

**MEMORANDUM**

DATE: October 10, 2006

TO: The Board of Supervisors

FROM: Jason Purse, Planner

SUBJECT: Determination of Effect of Withdrawing Land from the Gordon's Creek AFD

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James City County intends to acquire land located within the Gordon's Creek AFD totaling approximately 40.285 acres as shown on attached survey. The land will be used for the purpose of constructing the Williamsburg-James City County Public Schools' eighth elementary school.

As shown on the attached exhibit, the boundary lines have shifted slightly from what was originally intended to be used for this site. The change in boundary lines is necessary for the construction of turn lanes for the school, as well as the construction of the stormwater management facility and a portion of a playing field in the rear of the property. Even though the new land being acquired totals only a few acres, the process for the whole site is being completed again to assure that no further delays occur in the process.

As a part of that process, pursuant to State Code Section 15.2-4313 the Board of Supervisors must make a determination that the acquisition of land in the Gordon's Creek Agricultural and Forestal District (AFD) will not have an unreasonably adverse effect upon the remainder of the Gordon's Creek AFD, or have an effect on the preservation and enhancement of agricultural and forestal resources within the district. As this site went through a site selection process, and was determined by the Board of Supervisors to be the best location for this project, this public hearing process is not required by State Code. However, a public hearing was advertised and is being held in order to prevent any possible delays in construction for this project.

The withdrawal site is internal to the largest section of the Gordon's Creek AFD. The parcel can be withdrawn without adversely affecting any other District parcel, because no parcel will be more than a mile away from the main body of the AFD. The remaining 120.46 acres of the original parent parcel will also remain in the AFD, as it was recently renewed for a term length of four years and three months.

Given the need for additional school facilities in the County there is a projected completion date of September 2007. There is a very small window for starting and completing work on all areas of this site. The construction sequence for this project requires the stormwater management facility be constructed near the beginning of the process, as it is necessary to adequately mitigate environmental impacts of the site as the building pad is completed. As this area of the plan was not a part of the original boundary line for the site, this intent to acquire, and subsequent withdrawal from the AFD is necessary before construction can commence on that phase of the project. Any undue delay of this process will force postponement of the opening of the school.

The Agricultural and Forestal Advisory Committee, the Planning Commission and the Department of Conservation and Recreation were notified of the County's intent to acquire land and to elicit any input they might have on the possible withdrawal of land on the District. Their responses on the effects of this acquisition are attached. A copy of the intent to withdraw letter was also sent to all land owners in the District.

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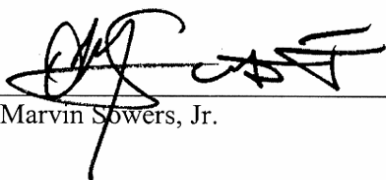
Page 2

Staff recommends the Board of Supervisors adopt the attached resolution making findings about the acquisition of the land in the Gordon's Creek AFD. Once the site is acquired by the County we will start the withdrawal process and SUP amendment for this additional land in November.

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Jason Purse

CONCUR:



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O. Marvin Sowers, Jr.

JP/cc

GordonCrkAFD.mem

Attachments:

1. Survey
2. Letter to Sandy Wanner dated 9/13/06
3. AFD Advisory Committee response
4. Planning Commission response
5. Department of Conservation and Recreation response