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. The District shall include the following parcels:

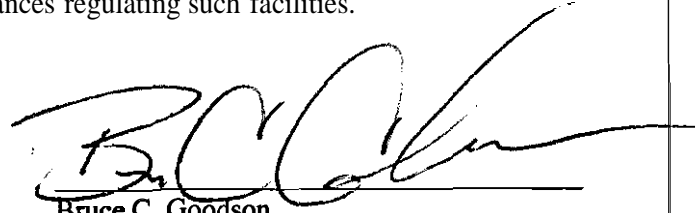
<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
SD & SKI, LLC	(3-1)(1-1)	108.470
Shelly and John Latoski	(3-1)(1-1B)	10.230
Dennis Leonituk	(3-1)(1-1A)	10.000
Eunice P. Stewart	(3-1)(1-2)	64.000
Katherine L. Hockaday	(3-1)(1-3)	62.560
Alvin Beahm	(3-3)(1-3)	70.000
Alvin Beahm	(3-3)(1-4)	70.000
Arlene H. Bowmer	(3-3)(1-6)	96.750
Arlene H. Bowmer	(2-4)(1-12)	62.200
M. McMurrin & S. Redd	(10-1)(1-1)	61.620

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Harwood, Cary & Charles	(3-2)(1-1)	43.530
Estate of Mick Zuzma	(3-2)(1-2)	17.200
Estate of Mick Zuzma	(3-2)(1-2A)	13.860
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
H.P. & Mary Hazelwood	(4-2)(1-8)	249.880
Peter B. & Cherri Meyer	(4-2)(1-14)	99.440
Pamaka, LLC	(4-3)(1-15)	22.000
W.A. Stater, c/o Florence Carter	(4-3)(1-16)	52.000
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)	116.335
Donald A. Hazelwood	(4-2)(1-18)	3.460
Donald A. Hazelwood	(4-4)(1-1)	<u>6.900</u>
Total:		<u>1,602.96</u>

provided, however, that all land within 25 feet of the road rights-of-way 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 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.

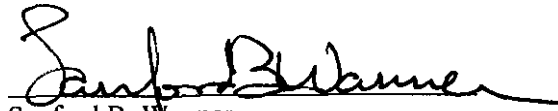
- c. No special use permit shall be issued except for agricultural, forestal or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.



Bruce C. Goodson
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	ABSENT
ICENHOUR	AYE
MCGLENNON	AYE
BRADSHAW	AYE
GOODSON	AYE

ATTEST:



Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of July,
2006.

Afd5-86.res