

**A G E N D A**  
**JAMES CITY COUNTY PLANNING COMMISSION**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg VA 23185**  
**August 1, 2018**  
**6:00 PM**

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. PUBLIC COMMENT**

**D. REPORTS OF THE COMMISSION**

**E. CONSENT AGENDA**

1. Minutes of the July 3, 2018 Regular Meeting

**F. PUBLIC HEARINGS**

1. Z-0001-2018. Colonial Manor
2. Agricultural and Forestal District 2018 Renewals (Cover Memo)
3. AFD-02-86-1-2018. Croaker AFD Renewal
4. AFD-03-86-1-2018. Hill Pleasant Farm AFD Renewal
5. AFD-05-86-1-2018. Barnes Swamp AFD Renewal
6. AFD-06-86-1-2018. Cranston's Pond AFD Renewal
7. AFD-07-86-1-2018. Mill Creek AFD Renewal
8. AFD-09-86-1-2018. Gordon Creek AFD Renewal
9. AFD-10-86-1-2018. Christenson's Corner AFD Renewal
10. AFD-11-86-1-2018. Yarmouth Island AFD Renewal
11. AFD-12-86-1-2018. Gospel Spreading Church AFD Renewal
12. AFD-01-89-1-2018. Armistead AFD Renewal
13. AFD-01-94-1-2018. Wright's Island AFD Renewal
14. AFD-01-02-1-2018. Carter's Grove AFD Renewal

**G. PLANNING COMMISSION CONSIDERATIONS**

**H. PLANNING DIRECTOR'S REPORT**

1. Planning Director's Report - August 2018

**I. PLANNING COMMISSION DISCUSSION AND REQUESTS**

**J. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 8/1/2018  
TO: The Planning Commission  
FROM: Paul D. Holt, III, Secretary  
SUBJECT: Minutes of the July 3, 2018 Regular Meeting

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**ATTACHMENTS:**

	Description	Type
☐	Minutes of the July 3, 2018 Regular Meeting	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/21/2018 - 4:10 PM
Planning Commission	Holt, Paul	Approved	7/21/2018 - 4:10 PM
Publication Management	Burcham, Nan	Approved	7/23/2018 - 7:47 AM
Planning Commission	Holt, Paul	Approved	7/23/2018 - 8:34 AM

**MINUTES**  
**JAMES CITY COUNTY PLANNING COMMISSION**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg VA 23185**  
**July 3, 2018**  
**6:00 PM**

**A. CALL TO ORDER**

Mr. Heath Richardson called the meeting to order at 6:00 p.m.

**B. ROLL CALL**

**Planning Commissioners Present:**

Heath Richardson  
Rich Krapf  
Tim O'Connor  
Danny Schmidt  
Jack Haldeman  
Frank Polster  
Julia Leverenz

**Staff Present:**

Paul Holt, Director of Community Development and Planning  
Max Hlavin, Assistant County Attorney  
José Ribeiro, Senior Planner II  
Roberta Sulouff, Senior Planner  
Alex Baruch, Senior Planner

**C. PUBLIC COMMENT**

Mr. Richardson opened Public Comment.

As no one wished to speak, Mr. Richardson closed Public Comment.

**D. REPORTS OF THE COMMISSION**

Mr. Jack Haldeman stated that the Policy Committee met on June 14, 2018 to consider a legislative application deferral policy for the Planning Commission. Mr. Haldeman stated that Mr. Paul Holt, Director of Community Development and Planning, introduced draft language that mirrors the Board of Supervisors deferral policy. Mr. Haldeman stated that the proposed policy limits the period during which an applicant may request a deferral to 100 days in total from the time that the application is deemed complete, if it has not yet been advertised, or from the date of the first advertisement. Mr. Haldeman stated that this is consistent with State Code. Mr. Haldeman stated that the Director of Planning may grant a deferral prior to advertising after considering six specific factors, and the Planning Commission may grant a deferral after the application is advertised and after opening a public hearing. Mr. Haldeman further stated that the applicant may withdraw the application at any time.

Mr. Haldeman stated that the Committee made a few minor changes to the draft policy and voted unanimously to forward the draft policy to the Planning Commission.

Mr. Rich Krapf stated that the Development Review Committee (DRC) met on June 20, 2018, to review two Conceptual Plans.

Mr. Krapf stated that the first case was C-0038-2018, Chickahominy Riverfront Park Improvements.

Mr. Krapf stated that James City County Parks & Recreation has submitted a proposal to build an additional boathouse and to relocate an existing RV/boat storage area. Mr. Krapf stated that the proposal also includes other improvements such as a public launch area for paddle craft and public rental operations.

Mr. Krapf stated that a 2009 SUP Condition requires that changes or improvements to the site be reviewed by the DRC for a determination of consistency with the Chickahominy Riverfront Master Plan and the Shaping Our Shores Report.

Mr. Krapf stated that the additional boathouse and RV/boat storage area are not shown on the current Master Plan; however, the storage facility was in place at the time the County acquired the property. Mr. Krapf further stated that the additional boathouse is requested because the existing boathouse is under an exclusive lease agreement with the College of William & Mary and the second one is needed to serve the Williamsburg Boat Club and the community as a whole.

Mr. Krapf stated that the RV/boat storage area is currently next to the existing boathouse but would be relocated to a larger area to generate additional revenue by providing more services.

Mr. Krapf stated that staff is recommending that the applicant be required to develop a Spill Prevention Plan to address potential oil and fuel leaks at the facility.

Mr. Krapf stated that the DRC voted 4-0 that these improvements were generally consistent with the approved Master Plan and the Shaping Our Shores report.

Mr. Krapf stated that the DRC also considered C-0025-2018, Forest Heights/Neighbors Drive Rezoning Amendment.

Mr. Krapf stated that Mr. Douglas Harbin submitted a Conceptual Plan proposing to amend the 2011 rezoning application for Forest Heights, Neighbors Drive and Richmond Road improvements.

Mr. Krapf stated that the original Master Plan showed approximately 27 acres for single-family detached residences. Mr. Krapf stated that the remaining 20 acres was proposed as the location of a new Salvation Army facility with offices, a community meeting space, accessory uses and future residential units.

Mr. Krapf stated that, according to the applicant, the Salvation Army is no longer interested in this site and so has proposed adding 46 multi-family units and commercial or institutional uses within an approximate 12-acre area. Mr. Krapf stated that the 46 multi-family units represent a reduction of 16 units from the 62 units originally proposed for the Salvation Army site.

Mr. Krapf further stated that the applicant also indicated the possibility of an Assisted Living Facility to replace the Salvation Army uses shown on the original Master Plan.

Mr. Krapf stated that proposed units will be designated Workforce Housing.

Mr. Krapf stated that no action was required by the DRC. Mr. Krapf stated that the case which will come before the full Planning Commission at a future meeting.

## **E. CONSENT AGENDA**

1. Minutes of the May 22, 2018 Joint Work Session
2. Minutes of the June 6, 2018 Regular Meeting
3. Development Review Committee Action Item: Case No. C-0038-2018. Chickahominy Riverfront Park Improvements

Mr. Krapf made a motion to approve the Consent Agenda.

On a voice vote the commission voted to approve the Consent Agenda (7-0).

## **F. PUBLIC HEARINGS**

1. ZO-0002-2018 and SO-0002-2018. Zoning and Subdivision Ordinance Amendments for Bicycle and Pedestrian Accommodations

Mr. Alex Baruch, Senior Planner stated that at the May 23, 2017 Joint Work Session, the Board of Supervisors and the Commission directed Staff to research the possibility of adding bicycle and pedestrian accommodations as binding master plan elements along with revising the Zoning Ordinance. Mr. Baruch further stated that currently transportation impacts for legislative cases are addressed through three administrative policies and corresponding submittal requirements. Mr. Baruch stated that these policies include first, the Pedestrian Accommodations Master Plan which was implemented as a binding resource in determining pedestrian accommodation requirements external to a development unless otherwise required by the Pedestrian Accommodation Section of the Zoning Ordinance; second, the Regional Bikeways Master Plan which encourages the coordinated development of a comprehensive system of bikeways throughout the region; and third, the Traffic Impact Analysis Submittal Requirement Policy (TIA) which was designed to provide guidance to applicants regarding the minimum content requirements for a TIA. Mr. Baruch stated that the TIA and its recommendations often form the basis for transportation related proffers and Special Use Permit (SUP) conditions.

Mr. Baruch stated that examples of infrastructure these policies have guaranteed includes multi-use-paths, bicycle lanes, traffic lights and turn lanes. Mr. Baruch further stated that the ability to get these improvements, especially if located offsite is extremely limited without the use of proffers.

Mr. Baruch stated that after review of enabling legislation in State Code and the ordinances of peer localities, staff suggests that the Planning Commission consider including language in Section 24-35 Pedestrian accommodations, to extend the requirements of the section to bicycle facilities per the adopted Regional Bikeways Master Plan.

Mr. Baruch further stated that, unlike bicycle and pedestrian accommodations, most transportation improvements commonly identified through the TIA cannot be addressed through master plan requirements, submittal requirements, or other administrative processes, as many of those improvements are considered "off-site." Mr. Baruch stated that staff recommends the addition of language which more explicitly addresses VDOT's role in the site plan and subdivision approval process and states that the County cannot approve a site plan

or subdivision plan unless VDOT has given their approval.

Mr. Baruch stated that staff also recommends the addition of language to the TIA policy to provide guidance in its use in a post-proffer framework. Mr. Baruch stated that, to date, the policy has been used as a tool to assess proffers and SUP conditions. Mr. Baruch stated that staff also recommends the addition of an adequate facilities test, similar to the adequate public schools facilities test, to provide clarity on how the policy should be used in cases without SUP or proffer options. Mr. Baruch stated that the test would be applied to any case requiring a TIA per the submittal requirements. Mr. Baruch stated that if the TIA recommends any off-site improvements or identifies any off-site impacts, and the applicant can mitigate those impacts through the master plan or other processes, then the plan would pass the test. Mr. Baruch further stated that if any off-site impacts cannot be mitigated, the plan would fail the test. Mr. Baruch stated that in much the same spirit as the schools test, the additional language would not be an absolute divining rod, but a measure to take into consideration in the evaluation and recommendation process. Mr. Baruch stated that the policy currently outlines steps for identifying impacts, but does not give staff, the Commission, or the Board of Supervisors any direction for instances when those impacts cannot be addressed.

Mr. Baruch stated that at its May 10th meeting, the Policy Committee voted 5-0 to recommend approval of the draft Ordinances and policy language and forward the matter to the Commission. Mr. Baruch stated that staff recommends that the Planning Commission recommend approval of the ordinance amendments and policy language to the Board of Supervisors.

Ms. Julia Leverenz requested that staff take this opportunity to update references in Section 24-35 from “planning director or his designee” to “planning director or designee.”

Ms. Roberta Sulouff, Senior Planner, stated that staff would make those changes prior to the Board of Supervisors meeting.

Mr. Richardson opened the Public Hearing. As no one wished to speak, Mr. Richardson closed the Public Hearing.

Mr. Holt noted that the Commission would also need to vote on the amendments to the TIA policy.

Ms. Leverenz made a motion to recommend approval of the Zoning Ordinance and Subdivision Ordinance amendments and the policy amendment, as amended, to the Board of Supervisors.

On a roll call vote, the Commission voted to recommend approval of ZO-0002-2018 and SO-0002-2018, Zoning and Subdivision Ordinance Amendments for Bicycle and Pedestrian Accommodations and amendments to the Traffic Impact Analysis Policy (7-0).

2. ZO-0001-2018 and SO-0001-2018. Zoning and Subdivision Ordinance Amendments for the Natural Resource Policy and ZO-0003-2018 and SO-0003-2018. Zoning and Subdivision Ordinance Amendments for the Archaeological Policy.

Mr. José Ribeiro, Senior Planner II, stated that James City County is endowed with many natural resources, including threatened and endangered species and rare natural communities. Mr. Ribeiro stated that the County is also one of the oldest settlement areas in the country and has numerous documented and unknown archaeological sites. Mr. Ribeiro stated that in order

to better protect these resources, the James City County Natural Resource and Archaeological Policies were adopted by the Board of Supervisors in 1999 and 1998.

Mr. Ribeiro stated that the Natural Resource Policy seeks to identify and conserve areas with significant natural resource potential and the Archaeological Policy seeks to identify and protect areas where significant archaeological potential exists. Mr. Ribeiro stated that if it is determined that a significant natural or cultural resource exists, the current policies require that conditions or proffers requiring compliance with the policy are included for all appropriate Rezoning and SUP applications.

Mr. Ribeiro stated that the Natural Resource Policy requires that a natural resource inventory for a subject area be submitted for approval prior to land disturbance. Mr. Ribeiro stated that staff reviews the inventory in conjunction with the Department of Conservation and Recreation's Division of Natural Heritage (DCR/DNH). Mr. Ribeiro stated that if the inventory confirms that a natural heritage resource exists or could be supported, a conservation management plan and/or mitigation plan is submitted to the County for approval.

Mr. Ribeiro further stated that the Archaeological Policy typically requires that a Phase I Archaeological Study be submitted for approval prior to land disturbing. Mr. Ribeiro stated that staff reviews the study in conjunction with the Department of Historic Resources (DHR) which determines if the study meets its standards and has been conducted under the supervision of a qualified archaeologist. Mr. Ribeiro stated that if further archaeological study is required, the current Archaeological Policy provides standards for the study and/or for mitigation plans.

Mr. Ribeiro stated that these policies have helped staff evaluate applications and make recommendations on legislative cases.

Mr. Ribeiro stated that given the recent updates to the Code of Virginia which mandates that proffers may no longer be accepted for residential rezonings, staff has identified updates to incorporate parts of these policies in the Zoning and Subdivision Ordinances to ensure that natural and cultural resources are preserved.

Mr. Ribeiro stated that the Policy Committee reviewed the revisions to the Natural Resource and Archaeological language at its meetings in September 2017, February 2018 and April 2018. Mr. Ribeiro stated that the Policy Committee concurred with the recommendation to add the requirement to complete and submit an initial species inventory for natural heritage resources and/or a Phase I Study for archaeological resources as a submittal requirement for site plans and major subdivisions. Mr. Ribeiro stated that the Policy Committee also provided guidance on different aspects of the proposed languages including exemption criteria.

Mr. Ribeiro stated that at the joint Planning Commission and Board of Supervisors work session on February 27, 2018, the Board of Supervisors concurred with the recommended language. Mr. Ribeiro stated that at the Board of Supervisors work session on May 22, 2018, the Board provided comments and additional guidance to move the revisions forward to the Planning Commission.

Mr. Ribeiro stated that staff recommends the Planning Commission recommend approval of the Subdivision and Zoning Ordinance revisions to the Board of Supervisors.

Mr. Richardson opened the Public Hearing.

As no one wished to speak, Mr. Richardson closed the Public Hearing.

Ms. Leverenz noted that the word "should" is used in several instances throughout the draft

Ordinance and inquired if the correct word is “shall.”

Ms. Leverenz referenced a footnote in Section 24-23 stating that “A total of 12 copies of the master plan should be submitted...”.

Mr. Holt stated that in this instance “should” is correct since there are instances where fewer copies may be needed.

Ms. Leverenz further referenced a requirement that states “Supplemental information should be submitted in accordance with the "Supplemental Submittal Requirements for Special Use Permits and Rezonings".”

Mr. Holt stated that “should” is correct.

Ms. Leverenz next referenced a proposed requirement in Section 24-50 that states “The Phase III study should identify in accordance with accepted practices...”.

Mr. Holt stated that this for this particular instance the correct word is shall. Mr. Holt stated that the wording is “shall” in the adopted policy and that he does not note any discussion at the Policy Committee level to make the change to “should.” Mr. Holt stated that the correction would be made prior to consideration by the Board of Supervisors.

Ms. Leverenz further noted some concerns in Section 19-27. Ms. Leverenz stated that in subsections (q) (3) and (r) (3) the word “a” should be removed.

Mr. Holt noted that the changes would be made prior to consideration by the Board of Supervisors.

Mr. Haldeman made a motion to recommend approval of the Zoning Ordinance and Subdivision Ordinance amendments.

On a roll call vote, the Commission voted to recommend approval of ZO-0001-2018 and SO-0001-2018. Zoning and Subdivision Ordinance Amendments for the Natural Resource Policy and ZO-0003-2018 and SO-0003-2018. Zoning and Subdivision Ordinance Amendments for the Archaeological Policy (7-0).

## **G. PLANNING COMMISSION CONSIDERATIONS**

### **1. Legislative Application Deferral Policy**

Mr. Holt stated that during the Planning Commission and Board of Supervisors joint work session on May 22, 2018, the Board of Supervisors requested that the Commission develop a legislative application deferral policy. Mr. Holt noted that the proposed policy follows the framework of the Board’s deferral policy and incorporates State Code requirements for Planning Commission actions. Mr. Holt noted that the Policy Committee was in support of the draft policy.

Mr. Tim O’Connor stated that it is important to note that the 100-day limit in the proposed policy is based on the State Code requirements and that the policy confirms the Commission’s standard practices.

Mr. Richardson inquired about the process for adopting the policy.

Mr. Holt stated that this would be a policy to be adopted by the Commission by motion and vote.

Mr. Krapf made a motion to adopt the Legislative Application Deferral Policy.

On a roll call vote the Commission voted to adopt the Legislative Application Deferral Policy (7-0).

## **H. PLANNING DIRECTOR'S REPORT**

### 1. Planning Director's Report - July 2018

Mr. Holt stated that he had nothing in addition to the report provided in the Agenda Packet.

Mr. Polster stated that he would like to see updates to the timeline on the Pocahontas Trail Corridor Study web page.

Mr. Holt stated it is likely that VDOT will set up a project web page as a transition from the study to the next phase.

Mr. Holt stated that staff will be applying for funding through several sources. Mr. Holt stated that he hoped there would be updates regarding funding and next steps toward the end of the summer.

## **I. PLANNING COMMISSION DISCUSSION AND REQUESTS**

There were no requests or items for discussion.

## **J. ADJOURNMENT**

Mr. Haldeman made a motion to adjourn.

The meeting was adjourned at approximately 6:33 p.m.

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Heath Richardson, Chair

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Paul D. Holt, III, Secretary

## RESOLUTION

### PLANNING COMMISSION LEGISLATIVE APPLICATION DEFERRAL POLICY

**WHEREAS,** at the joint work session on May 22, 2018, the Board of Supervisors (the "Board") requested the Planning Commission (the "Commission") develop a legislative application deferral policy to address circumstances where an applicant requests deferral of an application after it has been advertised for a public hearing; and

**WHEREAS,** Section 15.2-2285 of the Code of Virginia states that no Zoning Ordinance shall be amended or reenacted unless the governing body has referred the proposed amendment or reenactment to the local Planning Commission for its recommendations and that failure of the Commission to report 100 days after the first meeting of the Commission shall be deemed approval, unless the proposed amendment or reenactment has been withdrawn by the applicant prior to the expiration of the time period; and

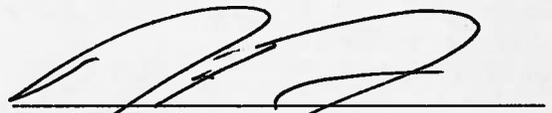
**WHEREAS,** the Policy Committee reviewed and discussed this policy on June 14, 2018, and recommended its approval by a vote of 5-0.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of James City County, Virginia, hereby adopts the following policy to be used when considering requests for deferral of legislative applications:

1. Legislative applications ("applications") that have been reviewed by all applicable reviewing agencies and are deemed complete, as determined by the Director of Planning or designee (the "Director"), shall be advertised for a public hearing at the first available meeting by the Planning Commission (the "Commission"). Prior to advertising, an applicant may submit one or more written requests to the Director requesting a deferral for a period of time that does not exceed 100 days in total. Prior to advertising for any public hearing, the Director may consider a longer deferral period in consideration of the factors in No. 4, below, which shall not be exclusive. At the end of the deferral period, the application shall be placed on the Commission's agenda with an advertised public hearing. The applicant may withdraw the application under § 15.2-2285(B) at any time.
2. Once an application has been placed on the Commission's agenda with an advertised public hearing, the applicant may submit one or more written requests to the Director for postponement of consideration by the Commission. Such written requests shall include a statement explaining the reasons for the postponement request. The Commission shall not postpone consideration of an application for more than 100 days from the date of the first advertised public hearing.
3. The Commission shall determine whether to grant a postponement following a public hearing on the case. If the Commission grants a postponement, the application will be scheduled for a Commission meeting requested by the applicant and approved by the Commission and the applicant shall be required to pay a fee to reimburse the County for expenses associated with postponing consideration of the application, which may include the costs of re-advertising. The Commission shall

not postpone consideration of an application for more than 100 days from the date of the first advertised public hearing. If the Commission does not grant the postponement request, the Commission may either approve or deny the application at that meeting, or may continue the public hearing to the next regularly scheduled meeting of the Commission and either approve or deny the application at that meeting. The applicant may withdraw the application under § 15.2-2285(B) at any time.

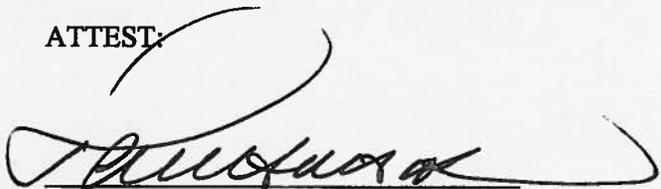
4. In considering a postponement, the Commission may consider the following factors, which shall not be exclusive:
- The Commission requests substantive changes to the application, supplemental materials, proffers or conditions that must be addressed prior to a vote by the Commission.
  - Substantive issues are raised by the County or a reviewing agency that must be addressed prior to a vote by the Commission.
  - Delays have occurred with County or external reviewing agency comments that affect the application.
  - Errors in legally required advertising are discovered and must be rectified.
  - Adjacent property owner concerns have been expressed that generate the need for substantive changes or additional public meetings.
  - The applicant demonstrates that there are extenuating circumstances that are unique to the application that require additional time.



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Heath Richardson  
Chair, Planning Commission

ATTEST:



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Paul D. Holt, III  
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 3rd day of July, 2018.

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**ITEM SUMMARY**

DATE: 8/1/2018

TO: The Planning Commission

FROM: Roberta Sulouff, Senior Planner

SUBJECT: Z-0001-2018. Colonial Manor

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**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Attachment 1. Location Map	Backup Material
☐	Attachment 2. Master Plan	Exhibit
☐	Attachment 3. Proposed Proffers	Backup Material
☐	Attachment 4. Community Impact Statement	Backup Material
☐	Attachment 5. Previously adopted proffers	Backup Material
☐	Attachment 6. Previously adopted SUP conditions	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/25/2018 - 12:11 PM
Planning Commission	Holt, Paul	Approved	7/25/2018 - 12:12 PM
Publication Management	Burcham, Nan	Approved	7/25/2018 - 1:28 PM
Planning Commission	Holt, Paul	Approved	7/25/2018 - 1:30 PM

**REZONING-0001-2018. Colonial Manor**

**Staff Report for the August 1, 2018, Planning Commission Public Hearing**

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**SUMMARY FACTS**

Applicant: Dr. Pedro Becerra, NOSA Futura Corporation  
Land Owner: BC Secure Holdings Corporation  
Proposal: To rezone ±7.4 acres of land from R-5, Multi-family Residential with proffers, to MU, Mixed Use with proffers, to permit the operation of a mixed-use building including the uses of independent living, assisted living, skilled nursing and a medical office. The building currently operates as a 110-unit assisted living, skilled nursing, and independent living facility; this proposal would add the use of medical office.  
Location: 8679 Pocahontas Trail  
Tax Map/Parcel No.: 5230100089  
Project Acreage: ±7.4 acres  
Current Zoning: R-5, Multi-family Residential with proffers  
Proposed Zoning: MU, Mixed Use with proffers  
Comprehensive Plan: Low-Density Residential  
Primary Service Area: Inside  
Staff Contact: Roberta Sulouff, Senior Planner

**PUBLIC HEARING DATES**

Planning Commission: August 1, 2018, 6:00 p.m.  
Board of Supervisors: September 11, 2018, 5:00 p.m. (tentative)

**FACTORS FAVORABLE**

1. Staff finds the proposal will not negatively impact surrounding zoning and development.
2. The proposal is consistent with the recommendations for commercial and residential development in lands designated Low-Density Residential (LDR) by the adopted Comprehensive Plan.
3. No changes are proposed to the physical footprint of the building.
4. The proposal would result in a decrease in independent living units, and thus residential density, on-site.

**FACTORS UNFAVORABLE**

None.

**SUMMARY STAFF RECOMMENDATION**

Staff recommends that the Planning Commission recommend approval of this application, subjected to the attached draft proffers, to the Board of Supervisors.

**PROJECT DESCRIPTION**

- The applicant is requesting a rezoning from R-5, Multi-family Residential with proffers to MU, Mixed Use with proffers to permit the operation of a mixed-use building, to include the

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*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.*

institutional uses of skilled nursing and assisted living, the residential use of independent living and the commercial use of a medical office.

- This facility currently operates as a Continuing Care Retirement Community (CCRC), including the services of independent living, skilled nursing and assisted living. Colonial Manor currently offers physical therapy services to its residents; this use is considered accessory to the CCRC and is permitted by the current zoning of the property. The applicant would like to extend those services as an outpatient physical therapy office to the general public; this use, medical office, would no longer be considered accessory to the CCRC and is not permitted under the current zoning of the property.
- Per Section 24-519, Mixed-Use District-Density, no one land use can constitute more than 80% of a Mixed-Use development or Mixed-Use structure. The applicant is proposing a mix of uses as follows:
  - Assisted Living: 48 beds; 20,432 square feet = 40% of total building square footage.
  - Skilled Nursing: 30 beds and common areas; 16,856.4 square feet = 33% of total building square footage.
  - Independent Living: 22 units; 11,748.4 square feet = 23% of total building square footage.
  - Medical Office: 2,032.2 square feet = 4% of total building square footage.
- No exterior changes are proposed for the building or site layout.

## **PLANNING AND ZONING HISTORY**

- Original Rezoning and Special Use Permit (SUP): In 1991, the Board of Supervisors approved a rezoning and SUP application to permit a 48-unit congregate care facility for the elderly at this site. That application rezoned the land from R-3, General Residential (a zoning district which no longer exists) to R-5, Multi-family Residential. That project was ultimately never constructed and the SUP expired in 1994. The property then changed ownership, and the new owner resubmitted the SUP application in 1999. Under this application, the owner was permitted to construct a 48-unit independent living facility.
- 2012 Proffer and SUP Amendment: In 2012 the owner applied for a proffer and SUP amendment to expand the operation to a 110-unit facility to include both independent and assisted living units. This amendment brought the operation into conformance, as it had been operating as an assisted living facility, which was not permitted by the 1999 SUP.

## **SURROUNDING ZONING AND DEVELOPMENT**

- East, South and West: R-2, General Residential, mostly consisting of single-family, detached homes.
- North: M-1, Limited Business/Industrial, consisting of the Kingsmill golf course.

## **PUBLIC IMPACTS**

1. Anticipated Impact on Public Facilities and Services:
  - *Traffic:* A Traffic Impact Study was not required for this development since the PM peak trip generation fell below the

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*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.*

**REZONING-0001-2018. Colonial Manor**

**Staff Report for the August 1, 2018, Planning Commission Public Hearing**

100-trip threshold in the Zoning Ordinance. The Institute of Transportation Engineers projects that the development would generate 36.42 PM peak hour trips. The medical office would comprise an additional 4.6 PM peak hour vehicle trips over the total for existing uses.

The application does not propose any additional entrances to Pocahontas Trail or Magruder Avenue.

- *Utilities:* This site will continue to be served by public water and sewer.
- *Parks and Recreation/Schools/Fire:* None.

2. Anticipated Environmental/Cultural/Historic Impacts: None.

3. Anticipated Impacts on Nearby and Surrounding Properties:

- Staff finds that the existing buffers mitigate visual impacts to other adjacent properties. These buffers are shown on the binding Master Plan and included in the proffers.
- The project is located on a CCC per the adopted Comprehensive Plan, and thus, provides a 50-foot urban/suburban buffer per the Board of Supervisors Community Character Corridor Buffer Treatment Policy. The applicant has proffered to preserve this buffer and it is also included on the binding Master Plan.

**COMPREHENSIVE PLAN**

- The site is designated LDR by the adopted Comprehensive Plan.

- Recommended uses in LDR include single-family and multi-family units, as well as CCRCs and limited commercial development to support the surrounding residential areas.
- The following Standards are given for limited commercial uses located in LDR areas:
  - Complement the residential character of the area;
  - Have traffic, noise, lighting and other impacts similar to surrounding residential uses;
  - Generally be located on collector or arterial roads at intersections; and
  - Provide adequate screening and buffering to protect the character of nearby residential areas
- Given that this is an existing building, with existing buffering and landscape areas, already in use for institutional and residential purposes, and that impacts for traffic, noise and lighting are not anticipated to differ from those of the existing uses, staff finds that the proposal, with the proposed proffers, is consistent with the Comprehensive Plan land use designation for this area.

**PROPOSED PROFFERS**

The attached, proposed proffers largely mirror those adopted for this property during the most recent Master Plan and proffer amendment in 2012. These proffers include provisions which limit the intensity of the uses on the property, require the maintenance of existing buffers as shown on the Master Plan, limit signage and limit entrances to the property. For full text of the proposed proffers, please see Attachment No. 3.

---

*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.*

**REZONING-0001-2018. Colonial Manor**

**Staff Report for the August 1, 2018, Planning Commission Public Hearing**

---

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission recommend approval of this application, subject to the attached proposed proffers, to the Board of Supervisors.

RS/nb  
RZ01-2018

Attachments:

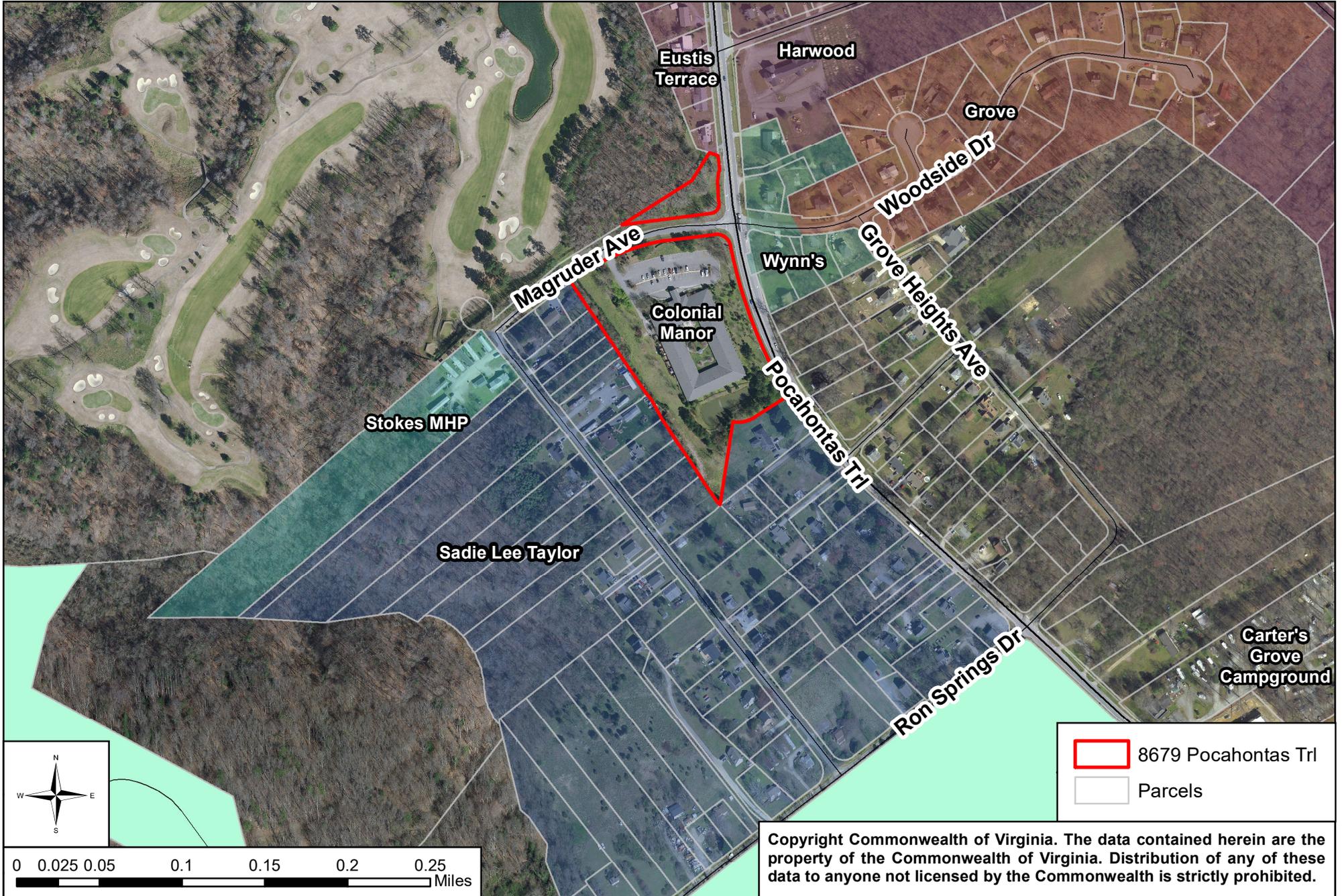
1. Location map
2. Master Plan
3. Proposed proffers
4. Community Impact Statement
5. Previously adopted proffers
6. Previously adopted SUP conditions

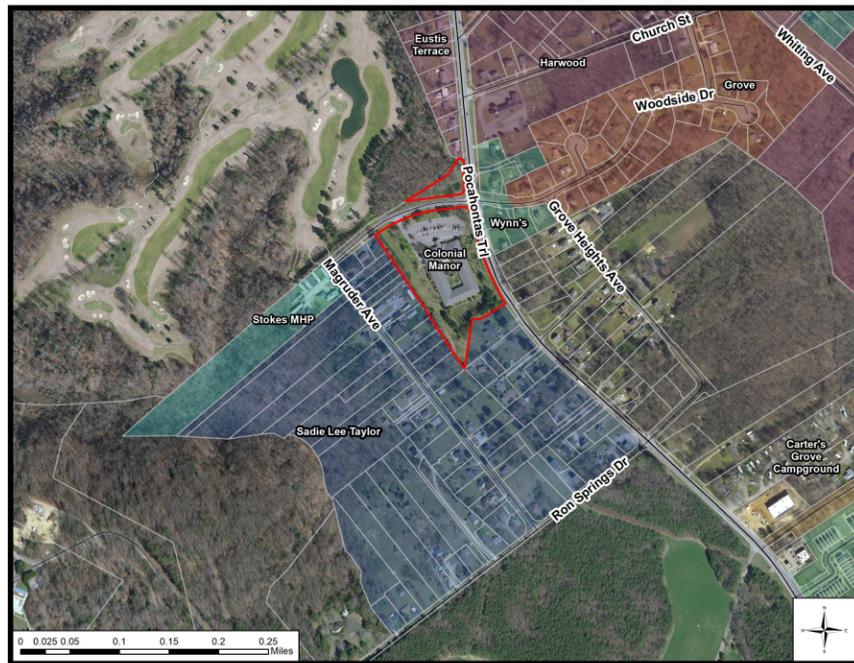
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*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general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

# JCC Z-0001-2018

## Colonial Manor Rezoning





# Colonial Manor

## Master Plan Amendment

Amends Z-0002-2012/SUP-0002-2012  
 July 19, 2018  
 Sheet 1 of 1

### Property Information

**Address:**  
8769 Pocahontas Trail

**Tax Map No:**  
5230100089

**Zoning:**  
Existing - R-5 with Proffers  
New - MU with Proffers

**Owner:**  
BC Secure Holding Corporation

### Land Use Analysis

**Land Area:**  
7.4 Acres

#### Vertical MU Building Density Use:

Assisted Living = 40%; 20,432 SF; 48 beds  
 Skilled Nursing\* = 33%; 16,856.4 SF; 30 beds  
 Independent Living = 23%; 11,748.4 SF; 22 Units  
 Medical Office = 4%; 2,043.2 SF

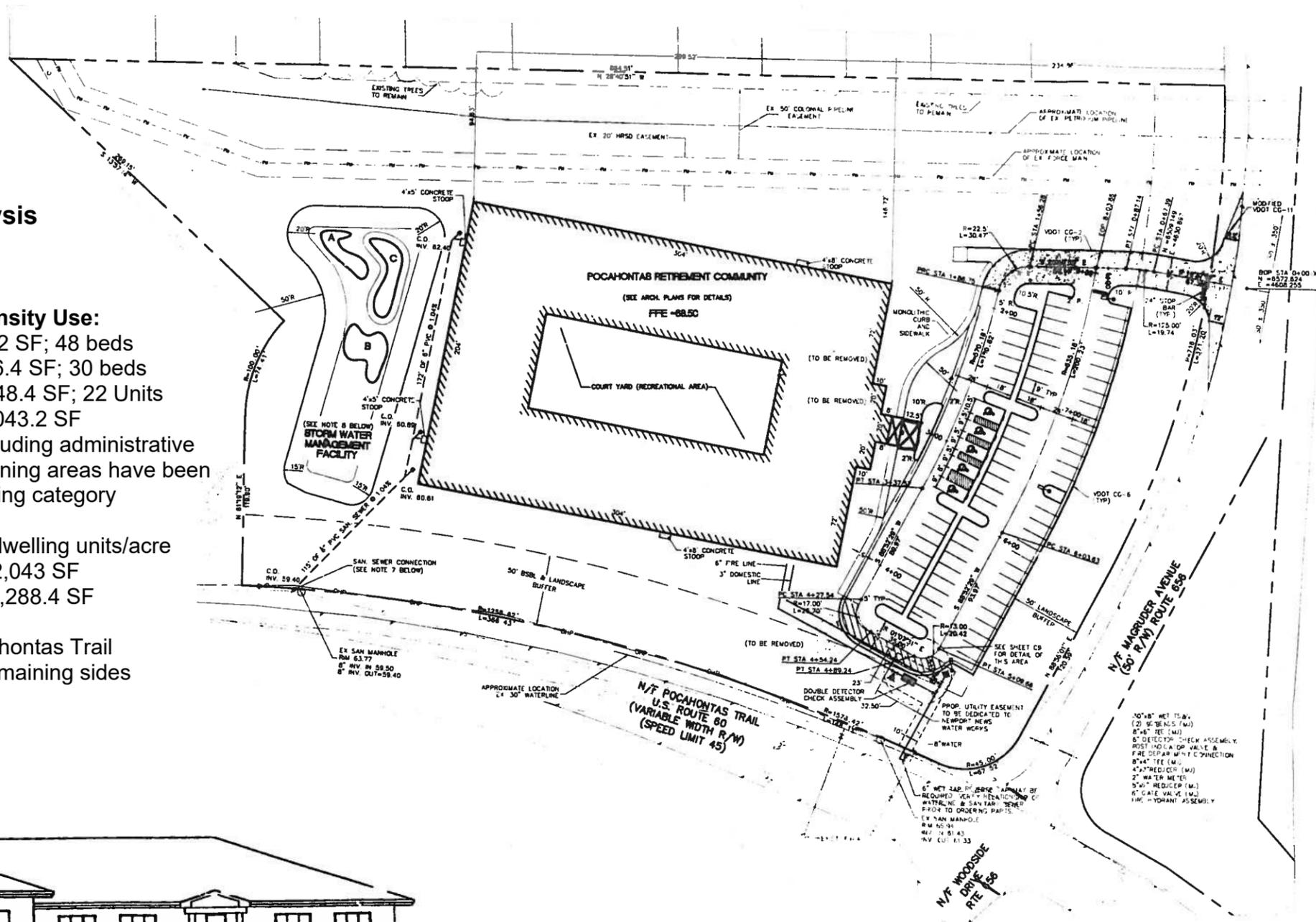
\*Common areas of the building, including administrative offices, laundry rooms, and kitchen/dining areas have been included in the Skilled Nursing category

**Max Residential Density:** 2.97 dwelling units/acre

**Max Commercial SF:** 2,043 SF

**Max Institutional SF:** 37,288.4 SF

50' CCC Buffer along Pocahontas Trail  
 30' Perimeter Buffer along remaining sides



**ELEVATION**  
NOT TO SCALE

## PROFFERS

These PROFFERS are made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by BC SECURE HOLDINGS CORPORATION, together with his successors, heirs and assigns (the "Owner")

## RECITALS

- A. Owner is the owner of certain real property (the "Property") located in James City County, Virginia, containing approximately 7.40 acres, more or less, known as 8679 Pocahontas Trail and being more particularly described as Parcel Number (1-89) on Tax Map Number (52-3).
- B. The property is now zoned R-5 with proffers. The initial proffers are dated December 27, 1990, and were made by Cecil L. Lindsey, Jr., the then owner of the Property, and are recorded in James City Deed Book 507 at page 680 ( the "Initial Proffers").
- C. The First Amended and Restated Proffers are dated May 27, 1999, and were made by Leonard Epstein, the then owner of the Property, and are recorded at Instrument Number 99015760.
- D. The Second Amended and Restated Proffers are dated June 12, 2012, and were made by Pedro Becerra-Cely, the then owner of the property, and are recorded At \_\_\_\_\_.
- E. The Owner desires to change the current R-5 zoning to mixed use to conform to the demanding needs of the community and our already existing residents.

NOW THEREFORE, the Proffers are hereby stated as follows:

1. There already exists on the Property an Independent, Residential, Assisted Living facility, with a maximum occupancy of (110) residents. With minimal structural changes to the interior of the building, subject to the approval of James City County, A skilled nursing home and Rehabilitation/Medical Office will be opened for use by residents of the facility and the surrounding communities who require skilled nursing and rehab services. This change does not require the addition of new units or modification to the exterior of the building which will remain as is.
2. The occupancy of the facility shall be restricted to elderly and/or handicapped households. For purposes of this proffer, elderly is defined as household heads age 55 and above. Handicapped persons shall meet the definition of handicapped set forth by the Social Security Administration. Also as part of this proffer, no persons under the age of eighteen (18) years shall be allowed to reside in the complex on a full time basis.

3. There shall be no more than one (1) entrance into the Property, that entrance being from Magruder Avenue.
4. The facility was designed and constructed in a manner which complied with all standards and regulations of the U.S. Department of Housing and Urban Development relative to the construction of Housing for Older Persons.
5. The buildings which comprise the facility contain no more than one (1) story and there already exists a central kitchen and dining facility provided for the use of the residents of the facility.
6. Any road or highway improvements required by the Virginia Department of Transportation as a result of the proposed development shall be paid for by the Owner and installed prior to conversion of the units.
7. There already exists a rear landscape buffer that screens the facility from adjacent properties and is located on the east edge of the Hampton Roads Sanitation District easement.
8. All existing dumpsters and heating and cooling units are screened by landscaping or Fencing.
9. All already existing free standing signs on the property are ground mounted, and monument style.
10. There already exists a 50 foot landscape buffer along Pocahontas Trail right-of-way, containing enhanced landscaping, so that the required number of plants equals up to 133 percent of the County's Landscaping Ordinance requirements with up to 33 percent of the required number of trees being evergreen.

WITNESS the following signature.

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Pedro Becerra-Cely  
President, BC Secure Holdings Corp.

20 Colonial Manor has been operating as an Assisted Living facility providing services for retired adults aged 55 and older or to individuals with a handicap disability in which age assessment is applicable to services provided since 2007. Prior to that time, we operated as an Independent Living Facility.

We are located in the Grove area of Williamsburg at 8679 Pocahontas Trail. We provide services that are very accessible to the middle class individuals in the surrounding areas.

Due to the growing needs of older adults, a growing demand for additional medical services, and that people are living longer and well into the golden years, Colonial Manor requested and was granted an occupancy change from 65 to 110 thru James City County in July 2016. Our current Virginia Department of Social Services Licensure states that rooms 1-40 are assessed as Residential and rooms 41-55 are assessed as Assisted Living.

Colonial Manor would like to amend the existing proffers to allow for the changes needed to better provide services needed by aging adults and the surrounding community. The property is currently zoned R-5 with proffers. The proposed zoning of the property is Mixed Use with amended proffers to allow for Independent, Residential and Assisted Living, Skilled Nursing Home and F.I.T. Physical Therapy/Medical Office.

At present time, residents requiring intensive rehabilitation services must be admitted to another facility temporarily for their physical therapy and residents exceeding Level III Extended Care Criteria must be discharged to a skilled nursing facility. Our current goals and expectations are to renovate our already existing facility, giving us the ability to provide additional services to our already existing residents without the need and trauma associated with having to relocate. This would allow Colonial Manor to provide the services needed by our current residents, in-house rehab services for our residents and out patient re-hab services for members of the community, create new jobs for qualified local individuals and offer better wages and benefits to employees.

Under our current Assisted Living Licensure, we currently provide the following services:

- Supervised Living Arrangements
- Medication Management
- 3 Full Meals daily (Full Kitchen and Restaurant style service)
- Snacks offered 3 times daily
- Special Diets (NAS, NCS, Pureed and Mechanical) overseen by a Registered Dietician
- Housekeeping & Laundry Services
- All utilities included with the exception of telephone, cable and internet
- Assistance with Money Management if needed
- Assistance with Activities of Daily Living (Bathing, Dressing, Toileting, Transferring)
- Social Interaction
- Recreation Therapy (Bingo, Exercise Classes, Shopping Trips, Themed Parties, Church Services)
- Transportation for Medical Appointments (Limited to Williamsburg area only on Tuesdays/Thursdays)
- Open Door Policy (No designated Visiting Hours) All visitors are required to sign in

Various Medical Services provided by Outside Agencies to include:

- Visiting Physicians
- Laboratory Testing
- Pharmacological Services (including quarterly reviews of medications)
- Registered Dietician
- Nursing Oversight
- Mental Health Counseling (Colonial Behavioral Health, Sentara Behavioral, Brookside Home Health)
- Physical, Occupational and Speech Therapies
- Hospice
- Beauty/Barber Services

- Mobile X-Ray Services

All of the above stated services are provided by:

- Physicians
- Registered Nurses
- Licensed Practical Nurses
- Registered Medication Aides
- Certified Nursing Assistants
- Direct Care Staff
- Administration
- Dietary Staff (Chefs & Servers)
- Housekeeping & Laundry Staff
- Maintenance (Building & Grounds Staff)
- Transportation Personnel (Driver & Medical Escorts)

Currently Colonial Manor employs 34 individuals in various positions. Of these 34 employees, 20 are full time and 14 are part-time/PRN. With our goals and expectations for a mixed use facility, we anticipate that our current number of employees may be increased by a minimum of 15 new employees, all of which is dependent upon full time or part time status. We also anticipate being able to offer our part time employees full time positions. Colonial Manor currently has a variety of shift options for a variety of jobs. Currently many of our employees serve dual purposes within the facility. Employees would fluctuate between the various services/levels of care to help prevent burnout and to have a better understanding of all residents needs. Of the anticipated 15 new hires, F.I.T. Physical Therapy/Medical Office would employ a maximum of 4 employees to include 1 Physical Therapist and 3 Physical Therapist Assistants.

- Administrative Offices are currently open Mon-Fri 9am to 5pm
- Nursing Shifts consist of 8 hours each (6am-2:30pm, 2pm-10:30pm and 10pm-6:30am)
- Dietary Shifts consist of 6am-6:30pm, with varying hours for part time employees
- Housekeeping & Laundry Staff shifts are 7am-3:30pm Mon-Fri and every other weekend
- Transportation Staff shifts vary and are dependent upon medical appointments and activities
- Maintenance Staff shifts hours vary and are dependent upon need
- Activity Staff shifts are currently 9am-5pm Mon-Fri with various weekend and evening hours

Our parking lot currently consists of 80 parking spaces which includes 5 handicap spaces. In anticipation of an increase in staff to provide the care needed, our largest employee shift (6am-6pm) would consist of up to 28-30 staff members (including F.I.T Physical Therapy/Medical Office) when at full capacity. With this anticipated growth, on our largest shift, and allowing for 1 parking space for every 4 clients and a maximum of 4 clients per hour for the F.I.T. Physical Therapy/Medical Center, we anticipate using 62 of the current 80 parking spaces. Currently only 3 residents have personal vehicles and we do not anticipate this number growing due to a decrease in the functioning of residents in Assisted Living and Skilled Nursing Home. Consequently, we do not anticipate an increase in traffic generation, as many of our employees and residents do not own personal vehicles and currently utilize public transportation, medical transport or carpool.

We anticipate the facility services breakdown to be:

Assisted Living to contain 48 beds, about 40% of the building (20,432 square feet)

Skilled Nursing Home to contain 30 beds, about 33% of the building (16,856.4 square feet)

Residential living to contain 22 beds, about 23% of the building (11,748.4 square feet)

F.I.T. Physical Therapy & Medical Offices to cover about 4% of the building (2,043.2 square feet)

The common areas of the building included in the Skilled Nursing Home percentage contain areas such as Administrative offices, Laundry rooms and Dining/Kitchen areas and activity room.

Colonial Manor is overcome with excitement for the anticipated changes, improvements, additional services and community relations that will come with this proposed change. We look forward to a bright and long future in the Grove area with the approval of the proposed changes. The alternative does not paint a pretty picture, perhaps facing closure in the future months if we are unable to adapt to the growing demands and changing needs of our elderly population. We are very optimistic that the proposed changes will benefit not only Colonial Manor, but the residents of Grove and surrounding areas.

## SECOND AMENDED AND RESTATED PROFFERS

These SECOND AMENDED AND RESTATED PROFFERS are made this 9<sup>th</sup> day of February, 2012, by BC SECURE HOLDINGS CORPORATION, together with his successors, heirs and assigns (the "Owner").

### RECITALS

- A. Owner is the owner of certain real property (the "Property") located in James City County, Virginia, containing approximately 7.40 acres, more or less, known as 8679 Pocahontas Trail and being more particularly described as Parcel Number (1-89) on Tax Map Number (52-3).
- B. The Property is now zoned R-5, with proffers. The initial Proffers are dated December 27, 1990, and were made by Cecil L. Lindsey, Jr., the then owner of the Property, and are recorded in James City Deed Book 507 at page 680 (the "Initial Proffers").
- C. The First Amended and Restated Proffers are dated May 27, 1999, and were made by Leonard Epstein, the then owner of the Property, and are recorded at Instrument Number 99015760.
- D. The Owner desires to amend and restate the Existing Proffers in their entirety.

NOW THEREFORE, the Existing Proffers are hereby amended and restated as follows:

1. There shall be constructed on said Property an independent and assisted living facility of no more than one hundred ten (110) units with accessory buildings designed specifically for the elderly. The project, prior to site plan approval, shall be submitted to the Planning Division for the review and approval of the building exterior appearance and site design. Any desired changes in these design elements shall be submitted to County staff for approval, and if required by staff, shall be presented to the Planning Commission for final approval.
2. The occupancy of this facility shall be restricted to elderly and/or handicapped households. For purposes of this proffer, elderly is defined as household heads age 62 and above. Handicapped persons shall meet the definition of handicapped set forth by the Social Security Administration. Also as part of this proffer, no persons under the age of eighteen years shall be allowed to reside in the complex on a full time basis.
3. There shall be no more than one entrance into the Property, that entrance being from Magruder Avenue.

4. The facility shall be designed and constructed in a manner which will comply with all standards and regulations of the U.S. Department of Housing and Urban Development relative to the construction of Housing for Older Persons.

5. The buildings which comprise the facility shall contain no more than one story and there shall be a central kitchen and dining facility provided for the use of the residents of the facility.

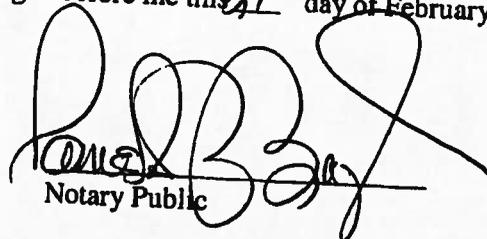
6. Any road or highway improvements required by the Virginia Department of Transportation as a result of the proposed development shall be paid for by the Owner and installed prior to conversion of the units.

WITNESS the following signature.

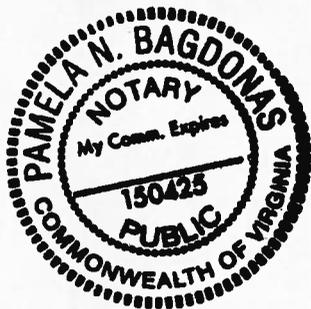
  
Pedro Becerra-Cely,  
President, BC Secure Holdings Corp.

STATE OF VIRGINIA  
COUNTY OF JAMES CITY

The foregoing instrument was acknowledged before me this 21<sup>th</sup> day of February, 2012, by Pedro Becerra-Cely.

  
Notary Public

My commission expires: 10/31/14  
Notary number: 150425



## RESOLUTION

### CASE NO. SUP-0002-2012. COLONIAL MANOR PROFFER AMENDMENT

#### (EPSTEIN REST HOME)

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Mr. Pedro Becerra of NOSA Futura Corp. has applied to amend an existing SUP to convert Colonial Manor (the "Facility") to an independent and assisted living facility for the residence and/or care of the aged and to increase the number of permitted units; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP 0002-2012; and

WHEREAS, the proposed Facility is depicted on the plan dated January 9, 2012, and entitled "Colonial Manor Master Plan Amendment;" and

WHEREAS, the proposed Facility is located in its entirety on property zoned R-5, Multi-family Residential, with proffers, further identified as Parcel No. (1-89) on James City County Real Estate Tax Map No. (52-3) in Grove (the "Property"); and

WHEREAS, the Planning Commission, following its public hearing on March 7, 2012, voted 4-0 to recommend approval of Application No. SUP 0002-2012.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, does hereby approve Application No. SUP 0002-2012, as described herein, pursuant to the following conditions:

1. This SUP shall allow the establishment and/or continued operation of a 110-bedroom assisted living and independent living facility. The Facility shall maintain at all times a current license from the Virginia Department of Social Services.
2. The required rear landscape buffer shall screen the Facility from adjacent properties and shall be located on the east edge of the Hampton Roads Sanitation District easement.
3. All dumpsters and heating and cooling units shall be screened by landscaping of fencing approved by the Director of Planning prior to final site plan approval.
4. Free-standing signs shall be ground-mounted, monument style and shall be approved by the Director of Planning or his designee prior to final site plan approval.
5. There shall be a 50-foot landscape buffer along Pocahontas Trail right-of-way, containing enhanced landscaping, so that the required number of plants equals up to 133 percent of the County's Landscaping Ordinance requirements with up to 33

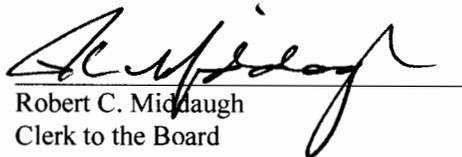
percent of the required number of trees being evergreen. The landscaping plan shall be approved by the Director of Planning prior to final site plan approval.

- 6. All exterior light fixtures on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. A lighting plan shall be submitted to, and approved by, the Director of Planning which indicates no glare outside the property line or any direct view of the lighting source from the street or adjoining residentially designated property.
- 7. Prior to the issuance of a certificate of occupancy, the applicant shall provide documentation to the Director of Planning demonstrating that services or programs shall be provided to all residents within the housing facility. Activities, services, or programs provided may include, but are not limited to, educational classes, health screenings, exercise, and/or crafts, and games. Group transportation, such as a van or shuttle bus, shall be provided to all residents of the facility in order to obtain off-site services.
- 8. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:



Robert C. McLaughlin  
Clerk to the Board

SUPERVISOR	VOTE
MCGLENNON	AYE
ICENHOUR	AYE
KALE	AYE
KENNEDY	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of April, 2012.

Sup02-12ColManor\_res

**ITEM SUMMARY**

DATE:

TO: The Planning Commission

FROM: Savannah Pietrowski, Senior Planner; Roberta Sulouff, Senior Planner; and Tori Haynes, Planner

SUBJECT: Agricultural and Forestal District 2018 Renewals (Cover Memo)

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Overall AFD Map	Backup Material
☐	Unapproved AFD Advisory Committee Minutes from June 21, 2018	Backup Material
☐	AFD Program Information Sheet	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/21/2018 - 4:15 PM
Planning Commission	Holt, Paul	Approved	7/21/2018 - 4:15 PM
Publication Management	Burcham, Nan	Approved	7/23/2018 - 7:45 AM
Planning Commission	Holt, Paul	Approved	7/23/2018 - 8:34 AM

## MEMORANDUM

DATE: August 1, 2018

TO: The Planning Commission

FROM: Savannah Pietrowski, Senior Planner  
Roberta Sulouff, Senior Planner  
Tori Haynes, Planner

SUBJECT: 2018 Agricultural and Forestal District Renewals

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### Agricultural and Forestal Districts

In 1977, the Virginia General Assembly created a process to “provide a means for a mutual undertaking by landowners and local governments to protect and enhance agricultural and forestal land as a viable segment of the Commonwealth’s economy and an economic and environmental resource of major importance.” The process also provides landowners an opportunity to try to protect their land from the pressure to develop. This process is known as the [Agricultural and Forestal Districts \(AFD\) Act](#). The act gives local governments authority, upon landowners’ voluntary application, to establish agricultural districts, forestal districts and agricultural and forestal districts.

Land within a district is directly affected in several ways:

1. District land qualifies for the benefits of use-value taxation, subject to local regulations; and
2. Restraints are imposed on government, as it may affect a property. More specifically, local governments may not restrict farming or forestry practices, except to protect public health or safety. Local plans, Ordinances and decisions affecting land adjacent to a district must take into account both the district and the AFD Act. In addition, it shall be the policy of state agencies to encourage farming and forestry within the districts. No special purpose assessments or tax levies may be imposed on the basis of frontage, acreage or value of land used for agricultural or forestal production within a district; and
3. Land acquisition by agencies, political subdivisions or public service corporations (including acquisition by eminent domain) must be reviewed by the Board of Supervisors if the land acquisition in question exceeds 10 acres from the district or one acre from any one district farm or forestry operation.

### AFD Statistics

State Code specifies a minimum acreage for each district of 200 acres. As shown in the following table, there are currently ±17,940 acres of land within the AFD program. This acreage represents approximately 20% of the total land area of the County. The AFD program began in James City County in 1986 and there have been seven previous major review periods of AFD districts (1990, 1994, 1998, 2002, 2006, 2010 and 2014). Of the 13 districts, 12 are set to expire in October. The remaining district, Pates Neck, was recently renewed by the Board of Supervisors on July 10, 2018.

The State Code governing AFDs allows the establishment of a district for terms of four to ten years. With the exception of the Wright’s Island District, the 12 districts currently being considered have been

previously renewed for four-year terms. The Wright’s Island District has been renewed for a term of eight years. Staff is not proposing any revisions to these terms and recommends that if renewed, each district continues to be renewed for its respective four- or eight-year-terms.

Applications regarding AFDs, as well as AFD renewals, are reviewed by County staff, the AFD Advisory Committee, the Planning Commission and the Board of Supervisors, as well as the Virginia Department of Forestry and the Natural Resource Conservation Service.

Agricultural and Forestal Districts  
(As of July 2018)

<u>District</u>	<u>Name and Term of District in Years ( )</u>	<u>±Acres</u>	<u>Exp. Date</u>
AFD 2-86	Croaker (4)	1,182.23	10/31/2018
AFD 3-86	Hill Pleasant Farm (4)	587.39	10/31/2018
AFD 4-86	Pates Neck (4)	755.30	10/31/2022
AFD 5-86	Barnes Swamp (4)	1,719.98	10/31/2018
AFD 6-86	Cranston's Pond (4)	774.31	10/31/2018
AFD 7-86	Mill Creek (4)	3,213.66	10/31/2018
AFD 9-86	Gordon Creek (4)	3,127.60	10/31/2018
AFD 10-86	Christenson's Corner (4)	1,179.32	10/31/2018
AFD 11-86	Yarmouth Island (4)	2,142.88	10/31/2018
AFD 12-86	Gospel Spreading Church (4)	1,133.18	10/31/2018
AFD 1-89	Armistead (4)	311.53	10/31/2018
AFD 1-94	Wright's Island (8)	1,496.55	10/31/2018
AFD 1-02	Carter’s Grove (4)	316.14	10/31/2018
		<u>Acres</u>	<u>Sq. Miles</u>
	±AFD Total	17,940.07	28.03
	Total County Area: Land	89,079.29	139.19
	Total County Area: Water	25,823.67	40.35
	Total County Area: Land & Water	114,902.96	179.54
	±AFD % of Total County Area	15.618%	
	±AFD % of Total Land Area	20.14%	

Renewal Process

The review process is somewhat similar to other land use cases that come before the Board, but with several important exceptions. The review of districts begins at least 90 days before the expiration date of the district or districts. If there are any proposed changes to the AFD policy or to the conditions of any of the districts, the County must convey those proposed changes to the affected property owners and advertise proposed changes in a local newspaper. During this review period the County sends notice of the renewal to all affected property owners and adjacent property owners.

Withdrawals and Additions

During the renewal period, State Code provides that all AFD property owners have an opportunity to withdraw any or all of their property from the AFD. Owners do not need Board approval to withdraw at this time, and are able to request withdrawal up to the day of consideration by the Board. If the Board chooses to renew or “continue” the particular district, the Board simply renews the district without the

acreage that has been voluntarily withdrawn. Should a property owner request to withdraw his/her property outside of the renewal period, the request must be approved by the Board of Supervisors and should be in accordance with the Policy Governing Withdrawals of Property from Agricultural and Forestal Districts, adopted by the Board of Supervisors, June 28, 2010.

Property owners may also apply to add land to an AFD or establish a new district at any time. Properties requesting to participate in the AFD program are evaluated for consistency with the criteria established in Section 15.2-4306 of State Code. Staff notes that several applications have recently been received. These applications are currently under review and are tentatively scheduled to be evaluated by the AFD Advisory Committee, Planning Commission and Board of Supervisors this fall.

### Conditions

With the exception of Wright's Island District, every district is subject to the below conditions. Staff is not proposing any revisions to these conditions during this review period.

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.

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.

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.

In regards to the Wright's Island District, staff is recommending a revision to Condition No. 2 to refer to the most recent withdrawal policy adopted in 2010. A strike-through version of this revision is provided in the staff report for the Wright's Island District.

In addition, any land within the district that is within 25 feet of an adjoining public road is generally excluded from the district in order to allow for possible future road and/or drainage improvements.

### Summary of District Renewals

Included in the Agenda Packet are detailed staff reports which identify any modifications to parcel acreages, changes to conditions, and requested withdrawals for each district. In total, approximately 119.24 acres of land have requested to withdraw from the James City County AFD program during this renewal period, leaving approximately 17,820 acres ( $\pm 20\%$  of total Land Area) remaining in AFDs.

2018 Agricultural and Forestal District Renewals

August 1, 2018

Page 4

Staff recommends the continuation of each district, subject to the conditions detailed in the respective staff reports.

SP/RS/TH/nb

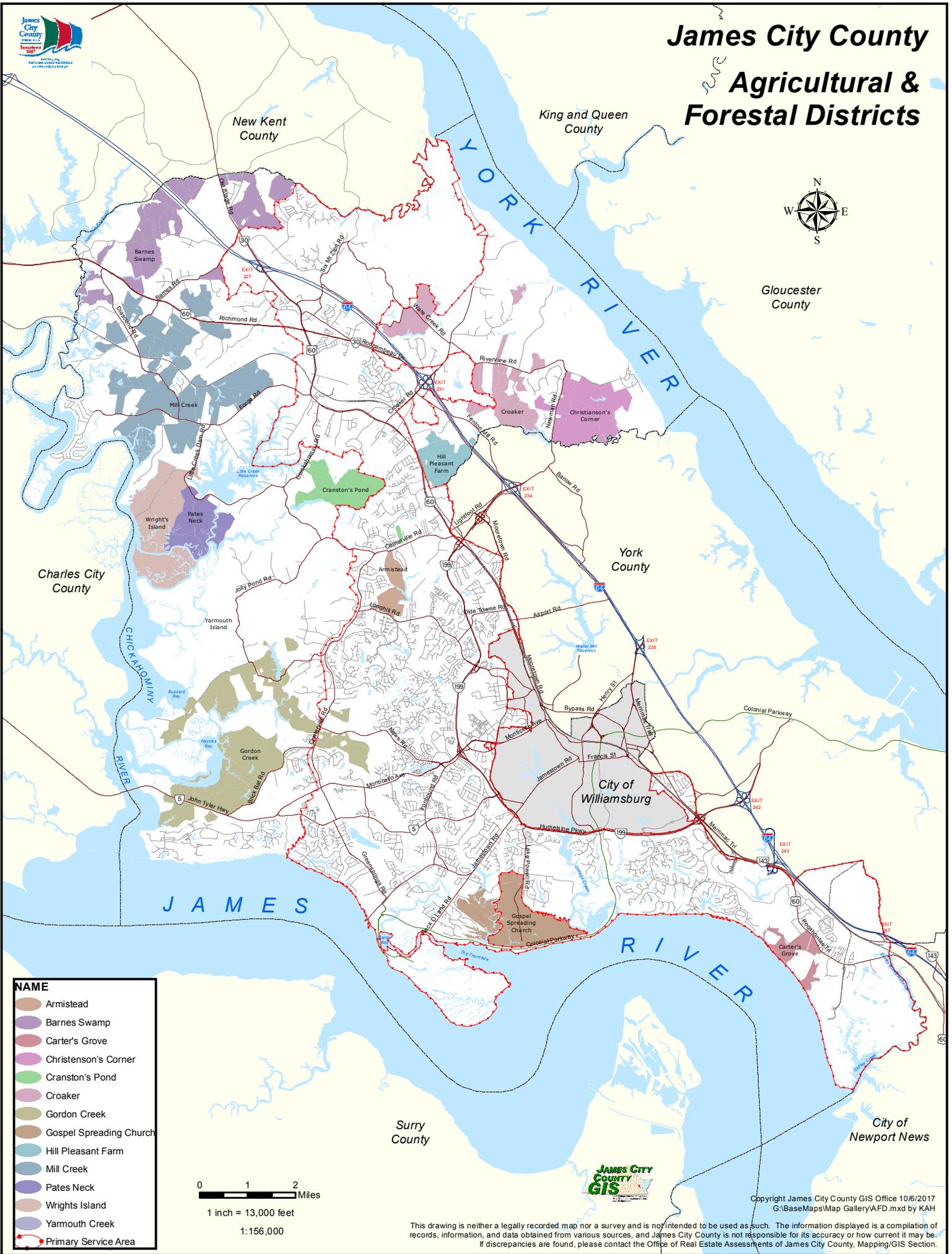
2018AFDRenwls-mem

Attachments:

1. Overall AFD Map
2. Unapproved AFD Advisory Committee Minutes from June 21, 2018
3. AFD Program Information Sheet



# James City County Agricultural & Forestral Districts



NAME
Armistead
Barnes Swamp
Carter's Grove
Christenson's Corner
Cranston's Pond
Croaker
Gordon Creek
Gospel Spreading Church
Hill Pleasant Farm
Mill Creek
Pates Neck
Wrights Island
Yarmouth Creek
Primary Service Area

0 1 2 Miles  
1 inch = 13,000 feet  
1:156,000



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G:\BaseMaps\Map Gallery\AFD.mxd by KAH

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Office of Real Estate Assessments of James City County, Mapping/GIS Section.

MINUTES OF THE AGRICULTURAL AND FORESTAL ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TWENTY-FIRST DAY OF JUNE, TWO THOUSAND AND EIGHTEEN, AT 4:00 P.M. AT THE BUILDING A CONFERENCE ROOM, 101 MOUNTS BAY ROAD, WILLIAMSBURG, VIRGINIA.

**A. CALL TO ORDER**

Mr. William C. Taylor called the meeting to order at 4:00 p.m.

**B. ROLL CALL:**

Members Present

Mr. Thomas Hitchens  
Mr. Richard Bradshaw  
Mr. William C. Taylor, chair  
Mr. L. Bruce Abbott  
Mr. Payten Harcum  
Mr. William R. Harcum  
Mr. Sandy Wanner  
Mr. John Grantz  
Ms. Sue Sadler

Also Present

Ms. Savannah Pietrowski, Senior Planner  
Ms. Roberta Sulouff, Senior Planner  
Ms. Tori Haynes, Planner  
Mr. John Haldeman

Absent

Ms. Loretta Garrett

**C. APPROVAL OF MINUTES:**

1. Approval of the April 26, 2018 Meeting Minutes

On a voice vote, the minutes of the April 26, 2018 meeting were unanimously approved.

**D. NEW BUSINESS:**

1. 2018 AFD Renewals

Mr. William C. Taylor stated that the purpose of the meeting was for the AFD Advisory Committee to review the proposed renewals for the County's Agricultural and Forestal Districts (AFDs). Mr. Taylor inquired if the committee members had any general items for discussion prior to consideration of the renewals.

Mr. L. Bruce Abbott inquired where the 20-acre minimum requirement for AFD parcels originates.

Mr. Richard Bradshaw stated that State Code requires that forested parcels be a minimum of 20 acres in order to obtain land use value taxation.

Ms. Roberta Sulouff clarified that there is no minimum acreage for participation in the AFD program.

Mr. Bradshaw stated that most property owners join the AFD program for the monetary incentive; however, some property owners do join for conservation purposes.

Mr. Abbott noted that many parcels are included in the AFD program which are less than 20 acres.

Mr. Bradshaw stated that ownership of contiguous properties can also be used to satisfy the acreage requirement for land use value taxation.

Mr. Abbott inquired if staff verifies that all necessary property owners have signed requests for additions or withdrawals. Mr. Abbott also expressed concern that property owners could purchase property within an AFD after property owner notifications were mailed and would not be aware of the current renewal period.

Mr. Bradshaw stated that property owners should be aware when they are purchasing properties with development restrictions.

Ms. Savannah Pietrowski, Senior Planner, confirmed that staff works with the County Attorney's Office to ensure that all necessary property owners have signed addition or withdrawal requests.

Mr. Abbott requested that the AFD Committee receive updates regarding the final actions taken by the Board of Supervisors regarding AFD applications.

Ms. Sulouff stated that staff could to add an updates section to the agendas.

Ms. Pietrowski noted that the staff reports do also include the upcoming Planning Commission and Board of Supervisors meeting dates should the Committee members wish to watch or attend the meetings.

Ms. Sue Sadler suggested that a Committee representative could also attend future Planning Commission and/or Board of Supervisors meetings.

Ms. Pietrowski stated that there are 13 AFDs in the County, and the Committee is currently reviewing the renewal of 12 of those districts which are set to expire on October 31, 2018. Ms. Pietrowski stated that there are no proposed condition changes or withdrawal requests for the Croaker, Cranston's Pond, Mill Creek, Christenson's Corner, Carter's Grove, Armistead, Yarmouth Island and Gospel Spreading Church districts, and staff recommends that the Committee recommend renewal of this AFD for a period of four years to Planning Commission, subject to the conditions which were approved at the District's last renewal. Ms. Pietrowski inquired if the Committee would like to discuss any of these districts in more detail.

Mr. Bradshaw noted that there is a proposed addition for the Croaker district. Mr. Bradshaw stated that he also recently became aware of one parcel in the Croaker district which was inadvertently omitted from a previous renewal Ordinance, and that parcel will be added back into the district.

Ms. Sulouff stated that all addition applications will be presented to the Committee in October. Ms. Sulouff noted that the second parcel Mr. Bradshaw was referring to will be added back into the Ordinance during this renewal period as it was a clerical error, not a withdrawal.

Mr. Peyton Harcum moved to recommend continuation of the Croaker AFD for a period of four years.

Mr. Bradshaw seconded the motion.

On a voice vote, the motion was approved unanimously.

Mr. Thomas Hitchens moved to recommend continuation of the Cranston's Pond AFD for a period of four years.

Mr. Sandy Wanner seconded the motion.

On a voice vote, the motion was approved unanimously.

Mr. Abbott moved to recommend continuation of the Mill Creek AFD for a period of four years.

Mr. William Harcum seconded the motion.

On a voice vote, the motion was approved unanimously.

Mr. Bradshaw moved to recommend continuation of the Carter's Grove AFD for a period of four years.

Mr. Bradshaw seconded the motion.

On a voice vote, the motion was approved unanimously.

Mr. Hitchens moved to recommend continuation of the Christenson's Corner AFD for a period of four years.

Mr. Bradshaw seconded the motion.

On a voice vote, the motion was approved unanimously.

Mr. Bradshaw moved to recommend continuation of the Armistead AFD for a period of four years.

Mr. Taylor seconded the motion.

On a voice vote, the motion was approved unanimously.

Mr. Hitchens moved to recommend continuation of the Yarmouth AFD for a period of four years.

Mr. John Grantz seconded the motion.

On a voice vote, the motion was approved unanimously.

Mr. Hitchens moved to recommend continuation of the Gospel Spreading Church AFD for a period of four years.

Mr. Wanner seconded the motion.

On a voice vote, the motion was approved unanimously.

Ms. Sulouff stated that withdrawal requests have been received for parcels in the Gordon Creek, Hill Pleasant Farms and Barnes Swamp districts, and noted that each district will continue to meet minimum area requirements following each of these withdrawals. Ms. Sulouff inquired if the Committee would like to discuss any of these districts in more detail.

Mr. Bradshaw inquired if the owners requesting withdraw portions of their property have designated the specific withdrawal area on a map.

Ms. Sulouff confirmed that they had.

The AFD Committee viewed each of the properties requesting to withdraw on the County mapping system.

Mr. Bradshaw noted several parcels which have requested roll-back tax estimate requests, but have not yet submitted withdrawal requests.

Mr. Bradshaw moved to recommend continuation of the Barnes Swamp AFD for a period of four years.

Mr. P. Harcum seconded the motion.

On a voice vote, the motion was approved unanimously.

Mr. Abbott moved to recommend continuation of the Hill Pleasant Farm AFD for a period of four years.

Mr. Bradshaw seconded the motion.

On a voice vote, the motion was approved unanimously.

Mr. P. Harcum moved to recommend continuation of the Gordon Creek AFD for a period of four years.

Mr. Grantz seconded the motion.

On a voice vote, the motion was approved unanimously.

Ms. Pietrowski stated that there are no proposed additions or withdrawals for the Wright's Island District, but staff is proposing a revision to Condition #2 to update the reference to the most recent version of the Board of Supervisor's policy pertaining to withdrawal of lands from Agricultural and Forestal Districts. Ms. Pietrowski noted that this revised language was already adopted for the other districts, but Wright's Island has not because it has not been renewed since the new policy was adopted.

Mr. Abbott moved to recommend continuation of the Wright's Island AFD for a period of eight years.

Mr. Bradshaw seconded the motion.

On a voice vote, the motion was approved unanimously.

Ms. Sulouff stated that there was a second AFD Committee meeting tentatively scheduled for June 28, 2018; however, the meeting could be cancelled as all of the districts have been reviewed.

Mr. Taylor confirmed that the meeting will be cancelled.

Mr. Sulouff stated that the next AFD meeting will be in October to discuss the AFD additions.

Ms. Pietrowski stated that the renewals discussed at the current meeting are tentatively scheduled to be reviewed by the Planning Commission in August and the Board of Supervisors in September.

**E. OTHER DISCUSSION ITEMS**

**F. ADJOURNMENT**

On a voice vote, the meeting was adjourned at 4:55 p.m.

# **AGRICULTURAL AND FORESTAL DISTRICT ACT**

## **Virginia Code Section 15.2-4300 et seq.**

### **Authority**

Localities may establish agricultural and forestal districts under the Agricultural and Forestal Districts Act (“AFD”), which serve two primary purposes:

1. Conserve and protect agricultural and forestal lands: Conserve and protect agricultural and forestal lands for the production of food and other agricultural and forestal products; conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clear air sheds, watershed protection, wildlife habitat, as well as for aesthetic purposes.
2. Develop and improve agricultural and forestal lands: Encourage the development and improvement of agricultural and forestal lands for the production of food and other agricultural and forestal products.<sup>1</sup>

### **AFD Committee**

The AFD Advisory Committee is established under the provisions of Virginia Code §15.2-4304 to provide the County Planning Commission and Board of Supervisors in “creating, reviewing, modifying, continuing or terminating districts within the locality.” It is comprised of 10 members in the following criteria; the Commissioner of Revenue (Richard Bradshaw), a member of the Board of Supervisors (Sue Sadler), 4 landowners engaged in agricultural or forestal production and 4 additional landowners. Members are appointed by and serve at the pleasure of the Board of Supervisors. All Committee members serve as volunteers, without compensation. James City Planning staff assists the Committee by providing a secretary, who is not a member of the Committee, and technical assistance regarding current County statutes and policies.

### **AFD Establishment and effect**

#### Establishment

Agricultural and forestal districts are established by the Board of Supervisors on the petition of participating landowners. A new district must have a minimum core of 200 acres in a single or in contiguous parcels.<sup>2</sup>

A parcel not part of the core may be included in a district: (1) if the nearest boundary of the parcel is within one mile of the boundary of the core; (2) if it is contiguous to a parcel in the district the nearest boundary of which is within one mile of the boundary of the core; or (3) if the local governing body finds, in consultation with the advisory committee or planning commission, that the parcel not part of the core or within one mile of the boundary of the core contains agriculturally and forestally significant land.<sup>3</sup>

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<sup>1</sup> *Virginia Code* § 15.2-4300

<sup>2</sup> *Virginia Code* § 15.2-4305.

<sup>3</sup> *Id.*

A landowner may petition to add land to the district at any time.<sup>4</sup> Districts are periodically reviewed by the locality (most often 4 years, but it depends on the applicable district ordinance) and during the review period, any landowner may request to withdraw her lands from a district.<sup>5</sup> At other times, land may be withdrawn from a district only for good and reasonable cause and in accordance with the Board's policies (there are two policies – one regarding withdrawals from land within the PSA and one outside the PSA).<sup>6</sup>

### Effect

1. Prohibits development to a more intensive use: The Act prohibits any parcel in a district from being developed to a more intensive use, other than a use resulting in more intensive agricultural or forestal production, without prior approval of the governing body.
2. Prohibits regulation of certain dwelling construction and placement: The Act bars the locality from prohibiting the construction and placement of dwellings for persons who earn a substantial part of their livelihood from a farm or forestry operation on the same property, or for members of the immediate family of the owner, unless the locality finds that the use in the particular case would be incompatible with farming or forestry in the district.
3. Prohibits regulation of certain structures and practices: The Act bars a locality from exercising its zoning power in a district in a manner which would unreasonably restrict or regulate farm structures or farming and forestry practices in contravention of the Act unless the restrictions or regulations bear a direct relationship to public health and safety.

7

### **Tax consequences**

Land lying within a district and used in agricultural, horticultural, or forestal production automatically qualifies for use-value assessment authorized under Virginia Code § 58.1-3229 et seq. if the requirements for that assessment are satisfied.<sup>8</sup> Any AFD ordinance shall extend such use-value assessment and taxation to eligible real property within such district whether or not a use-value assessment and taxation ordinance has been adopted.<sup>9</sup>

### **LAND USE TAXATION** **Virginia Code Section 58.1-3229 et seq.**

In general, to qualify for land use valuation, assessment, and taxation, the real estate must meet the following use requirements:

1. Agricultural use: Real estate devoted to agricultural use is either land devoted to the *bona fide* production for sale of plants and animals useful to man, or land that meets the

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<sup>4</sup> Virginia Code § 15.2-4310.

<sup>5</sup> Virginia Code § 15.2-4311.

<sup>6</sup> Virginia Code § 15.2-4314.

<sup>7</sup> Virginia Code § 15.2-4312.

<sup>8</sup> Virginia Code § 15.2-4312.

<sup>9</sup> *Id.*

requirements for payments or other compensation pursuant to a soil conservation program.

2. Horticultural use: Real estate devoted to the *bona fide* production for sale of fruits of all kinds, including grapes, nuts, and berries; vegetables; and nursery and floral products under uniform standards prescribed by the Commissioner of Agriculture and Consumer Services in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), or real estate devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government.
3. Forest use: Real estate devoted to forest use is land devoted to tree growth in such a quantity and so spaced as to constitute forest area.

*Virginia Code* § 58.1-3230

Real estate that has been designated as devoted to one of these three uses does not lose its designation solely because a portion of the property is being used for a different purpose as allowed by the County's zoning regulations, including a special use permit, if the property, excluding the portion used for a different purpose, meets all the requirements for the applicable designation.<sup>10</sup> The portion of the property being used for a different purpose is deemed to be a separate piece of property from the remaining property for purposes of assessment.<sup>11</sup> Neither the property's zoning designation nor any special use permits is to be the sole consideration in determining whether real property is devoted to one of the two qualifying uses.<sup>12</sup> Prior, discontinued use of property shall not be considered in determining its current use.<sup>13</sup>

In addition to the foregoing use requirements, the real estate must meet the following minimum size requirements: (1) agricultural or horticultural property must consist of a minimum of five acres; and (2) forest property must consist of a minimum of 20 acres.<sup>14</sup> The minimum acreage requirements for special classifications of real estate shall be determined by adding together the total area of contiguous real estate excluding recorded subdivision lots recorded after July 1, 1983, titled in the same ownership.<sup>15</sup> For purposes of the Virginia Code, properties separated only by a public right-of-way are considered contiguous.

Land participating in the land use valuation program is entitled to a tax preference in the form of a reduction in the assessed value of the qualifying land. Determining the fair market value is a factual question for the Commissioner of the Revenue.<sup>16</sup>

In assessing land qualifying for land use valuation, the Commissioner must determine the value in accordance with *Virginia Code* § 58.1-3236, which provides that he must "consider only those indicia of value which such real estate has for agricultural, horticultural ... [or] forest ... use, and

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<sup>10</sup> *Virginia Code* § 58.1-3230.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Virginia Code* § 58.1-3233(2).

<sup>15</sup> *Id.*

<sup>16</sup> *Virginia Code* § 58.1-3236.

real estate taxes for such jurisdiction shall be extended upon the value so determined.”<sup>17</sup> These factors include the real estate’s location, appearance, availability for use and the economic situation in the area.<sup>18</sup>

When the use by which real estate qualified for land use valuation changes to a nonqualifying use, or the zoning of the real estate is changed to a more intensive use at the request of the owner or his agent, it is subject to roll-back taxes.<sup>19</sup> Roll-back taxes are considered to be deferred real estate taxes. These additional taxes are only assessed against that portion of the real estate that no longer qualifies for use valuation.<sup>20</sup> The roll-back tax is equal to the sum of the deferred tax for each of the five most recent complete tax years including simple interest on the roll-back taxes at a rate no greater than the rate applicable to delinquent taxes.<sup>21</sup>

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<sup>17</sup> *Virginia Code* § 58.1-3236(A).

<sup>18</sup> *See Smith v. City of Covington*, 205 Va. 104, 135 S.E.2d 220 (1964); 1997 Va. Op. Atty. Gen. 196.

<sup>19</sup> *Virginia Code* § 58.1-3237(A).

<sup>20</sup> *Id.*

<sup>21</sup> *Virginia Code* § 58.1-3237(B)

**ITEM SUMMARY**

DATE: 8/1/2018

TO: The Planning Commission

FROM: Roberta Sulouff, Senior Planner

SUBJECT: AFD-02-86-1-2018. Croaker AFD Renewal

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**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Attachment 1. Location Map	Backup Material
☐	Attachment 2. Adopted conditions for the Croaker AFD	Backup Material
☐	Attachment 3. Board of Supervisors staff report for the 2014 renewal of the Croaker AFD	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/23/2018 - 8:59 AM
Planning Commission	Holt, Paul	Approved	7/23/2018 - 8:59 AM
Publication Management	Daniel, Martha	Approved	7/23/2018 - 9:02 AM
Planning Commission	Holt, Paul	Approved	7/23/2018 - 9:05 AM

**AGRICULTURAL AND FORESTAL DISTRICT-02-86-1-2018. Croaker Renewal**

**Staff Report for the August 1, 2018, Planning Commission Public Hearing**

**SUMMARY FACTS**

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES (±)</u>
Hankins Land Trust	1530100044	119.00
William L. & Mary M. Apperson	1440100015	26.05
William L. & Mary M. Apperson	1440100015A	26.23
Ronald McManus, et al.	1530100043	119.85
Ronald McManus, et al.	1530100042	10.10
Ronald McManus, et al.	1530100036	40.40
Hazel M. & L. Richardson	1530100002	39.76
Hazel M. Richardson	1530100034	39.78
J. Rosalie Will, Trustee	1440100010	40.00
Stephanie L. Billon-Wolfe, Trustee	1440100009	49.08
Wenger Farms, LLC	1320100018	95.30
Wenger Farms, LLC	1410100001	150.00
Wenger Farms, LLC	1410100014	143.50
Thomas B. Ballard	1530100035	53.17
Sharpe Family Properties, LLC	1530100018	16.05
William R. Atkins, Jr.	1530100019	16.40
William R. Atkins, Jr.	1530100029	30.94
Milly Wallis	1540100004	40.00
Thomas B. Ballard	1530100035A	4.91
Thomas B. Ballard	1530100032	16.22
Wenger Farms, LLC	1410100007	7.00
Katherine G. & William Mann	1510400003	50.00
Mitchell Family Ltd. Partnership	0740100002	48.49
<b>TOTAL ACRES</b>		<b>1,182.23</b>

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands  
Low-Density Residential

Primary Service Area

(PSA): Inside and Outside

Staff Contact: Roberta Sulouff, Senior Planner

**PUBLIC HEARING DATES**

Planning Commission: August 1, 2018, 6:00 p.m.

Board of Supervisors: September 11, 2018, 5:00 p.m. (Tentative)

**STAFF RECOMMENDATION**

Approval, subject to the attached conditions which were approved at the District’s last renewal.

**AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADVISORY COMMITTEE RECOMMENDATION**

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

**DISTRICT HISTORY**

- The Croaker AFD was created in 1986 for a term of four years and originally consisted of 13 parcels totaling ±1,341 acres.
- The District was renewed for four-year intervals in 1990, 1994, 1998, 2002, 2006, 2010 and 2014 with various withdrawals and additions occurring during that period.
- In 2017, the Board of Supervisors approved the addition of 48.49 acres of land located at 9730 Sycamore Landing Road to the AFD.

**AGRICULTURAL AND FORESTAL DISTRICT-02-86-1-2018. Croaker Renewal**

**Staff Report for the August 1, 2018, Planning Commission Public Hearing**

**DISTRICT DESCRIPTION**

While still conforming to applicable area and proximity requirements this District is somewhat geographically dispersed. According to the United States Geological Service Soils Survey, the bulk of the District appears to consist of soils which are prime for crop cultivation or forestry. The majority of the District is forested, and remains rural in nature. All the land in this District is zoned A-1, General Agricultural. Pieces of the District are located both outside and inside of the PSA, and are designated both Rural Lands and Low-Density Residential by the adopted Comprehensive Plan.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

**ADDITION/WITHDRAWAL REQUESTS**

- *Addition Requests:*
  - The owner of the property located at 4450 Ware Creek Road (Tax Map ID No. 1410100046) has applied to add approximately 14.8 acres to the District. That application will be evaluated under a separate cover and is tentatively scheduled for the Committee’s consideration at the October 25, 2018, meeting.

**CHANGES TO CONDITIONS**

None.

**SURROUNDING ZONING AND DEVELOPMENT**

The majority of this District is located southeast of the Croaker Road/Interstate 64 interchange, though several small pieces are located north and east of the interchange as well. The surrounding area

is mostly zoned A-1, General Agricultural; however, the northern and eastern portions of the District are surrounded by undeveloped portions of the Stonehouse Development, which is zoned PUD-R, Planned Unit development-Residential. The Christenson’s Corner AFD lies to the southeast of the District and the Hill Pleasant Farm AFD lies to the southwest of the District.

**COMPREHENSIVE PLAN**

The Comprehensive Plan designates these parcels as Rural Lands and Low-Density Residential. Land Use Action 6.1.1 of the adopted 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*.”

**STAFF RECOMMENDATION**

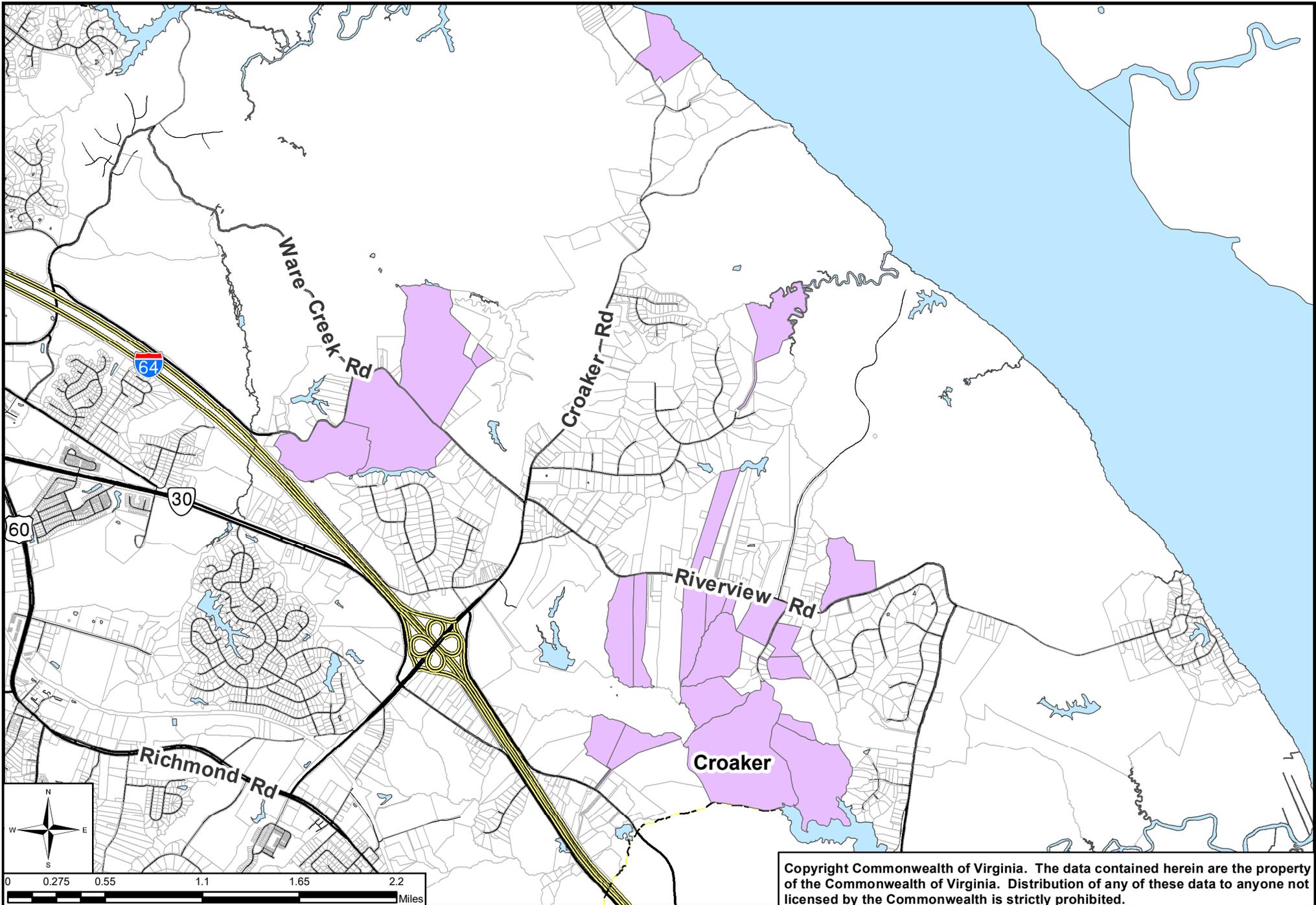
Staff finds the Croaker AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Planning Commission recommend renewal of this AFD for a period of four years to the Board of Supervisors, subject to the attached conditions which were approved at the District’s last renewal.

RS/md  
AFDCroakerRenew

Attachments:

1. Location Map
2. Adopted conditions for the Croaker AFD
3. Board of Supervisors staff report for the 2014 renewal of the Croaker AFD

# AFD-02-86-1-2018, Croaker 2018 Renewal



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# ADOPTED

SEP 09 2014

ORDINANCE NO. 164A-15

Board of Supervisors  
James City County, VA

## AGRICULTURAL AND FORESTAL DISTRICT-02-86

### CROAKER 2014 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 Croaker Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 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 Agricultural and Forestal District is hereby continued to October 31, 2018, 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:

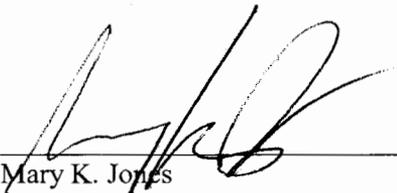
<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Hankins Land Trust	1530100044 .....	119.00
William and Mary Margaret Apperson	1440100015 .....	51.45
V.D. McManus Estate	1530100043 .....	119.85
V.D. McManus Estate	1530100042 .....	10.10
V.D. McManus Estate	1530100036 .....	40.40
Hazel M. Richardson & L.A. Richardson	1530100002 .....	39.76
Clarence D. Richardson, Jr.	1530100034 .....	39.78
J. Rosalie Will, Trustee	1440100010 .....	40.00
Stephanie L. Billon-Wolfe, Trustee	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	1530100035A .....	4.91
Thomas B. Ballard	1530100032 .....	16.21
Wenger Farms, LLC	1410100007 .....	7.00
Katherine Mann	1510400003 .....	50.00

Total: .....1,132.90

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 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:

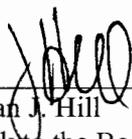
- a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary 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 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 Properties from AFDs, adopted September 28, 2010, 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.




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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:




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Bryan J. Hill  
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 9th day of September, 2014.

**AGENDA ITEM NO. I-7****Agricultural and Forestal District-02-86-1-2014. Croaker AFD Renewal  
Staff Report for the September 9, 2014, Board of Supervisors 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 7, 2014, 4:00 p.m. (Human Services Building)  
August 6, 2014, 7:00 p.m.  
September 9, 2014, 7:00 p.m.

**SUMMARY FACTS**

<u>Owners:</u>	<u>Parcel Number</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 & L.A. Richardson	1530100002.....	39.76
Clarence D. Richardson, Jr.	1530100034.....	39.78
J. Rosalie Will, Trustee	1440100010.....	40.00
Stephanie L. Billon-Wolfe, Trustee	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	1530100035A.....	4.91
Thomas B. Ballard	1530100032.....	16.21
Wenger Farms, LLC	1410100007.....	7.00
Katherine Mann	1510400003.....	<u>50.00</u>
TOTAL ACRES.....		<u>1,132.90</u>

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands and Conservation Area

Primary Service Area: Outside

Staff Contact: Luke Vinciguerra Phone: 253-6783

**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 Board of Supervisors renew the Croaker AFD for a period of four years, subject to the conditions listed in the attached resolution.

**PLANNING COMMISSION RECOMMENDATION**

At its August 6, 2014, meeting, the Planning Commission recommended the continuation of the District by a vote of 6-0 (Richardson absent).

**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.

**Proposed Changes Made Since the Planning Commission Meeting**

None.

**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**

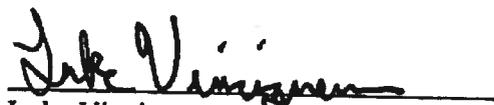
Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~“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 August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 6-0 (Richardson absent). 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 Board of Supervisors renew the Croaker AFD for a period of four years, subject to the conditions listed in the attached resolution.

  
 Luke Vinciguerra

CONCUR:

  
 Allen J. Murphy, Jr.

LV/gb  
 AFD02-86-1-14Croaker

**ATTACHMENTS:**

1. Ordinance
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Ordinance for the addition of property, dated January 11, 2011
5. Ordinance for the addition of property, dated February 11, 2014
6. Approved minutes of the July 7, 2014, AFD Advisory Committee meeting (under separate cover)
7. Unapproved minutes of the August 6, 2014, Planning Commission meeting (under separate cover)

**ITEM SUMMARY**

DATE: 8/1/2018

TO: The Planning Commission

FROM: Roberta Sulouff, Senior Planner

SUBJECT: AFD-03-86-1-2018. Hill Pleasant Farm AFD Renewal

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**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Attachment 1. Location Map	Backup Material
☐	Attachment 2. Adopted conditions for the Hill Pleasant Farm AFD	Backup Material
☐	Attachment 3. Property owner withdrawal request	Backup Material
☐	Attachment 4. Board of Supervisors staff report for the 2014 renewal of the Hill Pleasant Farm AFD	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/23/2018 - 9:08 AM
Planning Commission	Holt, Paul	Approved	7/23/2018 - 9:13 AM
Publication Management	Burcham, Nan	Approved	7/23/2018 - 9:18 AM
Planning Commission	Holt, Paul	Approved	7/23/2018 - 9:21 AM

**AGRICULTURAL AND FORESTAL DISTRICT-03-86-1-2018. Hill Pleasant Farm Renewal**

**Staff Report for the August 1, 2018, Planning Commission Public Hearing**

**SUMMARY FACTS**

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES (±)</u>
Margaret S. Stevens	2410100004	105.82
Hill Pleasant Farm, Inc.	2410100005	391.30
Wayne A. Moyer	2410100015D	32.27
<i>Williamsburg Pottery Factory</i>	<i>2430100017</i>	<i>27.00*</i>
<b>TOTAL ACRES</b>		<b>556.39</b>

*\*Requesting to Withdraw*

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands  
Economic Opportunity

Primary Service Area (PSA): Outside

Staff Contact: Roberta Sulouff, Senior Planner

**PUBLIC HEARING DATES**

Planning Commission: August 1, 2018, 6:00 p.m.  
Board of Supervisors: September 11, 2018, 5:00 p.m. (Tentative)

**STAFF RECOMMENDATION**

Approval, subject to the attached conditions which were approved at the District’s last renewal.

**AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADVISORY COMMITTEE RECOMMENDATION**

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

**DISTRICT HISTORY**

- The Hill Pleasant Farm AFD was created in 1986 for a term of four years and originally consisted of two parcels totaling ±504 acres.
- The District was renewed in 1990, 1994, 1998, 2002, 2006, 2010 and 2014 for periods of four years, during which time various withdrawals and additions took place.
- There have been no additions or withdrawals since the 2014 renewal of this District.

**DISTRICT DESCRIPTION**

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. All the land in this District is zoned A-1, General Agricultural, and is located outside of the PSA. The majority of the land in this District is designated Economic Opportunity by the adopted Comprehensive Plan, with Mr. Moyer’s parcel and a small portion of a parcel located northeast of the Interstate 64 right-of-way, both designated Rural Lands.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

**ADDITION/WITHDRAWAL REQUESTS**

- *Withdrawal Requests:*
  - The owner of the property located at 6906 Richmond Road (Parcel ID No. 2430100017) has requested not to continue in the District (Attachment No. 3). With this withdrawal, the

**AGRICULTURAL AND FORESTAL DISTRICT-03-86-1-2018. Hill Pleasant Farm Renewal**

**Staff Report for the August 1, 2018, Planning Commission Public Hearing**

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District will include a total of 558.1 acres, and will thus continue to meet minimum acreage requirements.

**CHANGES TO CONDITIONS**

None.

**SURROUNDING ZONING AND DEVELOPMENT**

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 LB, Limited Business; 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.

**COMPREHENSIVE PLAN**

The Comprehensive Plan designates these parcels as Economic Opportunity and Rural Lands. Land Use Action 6.1.1 of the adopted 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*.”

**STAFF RECOMMENDATION**

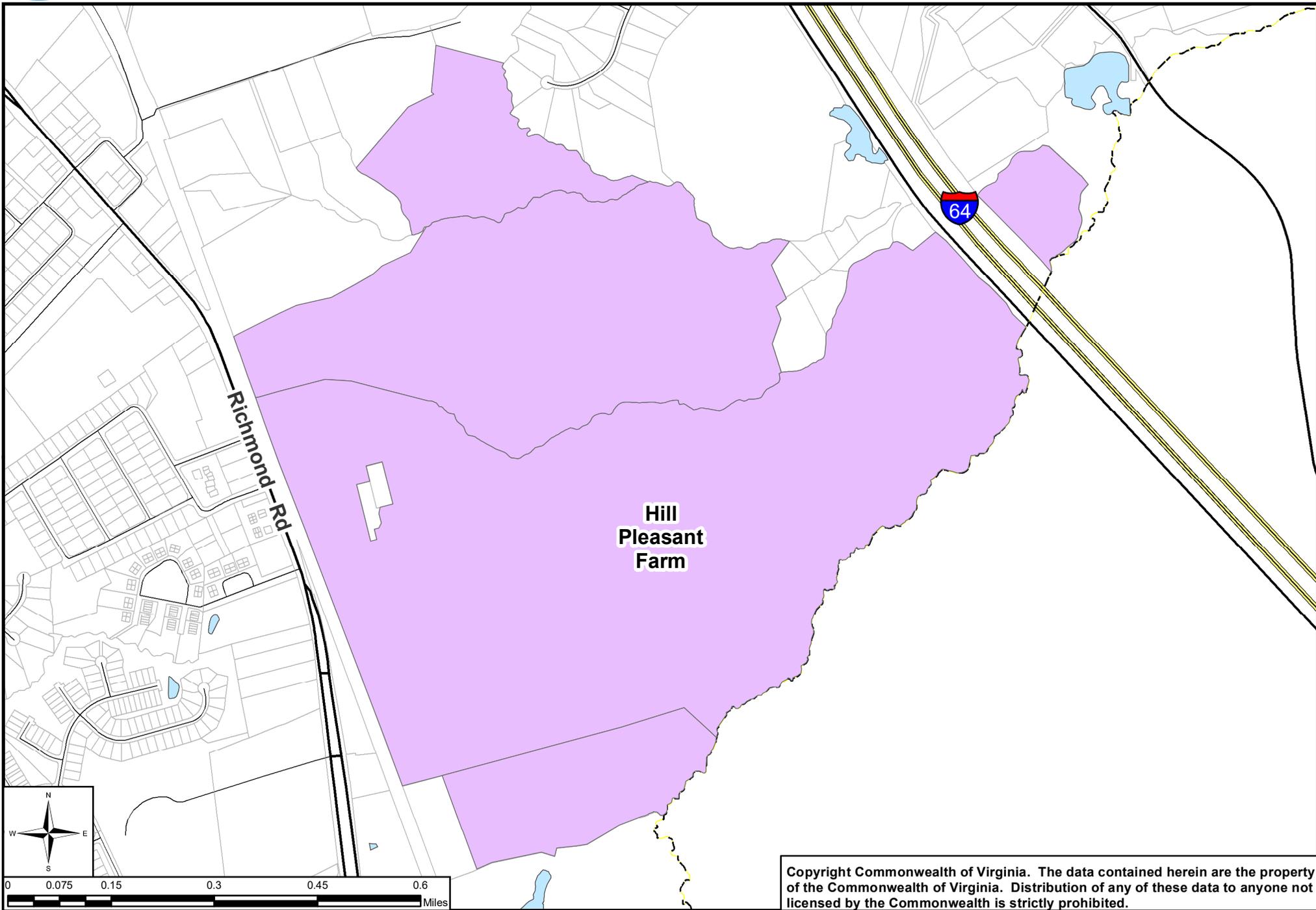
Staff finds the Hill Pleasant Farm AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Planning Commission recommend renewal of this AFD for a period of four years to the Board of Supervisors, subject to the attached conditions which were approved at the District’s last renewal.

RS/md  
AFDHillPlstFmRenew

Attachments:

1. Location Map
2. Adopted conditions for the Hill Pleasant Farm AFD
3. Property owner withdrawal request
4. Board of Supervisors staff report for the 2014 renewal of the Hill Pleasant Farm AFD

# AFD-03-86-1-2018, Hill Pleasant Farms 2018 Renewal



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# ADOPTED

SEP 09 2014

ORDINANCE NO. 165A-11

Board of Supervisors  
James City County, VA

## AGRICULTURAL AND FORESTAL DISTRICT 03-86

### HILL PLEASANT FARM 2014 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 notices have been filed, 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 July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission, following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the district with the conditions listed below.

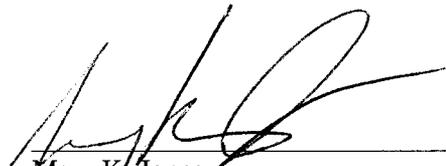
NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of James City County, Virginia, that:

1. The Hill Pleasant Farm Agricultural and Forestal District is hereby continued to October 31, 2018, 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:

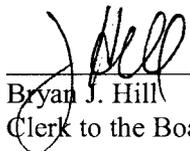
<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Margaret S. Stevens	2410100004.....	105.82
Hill Pleasant Farm, Inc.	2410100005.....	391.30
Wayne A. Moyer Revocable Trust	2410100015D.....	32.27
Williamsburg Pottery Factory, Inc.	2430100017.....	<u>27.00</u>
	Total:.....	<u>556.39</u>

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 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 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 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 Properties from AFDs, adopted September 28, 2010, 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.

  
 \_\_\_\_\_  
 Mary K. Jones  
 Chairman, Board of Supervisors

ATTEST:

  
 \_\_\_\_\_  
 Bryan J. Hill  
 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 9th day of September, 2014.

AFD03-86HillPleasantF-res



# WILLIAMSBURG POTTERY



757-564-3326

PO Box 123  
Lightfoot, VA 23090  
*Mailing Address*

6692 Richmond Road  
Williamsburg, VA 23188  
*Physical Address*  
Fax: 757-564-7514

To Whom It May Concern:

We, the Williamsburg Pottery, would like to withdraw property from the Agricultural and Forestal District. We currently have property in the following districts;

- Gordon's Creek Agricultural and Forestal District (AFD-09-86)
- Hill Pleasant Farms Agricultural and Forestal District (AFD-03-86).

Please remove these properties as we do not wish to continue as a member of the Districts.

Please let us know if you need anything else.

Sincerely,

Peter Kao  
Executive VP

**Case No. AFD-03-86-1-2014. Hill Pleasant Farm Agricultural & Forestal District Renewal Staff Report for the September 9, 2014, Board of Supervisors 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**

**Building F Board Room; County Government Complex**

AFD Advisory Committee: July 7, 2014, 4:00 p.m. (Human Services Building)  
Planning Commission: August 6, 2014, 7:00 p.m.  
Board of Supervisors: September 9, 2014, 7:00 p.m.

**SUMMARY FACTS**

<u>Owners:</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.....	<u>27.00</u>
TOTAL ACRES .....		<u>556.39</u>

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 Board of Supervisors renew the Hill Pleasant Farm AFD for a period of four years, subject to the conditions listed in the attached resolution.

Staff Contact: Luke Vinciguerra Phone: 253-6783

**PLANNING COMMISSION RECOMMENDATION**

At its August 6, 2014, meeting, the Planning Commission recommended the continuation of the District by a vote of 6-0 (Richardson absent).

**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.

**Proposed Changes Made Since the Planning Commission Meeting**

The owner of the property located at 6534 Richmond Road has requested not to continue in the District (Attachment No. 6).

**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 four 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 a Hampton Roads Sanitation District (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 four 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 556.39 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 12-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 are 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**

The owner of the property located at 6534 Richmond Road has requested not to continue in the District (Attachment No. 6).

### **ADDITIONS**

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

**CHANGE IN CONDITIONS**

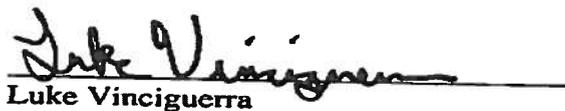
Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~"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 August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 6-0 (Richardson absent). 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 Board of Supervisors renew the Hill Pleasant Farm AFD for a period of four years, subject to the conditions listed in the attached resolution.

  
 Luke Vinciguerra

CONCUR:

  
 Allen J. Murphy, Jr.

LV/nb  
 AFD03-86HillPleasantF

**Attachments:**

1. Ordinance
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Approved minutes of the July 7, 2014, AFD Advisory Committee meeting (under separate cover)
5. Unapproved minutes of the August 6, 2014, Planning Commission meeting (under separate cover)
6. Property owner non-continue request

**ITEM SUMMARY**

DATE: 8/1/2018  
TO: The Planning Commission  
FROM: Roberta Sulouff, Senior Planner  
SUBJECT: AFD-05-86-1-2018. Barnes Swamp AFD Renewal

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**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Attachment 1. Location Map	Backup Material
☐	Attachment 2. Adopted conditions for the Barnes Swamp	Backup Material
☐	Attachment 3. Property owner withdrawal request for 1245 Stewarts Road	Backup Material
☐	Attachment 4. Property owner withdrawal request and plat for 9812 Old Stage Road	Backup Material
☐	Attachment 5. Board of Supervisors staff report for the 2014 renewal of the Barnes Swamp AFD	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/23/2018 - 9:04 AM
Planning Commission	Holt, Paul	Approved	7/23/2018 - 9:05 AM
Publication Management	Daniel, Martha	Approved	7/23/2018 - 9:20 AM
Planning Commission	Holt, Paul	Approved	7/23/2018 - 9:21 AM

**AGRICULTURAL AND FORESTAL DISTRICT-05-86-1-2018. Barnes Swamp Renewal**

**Staff Report for the August 1, 2018, Planning Commission Public Hearing**

**SUMMARY FACTS**

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES(±)</u>
Jane Farmer & Betty B. Rady	0310100002	64.00*
Katherine L. Hockaday	0310100003	65.26
Jane Farmer & Betty Rady	0330100003	70.00
Jane Farmer & Betty Rady	0330100004	70.00
Arline H. Bowmer Estate	0330100006	96.75
Arline H. Bowmer Estate	0240100012	62.19
Martha McMurrin & SWR- Misc, LLC	1010100001	61.61
Elizabeth O. Harwood	0320100001	43.52
Stephen E. & Rebecca Murphy, Trustee	0320100002	13.85
Frederick C. Johnson, Trustee	0320100002A	17.20
Betty Johnson & Lynn Fischer	0320100003	19.07
Betty Johnson & Lynn Fischer	0320100003A	93.98
Robert M. Dzula	0320100004	28.07
John A. Richardson	0410100005	42.00
John A. Richardson	0410100006	10.00
Niceland Farm, LLC	0420100008	227.98**
Cherri U. Spellmeyer	0420100014	134.00
Pamaka, LLC	0430100015	21.99
Pamaka, LLC	0430100016	52.00
Charles & Dianne Hasbrouck	0920100001	97.50***
Alex L. Penland	0240100029	55.90
Donald A. Hazelwood	0420100020	112.44
Donald A. Hazelwood	0420100018	3.46
Donald A. Hazelwood	0440100001	6.11
Dennis W. Leonituk, Jr.	0310100001A	10.00
Pamaka, LLC	0430100014A	1.34
Steven & Michelle Johnson	0340800003	52.63
Steven & Michelle Johnson	0340800005	68.43
SD & SKI, LLC	0310100001	108.47
John P. & Shelly D. Latoski, Trustee	0310100001B	10.23

TOTAL ACRES 1,719.98  
*\*Proposing to withdraw 28 acres, with 36 acres remaining in the AFD.*  
*\*\*Proposing to withdraw 38.24 acres, with 189.74 acres remaining in the AFD.*  
*\*\*\*Acreage has been updated based on boundary surveys that have been recorded for this property.*

Zoning: A-1, General Agricultural  
Comprehensive Plan: Rural Lands; Open Space and Recreation  
Primary Service Area (PSA): Outside  
Staff Contact: Roberta Sulouff, Senior Planner

**PUBLIC HEARING DATES**

Planning Commission: August 1, 2018, 6:00 p.m.  
Board of Supervisors: September 11, 2018, 5:00 p.m. (Tentative)

**STAFF RECOMMENDATION**

Approval, subject to the attached conditions which were approved at the District's last renewal.

**AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADVISORY COMMITTEE RECOMMENDATION**

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

**DISTRICT HISTORY**

- The Barnes Swamp AFD was created in 1986 for a term of four years and originally consisted of 29 parcels totaling ±1,905 acres.

## **AGRICULTURAL AND FORESTAL DISTRICT-05-86-1-2018. Barnes Swamp Renewal**

### **Staff Report for the August 1, 2018, Planning Commission Public Hearing**

- The District was renewed at four-year intervals again in 1990, 1994, 1998, 2002, 2006, 2010 and 2014 with various additions and withdrawals taking place during that period.
- There have been no additions to or withdrawals from the District since its most recent renewal in 2014.

#### **DISTRICT DESCRIPTION**

This District is primarily forested, though records indicate that a significant portion of the land is actively in agricultural use. All the land in this District is zoned A-1, General Agricultural, located outside of the PSA, and designated Rural Lands and Open Space and Recreation by the adopted Comprehensive Plan.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

#### **ADDITION/WITHDRAWAL REQUESTS**

- *Addition Requests:*
  - The owner of the property located at 10039 Old Stage Road (James City County Tax Map ID 0410100010) has applied to add approximately 196 acres to the District. That application will be evaluated under a separate cover and is tentatively scheduled for the Committee's consideration at the October 25, 2018, meeting.
- *Withdrawal Requests:*
  - The owners of the property located at 1245 Stewarts Road (James City County Tax Map ID No. 0310100002) have requested to withdraw 28 acres of their parcel out of the District. Thirty-six acres of the subject parcel would be left in the AFD.

- The owners of the property located at 9812 Old Stage Road (Tax Map ID No. 0420100008) have requested to withdraw 38.24 acres of their parcel out of the District; 189.74 acres of the subject parcel would be left in the AFD.
- With these withdrawals, the District would include a total of 1,653.56 acres, and will thus continue to meet minimum area requirements.

#### **CHANGES TO CONDITIONS**

None.

#### **SURROUNDING ZONING AND DEVELOPMENT**

The area surrounding the main body of the District is zoned A-1, General Agricultural and designated Rural Lands by the adopted Comprehensive Plan. Some parcels at the eastern end of the District are adjacent to the Stonehouse development, which is zoned Planned Unit Development and designated Low-Density Residential and Mixed Use by the adopted Comprehensive Plan. The Diascund Reservoir borders the main body of the District to the west, and Mill Creek AFD is located directly south of the District.

#### **COMPREHENSIVE PLAN**

The Comprehensive Plan designates these parcels as Rural Lands and Open Space and Recreation. Land Use Action 6.1.1 of the adopted 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*."

#### **STAFF RECOMMENDATION**

Staff finds the Barnes Swamp AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that

**AGRICULTURAL AND FORESTAL DISTRICT-05-86-1-2018. Barnes Swamp Renewal**

---

**Staff Report for the August 1, 2018, Planning Commission Public Hearing**

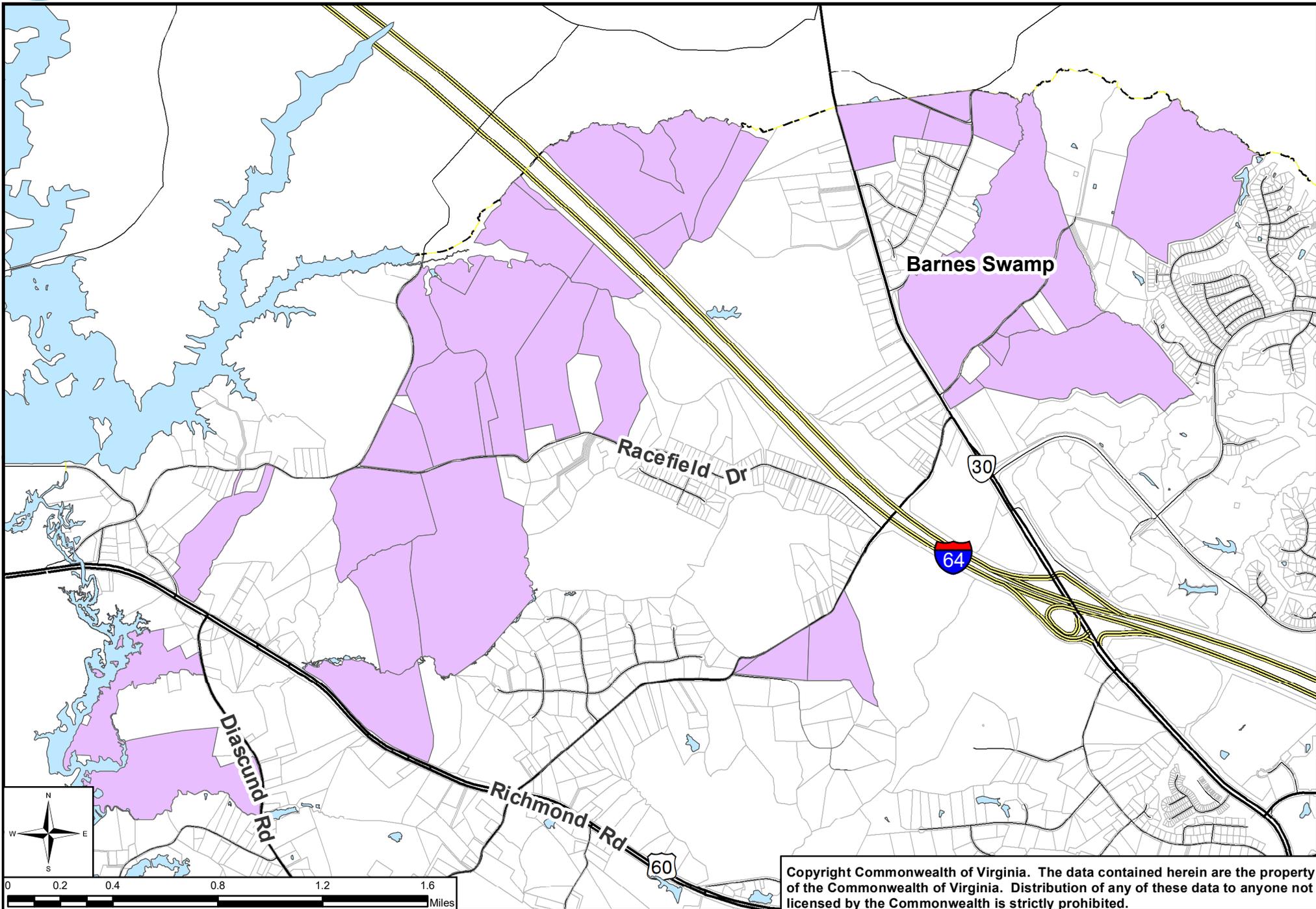
the Planning Commission recommend renewal of this AFD, including the requested withdrawal, for a period of four years to the Board of Supervisors, subject to the attached conditions which were approved at the District's last renewal.

RS/md  
AFDBarnesSwpRenew

Attachments:

1. Location Map
2. Adopted conditions for the Barnes Swamp AFD
3. Property owner withdrawal request for 1245 Stewarts Road
4. Property owner withdrawal request and plat for 9812 Old Stage Road
5. Board of Supervisors staff report for the 2014 renewal of the Barnes Swamp AFD

# AFD-05-86-1-2018, Barnes Swamp 2018 Renewal



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# ADOPTED

SEP 09 2014

ORDINANCE NO. 167A-13

Board of Supervisors  
James City County, VA

## AGRICULTURAL AND FORESTAL DISTRICT 5-86

### BARNES SWAMP 2014 RENEWAL

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

WHEREAS, the Agricultural and Forestal District Advisory Committee, at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission, following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the district with the conditions listed below.

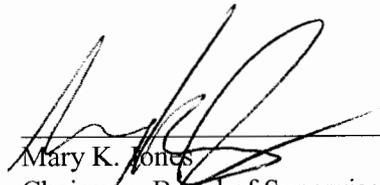
NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of James City County, Virginia, that:

1. The Barnes Swamp Agricultural and Forestal District is hereby continued to October 31, 2018, 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:

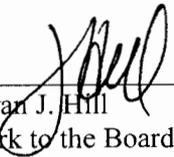
<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
SD & SKI, LLC	0310100001 .....	108.47
Jane B. Farmer & Betty B. Rady	0310100002 .....	64.00
Katherine Leon Hockaday	0310100003 .....	65.26
Alvin L. Beahm	0330100003 .....	70.00
Alvin L. Beahm	0330100004 .....	70.00
Arline H. Bowmer Estate	0330100006 .....	96.75
Arline H. Bowmer Estate	0240100012 .....	62.19
Martha W. McMurrin & 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 & Lynne J. Fischer	0320100003 .....	19.07
Betty L. Johnson & Lynne J. Fischer	0320100003A .....	93.98
Robert Michael Dzula	0320100004 .....	28.07

John Avery Richardson	0410100005	42.00
John Avery Richardson	0410100006	10.00
H.P. & Mary Hazelwood	0420100008	227.98
Cherri U. Spellmeyer	0420100014	134.00
Pamaka, LLC	0430100015	21.99
Pamaka, LLC	0430100016	52.00
Frances E. & Steven M. Bagwell	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. and Shelly D. Latoski Trustee	0310100001B	10.23
Dennis Wayne Leonituk, Jr.	0310100001A	10.00
Pamaka, LLC	0430100014A	1.34
Steven M. & Michelle T. Johnson	0340800003	52.63
Steven M. & Michelle T. Johnson	0340800005	68.43
	Total:	<u>1,737.06</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 Barnes Swamp Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
- a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, 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 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 Properties from AFDs, adopted September 28, 2010, 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.

  
\_\_\_\_\_  
Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
Bryan J. Hill  
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 9th day of September, 2014.

AFD05-86-1-14BarnesSwmp-res

March 8, 2018

Alex Baruch

101-A Mounts Bay Road  
Williamsburg, VA 23185

RE: Parcel # 0310100002

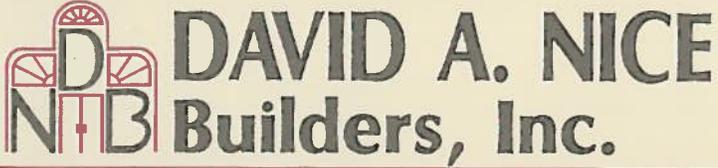
Dear Alex,

This letter expresses our intent to withdraw a portion of the 64 acres from the Barnes Swamp AFD on 10/31/2018. The acreage we would like to withdraw from the AFD is the southern section of 28 acres, which includes the house and surrounding farmed land.

Thank you,

A handwritten signature in cursive script that reads "Jane Farmer". The signature is written in black ink and is positioned above the printed name.

Jane Farmer



4571 Ware Creek Road  
Williamsburg  
Virginia 23188

Telephone: (757) 566-3032  
Fax: (757) 566-4686

PLANNING DIVISION

JUN 07 2018

RECEIVED

May 31, 2018

Mr. Jason Purse  
Assistant County Administrator  
101-D Mounts Bay Road  
Williamsburg, VA 23185

Mr. Paul Holt  
Director, Community Development  
101-A Mounts Bay Road  
Williamsburg, VA 23185

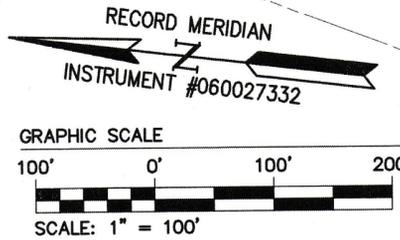
Re: Property of Niceland Farm, LLC-Parcel ID #0420100008

Dear Jason and Paul:

I am writing on behalf of Niceland Farm, LLC, to request that a portion of the above referenced parcel be withdrawn from the Barnes swamp Agricultural and Forestal District, upon it's upcoming renewal. The portion of the property to be removed is approximately 38.241 acres as shown on PLAT OF SUBDIVISION, BEING A PART OF THE PROPERTY OWEND BY NICELAND FARM, LLC, prepared by AED Consulting Engineers. The referenced plat of subdivision has been submitted to James City County and is currently in the review process (S-0022-2018). Please let me know if you need anything further.

Sincerely,

David A. Nice



NOW OR FORMERLY  
JOSHUA W. & JENNIFER V. THIBEAULT  
PARCEL ID: 0420300003  
INSTR. #150020706

NOW OR FORMERLY  
BENARD R. SHEETZ  
PARCEL ID: 0420300004  
INSTR. #170004359

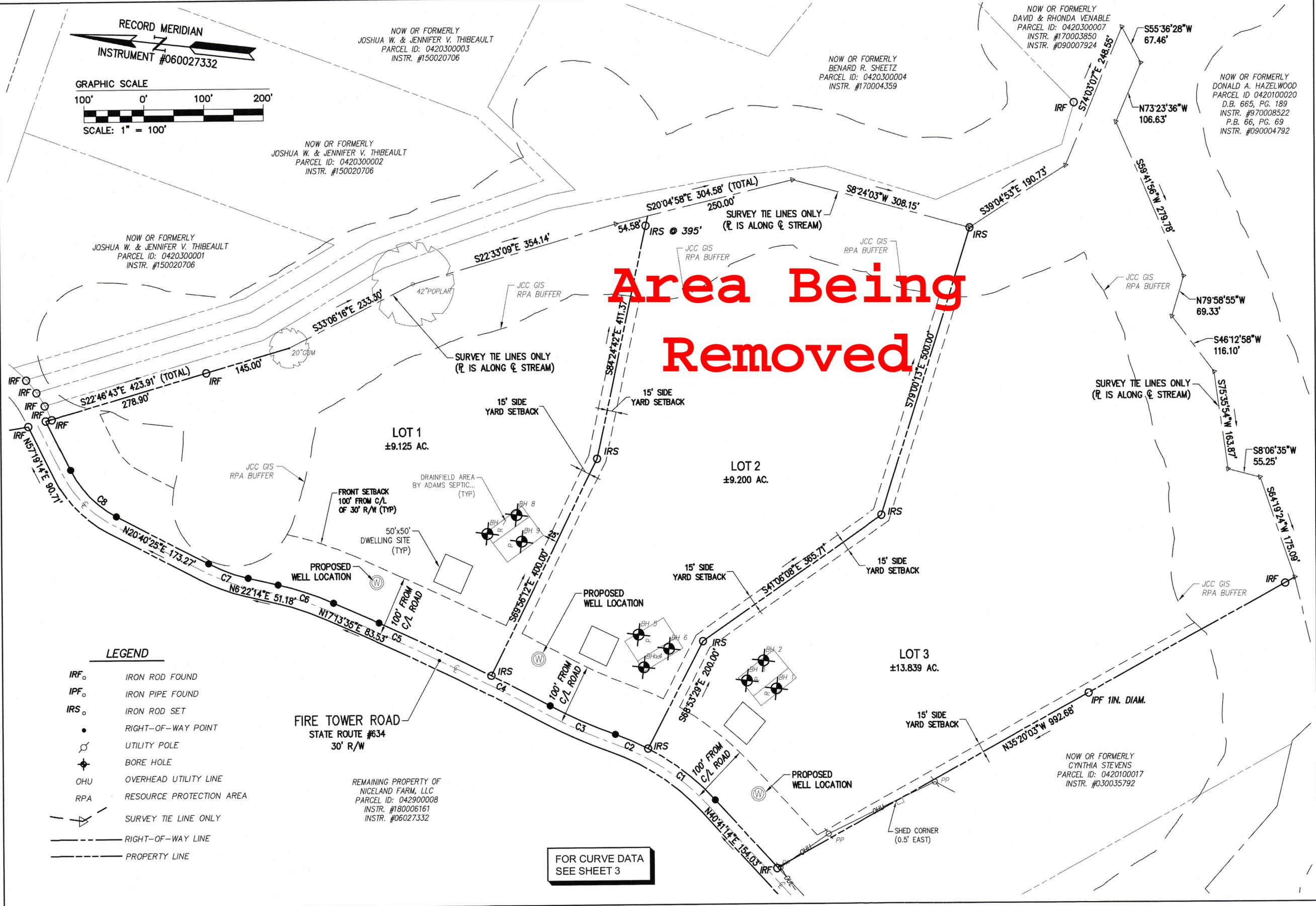
NOW OR FORMERLY  
DAVID & RHONDA VENABLE  
PARCEL ID: 0420300007  
INSTR. #170003850  
INSTR. #090007924

NOW OR FORMERLY  
DONALD A. HAZELWOOD  
PARCEL ID 0420100020  
D.B. 665, PG. 189  
INSTR. #970008522  
P.B. 66, PG. 69  
INSTR. #090004792

NOW OR FORMERLY  
JOSHUA W. & JENNIFER V. THIBEAULT  
PARCEL ID: 0420300002  
INSTR. #150020706

NOW OR FORMERLY  
JOSHUA W. & JENNIFER V. THIBEAULT  
PARCEL ID: 0420300001  
INSTR. #150020706

**Area Being  
Removed**



**LEGEND**

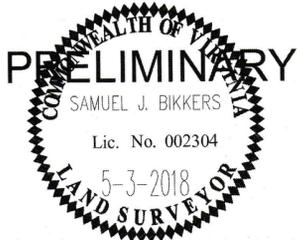
- IRF. IRON ROD FOUND
- IPF. IRON PIPE FOUND
- IRS. IRON ROD SET
- RIGHT-OF-WAY POINT
- UTILITY POLE
- ⊕ BORE HOLE
- OHU OVERHEAD UTILITY LINE
- RPA RESOURCE PROTECTION AREA
- SURVEY TIE LINE ONLY
- RIGHT-OF-WAY LINE
- PROPERTY LINE

FIRE TOWER ROAD  
STATE ROUTE #634  
30' R/W

REMAINING PROPERTY OF  
NICELAND FARM, LLC  
PARCEL ID: 042900008  
INSTR. #180006161  
INSTR. #06027332

FOR CURVE DATA  
SEE SHEET 3

Rev.	Date	Description	Revised By



**AES**  
CONSULTING ENGINEERS  
Hampton Roads | Central Virginia | Middle Peninsula  
5248 Olde Towne Road, Suite 1  
Williamsburg, Virginia 23188  
Phone: (757) 253-0040  
Fax: (757) 220-8994  
www.aesva.com

PLAT OF SUBDIVISION  
**BEING A PART OF THE PROPERTY  
OWNED BY NICELAND FARM, LLC**  
CREATING HEREON LOTS 1 THROUGH 4  
LOCATED ALONG STATE ROUTE 634 (FIRE TOWER ROAD)  
STONEHOUSE DISTRICT JAME CITY COUNTY VIRGINIA

Project Contacts:	SJB
Project Number:	W10530
Scale:	1"=100'
Date:	05-02-2018
Sheet Number	<b>2 of 3</b>

**Case No. AFD-05-86-1-2014. Barnes Swamp Agricultural and Forestal District Renewal Staff Report for the September 9, 2014, Board of Supervisors meeting.**

*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**                      **Building F Board Room; County Government Complex**  
 AFD Advisory Committee:            July 7, 2014, 4:00 p.m. (Human Services Building)  
 Planning Commission:                August 6, 2014, 7:00 p.m.  
 Board of Supervisors:                September 9, 2014, 7:00 p.m.

**SUMMARY FACTS**

<u>Owners:</u>	<u>Parcel Number</u>	<u>Acres</u>
Jane B. Farmer & Betty B. Rady	0310100002.....	64.00
Katherine Leon Hockaday	0310100003.....	65.26
Alvin L. Beahm	0330100003.....	70.00
Alvin L. Beahm	0330100004.....	70.00
Arline H. Bowmer Estate	0330100006.....	96.75
Arline H. Bowmer Estate	0240100012.....	62.19
Martha W. McMurrin & 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 & Lynne J. Fischer	0320100003.....	19.07
Betty L. Johnson & Lynne J. Fischer	0320100003A.....	93.98
Robert Michael Dzula	0320100004.....	28.07
John Avery Richardson	0410100005.....	42.00
John Avery Richardson	0410100006.....	10.00
H.P. & Mary Hazelwood	0420100008.....	227.98
Cherri U. Spellmeyer	0420100014.....	134.00
Pamaka, LLC	0430100015.....	21.99
Pamaka, LLC	0430100016.....	52.00
Frances E. & Steven M. Bagwell	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
Dennis Wayne Leonituk, Jr.	0310100001A.....	10.00
Pamaka, LLC	0430100014A.....	1.34
Steven M. & Michelle T. Johnson	0340800003.....	52.63
Steven M. & Michelle T. Johnson	0340800005.....	<u>68.43</u>

TOTAL ACRES ..... 1,618.00

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 Board of Supervisors renew the Barnes Swamp AFD for a period of four years, subject to the conditions listed in the attached resolution.

Staff Contact:

Luke Vinciguerra, Planner

Phone: 253-6783

**PLANNING COMMISSION RECOMENDATION**

At its August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the district by a vote of 6-0 (Richardson absent).

**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.

**Proposed Changes Made Since the Planning Commission Meeting**

The property owners of 346 and 338 Racefield Drive have requested not to continue in the district.

**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**

The property owners of 346 and 338 Racefield Drive have requested not to continue in the district (Attachments 7 and 8).

**ADDITIONS**

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

**CHANGE IN CONDITIONS**

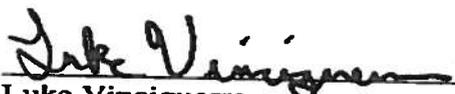
Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~"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."~~

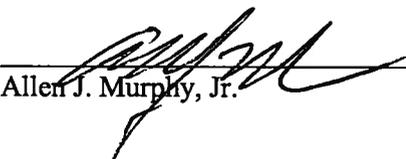
*No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing 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 August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the district by a vote of 6-0 (Richardson absent). 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 Board of Supervisors renew the Barnes Swamp AFD for a period of four years, subject to the conditions listed in the attached resolution.

  
\_\_\_\_\_  
Luke Vinciguerra

CONCUR:

  
\_\_\_\_\_  
Allen J. Murphy, Jr.

LV/nb

AFD05-86-1-14BarnesSwmp

Attachments:

1. Resolution
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Ordinance for the addition of property, dated November 9, 2010
5. Approved minutes of the July 7, 2014, AFD Advisory Committee meeting (under separate cover)
6. Unapproved Minutes of the August 6, 2014, Planning Commission meeting (under separate cover)
7. Request to not continue in district – 338 Racefield Drive
8. Request to not continue in district – 346 Racefield Drive

**ITEM SUMMARY**

DATE: 8/1/2018

TO: The Planning Commission

FROM: Roberta Sulouff, Senior Planner

SUBJECT: AFD-06-86-1-2018. Cranston's Pond AFD Renewal

---

**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Attachment 1. Location Map	Backup Material
☐	Attachment 2. Adopted conditions for the Cranstons Pond AFD	Backup Material
☐	Attachment 3. Board of Supervisors staff report for the 2014 renewal of the Cranston's Pond AFD	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/23/2018 - 8:55 AM
Planning Commission	Holt, Paul	Approved	7/23/2018 - 8:57 AM
Publication Management	Daniel, Martha	Approved	7/23/2018 - 9:00 AM
Planning Commission	Holt, Paul	Approved	7/23/2018 - 9:05 AM

**AGRICULTURAL AND FORESTAL DISTRICT-06-86-1-2018. Cranston's Pond Renewal**

**Staff Report for the August 1, 2018, PLANNING COMMISSION PUBLIC HEARING**

**SUMMARY FACTS**

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES (±)</u>
Hidden Acres Farm, Inc.	2330100001	416.50
Bertrand E. Geddy, Jr., Trustee	2230100026	167.50
Edward K. English Estate	2240100001A	101.67
J. Payten Harcum	2220100087	62.56
Otto C. & Thelma J. Ripley	3120100003B	21.01
Susanna Y. English	2210100056	5.07
<b>TOTAL ACRES</b>		<b>774.31</b>

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

Comprehensive Plan: Rural Lands  
Low-Density Residential

Primary Service Area (PSA): Inside and Outside

Staff Contact: Roberta Sulouff, Senior Planner

**PUBLIC HEARING DATES**

Planning Commission: August 1, 2018, 6:00 p.m.  
Board of Supervisors: September 11, 2018, 5:00 p.m. (Tentative)

**STAFF RECOMMENDATION**

Approval, subject to the attached conditions which were approved at the District's last renewal.

**AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADVISORY COMMITTEE RECOMMENDATION**

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

**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, September 2010 and September 2014.
- The 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 were removed from the District. In 2015, approximately five acres were added.

**DISTRICT DESCRIPTION**

The District consists primarily of forested land. Records indicate that approximately 75 percent of the District is used for forestry with some agricultural use and the remainder is in marsh land. Most of the District is located outside of the PSA and is designated Rural Lands by the Comprehensive Plan. The Ripley parcel is located inside the PSA and is designated Low-Density Residential.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has

*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.*

**AGRICULTURAL AND FORESTAL DISTRICT-06-86-1-2018. Cranston's Pond Renewal**

**Staff Report for the August 1, 2018, PLANNING COMMISSION PUBLIC HEARING**

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been excluded to allow for possible road and/or drainage improvements.

**ADDITION/WITHDRAWAL REQUESTS**

None.

**CHANGES TO CONDITIONS**

None.

**SURROUNDING ZONING AND DEVELOPMENT**

The majority of the District is located southeast of Chickahominy Road and Little Creek Dam Road. The area surrounding the main body of the District is largely wooded, and zoned A-1, General Agricultural and R-8, Rural Residential, with Cranston's Mill Pond forming the southeast border. The Ripley parcel is surrounded by the Colonial Heritage and James Shire Settlement subdivisions, which are zoned MU, Mixed-Use and A-1, General Agricultural respectively.

**COMPREHENSIVE PLAN**

The Comprehensive Plan designates these parcels as Rural Lands and Low-Density Residential. Land Use Action 6.1.1 of the adopted 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*."

**STAFF RECOMMENDATION**

Staff finds the Cranston's Pond AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Planning Commission recommend renewal of this AFD for a

period of four years to the Board of Supervisors, subject to the attached conditions which were approved at the District's last renewal.

RS/md  
AFDCranstonPdRenew

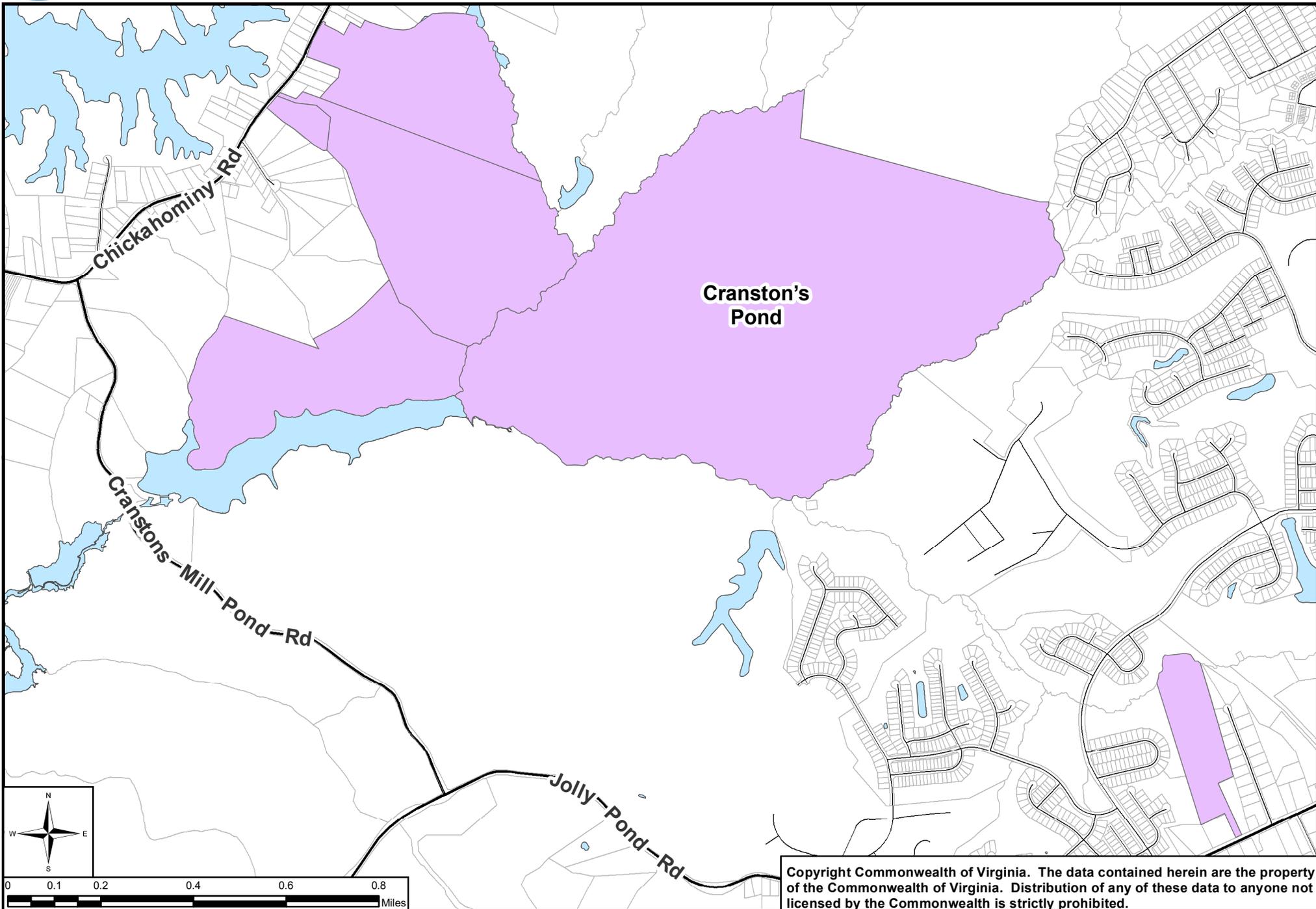
Attachments:

1. Location Map
2. Adopted conditions for the Cranston's Pond AFD
3. Board of Supervisors staff report for the 2014 renewal of the Cranston's Pond AFD

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*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.*

# AFD-06-86-1-2018, Cranston's Pond 2018 Renewal



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# ADOPTED

SEP 09 2014

ORDINANCE NO. 168A-11

Board of Supervisors  
James City County, VA

## AGRICULTURAL AND FORESTAL DISTRICTS 06-86

### CRANSTON'S POND 2014 RENEWAL

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

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the district with the conditions listed below.

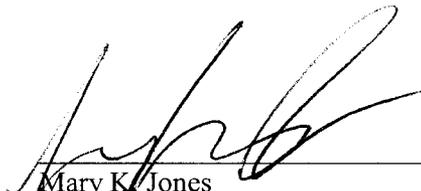
NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Cranston's Pond Agricultural and Forestal District is hereby continued to October 31, 2018 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:

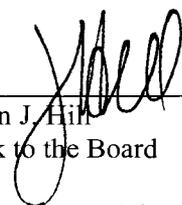
<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Hidden Acres Farm, Inc.	2330100001 .....	416.50
Bertrand E. Geddy Jr., Trustee	2230100026.....	167.50
Edward K. English	2240100001A.....	101.67
Payten J. Harcum	2220100087.....	62.55
Otto C. and Thelma Ripley	3120100003B.....	<u>21.01</u>
	TOTAL: .....	<u>769.23</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 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 Withdrawal of Properties from AFDs, adopted September 28, 2010.
- 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.

  
 \_\_\_\_\_  
 Mary K. Jones  
 Chairman, Board of Supervisors

ATTEST:

  
 \_\_\_\_\_  
 Bryan J. Hill  
 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 9th day of September, 2014.

AFD06-86-14Cranstons-res

**Case No. AFD-06-86-1-2014. Cranston’s Pond Agricultural and Forestal District Renewal Staff Report for the September 9, 2014, Board of Supervisors 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**

**Building F Board Room; County Government Complex**

AFD Advisory Committee: July 7, 2014, 4:00 p.m. (Human Services Building)  
Planning Commission: August 6, 2014, 7:00 p.m.  
Board of Supervisors: September 9, 2014, 7:00 p.m.

**SUMMARY FACTS**

<u>Owners:</u>	<u>Parcel Number</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
Payten J. Harcum	2220100087.....	62.55
Otto C. and Thelma Ripley	3120100003B.....	<u>21.01</u>
	TOTAL ACRES .....	<u>769.23</u>

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 Board of Supervisors renew the Cranston’s Pond AFD for a period of four years, subject to the conditions listed in the attached resolution.

Staff Contact: Luke Vinciguerra Phone: 253-6783

**PLANNING COMMISSION RECOMMENDATION**

At its August 6, 2014, meeting, the Planning Commission recommended the continuation of the District by a vote of 6-0 (Richardson absent).

**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.

**Proposed Changes Made Since the Planning Commission Meeting**

None.

**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**

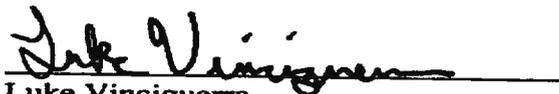
Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~"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 August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 6-0 (Richardson absent). 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 Board of Supervisors renew the Cranston's Pond AFD for a period of four years, subject to the conditions listed in the attached resolution.

  
 Luke Vinciguerra

CONCUR:

  
 Allen J. Murphy, Jr.

LV/nb  
 AFD06-86-14Cranstons

#### **Attachments:**

1. Ordinance
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Approved minutes of the July 7, 2014 AFD Advisory Committee meeting (under separate cover)
5. Unapproved minutes of the August 6, 2014 Planning Commission meeting (under separate cover)

**ITEM SUMMARY**

DATE: 8/1/2018  
TO: The Planning Commission  
FROM: Savannah Pietrowski, Senior Planner  
SUBJECT: AFD-07-86-1-2018. Mill Creek AFD Renewal

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**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Location map	Backup Material
☐	Adopted Conditions for the Mill Creek AFD	Backup Material
☐	Board of Supervisors staff report for the 2014 renewal of the Mill Creek AFD	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/23/2018 - 8:45 AM
Planning Commission	Holt, Paul	Approved	7/23/2018 - 8:45 AM
Publication Management	Daniel, Martha	Approved	7/23/2018 - 8:52 AM
Planning Commission	Holt, Paul	Approved	7/23/2018 - 8:53 AM

**AGRICULTURAL AND FORESTAL DISTRICT-07-86-1-2018. Mill Creek Renewal**

**Staff Report for the August 1, 2018, Planning Commission Public Hearing**

**SUMMARY FACTS**

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>±ACRES</u>
Cowles-Lobbs LLC	2020100006	352.96
Dale Cowles Henderson & John Cowles Dozier, et al.	2020100003	102.66
Dale Cowles Henderson & John Cowles Dozier, et al.	20201000001	8.75
Mayes D. & Cheryl M. Matthews	2110100005	46.01
Pamela C. & Steve L. Massie	1130100028	98.76*
Pamela C. & Steve L. Massie	1130100028A	32.74*
Richard W. & Margaret Krapf	1140100006	4.73
Nancy Cottrell Kruse & M. Anderson Bradshaw	1140100002	297.28
Cowles-Cowlesville LLC	1040100005	249.88
Cowles-Cowlesville LLC	1040100006	124.76
J. Michael Sim	1040100003	103.26
8700 Barnes Road LLC	1010100037	104.00
Sarah H. Armistead	1010100038	50.00
Daniel R. & Marion Virginia Winall	1030100019	97.59
Pamaka, LLC	1020100017	242.70*
Albert T. & Joan Lloyd Slater	1010100028	69.69
McRae O. Selph	1010100007	50.00
Walter N. Marshall, III Trustee	1140100005	79.94
Martha M. Ware Trust	2020100002	57.41
Christopher M. Ware	0920100036	39.13*
Pamaka, LLC	1030100003	45.80*
Ralph Benjamin Dozier, Charles Norris Dozier III & Mary Elizabeth Sink	2020100005	186.16
Ralph Benjamin Dozier, Charles Norris Dozier III & Mary Elizabeth Sink	2020100007	16.50
Ralph Benjamin Dozier, Charles Norris Dozier III & Mary Elizabeth Sink	2020100008	12.00
Dennis P. & Christina A. Weygand	1030100013	34.02
John M. L. Barnes Estate	1020100004	215.76
John M. L. Barnes Estate	1110100001	29.00

Cowles-Cowlesville LLC	2010100002	2.00
Randolph G. & Michelle H. Gulden	1020100012	62.20
Randolph G. & Michelle H. Gulden	1020100032	25.00
John E. & Elaine M. Sharp	0940100008N	57.81
John G. & Marie Antoinette Findlay	0940100008H	118.29
Richard F. Abbitt Investment LC	0920100040	95.51
Ivy Hill LLC	1110100013	100.18
Ivy Hill LLC	1110100024	1.18
<b>TOTAL ACRES</b>		<b>3,213.66</b>

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area (PSA): Outside and Inside

Staff Contact: Savannah Pietrowski, Senior Planner

**PUBLIC HEARING DATES**

Planning Commission: August 1, 2018, 6:00 p.m.

Board of Supervisors: September 11, 2018, 5:00 p.m. (Tentative)

**STAFF RECOMMENDATION**

Approval, subject to the attached conditions which were approved at the District's last renewal.

**AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADVISORY COMMITTEE RECOMMENDATION**

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

**DISTRICT HISTORY**

- The Mill Creek AFD was created in 1986 for a term of four years and originally consisted of 28 parcels totaling ±3,547 acres.
- The District was renewed in 1990, 1994, 1998, 2002, 2006, 2010 and 2014 for four-year periods. Various additions and withdrawals occurred throughout these years.
- Since the 2014 renewal, the Board of Supervisors approved the addition of ±101.36 acres and the addition of ±95.5 acres to the District.
- Acreages for parcels denoted with an asterisk (\*) in the summary facts table have been updated based on boundary surveys that have been recorded for these properties.

**DISTRICT DESCRIPTION**

The Mill Creek AFD consists of ±3,213.66 acres, the majority of which are located along Forge Road or Diascund Road. The majority of the District contains either woodland or active agriculture. All parcels are zoned A-1, General Agriculture and are designated Rural Lands on the Comprehensive Plan.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

**ADDITION/WITHDRAWAL REQUESTS**

None.

**CHANGES TO CONDITIONS**

None.

**SURROUNDING ZONING AND DEVELOPMENT**

The surrounding area consists mostly of forestland. The majority of the surrounding property is zoned A-1 and is designated Rural Lands on the Comprehensive Plan. The Chickahominy River is located to the west. The Barnes Swamp AFD is located to the north and the Wright’s Island AFD is located to the south.

**COMPREHENSIVE PLAN**

The Comprehensive Plan designates these parcels as Rural Lands. Land Use Action 6.1.1 of the adopted 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*.”

**STAFF RECOMMENDATION**

Staff finds the Mill Creek AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the AFD Advisory Committee recommend renewal of this AFD for a period of four years to the Planning Commission, subject to the attached conditions which were approved at the District’s last renewal.

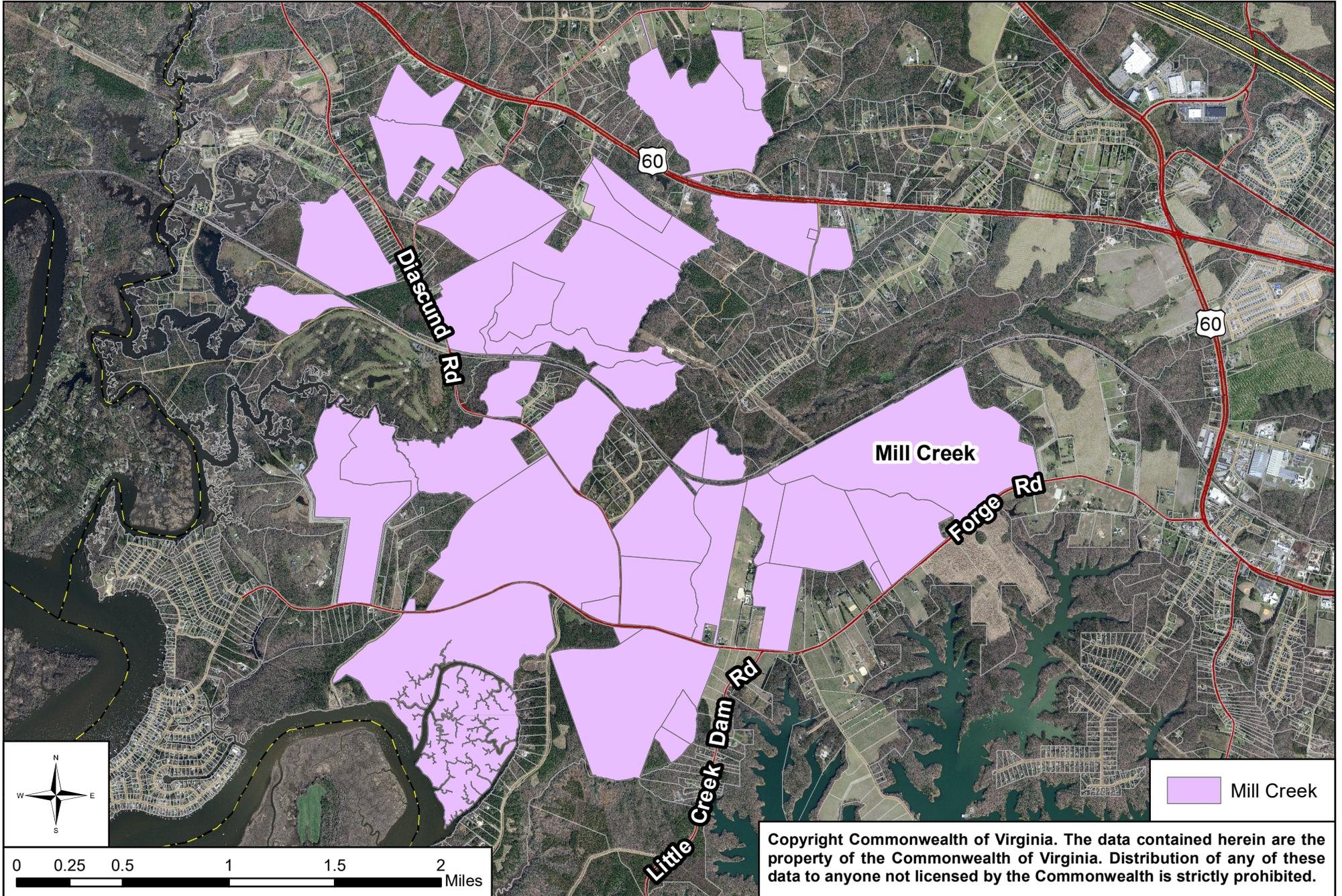
SP/md  
AFDMillCrkRenewal

Attachments:

1. Location Map
2. Adopted conditions for the Mill Creek AFD
3. Board of Supervisors staff report for the 2014 renewal of the Mill Creek AFD

# JCC AFD-07-86-1-2018

## Mill Creek Renewal



# ADOPTED

SEP 09 2014

ORDINANCE NO. 169A-15

Board of Supervisors  
James City County, VA

## AGRICULTURAL AND FORESTAL DISTRICT-07-86

### MILL CREEK 2014 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 notices have been filed, 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 July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0-1 to recommend renewal of the district with the conditions listed below.

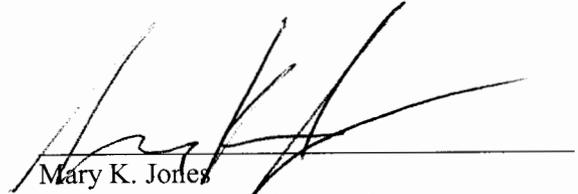
NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of James City County, Virginia, that:

1. The Mill Creek Agricultural and Forestal District hereby continued to October 31, 2018, 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>
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
Century Development	1010100037 .....	104.00
Sarah H. Armistead	1010100038 .....	50.00
Daniel R. Winall & Marion Virginia	1030100019 .....	97.59

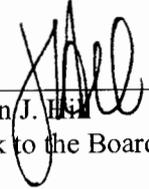
Pamaka LLC	1020100017	244.50
Albert T. & Joan Lloyd Slater	1010100028	69.69
McRae O. Selph	1010100007	50.00
Walter N. Marshall, III Trustee	1140100005	79.94
Martha Ware Trust	2020100002	57.41
John Lee Darst	0920100036	41.22
Pamaka LLC	1030100003	42.00
Caroline W. Dozier	2020100005	186.16
Caroline W. 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	62.20
Randolph G. Gulden	1020100032	25.00
Eugene C. Andrews Living Trust	0940100008N	57.81
John G. & Marie Antoinette Findlay	0940100008H	118.29
	Total:	<u>3,017.44</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 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 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 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 Withdrawal of Properties from AFDs, adopted September 28, 2010.
  - 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.



Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:



\_\_\_\_\_  
Bryan J. Hill  
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 9th day of September, 2014.

AFD07-86-1014MillCreek-res

AGENDA ITEM NO. I-11

**Agricultural and Forestal District-07-86-1-2014. Mill Creek AFD Renewal  
Staff Report for the September 9, 2014, Board of Supervisors 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 7, 2014, 4:00 p.m. (Human Service Building)  
August 6, 2014, 7:00 p.m.  
September 9, 2014, 7:00 p.m.

**SUMMARY FACTS****Owners:**

<u>Owners:</u>	<u>Parcel Number</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
Century Development	1010100037 .....	104.00
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 .....	62.20
Randolph G. Gulden	1020100032 .....	25.00
Eugene C. Andrews Living Trust	0940100008N.....	57.81
John G. & Marie Antoinette Findlay	0940100008H.....	<u>118.29</u>
<b>TOTAL ACRES.....</b>		<b><u>3,017.44</u></b>

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands and Conservation Area

Primary Service Area: Outside

Staff Contact: Luke Vinciguerra Phone: 253-6783

### **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 Board of Supervisors renew the Mill Creek AFD for a period of four years, subject to the conditions listed in the attached resolution.

### **PLANNING COMMISSION RECOMMENDATION**

At its August 6, 2014, meeting, the Planning Commission recommended the continuation of the District by a vote of 5-0-1 (Krapf abstaining; Richardson absent).

### **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.

### **Proposed Changes Made Since the Planning Commission Meeting**

None.

### **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**

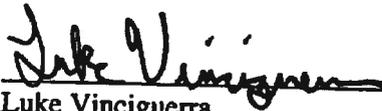
Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~“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 August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 5-0-1 (Krapf abstaining; Richardson absent). 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 Board of Supervisors renew the Mill Creek AFD for a period of four years, subject to the conditions listed in the attached

  
\_\_\_\_\_  
Luke Vinciguerra

CONCUR:

  
\_\_\_\_\_  
Allen J. Murphy, Jr.

LV/gb  
AFD07-86-1-14MillCreek

ATTACHMENTS:

1. Ordinance
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Ordinance for the addition of property, dated December 11, 2012
5. Approved minutes of the July 7, 2014, AFD Advisory Committee meeting (under separate cover)
6. Unapproved minutes of the August 6, 2014, Planning Commission meeting (under separate cover)

**ITEM SUMMARY**

DATE: 8/1/2018

TO: The Planning Commission

FROM: Savannah Pietrowski, Senior Planner

SUBJECT: AFD-09-86-1-2018. Gordon Creek AFD Renewal

---

**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Location map	Exhibit
☐	Adopted Conditions for the Gordon Creek AFD	Backup Material
☐	Property owner non-continue request, 2099 John Tyler Highway	Backup Material
☐	Board of Supervisors staff report for the 2014 renewal of the Gordon Creek AFD	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/23/2018 - 8:47 AM
Planning Commission	Holt, Paul	Approved	7/23/2018 - 8:47 AM
Publication Management	Daniel, Martha	Approved	7/23/2018 - 8:51 AM
Planning Commission	Holt, Paul	Approved	7/23/2018 - 8:51 AM

**AGRICULTURAL AND FORESTAL DISTRICT-09-86-1-2018. Gordon Creek Renewal**

**Staff Report for the August 1, 2018, Planning Commission Public Hearing**

**SUMMARY FACTS**

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>±ACRES</u>
Martha W. McMurrin & SWR-Pinewood	3540100001	394.50
Edward Warburton, III & Regina L.	3520100001B	29.00
Edward Warburton	2940100011	56.20
David H. Allen & Stephanie M.	3420100002	132.98
Thomas R. Tucker, Trustee	3420100002A	25.02
Martha W McMurrin & SWR-Pinewood	3630100003	264.00
Thomas L. Hitchens	3610100006	35.00
W.A. Thompson & Charles Flemming	3620100040	136.96
Claybank Landing, LLC	4320100012	33.83
Claybank Landing, LLC	4320100013	46.04
Claybank Landing, LLC	4320100014	44.92
Richardson Holdings Limited Partnership	3640100007	116.65
Richardson Holdings Limited Partnership	3030100003	33.00
Jane T. Carswell	3610100003	44.00
Martha W. McMurrin & SWR-Pinewood	3610100004	37.62
Powhatan Associates	4410100001	387.42
Powhatan Associates	3530100001	241.68
Mary Rebecca Richardson Abbott	3620100018	43.55
Trust Company of Virginia	3540100009	56.15
Linda Henderson Gordon	3420100001	35.30
<i>Williamsburg Pottery, Inc.</i>	<i>4410100002</i>	<i>26.00*</i>
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
Robert Anson and S. Carswell	3520100010	28.36
Beatrice Richardson Est.	3640100009	22.00
Richardson Holdings Limited Partnership	3640100008	38.00
Pickett Holdings, LLC	3510100001	349.00

Jerry W. Nixon & Martha M.	3730100003	30.74
Michael B. and Michelle Ann Isler	3630100004	1.10
<b>TOTAL ACRES</b>		<b>3,127.60</b>

*\*Requesting to Withdraw*

Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands and Low-Density Residential
Primary Service Area (PSA):	Outside and Inside
Staff Contact:	Savannah Pietrowski, Senior Planner

**PUBLIC HEARING DATES**

Planning Commission:	August 1, 2018, 6:00 p.m.
Board of Supervisors:	September 11, 2018, 5:00 p.m. (Tentative)

**STAFF RECOMMENDATION**

Approval, subject to the attached conditions which were approved at the District’s last renewal.

**AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADVISORY COMMITTEE RECOMMENDATION**

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

**DISTRICT HISTORY**

- The Gordon Creek AFD was created in 1986 for a term of four years and originally consisted of 26 parcels totaling ±3,337 acres.

## **AGRICULTURAL AND FORESTAL DISTRICT-09-86-1-2018. Gordon Creek Renewal**

### **Staff Report for the August 1, 2018, Planning Commission Public Hearing**

- The District was renewed in 1990, 1994, 1998, 2002, 2006, 2010 and 2014 for four-year periods. Various additions and withdrawals occurred throughout these years.
- Since the 2014 renewal, the Board of Supervisors approved the withdrawal of ±1.45 acres of land (a portion of Parcel ID No. 3540100009) from the District.

#### **DISTRICT DESCRIPTION**

The majority of the District contains woodlands. All of the land in this District is zoned A-1, General Agricultural. The majority of the District is located outside of the PSA and is designated Rural Lands on the Comprehensive Plan. A small portion is located inside the PSA and is designated Low-Density Residential on the Comprehensive Plan. 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 in agricultural and forestal uses until the appropriate time for development in the future.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

#### **ADDITION/WITHDRAWAL REQUESTS**

The owner of the property located at 2099 John Tyler Highway (Parcel ID No. 4410100002) has requested not to continue in the District.

#### **CHANGES TO CONDITIONS**

None.

#### **SURROUNDING ZONING AND DEVELOPMENT**

The Gordon Creek AFD is bordered to the east and south by several residential developments zoned R-4, Residential Planned Community,

including Ford's Colony, Greenspings West, Greenspings Plantation, and Governor's Land. The Yarmouth Island AFD is located to the north, with most land zoned A-1, General Agricultural. The Chickahominy River and associated marshland is located to the west.

#### **COMPREHENSIVE PLAN**

The Comprehensive Plan designates these parcels as Rural Lands and Low-Density Residential. Land Use Action 6.1.1 of the adopted 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*."

#### **STAFF RECOMMENDATION**

Staff finds the Gordon Creek AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Planning Commission recommend renewal of this AFD for a period of four years to the Board of Supervisors, subject to the attached conditions which were approved at the District's last renewal.

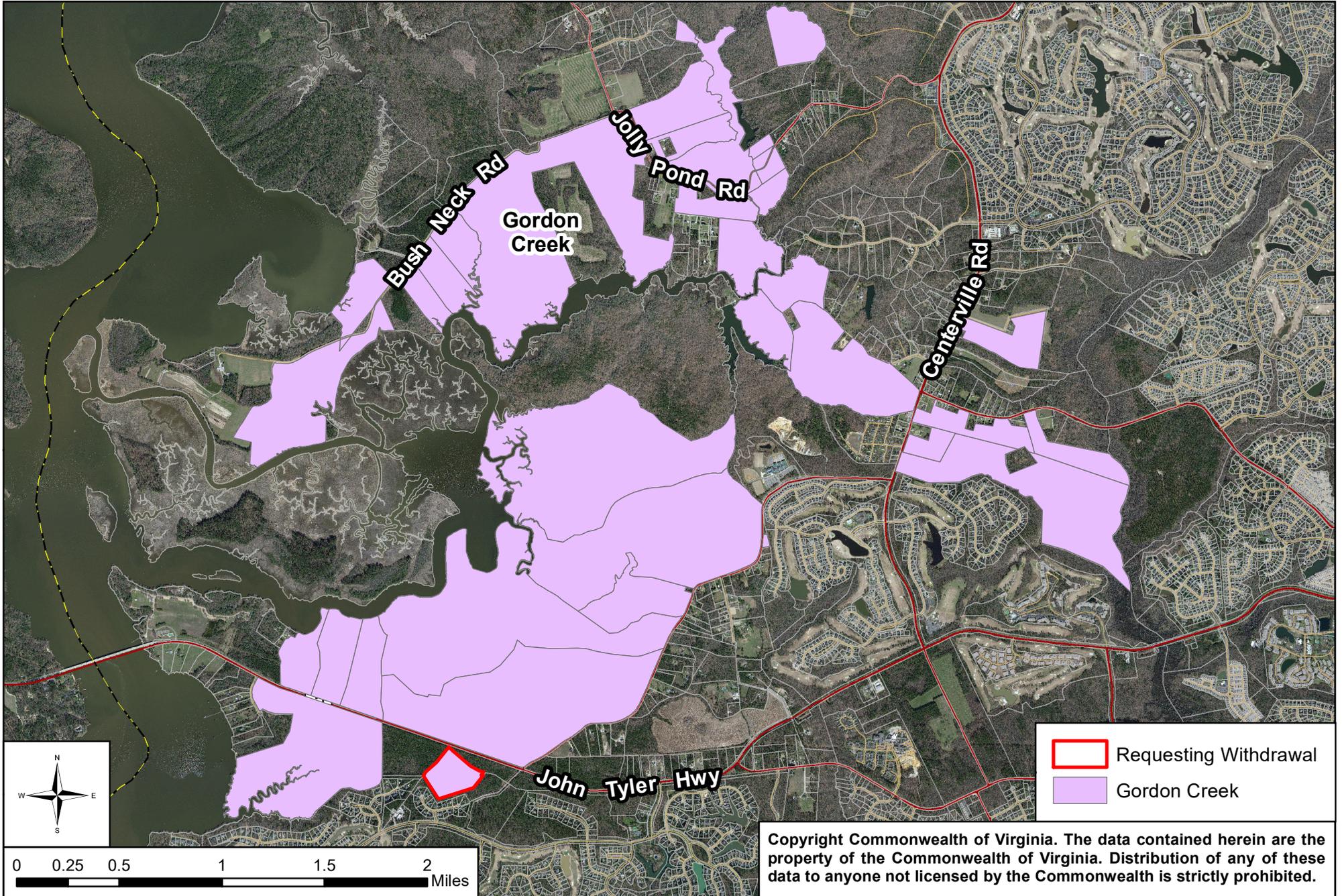
SP/md  
AFDGordonCrkRenew

#### Attachments:

1. Location Map
2. Adopted conditions for the Gordon Creek AFD
3. Property owner non-continue request, 2099 John Tyler Highway
4. Board of Supervisors staff report for the 2014 renewal of the Gordon Creek AFD

# JCC AFD-09-86-1-2018

## Gordon Creek 2018 Renewal



# ADOPTED

SEP 09 2014

ORDINANCE NO. 170A-20

Board of Supervisors  
James City County, VA

## AGRICULTURAL AND FORESTAL DISTRICT 09-86

### GORDON CREEK 2014 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, the Agricultural and Forestal District Advisory Committee at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the district with the conditions listed below.

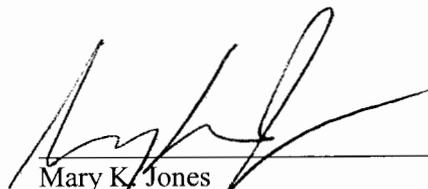
NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Gordon Creek Agricultural and Forestal District is hereby continued to October 31, 2018, 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:

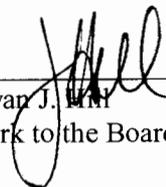
<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Martha W. McMurrin and SWR-Pinewood	3540100001 .....	394.50
Edward Warburton, III and Regina L	3520100001B .....	29.00
Edward Warburton	2940100011 .....	56.20
David H. Allen and Stephanie M.	3420100002 .....	132.98
Thomas R. Tucker, Trustee	3420100002A .....	25.02
Martha W McMurrin and SWR-Pinewood	3630100003 .....	264.00
Thomas L. Hitchens	3610100006 .....	35.00
W.A. Thompson and Charles Flemming	3620100040 .....	136.96
Claybank Landing, LLC	4320100012 .....	33.83
Claybank Landing, LLC	4320100013 .....	46.04
Claybank Landing, LLC	4320100014 .....	44.92
Richardson Holdings Limited Partnership	3640100007 .....	116.65
Richardson Holdings Limited Partnership	3030100003 .....	33.00
Jane T. Carswell	3610100003 .....	44.00

Martha W. McMurrin and SWR-MISC,LLC	3610100004.....	37.62
Powhatan Associates	4410100001.....	387.42
Powhatan Associates	3530100001.....	241.68
Mary Rebecca Richardson 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
Robert Anson and S. Carswell	3520100010.....	28.36
Beatrice Richardson Est.	3640100009.....	22.00
Richardson Holdings Limited Partnership	3640100008.....	38.00
Pickett Holdings, LLC	3510100001.....	349.00
Jerry W. Nixon and Martha M.	3730100003.....	30.74
Michael B. Isler and Michelle Ann	3630100004.....	1.10
	Total:.....	<u>3,129.05</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 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 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 Withdrawal of Properties from AFDs, adopted September 28, 2010.
  - 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.

  
Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

  
Bryan J. Hill  
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 9th day of September, 2014.

AFD09-86-14GordonCk-res

**GEDDY, HARRIS, FRANCK & HICKMAN, L.L.P.**

ATTORNEYS AT LAW

1177 JAMESTOWN ROAD

WILLIAMSBURG, VIRGINIA 23185

TELEPHONE: (757) 220-6500

FAX: (757) 229-5342

MAILING ADDRESS:

POST OFFICE BOX 379

WILLIAMSBURG, VIRGINIA 23187-0379

VERNON M. GEDDY, JR. (1926-2005)

STEPHEN D. HARRIS

SHELDON M. FRANCK

VERNON M. GEDDY, III

SUSANNA B. HICKMAN

ANDREW M. FRANCK

MICHAEL A. GATEN

SHERRI L. NELSON

July 10, 2017

Mr. Jason Purse  
Assistant County Administrator  
101-D Mounts Bay Road  
Williamsburg, VA 23185

Mr. Paul Holt  
Director, Community Development  
101-A Mounts Bay Road  
Williamsburg, VA 23185

Re: Williamsburg Pottery Factory, Inc. – Tax Parcel No. 4410100002 – Gordon  
Creek Agricultural and Forrestal District

Dear Jason and Paul:

I am writing on behalf of our client, The Williamsburg Pottery Factory, Inc., to request that the referenced parcel be withdrawn from the Gordon Creek Agricultural and Forrestal District upon its renewal in 2018. Please let me know if you need anything further.

Very truly yours,



Vernon M. Geddy, III

VMGIII/rlc

Cc: Mr. Peter Kao

PLANNING DIVISION

JUL 12 2017

RECEIVED

**Case No. AFD-09-86-1-2014. Gordon Creek Agricultural and Forestal District Renewal  
Staff Report for the September 9, 2014, Board of Supervisors 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 p.m. (Human Services Building)  
August 6, 2014, 7:00 p.m.  
September 9, 2014, 7:00 p.m.

**SUMMARY FACTS**

<u>Owners:</u>	<u>Parcel No.</u>	<u>Acres</u>
Martha W. McMurrin and SWR-Pinewood	3540100001.....	394.50
Edward Warburton, III and Regina L.	3520100001B.....	29.00
Edward Warburton	2940100011.....	56.20
David H. Allen and Stephanie M.	3420100002.....	132.98
Thomas R. Tucker, Trustee	3420100002A.....	25.02
Martha W. McMurrin and SWR-Pinewood	3630100003.....	264.00
Thomas L. Hitchens	3610100006.....	35.00
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Claybank Landing, LLC	4320100014.....	44.92
Richardson Holdings Limited Partnership	3640100007.....	116.65
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Jane T. Carswell	3610100003.....	44.00
Martha W. McMurrin and SWR-MISC,LLC	3610100004.....	37.62
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Powhatan Associates	3530100001.....	241.68
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Baxter I. Bell Jr., Trustee	4320100003.....	207.95
Robert Anson and S. Carswell	3520100010.....	28.36
Beatrice Richardson Est.	3640100009.....	22.00
Richardson Holdings Limited Partnership	3640100008.....	38.00
Pickett Holdings, LLC	3510100001.....	349.00
Jerry W. Nixon and Martha M.	3730100003.....	30.74
Michael B. Isler and Michelle Ann	3630100004.....	1.10
	<b>TOTAL ACRES .....</b>	<b><u>3,129.05</u></b>

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 Primary Service Area (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 Board of Supervisors renew the Gordon Creek AFD for a period of four years, subject to the conditions listed in the attached resolution.

Staff Contact: Luke Vinciguerra Phone: 253-6783

### **PLANNING COMMISSION RECOMMENDATION**

At its August 6, 2014, meeting, the Planning Commission recommended the continuation of the District by a vote of 6-0 (Richardson absent).

### **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.

### **Proposed Changes Made Since the Planning Commission Meeting**

A property owner has requested not to continue 516.17 acres in the AFD (Attachment No. 9).

### **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 four years. It was subsequently renewed for four-year terms 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 40 acres of land was taken out of the District in May 2006 for the purpose of constructing the 8th Williamsburg-James City County (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 were added by Martha and Jerry Nixon, 349 acres were added by Pickett Holdings LLC, 38 acres were added by Richardson Holdings Limited Partnership, and 22 acres were added 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 3,129.05 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 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**

A property owner of 3010 Jolly Pond Road, 4085 Centerville Road, and additional unaddressed property has requested not to continue in the AFD (Attachment No.9).

### **ADDITIONS**

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

### **CHANGE IN CONDITIONS**

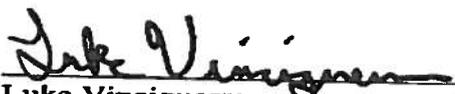
Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~“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.”~~

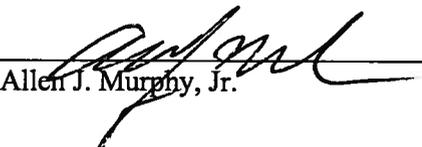
*No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors’ Policy Governing 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 August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 6-0 (Richardson absent). 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 Board of Supervisors renew the Gordon Creek AFD for a period of four years, subject to the conditions listed in the attached resolution.

  
\_\_\_\_\_  
Luke Vinciguerra

CONCUR:

  
\_\_\_\_\_  
Allen J. Murphy, Jr.

LV/nb  
AFD09-86-14GordonCk

Attachments:

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

**ITEM SUMMARY**

DATE: 8/1/2018

TO: The Planning Commission

FROM: Savannah Pietrowski, Senior Planner

SUBJECT: AFD-10-86-1-2018. Christenson's Corner AFD Renewal

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**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Location map	Backup Material
☐	Board of Supervisors staff report for the 2014 renewal of the Christenson's Corner AFD	Backup Material
☐	Adopted conditions for the Christenson's Corner AFD	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/23/2018 - 8:49 AM
Planning Commission	Holt, Paul	Approved	7/23/2018 - 8:51 AM
Publication Management	Daniel, Martha	Approved	7/23/2018 - 8:55 AM
Planning Commission	Holt, Paul	Approved	7/23/2018 - 9:00 AM

**AGRICULTURAL AND FORESTAL DISTRICT-10-86-1-2018. Christenson’s Corner Renewal**

**Staff Report for the August 1, 2018, Planning Commission Public Hearing**

**SUMMARY FACTS**

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>±ACRES</u>
Kenneth Chandler	1540100011	149.94
Betty Arlene Chandler Woodfin	1540100011X	1.31
Kenneth Chandler	1630100001	8.01
Stieffen Co. LLC, BP Stieffen Woodlands LLC, & Dennis Stieffen	1640100003	402.90
Hampton 41 LLC, Abbitt Land Co., R Holdings LLC, & Mountain Park LLC	2520100007	410.79
Hampton 41 LLC, Abbitt Land Co., R Holdings LLC, & Mountain Park LLC	1630100011	156.85
Kenneth Chandler	1540100008	49.53
<b>TOTAL ACRES</b>		<b>1,179.33</b>

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area (PSA): Outside

Staff Contact: Savannah Pietrowski, Senior Planner

**PUBLIC HEARING DATES**

Planning Commission: August 1, 2018, 6:00 p.m.  
Board of Supervisors: September 11, 2018, 5:00 p.m. (Tentative)

**STAFF RECOMMENDATION**

Approval, subject to the attached conditions which were approved at the District’s last renewal.

**AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADVISORY COMMITTEE RECOMMENDATION**

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

**DISTRICT HISTORY**

- The Christenson’s Corner AFD was created in 1986 for a term of four years and originally consisted of four parcels totaling ±568 acres.
- The District was renewed in 1990, 1994, 1998, 2002, 2006, 2010 and 2014 for four-year periods. Various additions and withdrawals occurred throughout these years.
- Since the 2014 renewal, the Board of Supervisors approved one addition to the District of 49.53 acres.
- Since 2014, a judicial division occurred which created Parcel ID No. 1540100011X from parent Parcel ID No. 1540100011. Both parcels remained within the AFD and there was no change to the total acreage of the District.

**DISTRICT DESCRIPTION**

The majority of the District is heavily forested, though it also includes marshlands and land actively in agricultural use. All of the land in this District is zoned A-1, General Agricultural, located outside of the PSA and designated Rural Lands by the adopted Comprehensive Plan.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

**AGRICULTURAL AND FORESTAL DISTRICT-10-86-1-2018. Christenson’s Corner Renewal**

**Staff Report for the August 1, 2018, Planning Commission Public Hearing**

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**ADDITION/WITHDRAWAL REQUESTS**

None.

**CHANGES TO CONDITIONS**

None.

**SURROUNDING ZONING AND DEVELOPMENT**

The surrounding area consists of forestland, marshes and single-family residential. The District is bordered by York River State Park (zoned Public Lands) to the north, Riverview Plantation (zoned R-1) and Camp Perry (zoned Public Lands) to the east and Wexford Hills and North Cove (zoned A-1) to the west. The Croaker AFD is also located to the west. York County is located to the south.

**COMPREHENSIVE PLAN**

The Comprehensive Plan designates these parcels as Rural Lands. Land Use Action 6.1.1 of the adopted 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*.”

**STAFF RECOMMENDATION**

Staff finds the Christenson’s Corner AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Planning Commission recommend renewal of this AFD for a period of four years to the Board of Supervisors, subject to the attached conditions which were approved at the District’s last renewal.

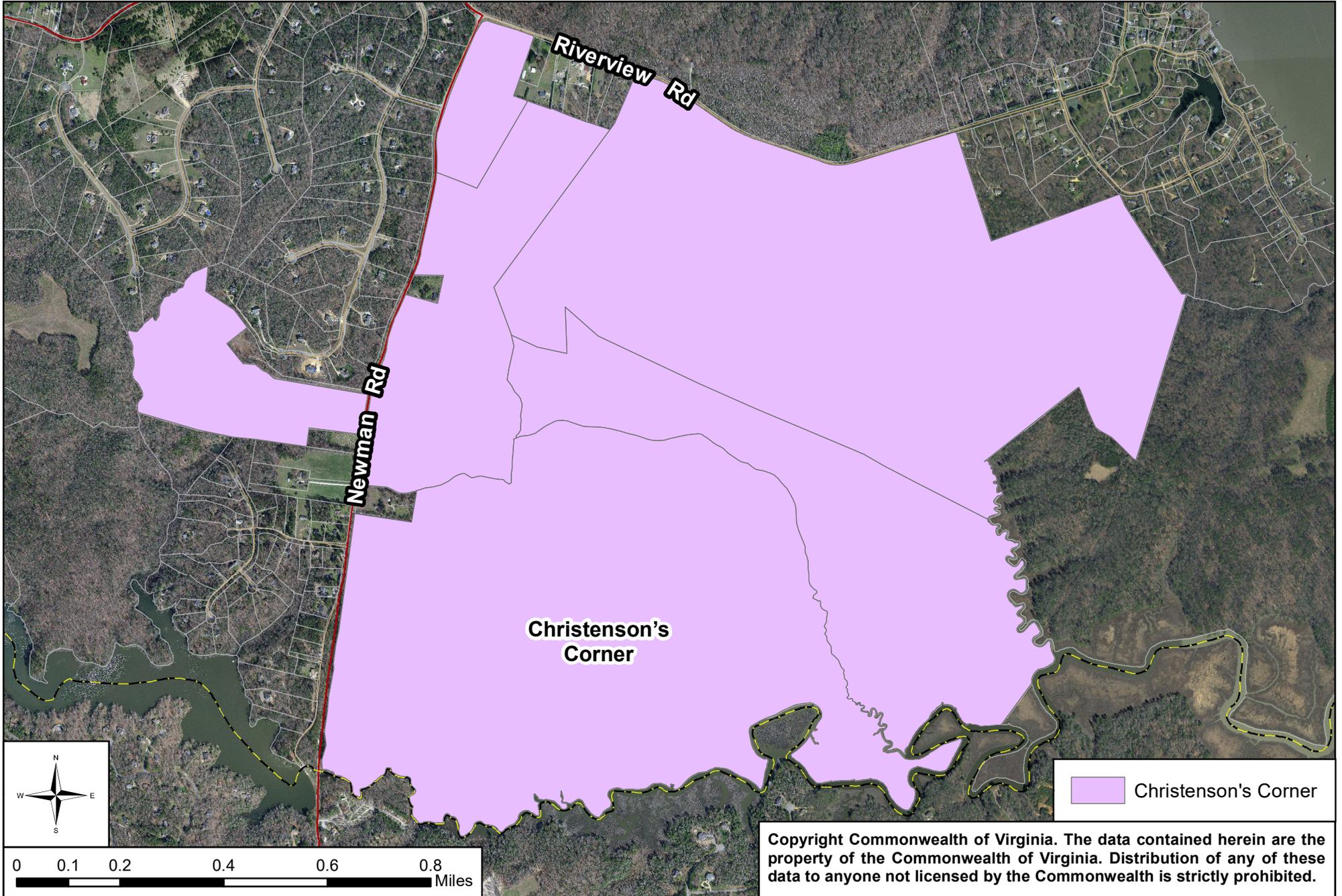
SP/nb  
AFDChristCmrRenew

Attachments:

1. Location Map
2. Adopted conditions for the Christenson’s Corner AFD
3. Board of Supervisors staff report for the 2014 renewal of the Christenson’s Corner AFD

# JCC AFD-10-86-1-2018

## Christenson's Corner Renewal



**Case No. AFD-10-86-1-2014. Christenson's Corner Agricultural and Forestal District Renewal Staff Report for the September 9, 2014, Board of Supervisors 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 p.m. (Human Services Building)  
August 6, 2014, 7:00 p.m.  
September 9, 2014, 7:00 p.m.

**SUMMARY FACTS**

<u>Owners:</u>	<u>Parcel No.</u>	<u>Acres</u>
C.M. Chandler	1540100011.....	151.25
C.M. Chandler	1630100001.....	8.01
Stieffen Co, LLC and B. P. Stieffen	1640100003.....	402.89
Hampton 41, LLC and Abbitt Land Co.	2520100007.....	410.79
Hampton 41, LLC and Abbitt Land Co.	1630100011.....	156.85
	TOTAL ACRES .....	<u>1,129.79</u>

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 Board of Supervisors renew the Christenson's Corner AFD for a period of four years, subject to the conditions listed in the attached resolution.

Staff Contact: Luke Vinciguerra Phone: 253-6783

**PLANNING COMMISSION RECOMMENDATION**

At its August 6, 2014, meeting, the Planning Commission recommended the continuation of the District by a vote of 6-0 (Richardson absent).

**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.

**Proposed Changes Made Since the Planning Commission Meeting**

None.

**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 farmland 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 No. 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 August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 6-0 (Richardson absent). 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 Board of Supervisors renew the Christenson's Corner AFD for a period of four years, subject to the conditions listed in the attached resolution.

  
 Luke Vinciguerra

CONCUR:

  
 Allen L. Murphy, Sr.

LV/nb  
 AFD10-86-1-14Christensons

Attachments:

1. Ordinance
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Ordinance for the addition of property, dated December 13, 2011
5. Approved minutes of the July 7, 2014, AFD Advisory Committee meeting (under separate cover)
6. Unapproved minutes of the August 6, 2014, Planning Commission meeting (under separate cover)

# ADOPTED

SEP 09 2014

Board of Supervisors  
James City County, VA

ORDINANCE NO. 171A-8

## AGRICULTURAL AND FORESTAL DISTRICT 10-86

### CHRISTENSON'S CORNER 2014 RENEWAL

WHEREAS, James City County has completed a review of the Christenson's Corner 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 Christenson's Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the district with the conditions listed below.

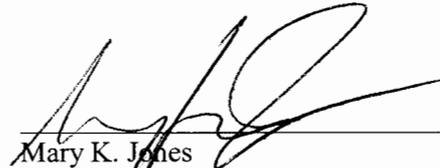
NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that

1. The Christenson's Corner Agricultural and Forestal District is hereby continued to October 31, 2018, 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:

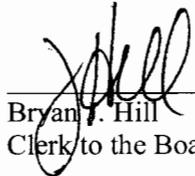
<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
C.M. Chandler	1540100011.....	151.25
C.M. Chandler	1630100001 .....	8.01
Stieffen Co, LLC and , B. P. Stieffen	1640100003 .....	402.89
Hampton 41, LLC and Abbitt Land Co.	2520100007.....	410.79
Hampton 41, LLC and Abbitt Land Co.	1630100011.....	<u>156.85</u>
	Total: .....	<u>1,129.79</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 Christenson's Corner 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 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 Properties from AFDs, adopted September 28, 2010, 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.

  
 \_\_\_\_\_  
 Mary K. Jones  
 Chairman, Board of Supervisors

ATTEST:

  
 \_\_\_\_\_  
 Bryan Hill  
 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 9th day of September, 2014.

AFD10-86-1-14Christensons-res

**ITEM SUMMARY**

DATE: 8/1/2018  
TO: The Planning Commission  
FROM: Tori Haynes, Planner  
SUBJECT: AFD-11-86-1-2018. Yarmouth Island AFD Renewal

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**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Attachment 1. Location Map	Backup Material
☐	Attachment 2. Adopted conditions for the Yarmouth Island AFD	Backup Material
☐	Attachment 3. Board of Supervisors staff report for the 2014 renewal of the Yarmouth Island AFD	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/21/2018 - 4:51 PM
Planning Commission	Holt, Paul	Approved	7/21/2018 - 4:51 PM
Publication Management	Burcham, Nan	Approved	7/23/2018 - 7:44 AM
Planning Commission	Holt, Paul	Approved	7/23/2018 - 8:35 AM

**AGRICULTURAL AND FORESTAL DISTRICT-11-86-1-2018. Yarmouth Island Renewal**

**Staff Report for the August 1, 2018, Planning Commission**

**SUMMARY FACTS**

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>±ACRES</u>
Richardson Holdings LLP	2930100005	172.84
Richardson Holdings LLP	2930100002	68.50
Richardson Holdings Limited Partners	2840100005	940.00
John C. Richardson	2910100001	28.50
Richardson Holdings Limited Partners	2920100001	*100.00
Lyle & Demetria Charbonneau	2940100001	38.70
Franciscan Brethren of St. Philip	2940100002	34.65
Shield's Point, LLC	2840100008	625.20
Shield's Point, LLC	3510100011	27.34
Shield's Point, LLC	3510100012	7.35
Shield's Point, LLC	2840100006	12.30
Shield's Point, LLC	2840100007	77.50
Richardson Holdings LLP	2930100003	10.00
<b>TOTAL ACRES</b>		<b>2,142.88</b>

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area  
(PSA): Outside

Staff Contact: Tori Haynes, Planner

**PUBLIC HEARING DATES**

Planning Commission: August 1, 2018, 6:00 p.m.  
Board of Supervisors: September 11, 2018, 5:00 p.m. (Tentative)

**STAFF RECOMMENDATION**

Approval, subject to the proposed conditions.

**AGRICULTURAL AND FORESTAL DISTRICT (AFD)  
ADVISORY COMMITTEE RECOMMENDATION**

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

**DISTRICT HISTORY**

- The Yarmouth Island AFD was created in 1986 for a term of four years and originally consisted of nine parcels totaling ±1,524 acres.
- The District was renewed for terms of four years in 1990, 1994, 1998, 2002, 2006, 2010 and 2014. Various additions and withdrawals have occurred since 1994, but there have been none since 2014.
- The acreage denoted with an asterisk (\*) in the summary facts table was updated after the landowner submitted documentation correcting the parcel's total area.

**DISTRICT DESCRIPTION**

Yarmouth Island AFD is roughly bordered by the Chickahominy River, Yarmouth Creek, Jolly Pond Road and Bush Neck Road. The District is heavily wooded and also includes swamp and wetland areas. All parcels within Yarmouth Island AFD are zoned A-1, General Agricultural, are designated Rural Lands in the Comprehensive Plan and are outside of the PSA.

**AGRICULTURAL AND FORESTAL DISTRICT-11-86-1-2018. Yarmouth Island Renewal**

**Staff Report for the August 1, 2018, Planning Commission**

The District includes all land on the above-referenced properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

**ADDITION/WITHDRAWAL REQUESTS**

None.

**CHANGES TO CONDITIONS**

None.

**SURROUNDING ZONING AND DEVELOPMENT**

The surrounding area is substantially rural in nature. The District is abutted by the Jolly Pond Convenience Center to the east, Wrights Island AFD to the north and Gordon Creek AFD to the south. Adjacent zoning districts include A-1, General Agricultural; PL, Public Lands; and R-6, Low-Density Residential.

**COMPREHENSIVE PLAN**

The Comprehensive Plan designates these parcels as Rural Lands. Land Use Action 6.1.1 of the adopted 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*.”

**STAFF RECOMMENDATION**

Staff finds the Yarmouth Island AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Planning Commission recommend renewal of this AFD for a

period of four years to the Board of Supervisors, subject to the attached conditions which were approved at the District’s last renewal.

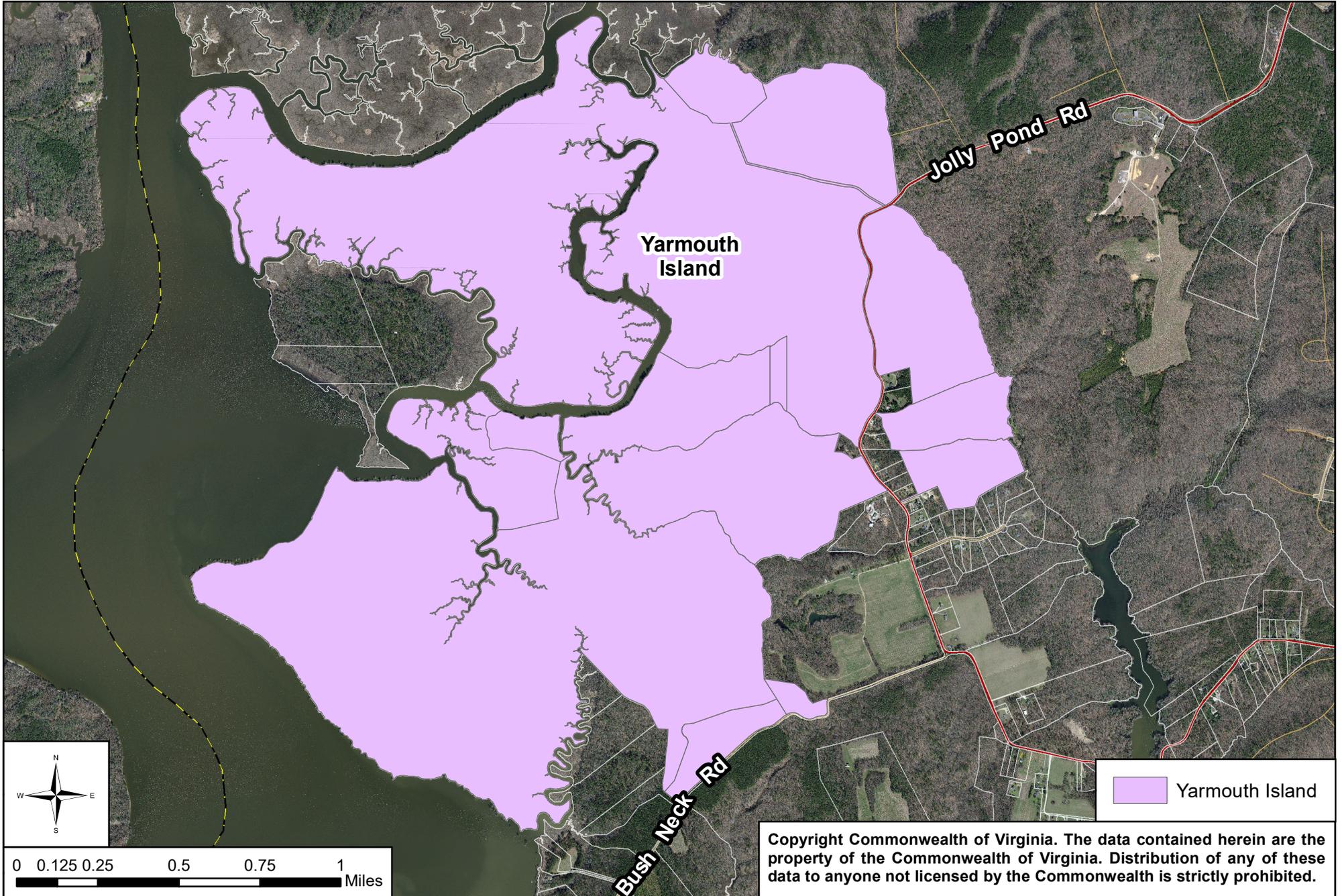
TH/nb  
AFDYarmouthIs

Attachments:

1. Location Map
2. Adopted conditions for the Yarmouth Island AFD
3. Board of Supervisors staff report for the 2014 renewal of the Yarmouth Island AFD

# JCC AFD-11-86-1-2018

## Yarmouth Island 2018 Renewal



SEP 09 2014

Board of Supervisors  
James City County, VA

ORDINANCE NO. 172A-10

AGRICULTURAL AND FORESTAL DISTRICT-11-86

YARMOUTH ISLAND 2014 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 July 7, 2014, voted 8-0 to recommend renewal of the district; and

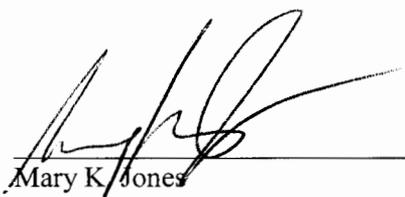
WHEREAS, the Planning Commission, following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the district with the conditions listed below.

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

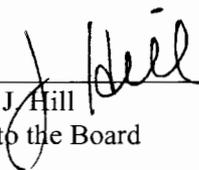
1. The Yarmouth Island Agricultural and Forestal District is hereby continued to October 31, 2018, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. That the district shall include the following parcels, provided, however, 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>
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	625.20
Shield's Point LLC	3510100011	27.34
Shield's Point LLC	3510100012	7.35
Shield's Point LLC	2840100006	12.30
Shield's Point LLC	2840100007	77.50
Richardson's Holdings Limited Partnership	2930100003	<u>10.00</u>
	Total:	<u>2,165.89</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 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 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 Withdrawal of Properties from AFDs, adopted September 28, 2010.
  - 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.

  
 \_\_\_\_\_  
 Mary K. Jones  
 Chairman, Board of Supervisors

ATTEST:

  
 \_\_\_\_\_  
 Bryan J. Hill  
 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 9th day of September, 2014.

AFD11-86-1-14Yarmouth-res

**Agricultural and Forestal District-11-86-1-2014. Yarmouth Island AFD Renewal  
Staff Report for the September 9, 2014, Board of Supervisors 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 7, 2014, 4:00 p.m. (Human Services Building)  
August 6, 2014, 7:00 p.m.  
September 9, 2014, 7:00 p.m.

**SUMMARY FACTS**

<u>Owners:</u>	<u>Parcel Number</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 .....	625.20
Shield's Point, LLC	3510100011.....	27.34
Shield's Point, LLC	3510100012 .....	7.35
Shield's Point, LLC	2840100006 .....	12.30
Shield's Point, LLC	2840100007 .....	77.50
Richardson's Holdings Limited Partnership	2930100003 .....	<u>10.00</u>
TOTAL ACRES.....		<u>2,165.89</u>

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands and Conservation Area

Primary Service Area: Outside

Staff Contact: Luke Vinciguerra Phone: 253-6783

**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 Board of Supervisors renew the Yarmouth Island AFD for a period of four years, subject to the conditions listed in the attached resolution.

**PLANNING COMMISSION RECOMMENDATION**

At its August 6, 2014, meeting, the Planning Commission recommended the continuation of the District by a vote of 6-0 (Richardson absent).

**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.

**Proposed Changes Made Since the Planning Commission Meeting**

None.

**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**

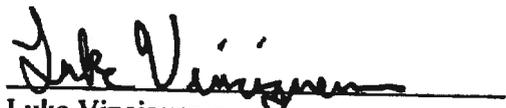
Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~“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 August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 6-0 (Richardson absent). 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 Board of Supervisors renew the Yarmouth Island AFD for a period of four years, subject to the conditions listed in the attached resolution.

  
 Luke Vinciguerra

CONCUR:

  
 Allen J. Murphy, Jr.

LV/gb  
 AFD11-86-1-14Yarmouth

**ATTACHMENTS:**

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

**ITEM SUMMARY**

DATE: 8/1/2018

TO: The Planning Commission

FROM: Tori Haynes, Planner

SUBJECT: AFD-12-86-1-2018. Gospel Spreading Church AFD Renewal

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**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Attachment 1. Location Map	Backup Material
☐	Attachment 2. Adopted conditions for the Gospel Spreading Church AFD	Backup Material
☐	Attachment 3. Staff report from the September 9, 2014 BOS meeting	Backup Material
☐	Attachment 4. Staff memo from the October 28, 2014 BOS meeting	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/21/2018 - 4:55 PM
Planning Commission	Holt, Paul	Approved	7/21/2018 - 4:55 PM
Publication Management	Burcham, Nan	Approved	7/23/2018 - 7:45 AM
Planning Commission	Holt, Paul	Approved	7/23/2018 - 8:35 AM

**AGRICULTURAL AND FORESTAL DISTRICT-12-86-1-2018. Gospel Spreading Church Renewal**

**Staff Report for the August 1, 2018, Planning Commission**

**SUMMARY FACTS**

<u>LANDOWNERS</u>	<u>PARCEL ID</u>	<u>±ACRES</u>
JCC Bible & Agricultural Training School	4830100035	403.55
JCC Bible & Agricultural Training School	5620100001	457.79
Roderick B. Perkinson	4740100037	27.92
Robert & Meredith Gilley	4740100042C	2.89
Merewin Farms, LLC	4740100042E	*56.49
Leigh Ann Gilley	4740100040	*56.58
Terri Lynn Gilley	4740100041	*56.63
R. Edwin II, Leigh Anne, & Terri Lynn Gilley	4830100042	71.33
<hr/>		
TOTAL ACRES		1,133.18

Zoning: A-1, General Agricultural  
R-1, Limited Residential  
R-2, General Residential  
R-8, Rural Residential

Comprehensive Plan: Rural Lands  
Low-Density Residential

Primary Service Area (PSA): Inside and Outside

Staff Contact: Tori Haynes, Planner

**PUBLIC HEARING DATES**

Planning Commission: August 1, 2018, 6:00 p.m.  
Board of Supervisors: September 11, 2018, 5:00 p.m. (Tentative)

**STAFF RECOMMENDATION**

Approval, subject to the proposed conditions.

**AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADVISORY COMMITTEE RECOMMENDATION**

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

**DISTRICT HISTORY**

- The Gospel Spreading Church AFD was created in 1986 for a term of four years and originally consisted of nine parcels totaling ±1,173 acres.
- A separate adjacent AFD, titled “Gospel Spreading Church (Gilley Addition),” was created in 1987, consisting of five parcels totaling ±208 acres.
- Gospel Spreading Church AFD and Gospel Spreading Church (Gilley Addition) AFD were renewed for four-year terms in 1990, 1994 and 1998.
- In 2002, Gospel Spreading Church (Gilley Addition) AFD was discontinued due to falling below the minimum required acreage for a district. The remaining eligible parcels were merged with the Gospel Spreading Church AFD.
- The merged District was renewed in 2006 and 2010.
- The District was renewed at the September 9, 2014 Board of Supervisors meeting, but was brought back before the Board for consideration the following month due to an incorrect parcel list

**AGRICULTURAL AND FORESTAL DISTRICT-12-86-1-2018. Gospel Spreading Church Renewal**

**Staff Report for the August 1, 2018, Planning Commission**

on the adopted Ordinance. The Board of Supervisors adopted the revised renewal Ordinance on October 28, 2014.

- Various additions and withdrawals have occurred since 1990. Since 2014, there have been no requested additions or withdrawals to the District.
- Acreages denoted with an asterisk (\*) in the summary facts table reflect a boundary line adjustment between several parcels in the District in 2016. There was no request to withdraw land from the District; however, staff notes that there is a 0.44 acre net decrease in the District’s total acreage compared to 2014, due to the updated area calculations from the most recent survey.

**DISTRICT DESCRIPTION**

The Gospel Spreading Church AFD consists of woodlands, wetlands and farmland. The majority of the District is zoned R-8, Rural Residential and A-1, General Agricultural. Portions of two parcels are zoned R-1, Limited Residential and R-2, General Residential, respectively. Approximately 861 acres are located outside the PSA, while the remaining ±271 acres are located inside the PSA. Comprehensive Plan designations include Rural Lands and Low-Density Residential.

**ADDITION/WITHDRAWAL REQUESTS**

None.

**CHANGES TO CONDITIONS**

None.

**SURROUNDING ZONING AND DEVELOPMENT**

The District is generally surrounded by residential housing zoned R-1, Limited Residential or R-2, General Residential. Adjacent subdivisions include Page Landing, Peleg’s Point, Lake Powell Forest,

Rolling Woods and Vineyards at Jockey’s Neck. The Colonial Parkway serves as the District’s southern border.

**COMPREHENSIVE PLAN**

The Comprehensive Plan designates these parcels as Rural Lands and Low-Density Residential. Land Use Action 6.1.1 of the adopted 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*.”

**STAFF RECOMMENDATION**

Staff finds the Gospel Spreading Church AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Planning Commission recommend renewal of this AFD for a period of four years to the Board of Supervisors, subject to the attached conditions which were approved at the District’s last renewal.

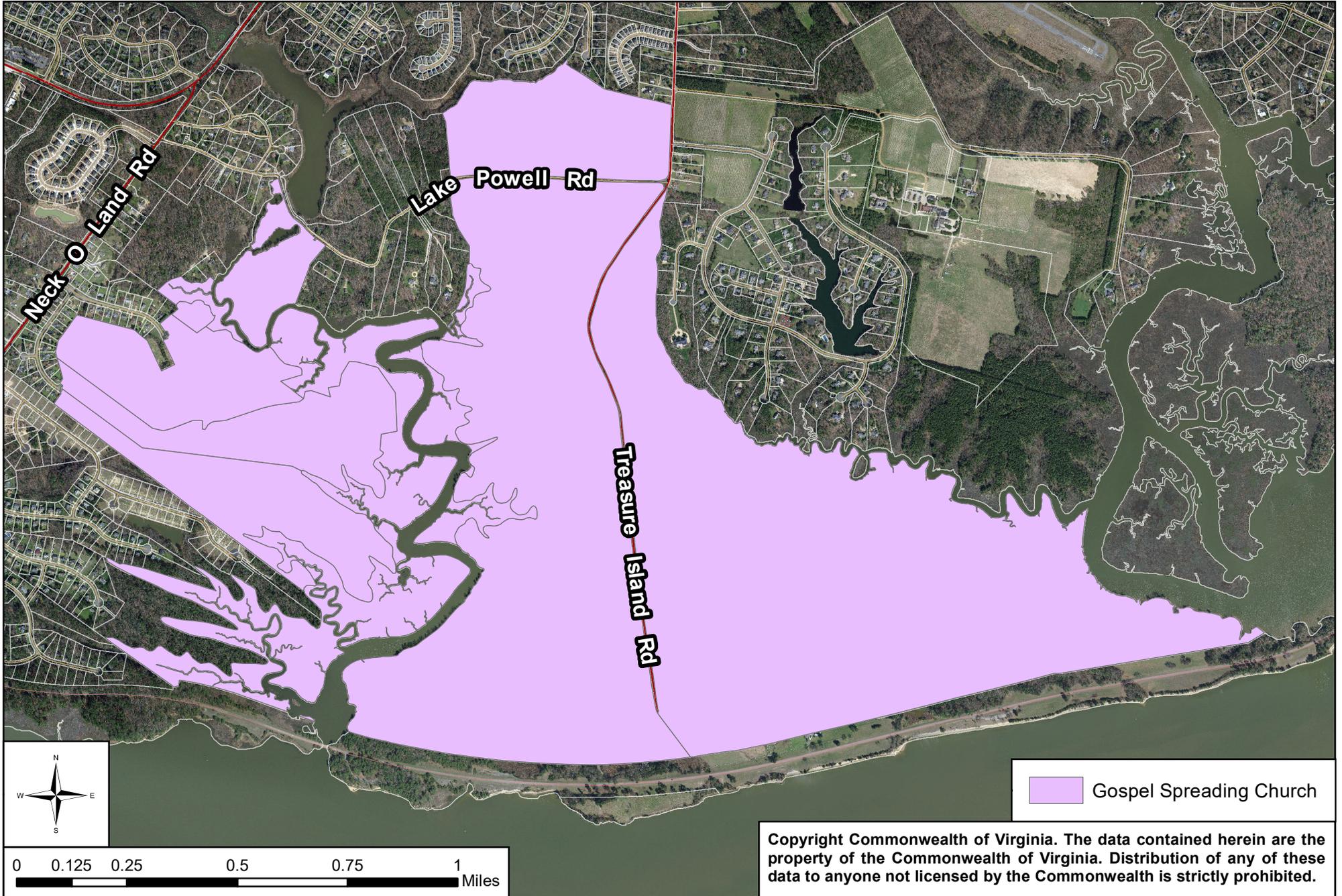
TH/nb  
AFDGospelSpreadCh

Attachments:

1. Location Map
2. Adopted conditions for the Gospel Spreading Church AFD
3. Staff report from the September 9, 2014, Board of Supervisors meeting
4. Staff memorandum from the October 28, 2014, Board of Supervisors meeting

# JCC AFD-12-86-1-2018

## Gospel Spreading Church 2018 Renewal



# ADOPTED

OCT 28 2014

ORDINANCE NO. 173A-19

Board of Supervisors  
James City County, VA

CASE NO. AFD 12-86-1-2014. GOSPEL SPREADING CHURCH FARM

## AGRICULTURAL AND FORESTAL DISTRICT (AFD) RENEWAL

WHEREAS, James City County has completed a review of the Gospel Spreading Church Farm 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 Gospel Spreading Church Farm AFD; and

WHEREAS, the AFD Advisory Committee, at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission, following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 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:

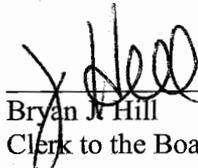
1. The Gospel Spreading Church Farm AFD is hereby continued to October 31, 2018, in accordance with the provisions of the Virginia AFD Act, Virginia Code Section 15.2-4300 et seq.
2. The District shall include the following parcels provided; however, that all land within 25 feet of road rights-of-way is excluded from the district:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
James City County Bible and Agricultural Training School	4830100035 .....	403.55
James City County Bible and Agricultural Training School	5620100001 .....	457.79
Roderick B. Perkinson	4740100037 .....	27.92
Robert E. Gilley, II and Meredith H. Gilley	4740100042C.....	2.89
Regjag, LLC	4740100042D .....	2.81
Regjag, LLC	4740100042E.....	16.29
Regjag, LLC	4740100040 .....	42.84
Regjag, LLC	4740100041 .....	108.20
Regjag, LLC	4830100042 .....	71.33
	Total: .....	<u>1,133.62</u>

3. Pursuant to Virginia Code Sections 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Gospel Spreading Church Farm 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 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 Properties from AFDs, adopted September 28, 2010, as amended.
  - c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with 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:

  
 \_\_\_\_\_  
 Bryan J. Hill  
 Clerk to the Board

	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</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 28th day of October, 2014.

AFD12-86-1-14GospelCF-res

**Case No. AFD 12-86-1-2014. Gospel Spreading Church Farm Agricultural and Forestal District Renewal**

**Staff Report for the September 9, 2014, Board of Supervisors 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**

**Building F Board Room; County Government Complex**

AFD Advisory Committee: July 7, 2014, 4:00 p.m. (Human Services Building)  
 Planning Commission: August 6, 2014, 7:00 p.m.  
 Board of Supervisors: September 9, 2014, 7:00 p.m.

**SUMMARY FACTS**

<u>Owners:</u>	<u>Parcel No.</u>	<u>Acres</u>
JCC Bible and Agricultural Training School	4830100035.....	403.55
JCC Bible and Agricultural Training School	5620100001.....	457.79
Roderick B. Perkinson	4740100037.....	27.92
Robert E. Gilley, II and Meredith H. Gilley	4740100042C.....	2.89
REGJAG, LLC	4740100042F .....	56.58
REGJAG, LLC	4740100042E.....	56.40
REGJAG, LLC	4740100041.....	56.63
REGJAG, LLC	4830100042.....	<u>71.33</u>

TOTAL ACRES ..... 1,133.09

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 Board of Supervisors renew the Gospel Spreading Church Farm AFD for a period of four years, subject to the conditions listed in the attached resolution.

Staff Contact: Luke Vinciguerra Phone: 253-6783

**PLANNING COMMISSION RECOMMENDATION**

At its August 6, 2014, meeting, the Planning Commission recommended the continuation of the District by a vote of 6-0 (Richardson absent).

**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.

### **Proposed Changes Made Since the Planning Commission Meeting**

The property owner of 131 Smokehouse Lane has requested not to continue 3,200 square feet of his 56-acre property (see Attachment Nos. 6 and 7) in the District. Additionally, the property owner has applied for a special use permit (SUP-0008-2014) to allow the parking of construction equipment. This case is scheduled for the September 3, 2014, Planning Commission meeting. A plat subdividing land owned by Regjag, LLC and Leigh Ann Gilley (S-008-2014) was approved August 11, 2014, which has resulted in changes to parcel ID's and acreages compared to the 2010 Ordinance.

### **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 1,133.09 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**

The property owner of 131 Smokehouse Lane has requested not to continue 3,200 square feet of his 56-acre property (see Attachment Nos. 6 and 7) in the District.

**ADDITIONS**

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

**CHANGE IN CONDITIONS**

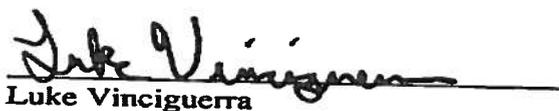
Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~"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."~~

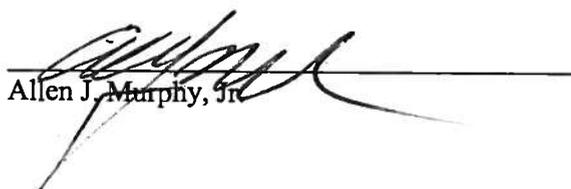
*No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing 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 August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 6-0 (Richardson absent). 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 Board of Supervisors renew the Gospel Spreading Church Farm AFD for a period of four years, subject to the conditions listed in the attached resolution.

  
 Luke Vinciguerra

CONCUR:

  
 Allen J. Murphy, Jr.

LV/nb  
 AFD12-86-1-14GospelC

**Attachments:**

1. Ordinance
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Approved minutes of the July 7, 2014, AFD Advisory Committee meeting (under separate cover)
5. Unapproved minutes of the August 6, 2014, Planning Commission meeting (under separate cover)
6. 131 Smokehouse Lane non-continue request
7. 131 Smokehouse Lane exhibit

**MEMORANDUM**

DATE: October 28, 2014

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Planning

SUBJECT: Case No. AFD 12-86-1-2014. Gospel Spreading Church Farm Agricultural and Forestal District (AFD) Renewal

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This case was previously considered by the Board of Supervisors at its September 9, 2014 meeting, at which time the Board renewed the District until October 31, 2018.

When the District was renewed in September, the ordinance listed three parcels owned by Regjag, LLC: more specifically, Parcel Nos. 4740100042F (56.58 acres), 4740100042E (56.40 acres), and 4740100041 (56.63 acres).

On August 11, 2014, Regjag, LLC received final subdivision plat approval to create these three lots and the above-referenced tax map ID numbers were subsequently created by the Real Estate Assessments Division and used in the September 9 ordinance.

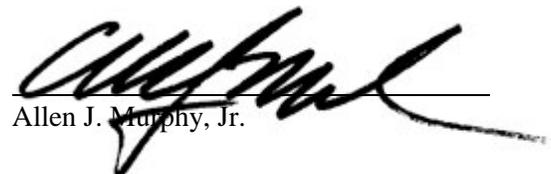
The owner has now informed staff that he does not wish to record the approved subdivision plat in its current form.

Therefore, to ensure the Agricultural and Forestal District (AFD) renewal ordinance does not reference parcels which have not yet been recorded, staff recommends approval of the attached revised ordinance renewing the Gospel Spreading Church Farm AFD until October 31, 2018.

The ordinance has been updated to reflect the current tax map ID numbers as they currently exist. The revised ordinance merely updates the parcel references and the property contained within the AFD remains the same as it did on September 9, 2014. As a reminder, the District renewal did not include a 3,200-square-foot piece of land which is the subject of a Special Use Permit (SUP) application request (Parcel No. 4740100041). The SUP application will be considered by the Board separately and is tentatively scheduled for a public hearing with the Board of Supervisors at the December 9, 2014 meeting.

  
Paul D. Holt, III

CONCUR:

  
Allen J. Murphy, Jr.

PDH/nb  
AFD12-86-1-14GospelCF-mem

Attachments:

1. Ordinance
2. Applicant's Letter
3. Staff Report from the September 9, 2014, Board of Supervisors meeting

**ITEM SUMMARY**

DATE: 8/1/2018  
TO: The Planning Commission  
FROM: Tori Haynes, Planner  
SUBJECT: AFD-01-89-1-2018. Armistead AFD Renewal

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**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Attachment 1. Location Map	Backup Material
☐	Attachment 2. Adopted conditions for the Armistead AFD	Backup Material
☐	Attachment 3. Board of Supervisors staff report for the 2014 renewal of the Armistead AFD	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/21/2018 - 4:49 PM
Planning Commission	Holt, Paul	Approved	7/21/2018 - 4:49 PM
Publication Management	Burcham, Nan	Approved	7/23/2018 - 7:44 AM
Planning Commission	Holt, Paul	Approved	7/23/2018 - 8:36 AM

**AGRICULTURAL AND FORESTAL DISTRICT-01-89-1-2018. Armistead Renewal**

**Staff Report for the August 1, 2018, Planning Commission**

**SUMMARY FACTS**

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>±ACRES</u>
Sarah Armistead	3120100017	84.50
Sarah Armistead	3120100014	53.78
Sarah Armistead	3130100029	132.08
Sarah Armistead	3140100001	41.17
<b>TOTAL ACRES</b>		<b>311.53</b>

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

Comprehensive Plan: Low Density Residential

Primary Service Area (PSA): Inside

Staff Contact: Tori Haynes, Planner

**PUBLIC HEARING DATES**

Planning Commission: August 1, 2018, 6:00 p.m.  
Board of Supervisors: September 11, 2018, 5:00 p.m. (Tentative)

**STAFF RECOMMENDATION**

Approval, subject to the proposed conditions.

**AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADVISORY COMMITTEE RECOMMENDATION**

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

**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, 2010 and 2014 for four-year terms with no additions or withdrawals.

**DISTRICT DESCRIPTION**

The Armistead AFD consists of approximately 311.53 acres located between Longhill Road and Centerville Road. Three parcels totaling ±257 acres are zoned R-8, Rural Residential. The fourth parcel consisting of ±54 acres is zoned A-1, General Agricultural. All parcels remain heavily wooded and undeveloped, are located inside the PSA and are designated Low-Density Residential in the Comprehensive Plan.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

**ADDITION/WITHDRAWAL REQUESTS**

None.

**CHANGES TO CONDITIONS**

None.

**SURROUNDING ZONING AND DEVELOPMENT**

The Armistead AFD is bordered by several residential developments and zoning districts, including Adam’s Hunt (R-1, Limited Residential), Ford’s Colony (R-4, Residential Planned Community), Forest Glen (R-2, General Residential) and Longhill Station (R-2, General Residential). Warhill Sports Complex (PL, Public Lands) abuts the District to the east.

**COMPREHENSIVE PLAN**

The Comprehensive Plan designates these parcels as Low-Density Residential. Land Use Action 6.1.1 of the adopted 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*.”

**STAFF RECOMMENDATION**

Staff finds the Armistead AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Planning Commission recommend renewal of this AFD for a period of four years to the Board of Supervisors, subject to the attached conditions which were approved at the District’s last renewal.

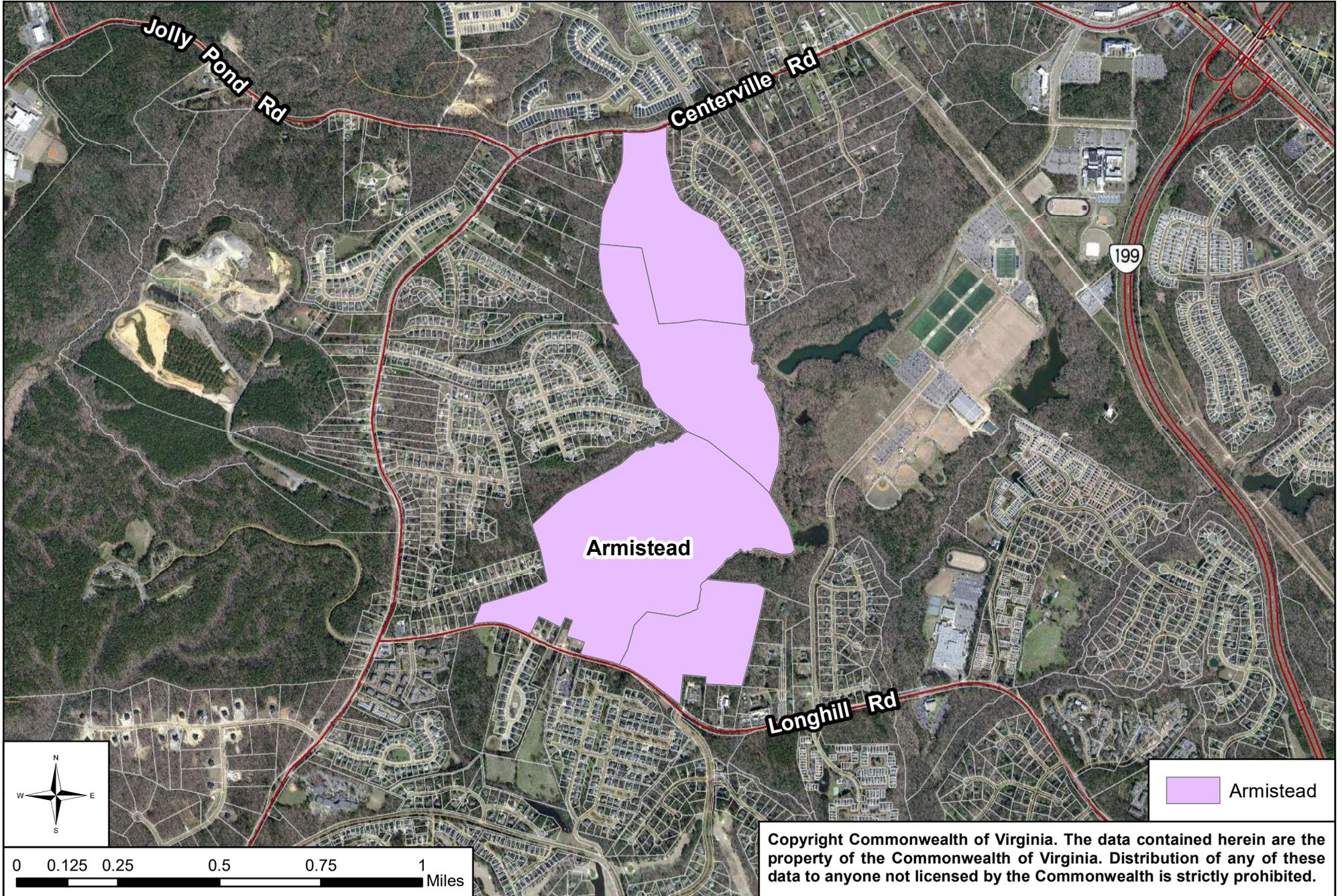
TH/md  
AFDArmisteadRenew

Attachments:

1. Location Map
2. Adopted conditions for the Armistead AFD
3. Board of Supervisors staff report for the 2014 renewal of the Armistead AFD

# JCC AFD-10-89-1-2018

## Armistead 2018 Renewal



# ADOPTED

SEP 09 2014

ORDINANCE NO. 182A-9

Board of Supervisors  
James City County, VA

## AGRICULTURAL AND FORESTAL DISTRICT-01-89-2014

### ARMISTEAD AFD RENEWAL

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

WHEREAS, the Agricultural and Forestal District Advisory Committee, at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission, following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 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 Agricultural and Forestal District is hereby continued to October 31, 2018, 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>
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>311.50</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 Armistead 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 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 Withdrawal of Properties from AFDs, adopted September 28, 2010.
- 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.

  
 \_\_\_\_\_  
 Mary K. Jones  
 Chairman, Board of Supervisors

ATTEST:

  
 \_\_\_\_\_  
 Bryan J. Hill  
 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 9th day of September, 2014.

AFD01-99-1-14Armistead-res

**AGENDA ITEM NO. I-3****Agricultural and Forestal District-01-89-1-2014. Armistead AFD Renewal  
Staff Report for the September 9, 2014, Board of Supervisors 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 7, 2014, 4:00 p.m. (Human Services Building)  
August 6, 2014, 7:00 p.m.  
September 9, 2014, 7:00 p.m.

**SUMMARY FACTS**

<u>Owners:</u>	<u>Parcel Number</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 .....	41.17

TOTAL ACRES ..... 311.50

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

Comprehensive Plan: Low Density Residential and Conservation Area

Primary Service Area: Inside

Staff Contact: Luke Vinciguerra Phone: 253-6783

**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 Board of Supervisors renew the Armistead AFD for a period of four years, subject to the conditions in the attached resolution.

**PLANNING COMMISSION RECOMENDATION**

At its August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the district by a vote of 6-0 (Richardson absent).

**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.

**Proposed Changes Made Since the Planning Commission Meeting**

None.

**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 No. 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:

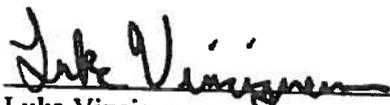
~~“No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District,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

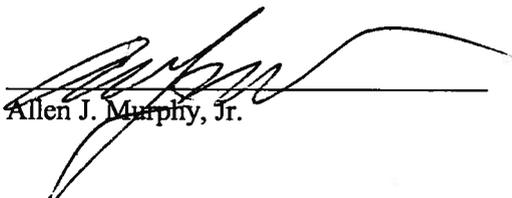
## **STAFF RECOMMENDATION:**

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its August 6, 2014 meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 6-0 (Richardson absent). 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 Board of Supervisors renew the Armistead AFD for a period of four years, subject to the conditions listed in the attached resolution.

  
\_\_\_\_\_  
Luke Vinciguerra

CONCUR:

  
\_\_\_\_\_  
Allen J. Murphy, Jr.

LV/gb  
AFD01-89-1-14Armistead.doc

ATTACHMENTS:

1. Ordinance
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Approved minutes of the July 7, 2014, AFD Advisory Committee meeting (under separate cover)
5. Unapproved minutes of the August 6, 2014, Planning Commission meeting (under separate cover)

**ITEM SUMMARY**

DATE: 8/1/2018  
TO: The Planning Commission  
FROM: Savannah Pietrowski, Senior Planner  
SUBJECT: AFD-01-94-1-2018. Wright's Island AFD Renewal

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**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Location map	Backup Material
☐	Adopted conditions for the Wright's Island AFD	Backup Material
☐	Board of Supervisors staff report for the 2010 renewal of the Wright's Island AFD	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/23/2018 - 8:41 AM
Planning Commission	Holt, Paul	Approved	7/23/2018 - 8:42 AM
Publication Management	Daniel, Martha	Approved	7/23/2018 - 8:59 AM
Planning Commission	Holt, Paul	Approved	7/23/2018 - 9:00 AM

**AGRICULTURAL AND FORESTAL DISTRICT-01-94-1-2018. Wright’s Island Renewal**

**Staff Report for the August 1, 2018, Planning Commission Public Hearing**

**SUMMARY FACTS**

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES</u>
Wright’s Island Game Assn.	2030100001	1,320.48
Old Shipyard Landing, LLC	2030100003	4.90
Old Shipyard Landing, LLC	2030100004	4.90
Isabell W. Queijo, Trustee	2020100027	49.37
Old Shipyard Landing, LLC	2030100002	110.50
Old Shipyard Landing, LLC	2030100005	6.40
<b>TOTAL ACRES</b>		<b>1,496.55</b>

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands and Open Space or Recreation

Primary Service Area (PSA): Outside

Staff Contact: Savannah Pietrowski, Senior Planner

**PUBLIC HEARING DATES**

Planning Commission: August 1, 2018, 6:00 p.m.  
Board of Supervisors: September 11, 2018, 5:00 p.m. (Tentative)

**STAFF RECOMMENDATION**

Approval, subject to the proposed amended conditions described herein.

**AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADVISORY COMMITTEE RECOMMENDATION**

At its June 21, 2018, meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

**DISTRICT HISTORY**

- The Wright’s Island AFD was created in 1986 for a term of eight years and originally consisted of five parcels totaling ±1,495 acres.
- The originally adopted District (AFD-1-86) expired in September 1994 and a new District (AFD-1-94) was subsequently created in October 1994 for a period of eight years.
- The District was renewed in 2002 and 2010 for eight-year periods. Various additions and withdrawals occurred throughout these years.
- Since the 2010 renewals, the Board of Supervisors approved two additions to the District (Parcel ID Nos. 2030100002 and 2030100005), bringing the District’s total acreage to its current ±1,497 acres.

**DISTRICT DESCRIPTION**

The majority of the District is forested, though it also includes tidal wetlands and land actively in agricultural and forestry use. All the land in this District is zoned A-1, General Agricultural, located outside of the PSA and designated Rural Lands by the adopted Comprehensive Plan.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

**ADDITION/WITHDRAWAL REQUESTS**

None.

## AGRICULTURAL AND FORESTAL DISTRICT-01-94-1-2018. Wright's Island Renewal

### Staff Report for the August 1, 2018, Planning Commission Public Hearing

#### CHANGES TO CONDITIONS

Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisors' 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 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.*

#### SURROUNDING ZONING AND DEVELOPMENT

The surrounding area consists of marshes, forestland, the Little Creek Reservoir and the Chickahominy River. The surrounding area is all zoned A-1, General Agricultural, with the exception of Little Creek Reservoir, which is zoned PL, Public Lands. River's Bend at Uncle's

Neck is located to the north. The Pates Neck AFD is located to the east. The Yarmouth Island AFD is located to the south.

#### COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Rural Lands and Open Space or Recreation. Land Use Action 6.1.1 of the adopted 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*.”

#### STAFF RECOMMENDATION

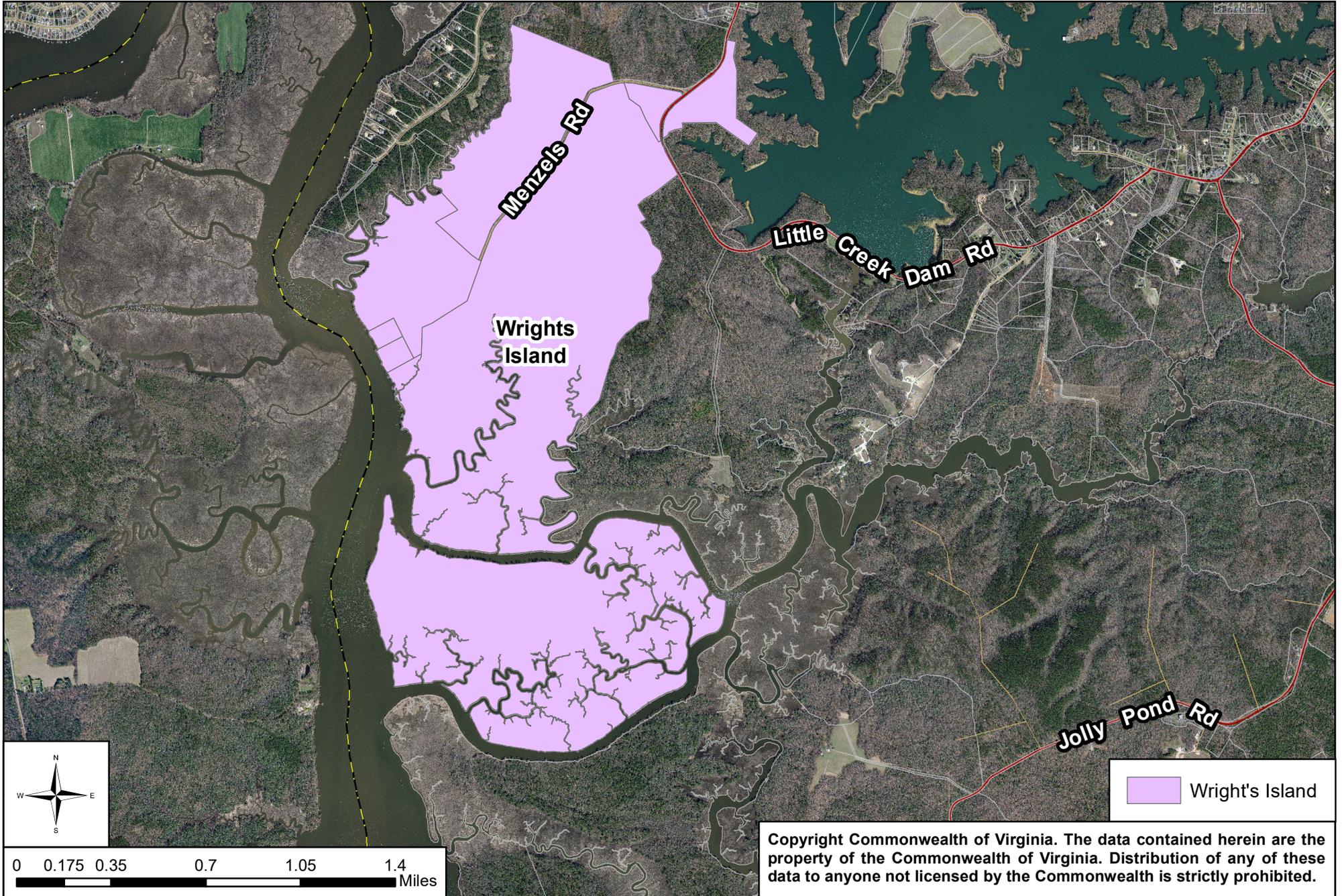
Staff finds the Wright's Island AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Planning Commission recommend renewal of this AFD for a period of eight years to the Board of Supervisors, with the amendment to Condition No. 2 described above.

SP/nb  
AFDWrtsIsldRenew

#### Attachments:

1. Location Map
2. Adopted conditions for the Wright's Island AFD
3. Board of Supervisors staff report for the 2010 renewal of the Wright's Island AFD

# JCC AFD-01-94-1-2018 Wright's Island Renewal



JUL 27 2010

ORDINANCE NO. 163A-4

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AGRICULTURAL AND FORESTAL DISTRICT -1-94

WRIGHT'S ISLAND 2010 RENEWAL

WHEREAS, James City County has completed a review of the Wright's Island Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 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 Wright's Island Agricultural and Forestal District; and

WHEREAS, Brian M. Menzel et. al. has requested the withdrawal of 74.75 acres, identified as James City County Real Estate Tax Map No. (20-2) (1-28); and

WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee, at its meeting on June 28, 2010, voted 6-0 to approve the application; and

WHEREAS, the Planning Commission, following its public hearing on July 7, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to renew this district with the conditions listed below.

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

1. The Wright's Island AFD is hereby continued from its current date of expiration (August 13, 2010) for a period of eight years, two months and 18 days to October 31, 2018, in accordance with the provisions of the Virginia AFD Act, Virginia Code Section 15.2-4300 et. seq.
2. The District shall include the following parcels:

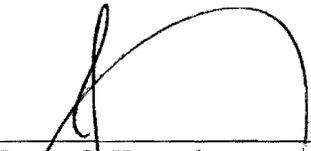
<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Wright's Island Game Association	(20-3) (1-1)	1,320.48
Old Shipyard Landing, LLC	(20-3) (1-3)	4.90
Old Shipyard Landing, LLC	(20-3) (1-4)	4.90
Manuel and Isabell Queijo Revocable Living Trust	(20-2) (1-27)	<u>49.37</u>
	Total	<u>1,379.65</u>

Provided, however, that all land within 25 feet of the road right-of-way of Menzels Road (Route 659) and Little Creek Dam Road (Route 631) be excluded from the District to allow for possible road improvements.

3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Wright's Island 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 AFDs within the PSA, 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 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 WCF on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

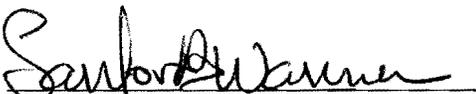


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James G. Kennedy  
 Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
MCCLENNON	AYE
GOOLSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

ATTEST:

  
 Sanford B. Wanner  
 Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July, 2010.

**AGRICULTURAL AND FORESTAL DISTRICT-1-94. Wright’s Island 2010 Renewal Staff Report for the July 27, 2010, Board of Supervisors 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**

Planning Commission:  
Board of Supervisors:

**Building F Board Room; County Government Center**

July 7, 2010, 7:00 p.m.  
July 27, 2010, 7:00 p.m.

**SUMMARY FACTS**

<u>Owners</u>	<u>Parcel No.</u>	<u>Acres</u>
Wright’s Island Game Assoc	2030100001 .....	1,320.48
Old Shipyard Landing, LLC	2030100003 .....	4.90
Old Shipyard Landing, LLC	2030100004 .....	4.90
Manuel and Isabell Queijo Revocable Living Trust	2020100027 .....	49.37
Brian M. Menzel, et al	2020100028 .....	74.75

Zoning: A-1, General Agriculture  
Comprehensive Plan: Rural Lands and Conservation Area  
Primary Service Area: Outside

**STAFF RECOMMENDATION**

This Agricultural and Forestal District (AFD) is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Wright’s Island AFD for a period of eight years and two months, subject to the enclosed conditions.

On June 28, 2010, the AFD Advisory Committee recommended renewal of this district by a vote of 6-0.

Staff Contact: Kathryn Sipes, Senior Planner Phone: 253-6685

**PLANNING COMMISSION RECOMMENDATION**

At its meeting on July 7, 2010, by a vote of 6-0, the Planning Commission recommended renewal of the Wright’s Island AFD.

**Proposed Changes Made Since Planning Commission Meeting**

No changes have been made since the Planning Commission meeting.

**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-1-94, Wright’s Island, which is scheduled to expire August 13, 2010.

Staff is endeavoring to synchronize the expiration dates of all districts. During the renewal process in 2006, when 13 of the 14 districts were renewed, terms of the 13 districts were adjusted to expire in

October of the appropriate year. Wright’s Island is currently the only district with an eight-year term and the only district that was not renewed in 2006. As part of the 2010 renewal process staff is recommending a term of eight years and two months, making the expiration date October 2018.

**DISTRICT HISTORY**

The Wright’s Island AFD was adopted by the Board of Supervisors in October 1986. The district originally consisted of five parcels comprising approximately 1,495 acres and was established for a term of eight years. The originally adopted district (AFD-1-86) expired in September 1994 and a new district (AFD-1-94) was subsequently created in October 1994. The new district was established for a term of eight years. In November 1999, the Board of Supervisors approved the addition of 49.373 acres to the district. In August 2002, the District was renewed for another eight-year term. As part of the 2002 renewal a 90-acre parcel was withdrawn from the district.

The Wright’s Island AFD consists of approximately 1,454.40 acres located along Little Creek Dam Road and Menzels Road between Little Creek Reservoir, Yarmouth Creek, and the Chickahominy River (see attached location map). Part of the district is adjacent to the Little Creek Reservoir. Specifically, the AFD is currently comprised of the following:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Wright’s Island Game Association	(20-3)(1-1) .....	1,320.48
Old Shipyard Landing, LLC	(20-3)(1-3) .....	4.90
Old Shipyard Landing, LLC	(20-3)(1-4) .....	4.90
Menzel, Brian M. Et. Als	(20-2)(1-28) .....	74.75
Manuel J. and Isabell Queijo Revocable Living Trust	(20-2)(1-27) .....	49.37

**ANALYSIS**

The bulk of the district consists of woodlands, with the remaining land being tidal wetlands. All of the land is zoned A-1, General Agricultural, and is located entirely outside the Primary Service Area (PSA). The land in the district is designated as either Rural Lands or Conservation Area on the Comprehensive Plan Land Use Map.

**WITHDRAWALS**

One parcel, (20-2)(1-28), is being withdrawn at the property owners’ request. The parcel is approximately 75 acres in size. After the withdrawal the district will total approximately 1379.65 acres.

**CHANGE IN CONDITIONS**

Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor’s policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the PSA, adopted September 24, 1996, as well as adding a reference to the Board of Supervisor’s policy pertaining to Withdrawal of Lands from AFDs inside the PSA, adopted September 24, 1996. Staff is also recommending language that references future amendments to those Board policies. The proposed condition is as follows, with proposed corrections and additions underlined:

“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 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 AFDs Within the PSA, adopted September 24, 1996, as amended.”

## STAFF RECOMMENDATION

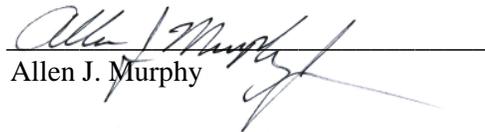
This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Wright's Island AFD for a period of eight years and two months, subject to the following conditions. On June 28, 2010, the AFD Advisory Committee recommended renewal of this district by a vote of 6-0.

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 sitting 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 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 AFDs within the PSA, adopted September 24, 1996, 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 WCFs on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

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Kathryn Sipes

CONCUR:

  
Allen J. Murphy

KS/nb  
AFD1-94WrightIs.doc

### ATTACHMENTS:

1. Proposed Ordinance
2. Unapproved Minutes of the July 7, 2010, Planning Commission Meeting
3. Location Map
4. Withdrawal Request
5. Unapproved Minutes of the June 28, 2010, ADF Advisory Committee Meeting
6. Existing Ordinance and Conditions, Dated August 13, 2002

**ITEM SUMMARY**

DATE: 8/1/2018

TO: The Planning Commission

FROM: Tori Haynes, Planner

SUBJECT: AFD-01-02-1-2018. Carter's Grove AFD Renewal

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**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Attachment 1. Location Map	Backup Material
☐	Attachment 2. Adopted conditions for the Carter's Grove AFD	Backup Material
☐	Attachment 3. Board of Supervisors staff report for the 2014 renewal of the Carter's Grove AFD	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/21/2018 - 4:47 PM
Planning Commission	Holt, Paul	Approved	7/21/2018 - 4:47 PM
Publication Management	Burcham, Nan	Approved	7/23/2018 - 7:43 AM
Planning Commission	Holt, Paul	Approved	7/23/2018 - 8:36 AM

**AGRICULTURAL AND FORESTAL DISTRICT-01-02-1-2018. Carter's Grove Renewal**

**Staff Report for the August 1, 2018, Planning Commission**

**SUMMARY FACTS**

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>±ACRES</u>
Carter's Grove Associates	5820100002	76.10
Carter's Grove Associates	5910100030	240.04
<b>TOTAL ACRES</b>		<b>316.14</b>

Zoning: R-2, General Residential  
R-8, Rural Residential

Comprehensive Plan: Open Space or Recreation  
Federal, State and County Land

Primary Service Area (PSA): Inside

Staff Contact: Tori Haynes, Planner

**PUBLIC HEARING DATES**

Planning Commission: August 1, 2018, 6:00 p.m.  
Board of Supervisors: September 11, 2018, 5:00 p.m. (Tentative)

**STAFF RECOMMENDATION**

Approval, subject to the proposed conditions.

**AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADVISORY COMMITTEE RECOMMENDATION**

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

**DISTRICT HISTORY**

- The Carter's Grove AFD was created in 2002 for a term of four years and originally consisted of three parcels totaling ±320 acres.
- In 2006, the District was renewed for a four-year term. At this time, a 2.26-acre portion was withdrawn.
- The District was renewed for four-year terms in 2010 and 2014 with no additions or withdrawals.
- In 2015, a 1.56-acre parcel owned by Colonial Williamsburg Foundation was withdrawn.

**DISTRICT DESCRIPTION**

Carter's Grove AFD consists of ±316 acres which were originally part of historic Carter's Grove Plantation. The District is mostly wooded, with wetlands located near the river. The mansion and areas immediately surrounding it, including the gardens and entrance road, are not included in the AFD.

Total acreage includes all the land in the above properties with the exception of the aforementioned mansion grounds and all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

**ADDITION/WITHDRAWAL REQUESTS**

None.

**CHANGES TO CONDITIONS**

None.

**SURROUNDING ZONING AND DEVELOPMENT**

The surrounding area consists of both residential and commercial development, including Kingsmill (R-4, Planned Residential Community and M-1, Limited Business/Industrial), James River Elementary School (PL, Public Lands) and James River Commerce Center (M-1, Limited Business/Industrial). Other adjacent zoning districts include LB, Limited Business and R-5, Multi-family Residential. Hampton Roads Sanitation District sanitary sewer station is not included in the Carter's Grove AFD, but is wholly encompassed by Parcel ID No. 5820100002.

**COMPREHENSIVE PLAN**

The Comprehensive Plan designates these parcels as Open Space or Recreation and Federal, State and County Land. Land Use Action 6.1.1 of the adopted 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*."

**STAFF RECOMMENDATION**

Staff finds the Carter's Grove AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Planning Commission recommend renewal of this AFD for a period of four years to the Board of Supervisors, subject to the attached conditions which were approved at the District's last renewal.

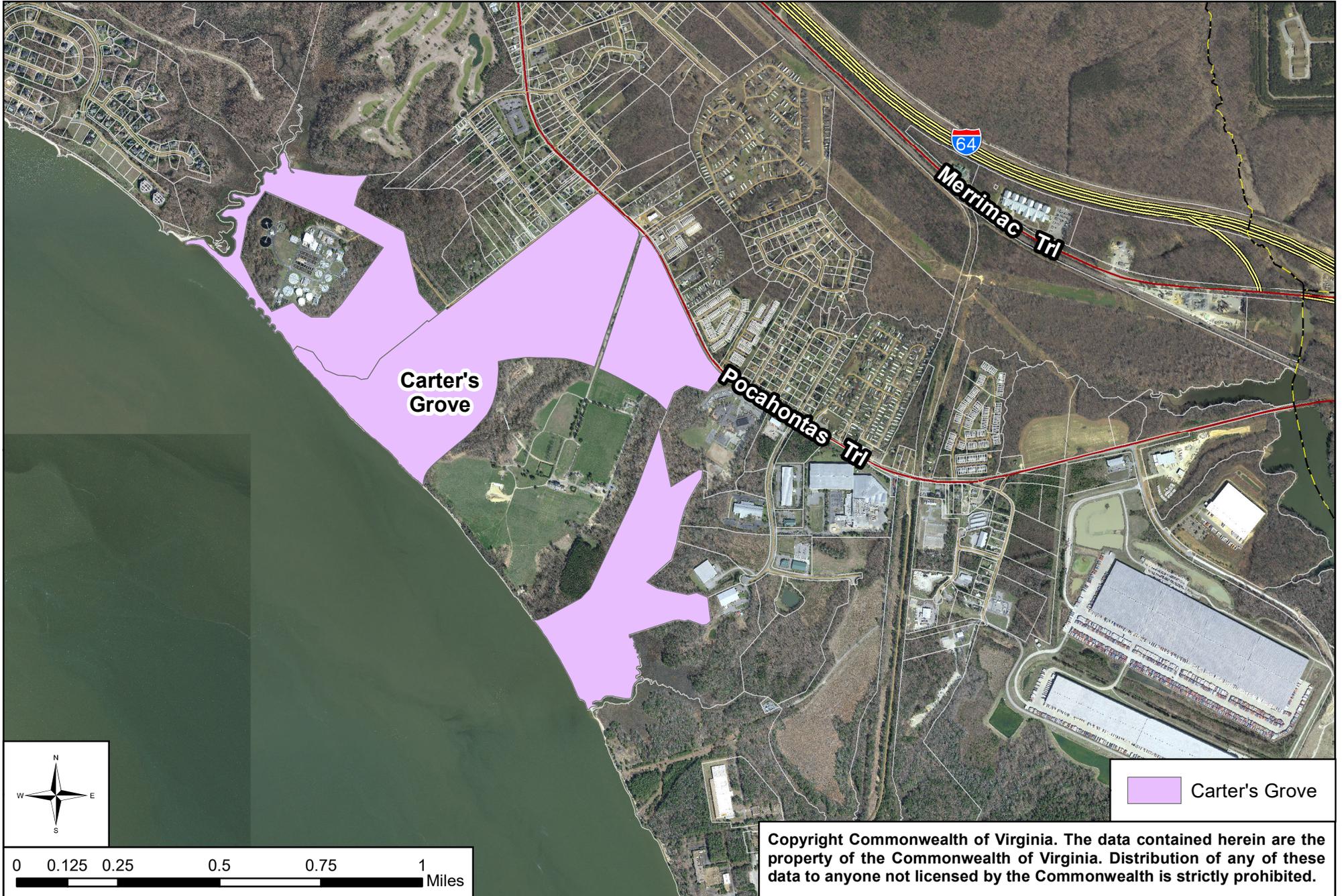
TH/md  
AFDCartersGrvRenew

Attachments:

1. Location Map
2. Adopted conditions for the Carter's Grove AFD
3. Board of Supervisors staff report for the 2014 renewal of the Carter's Grove AFD

# JCC AFD-01-02-1-2018

## Carter's Grove 2018 Renewal



# ADOPTED

SEP 09 2014

ORDINANCE NO. 197A-3

Board of Supervisors  
James City County, VA

## AGRICULTURAL AND FORESTAL DISTRICT-01-02

### CARTER'S GROVE 2014 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 notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Croaker Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 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:

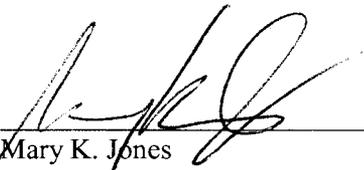
1. The Carter's Grove Agricultural and Forestal District is hereby continued to October 31, 2018, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. That the district shall include the following parcels, provided, however, 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>
Carter's Grove, LLC	5820100002	76.10
Carter's Grove, LLC	5910100030	240.04
Colonial Williamsburg Foundation	5910100021	<u>1.56</u>
	Total:	<u>317.70</u>

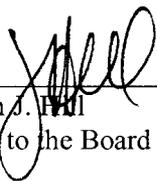
3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Carter's Grove Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions 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 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 Withdrawal of Properties from AFDs, adopted September 28, 2010.
- 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.

  
 \_\_\_\_\_  
 Mary K. Jones  
 Chairman, Board of Supervisors

ATTEST:

  
 \_\_\_\_\_  
 Bryan J. Hill  
 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 9th day of September, 2014.

AFD01-02-1-14CartersGrove-res

**AGENDA ITEM NO. I-5****Agricultural and Forestal District-01-02-1-2014. Carter's Grove AFD Renewal Staff Report for the September 9, 2014, Board of Supervisors 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 7, 2014, 4:00 p.m. (Human Services Building)  
August 6, 2014, 7:00 p.m.  
September 9, 2014, 7:00 p.m.

**SUMMARY FACTS**

<u>Owners:</u>	<u>Parcel Number</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 ACRES.....317.70

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 Contact: Luke Vinciguerra Phone: 253-6783

**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 Board of Supervisors renew the Carter's Grove AFD for a period of four years, subject to the conditions listed in the attached resolution.

**PLANNING COMMISSION RECOMMENDATION**

At its August 6, 2014, meeting, the Planning Commission recommended the continuation of the District by a vote of 6-0 (Richardson absent).

**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.

**Proposed Changes Made Since the Planning Commission Meeting**

None.

**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 and 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**

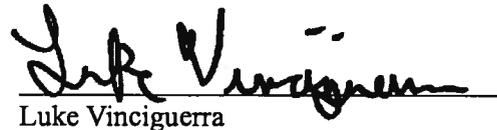
Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~“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.”~~

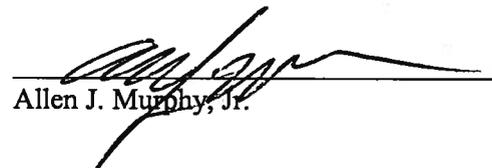
*No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors’ Policy Governing 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 August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 6-0 (Richardson absent). At its July 7, 2014, meeting, the AFD Advisory Committee voted to recommend the continuation of the District to the Planning Commission and Board of Supervisors by a vote of 8-0. Staff recommends the Board of Supervisors renew the Carter’s Grove AFD for a period of four years, subject to the conditions listed in the attached resolution.

  
 Luke Vinciguerra

CONCUR:

  
 Allen J. Murphy, Jr.

LV/gb  
 AFD01-02-1-14CartersGrove

**ATTACHMENTS:**

1. Ordinance
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Approved minutes of the July 7, 2014, AFD Advisory Committee meeting (under separate cover)
5. Unapproved minutes of the August 6, 2014, Planning Commission meeting (under separate cover)

**ITEM SUMMARY**

DATE: 8/1/2018

TO: The Planning Commission

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Planning Director's Report - August 2018

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Spreadsheet Listing New Applications Received	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/21/2018 - 4:11 PM
Planning Commission	Holt, Paul	Approved	7/21/2018 - 4:11 PM
Publication Management	Burcham, Nan	Approved	7/23/2018 - 7:48 AM
Planning Commission	Holt, Paul	Approved	7/23/2018 - 8:34 AM

**PLANNING DIRECTOR'S REPORT**  
**August 2018**

This report summarizes the status of selected Department of Community Development activities during the past month.

▪ **Planning**

- **Monthly Case Report:** For a list of all cases received in the last month, please see the attached documents.
- **Board Action Results:**  
**July 10, 2018**
  - Resolution of Support for Smart Scale Transportation Funding Applications (Approved 4-0)
  - Resolution of Support for Fort Eustis Joint Land Use Study (Approved 4-0)
  - SUP-0004-2018. 3021 Ironbound Road Tourist Home (Approved 4-0)
  - AFD-04-86-1-2017. Pates Neck Renewal (Approved 4-0)

▪ **Community Development**

- To implement projects from the Pocahontas Trail Corridor Study and the 2040 Long Range Transportation Plan, James City County will be applying to VDOT for Smart Scale funding on August 1. The Board adopted a resolution supporting the following projects:
  1. Pocahontas Trail Corridor Improvements; and
  2. Bicycle/pedestrian path on Longhill Road.

The Commonwealth Transportation Board will make funding decisions based on the Smart Scale process in June 2019.

▪ **Building Safety & Permits**

- Congratulations to Marty Smith on her promotion to Assistant Building Official, Plan Review Section Chief.
- Permit Link went live on June 11. We are still working on bug fixes but are receiving many positive reviews from our customers.

**New Cases for August 2018**

Plan Number	Case Title	Address	Description	Assigned To	District
AFD-18-0016	Mill Creek Ivy Hill and Diascund Rd Additions	8328 DIASCUND RD	Addition of 8328 Diascund Rd and 365, 358 and 382 Ivy Hill Rd to Mill Creek AFD.	Pietrowski, Savannah	Powhatan
C-18-0044	179 Clark Lane Conceptual	179 CLARK LN	Subdivision of property into potential configuration of 12 lots	Baruch, Alex	Powhatan
C-18-0045	4091 Ironbound Road Self Storage Facility	4091 IRONBOUND RD	Construction of three and four story climate-controlled self-storage facility. Vehicular access will be via the existence entrance into Courthouse Green. BLE also proposed	Haynes, Tori	Jamestown
C-18-0061	Enrollment/Traffic Update	275 MCLAWS CIR	Veritas Preparatory School	Costello, Terry	Roberts
C-18-0063	Strawberry Plains Minor Subdivision	3877 STRAWBERRY PLAINS RD	Proposal of a 9 lot subdivision	Haynes, Tori	Jamestown
C-18-0064	7083 Menzels Road Minor Subdivision	7083 MENZELS RD	Minor Subdivision located at 7083 Menzels Road.	Ribeiro, Jose	Powhatan
C-18-0066	7568 Uncles Neck Subdivision	7568 UNCLES NCK	BLA to increase the size of 7568 Uncles Neck.	Pietrowski, Savannah	Powhatan
S-18-0026	James Family Subdivision	4318 WARE CREEK RD	Family Subdivision creating one new lot	Pietrowski, Savannah	Stonehouse
S-18-0027	7302 Pocahontas Trail Subdivision	7302 POCAHONTAS TRL	7302 Pocahontas Trail Subdivision for proposed 7-11 and drive through fast food restaurant.	Baruch, Alex	Roberts
S-18-0029	149 & 151 Carriage Road Boundary Line Extinguishi	149 CARRIAGE RD	Boundary Line Extinguishment between PINs 3910100123 & 3910100124	Pietrowski, Savannah	Jamestown
S-18-0030	Governor's Grove at Five Forks Phase 13B	4360 JOHN TYLER HWY	Condominium Plat, Governors Grove at Five Forks, Phase 13B	Leininger, Thomas	Berkeley
S-18-0031	Governor's Grove at Five Forks Phase 14A	4360 JOHN TYLER HWY	Condominium Plat, Governors Grove at Five Forks, Phase 14A	Leininger, Thomas	Berkeley
S-18-0032	Summerplace Well Facility Plat	1613 JOLLY POND RD	Subdivision of well lot from main parcel	Haynes, Tori	Powhatan
S-18-0033	Phase 13C Condominium - Governor's Grove @ Fi	4360 JOHN TYLER HWY	Phase 13C Condominium Plat for Governor's Grove @ Five Forks	Cook, Ellen	
SP-0035-2018	5485 Mooretown Road Office Building	5485 MOORETOWN RD	5485 Mooretown Road Office Building	Whyte, Scott	Powhatan
SP-18-0069	HRSD force main replacement 5301 Longhill Road	5301 LONGHILL RD	Replace 1,900 feet of 24" force main in existing HRSD easement and VDOT right of way	Whyte, Scott	Jamestown
SP-18-0070	Freedom Park Cemetery Connector Trail	5537 CENTERVILLE RD	Construction of 630 lf of paved trail to connect multi-use trail to Interpretive Center	Haynes, Tori	Powhatan
SP-18-0071	First Watch Patio Addition	5212 MONTICELLO AVE	Patio proposed for outdoor dining at First Watch Daytime Cafe' (First Watch Restaurants). Extend existing concrete slab. New railing, landscaping and furniture. Patio 478 SF.	Leininger, Thomas	Jamestown
SP-18-0072	Marriott Manor Club II Parking Lot Expansion	101 ST ANDREWS DR	Parking lot expansion and associated storm sewer system.	Whyte, Scott	Powhatan
SP-18-0073	6487 Richmond Rd. Verizon Tower Site Plan Amer	6487 RICHMOND RD	Verizon is proposing to swap six (6) antennas and twelve (12) remote radio heads at the 220-foot level of the existing tower. No changes to compound layout or to the tower	Haynes, Tori	Stonehouse
SP-18-0074	The Mews - Storm System Additions	5144 LONGHILL RD	Addition of two new storm structures within the existing drainage network network within The Mews development.	Pietrowski, Savannah	Jamestown
SP-18-0075	Lightfoot Marketplace Building 4 SP Amend.	6401 RICHMOND RD	Site Plan Amendment to add signal loop detector and concrete pads at drive thru window and menu board, revise dumpster detail, and provide a path to the dumpster, and add directional signage.	Ribeiro, Jose	Stonehouse
SP-18-0077	Kingsmill Townhomes	900 Mounts Bay	24 lots on 4.43 acres.	Leininger, Thomas	Roberts
SP-18-0082	Busch Gardens – 2019 Ireland Expansion	7851 POCAHONTAS TRL	Expansion in the Ireland area of the Busch Gardens Williamsburg Park	Sulouff, Roberta	Roberts
SP-18-0083	4315 John Tyler Sprint Tower SP Amend	4315 JOHN TYLER Hwy	Remove (3) antennas, replace with (3) 2.5 Ghz antennas, (3) 800/1900 antennas. Install (3) 800 RRHs, (1) hybridflex cable. Install a top hat existing cabinet with (1) 2.5 BBU & (2) rectifiers.	Ribeiro, Jose	Berkeley
SUP-18-0010	6623 Richmond Road Outdoor Market	6623 RICHMOND RD	Outdoor Flea Market for 15 to 30 vendors on weekends only	Ribeiro, Jose	Stonehouse