

ORDINANCE NO. _____

GORDON CREEK AGRICULTURAL AND FORESTAL DISTRICT (AFD-9-86)

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

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

WHEREAS, David and Stephanie Allen have requested the withdrawal of 25 acres from their parcel which is identified as Tax Map ID (34-2)(1-2); and

WHEREAS, W. A. Thompson and Charles Flemming have requested the withdrawal of three acres from their parcel which is identified as Tax Map ID (36-2)(1-40); and

WHEREAS, John Carwell has requested the addition of a 28.36 acre parcel which is identified as Tax Map ID (35-2)(1-10); and

WHEREAS, the AFD 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 Gordon Creek AFD is hereby continued for a period of four years and three months beginning the 25th 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. The District shall include the following parcels:

<u>Owner</u>	<u>Parcel Nos.</u>	<u>Acres</u>
Sarah Armistead	(35-2)(1-16)	369.000
Sarah Armistead	(36-3)(1-1)	120.46
Rosa Armistead Est.	(30-3)(1-4)	23.000
Warburton, J. G. Est., c/o M. McMurrin	(35-4)(1-1)	394.500
Edward D. Warburton	(35-2)(1-1)	86.643
Allen, David H. & Stephanie M.	(34-2)(1-2)	132.98
Patrick, Matthew CH & Theresa L	(34-2)(1-2A)	25.02
Warburton, J. G. Est., c/o M. McMurrin	(36-3)(1-3)	264.000
Thomas L. Hitchens	(36-1)(1-6)	35.000
W. A. Thompson & Charles Flemming	(36-2)(1-40)	136.96

<u>Owner</u>	<u>Parcel Nos.</u>	<u>Acres</u>
Claybank Landing, LLC	(43-2)(1-1)	124.100
Richardson Holding LP	(36-4)(1-7)	116.83
Richardson Holding LP	(30-3)(1-3)	33.000
Jane T. Carsewell	(36-1)(1-3)	44.000
Warburton, J. G. Est., c/o M. McMurrin	(36-1)(1-4)	37.620
Powhatan Assoc.	(44-1)(1-1)	387.420
Powhatan Hunt Club c/o J. Kenneth Timmons	(35-3)(1-1)	241.680
Mary Abbott	(36-2)(1-18)	43.55
Trust Company of Virginia, c/o Gregory Davis	(35-4)(1-9)	57.600
Linda Henderson Gordon	(34-2)(1-1)	35.300
Williamsburg Pottery Inc.	(44-1)(1-2)	26.000
Nayses Bay Land Co.	(35-1)(1-3)	32.000
Nayses Bay Land Co.	(35-1)(1-6)	11.000
William Kane	(29-4)(1-3)	4.000
William Kane	(30-3)(1-7)	8.000
William Kane	(35-2)(1-7)	131.000
William Kane	(36-1)(1-1)	8.330
William Kane	(36-1)(1-2)	13.000
J. G. Warburton Estate, c/o M. McMurrin	(37-3)(1-4)	165.50
Baxter I. & Anne F. Bell	(43-2)(1-3)	207.951
John Carswell	(35-2)(1-10)	<u>28.360</u>
	Total:	<u>3,343.804</u>

provided, however, that all land within 25 feet of road rights-of-way is 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 Gordon Creek AFD be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
 - b. No land outside the Primary Service Area (PSA) and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land 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 (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.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

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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