

**Agricultural and Forestal District 4-86. Pates Neck Renewal
Staff Report for the November 14, 2000, 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: September 18, 2000, 7:00 p.m. Building E Board Room
 Planning Commission: October 2, 2000, 7:00 p.m. Building C Board Room
 Board of Supervisors: November 14, 2000, 7:00 p.m. Building C Board Room

SUMMARY FACTS

Applicant: Mr. James A. Daniels, Jr.
 Land Owner: Pates Neck Timber Company

Proposed Use: Renewal of the existing Agricultural and Forestal District

Location: Little Creek Dam Road - Stonehouse District (see attached map)

Tax Map and Parcel No.: (20-4)(1-1)

Primary Service Area: Outside

Parcel Size: 624.297 acres

Existing Zoning: A-1, General Agriculture

Comprehensive Plan: Rural Lands

Surrounding Zoning: North: Little Creek Reservoir
 East and South: A-1, General Agriculture
 West: Wrights Island AFD 1-94

Staff Contact: Karen Drake - Phone: 253-6685

STAFF RECOMMENDATION:

Staff recommends the continuance of the Pates Neck Agricultural and Forestal District for six years. On September 25, 2000, the AFD Advisory Committee met and approved 7-0 to renew the District with the conditions listed in this report. At its October 2, 2000, meeting, the Planning Commission concurred with staff and the AFD Advisory Committee and voted to recommend approval of this application by a vote of 6 to 0, with one absence.

Description of Project

The Pates Neck Agricultural and Forestal District (AFD) is due to expire on November 17, 2000. As required by State Code, the County must review an established AFD prior to its expiration. During this review, the district must either be continued, modified, or terminated.

When this District was last renewed in 1992 for eight years, the following conditions were placed on the District:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots for residential use by members of the owner's immediate family; provided that the property owner shall be permitted to construct a new dwelling for his own use on the property.
2. No land within the AFD may be rezoned and no application for such a rezoning shall be filed earlier than six months prior to the expiration of the district.
3. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities consistent with State Code 15.2-4300 et. seq. which are not in conflict with the policies of the district.

Property Description

The Pates Neck AFD consists of approximately 624 acres and is generally located south of Little Creek Dam Road and east of Menzel's Road. A portion of the property within this AFD fronts on Little Creek Dam Road. Property contained in the district is as follows:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Pates Neck Timber Company	(20-4)(1-1)	624.297

The property is mostly wooded with marshlands covering the southernmost part of the property. All land within the district is zoned A-1, General Agricultural, and has no previous zoning action or history. The land has remained essentially the same since the creation of the district in 1986 and there is a management plan which includes provisions for wildlife habitat improvements.

Surrounding Zoning and Development

The surrounding area consists of marshes, forestland and the Little Creek Reservoir. The surrounding area is zoned A-1, General Agricultural. Wrights Island, AFD-1-94, is directly to the west of the Pates Neck AFD.

RECOMMENDATION:

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the District for a period of six years with the conditions listed below. A six-year approval would be consistent with prior action and would allow for the reevaluation of the district for consistency with possible policy changes and Comprehensive Plan revisions.

On September 25, 2000, the AFD Advisory Committee met and voted 7-0 on the continuance of this district for a period of six years with the conditions listed below. At its October 2, 2000, meeting, the Planning Commission concurred with staff and the AFD Advisory Committee and voted to recommend approval of this application by a vote of 6 to 0, with one absence.

Conditions Nos. 1 and 3 were revised to include provisions to accommodate the siting of communication towers on land included in an AFD. Condition No. 2 was revised to reflect the Board's new withdrawal policy. Other than these revisions, the conditions are the same as those found at the beginning of this report and the same conditions that were adopted when Pates Neck AFD was last renewed in 1992.

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) The subdivision does not result in the total acreage of the district to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area (PSA) and within the 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.
3. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4300 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.

Karen L. Drake

CONCUR:

O. Marvin Sowers

KLD/gb
PatesNeck.wpd

Attachmens:

1. Planning Commission Minutes
2. Location map
3. Resolution