

ORDINANCE NO. \_\_\_\_\_

CRANSTON'S POND AGRICULTURAL AND FORESTAL DISTRICT (AFD-6-86)

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, 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, Michael B. Ware, on behalf of Marston, LLC, has requested the withdrawal of 85.61 acres, identified as Tax Map IDs (22-2)(1-33), (22-2)(1-34), (22-2)(1-35), (22-2)(1-36), (22-2)(1-37), and (22-2)(1-90); and

WHEREAS, James Hudson, on behalf of Kenneth and Wendy Heath, has requested the withdrawal of 25.91 acres, which are identified as Tax Map ID (21-4)(1-39) and (22-3)(1-33); and

WHEREAS, Thelma and Otto Ripley and Shirley Sulenski completed a family subdivision on Tax Map ID (31-2)(1-3), thereby resulting in a 2.05-acre parcel which must be withdrawn from the District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee, at its meeting on June 27, 2006, voted 8-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission, following its public hearing on July 10, 2006, 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 for a period of four years and three months beginning the twenty-fifth day of July 2006 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:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Hidden Acres Farm, c/o Wayne Nunn	(23-3)(1-1)	416.500
Bert Geddy, Jr.	(22-3)(1-26)	167.500
Edward K. English	(22-4)(1-1A)	101.670
James Peyton Harcum	(22-2)(1-87)	62.559
Otto C. and Thelma Ripley	(31-2)(1-3)	21.010
Douglas L. Hornsby Trust	(21-4)(1-46)	<u>205.000</u>
Total:		<u>974.239</u>

provided, however, that all land within 50 feet of the road rights-of-way shall be excluded from the District.

3. That 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 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. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
  - b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District (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 inside the PSA and within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996.
  - c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

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Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of July, 2006.

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