

ORDINANCE NO. _____

RENEWAL OF AFD-1-02, CARTER'S GROVE

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, 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 Carter's Grove Agricultural and Forestal District; and

WHEREAS, Colonial Williamsburg has requested the withdrawal of a 2.26-acre portion of Tax Map ID (59-1)(1-30A), which is identified as "Property to be Withdrawn" on the map entitled "JCC AFD-1-02-1 Carter's Grove AFD 2006 Renewal", dated September 12, 2006, and included as an attachment to the staff report; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee, at its meeting on August 29, 2006, voted 6-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission, following its public hearing on September 11, 2006, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to recommend renewal of the District with the conditions listed below.

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

1. The Carter's Grove Agricultural and Forestal District is hereby continued for a period of four years and one month beginning the twenty-sixth day of September, 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 No.</u>	<u>Acres</u>
Colonial Williamsburg (3 part parcel)	(59-1)(1-30A)	240.049
Colonial Williamsburg	(59-1)(1-21)	1.564
Colonial Williamsburg	(58-2)(1-2)	<u>76.500</u>
	Total:	<u>318.113</u>

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 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. 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.
4. All land within 50 feet of the existing right-of-way on both sides of Route 60, Pocahontas Trail; all land within the Colonial Pipeline Easement; all land within the HRSD Easement; and all land within ten feet adjacent to both sides of the HRSD Easement be excluded from the district as needed for future improvements and expansion.

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 26th day of September, 2006.