

AUG 14 2012

Board of Supervisors
James City County, VA

ORDINANCE NO. 166A-4

CASE NO. AFD-04-86-12/04-86-3-2012. PATES NECK

AGRICULTURAL AND FORESTAL DISTRICT (AFD)

- WHEREAS, James City County has completed a review of the Pates Neck Agricultural and Forestal District (AFD); and
- WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified and public hearings have been held on the continuation of the Pates Neck AFD; and
- WHEREAS, Ms. Hineman and Mr. Ballentine have applied for the inclusion of the properties located at 212 and 300 Turners Neck Road in the Pates Neck AFD; and
- WHEREAS, the AFD Advisory Committee, at its meeting on May 7, 2012, recommended the continuation of the district and at its June 25, 2012, meeting recommend the inclusion of the properties located at 212 and 300 Turners Neck Road in the AFD; and
- WHEREAS, the Planning Commission, following its public hearing on June 6, 2012, unanimously recommends the continuation of the District and at its July 11, 2012, meeting unanimously recommended the properties located at 212 and 300 Turners Neck Road be included in the Pates Neck AFD.

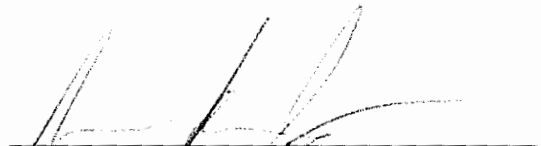
NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

- 1. The Pates Neck AFD is hereby continued for a period of six years beginning this 14th day of August, 2012, in accordance with the provisions of the Virginia AFD 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>
Pates Neck Timber Company	2040100001	408.859
Pates Neck Timber Company	2040100002	215.438
Ms. Laura Hineman	2130100005b	56.000
Mr. John Ballentine	2130100005c	<u>75.000</u>
	Total:	<u>755.300</u>

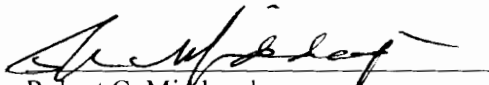
- 3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Pate's Neck AFD be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

- 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. 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 within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.*
- 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.



 Mary K. Jones
 Chairman, Board of Supervisors

ATTEST:



 Robert C. Middaugh
 Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<u>X</u>	___	___
JONES	<u>X</u>	___	___
KENNEDY	<u>X</u>	___	___
ICENHOUR	<u>X</u>	___	___
KALE	<u>X</u>	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of August, 2012.