

JUL 25 2006

ORDINANCE NO. 169A-12

WARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

MILL CREEK AGRICULTURAL AND FORESTAL DISTRICT (AFD-7-86)

- WHEREAS, James City County has completed a review of the Mill Creek Agricultural and Forestal District (AFD); 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 Mill Creek AFD; and
- WHEREAS, the Cowles Family Limited Partnership would like to remove a parcel and has requested the withdrawal of 433 acres which is identified as Tax Map ID (20-1)(1-1); and
- WHEREAS, the AFD Advisory Committee at its meeting on June 27, 2006, voted 8-0 to recommend renewal of the District for a period of four years and three months; 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 6-0 to renew this District with the conditions listed below.

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

1. The Mill Creek AFD is hereby continued for a period of four years and three months, beginning the 25th 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 Nos.</u>	<u>Acres</u>
Linda B. Cowles Estate, c/o Carter C.,	(20-2)(1-6)	352.963
Melinda Cowles Barbour, et.al.	(20-2)(1-3)	102.669
Melinda Cowles Barbour, et.al.	(20-2)(1-1)	8.759
Mayes and Cheryl Matthews	(21-1)(1-5)	46.010
Steve L. & Pamela C. Massie	(11-3)(1-28)	99.457
Steve L. & Pamela C. Massie	(11-3)(1-28A)	32.610
Richard W. & Margaret J. Krapf	(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)	249.885
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
Sarah H. Armistead	(10-1)(1-38)	50.000
Daniel & Marion Winall	(10-3)(1-19)	97.590
PAMAKA, LLC	(10-2)(1-17)	244.500
Albert T. & Joan Lloyd Slater	(10-1)(1-28)	69.690
McRae O. Selph	(10-1)(1-7)	50.000

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Walter Nelson Marshall	(11-4)(1-5)	79.947
Martha Ware	(20-2)(1-2)	57.411
John Lee Darst	(9-2)(1-36)	41.225
PAMAKA, LLC	(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
Dennis P. and Christine A. Weygand	(10-3)(1-13)	34.030
John M. L. Barnes Est., c/o James F. Cowles III	(10-2)(1-4)	215.768
John M. L. Barnes Est., c/o James F. Cowles III	(11-1)(1-1)	29.000
Linda B. Cowles Est., c/o Carter C. Cowles III	(20-1)(1-2)	2.000
John and Marie Findlay	(9-4)(1-8h)	118.29
Eugene and Mary Andrews Living Trust	(9-4)(1-8n)	57.81
Randolph Gulden	(10-2)(1-12)	<u>87.201</u>
	Total:	<u>913.271</u>

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

AFD-7-86.res