

AGENDA
JAMES CITY COUNTY PLANNING COMMISSION
August 6, 2014 – 7:00 p.m.

1. ROLL CALL

2. PUBLIC COMMENT

3. CONSENT AGENDA

A. Minutes from the July 2, 2014 Regular Meeting

B. Development Review Committee

i. SP-0045-2014, Lightfoot Marketplace (DRC Recommendation: Approval 3-0)

ii. SP-0050-2014, Whitehall Clubhouse Site Plan Amendment (DRC Recommendation: Approval 3-0)

4. REPORTS OF THE COMMISSION

A. Policy Committee

B. Regional Issues Committee/Other Commission Reports

5. PUBLIC HEARINGS

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A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SECOND DAY OF JULY, TWO-THOUSAND AND FOURTEEN, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. **ROLL CALL**

Planning Commissioners

Present:

Rich Krapf
Tim O'Connor
Chris Basic
George Drummond
John Wright, III
Heath Richardson

Staff Present:

Paul Holt, Planning Director
Scott Whyte, Landscape Planner
Chris Johnson, Principal Planner
Leo Rogers, County Attorney

Absent:

Robin Bledsoe

Mr. Rich Krapf called the meeting to order at 7:00 p.m.

2. **PUBLIC COMMENT**

Mr. Krapf opened the public comment.

There being none, Mr. Krapf closed the public comment.

3. **CONSENT AGENDA**

A. Minutes from June 4, 2014, Planning Commission meeting

Mr. Krapf noted that the line regarding the vote for Creative Kids Child Care referred to the case as an ordinance, when it should be a Special Use Permit.

Mr. Richardson noted that the date for D-Day should be June 6th.

B. Minutes from May 27, 2014 Joint Work Session meeting

C. Development Review Committee

- i. Case No. S-0028-2014, Windmill Meadows Section 5 Perimeter Buffer Reduction
- ii. Case No. C-0037-2014, Ford's Colony Westport Stormwater Modifications
- iii. Case No. C-0013-2014, St. Bede Catholic Church Additions and Alterations

Mr. Basic moved to approve the Consent Agenda, with the recommended revisions to the minutes.

In a unanimous vote, the Commission approved the Consent Agenda 6-0; Ms. Robin Bledsoe being absent.

4. REPORTS TO THE COMMISSION

A. Policy Committee

Mr. Tim O'Connor stated that the Policy Committee did not meet in June.

B. Regional Issues Committee

Mr. Kraft stated that the Regional Issues Committee did not meet in June.

5. PUBLIC HEARING CASES

A. Case No. SUP-0007-2014, 131 Winston Drive Tourist Home

Mr. Scott Whyte, Planner, gave a summary of the staff report included in the Agenda Packet.

Mr. Krapf inquired regarding the process for an applicant to get their covenants changed and the number of residents who must agree to it.

Mr. Leo Rogers, County Attorney, stated that signatures would be required from a majority of the property owners in the neighborhood.

Mr. John Wright asked if the changes can be made at any time.

Mr. Rogers stated that the Code of Virginia allows those changes to be made at any time.

Mr. Tim O'Connor noted that Special Use Permits are for the property itself, and the next owner would be able to operate a tourist home as well. Mr. O'Connor inquired if a sunset clause could be included.

Mr. Rogers stated that it is possible, and a sunset clause would be appropriate in this situation.

Mr. O'Connor inquired if tourist homes are considered a commercial use.

Mr. Whyte confirmed that they are not considered residential because they are rented for a profit.

Mr. O'Connor asked if the same \$2.00 per night bed tax that is charged by hotels would be charged by this operation as well.

Mr. Whyte stated that the applicant has indicated that it would be charged.

Mr. Chris Basic asked if it would become a private matter if the application is approved, and the neighbors attempt to complain to Police or Zoning.

Mr. Rogers confirmed that it would not be violating any State or County Code.

Mr. Richardson inquired if the covenants are the only legal guidelines the neighborhood has because a homeowners' association does not exist.

Mr. Rogers stated that, because there is no homeowners' association, any neighbor who is also governed by the covenants could file a suit.

Mr. Krapf inquired if the Commissioners had any disclosures they would like to share.

There being none, Mr. Krapf opened the public hearing.

Ms. Joanne Arnall, 252 N. 6th Street, Indiana, PA, addressed the Commission giving an overview of the proposal. Ms. Arnall noted that the tourist home is not operating at this time, and that she would support a sunset clause.

Mr. O'Connor inquired who the other owners of the property are.

Ms. Arnall replied that the owners are herself, as well as her brother and sister.

Mr. O'Connor inquired if any of them are local.

Ms. Arnall replied that her brother lives next door and acted as the property manager when the tourist home had been operating in the past.

Mr. Basic inquired if there have been, or will be, any other attempts to contact the neighbors regarding the proposal.

Ms. Arnall stated that she is not planning anything at this time. Ms. Arnall stated that if she does not receive approval for the tourist home, she would most likely pursue short-term rentals.

There being no one else wishing to speak, Mr. Krapf closed the public hearing.

Mr. Richardson stated that he is pleased to hear that Ms. Arnall is flexible in regards to the use of the property. Mr. Richardson noted that it violates County policy to approve proposals that go against restrictive covenants.

Mr. Basic noted that he has gained a better understanding of the role covenants play in the Commission's decision based on the recent cases they have reviewed. Mr. Basic stated that approving an application in violation of covenants passes on any internal conflicts for the private individuals to solve on their own. Mr. Basic stated that he believes this would be irresponsible, and thus, he cannot support the application.

Mr. Krapf noted that there is a mechanism to resolve the issues with the restrictive covenants, and noted that a recent applicant was able to have hers changed. Mr. Krapf stated that it would not be in the best interest of the citizens to recommend approval of the application because it is in direct conflict with the neighborhood's covenants.

Mr. O'Connor stated that because tourists are transient, a tourist home is a commercial use.

Mr. O'Connor made a motion to recommend denial of the application.

On a roll call vote, the Planning Commission voted to recommend denial of the application by a vote of 6-0; Ms. Bledsoe being absent.

6. PLANNING COMMISSION CONSIDERATIONS

i. Case No. Z-0004-2014, Gatehouse Farms Proffer Amendment

Mr. Chris Johnson, Principal Planner, provided a brief history of the property and an overview of the proposal. Mr. Johnson stated that staff recommended approval of the proposed proffer amendment.

Mr. Richardson inquired regarding the typical number of units that would require a drainage study.

Mr. Johnson stated that it does not depend on the number of units, but the property itself, including the type of soil, topography, wetlands, and proximity to the floodplain. Mr. Johnson noted that the subject property, as well as the surrounding area, has known drainage issues.

Mr. Wright asked what amenities were promised to be on the recreational space.

Mr. Johnson stated that the proffers did not specify amenities, only the number of acres.

Mr. Wright inquired how many homes have been built.

Mr. Johnson stated that there are approximately 50 homes in Gatehouse Farms, and the property behind it could have accommodated another 136.

Mr. O'Connor inquired if the drainage study would have gone outside the boundaries of the property in question.

Mr. Johnson stated that the proffer was only applicable to the subject property.

Mr. O'Connor noted that the study would thus be of no benefit to the rest of Neck-O-Land Road.

Mr. Johnson confirmed.

Mr. Krapf stated that although there is no public hearing, the Commission will still vote on this case.

Mr. Drummond moved to approve the application.

On a roll call vote, the Planning Commission voted to recommend approval of the application by a vote of 6-0; Ms. Bledsoe being absent.

7. PLANNING DIRECTOR'S REPORT

Mr. Holt noted that there has been discussion of cancelling the work session previously scheduled for July 24th, and he will be sending out a formal notice in the near future.

8. COMMISSION DISCUSSION AND REQUESTS

Mr. O'Connor stated that in preparation of discussing chicken keeping at the upcoming Policy Committee meeting, it would be helpful for the other Commissioners to review the video of the Board of Supervisor's most recent discussion.

Mr. Krapf stated that Mr. George Drummond will be attending the July Board of Supervisors meetings.

9. ADJOURNMENT

Mr. Wright moved to adjourn the meeting.

The meeting was adjourned at approximately 7:35 p.m.

Richard Krapf, Chairman

Paul D. Holt, III, Secretary

**Case No. AFD-01-89-1-2014, Armistead Agricultural & Forestal District Renewal
Staff Report for the August 6, 2014 Planning Commission Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

AFD Advisory Committee:
Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

July 7, 2014, 4:00 pm. (Human Services Building)
August 6, 2014, 7:00 pm
September 9, 2014, 7:00 pm (tentative)

SUMMARY FACTS

Owners

Sarah H. Armistead
Sarah H. Armistead
Sarah H. Armistead
Sarah H. Armistead

Parcel Number

Acres

312010001784.50
312010001453.78
3130100029132.08
314010000141.17

TOTAL ACRES311.5

Zoning: A-1, General Agricultural and R-8, Rural Residential

Comprehensive Plan: Low-Density Residential and Conservation Area

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Planning Commission recommend renewing the Armistead AFD for a period of four years, subject to the enclosed conditions to the Board of Supervisors.

AFD ADVISORY COMMITTEE RECOMMENDATION

At its July 7, 2014 meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the district to the Planning Commission and Board of Supervisors.

Staff Contact: Luke Vinciguerra

Phone: 253-6783

SUMMARY

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-1-89, Armistead, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the expiration date October 31, 2018.

DISTRICT HISTORY

The Armistead AFD was created in 1989 for a term of four years and originally consisted of five parcels totaling 403 acres. The District was renewed in 1994 and 1998 for four year terms with no additions or withdrawals. On February 9, 1999, the Board of Supervisors approved the withdrawal of approximately 90 acres (Elizabeth Carter Tract) as part of a rezoning for Ford's Colony on the south side of Longhill Road. The District was renewed in 2002, 2006 and 2010 for four year terms with no additions or withdrawals.

The District includes all the land in the above properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road and/or drainage improvements.

The Armistead AFD consists of approximately 311.5 acres located between Longhill Road and Centerville Road and is bounded by the Warhill Sports Complex, Ford's Colony, Burlington Woods, Forest Glen, Fox Ridge, Longhill Station and Adam's Hunt subdivisions.

ANALYSIS

The majority of the District is woodland zoned R-8, Rural Residential, with one parcel zoned A-1, General Agricultural. The parcels in the District are designated as Low Density Residential by the Comprehensive Plan and are all within the Primary Service Area. The PSA is the area of the County that has been designated for growth. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created, maximizing the potential use of the property.

REQUEST NOT TO CONTINUE IN THE AFD

No property owner has requested to not continue their participation in the AFD.

ADDITIONS

No property owner has requested land be added to the District during this renewal period.

CHANGE IN CONDITIONS

Staff is recommending a revision to Condition #2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

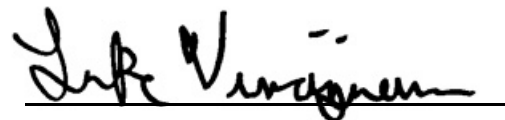
~~"No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, 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."~~

No land outside the Primary Service Area 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.

STAFF RECOMMENDATION:

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its July 7, 2014 meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the district to the Planning Commission and Board of Supervisors. Staff recommends the Planning Commission recommend renewing the Armistead AFD for a period of four years, subject to the conditions listed below to the Board of Supervisors.

1. 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.
2. No land outside the Primary Service Area 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.
3. 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.

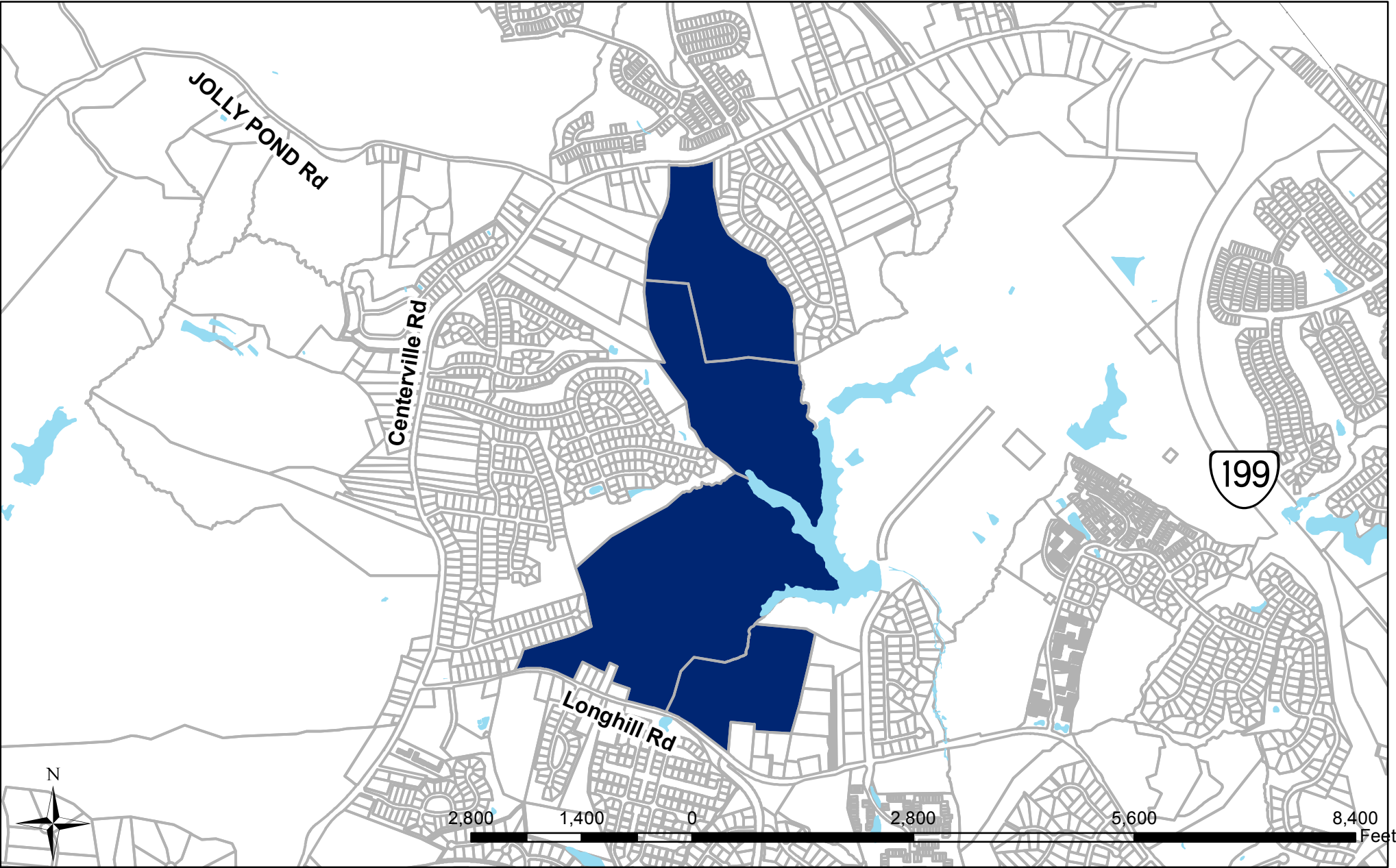

Luke Vinciguerra

ATTACHMENTS:

1. Location Map
2. Existing ordinance and conditions, dated September 28, 2010
3. Approved minutes of the July 7, 2014 AFD Committee meeting (under separate cover)

Case No. AFD-01-89

Armistead 2014 Renewal



SEP 28 2010

ORDINANCE NO. 182A-8BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIAAGRICULTURAL AND FORESTAL DISTRICT-1-89ARMISTEAD 2010 RENEWAL

WHEREAS, James City County has completed a review of the Armistead Agricultural and Forestal District (AFD); 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 Armistead AFD; and

WHEREAS, the AFD 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 ORDAINED, by the Board of Supervisors of James City County, Virginia, that:

1. The Armistead AFD is hereby continued from its current date of expiration (January 10, 2006) for a period of four years, one month and three days to October 31, 2010, 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 provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

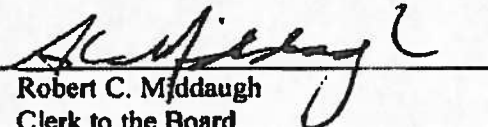
<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Sarah H. Armistead	3120100017	84.50
Sarah H. Armistead	3120100014	53.78
Sarah H. Armistead	3130100029	132.08
Sarah H. Armistead	3140100001	<u>41.17</u>
	Total:	<u>311.5</u>

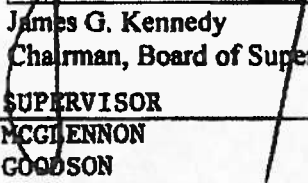
3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Armistead AFD be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
 - a. The subdivision 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 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 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 outside 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 Outside the Primary Service Area, adopted September 24, 1996, as amended. 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, as amended.
- c. No Special Use Permit (SUP) 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 SUPs 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
MCGLENNON	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.

AFD1-89Armistead_res

**Case No. AFD-05-86-1-2014, Barnes Swamp Agricultural & Forestal District Renewal
Staff Report for the August 6, 2014 Planning Commission Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

AFD Advisory Committee:
Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

July 7, 2014, 4:00 pm (Human Services Building)
August 6, 2014, 7:00 pm
September 9, 2014, 7:00 pm (tentative)

SUMMARY FACTS

Owners

SD & SKI, LLC
Jane B. Farmer & Betty B. Rady
Katherine Leon Hockaday
Alvin L. Beahm
Alvin L. Beahm
Arline H. Bowmer Estate
Arline H. Bowmer Estate
Martha W. McMurren & SWR-Misc, LLC
Charles Douglas Harwood
Estate of Mick Zuzma
Estate of Mick Zuzma
Betty L. Johnson & Lynne J. Fischer
Betty L. Johnson & Lynne J. Fischer
Robert Michael Dzula
John Avery Richardson
John Avery Richardson
H.P. & Mary Hazelwood
Cherri U. Spellmeyer
Pamaka, LLC
Pamaka, LLC
Frances E. & Steven M. Bagwell
Alex Lamar Penland
Donald A. Hazelwood
Donald A. Hazelwood
Donald A. Hazelwood
John P. and Shelly D. Latoski Trustee
Dennis Wayne Leonituk, Jr.
Pamaka, LLC
Steven M. & Michelle T. Johnson
Steven M. & Michelle T. Johnson

Parcel Number

Acres

0310100001108.47
031010000264.00
031010000365.26
033010000370.00
033010000470.00
033010000696.75
024010001262.19
101010000161.61
032010000143.52
032010000213.85
0320100002A17.20
032010000319.07
0320100003A93.98
032010000428.07
041010000542.00
041010000610.00
0420100008227.98
0420100014134.00
043010001521.99
043010001652.00
0920100001114.58
024010002955.90
0420100020112.44
04201000183.46
04401000016.11
0310100001B10.23
0310100001A10.00
0430100014A1.34
034080000352.63
034080000568.43

TOTAL ACRES1,737.06

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands and Conservation Area

Primary Service Area: Outside

STAFF RECOMMENDATION

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Planning Commission recommend renewing the Barnes Swamp AFD for a period of four years, subject to the enclosed conditions to the Board of Supervisors.

AFD ADVISORY COMMITTEE RECOMMENDATION

At its July 7, 2014 meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the district to the Planning Commission and Board of Supervisors.

Staff Contact: Luke Vinciguerra, Planner

Phone: 253-6783

SUMMARY

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-5-86, Barnes Swamp, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the expiration date October 31, 2018.

DISTRICT HISTORY

The District was approved on December 1, 1986 for a term of four years. One 114-acre parcel was added in 1987. The District was renewed for a period of four years by the Board in October 1990. One addition to the District of 60.7 acres was approved by the Board in February 1991. The District was renewed again on October 19, 1994 for a term of four years. The Board approved an addition of 127.36 acres on July 8, 1997. The District was renewed for a term of four years by the Board in September 1998, with the withdrawal of a 58.6 acre parcel owned by R.E. and Mary Mountcastle. On January 26, 1999 the Board approved the addition of the 58.6 acre Mountcastle property. When the District was renewed in 2002, the same 58.6 acre Mountcastle parcel was withdrawn. In 2006, during the renewal process, 271.51 acres were not renewed. In 2008, 1.34 acres was added and in 2010, the Board of Supervisors approved the addition of 121.06 acres to the District.

The District includes all the land on the previously listed properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road and/or drainage improvements.

The Barnes Swamp AFD currently consists of approximately 1,737.06 acres and adjoins the New Kent County border, extending from a point approximately 5,000 feet east of Holly Forks Road west to Diascund Reservoir and south to Richmond Road.

ANALYSIS

The District consists primarily of forested land. Records indicate that approximately 80 percent of the District is used for forestry purposes and the remainder of the District is used for agriculture. All of the land within the District is zoned A-1, General Agricultural. Most of the surrounding land is agricultural in nature, although two parcels located on Fire Tower Road are adjacent to the Stonehouse subdivision which is zoned PUD-R. The entire District is located outside the PSA and designated Rural Lands and Conservation Area by the Comprehensive Plan.

REQUEST NOT TO CONTINUE IN THE AFD

No property owner has requested to not continue their participation in the AFD.

ADDITIONS

No property owner has requested land be added to the District during this renewal period.

CHANGE IN CONDITIONS

Staff is recommending a revision to Condition #2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~"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~~

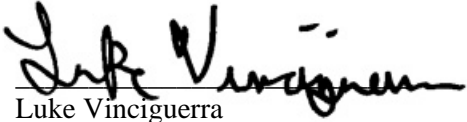
~~the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended."~~

No land outside the Primary Service Area 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.

STAFF RECOMMENDATION:

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its July 7, 2014 meeting, the AFD Advisory Committee voted 8-0 recommending the continuation of the district to the Planning Commission and Board of Supervisors. Staff recommends the Planning Commission recommend renewing the Barnes Swamp AFD for a period of four years, subject to the conditions listed below to the Board of Supervisors.

1. 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.
2. No land outside the Primary Service Area 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.
3. 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.

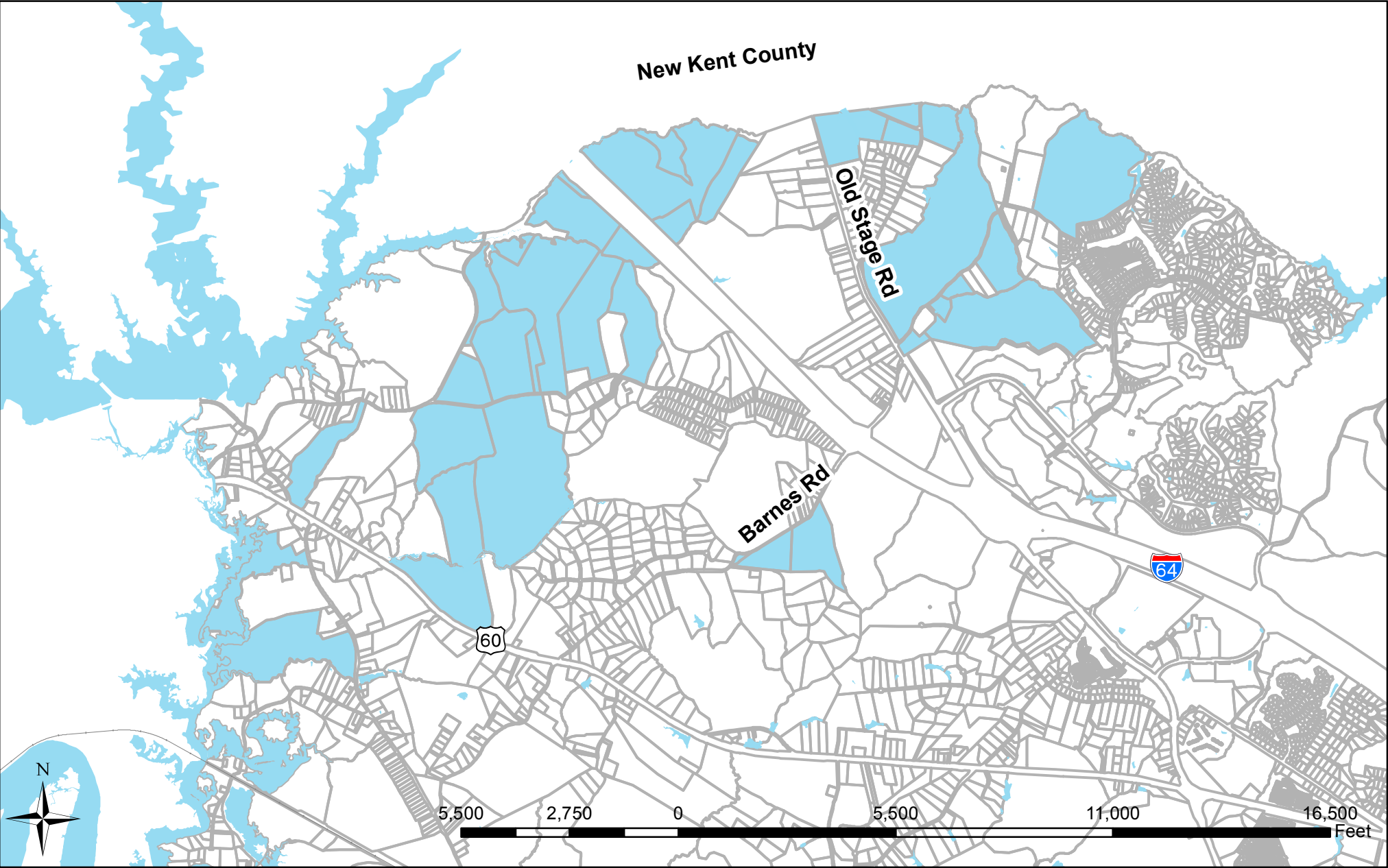

Luke Vinciguerra

ATTACHMENTS:

1. Location Map
2. Existing ordinance and conditions, dated September 28, 2010
3. Ordinance for the addition of property, dated November 9, 2010
4. Approved minutes of the July 7, 2014 AFD Committee meeting (under separate cover)

Case No. AFD-05-86

Barnes Swamp 2014 Renewal



ADOPTED

SEP 28 2010

ORDINANCE NO. 167A-11

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AGRICULTURAL AND FORESTAL DISTRICT 5-86

BARNES SWAMP 2010 RENEWAL

WHEREAS, James City County has completed a review of the Barnes Swamp Agricultural and Forestal District (AFD); 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 meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Barnes Swamp AFD; and

WHEREAS, the AFD Advisory Committee, at its meeting on August 23, 2010, voted 9-0 to approve the application; 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 renew this district with the conditions listed below.

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

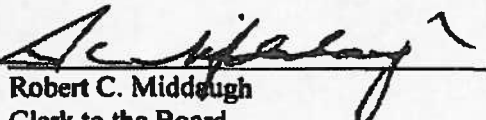
1. The Barnes Swamp AFD is hereby continued for a period of four years, one month, and three days to October 31, 2014, in accordance with the provisions of the Virginia AFD Act, Virginia Code Section 15.2-4300 et. seq.
2. The District shall include the following parcels provided, however, that all land within 25 feet of the road rights-of-way be excluded from the District to allow for possible road improvements:

<u>Owners</u>	<u>Parcel No.</u>	<u>Acres</u>
SD and SKI, LLC	0310100001	108.47
Jane B. Farmer and Betty B. Rady	0310100002	64.00
Katherine L. Hockaday	0310100003	65.26
Alvin Beahm	0330100003	70.00
Alvin Beahm	0330100004	70.00
Arline H. Bowmer	0330100006	96.75
Arline H. Bowmer	0240100012	62.19
Martha W. McMurran and SWR-Misc, LLC	1010100001	61.61
Charles Douglas Harwood	0320100001	43.52
Estate of Mick Zuzma	0320100002	13.85
Estate of Mick Zuzma	0320100002A	17.20
Betty L. Johnson and Lynne J. Fischer	0320100003	19.07
Betty L. Johnson and Lynne J. Fischer	0320100003A	93.98
Robert Michael Dzula	0320100004	28.07

John A. Richardson	0410100005	42.00
John A. Richardson	0410100006	10.00
H.P. and Mary Hazelwood	0420100008	227.98
Cherri U. Spellmeyer	0420100014	134.00
Pamaka, LLC	0430100015	21.99
Pamaka, LLC	0430100016	52.00
Frances Isabell Woodard	0920100001	114.58
Alex Lamar Penland	0240100029	55.90
Donald A. Hazelwood	0420100020	112.44
Donald A. Hazelwood	0420100018	3.46
Donald A. Hazelwood	0440100001	6.11
John P. Latoski Trustee	0310100001B	10.23
Dennis Wayne Leonituk, Jr.	0310100001A	10.00
Pamaka, LLC	0430100014A	1.34
Total	<u>1,616.1</u>

3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Barnes Swamp 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 Wireless Communication 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 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 outside 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 AFDs Outside the PSA, adopted September 24, 1996, as amended. 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, as amended.
 - c. No Special Use Permit (SUP) 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 SUPs 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

<u>SUPERVISOR</u>	<u>VOTE</u>
MCGLENNON	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.

AFD5-86BarnesSwamp_res

ADOPTED

NOV 9 2010

ORDINANCE NO. 167A-12

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AFD-5-86-2-2010. BARNES SWAMP AFD RACEFIELD ADDITION

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia (the "Board of Supervisors") to add 121.06 acres of land owned by Mr. and Mrs. Steven and Michelle Johnson located at 230 and 260 Racefield Drive and identified as James City County Real Estate Tax Map Nos. 0340800003 and 0340800005 to AFD 5-86, which is generally known as the "Barnes Swamp Agricultural and Forestal District" (the "Application"); and

WHEREAS, at its September 23, 2010, meeting the Agricultural and Forestal District (AFD) Advisory Committee voted 7-0 to recommend approval of the Application; and

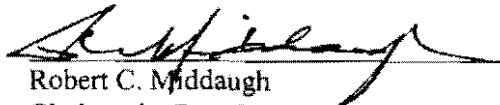
WHEREAS, a public hearing was advertised and held by the Planning Commission (the "Commission") at its October 6, 2010, meeting, pursuant to Section 15.2-4314 of the Code of Virginia, 1950, as amended (the "Virginia Code"), after which the Commission voted 7-0 to recommend approval of the Application; and

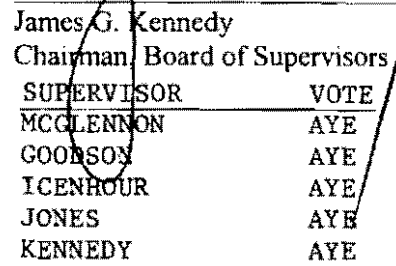
WHEREAS, pursuant to Section 15.2-4214 of the Virginia Code a public hearing was advertised and held by the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adds 121.06 acres owned by Mr. and Mrs. Steven and Michelle Johnson, as referenced herein to the Barnes Swamp Agricultural and Forestal District (the "District") with the following conditions:

1. 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 Communication 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.
2. No land 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 may be withdrawn from the District in accordance with the Board of Supervisors Policy Governing Withdrawals of Property from Agricultural and Forestal Districts, adopted September 28, 2010, as amended.
3. No Special Use Permit (SUP) 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 SUPs 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
MCLENNON	AYE
GOONSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of November, 2010.

Afd-5-86-2-10Swamp_res

**Case No. AFD-01-02-1-2014, Carter's Grove Agricultural & Forestal District Renewal
Staff Report for the August 6, 2014 Planning Commission Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

AFD Advisory Committee:
Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

July 7, 2014, 4:00 pm (Human Services Building)
August 6, 2014, 7:00 pm
September 9, 2014, 7:00 pm (tentative)

SUMMARY FACTS

Owners

Carter's Grove, LLC
Carter's Grove, LLC
Colonial Williamsburg Foundation

Parcel Number

Acres

582010000276.10
5910100030240.04
59101000211.56

TOTAL ACRES317.7

Zoning: R-8, Rural Residential, R-2, General Residential and LB, Limited Business

Comprehensive Plan: Park, Public, Semi-Public Open Space; Federal, State, County Land; Conservation Area; and Neighborhood Commercial

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Planning Commission recommend renewing the Carter's Grove AFD for a period of four years, subject to the enclosed conditions to the Board of Supervisors.

AFD ADVISORY COMMITTEE RECOMMENDATION

At its July 7, 2014 meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the district to the Planning Commission and Board of Supervisors.

Staff Contact: Luke Vinciguerra

Phone: 253-6783

SUMMARY

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-1-02, Carter's Grove, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the expiration date October 31, 2018.

DISTRICT HISTORY

The Carter's Grove AFD District was created by the Board of Supervisors on October 8, 2002, for a term of four years. During the 2006 renewal, Colonial Williamsburg removed a portion of land totaling approximately 2.26 acres. The area encompasses the 1,650 foot long entrance road to Carter's Grove Plantation would allow the flexibility for future widening. In 2007, the parcel that the mansion is located on was combined with the surrounding parcel. The entire area of the previously delineated parcel, along with the aforementioned entrance road, is not included in the Carter's Grove AFD.

The District includes land on the above properties as previously described with the exception of all land within 25 feet of arterial road rights-of-way, land within the Colonial Pipeline and HRSD easements, and land within ten feet adjacent to both sides of the HRSD easement. That property has been excluded from the District to allow for possible road and/or drainage improvements and expansion.

The Carter's Grove AFD consists of approximately 317.7 acres located generally between the James River, Ron Springs Road, and south of Pocahontas Trail (Route 60). One parcel containing 1.5 acres is located north of Pocahontas Trail. The main two parcels surround the Carter's Grove Plantation and the Hampton Roads Sanitation District (HRSD) sewer station and are west of the James River Commerce Center.

ANALYSIS

The property included in this District is wooded or cleared pasture and does not include the Carter's Grove Plantation House and Visitor Center. The District also has direct frontage on the James River and contains some marshland that drains directly into the James River.

The entire District lies within the Primary Service Area and property within the District is zoned R-2, General Residential, R-8, Rural Residential and LB, Limited Business. The majority of the property is designated Park, Public, Semi-Public Open Space; Federal, State, County Land; or as a Conservation Area on the 2009 James City County Comprehensive Plan Land Use Map. One parcel is designated Neighborhood Commercial. The locations of parcels within the District provide natural buffers surrounding the HRSD sewer station and the Carter's Grove Plantation historical site and help to preserve the natural, wooded, and rural character of that area of the County. The continuation of this AFD will help to ensure that some property in the predominantly urban southern end of the County remains in forestal and/or agricultural uses for the duration of the District.

REQUEST NOT TO CONTINUE IN THE AFD

No property owner has requested to not continue their participation in the AFD.

ADDITIONS

No property owner has requested land be added to the District during this renewal period.

CHANGE IN CONDITIONS

Staff is recommending a revision to Condition #2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

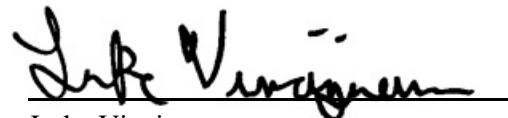
~~“No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, 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.”~~

No land outside the Primary Service Area 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.

STAFF RECOMMENDATION:

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its July 7, 2014 meeting, the AFD Advisory Committee voted 8-0 recommending the continuation of the district to the Planning Commission and Board of Supervisors. Staff recommends the Planning Commission recommend renewing the Carter’s Grove AFD for a period of four years, subject to the conditions listed below to the Board of Supervisors.

1. 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.
2. No land outside the Primary Service Area 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.
3. 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.

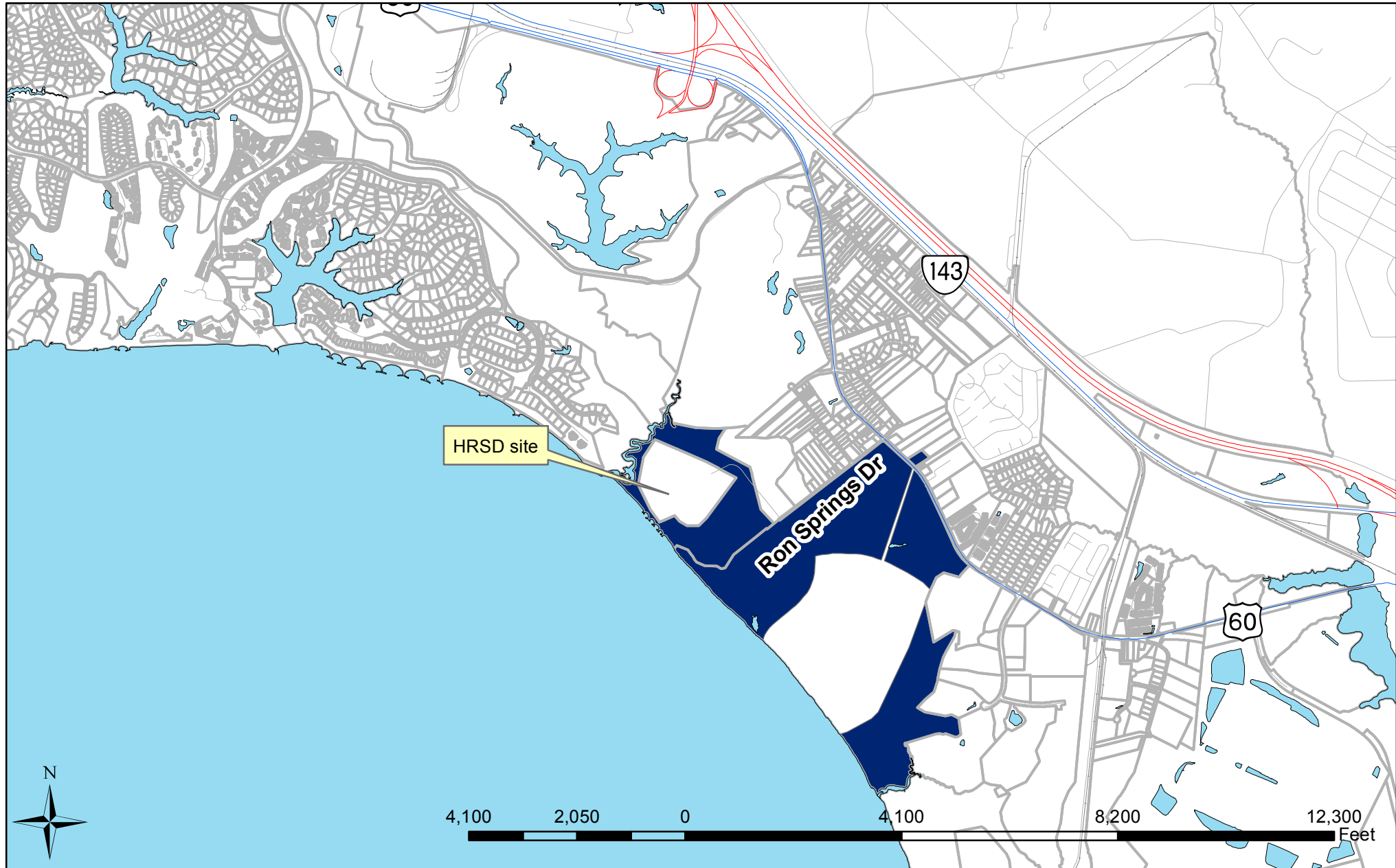

Luke Vinciguerra

ATTACHMENTS:

1. Location Map
2. Existing ordinance and conditions, dated September 28, 2010
3. Approved minutes of the July 7, 2014 AFD Committee meeting (under separate cover)

Case No. AFD-01-02

Carter's Grove 2014 Renewal



ADOPTED

SEP 28 2010

ORDINANCE NO. 197A-2

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AGRICULTURAL AND FORESTAL DISTRICT 1-02

CARTER'S GROVE 2010 RENEWAL

WHEREAS, James City County has completed a review of the Carter's Grove 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 meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Carter's Grove Agricultural and Forestal District; and

WHEREAS, the AFD Advisory Committee, at its meeting on August 23, 2010, voted 9-0 to approve the application; 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 5-0 with two abstentions 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 Carter's Grove AFD 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 provided, however, that all land within 25 feet of the road rights-of-way be excluded from the District to allow for possible road improvements:

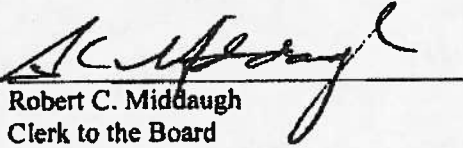
<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Carter's Grove, LLC	5820100002	76.10
Carter's Grove, LLC	5910100030	240.04
Colonial Williamsburg Foundation	5910100021	1.56
	Total:	<u>317.7</u>

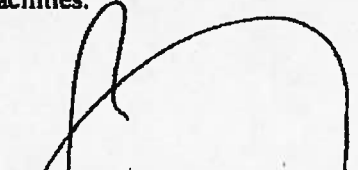
3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Carter's Grove AFD be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
 - a. The subdivision 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 sitting of Wireless Communication 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 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 outside 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 Outside the Primary Service Area, adopted September 24, 1996, as amended. 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, as amended.
- c. No Special Use Permit (SUP) 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 SUPs 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.

AFD1-02CartersGrve_res

**Case No. AFD-10-86-1-2014, Christenson's Corner Agricultural & Forestal District Renewal
Staff Report for the August 6, 2014 Planning Commission Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

AFD Advisory Committee:
Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

July 7, 2014, 4:00 pm (Human Services Building)
August 6, 2014, 7:00 pm
September 9, 2014, 7:00 pm (tentative)

SUMMARY FACTS

Owners	Parcel Number	Acres
C.M. Chandler	1540100011	151.25
C.M. Chandler	1630100001	8.01
Stieffen Co, LLC & , B. P. Stieffen	1640100003	402.89
Hampton 41, LLC & Abbitt Land Co.	2520100007.....	410.79
Hampton 41, LLC & Abbitt Land Co.	1630100011.....	156.85
TOTAL ACRES		1,129.79

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands and Conservation Area

Primary Service Area: Outside

STAFF RECOMMENDATION

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Planning Commission recommend renewing the Armistead AFD for a period of four years, subject to the enclosed conditions to the Board of Supervisors.

AFD ADVISORY COMMITTEE RECOMMENDATION

At its July 7, 2014 meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the district to the Planning Commission and Board of Supervisors.

Staff Contact: Luke Vinciguerra

Phone: 253-6783

SUMMARY

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-10-86, Christenson's Corner, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the proposed expiration date October 31, 2018.

DISTRICT HISTORY

The District was approved on December 1, 1986 for a term of four years, and the Board of Supervisors approved four-year renewals in 1990, 1994, 1998, 2002 and 2010 with no additions or withdrawals of property. In December, 2011 the Board approved the addition of two parcels on Newman Road totaling 567 acres.

The District includes all the land on the above properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road improvements.

The Christenson's Corner AFD consists of approximately 1,129.79 acres located south of Riverview Road between Newman Road and Riverview Plantation.

ANALYSIS

The majority of the District contains woodland. The remainder of the property in the District is open farm land and swamp or wetlands. All of the land within this District is zoned A-1, General Agricultural, and a major portion of the surrounding property is zoned A-1 and is forested. Most of the District is designated Rural Lands by the Comprehensive Plan. A very small portion of the District is designated Conservation Area by the Comprehensive Plan.

The entire District is located outside of the Primary Service Area (PSA) and the area remains relatively rural in nature.

REQUEST NOT TO CONTINUE IN THE AFD

No property owner has requested to not continue their participation in the AFD.

ADDITIONS

No property owner has requested land be added to the District during this renewal period.

CHANGE IN CONDITIONS

Staff is recommending a revision to Condition #2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

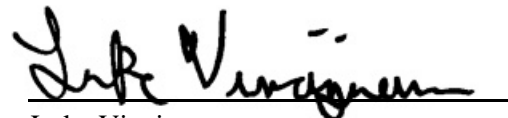
~~"No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, 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."~~

No land outside the Primary Service Area 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.

STAFF RECOMMENDATION:

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its July 7, 2014 meeting, the AFD Advisory Committee voted 8-0 recommending the continuation of the district to the Planning Commission and Board of Supervisors. Staff recommends the Planning Commission recommend renewing the Christenson's Corner AFD for a period of four years, subject to the conditions listed below to the Board of Supervisors.

1. 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.
2. No land outside the Primary Service Area 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.
3. 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.

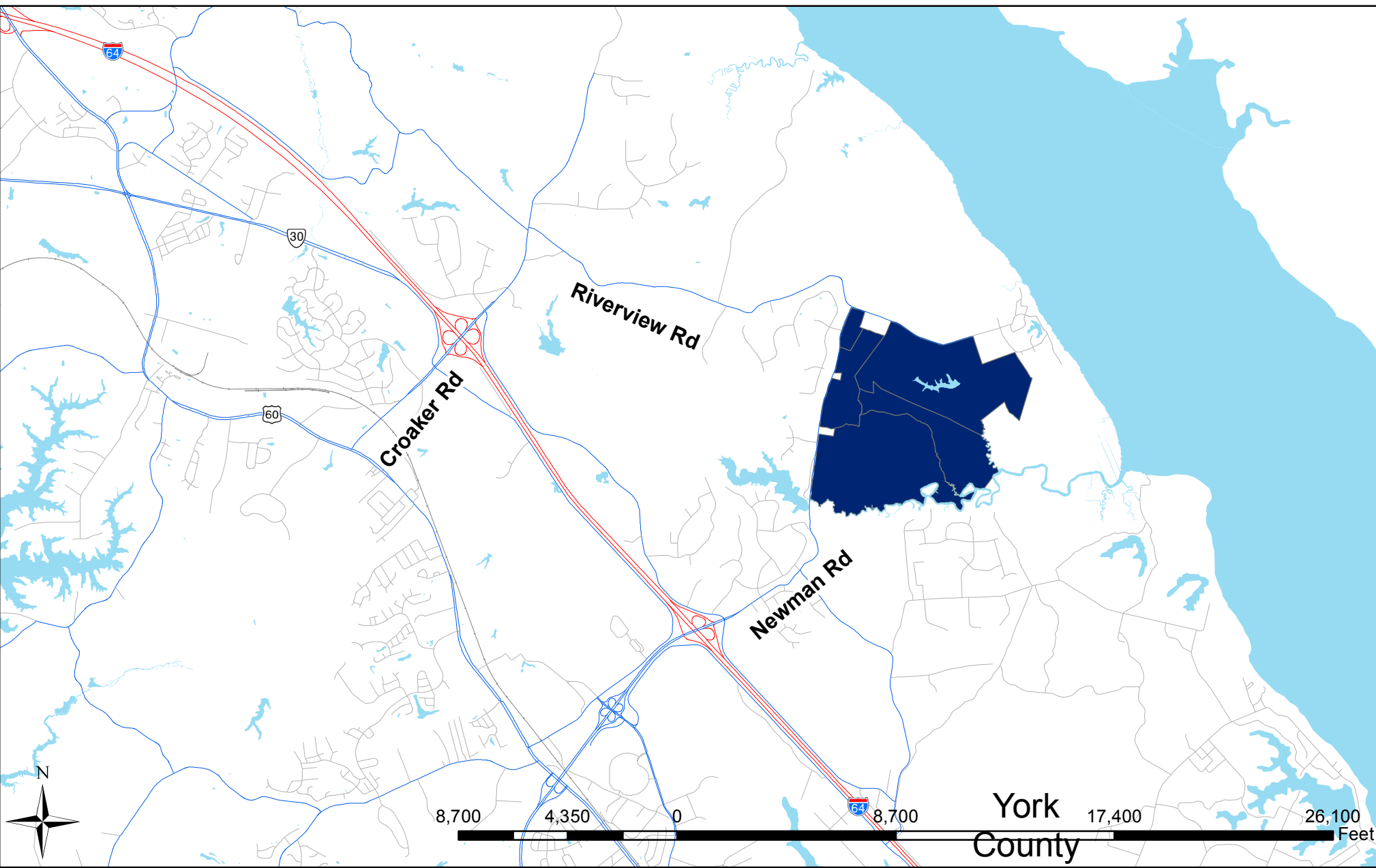

Luke Vinciguerra

ATTACHMENTS:

1. Location Map
2. Existing ordinance and conditions, dated September 28, 2010
3. Ordinance for the addition of property, dated December 13, 2011
4. Approved minutes of the July 7, 2014 AFD Committee meeting (under separate cover)

Case No. AFD-10-86

Christenson's Corner 2014 Renewal



DEC 13 2011

ORDINANCE NO. 171A-7BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIACASE NO. AFD-10-86-1-2011. CHRISTENSON'S CORNER AFD -NEWMAN ROAD ADDITION

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, (the "Board of Supervisors") to add 567.64 acres of land owned by Hampton 41, LLC and Abbitt Land Co located at 7664 and 7680 Newman Road and identified as James City County Real Estate Tax Map/Parcels Nos. 2520100007, and 1630100011 to Agricultural and Forestal District (AFD) Case No. 10-86, which is generally known as the 562.2-acre "Christenson's Corner Agricultural and Forestal District" (the "Application"); and


WHEREAS, at its October 12, 2011, meeting, the AFD Advisory Committee voted 6-0 to recommend approval of the Application; and

WHEREAS, a public hearing was advertised and held by the Planning Commission (the "Commission") at its November 2, 2011, meeting, pursuant to Section 15.2-4314 of the Code of Virginia, 1950, as amended (the "Virginia Code"), after which the Commission voted 6-0 to recommend approval of the Application; and

WHEREAS, pursuant to Section 15.2-4214 of the Virginia Code, a public hearing was advertised and held by the Board of Supervisors.

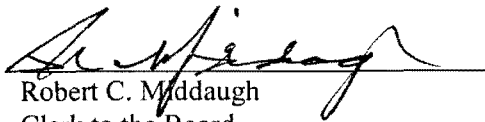
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adds 567.64 acres owned by Hampton 41, LLC and Abbitt Land Co, as referenced herein to the 562.2 acres of the Christenson's Corner AFD with the following conditions:

1. 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.
2. 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.
3. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with 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. Muddaugh
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
KENNEDY	AYE
GOODSON	AYE
MCGLENNON	AYE
ICENHOUR	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of December, 2011.

afd10-86-1-11_ord

ADOPTED

SEP 28 2010

ORDINANCE NO. 171A-6

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AGRICULTURAL AND FORESTAL DISTRICT 10-86

CHRISTENSON'S CORNER 2010 RENEWAL

WHEREAS, James City County has completed a review of the Christenson's Corner Agricultural and Forestal District (AFD); 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 meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Christenson's Corner AFD; and

WHEREAS, the AFD Advisory Committee, at its meeting on August 23, 2010, voted 9-0 to approve the application; 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 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 Christenson's Corner AFD 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 AFD Act, Virginia Code Section 15.2-4300 et. seq.
2. The District shall include the following parcels provided, however, that all land within 25 feet of the road rights-of-way be excluded from the District to allow for possible road improvements:

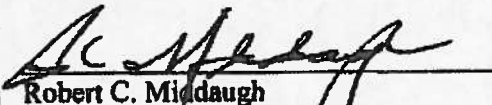
<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
C.M. Chandler	1540100011	151.25
C.M. Chandler	1630100001	8.01
Stieffen Co, LLC and Stieffen, B. P.	1640100003	<u>402.89</u>
	Total:	<u>562.2</u>

3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Christenson's Corner 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 Wireless Communication 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 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 outside 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 Outside the Primary Service Area, adopted September 24, 1996, as amended. 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, as amended.
- c. No Special Use Permit (SUP) 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 SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

ATTEST:


Robert C. Mindaugh
Clerk to the Board


James G. Kennedy
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCGLENNON	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.

AFD10-86Christenson_res

Case. No. AFD-06-86-1-2014, Cranston's Pond Agricultural & Forestal District Renewal Staff Report for the August 6, 2014 Planning Commission Public Hearing

This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

AFD Advisory Committee:
Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

July 7, 2014, 4:00 pm (Human Services Building)
August 6, 2014, 7:00 pm
September 9, 2014, 7:00 pm (tentative)

SUMMARY FACTS

Owners

Hidden Acres Farm, Inc.
Bertrand E. Geddy Jr., Trustee
Edward K. English
Payten J. Harcum
Otto C. & Thelma Ripley

Parcel Number

Acres

2330100001416.50
2230100026167.50
2240100001A101.67
222010008762.55
3120100003B.....21.01

TOTAL ACRES769.2

Zoning:

A-1, General Agricultural and R-8, Rural Residential

Comprehensive Plan:

Rural Lands, Low-Density Residential and Conservation Area

Primary Service Area:

One parcel (3120100003B) inside and the remaining outside

STAFF RECOMMENDATION

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Planning Commission recommend renewing the Cranston's Pond AFD for a period of four years, subject to the enclosed conditions, to the Board of Supervisors.

AFD ADVISORY COMMITTEE RECOMMENDATION

At its July 7, 2014 meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the district to the Planning Commission and Board of Supervisors.

Staff Contact:

Luke Vinciguerra

Phone: 253-6783

SUMMARY

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-6-86, Cranston's Pond, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the expiration date October 31, 2018.

DISTRICT HISTORY

The District was approved on December 1, 1986, for a term of four years and has been renewed by the Board of Supervisors for additional four year terms in October 1990, November 1994, September 1998, August 2002, April 2006 and September 2010. This District has remained essentially the same since the AFD was created, with the following changes: approximately 32 acres were added to the District in 1994, approximately 14 acres were added in 2002, and approximately 130 acres were removed between 1998 and 2002. During the 2006 renewal, 111.82 acres was removed from the District. The District was renewed in 2010 with no additions or withdrawals.

The District includes all the land on the above properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road and/or drainage improvements.

The Cranston's Pond AFD consists of approximately 769.2 acres and is located southeast of Chickahominy Road and Little Creek Dam Road.

ANALYSIS

The District consists primarily of forested land. Records indicate that approximately 75 percent of the District is used for forestry and the remainder is in marsh land. Most of the District is located outside of the Primary Service Area (PSA) and is designated Rural Lands by the Comprehensive Plan. The Ripley parcel is located inside the PSA and is designated Low Density Residential. The PSA is the area of the County that has been designated for growth. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created, maximizing the potential use of the property. The Comprehensive Plan also designates Cranston's Pond and its tributaries as Conservation Areas.

REQUEST NOT TO CONTINUE IN THE AFD

No property owner has requested to not continue their participation in the AFD.

ADDITIONS

No property owner has requested land be added to the District during this renewal period.

CHANGE IN CONDITIONS

Staff is recommending a revision to Condition #2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~"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~~

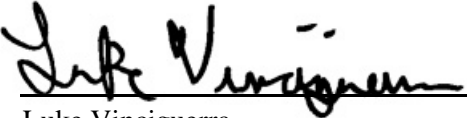
~~Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended."~~

No land outside the Primary Service Area 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.

STAFF RECOMMENDATION:

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its July 7, 2014 meeting, the AFD Advisory Committee voted 8-0 recommending the continuation of the district to the Planning Commission and Board of Supervisors. Staff recommends the Planning Commission recommend renewing the Cranston's Pond AFD for a period of four years, subject to the conditions listed below, to the Board of Supervisors.

1. 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.
2. No land outside the Primary Service Area 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.
3. 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.

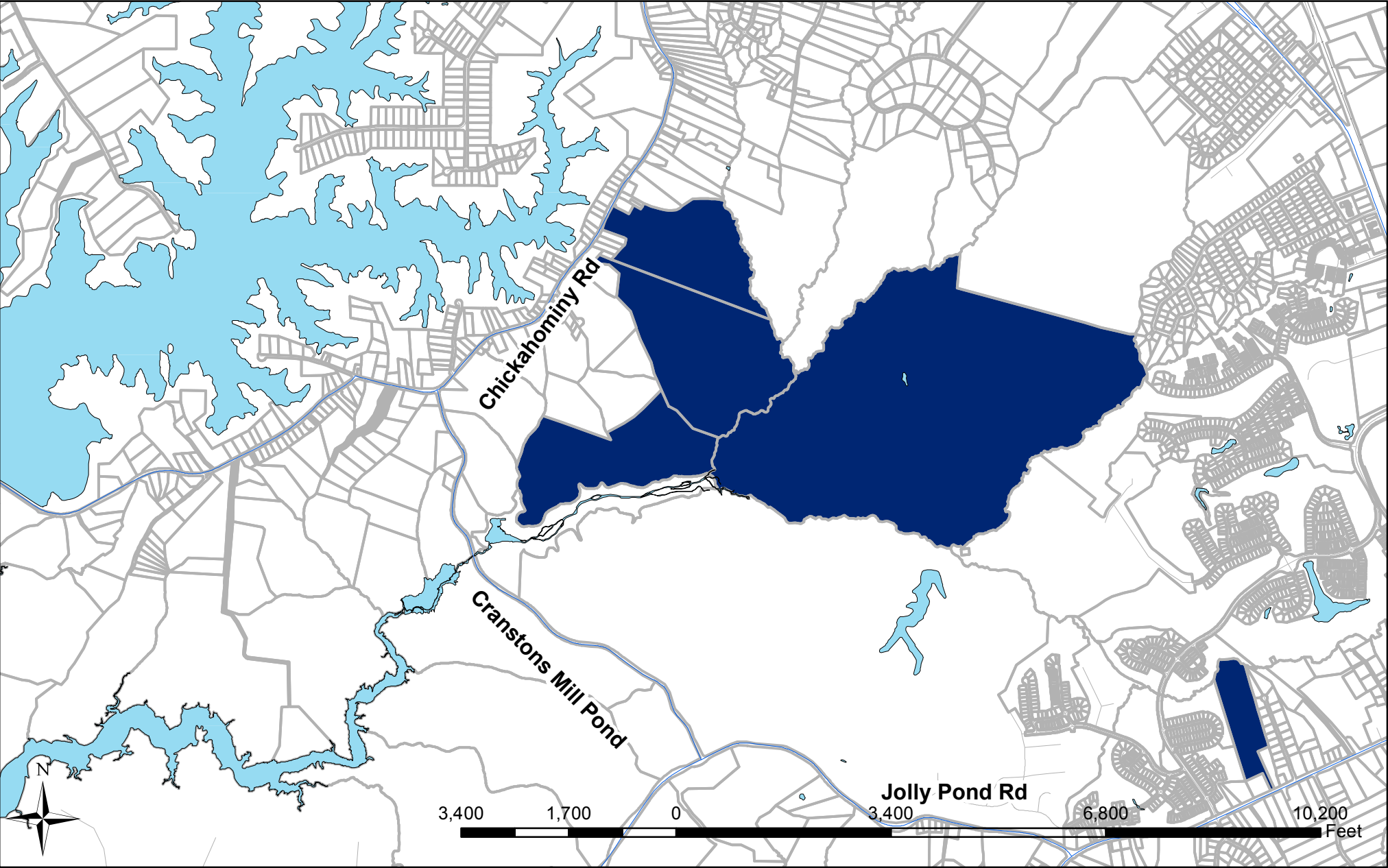

Luke Vinciguerra

ATTACHMENTS:

1. Location Map
2. Existing ordinance and conditions, dated September 28, 2010
3. Approved minutes of the July 7, 2014 AFD Advisory Committee meeting (under separate cover)

Case No. AFD-06-86

Cranston's Pond AFD 2014 Renewal



SEP 28 2010

ORDINANCE NO. 168A-10BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIAAGRICULTURAL AND FORESTAL DISTRICT 6-86CRANSTON'S POND 2010 RENEWAL

WHEREAS, James City County has completed a review of the Cranston's Pond Agricultural and Forestal District (AFD); 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 Cranston's Pond AFD; and

WHEREAS, the AFD 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 ORDAINED, by the Board of Supervisors of James City County, Virginia, that:

1. The Cranston's Pond AFD 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. That the district shall include the following parcels provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Hidden Acres Farm, Inc.	2330100001.....	416.50
Bertrand E. Geddy Jr., Trustee	2230100026.....	167.50
Edward K. English	2240100001A.....	101.67
Payton J. Harcum	2220100087.....	62.55
Otto C. and Thelma Ripley	3120100003B.....	21.01
	Total:	<u>769.2</u>

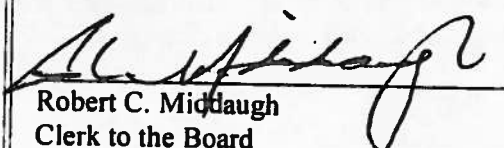
3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Cranston's Pond Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

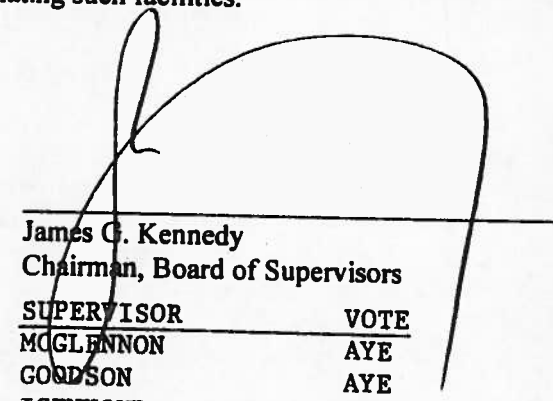
- a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary 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 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 outside 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 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 (SUP) 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 SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

ATTEST:


Robert C. McLaughlin
Clerk to the Board


James G. Kennedy
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
MCLENNON	AYE
GORDSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

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

AFD6-86CransonPond_res

**Case No. AFD-02-86-1-2014, Croaker Agricultural & Forestal District Renewal
Staff Report for the August 6, 2014 Planning Commission Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

AFD Advisory Committee:
Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

July 7, 2014, 4:00 pm (Human Services Building)
August 6, 2014, 7:00 pm
September 9, 2014, 7:00 pm (tentative)

SUMMARY FACTS

Owners

Hankins Land Trust
William and Mary Margaret Apperson
V.D. McManus Estate
V.D. McManus Estate
V.D. McManus Estate
Hazel M. Richardson & L.A. Richardson
Clarence D. Richardson, Jr.
J. Rosalie Will, Trustee
Stephanie L. Billon-Wolfe, Trustee
Wenger Farms, LLC
Wenger Farms, LLC
Wenger Farms, LLC
Thomas B. Ballard
Lasata, LLC
Lasata, LLC
Lasata, LLC
Milly Wallis c/o Doris Lockley
Thomas B. Ballard
Thomas B. Ballard
Wenger Farms, LLC
Katherine Mann

Parcel Number

Acres

1530100044119.00
1440100015 51.45
1530100043119.85
1530100042 10.10
1530100036 40.40
1530100002 39.76
1530100034 39.78
1440100010 40.00
1440100009 49.07
1320100018 95.30
1410100001 150.00
1410100014 143.50
1530100035 53.17
1530100018 16.05
1530100019 16.39
1530100029 30.93
1540100004 40.00
1530100035A 4.91
1530100032 16.21
1410100007 7.00
1510400003 50.00

TOTAL ACRES 1,132.9

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands and Conservation Area

Primary Service Area: Outside

STAFF RECOMMENDATION

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Planning Commission recommend renewing the Croaker AFD for a period of four years, subject to the enclosed conditions, to the Board of Supervisors.

AFD ADVISORY COMMITTEE RECOMENDATION

At its July 7, 2014 meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the district to the Planning Commission and Board of Supervisors.

Staff Contact: Luke Vinciguerra

Phone: 253-678

SUMMARY

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-2-86, Croaker, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the proposed expiration date October 31, 2018.

DISTRICT HISTORY

The District was originally approved on November 17, 1986 for a term of 4 years. In July 1989, the Board of Supervisors approved the withdrawal of 421.773 acres associated with the Old Dominion French Winery property. The District was renewed a second time in 1994. Twenty-nine acres were added to the District on January 14, 1997, and 40 acres were added on January 13, 1998. The District was renewed by the Board in 1998 and 2002 with no additions or withdrawals. In 2006, 29 acres were withdrawn, and in May 2007, 21 acres were added to the District. In 2010, the District was renewed and seven acres were added. In February 2014, an additional 50 acres were added.

The District includes all the land on the above-referenced properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road and/or drainage improvements.

The Croaker AFD consists of approximately 1,132.9 acres located in and around the Croaker Road area, containing parcels which front on Ware Creek Road and Riverview Road.

ANALYSIS

The bulk of the District appears to consist of soils well suited for agriculture and is located a considerable distance from the I-64/Croaker Road interchange. The majority of the District is forested and remains rural in nature. All of the land within this District is zoned A-1, General Agricultural, and a major portion of the surrounding property is presently zoned A-1. The entire District is located outside the Primary Service Area and is designated Rural Lands and Conservation Area by the Comprehensive Plan.

REQUEST NOT TO CONTINUE IN THE AFD

No property owner has requested to not continue their participation in the AFD.

ADDITIONS

No property owner has requested land be added to the District during this renewal period.

CHANGE IN CONDITIONS

Staff is recommending a revision to Condition #2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

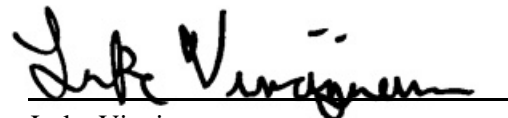
~~"No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, 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."~~

No land outside the Primary Service Area 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.

STAFF RECOMMENDATION:

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its July 7, 2014 meeting, the AFD Advisory Committee voted 8-0 recommending the continuation of the district to the Planning Commission and Board of Supervisors. Staff recommends the Planning Commission recommend renewing the Croaker AFD for a period of four years, subject to the conditions listed below, to the Board of Supervisors.

1. 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.
2. No land outside the Primary Service Area 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.
3. 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.

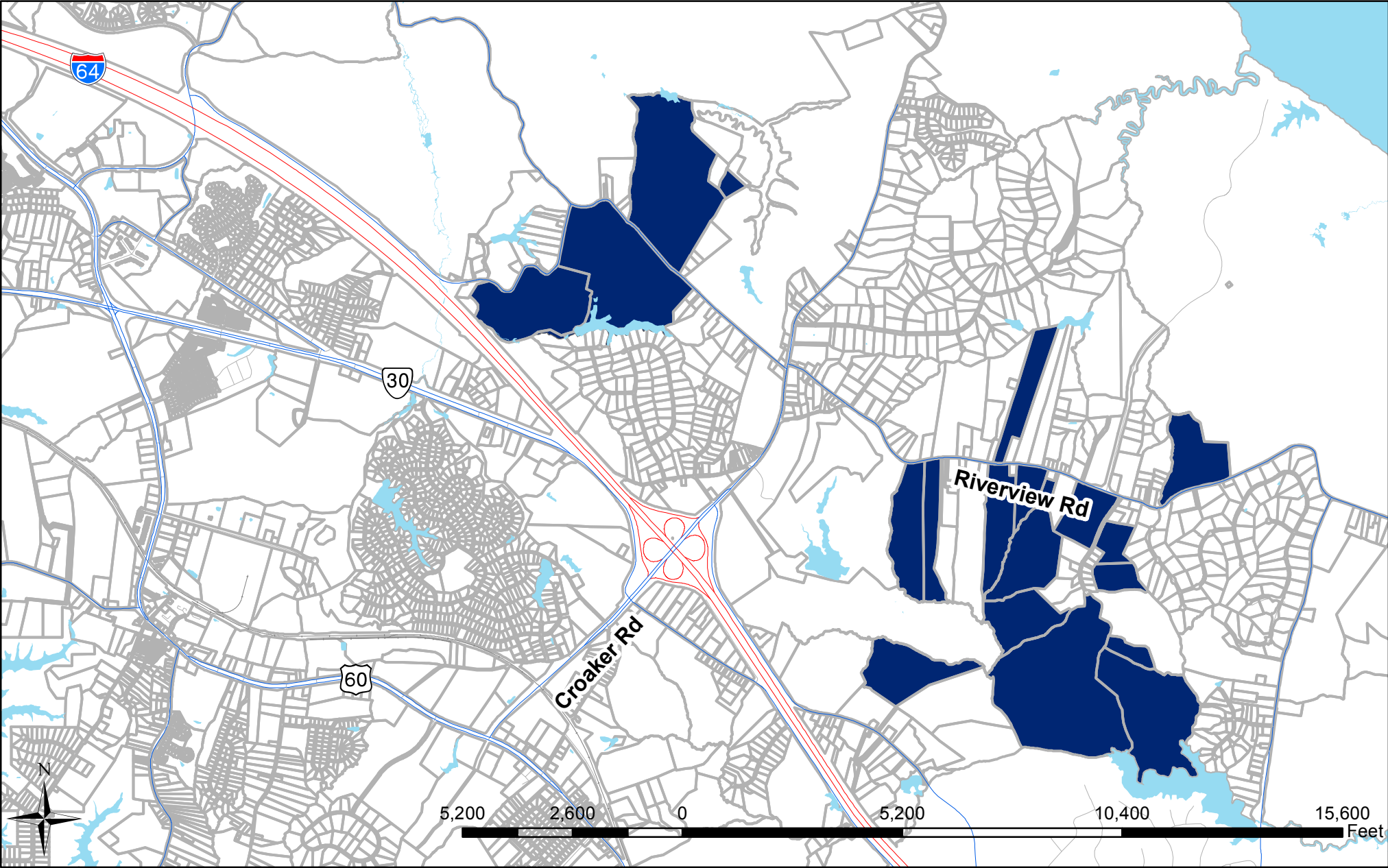

Luke Vinciguerra

ATTACHMENTS:

1. Location Map
2. Existing ordinance and conditions, dated September 28, 2010
3. Ordinance for the addition of property, dated January 11, 2011
4. Ordinance for the addition of property, dated February 11, 2014
5. Approved Minutes of the July 7, 2014 AFD Advisory Committee meeting (under separate cover)

Case No. AFD-02-86

Croaker 2014 Renewal



ADOPTED

SEP 28 2010

ORDINANCE NO. 164A-12

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AGRICULTURAL AND FORESTAL DISTRICT 2-86

CROAKER 2010 RENEWAL

WHEREAS, James City County has completed a review of the Croaker Agricultural and Forestal District (AFD); 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 Croaker AFD; and

WHEREAS, the AFD 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 ORDAINED, by the Board of Supervisors of James City County, Virginia, that:

1. The Croaker AFD 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 AFD Act, Virginia Code Section 15.2-4300 et. seq.
2. That the district shall include the following parcels provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

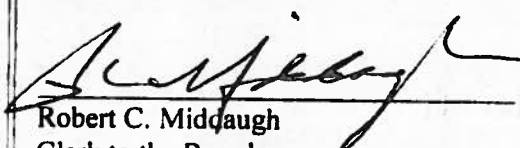
<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Hankins Land Trust	1530100044	119.00
William and Mary Margaret Apperson	1440100015	51.45
V. D. McManus Estate	1530100043	119.85
V. D. McManus Estate	1530100042	10.10
V. D. McManus Estate	1530100036	40.40
Hazel M. Richardson and L. A Richardson	1530100002	39.76
Clarence D. Richardson, Jr.	1530100034	39.78
Judith R. Pieper	1440100010	40.00
Linda Ann Winston	1440100009	49.07
Wenger Farms, LLC	1320100018	95.30
Wenger Farms, LLC	1410100001	150.00
Wenger Farms, LLC	1410100014	143.50
Thomas B. Ballard	1530100035	53.17
Lasata, LLC	1530100018	16.05
Lasata, LLC	1530100019	16.39
Lasata, LLC	1530100029	30.93
Milly Wallis, c/o Doris Lockley	1540100004	40.00

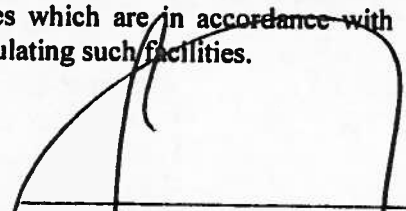
Thomas B. Ballard
Thomas B. Ballard

1530100035A.....4.91
153010003216.21
Total:1,075.9

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Croaker 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 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 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 outside 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 Outside the Primary Service Area, adopted September 24, 1996, as amended. 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, as amended.
 - c. No Special Use Permit (SUP) 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 SUPs 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
MCGLENNON	AYE
GOBSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

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

AFD2-86Croaker_res

ADOPTED

JAN 11 2011

ORDINANCE NO. 164A-13

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AFD-2-86-3-2010. CROAKER AFD - 4474 WARE CREEK ROAD ADDITION

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, to add seven acres of land owned by Wenger Farms, LLC located at 4474 Ware Creek Road and identified as James City County Real Estate Tax Map No. 1410100007 to AFD 2-86, which is generally known as the 1,075.9-acre "Croaker Agricultural and Forestal District (AFD)"; and

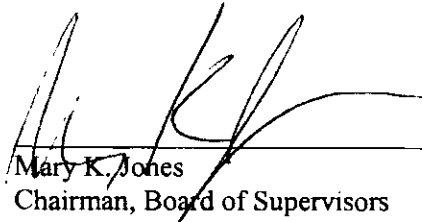
WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the addition of land to the Croaker AFD; and

WHEREAS, the AFD Advisory Committee, at its meeting on November 15, 2010, voted 8-0 to recommend approval of this application; and

WHEREAS, the Planning Commission, following its public hearing on December 1, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby adds seven acres owned by Wenger Farms, LLC as referenced herein to the 1,075.9 acres of the Croaker AFD with the following conditions:

1. 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.
2. 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.
3. 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

<u>SUPERVISOR</u>	<u>VOTE</u>
KENNEDY	AYE
GOODSON	AYE
MCGLENNON	AYE
ICENHOUR	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of January, 2011.

AFD2-86-3-2010_res

ADOPTED

FEB 11 2014

ORDINANCE NO. 164A-14

**Board of Supervisors
James City County, VA**

CASE NO. AFD-02-86-1-2013. CROAKER AGRICULTURAL AND

FORESTAL DISTRICT (AFD) ADDITION – 420 STONEHOUSE ROAD

WHEREAS, a request has been filed (the “Application”) to add ±50 acres of land owned by William and Katherine Mann located at 420 Stonehouse Road and identified as James City County Real Estate Tax Map Parcel No. 1510400003 in AFD - 02-86, the “Croaker Agricultural and Forestal District” (the “AFD”); and

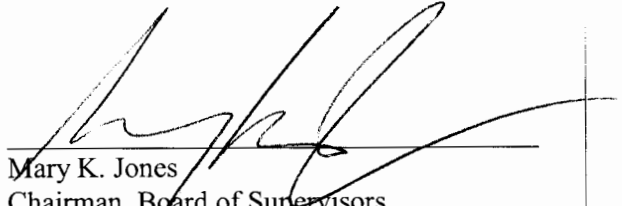
WHEREAS, at its December 12, 2013, meeting, the Agricultural and Forestal District Advisory Committee voted 8-0 to recommend approval of the Application; and

WHEREAS, a public hearing was advertised and held by the Planning Commission at its January 8, 2014, meeting, pursuant to Section 15.2-4314 of the Code of Virginia, 1950, as amended (the “Virginia Code”), after which the Planning Commission voted 6-0 to recommend approval of the Application; and

WHEREAS, pursuant to Section 15.2-4214 of the Virginia Code, a public hearing was advertised and held by the Board of Supervisors.

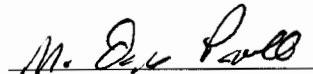
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adds ±50 acres owned by William and Katherine Mann, as referenced herein, to the 1,083 acres of the Croaker AFD with the following conditions:

1. 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.
2. No land outside the Primary Service Area 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.
3. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Section 15.2-4301 et. seq of the Virginia Code, 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.



Mary K. Jones
Chairman, Board of Supervisors

ATTEST:



M. Douglas Powell
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of February, 2014.

AFD02-86-1-13Croaker-res

ADOPTED

FEB 11 2014

ORDINANCE NO. 164A-14

**Board of Supervisors
James City County, VA**

CASE NO. AFD-02-86-1-2013. CROAKER AGRICULTURAL AND

FORESTAL DISTRICT (AFD) ADDITION – 420 STONEHOUSE ROAD

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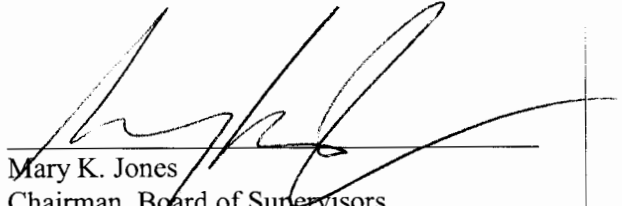
WHEREAS, at its December 12, 2013, meeting, the Agricultural and Forestal District Advisory Committee voted 8-0 to recommend approval of the Application; and

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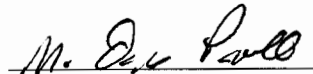
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adds ±50 acres owned by William and Katherine Mann, as referenced herein, to the 1,083 acres of the Croaker AFD with the following conditions:

1. 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.
2. No land outside the Primary Service Area 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.
3. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Section 15.2-4301 et. seq of the Virginia Code, 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.



Mary K. Jones
Chairman, Board of Supervisors

ATTEST:



M. Douglas Powell
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of February, 2014.

AFD02-86-1-13Croaker-res

ADOPTED

JAN 11 2011

ORDINANCE NO. 164A-13

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AFD-2-86-3-2010. CROAKER AFD - 4474 WARE CREEK ROAD ADDITION

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, to add seven acres of land owned by Wenger Farms, LLC located at 4474 Ware Creek Road and identified as James City County Real Estate Tax Map No. 1410100007 to AFD 2-86, which is generally known as the 1,075.9-acre "Croaker Agricultural and Forestal District (AFD)"; and

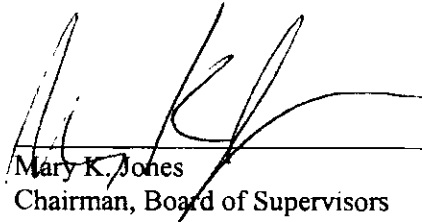
WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the addition of land to the Croaker AFD; and

WHEREAS, the AFD Advisory Committee, at its meeting on November 15, 2010, voted 8-0 to recommend approval of this application; and

WHEREAS, the Planning Commission, following its public hearing on December 1, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby adds seven acres owned by Wenger Farms, LLC as referenced herein to the 1,075.9 acres of the Croaker AFD with the following conditions:

1. 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.
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3. 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

<u>SUPERVISOR</u>	<u>VOTE</u>
KENNEDY	AYE
GOODSON	AYE
MCGLENNON	AYE
ICENHOUR	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of January, 2011.

AFD2-86-3-2010_res

ADOPTED

SEP 28 2010

ORDINANCE NO. 164A-12

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AGRICULTURAL AND FORESTAL DISTRICT 2-86

CROAKER 2010 RENEWAL

WHEREAS, James City County has completed a review of the Croaker Agricultural and Forestal District (AFD); 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 Croaker AFD; and

WHEREAS, the AFD 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 ORDAINED, by the Board of Supervisors of James City County, Virginia, that:

1. The Croaker AFD 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 AFD Act, Virginia Code Section 15.2-4300 et. seq.
2. That the district shall include the following parcels provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

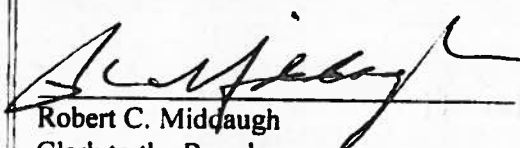
<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Hankins Land Trust	1530100044	119.00
William and Mary Margaret Apperson	1440100015	51.45
V. D. McManus Estate	1530100043	119.85
V. D. McManus Estate	1530100042	10.10
V. D. McManus Estate	1530100036	40.40
Hazel M. Richardson and L. A Richardson	1530100002	39.76
Clarence D. Richardson, Jr.	1530100034	39.78
Judith R. Pieper	1440100010	40.00
Linda Ann Winston	1440100009	49.07
Wenger Farms, LLC	1320100018	95.30
Wenger Farms, LLC	1410100001	150.00
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Thomas B. Ballard	1530100035	53.17
Lasata, LLC	1530100018	16.05
Lasata, LLC	1530100019	16.39
Lasata, LLC	1530100029	30.93
Milly Wallis, c/o Doris Lockley	1540100004	40.00

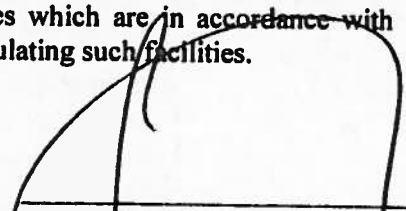
Thomas B. Ballard
Thomas B. Ballard

1530100035A.....4.91
153010003216.21
Total:1,075.9

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Croaker 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 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.
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 - c. No Special Use Permit (SUP) 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 SUPs 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

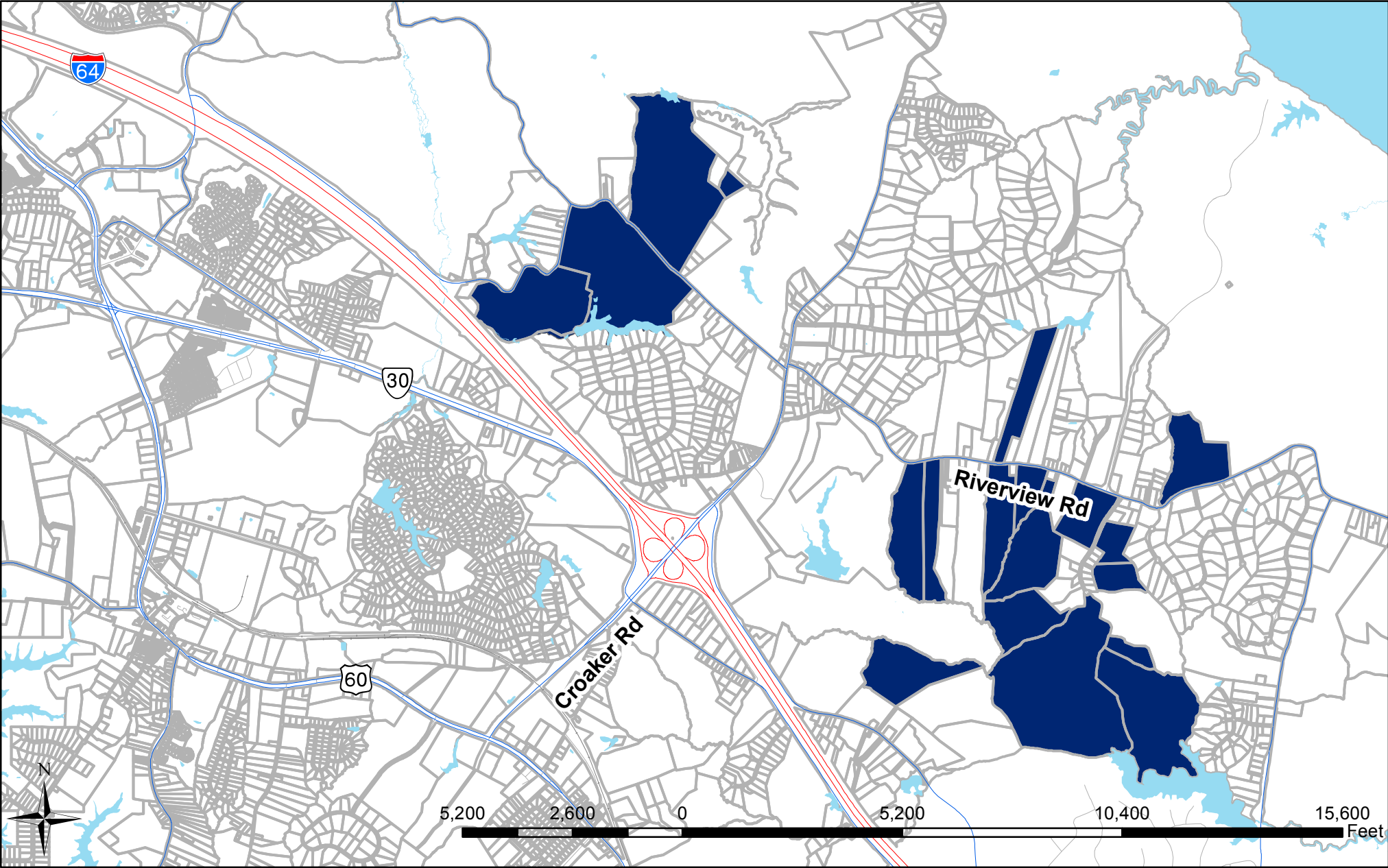
SUPERVISOR	VOTE
MCGLENNON	AYE
GOBSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

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

AFD2-86Croaker_res

Case No. AFD-02-86

Croaker 2014 Renewal



Case No. AFD-09-86-1-2014, Gordon Creek Agricultural & Forestal District Renewal Staff Report for the August 6, 2014 Planning Commission Public Hearing

This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

AFD Advisory Committee:
Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

July 7, 2014, 4:00 pm (Human Services Building)
August 6, 2014, 7:00 pm
September 9, 2014, 7:00 pm (tentative)

SUMMARY FACTS

Owners

R.T. Armistead & Letitia A.T. Hanson
R.T. Armistead & Letitia A.T. Hanson
R.T. Armistead & Letitia A.T. Hanson
Martha W McMurran & SWR-Pinewood
Edward Warburton, III & Regina L
Edward Warburton
David H. Allen & Stephanie M.
Thomas R. Tucker, Trustee
Martha W McMurran & SWR-Pinewood
Thomas L. Hitchens
W.A. Thompson & Charles Flemming
Claybank Landing, LLC
Claybank Landing, LLC
Claybank Landing, LLC
Richardson Holdings Limited Partnership
Richardson Holdings Limited Partnership
Jane T. Carswell
Martha W McMurran & SWR-MISC, LLC
Powhatan Associates
Powhatan Associates
Mary Rebecca Richardson Abbott
Trust Company of Virginia, c/o Greg Davis
Linda Henderson Gordon
Williamsburg Pottery, Inc.
Naynes Bay Land Co.
Naynes Bay Land Co.
William Kane
William Kane
William Kane
William Kane
William Kane
Baxter I. Bell Jr., Trustee
Robert Anson and S. Carswell
Beatrice Richardson Est.
Richardson Holdings Limited Partnership
Pickett Holdings, LLC
Jerry W. Nixon & Martha M.
Michael B. Isler & Michelle Ann

Parcel Number	Acres
3520100016	369.00
3630100001	124.17
3030100004	23.00
3540100001	394.50
3520100001B	29.00
2940100011	56.20
3420100002	132.98
3420100002A	25.02
3630100003	264.00
3610100006	35.00
3620100040	136.96
4320100012	33.83
4320100013	46.04
4320100014	44.92
3640100007	116.65
3030100003	33.00
3610100003	44.00
3610100004	37.62
4410100001	387.42
3530100001	241.68
3620100018	43.55
3540100009	57.60
3420100001	35.30
4410100002	26.00
3510100003	32.00
3510100006	34.30
2940100003	4.00
3030100007	8.00
3520100007	131.00
3610100001	8.33
3610100002	13.00
4320100003	207.95
3520100010	28.36
3640100009	22.00
3640100008	38.00
3510100001	349.00
3730100003	30.74
3630100004	1.10

TOTAL ACRES3,645.22

Zoning: A-1, General Agricultural

Comprehensive Plan: Low-Density Residential, Rural Lands and Conservation Area

Primary Service Area: Two parcels inside, with the remainder located outside the PSA

STAFF RECOMMENDATION

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Planning Commission recommend renewing the Armistead AFD for a period of four years, subject to the enclosed conditions to the Board of Supervisors.

AFD ADVISORY COMMITTEE RECOMMENDATION

At its July 7, 2014 meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the district to the Planning Commission and Board of Supervisors.

Staff Contact: Luke Vinciguerra

Phone: 253-6783

SUMMARY

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-9-86, Gordon Creek, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the expiration date October 31, 2018.

DISTRICT HISTORY

The District was approved on December 1, 1986 for a term of 4 years. It was subsequently renewed for four year term in October 1990, October 1994, September 1998, August 2002, and July 2006. There have been several additions to the Gordon Creek AFD since 1994. Approximately forty acres of land was taken out of the District in May 2006 for the purpose of constructing the 8th W-JCC Elementary School. Originally, the property was a part of the approximately 164-acre parcel placed in the AFD by the previous owner. During the April 2006 renewal, the Barrett's Ferry AFD was terminated and the remaining land was transferred to the Gordon Creek AFD. The transfer consisted of one parcel of approximately 210 acres in land, mostly wooded in nature. On July 8, 2008, the Board of Supervisors removed 165.50 acres of land from the Gordon Creek AFD District as a part of the Ford's Colony, Section 37 rezoning. In 2010, the District was renewed for a four year term with no addition or withdrawal of property. Since the 2010 renewal, property owned by Claybank Landing, LLC has been subdivided; however, this does not affect the size of the district. Additionally, 30.74 acres was added by Martha and Jerry Nixon, 349 acres by Pickett Holdings LLC, 38 acres by Richardson Holdings Limited Partnership and 22 acres by Beatrice Richardson Estate.

The District includes all the land on the above referenced properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road and/or drainage improvements.

The Gordon Creek AFD consists of approximately 3,645.22 acres located in and around the Centerville Road/News Road area. The AFD contains parcels which front on the following roads: News Road, John Tyler Highway, Centerville Road, Bush Neck Road, Jolly Pond Road and Brick Bat Road.

ANALYSIS

The majority of the District contains woodlands. All of the land within this District is zoned A-1, General Agricultural and a major portion of the surrounding property is presently zoned A-1 and is forested. Most of the District is designated Rural Lands by the Comprehensive Plan. The Nayses Bay area is designated as Conservation Area by the Comprehensive Plan. The majority of the District is located outside of the Primary Service Area (PSA) and the area remains relatively rural in nature. A small portion (340.74 acres) is located inside the PSA, the area of the County that has been designated for growth. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created, maximizing the potential use of the property.

REQUEST NOT TO CONTINUE IN THE AFD

No property owner has requested to not continue their participation in the AFD.

ADDITIONS

No property owner has requested land be added to the District during this renewal period.

CHANGE IN CONDITIONS

Staff is recommending a revision to Condition #2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

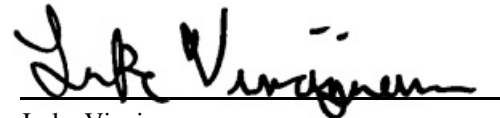
~~"No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, 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."~~

No land outside the Primary Service Area 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.

STAFF RECOMMENDATION:

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its July 7, 2014 meeting, the AFD Advisory Committee voted 8-0 recommending the continuation of the district to the Planning Commission and Board of Supervisors. Staff recommends the Planning Commission recommend renewing the Gordon Creek AFD for a period of four years, subject to the conditions listed below to the Board of Supervisors.

1. 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.
2. No land outside the Primary Service Area 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.
3. 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.

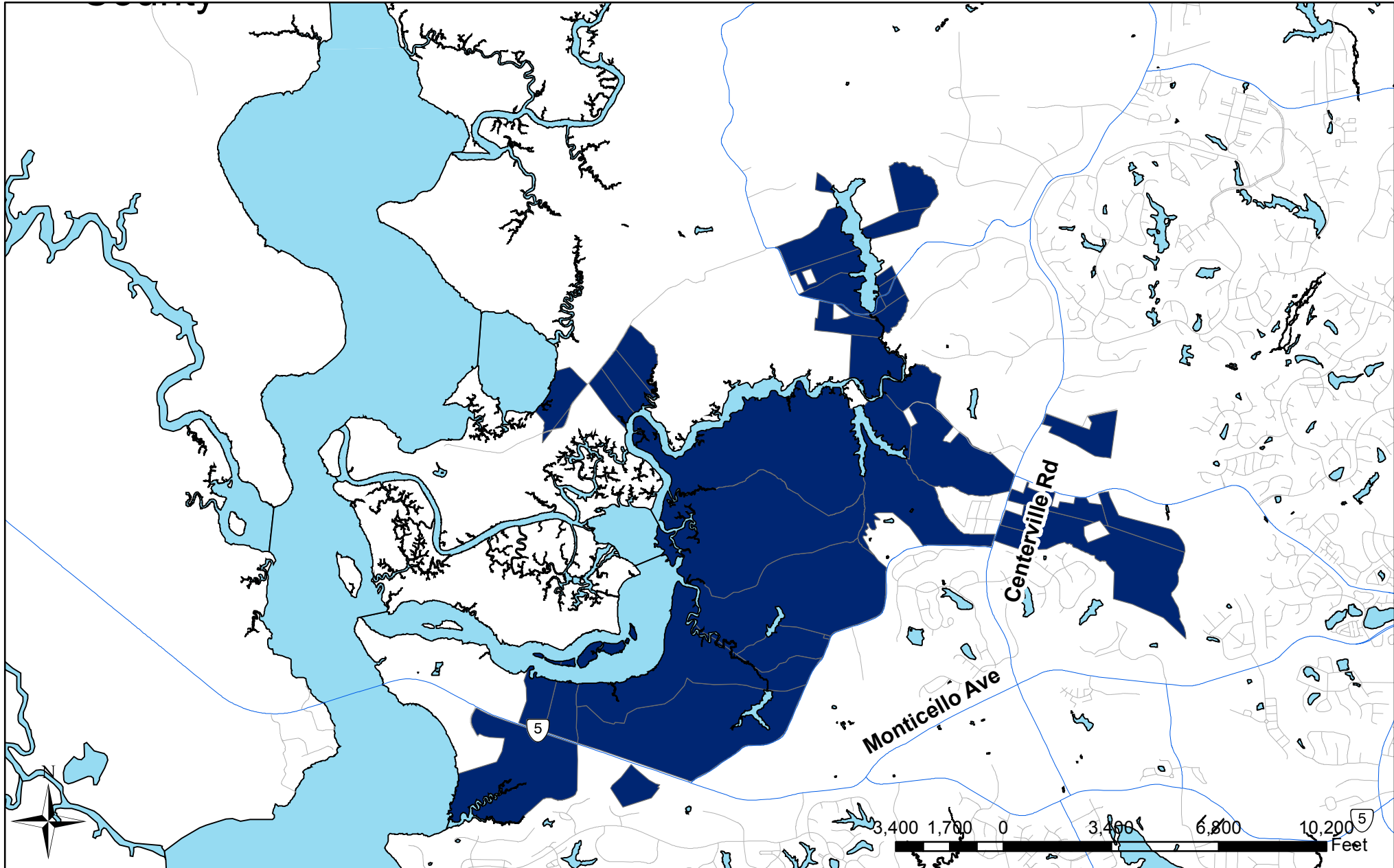

Luke Vinciguerra

ATTACHMENTS:

1. Location Map
2. Existing ordinance and conditions, dated September 28, 2010
3. Ordinance for the addition of property, dated December 14, 2010
4. Ordinance for the addition of property, dated March 8, 2011
5. Ordinance for the addition of property, dated July 9, 2013
6. Approved minutes of the July 7, 2014 AFD Committee meeting (under separate cover)

Case No. AFD-09-86

Gordon's Creek 2014 Renewal



ADOPTED

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. McMurren & 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. McMurren & SWR-Pinewood	3630100003	264.00
Thomas L. Hitchens	3610100006	35.00
W.A. Thompson & Charles Flemming	3620100040	136.96

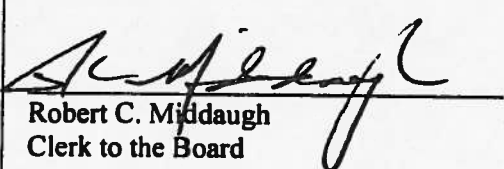
Claybank Landing, LLC	4320100001	124.10
Richardson Holdings Limited Partnership	3640100007	116.83
Richardson Holdings Limited Partnership	3030100003	33.00
Jane T. Carswell	3610100003	44.00
Martha W. McMurren & SWR-MISC LLC	3610100004	37.62
Powhatan Associates	4410100001	387.42
Powhatan Associates	3530100001	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>

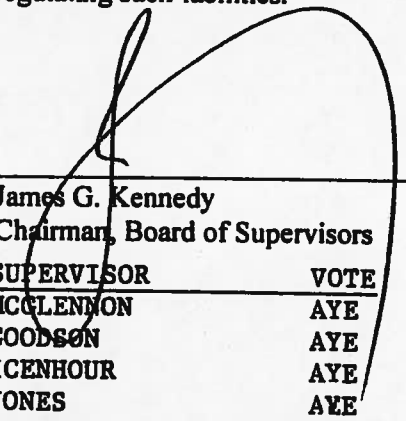
provided, however, that all land within 25 feet of road rights-of-way is excluded from the district.

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:

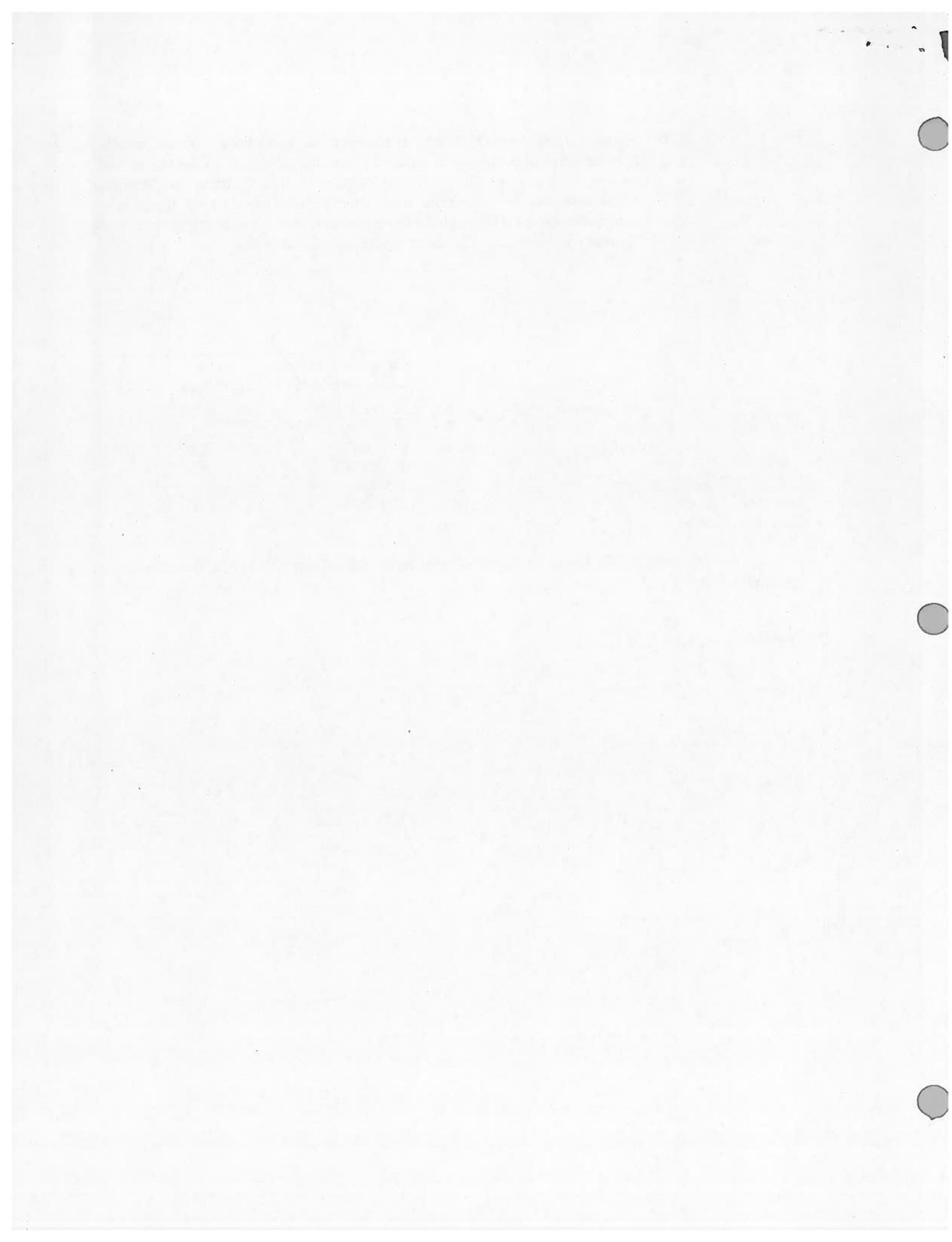

Robert C. Middaugh
Clerk to the Board


James G. Kennedy
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCGLENNON	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.

AFD9-86GordonCrk_res



ADOPTED

DEC 14 2010

ORDINANCE NO. 170A-17

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AFD-9-86-3-2010. GORDON CREEK - 3603 NEWS ROAD ADDITION

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, to add 30.74 acres of land owned by Jerry and Martha Nixon located at 3603 News Road and identified as James City County Real Estate Tax Map No. 3730100003 to AFD 9-86, which is generally known as the 3,203.8-acre "Gordon 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 addition of land to the Gordon Creek AFD; and

WHEREAS, the AFD Advisory Committee, at its meeting on October 19, 2010, voted 6-0 to recommend approval of this application; and

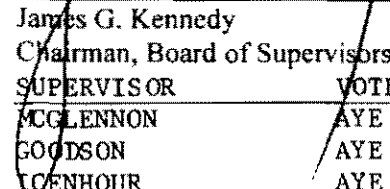
WHEREAS, the Planning Commission, following its public hearing on November 3, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby adds 30.74 acres owned by Jerry and Martha Nixon as referenced herein to the 3,203.8 acres of the Gordon Creek AFD with the following conditions:

1. 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.
2. 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.
3. 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.

ATTEST:


Robert C. Middaugh
Clerk to the Board


James G. Kennedy
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of December, 2010.

AFD9-86-3-2010_res

ADOPTED

MAR 8 2011

ORDINANCE NO. 170A-18

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

CASE NO. AFD-09-86-4-2010, CENTERVILLE ROAD, GORDON CREEK

AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADDITION

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, (the "Board of Supervisors") to add 60.0 acres of land owned by the Beatrice Richardson Estate and Richardson Holdings Limited Partnership located at 4130 and 4176 Centerville Road and identified as James City County Real Estate Tax Map/Parcel Nos. 3640100008 and 3640100009 to Agricultural and Forestal District (AFD) 9-86, which is generally known as the 3,203.8 acre "Gordon Creek Agricultural and Forestal District" (the "Application"); and

WHEREAS, at its December 15, 2010, meeting the AFD Advisory Committee voted 6-0-2 (2 abstained) to recommend approval of the Application; and

WHEREAS, a public hearing was advertised and held by the Planning Commission (the "Commission") at its January 5, 2011, meeting, pursuant to Section 15.2-4314 of the Code of Virginia, 1950, as amended (the "Virginia Code"), after which the Commission voted 7-0 to recommend approval of the Application; and

WHEREAS, pursuant to Section 15.2-4214 of the Virginia Code a public hearing was advertised and held by the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adds 60.0 acres owned by the Beatrice Richardson Estate and Richardson Holdings Limited Partnership, as referenced herein to the 3,203.8 acres of the Gordon Creek AFD with the following conditions:

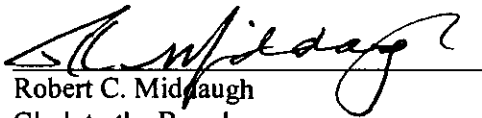
1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications 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.
2. 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.
3. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the 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 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. Midgough
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
KENNEDY	AYE
GOODSON	AYE
MCGLENNON	AYE
ICENHOUR	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of March, 2011.

AFD9-86-4-10_res

JUL 09 2013

**Board of Supervisors
James City County, VA****ORDINANCE NO. 170A-19****CASE NO. AFD-09-86-1-2013. GORDON CREEK AGRICULTURAL AND****FORESTAL DISTRICT (AFD), PICKETT HOLDINGS ADDITION**

WHEREAS, a request has been filed (the "Application") with the Board of Supervisors of James City County, Virginia, (the "Board of Supervisors") to add 349 acres of land owned by Pickett Holdings LLC, located at 2171 Bush Neck Road and identified as James City County Real Estate Tax Map Parcel No. 3510100001 to AFD 9-86, which is generally known as the "Gordon Creek Agricultural and Forestal District" (the "AFD"); and

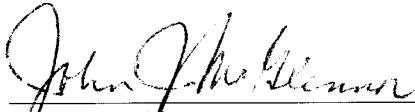
WHEREAS, at its May 9, 2013, meeting, the AFD Advisory Committee voted 6-0 to recommend approval of the Application; and

WHEREAS, a public hearing was advertised and held by the Planning Commission (the "Commission") at its June 5, 2013, meeting, pursuant to Section 15.2-4314 of the Code of Virginia, 1950, as amended (the "Virginia Code"), after which the Commission voted 6-0 to recommend approval of the Application; and

WHEREAS, pursuant to Section 15.2-4214 of the Virginia Code a public hearing was advertised and held by the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adds 349 acres owned by Pickett Holdings LLC, as referenced herein to the 3,203 acres of the Gordon Creek AFD with the following conditions:

1. 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.
2. No land outside the Primary Service Area 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.
3. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with Section 15.2-4301 et. seq of the Virginia Code, 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.


John J. McGlennon

Chairman, Board of Supervisors

ATTEST:


Robert C. Muddaugh
Clerk to the Board

	<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>	_____	_____
BRADSHAW	<u>X</u>	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of July,
2013.

AFD09-86-1-13GordonC_res

APPROVED MINUTES OF THE AGRICULTURAL AND FORESTAL ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 7th DAY OF JULY, TWO THOUSAND AND FOURTEEN, AT 4:00 P.M. AT THE HUMAN SERVICES BUILDING, 5249 OLDE TOWNE ROAD, WILLIAMSBURG, VIRGINIA.

1. Roll Call:

Members Present

Mr. Hitchens
Mr. J. Harcum
Mr. W. Harcum
Mr. Ford
Mr. Abbott
Mr. Bradshaw
Ms. Smith
Mr. Taylor

Also Present

Mr. Luke Vinciguerra (Planning)

Absent

Ms. Garrett
Mr. Kennedy

2. New Business:

Approval of the December 12, 2013 Meeting Minutes

On a vote of 8-0, the minutes of the previous meeting were approved.

AFD District Renewals

Mr. Vinciguerra stated that 12 of the County's 14 AFDs are set to expire in October, 2014 and per state code, the AFD Advisory Committee must review and provide a recommendation to the Board of Supervisors before they can renew the district. Mr. Vinciguerra stated there have been no withdrawal requests and the only proposed change in the conditions is to reflect the latest out of cycle withdrawal policy. Mr. Vinciguerra recommended the Committee recommend the continuation of the districts with the conditions listed in the staff reports.

Mr. Ford stated that the property owned by "Baxter I Bell" was listed twice in the Gordon's Creek staff report which would incorrectly raise the total acreage of the district. Mr. Vinciguerra said he would make the correction.

Mr. Hitchens asked what the differences are between the old and current withdrawal policy. Mr. Bradshaw responded that in the 1996 withdrawal policy owners of property in the primary service area could easily withdraw a certain amount of land without Board action. Mr. Vinciguerra stated the 2010 policy doesn't provide such a provision.

Mr. Bruce Abbot recommended staff explain what an AFD is to the two new members. Mr. Bradshaw discussed the ramifications and tax benefits of AFDs and how it is used as a conservation tool.

Mr. Ford stated that the AFD program started around 1984 when concerned Supervisors started the program to slow development. He further stated the program is important to preserve land and to prevent property owners from selling.

Mr. Bradshaw explained rollback taxes, stating that any withdrawals from an AFD would be incur these taxes.

Mr. Abbott questioned if rollback taxes would be applicable for properties also in conservation easements. Mr. Bradshaw responded affirmatively but, stated the tax would be zero.

Ms. Smith asked about the size requirements for different land uses to receive land use valuation. Mr. Bradshaw responded explaining the different size requirements for agricultural, horticultural and forestal uses.

Mr. Ford stated that two of the County's AFD's have terms longer than four years.

Mr. Abbott asked if it makes sense to put property where the owner took advantage of the Purchase of Development Rights Program (PDR) into an AFD. Mr. Bradshaw stated from a tax perspective there was no advantage but, inclusion may be desired for other reasons.

Mr. Ford reminded the new Committee members that serving on the AFD Committee was a life time appointment.

Ms. Smith asked who the Board representative is. Mr. Vinciguerra stated it was Mr. Kennedy, who was invited to the meeting.

Mr. Abbott asked about the Carters Grove property. Mr. Bradshaw responded that they have not asked for a withdrawal and are also under a conservation easement.

Mr. Ford made a motion to recommend the continuation of the districts with the correction to Gordon's Creek previously mentioned.

On a 8-0 vote, the Committee recommended the continuation of the districts with the correction to Gordon's Creek previously mentioned.

The meeting was adjourned at 4:45 p.m.

Ms. Smith, Chair

Luke Vinciguerra, Planner

Case No. AFD-12-86-1-2014, Gospel Spreading Church Farm Agricultural & Forestal District Renewal Staff Report for the August 6, 2014 Planning Commission Public Hearing

This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

AFD Advisory Committee
Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

July 7, 2014, 4:00 pm (Human Services Building)
August 6, 2014, 7:00 pm
September 9, 2014, 7:00 pm (tentative)

SUMMARY FACTS

Owners

JCC Bible & Agricultural Training School
JCC Bible & Agricultural Training School
Roderick B. Perkinson
Robert E. Gilley, II & Meredith H. Gilley
REGJAG, LLC
REGJAG, LLC
REGJAG, LLC
REGJAG, LLC
REGJAG, LLC

Parcel Number

Acres

4830100035403.55
5620100001457.79
474010003727.92
4740100042C.....2.89
4740100042D2.81
4740100042E.....16.29
474010004042.84
4740100041108.27
483010004271.33

TOTAL ACRES1,133.69

Zoning:

A-1, General Agricultural; R-8, Rural Residential; R-2, General Residential; and R-1, Limited Residential

Comprehensive Plan:

Rural Lands; Low Density Residential and Conservation Area

Primary Service Area:

Inside and Outside

STAFF RECOMMENDATION

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Planning Commission recommend renewing the Gospel Spreading Church Farm AFD for a period of four years, subject to the enclosed conditions, to the Board of Supervisors.

AFD ADVISORY COMMITTEE RECOMENDATION

At its July 7, 2014 meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the district to the Planning Commission and Board of Supervisors.

Staff Contact:

Luke Vinciguerra

Phone: 253-6783

SUMMARY

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-12-86, Gospel Spreading Church Farm which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the proposed expiration date October 31, 2018.

DISTRICT HISTORY

This District was approved on December 1, 1986 for a term of four years and the Board of Supervisors approved four-year renewals in 1990, 1994, 1998 and 2002. The following changes have occurred since 2002: a 26.46-acre parcel has been withdrawn and added several times, finally withdrawing for the final time in 2002; a 22.97 acre parcel was withdrawn in 2002; the former Gilley District (AFD-13-86) of approximately 198 acres was added in 2002 (a 27-acre parcel did not transfer, making the addition approximately 173 acres); and an additional 71.33 acres was added in 2004. In 2006, two properties totaling 57 acres were removed. In 2010 the District was renewed for a four year term with no addition or withdrawal of property.

The District includes all the land on the above properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road improvements.

The Gospel Spreading Church Farm AFD consists of approximately 1,133.70 acres located from College Creek extending west to Neck-O-Land Road.

ANALYSIS

The majority of the District primarily consists of woodland. The remainder of the property in the District is in open land and swamp or wetlands. Property within this District is zoned mostly R-8, Rural Residential, R-2, General Residential, and R-1, Limited Residential and is not developed. Portions of parcels are zoned A-1, General Agricultural. The majority of surrounding property has been developed residentially. The majority of the District (approximately 950 acres) is designated Rural Lands or Conservation Area by the Comprehensive Plan, with the several parcels (approximately 240 acres) designated Low-Density Residential. Most of the AFD is located along Lake Powell Road and Treasure Island Road. A majority of the land within this District (860 acres) is located outside of the Primary Service Area (PSA). The remaining parcels lie within the PSA, an area of the County that has been designated for growth. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created, maximizing the potential use of the property.

REQUEST NOT TO CONTINUE IN THE AFD

No property owner has requested to not continue their participation in the AFD.

ADDITIONS

No property owner has requested land be added to the District during this renewal period.

CHANGE IN CONDITIONS

Staff is recommending a revision to Condition #2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

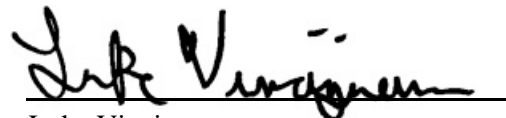
~~“No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, 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.”~~

No land outside the Primary Service Area 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.

STAFF RECOMMENDATION:

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its July 7, 2014 meeting, the AFD Advisory Committee voted 8-0 recommending the continuation of the district to the Planning Commission and Board of Supervisors. Staff recommends the Planning Commission recommend renewing the Gospel Spreading Church Farm AFD for a period of four years, subject to the conditions listed below, to the Board of Supervisors.

1. 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.
2. No land outside the Primary Service Area 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.
3. 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.

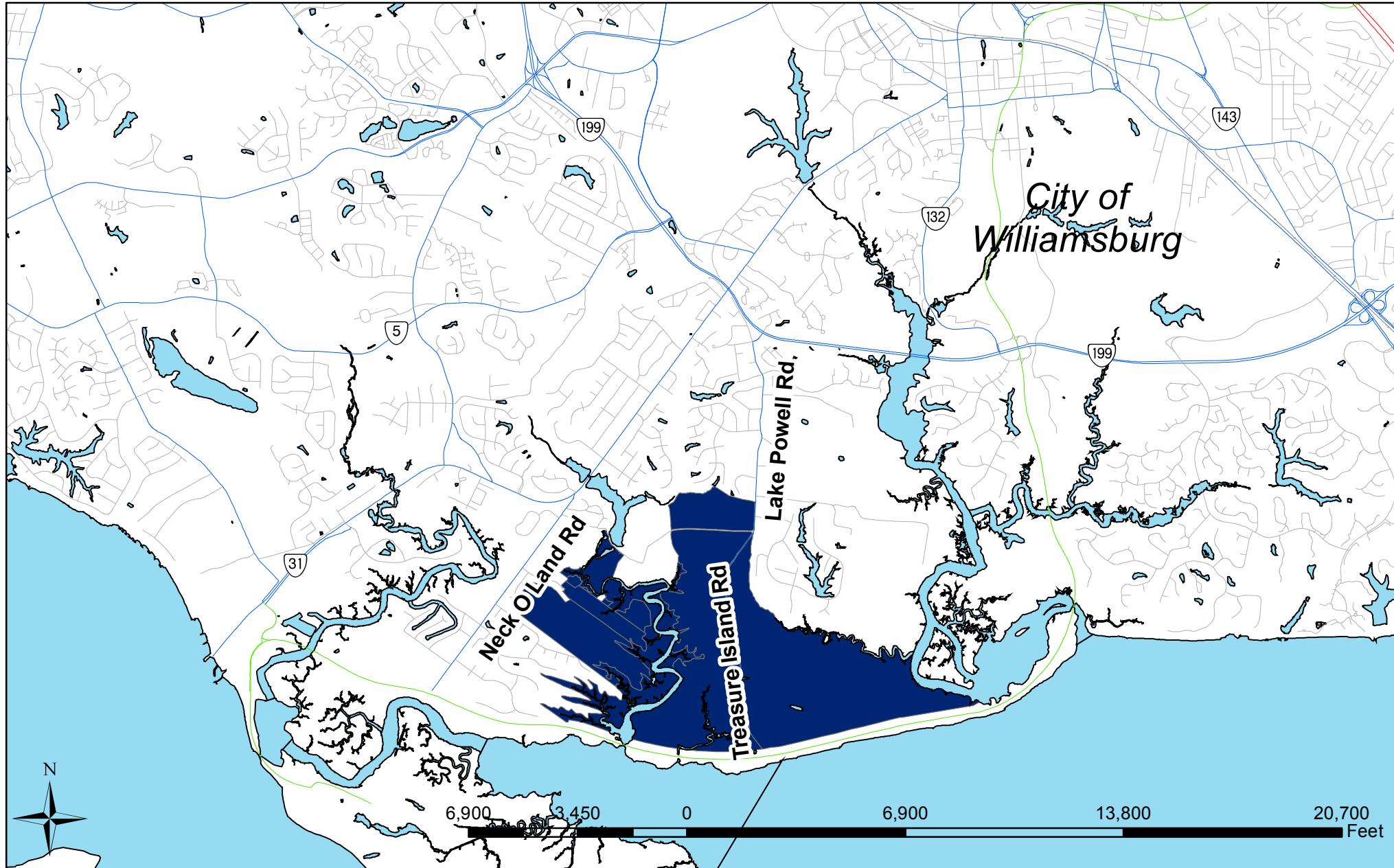

Luke Vinciguerra

ATTACHMENTS:

1. Location Map
2. Existing ordinance and conditions, dated September 28, 2010
3. Approved minutes of the July 7, 2014 AFD Advisory Committee meeting (under separate cover)

Case No. AFD-12-86

Gospel Spreading Church 2014 Renewal



ADOPTED

SEP 28 2010

ORDINANCE NO. 173A-18

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AGRICULTURAL AND FORESTAL DISTRICT -12-86

GOSPEL SPREADING CHURCH FARM 2010 RENEWAL

WHEREAS, James City County has completed a review of the Gospel Spreading Church Farm 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 meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Gospel Spreading Church Farm Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee, at its meeting on August 23, 2010, voted 9-0 to approve the application; 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 renew this district with the conditions listed below.

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

1. The Gospel Spreading Church Farm 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:

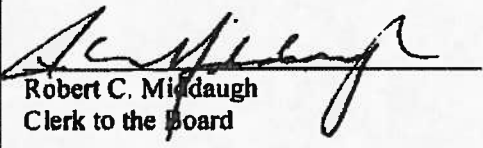
<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
JCC Bible & Agricultural Training School	4830100035	403.55
JCC Bible & Agricultural Training School	5620100001	457.79
Floyd B. Carmines	4740100037	27.92
Robert E. Gilley, II & Meredith H. Gilley	4740100042C	2.89
REGJAG LLC	4740100042D	2.81
REGJAG LLC	4740100042E	16.29
REGJAG LLC	4740100040	42.84
REGJAG LLC	4740100041	108.27
REGJAG LLC	4830100042	71.33
Total:		<u>1,133.70</u>

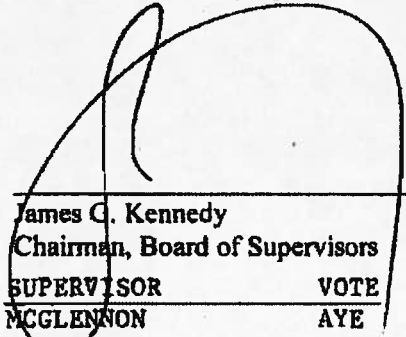
provided, however, that all land within 25 feet of the road rights-of-way is excluded from the District to allow for possible road improvements.

3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Gospel Spreading Church Farm 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 Communication 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. Mindaugh
Clerk to the Board

	
James C. Kennedy Chairman, Board of Supervisors	
SUPERVISOR	VOTE
MCGLENNON	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.

AFD12-86GospelCh_res

**Case No. AFD-03-86-1-2014, Hill Pleasant Farm Agricultural & Forestal District Renewal
Staff Report for the August 6, 2014 Planning Commission Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

AFD Advisory Committee:
Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

July 7, 2014, 4:00 pm (Human Services Building)
August 6, 2014, 7:00 pm
September 9, 2014, 7:00 pm (tentative)

SUMMARY FACTS

Owners

Margaret S. Stevens
Hill Pleasant Farm, Inc.
Wayne A. Moyer Revocable Trust
Williamsburg Pottery Factory, Inc.
Williamsburg Pottery Factory, Inc.

Parcel Number

Acres

2410100004105.82
2410100005391.30
2410100015D32.27
243010001727.00
2430100031B.....12.39

TOTAL ACRES568.78

Zoning: A-1, General Agricultural and M-1, Limited Business/Industrial

Comprehensive Plan: Economic Opportunity, Rural Lands and Conservation Area

Primary Service Area: Outside except for parcel 2430100031B.

STAFF RECOMMENDATION

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Planning Commission recommend renewing the Hill Pleasant Farm AFD for a period of four years, subject to the enclosed conditions, to the Board of Supervisors.

AFD ADVISORY COMMITTEE RECOMENDATION

At its July 7, 2014 meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the district to the Planning Commission and Board of Supervisors.

Staff Contact: Luke Vinciguerra

Phone: 253-6783

SUMMARY

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-3-86, Hill Pleasant Farm, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the proposed expiration date October 31, 2018.

DISTRICT HISTORY

The Hill Pleasant Farm AFD was created on November 17, 1986, for a term of 4 years and renewed again on October 1, 1990 for a period of four years. The Board of Supervisors approved the withdrawal of 2.2 acres from the District in 1991. This withdrawal was for the purpose of installing an HRSD sewer main. The 1994 renewal was approved by the Board of Supervisors on October 19, 1994 for a term of four years. Subsequently, 32 acres were added on September 10, 1996; 27 acres were added on October 23, 1996; and 12 acres were added on November 12, 1997. The District was renewed in 1998 and 2002 for terms of 4 years with no additions or withdrawals. In 2006, six acres were removed from the District. In 2010, the District was renewed for a four year term with no addition or withdrawal of property.

The District includes the land previously described with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road and/or drainage improvements.

The Hill Pleasant Farm AFD consists of approximately 568.78 acres located southwest of Norge in between the CSX Railway and Interstate 64.

ANALYSIS

The bulk of this District has remained essentially the same since the time it was created. Except for a few residences, all acreage in this District is in agriculture or forestal uses. The properties have been managed in the past for food and fiber production and have the potential to support significant agriculture and commercial timber operations. The majority of land within the District is zoned A-1, General Agricultural and is located outside the PSA. The one exception is the twelve acre parcel owned by the Williamsburg Pottery which is located inside the PSA and is zoned M-1, Limited Business/Industrial. The PSA is the area of the County that has been designated for growth. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created, maximizing the potential use of the property. Additionally, the Comprehensive Plan states no development should occur within the Economic Opportunity designation unless incorporated into an area/corridor master plan. As there is no master plan yet under consideration, agricultural uses are appropriate.

Most of the surrounding land to the north of the District is zoned A-1. The property to the west of the District is a mixture of businesses, residences and developed property within the PSA zoned B-1, General Business; R-2, General Residential; and MU, Mixed Use. The property to the south of the District is mostly zoned M-1, Limited Business/Industrial. Although it is located in the vicinity of existing commercial development along Richmond Road, the District is separated from Richmond Road by the CSX Railway. The District borders York County to the east.

REQUEST NOT TO CONTINUE IN THE AFD

No property owner has requested to not continue their participation in the AFD.

ADDITIONS

No property owner has requested land be added to the District during this renewal period.

CHANGE IN CONDITIONS

Staff is recommending a revision to Condition #2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

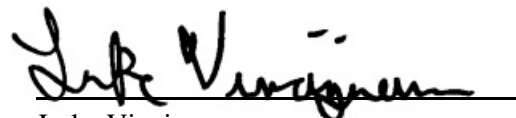
~~"No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, 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."~~

No land outside the Primary Service Area 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.

STAFF RECOMMENDATION:

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its July 7, 2014 meeting, the AFD Advisory Committee voted 8-0 recommending the continuation of the district to the Planning Commission and Board of Supervisors. Staff recommends the Planning Commission recommend renewing the Hill Pleasant Farm AFD for a period of four years, subject to the conditions listed below, to the Board of Supervisors.

1. 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.
2. No land outside the Primary Service Area 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.
3. 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.

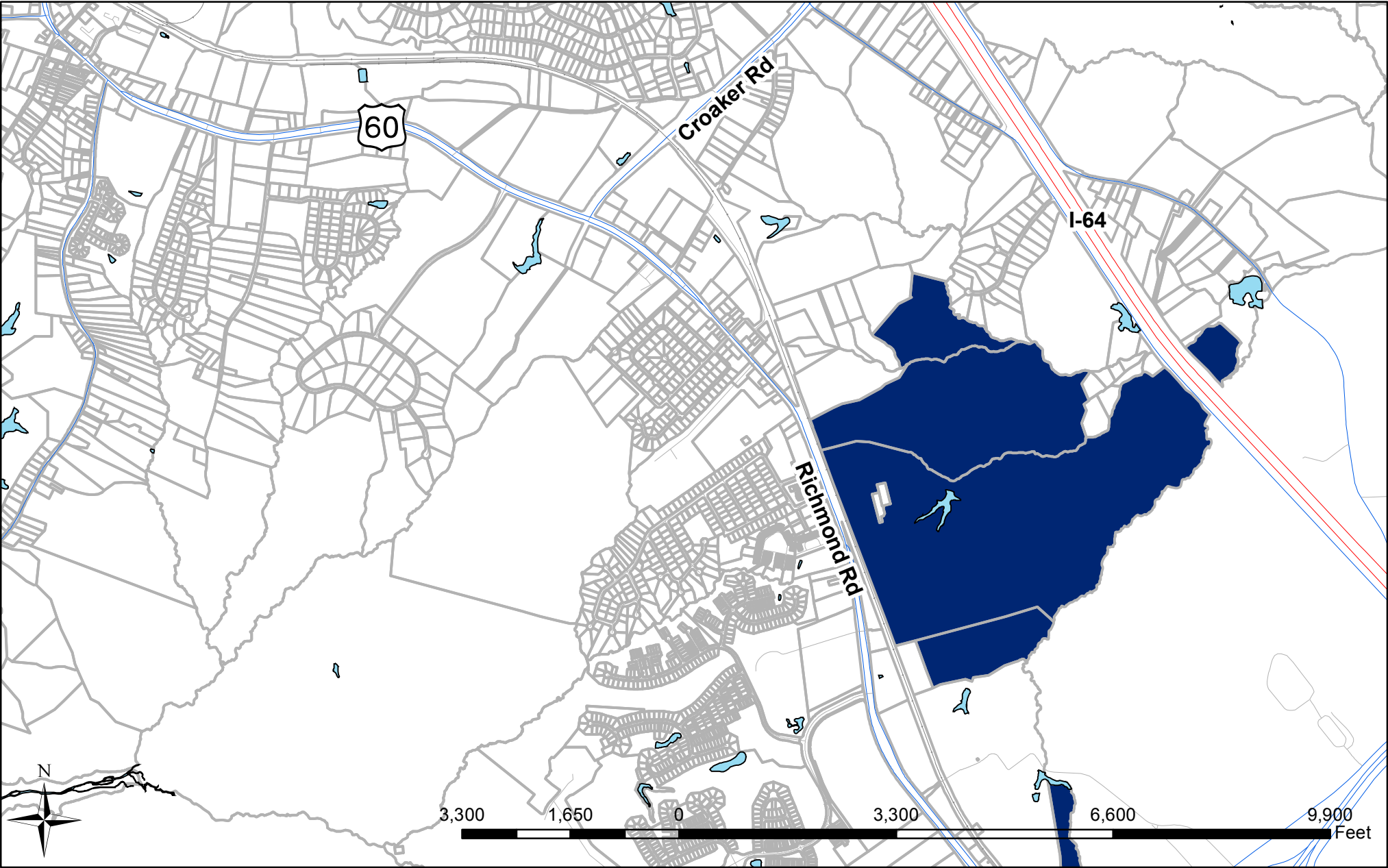

Luke Vinciguerra

ATTACHMENTS:

1. Location Map
2. Existing ordinance and conditions, dated September 28, 2010
3. Approved minutes of the July 7, 2014 AFD Advisory Committee meeting (under separate cover)

Case No. AFD-03-86

Hill Pleasant Farm 2014 Renewal



ADOPTED

SEP 28 2010

ORDINANCE NO. 165A-10

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AGRICULTURAL AND FORESTAL DISTRICT -3-86

HILL PLEASANT FARM 2010 RENEWAL

WHEREAS, James City County has completed a review of the Hill Pleasant Farm 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 meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Hill Pleasant Farm Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee, at its meeting on August 23, 2010, voted 9-0 to approve the application; 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 renew this district with the conditions listed below.

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

1. The Hill Pleasant Farm 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>
Margaret S. Stevens	2410100004	105.82
Hill Pleasant Farm, Inc.	2410100005	391.30
Wayne A. Moyer Revocable Trust	2410100015D	32.27
Williamsburg Pottery Factory, Inc.	2430100017	27.00
Williamsburg Pottery Factory, Inc.	2430100031B	<u>12.39</u>
	Total:	<u>568.80</u>

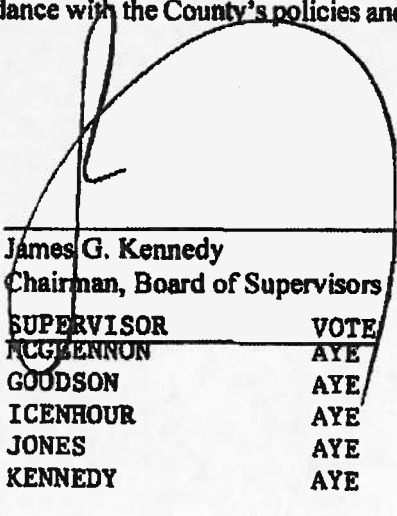
provided, however, that all land within 25 feet of the road rights-of-way is excluded from the District to allow for possible road improvements.

3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Hill Pleasant Farm 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 Communication 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. McLaughlin
Clerk to the Board


James G. Kennedy
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCGLENNON	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.

AFD3-86HPfarm_res

Case No. AFD-07-86-1-2014, Mill Creek Agricultural & Forestal District Renewal

Staff Report for the August 6, 2014 Planning Commission Public Hearing

This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

AFD Advisory Committee: July 7, 2014, 4:00 pm (Human Service Building)
Planning Commission: August 6, 2014, 7:00 pm
Board of Supervisors: September 9, 2014, 7:00 pm (tentative)

Building F Board Room; County Government Complex

SUMMARY FACTS

Owners

Carter C. Cowles, Sr. & Linda B. Cowles Estate
Melinda Cowles Barbour & Ruth Dozier
Melinda Cowles Barbour & Ruth Dozier
Mayes & Cheryl Matthews
Pamela C. Massie Trustee & Steve Massie
Steve L. & Pamela C. Massie
Richard W. & Margaret Krapf
Nancy Cottrell Kruse & M. Anderson Bradshaw
Linda B. Cowles Estate
Carter C. Cowles, Sr. & Linda B. Cowles Estate
Cynthia Cowles Cragg & Robert Patrick
Century Development
Sarah H. Armistead
Daniel R. Winall & Marion Virginia
Pamaka LLC
Albert T. & Joan Lloyd Slater
McRae O. Selph
Walter N. Marshall, III Trustee
Martha Ware Trust
John Lee Darst
Pamaka LLC
Caroline W. Dozier
Caroline W. Dozier
Caroline W. Dozier
Dennis P. & Christine A. Weygand
John M. L. Barnes Estate
John M. L. Barnes Estate
Linda B. Cowles Estate
Randolph G. Gulden
Randolph G. Gulden
Eugene C. Andrews Living Trust
John G. & Marie Antoinette Findlay

Parcel Number

Acres

2020100006.....352.96
2020100003.....102.66
2020100001.....8.75
2110100005.....46.01
1130100028.....99.45
1130100028A.....32.61
1140100006.....4.73
1140100002.....297.28
1040100005.....249.88
1040100006.....124.76
1040100003.....103.26
1010100037.....104.00
1010100038.....50.00
1030100019.....97.59
1020100017.....244.50
1010100028.....69.69
1010100007.....50.00
1140100005.....79.94
2020100002.....57.41
0920100036.....41.22
1030100003.....42.00
2020100005.....186.16
2020100007.....16.50
2020100008.....12.00
1030100013.....34.02
1020100004.....215.76
1110100001.....29.00
2010100002.....2.00
1020100012.....62.20
1020100032.....25.00
0940100008N.....57.81
0940100008H.....118.29

TOTAL ACRES3,017.44

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands and Conservation Area

Primary Service Area: Outside

STAFF RECOMMENDATION

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Planning Commission recommend renewing the Armistead AFD for a period of four years, subject to the enclosed conditions to the Board of Supervisors.

AFD ADVISORY COMMITTEE RECOMMENDATION

The AFD Advisory Committee, at its July 7, 2014 meeting voted 8-0 recommending the continuation of the districts to the Planning Commission and Board of Supervisors.

Staff Contact: Luke Vinciguerra

Phone: 253-6783

SUMMARY

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-7-86, Mill Creek, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the expiration date October 31, 2018.

DISTRICT HISTORY

The District was originally approved in December 1986 for a period of four years. In March 1989, the Board of Supervisors approved the withdrawal of 41.124 acres. In November 1990, the Board approved the continuation of the District for another four years. In January 1992, the Board approved the withdrawal of three acres and in April 1992, the Board approved the addition of 33.62 acres. In 1994, before the District's renewal, 77 acres were removed. In 1995, the Board approved a 303.97 acre addition and the District was renewed for four years in 1998. During the 1998 renewal, approximately 25 acres was withdrawn. Following the 1998 renewal, 19.0 acres were added into the District. The District was renewed again in 2002 for a term of four years. In April 2004, the Board approved an addition of 87 acres. In July 2005, an addition of 102 acres was approved and in September 2005 an addition of 73 acres was approved. During the 2006 renewal, one 433 acre parcel was removed. In December 2012, the Board approved an addition of 104 acres. Staff notes that property owned by Randolph G. Gulden has been subdivided since 2010; however, this does not affect the size of the district.

The District includes all the land on the above properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road and/or drainage improvements.

The Mill Creek AFD consists of approximately 3,017.44 acres located from Richmond Road in the north to Uncle's Creek in the south. The bulk of the land lies between Forge Road and the CSX railroad tracks.

ANALYSIS

The bulk of the District contains many agricultural and forestry uses. All of the land within this District is zoned A-1, General Agricultural and the majority of the surrounding property is presently zoned A-1 and is forested. This District is located outside of the Primary Service Area (PSA) and remains relatively rural in nature. The District is designated Rural Lands and Conservation Area on the Comprehensive Plan Land Use Map.

REQUEST NOT TO CONTINUE IN THE AFD

No property owner has requested to not continue their participation in the AFD.

ADDITIONS

An application has been filed to add 95 acres of property located at 8557 Diascund Road; this application will be reviewed under separate cover.

CHANGE IN CONDITIONS

Staff is recommending a revision to Condition #2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~"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,~~

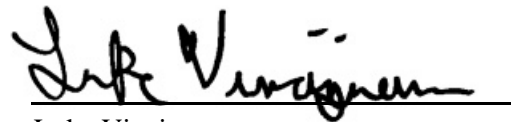
~~may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended."~~

No land outside the Primary Service Area 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.

STAFF RECOMMENDATION:

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its July 7, 2014 meeting, the AFD Advisory Committee voted 8-0 recommending the continuation of the district to the Planning Commission and Board of Supervisors. Staff recommends the Planning Commission recommend renewing the Mill Creek AFD for a period of four years, subject to the conditions listed below to the Board of Supervisors.

1. 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.
2. No land outside the Primary Service Area 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.
3. 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.



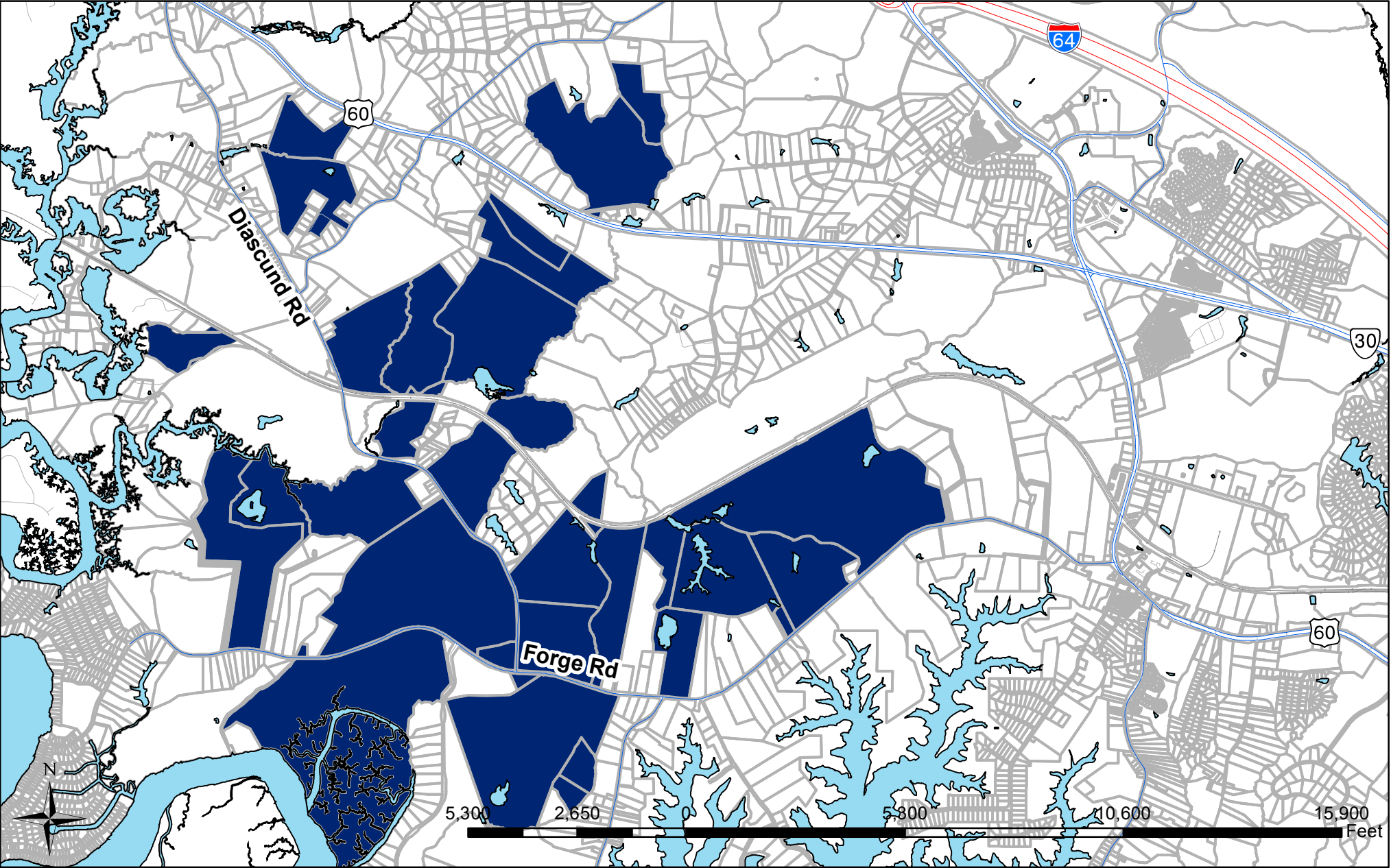
Luke Vinciguerra

ATTACHMENTS:

1. Location Map
2. Existing ordinance and conditions, dated September 28, 2010
3. Ordinance for the addition of property, dated December 11, 2012
4. Approved minutes of the July 7, 2014 AFD Committee meeting (under separate cover)

Case No. AFD-07-86

Mill Creek 2014 Renewal



SEP 28 2010

ORDINANCE NO. 169A-13BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIAAGRICULTURAL AND FORESTAL DISTRICT-7-86MILL CREEK 2010 RENEWAL

WHEREAS, James City County has completed a review of the Mill 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 meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Mill Creek Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee, at its meeting on August 23, 2010, voted 9-0 to approve the application; 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 6-0 with one abstention to renew this district with the conditions listed below.

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

1. The Mill 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>
Carter C. Cowles, Sr. & Linda B. Cowles Estate	2020100006	352.96
Melinda Cowles Barbour & Ruth Dozier	2020100003	102.66
Melinda Cowles Barbour & Ruth Dozier	2020100001	8.75
Mayes & Cheryl Matthews	2110100005	46.01
Pamela C. Massie Trustee & Steve Massie	1130100028	99.45
Steve L. & Pamela C. Massie	1130100028A	32.61
Richard W. & Margaret Krapf	1140100006	4.73
Nancy Cottrell Kruse & M. Anderson Bradshaw	1140100002	297.28
Linda B. Cowles Estate	1040100005	249.88
Carter C. Cowles, Sr. & Linda B. Cowles Estate	1040100006	124.76
Cynthia Cowles Cragg & Robert Patrick	1040100003	103.26
Sarah H. Armistead	1010100038	50.00
Daniel R. Winall & Marion Virginia	1030100019	97.59
Pamaka LLC	1020100017	244.50

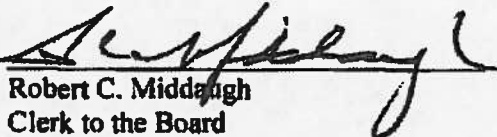
Albert T. & Joan Lloyd Slater	1010100028	69.69
McRae O. Selph	1010100007	50.00
Walter N. Marshall, III Trustee	1140100005	79.94
Martha Ware Trust	2020100002	57.41
John Lee Darst	0920100036	41.22
Pamaka LLC	1030100003	42.00
Caroline W. Dozier	2020100005	186.16
Caroline W. Dozier	2020100007	16.50
Caroline W. Dozier	2020100008	12.00
Dennis P. & Christine A. Weygand	1030100013	34.02
John M. L. Barnes Estate	1020100004	215.76
John M. L. Barnes Estate	1110100001	29.00
Linda B. Cowles Estate	2010100002	2.00
Randolph G. Gulden	1020100012	87.20
Eugene C. Andrews Living Trust	0940100008N	57.81
John G. & Marie Antoinette Findlay	0940100008H	<u>118.29</u>
Total:		<u>2,913.50</u>

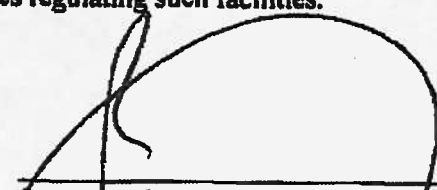
provided, however, that all land within 25 feet of the road rights-of-way is excluded from the District to allow for possible road improvements.

3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Mill 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 Communication 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
MCGLENNON	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.

AFD7-86MillCrk_res

DEC 11 2012

Board of Supervisors
James City County, VA**ORDINANCE NO. 169A-14****AFD-7-86-1-2012. MILL CREEK AFD ADDITION (8700 BARNES ROAD)**

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, (the "Board of Supervisors") to add 104 acres of land owned by Barnes Road LLC located at 8700 Barnes Road and identified as James City County Real Estate Tax Map No. 1010100037 to AFD 7-86, which is generally known as the 3,361-acre "Mill Creek Agricultural and Forestal District" (the "Application"); and

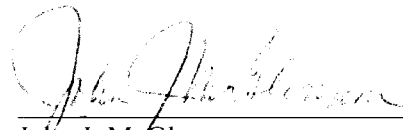
WHEREAS, at its October 18, 2012, meeting the Agricultural and Forestal District (AFD) Advisory Committee voted 8-0 to recommend approval of the Application; and

WHEREAS, a public hearing was advertised and held by the Planning Commission (the "Commission") at its November 7, 2012, meeting, pursuant to Section 15.2-4314 of the Code of Virginia, 1950, as amended (the "Virginia Code"), after which the Commission voted 6-0 to recommend approval of the Application; and

WHEREAS, pursuant to Section 15.2-4214 of the Virginia Code, a public hearing was advertised and held by the Board of Supervisors.

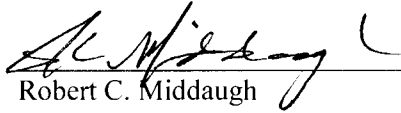
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors, James City County, Virginia, hereby adds 104 acres owned by Barnes Road LLC, as referenced herein to the 3,361 acres of the Mill Creek Agricultural and Forestal District, which is scheduled to expire October 31, 2014, with the following conditions:

1. 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.
2. No land 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.
3. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the 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.



John J. McGlennon
Chairman, Board of Supervisors

ATTEST:


Robert C. Middaugh
Secretary 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>	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of December, 2012.

AFD-7-86-12MillCrkAdd_res

**Case No. AFD-11-86-1-2014, Yarmouth Creek Agricultural & Forestal District Renewal
Staff Report for the August 6, 2014 Planning Commission Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

AFD Advisory Committee
Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

July 7, 2014, 4:00 pm (Human Services Building)
August 6, 2014, 7:00 pm
September 9, 2014, 7:00 pm (tentative)

SUMMARY FACTS

Owners

Richardson Holdings Limited Partnership
Richardson Holdings Limited Partnership
Richardson Holdings Limited Partnership
John C. Richardson
Richardson Holdings Limited Partnership
McMurrin, Martha W. & SWR-MISC LLC
Franciscan Brethren of St. Philip
Shield's Point, LLC
Shield's Point, LLC
Shield's Point, LLC
Shield's Point, LLC
Shield's Point, LLC
Richardson's Holdings Limited Partnership

Parcel Number

Acres

2930100005 172.84
2930100002 68.50
2840100005 940.00
2910100001 28.50
2920100001 123.00
2940100001 38.70
2940100002 34.65
2840100008 625.20
3510100011 27.34
3510100012 7.35
2840100006 12.30
2840100007 77.50
2930100003 10.00

TOTAL ACRES 2,165.89

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands and Conservation Area

Primary Service Area: Outside

STAFF RECOMMENDATION

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Yarmouth Island AFD for a period of four years, subject to the enclosed conditions.

AFD ADVISORY COMMITTEE RECOMENDATION

At its July 7, 2014 meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the district to the Planning Commission and Board of Supervisors.

Staff Contact: Luke Vinciguerra

Phone: 253-6783

SUMMARY

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-11-86, Yarmouth Island, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the proposed expiration date October 31, 2018.

DISTRICT HISTORY

The District was approved on December 1, 1986 for a term of 4 years and was subsequently renewed for four year terms in October 1990, October 1994, and September 1998. In 1999, approximately 746 acres was added into the District. The District was renewed again in 2002 and 2006 for four year terms, with approximately 52 acres withdrawn as part of the 2002 renewal. The District was renewed in 2010 and 134.49 acres was added.

The District includes all land on the above-referenced properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road and/or drainage improvements.

The Yarmouth Island AFD consists of approximately 2,165.89 acres located along Jolly Pond Road, between Yarmouth Creek and the Chickahominy River.

ANALYSIS

The majority of the District contains woodland. The remainder of the property in the District is in swamp and wetlands. All of the property within this District is zoned A-1, General Agricultural and a major portion of the surrounding property is zoned A-1 and is forested. The District is designated Rural Lands and Conservation Area by the Comprehensive Plan, is located outside of the Primary Service Area (PSA), and remains relatively rural in nature.

REQUEST NOT TO CONTINUE IN THE AFD

No property owner has requested to not continue their participation in the AFD.

ADDITIONS

No property owner has requested land be added to the District during this renewal period.

CHANGE IN CONDITIONS

Staff is recommending a revision to Condition #2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

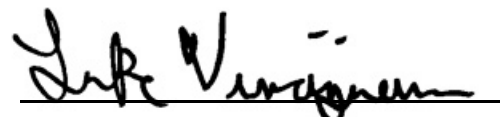
~~"No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, 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."~~

No land outside the Primary Service Area 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.

STAFF RECOMMENDATION:

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its July 7, 2014 meeting, the AFD Advisory Committee voted 8-0 recommending the continuation of the district to the Planning Commission and Board of Supervisors. Staff recommends the Planning Commission recommend renewing the Yarmouth Island AFD for a period of four years, subject to the conditions listed below, to the Board of Supervisors.

1. 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.
2. No land outside the Primary Service Area 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.
3. 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.

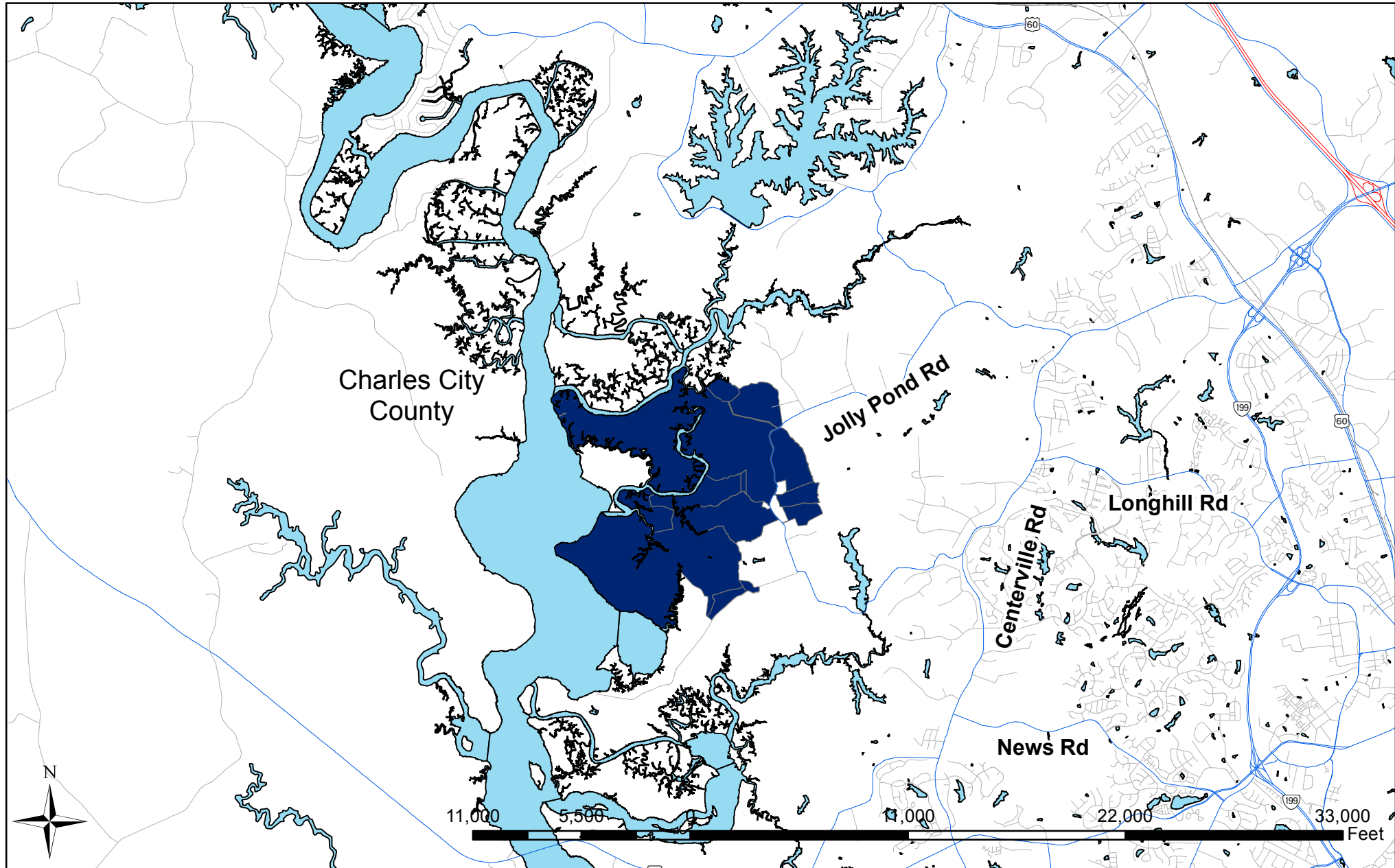

Luke Vinciguerra

ATTACHMENTS:

1. Location Map
2. Existing ordinance and conditions, September 28, 2010
3. Ordinance for the addition of property, dated February 8, 2011
4. Ordinance for the addition of property, dated March 8, 2011
5. Approved minutes of the July 7, 2014 AFD Advisory Committee meeting (under separate cover)

Case No. AFD-11-86

Yarmouth Island 2014 Renewal



ADOPTED

SEP 28 2010

ORDINANCE NO. 172A-7

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AGRICULTURAL AND FORESTAL DISTRICT-11-86

YARMOUTH ISLAND 2010 RENEWAL

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, 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 Yarmouth Island Agricultural and Forestal District; 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:

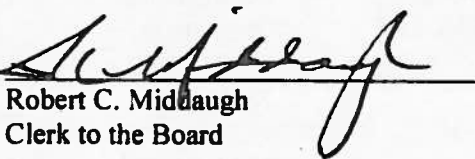
1. The Yarmouth Island Agricultural and Forestal District is hereby continued for a period of four years, one month and three days to October 31, 2014, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. The District shall include the following parcels:

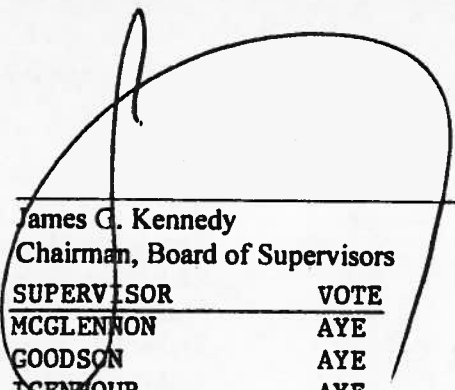
<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Richardson Holdings Limited Partnership	2930100005	172.84
Richardson Holdings Limited Partnership	2930100002	68.50
Richardson Holdings Limited Partnership	2840100005	940.00
John C. Richardson	2910100001	28.50
Richardson Holdings Limited Partnership	2920100001	123.00
McMurrin, Martha W. & SWR-MISC LLC	2940100001	38.70
Franciscan Brethren of St. Philip	2940100002	34.65
Shield's Point LLC	2840100008	<u>625.20</u>
Total:		<u>2031.40</u>

provided, however, that all land within 25 feet of the road rights-of-way is excluded from the District to allow for possible road improvements.

3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, 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 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
MCGLENNON	AYE
GOODSON	AYE
ICEWORTH	AYE
JONES	AYE
KENNEDY	AYE

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

ADOPTED

FEB 8 2011

ORDINANCE NO. 172A-8

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AFD-11-86-3-2010. YARMOUTH ISLAND AFD (SHIELDS POINT ADDITION)

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, (the "Board of Supervisors") to add 124.49 acres of land owned by Shields Point LLC located at 2150, 2260, 2312, and 2190 Bush Neck Road and identified as James City County Real Estate Tax Map/Parcel Nos. 3510100011, 3510100012, 2840100006, and 2840100007 to Agricultural and Forestal District (AFD) 11-86, which is generally known as the 2,031.40-acre "Yarmouth Island Agricultural and Forestal District" (the "Application"); and

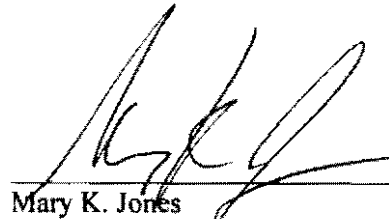
WHEREAS, at its December 15, 2010, meeting, the AFD Advisory Committee voted 8-0 to recommend approval of the Application; and

WHEREAS, a public hearing was advertised and held by the Planning Commission (the "Commission") at its January 5, 2011, meeting, pursuant to Section 15.2-4314 of the Code of Virginia, 1950, as amended (the "Virginia Code"), after which the Commission voted 7-0 to recommend approval of the Application; and

WHEREAS, pursuant to Section 15.2-4214 of the Virginia Code a public hearing was advertised and held by the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adds 124.49 acres owned by Shields Point LLC, as referenced herein to the 2,031.40 acres of the Yarmouth Island Agricultural and Forestal District with the following conditions:

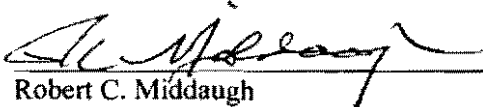
1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications 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.
2. 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.
3. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the 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 SUPs for wireless communications facilities on AFD properties that are in accordance with the County's policies and ordinances regulating such facilities.



Mary K. Jones
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
KENNEDY	AYE
GOODSON	AYE
MCGLENNON	AYE
ICENHOUR	AYE
JONES	AYE

ATTEST:



Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of February, 2011.

AFD11-86-3-10_Yar_res

MAR 8 2011

ORDINANCE NO. 172A-9

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

CASE NO. AFD-11-86-2-2010. JOLLY POND ROAD, YARMOUTH ISLAND

AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADDITION

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, (the "Board of Supervisors") to add 10.0 acres of land owned by Richardson Holdings Limited Partnership at 1975 Jolly Pond Road and identified as James City County Real Estate Tax Map/Parcel No. 2930100003 to Agricultural and Forestal District (AFD) 11-86, which is generally known as the 2,031.40-acre "Yarmouth Island Agricultural and Forestal District" (the "Application"); and

WHEREAS, at its December 15, 2010, meeting, the AFD Advisory Committee voted 6-0-2 (2 abstained) to recommend approval of the Application; and

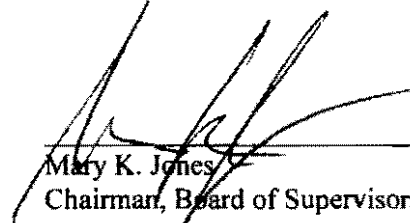
WHEREAS, a public hearing was advertised and held by the Planning Commission (the "Commission") at its January 5, 2011, meeting, pursuant to Section 15.2-4314 of the Code of Virginia, 1950, as amended (the "Virginia Code"), after which the Commission voted 7-0 to recommend approval of the Application; and

WHEREAS, pursuant to Section 15.2-4214 of the Virginia Code a public hearing was advertised and held by the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adds 10.0 acres owned by Richardson Holdings Limited Partnership, as referenced herein to the 2,031.40 acres of the Yarmouth Island AFD with the following conditions:

1. 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.
2. 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.
3. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the 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 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

<u>SUPERVISOR</u>	<u>VOTE</u>
KENNEDY	AYE
GOODSON	AYE
MCGLENNON	AYE
ICENHOUR	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of March,
2011.

AFD11-86-2-10_Jolly_res

Agricultural and Forestal District 09-86-4-2014. 4346 Centerville Rd., Gordon Creek AFD Addition. Staff Report for August 6, 2014 Planning Commission Public Hearing

This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, Planning Commission, and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

AFD Advisory Committee:
Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

July 14, 2014, 4:00 pm (Human Services Building)
August 6, 2014, 7:00 pm
September 9, 2014, 7:00 pm (tentative)

SUMMARY FACTS

Applicant: Gordon Burleson
Location: 4346 Centerville Road
Tax Map/Parcel No.: 3620100031
Primary Service Area: Inside
Parcel Size: 22.20 acres
Existing Zoning: A-1, General Agricultural
Comprehensive Plan: Low Density Residential and Conservation Area
Surrounding AFD Land: The core of the Gordon Creek AFD is located directly south and west of the subject parcel.
Staff Contact: Luke Vinciguerra, Planner Phone: 253-6783

STAFF RECOMMENDATION:

This application was withdrawn by the applicant; no action is required by the Planning Commission.

AGRICULTURAL & FORESTAL DISTRICT-07-86-2-2014, 8557 Diascund Rd., Mill Creek Addition. Staff Report for the August 6, 2014, Planning Commission Public Hearing

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

AFD Advisory Committee:
Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

July 14, 2014, 4:00 pm (Human Services Building)
August 6, 2014, 7:00 pm
September 9, 2014, 7:00 pm (tentative)

SUMMARY FACTS

Applicant:	Charles Wornom	
Land Owner:	Richard F. Abbitt Investments, LC	
Proposal:	Addition of ± 95.51 acres of land to the Mill Creek Agricultural and Forestal District (AFD)	
Location:	8557 Diascund Road	
Tax Map/Parcel No.:	0920100040	
Parcel Size:	± 95.51 acres	
Existing Zoning:	A-1, General Agricultural	
Comprehensive Plan:	Rural Lands / Conservation Area	
Primary Service Area:	Outside	
Staff Contact:	Luke Vinciguerra	Phone: 253-6783

STAFF RECOMMENDATION

Staff finds the proposed addition meets the minimum size and proximity requirements for inclusion in the Mill Creek AFD. Staff recommends the Planning Commission recommend approval of the application, subject to the enclosed conditions, to the Board of Supervisors.

AFD ADVISORY COMMITTEE RECOMMENDATION

At its July 14, 2014 meeting, the AFD Advisory Committee voted 7-0 to recommend approval of the proposed addition to the Planning Commission and Board of Supervisors.

PROJECT DESCRIPTION

Mr. Charles Wornom has applied to enroll ± 95.51 acres of land into the Mill Creek AFD. The property is entirely wooded and is undeveloped. The property is eligible for inclusion in the AFD as it is within a mile of other properties in the district; however, it is yet to be determined whether the property would be eligible for land use valuation.

The Mill Creek AFD consists of approximately 3,017.44 acres located from Richmond Road in the north to Uncle's Creek in the south. The majority of the land lies between Forge Road and the CSX railroad tracks.

SURROUNDING LAND USES AND DEVELOPMENT

Surrounding properties are zoned A-1, General Agricultural. The property has frontage on Diascund Road adjacent to approximately 20 other small, wooded residential lots which are part of the King's Corner subdivision. To the north and west, the property borders undeveloped land. The south side of the property is adjacent to the CSX railroad. Staff finds the forestal use on this property to be compatible with the surrounding land uses and development in the area.

COMPREHENSIVE PLAN

The Comprehensive Plan designates this parcel as Rural Lands and Conservation Area. Land Use Action 6.1.1 of the 2009 Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

ANALYSIS

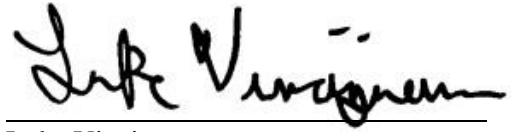
Staff finds the proposed addition meets the minimum area and proximity requirements for inclusion in an AFD. The existing Mill Creek AFD contains 3,017.44 acres. If the ± 95.51 acre addition is approved, the District will have approximately 3,112.95 acres and would be subject to the following conditions, consistent with other properties in the district:

1. 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.
2. No land outside the Primary Service Area 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.
3. 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.

STAFF RECOMMENDATION

Staff finds the proposed addition meets the minimum size and proximity requirements for inclusion in the Mill Creek AFD. At its July 14, 2014 meeting, the AFD Advisory Committee voted 7-0 to recommend approval of the proposed addition to the Planning Commission and Board of Supervisors. Staff

recommends that the Planning Commission recommend approval of the application, subject to the enclosed conditions, to the Board of Supervisors.

A handwritten signature in black ink, appearing to read "Luke Vinciguerra", written over a horizontal line.

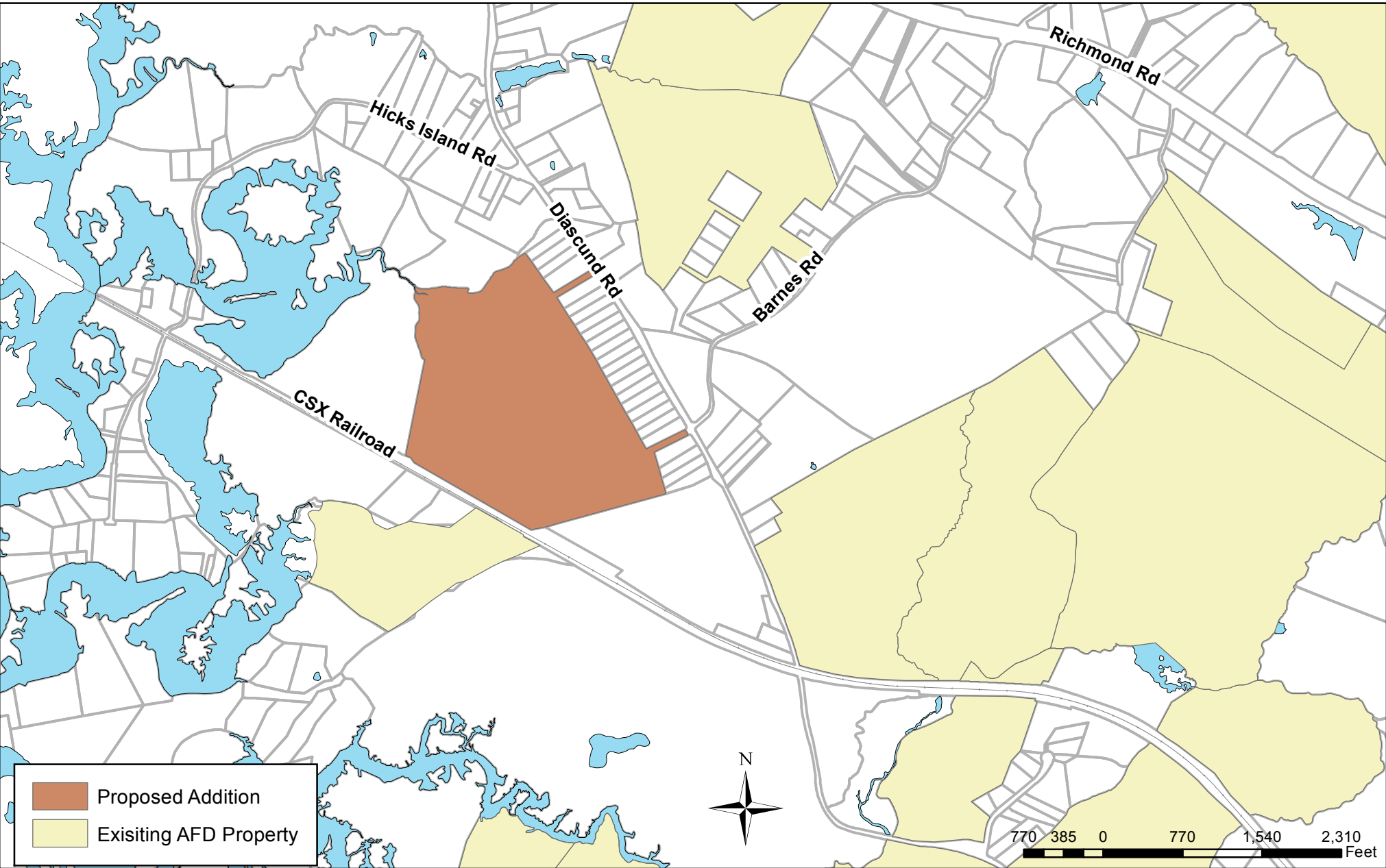
Luke Vinciguerra

ATTACHMENTS:

1. Location Map
2. Unapproved minutes of the July 14, 2014 AFD Advisory Committee meeting

Case No. AFD-07-86-2-2014

8557 Diascund Rd., Mill Creek Addition



UNAPPROVED MINUTES OF THE AGRICULTURAL AND FORESTAL ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14th DAY OF JULY, TWO THOUSAND AND FOURTEEN, AT 4:00 P.M. AT THE HUMAN SERVICES BUILDING, 5249 OLDE TOWNE ROAD, WILLIAMSBURG, VIRGINIA.

1. Roll Call:

Members Present

Mr. Hitchens
Mr. J. Harcum
Mr. W. Harcum
Mr. Ford
Ms. Smith
Mr. Taylor
Ms. Garrett

Also Present

Mr. Luke Vinciguerra (Planning)

Absent

Mr. Kennedy
Mr. Bradshaw
Mr. Abbott

2. New Business:

Approval of the July 7, 2014 Meeting Minutes

On a vote of 7-0, the minutes of the previous meeting were approved with corrections.

4346 Centerville Road & 8557 Diascund Road additions

The Committee recognized Mr. Bradshaw's birthday.

Mr. Vinciguerra stated that the application for 2035 Bush Neck Road has been withdrawn by the applicant as the property would not be eligible to receive land use valuation. Mr. Vinciguerra recommended the Committee recommend approval of the applications for 4346 Centerville Road and 8557 Diascund Road. Mr. Vinciguerra noted it is unclear if the Centerville Road property would be eligible for land use valuation.

Mr. Hitchens asked if the property located at 4346 Centerville road has 20 acres of timber. Mr. Vinciguerra responded that staff has not yet confirmed this and will use aerial photography to make the determination.

Mr. Hitchens asked if there was a standard deduction for each property owner eligible for land use. Mr. Ford responded the state defines forestal and agricultural uses and their land use value. He further stated that market value is different for each property.

Ms. Smith asked how property not eligible for land use valuation could be eligible for an AFD. Mr. Vinciguerra stated any property can be within an AFD as long as it's within a mile of an existing AFD, properties that are forested and within an AFD are eligible for land use valuation.

Mr. J. Harcum asked about rollback taxes. Mr. Ford responded that term of the AFD does not affect rollback taxes; it is defined by state law.

Mr. J. Harcum asked who sets the terms of the AFD. Mr. Ford responded that it is the Board of Supervisors.

Mr. J. Harcum asked about the advantages of being in an AFD. Mr. Ford responded it was for land protection and could limit surrounding development. Mr. Ford stated there isn't a single clear source for understanding AFDs.

Mr. Hitchens asked if there was a difference between eminent domain and condemnation. Mr. Ford responded he used the words interchangeably.

Mr. Taylor asked if being in an AFD affected road widening and if the school site on Jolly Pond road was removed from an AFD. Mr. Vinciguerra responded affirmatively regarding the school site. He stated the AFD excluded land within 25' of the right-of-way and that an AFD doesn't prevent the County from implementing road improvement projects.

Mr. Taylor requested that staff prepare a general synopsis of AFDs and its benefits. Mr. Ford stated the information can be found in state code.

Mr. Hitchens made a motion requesting staff prepare a document stating the advantages and disadvantages of AFD's. The Committee agreed, and asked staff to prepare such a document. Mr. Ford stated there are no disadvantages and it prevents property owners from being over taxed. He stated the easiest way to provide the information requested is by providing a copy of the state code to each member.

Mr. J. Harcum asked if the Committee should vote on the applications individually or concurrently. The Committee agreed to vote on the applications concurrently.

Ms. Smith asked why previous staff reports referenced more additions than are currently under review. Mr. Vinciguerra stated some applications have been withdrawn and one application has been found as ineligible. Mr. Vinciguerra stated that staff is considering ordinance changes that would permit AFDs of local significance as now permitted by the state.

On a vote of 7-0, the Committee recommended approval of both applications to the Planning Commission and Board of Supervisors.

The meeting was adjourned at 4:30 p.m.

Ms. Smith, Chair

Luke Vinciguerra, Planner

MEMORANDUM

DATE: August 6, 2014

TO: The Planning Commission

FROM: W. Scott Whyte, Senior Landscape Planner II

SUBJECT: ZO-0001-2014, ZO-0002-2014, ZO-0003-2014, Zoning Ordinance Amendments for the keeping of chickens in R-2, General Residential and R-3 Residential Redevelopment zoned areas of the county.

On June 10, 2014, the Board of Supervisors adopted an ordinance to allow for the keeping of chickens on properties zoned R-1, Limited Residential and requested that the Planning Commission explore expanding the ordinance to allow for the keeping of chickens in both the R-2, General Residential and R-3, Residential Redevelopment Districts. An initiating resolution was approved on June 24, 2014 (copy attached).

On July 10, 2014, the Policy Committee generally discussed ordinances from adjoining localities, (including New Kent, Williamsburg, York County, Newport News, Hampton and Prince William County). The Policy Committee noted that these were some of the same localities which they had reviewed previously. The Policy Committee then reviewed the Statements of Intent, the lists of permitted residential uses, and minimum lot sizes for the R-1, R-2, and R-3 zoning districts (copy of matrix attached). The Policy Committee then reviewed and discussed a listing of subdivisions by zoning district. The Policy Committee noted that there are no properties in the county that are currently zoned R-3. As this is a new district that was first created in 2012 to encourage the replacement or reuse of existing buildings or previously developed sites, no such zoning request has yet been submitted. The committee further noted that there are no minimum lot sizes for dwelling units in the R-3 district.

The Policy Committee then directed staff to prepare two draft ordinances to allow for the keeping of chickens, one for properties zoned R-2, General Residential and one for properties zoned R-3 Residential Redevelopment. The committee directed staff to prepare both ordinances to keep the same provisions currently found in R-1, with the exception that no dispatching or harvesting of chickens be permitted. The requested ordinances are attached.

Recommendation:

The Policy Committee recommended advancing this item to the Planning Commission for consideration by a vote of 2-1 (Nay; Bledsoe; absent; Wright).


W. Scott Whyte

Attachments:

1. Initiating resolution
2. Comparison matrix

3. Listings of subdivisions by zoning district
4. Policy Committee Minutes July 10, 2014 (unapproved)
5. Draft Ordinance ZO-0001-2014
6. Draft Ordinance ZO-0002-2014
7. Draft Ordinance ZO-0003-2014

RESOLUTION

**CASE NO. ZO-0001-2014. INITIATION OF A ZONING ORDINANCE AMENDMENT TO
CONSIDER THE KEEPING OF CHICKENS IN R-2, GENERAL RESIDENTIAL, AND R-3,
RESIDENTIAL REDEVELOPMENT ZONED AREAS OF THE COUNTY AND
THE SPECIAL REGULATIONS RELATED THERETO**

WHEREAS, in order to make the Zoning Ordinance more conducive to proper development, public review and comment of draft amendments is required pursuant to Virginia Code §15.2-2286; and


WHEREAS, the Board of Supervisors is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of amendments.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate review of the Zoning Ordinance and amending the language of Article II Special Regulations, by adding provisions and procedures relating to the raising of chickens in residential areas of James City County, and amending the language of Article V, Districts to add the keeping of chickens as a matter of right in the R-2, General Residential, and/or the R-3, Residential Redevelopment zoning districts.

The Board of Supervisors shall hold at least one public hearing on the consideration of amendments of said ordinance.


Mary K. Jones
Chairman, Board of Supervisors

ATTEST:


M. Douglas Powell
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	___	<u>X</u>	___
JONES	<u>X</u>	___	___
MCGLENNON	___	<u>X</u>	___
ONIZUK	<u>X</u>	___	___
HIPPLE	<u>X</u>	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of June, 2014.

ZO-1-14ChickR2R3-res

Zoning Districts R1 through R3

District	Statement of Intent	By_Right Residential Category Uses	Minimum Lot Size
R-1	The Limited Residential District, R-1, is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development is likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to limit activities of a commercial nature and to implement the policies and designations of the Comprehensive Plan applicable to low-density residential areas. To these ends, development is limited to low-density residential and generally permitted uses are limited to single-family dwellings, plus certain additional community-oriented uses that serve the residents of this district.	1) Accessory buildings or structures as defined (P) 2) Group home or residential facility, for eight or fewer adults (P) 3) Single-family detached dwellings with a maximum gross density of one dwelling unit per acre in accordance with section 24-233(a) (P)	(a) Public water/sewage disposal. Lots served by public water and public sewage disposal systems shall have a minimum area of 10,000 square feet. (b) Public sewage disposal only. Lots served by a public sewage disposal system but not a public water distribution system shall have a minimum area of 12,000 square feet. (c) Public water distribution only. Lots served by a public water distribution system but not a public sewage disposal system shall have a minimum area of 20,000 square feet. (d) Individual water/sewage disposal. Lots served by individual water and sewage disposal system shall have a minimum area of 30,000 square feet. Supp. No. 36, 12-13 24-5-4-4 (e) Applicability to certain lots. These minimum sizes shall not apply to lots of less than 12,000 square feet recorded or legally in existence prior to April 8, 1985.
R-2	The General Residential District, R-2, is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development is likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage the clustering of residential developments to maximize shared and purposeful open space, to protect the natural environment and to promote a sense of community, to limit activities of a commercial nature and to implement the policies and designations of the Comprehensive Plan applicable to low-density residential areas. To these ends, development is limited to low-density residential and permitted uses are limited to dwellings designed to be occupied by one family or more than one family under certain conditions plus certain additional community-oriented uses that serve the residents of the district.	1) Accessory apartments in accordance with Section 24-32 (P) 2) Accessory buildings or structures as defined (P) 3) Group home or residential facilities, for eight or fewer adults (P) 4) Multifamily dwellings, up to and including four units, with a maximum gross density of one unit per acre, contained within residential cluster development in accordance with article VI, division 1 of this chapter (P) 5) Single-family detached dwellings with a maximum gross density of one dwelling unit per acre, either <ul style="list-style-type: none"> • in accordance with section 24-253(a), or • contained within residential cluster development in accordance with article VI, division 1 of this chapter (P) 	(a) Public water/sewage disposal. Lots served by public water and public sewage disposal systems shall have a minimum area of 10,000 square feet. (b) Public sewage disposal only. Lots served by a public sewage disposal system but not a public water distribution system shall have a minimum area of 12,000 square feet. (c) Public water distribution only. Lots served by a public water distribution system but not a public sewage disposal system shall have a minimum area of 20,000 square feet. (d) Individual water/sewage disposal. Lots served by individual water and sewage disposal system shall have a minimum area of 30,000 square feet. Supp. No. 36, 12-13 24-5-4-4 (e) Applicability to certain lots. These minimum sizes shall not apply to lots of less than 12,000 square feet recorded or legally in existence prior to April 8, 1985.
R-3	The purpose of the residential redevelopment district is to encourage the replacement or reuse of existing buildings or previously developed sites to accommodate new residential development that provides benefits to the county, but would be difficult to achieve with other zoning districts. The principal uses and development form should preserve or improve the desirable and viable characteristics of the previous use and the adjacent parcels. The desired result is improved function and appearance of the same use or introduction of a use or uses compatible and/or complementary to the surrounding developed areas. All parcels to be zoned residential redevelopment should conform to the residential redevelopment policy.	Accessory buildings or structures as defined (P) Accessory apartments in accordance with section 24-32 (P) Apartments (P) Group homes or residential facilities, for eight or fewer adults (P) Multifamily dwellings up to and including four units (P) Multifamily dwellings greater than four units (P) Single-family dwellings (P)	A Residential Redevelopment District, R-3, is permitted in areas designated Low Density Residential by the Comprehensive Plan. The minimum site size is five acres.

R1

Acreage Lots
Adam's Hunt
Berkeley's Green
Boughsprings
Bozarth & Mahone
Brandon Woods
Bush Springs
Canterbury Hills
Chanco Estate
Chestnut Hills
Druid Hills
Drummond's Quarter on the James
Durfey's Mill
Fernbrook
Fieldcrest
First Colony
Five Lots on Jamestown Road
Frank Armistead (Jamestown Road)
Gatehouse Farms
Gilliam's Woods
Graylin Woods
Greensprings Plantation
Heritage Landing
Hollybrook
Hunter's Creek
Indigo Park
Jamestown Farms
Kingsmill
Kingspoint
Kingswood
Lake Powell Forest
Lake Powell Pointe
Lake Toano Estates
Lakewood
Marywood
Mill Creek Landing
Mirror Lakes Estates
Neck-O-Land Hundred
Paddock Green
Paddock Lane
Page Landing
Peleg's Point
Powhatan Crossing
Powhatan Shores
Riverview Plantation
Sand Hill

Settler's Mill
Shellbank
Shellbank Woods
Sheppard & Kinley
Smith Grove
Springhill
St. George's Hundred
Steers
Temple Hall Estates
The Colony
The Pointe at Jamestown
Toano Woods
Villas at Five Forks
Vineyards at Jockey's Neck
Ware Creek Manor
Wellington
Westray Downs
White Oaks
Williamstown
Windsor Forest
R1 Total

R2

Acreage Lots
Albemarle Condos
Baron Woods
Belen & Carriage Heights, Parker
Benjamin & Helen Clark
Benjamin Jones
Birchwood Park & Marlboro
Bradshaw Ordinary
Brook Haven
Burlington Woods
Cardinal Acres
Chickahominy Haven
Chisel Run
Colonial Park
Colonial Terrace
Cottages at Stonehaven
D.C. Renick on Indigo Dam Road
Davis/Clark/JCC
Deer Run
Eustis Terrace
Ewell Hall
Farmville Estates
Fenwick Hills
Ford's Colony

Forest Glen
Fox Ridge
Frank Armistead Estate
Gilley Properties LLC
Green Cove
Greensprings Plantation
Greyhound Estates
Grove
Grove Area
Harwood
Higg, Katherine Smith
Hill
Holly Ridge
Indigo Terrace
Ironbound Square
J. W. Moore Estate
James Terrace
Jamestown 1607
Jamestown Hundred
John Henry Lee
Kensington Woods
Kingsmill
Kristiansand
Landfall at Jamestown
Landfall Village
Larson's Lane
Longhill Gate
Longhill Station
Magruder Heights
Magruder View
Marlboro Apartments
Minichiello Villa
Mulberry Place
Neal's Grant
Nelson
Norge
Norge Court
Norvalla
Oak Hill Condos
Old Stage Manor
Pendleton, Elijah
Pine Grove
Poplar Hall
Powhatan Secondary
Raintree
Raintree Villas
Raleigh Square

Rolling Woods
Sadie Lee Taylor
Schulyer & Troy Smith
Scott's Pond
Season's Trace
Settler's Mill
Solomon Orange
Springhill
The Colonies Williamsburg Timeshares
The Colony
The Hamlet
The Meadows
The Pointe at Jamestown
Toano Terrace
Toano Trace
Tom & Hazel Kearney
Vass Meadows
Village Square
Villages at Westminster
Villas at Five Forks
Wallace Woods
Walnut Grove
Weatherly @ Whitehall
Westmoreland
White Hall
Whiting, William L.
Williams Circle
Williamsburg Plantation
Williamsburg Terrace
Williamsburg West
Williamstown
Windmill Meadows
Windsor Estates
Windsor Forest
Winston Terrace
Wynn's
R2 Total

R4

Acreage Lots
Druid Hills
Fenwick Hills
Fieldcrest
First Colony
Ford's Colony
Governors Land
Greensprings Plantation

Jamestown 1607

Kingsmill

Mallard Hill

Monticello Marketplace

Monticello Woods

Poplar Hall

Powhatan Secondary

POLICY COMMITTEE MEETING

July 10, 2014

3:00 p.m.

County Government Center, Building D

1.) Roll Call

Present

Mr. Tim O'Connor

Mr. Rich Krapf

Ms. Robin Bledsoe

Staff Present

Mr. Paul Holt

Mr. Scott Whyte

Ms. Savannah Pietrowski

Absent

Mr. John Wright

Mr. Tim O'Connor called the meeting to order at 3:00 p.m.

2.) Minutes

a. May 15, 2014

Mr. Rich Krapf moved to approve the minutes.

In a unanimous voice vote, the minutes were approved as submitted (3-0; Mr. Wright being absent.)

3.) New Business

A. Case No. ZO-0001-2014, Chicken Keeping in R-2, General Residential and R-3, Residential Development

Mr. O'Connor stated that the role of the Policy Committee is to make recommendations in regards to what the ordinance for the R-2 and R-3 Districts will look like when they are presented to the Planning Commission.

Mr. Krapf asked if the Policy Committee could make a recommendation that an ordinance not be drafted for R-2 and/or R-3, or if the expectation is that a draft ordinance must be prepared.

Mr. Paul Holt stated that based on the Board request and the way in which ordinance amendments are advertised, Staff must prepare a draft ordinance.

Ms. Robin Bledsoe inquired if the ordinance could be sent to the Board without a recommendation from the Planning Commission.

Mr. Holt stated that the Commission would have to vote on the ordinances, but a narrative from the Commission could be included when the vote is presented to the Board.

Mr. O'Connor stated that the reasons for the Commission's vote should be communicated to the Board.

Mr. Holt confirmed that it could be included in the Memorandum that is sent to the Board.

Mr. O'Connor asked the citizen in the audience if he has attended any of the previous meetings, and where he lives.

The citizen responded that he has attended two other meetings and lives in James Terrace.

Mr. O'Connor inquired if he had any comments he would like to share.

The citizen responded that he would like to be able to keep chickens.

Mr. Krapf inquired if Mr. Scott Whyte had any comments he would like to share with the Committee.

Mr. Whyte noted that the Board adopted an initiating resolution to examine chicken keeping in the R-2 and R-3 Districts.

Mr. Holt stated that Mr. Whyte has been in contact with adjoining localities to gather information, and staff has provided Zoning maps for the Commissioners to look at.

Ms. Bledsoe noted that she shared a comprehensive discussion on urban chicken keeping with the other Commissioners.

Mr. O'Connor stated that the direction from the most recent Board meeting was to consider the policies of neighboring localities. Mr. O'Connor stated that throughout the process, the Committee has looked at several different localities, and noted that New Kent has not adopted a chicken keeping policy.

Mr. Whyte stated that most of New Kent County is zoned A-1, where chickens are permitted. Mr. Whyte also noted that New Kent County has not had any issues with people keeping chickens in other residential area, although they know they exist.

Ms. Bledsoe inquired if New Kent has gated communities similar to those found in James City County or an area comparable to New Town.

Mr. Whyte noted that there are some similar communities surrounding the golf courses.

Mr. Krapf inquired regarding the City of Williamsburg's policy.

Mr. Whyte stated that they allow chicken keeping and rely on their Animal Control ordinance. Mr. Whyte noted the coop locations are regulating by the setback rules for accessory structures.

Mr. O'Connor inquired if there will be two different ordinances for R-2 and R-3.

Mr. Holt confirmed and stated that staff has replicated the R-1 criteria for those districts, pending guidance from the Policy Committee.

Mr. Whyte noted that there are no subdivisions currently located in the R-3 District.

Mr. O'Connor noted that the R-3 District was created to accommodate infill and redevelopment and includes uses such as group homes and multi-family dwellings.

Ms. Bledsoe inquired if there are any single-family dwellings in R-3.

Mr. Holt replied that there is currently no R-3 on the ground at all.

Ms. Bledsoe inquired regarding the purpose of creating an ordinance for an area in which there are not any homes.

Mr. Holt stated that it would be for future developments, and confirmed that it would not currently affect any existing properties.

Ms. Bledsoe stated that she does not believe it would be beneficial to create an ordinance for R-3 when there is not currently a need.

Mr. Krapf stated that R-3 lends itself to multi-family development, in which chicken keeping would not be recommended. Mr. Krapf stated that he recommends moving forward to the Board of Supervisors and that the Commission not consider allowing chickens R-3 because there are no existing units, and any future development will most likely be multi-family housing, making it incompatible with residential chicken keeping.

Mr. Holt stated that no minimum lot sizes have been established for R-3 because the intention is that any single-family development would have very small lots.

Mr. O'Connor noted that older lots may not meet the Stormwater requirements.

Ms. Bledsoe stated that the Committee members brought forward the same concerns in the past.

Mr. O'Connor stated that although the Committee does feel that way, an ordinance still must be drafted.

Mr. Holt confirmed.

Mr. O'Connor stated that he does not feel that dispatching of chickens is a residential use.

Mrs. Bledsoe inquired if the Committee can recommend that dispatching not be allowed.

Mr. Holt confirmed that they can make a recommendation that dispatching not be included if the ordinances are adopted.

Ms. Bledsoe asked for clarification in regards to what the Policy Committee must accomplish that day.

Mr. O'Connor stated that because an ordinance must be drafted for R-2 and R-3, the Policy Committee must determine what they would like to see in those ordinances.

Mr. Holt stated that it may or may not be different than the R-1 ordinance criteria.

Mr. O'Connor stated that the Committee must determine what changes they would like to make, if any, to the R-1 ordinance.

Mr. Holt noted that it can include the removal of dispatching.

Mr. O'Connor stated that he does not believe chickens should be permitted in multi-family areas.

Mr. Whyte stated that the ordinance is limited to single-family lots with a minimum size of 15,000 square feet.

Mr. O'Connor inquired if staff anticipates lots larger than 15,000 square feet in R-3.

Mr. Holt stated that that is unknown because no proposals have been made for development in R-3.

Mr. Krapf inquired if a motion could be made to have the R-3 ordinance mirror the R-1 ordinance.

Mr. Holt confirmed and stated that the Committee does not have to vote on the ordinance itself, but could make a motion to move the draft ordinance forward to the Planning Commission for consideration.

Mr. O'Connor stated that ordinance for R-3 should include the same criteria as R-1, with the exception of dispatching. Mr. O'Connor noted that it is difficult to draft an ordinance for the district because there is no existing neighborhood to look at as an example.

Mr. Krapf made a motion to move the draft R-3 ordinance forward to the Planning Commission, with the removal of dispatching.

The motion passed with a vote of 2-1; Ms. Bledsoe voting Nay.

Mr. O'Connor stated that discussion will begin for the R-2 District.

Mr. Holt provided the Committee members with Zoning maps showing existing neighborhoods in R-2. Mr. Holt noted that Chickahominy Haven is the only R-2 subdivision located outside of the Primary Service Area (PSA).

Mr. O'Connor noted that a discussion regarding having the PSA as a distinguishing factor was brought forward at a previous Board meeting.

Mr. O'Connor asked the citizen in the audience if James Terrace has restrictive covenants or a Homeowners' Association.

The citizen responded that there is no HOA but he does not know if there are restrictive covenants.

Mr. Whyte stated that James Terrace does have restrictive covenants, but he does not know if they contain anything regarding chicken keeping.

Mr. O'Connor inquired how the Committee can reference which neighborhoods inside the PSA have restrictions.

Mr. Holt stated that there is no way to do so because those restrictions are not County-wide.

Mr. O'Connor stated that he would like to avoid the same conundrum regarding covenants that has been brought forward with recent cases.

Mr. Holt stated that Chickahominy Haven was the only neighborhood examined, and even within that subdivision there is a mix of homes with restrictive covenants and those without.

Mr. Whyte noted that within Chickahominy Haven, some areas have covenants that have expired, where others are still active. Mr. Whyte also noted that there is only a small number of properties within Chickahominy Haven that would be affected by the ordinance.

Mr. Holt stated that only 30 out of 390 lots would be eligible.

Mr. Krapf noted that that number is after Resource Protection Areas and restrictive covenants are considered.

Mr. Holt stated that even if the ordinance is passed, there are many properties that are not eligible because of restrictive covenants.

Mr. Krapf inquired if there is an obligation to sort out covenant issues when dealing with the ordinance changes.

Mr. Holt replied that there is not an obligation when it is County-wide versus parcel specific.

Mr. Krapf inquired if it would be up to the individual developments to determine if they will or will not allow chickens if the ordinance passes.

Mr. Holt confirmed and stated that the cost to enforce those issues would fall on the HOA's. Mr. Holt further stated that if there is no HOA, any neighbor could bring civil action against another for being in violation of the covenants.

Ms. Bledsoe inquired how many applications have been submitted so far.

Mr. Whyte stated that no applications have been turned in yet, but he has received three or four telephone calls.

Mr. Krapf asked if the other Committee members would like to discuss the content of the R-2 ordinance.

Mr. O'Connor stated that staff needs a recommendation on whether the ordinance will only apply to properties outside of the PSA. Mr. O'Connor inquired if the 15,000 square feet lot size requirement would only apply to lots established after 1985.

Mr. Holt stated that as currently written, only lots over 15,000 are eligible.

Mr. Krapf stated that because R-1 applies to areas both inside and outside of the PSA would be difficult to determine that R-2 should be limited to lots outside of the PSA.

Mr. Whyte stated that it would also only apply to 30 lots.

Mr. Krapf stated that this would lead to inconsistencies between the ordinances.

Mr. Holt confirmed that making a distinction between being inside or outside of the PSA, it would be different than the R-1 ordinance.

Mr. Krapf stated that the difference between the statements of intent for the R-1 and R-2 districts is that R-2 notes the promotion of cluster developments in order to preserve open space.

Mr. Whyte confirmed.

Mr. Holt stated that if the R-1 ordinance is mimicked, there would still be a 15,000 square feet minimum lot size.

Ms. Bledsoe noted that the Committee was concerned with the cluster developments when considering chicken keeping in the past.

Mr. Holt noted that many of the lots in Chickahominy Haven are non-conforming in respect to lot size because they are on private water and sewer, which require a lot size of 30,000 square feet.

Mr. O'Connor stated that he believes making a distinction between being inside or outside of the PSA is moot because of the few lots that would be eligible. Mr. O'Connor inquired if the other Committee members have a preference.

Mr. Krapf stated that he believes they should not make a distinction in R-2 because they did not in R-1.

Ms. Bledsoe agreed.

Mr. O'Connor stated that the ordinance for R-2 should include the same criteria as R-1, with the exception of dispatching.

Mr. Krapf inquired if the Planning Commission would address each ordinance separately.

Mr. Holt confirmed.

Mr. O'Connor inquired if separate case numbers should be established for R-2 versus R-3.

Mr. Holt stated that the case can be split if the Policy Committee makes such a recommendation.

Mr. O'Connor stated that he would like for them to be split.

Ms. Bledsoe agreed that it would be easier for the public to understand.

Mr. Krapf made a motion to move the draft R-2 ordinance forward to the Planning Commission, inclusive of the PSA and with the removal of dispatching.

The motion passed with a vote of 2-1; Ms. Bledsoe voting Nay.

Mr. O'Connor stated that the cases will be heard by the Planning Commission in August.

Mr. Krapf informed the citizen present that staff will now prepare draft ordinances, the Planning Commission will make a recommendation, and a final decision will be made by the Board of Supervisors in September.

The citizen inquired how soon chicken keeping will be allowed if it is approved in September.

Mr. Whyte stated that it would be almost immediate.

The citizen inquired how he obtains an application and how long it will take for it to be approved.

Mr. Holt stated that an application could be filled out the day after the Board of Supervisors meeting.

Mr. Whyte stated that applications are available at the Planning office and approval will require a few days in order for a staff member to ensure all requirements are met.

The citizen inquired if staff will visit the site.

Mr. Whyte stated that staff will review the plans that are turned in with the application and only visit the site if complaints are received.

The citizen asked if there will be a fee for the application and if it is a yearly or one-time fee.

Mr. Whyte replied that there is a one-time \$20.00 fee for the permit.

The citizen inquired if there will be regulations on the number of chickens allowed.

Mr. Whyte stated that two chickens are allowed with the first 2,500 square feet, and one more with each additional 2,500 square feet, up to 12 chickens total.

Mr. O'Connor inquired if the August Policy Committee meeting will be cancelled.

Mr. Holt stated that there is nothing on the agenda at the time, but he will confirm that a meeting is not needed.

Mr. Krapf stated that there are Comp Plan work sessions scheduled for Aug. 7 and Aug. 21.

Mr. Holt stated that the intention is to cancel the Policy Committee meeting because of those other commitments.

Mr. O'Connor stated that there is also a work session for Accessory Apartments scheduled for July 22.

5.) Adjournment

Ms. Bledsoe made a motion to adjourn.

The meeting was adjourned at approximately 3:45 p.m.

Tim O'Connor, Chair of the Policy Committee

ZO-0001-2014

Chapter 24

ARTICLE II. SPECIAL REGULATIONS

DIVISION 1. IN GENERAL

Sec. 24-47.

Keeping and housing domestic chickens on residentially-zoned and occupied property shall be solely for purposes of household consumption and shall comply with the following requirements:

(a) Chickens allowed pursuant to this section shall be kept and raised only for domestic purposes and no commercial activity such as selling of eggs or selling chickens for meat shall be allowed. ~~Commercial~~ Harvesting of chickens is not permitted.

(b) The maximum number of chickens permitted on a residential lot shall be two (2) for the first 5,000 square feet of lot area, and one additional bird for each additional 5,000 square feet of total lot area thereof. The total number of birds is not to exceed a maximum of twelve (12) hens.

(c) Chickens shall only be allowed on properties consisting of single family homes and which are on lots of at least 15,000 square feet in size.

(d) No roosters shall be allowed.

(e) Coops or cages and runs shall only be located in the rear yard area. The Zoning Administrator may grant an exception to this requirement in cases where due to unusual lot configuration, topography, or proximity of neighbors, another area of the yard is more suitable for such an activity.

(f) Coops cages and runs shall be situated at least five (5) feet from adjoining property lines and twenty-five (25) feet from any dwelling on a property not owned by the applicant. On corner lots, all pens coops or cages shall be situated no closer than 35 feet from the side street.

(g) Coops or cages and runs shall be located outside of Resource protection Areas and any conservation easements dedicated to the County.

(h) Coops or cages and runs shall be required, a portion of which shall be covered. Such coops, cages, or runs shall be enclosed with a minimum four (4) feet high chicken wire fence. All coops cages or runs shall provide at least three (3) square feet of area per bird.

(i) Each property owner seeking to keep chickens shall file an application with James City County zoning office. Such application shall be accompanied by a \$20.00 processing fee. The application shall include a sketch showing the area where the chickens will be housed and the type and size of enclosure in which the chickens shall be housed. The sketch must show all dimensions and setbacks. Upon review and determination that the proposed chicken keeping complies with the standards set forth in this section, the zoning office shall issue a permit. Any permit that is found in violation or not in compliance with this section may be revoked.

ZO-0002-2014

ARTICLE V. DISTRICTS

DIVISION 4 GENERAL RESIDENTIAL DISTRICT, R-2

Sec. 24-252. Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Keeping of chickens in accordance with Section 24-47	P	

ZO-0003-2014

ARTICLE V. DISTRICTS

DIVISION 4.1 GENERAL RESIDENTIAL DISTRICT, R-2

Sec. 24-273.2 Use list.

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Keeping of chickens in accordance with Section 24-47	P	

PLANNING DIRECTOR'S REPORT

August 2014

This report summarizes the status of selected Planning Division activities during the past month.

- **New Town.** The Design Review Board did not hold a meeting in July. The DRB did electronically consider proposed playground equipment for the pool area and an amendment to the Pier One site plan. The next regular DRB meeting is scheduled for August 14.
- **Longhill Road Corridor Study.** Having concluded the public meetings, work continues on the report and recommendations document which is now tentatively scheduled to be presented to the Planning Commission in September and to the Board of Supervisors in October.
- **Mooretown Road Corridor Study.** The next public meeting is anticipated to take place in September. At that time, VHB will present the first set of alignment alternatives.
- **Rural Lands.** The Rural Economic Development Committee (REDC) and the project consultant from ERM are currently finalizing the report on rural economic development opportunities and projects. This report will also be used to inform the pertinent sections of the Comprehensive Plan and GSAs.
- **Comprehensive Plan.** The Community Participation Team held its last meeting on July 23rd and approved their summary of input received. This summary, along with copies of all of the input received as of July 1st, will be provided as part of the Planning Commission Working Group's packet of information for their first meeting. The CPT also elected Elizabeth Friel as the liaison to the Planning Commission Working Group for the next phase in the update process.

Staff is shifting into revising draft text and goals, strategies and actions for each section and is continuing to review and evaluate land use applications. The Planning Commission Working Group will begin meeting to discuss the draft text on August 7.

- **Training.** Members of the Planning Division recently attended the annual conference for the Virginia Chapter of the American Planning Association.
- **Monthly Case Report.** For a list of all cases received in the last month, please see the attached documents.
- **Board Action Results:**
 - June 24, 2014
 - Case No. ZO-0001-2014. Initiation of a Zoning Ordinance Amendment to Consider the Keeping of Chickens in R-2, General Residential, and R-3, Residential Redevelopment Zoned Areas of the County (Approved 3-2)

- July 8, 2014
 - Case Nos. Z-0003-2013/MP-0001-2013. Rezoning and Master Plan Amendment for Kingsmill, Land Bay 8 (Approved 3-2)
 - Case No. SUP 0004-2014. Windsor Meade Marketplace Wendy's (New Town, Section 11) (Approved 3-1-1)
 - Case No. SUP 0005-2014. Creative Kids Child Development Center (Approved 4-1)
 - Case No. SUP 0006-2014. 2604 John Tyler Highway Sewer Connection (Deferred to August 12)
- July 22, 2014 Work Session
 - Accessory Apartments (BOS Public Hearing set for August 12)
- July 22, 2014
 - Case No. Z-0004-2014. Gatehouse Farms Proffer Amendment (Approved 5-0)

New Cases for August						
Case Type	Case Number	Case Title	Address	Description	Planner	District
Agricultural & Forestal District	AFD-07-86-2-2014	8557 Diascund Rd, Mill Creek Addition	8557 Diascund Road	Addition of a parcel to the Mill Creek AFD	Luke Vinciguerra	02-Powhatan
	AFD-09-86-4-2014	4346 Centerville Rd, Gordon Creek Addition	4346 Centerville Road	Addition of a parcel to the Gordon Creek AFD	Luke Vinciguerra	02-Powhatan
Conceptual Plan	C-0040-2014	Ice Cream Stop, 7848 Richmond Rd	7848 Richmond Road	Proposal to sell ice cream from a walk-up window in existing building	Luke Vinciguerra	01-Stonehouse
	C-0041-2014	Bella Towing, 8556 Richmond Road	8556 Richmond Road	Proposed use on site, towing and vehicle impoundment service.	Jennifer VanDyke	01-Stonehouse
	C-0042-2014	Marina/Boat Ramp, 297 Neck-O-Land	279 Neck-O-Land Road	Proposal to continue existing operations of marina and boat ramp	Leanne Pollock	03-Berkeley
	C-0043-2014	Surry-Skiffes Creek-Wheaton Power Line CZMA Concurrence	800 Blow Flats Road	Proposal to fulfill State agency coordination requirements for concurrence regarding Coastal Zone Management Act regulation certification for power lines crossing the James River.	Leanne Pollock	05-Roberts
	C-0044-2014	Grove Barber Shop, 104 Howard Dr.	104 Howard Drive	Proposal to renovate and Restore the Grove Community Barber and Beauty Shop	Scott Whyte	05-Roberts
Subdivision	S-0037-2014	New Town Sec. 3&6 Block 21 Parcels A & C	4201 Ironbound Road	Creates remaining area of right-of-way for Discovery Park Blvd., conservation easement, remainder parcel for existing BMP and parcel open for future development	Leanne Pollock	04-Jamestown
	S-0038-2014	101 John Pott Dr.	101 John Pott Drive	Vacating small section of lot back to Greenway	Jose Ribeiro	02-Powhatan
	S-0039-2014	The Settlement at Powhatan Creek, Ph. 3A, Lots 196-206, 232-236, 249-264 and 272-278	4101 Monticello Avenue	plat of 39 lots on 8.974 acres	Luke Vinciguerra	03-Berkeley
	S-0040-2014	JCSA - 106 A Ware Rd Property Sale	106 Ware Road	Proposal to extinguish a lot and give the remainder of land to adjacent property owners.	Luke Vinciguerra	03-Berkeley
	S-0041-2014	Jacobs Industrial Park, 190 Industrial Park, Parcels 7 & 8	190 Industrial Boulevard	Final plat of two lots on 15.65 acres.	Jennifer VanDyke	01-Stonehouse

New Cases for August						
Case Type	Case Number	Case Title	Address	Description	Planner	District
Site Plan	SP-0047-2014	Cranston's Dam Verizon Tower, 2387 Little Creek Dam Rd	2387 Little Creek Dam Road	Antennas at C/L 310' will be removed and replaced	Luke Vinciguerra	01-Stonehouse
	SP-0048-2014	Mark's Pest Control, 7840 Richmond Road	7840 Richmond Road	Site plan amendment proposing construction of new gravel parking lot, handicap ramp and required stormwater BMP	Jennifer VanDyke	01-Stonehouse
	SP-0049-2014	Busch Gardens Italy Merchant Carts SP Amend.	7851 Pochahontas Trail	Addition of 5 temp. vendor carts for upcoming events	Jose Ribeiro	05-Roberts
	SP-0050-2014	White Hall Clubhouse SP Amend.	3401 Rochambeau Drive	Amendment to modify pool and deck, adjust parking lot configuration and shift the lot and sidewalks where applicable	Jose Ribeiro	01-Stonehouse
	SP-0051-2014	Our Savior's Lutheran Church, Sidewalk Improvements	7479 Richmond Road	Installation of 55 linear feet of five-foot wide sidewalk	Chris Johnson	01-Stonehouse
	SP-0052-2014	New Town Sec. 7 Playground	5495 Center Street	Construction of playground with intention of meeting outstanding proffers for Sec 2 & 4 and Sec 7 & 8 (though a proffer amendment will still be required). Located in the grassy field adjacent to the Community Pool on Center Street	Leanne Pollock	04-Jamestown
	SP-0053-2014	Sprint John Tyler Highway Tower SP Amend.	4315 John Tyler Highway	Installation of three new panel antennas and associated support equipment at their existing telecom site	Luke Vinciguerra	03-Berkeley
	SP-0054-2014	Villas at Five Forks Clubhouse Pool SP Amend.	248 Ingram Road	Modified layout of clubhouse pool and associated sidewalk and landscaping based upon complications arising from its current location near the retaining wall. The retaining wall in the area of the existing pool will be lowered by 4 ft	Jose Ribeiro	03-Berkeley
	SP-0055-2014	Sprint Centerville Road Tower SP Amend.	5791 Centerville Road	Sprint will install 3 pannel antennas and related support equipment at existing telecom site	Luke Vinciguerra	02-Powhatan

New Cases for August						
Case Type	Case Number	Case Title	Address	Description	Planner	District
Site Plan	SP-0056-2014	2692 John Tyler Highway Parking Expansion	2692 John Tyler Highway	Expansion of existing parking lot by additional 2,450 sq. ft. with seven additional parking spaces	Scott Whyte	03-Berkeley
	SP-0057-2014	Riverside Norge Internal Medicine Parking lot Addition	7364 Richmond Road	Expanding the parking lot and 18 additional parking spaces	Jose Ribeiro	01-Stonehouse
	SP-0058-2014	New Town Sec. 9 (Settlers Market) Entrance Improvements	4540 Casey Boulevard	Landscape and hardscape improvements for intersection of Monticello and Settlers Market Blvd. (in front of Zoe's Kitchen).	Leanne Pollock	04-Jamestown
Special Use Permit	SUP-0008-2014	Gilley Contractors' Warehouse	320 Neck-O-Land Road	Permit parking and storage of construction and site work equipment on the property	Jose Ribeiro	05-Roberts
Rezoning	Z-0004-2014	Gatehouse Farms Proffer Amendment	318 & 320 Neck-O-Land Rd. and 227, 229 & 231 Gatehouse Blvd.	Proposed amendment to eliminate three proffers related to development of the subject property which will no longer be permitted	Chris Johnson	05-Roberts
Zoning Ordinance Amendment	ZO-0001-2014	Chicken Keeping in R-3, Residential Development		Proposed amendments to R-3 zoning ordinance to allow for the keeping of chickens has been through the policy committee and is scheduled for the Aug 6 PC meeting	Scott Whyte	
	ZO-0002-2014	Chicken Keeping in R-2, General Residential		Proposed amendments to R-2 zoning ordinance to allow for the keeping of chickens has been through the policy committee and is scheduled for the Aug 6 PC meeting	Scott Whyte	