

SEP 28 2010

ORDINANCE NO. 170A-16

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AGRICULTURAL AND FORESTAL DISTRICT-9-86

GORDON CREEK 2010 RENEWAL

WHEREAS, James City County has completed a review of the Gordon Creek Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") 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 Gordon Creek Agricultural and Forestal District; and

WHEREAS, Edward Warburton III and Regina Warburton have requested the withdrawal of three acres from their parcel which is identified as Tax Map ID 3520100001B; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting on August 23, 2010, voted 9-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on September 1, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to recommend renewal of the district with the conditions listed below.

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

1. The Gordon Creek Agricultural and Forestal District is hereby continued for a period of four years, one month and three days to October 31, 2014, 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>
R. T. Armistead & Letitia A. T. Hanson	3520100016	369.00
R. T. Armistead & Letitia A. T. Hanson	3630100001	124.17
R. T. Armistead & Letitia A. T. Hanson	3030100004	23.00
Martha W. McMurrin & SWR-Pinewood	3540100001	394.50
Edward Warburton III & Regina L.	3520100001B	29.00
Edward Warburton	2940100011	56.20
Allen, David H. & Stephanie M.	3420100002	132.98
Patrick, Matthew CH & Teresa L.	3420100002A	25.02
Martha W. McMurrin & SWR-Pinewood	3630100003	264.00
Thomas L. Hitchens	3610100006	35.00
W.A. Thompson & Charles Flemming	3620100040	136.96

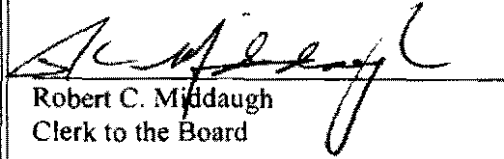
Claybank Landing, LLC	4320100001	124.10
Richardson Holdings Limited Partnership	3640100007	116.83
Richardson Holdings Limited Partnership	3030100003	33.00
Jane T. Carswell	3610100003	44.00
Martha W. McMurrin & SWR-MISC LLC	3610100004	37.62
Powhatan Associates	4410100001	387.42
Powhatan Associates	3530100001	241.68
Mary Abbott	3620100018	43.55
Trust Company of Virginia, c/o Greg Davis	3540100009	57.60
Linda Henderson Gordon	3420100001	35.30
Williamsburg Pottery Inc.	4410100002	26.00
Nayses Bay Land Co.	3510100003	32.00
Nayses Bay Land Co.	3510100006	34.30
William Kane	2940100003	4.00
William Kane	3030100007	8.00
William Kane	3520100007	131.00
William Kane	3610100001	8.33
William Kane	3610100002	13.00
Baxter I. Bell Jr. Trustee	4320100003	207.95
Madeline Carswell Est	3520100010	<u>28.36</u>
	Total:	<u>3,203.8</u>

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

3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Gordon Creek 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 Wireless Communications 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.
 - 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 outside the 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 Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the 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, as amended.

- c. No special use permit 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 special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

ATTEST:


Robert C. Middaugh
Clerk to the Board

James G. Kennedy
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCCLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

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