

A G E N D A
JAMES CITY COUNTY AFD ADVISORY COMMITTEE
REGULAR MEETING
101-A Mounts Bay Road, Williamsburg, VA 23185
Building A Large Conference Room
July 21, 2022
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes of the January 27, 2022, Organizational Meeting

D. OLD BUSINESS

E. NEW BUSINESS

1. 2022 Agricultural and Forestal District (AFD) Renewals

F. DISCUSSION ITEMS

G. ADJOURNMENT

ITEM SUMMARY

DATE: 7/21/2022

TO: The AFD Advisory Committee

FROM: Josh Crump, Principal Planner

SUBJECT: Minutes of the January 27, 2022, Organizational Meeting

ATTACHMENTS:

	Description	Type
📎	Minutes of the January 27, 2022, Organizational Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
AFD Advisory Group	Crump, Josh	Approved	7/14/2022 - 1:10 PM
AFD Advisory Group	Holt, Paul	Approved	7/14/2022 - 1:13 PM
Publication Management	Daniel, Martha	Approved	7/14/2022 - 2:12 PM
AFD Advisory Group	Secretary, AFD	Approved	7/14/2022 - 2:13 PM

MINUTES
JAMES CITY COUNTY AFD ADVISORY COMMITTEE
ORGANIZATIONAL MEETING
101-D Mounts Bay Road, Williamsburg, VA 23185
Building D Glass Conference Room
January 27, 2022
4:00 PM

A. CALL TO ORDER

Mr. Chris Taylor called the Agricultural and Forestal District (AFD) Advisory Committee meeting to order at 4 p.m.

B. ROLL CALL

Present:

Chris Taylor, Chair
Bruce Abbott, Vice Chair
Richard Bradshaw
Loretta Garrett
Sue Sadler (by phone)
Sandy Wanner

Absent:

Payten Harcum
William Harcum
Thomas Hitchens

Staff:

Tammy Rosario, Community Development Assistant Director
Josh Crump, Principal Planner
Tom Leininger, Principal Planner
Thomas Wysong, Senior Planner II
Beth Klapper, Community Development Assistant
Katie Pelletier, Community Development Assistant

C. MINUTES

1. Minutes of the October 21, 2021, Regular Meeting

Ms. Garrett motioned to Approve the meeting minutes from October 21, 2021.

Mr. Wanner seconded the motion.

On a voice vote, the motion was approved 6-0.

D. OLD BUSINESS

There was no old business for discussion.

E. NEW BUSINESS

1. Election of Officers

Mr. Abbott motioned to Re-elect Mr. Taylor as the Committee Chairman.

Ms. Garrett seconded the motion.

The motion was approved 6-0 after a unanimous voice vote.

Mr. Taylor motioned to Re-elect Mr. Abbott as the Committee Vice Chairman.

Ms. Garrett seconded the motion.

The motion was approved 6-0 after a unanimous voice vote.

2. AFD Advisory Committee Proposed 2022/2023 Calendar

Mr. Taylor reviewed the proposed 2022-2023 and tentative 2023-2024 meeting dates. He noted that AFD renewal cases are scheduled for meetings on July 21, 2022, and July 28, 2022.

Mr. Bradshaw and Mr. Crump discussed the timeline for property owner notices.

3. AFD-21-0003. 360 Racefield Dr. Barnes Swamp Withdrawal

Mr. Leininger stated that Mr. Brendan Grajewski from Hexagon Energy, LLC, on behalf of the property owner, has applied to withdraw a 26-acre portion of the 65.26-acre parcel within the Barnes Swamp AFD. Mr. Leininger said the parcel is located at 360 Racefield Drive, is zoned A-1, General Agriculture, and is designated Rural Lands on the 2045 Comprehensive Plan Land Use Map. He told the Committee the subject parcel is one of 33 parcels currently in the Barnes Swamp AFD, which totals 2,207 acres.

Mr. Leininger explained the reason for requesting withdrawal for this portion of the parcel from the AFD is for a proposed solar farm. He explained that outside of renewal periods, withdrawals must be approved by the Board of Supervisors according to a specific set of criteria. Mr. Leininger noted the criteria were included in the meeting materials and state that: (1) requests should be a result of an unforeseeable change in circumstances, traditionally interpreted to include death of a property owner; (2) the request needs to serve a demonstrable public interest, i.e., schools or fire stations; (3) withdrawals should not result in a disruption of the existing district (Mr. Leininger noted this withdrawal does not bring the overall acreage below the AFD requirement); and (4) the resulting land use should be in conformance with the Comprehensive Plan's designation for that parcel (Mr. Leininger stated that a solar farm is not consistent with the recommended uses of the 2045 Comprehensive Plan in Rural Lands).

Mr. Leininger said that, based on an evaluation of the criteria listed in the Board of Supervisors' Policy governing the withdrawal of properties from AFDs, staff recommends that the AFD Advisory Committee recommend denial of this application to the Planning Commission and the Board of Supervisors. He said he would be happy to answer any questions from the Committee, and the applicant was also available to answer questions as well.

Mr. Brendan Grajewski, Development Manager with Hexagon Energy, LLC, addressed the Committee and gave a presentation outlining the applicant's withdrawal request. He said the renewable energy development company is based in Charlottesville, Virginia and works with localities to create access to clean energy. He said they have been working on the new opportunity of smaller solar projects in Virginia for about 3.5 years.

Mr. Grajewski then described how the Racefield Solar Project and AFD withdrawal request met the criteria outlined by Mr. Leininger. Regarding change of circumstance, Mr. Grajewski

noted the Barnes Swamp AFD is a large District, and the last renewal period in 2018 was before the 2020 enabling legislation for small-scale solar projects. He said this is a change of circumstance and a unique and time-sensitive opportunity for the landowner. Mr. Grajewski said there is a small margin of error for the approval and construction timeline for the solar project, with the County and Dominion Energy. Regarding the criteria of serving a public purpose, he noted the solar project would export power to the local grid, and most County residents are Dominion Energy customers. Regarding disruption to the District, Mr. Grajewski said the 26-acre withdrawal would represent just 1% of the land in the Barnes Swamp AFD, and the remaining parcel acreage would remain in the AFD and meet minimum AFD requirements. He noted the Barnes Swamp AFD would still encompass over 2,000 acres in the County.

Mr. Grajewski introduced Mr. Scott Foster, the applicant's Attorney from Gentry Locke, to address the criteria of land use designation conformance with the County's Comprehensive Plan. Mr. Grajewski said they will also address this issue during the Planning Commission public hearing next week.

Mr. Foster addressed the Committee and noted that staff found the solar farm use inconsistent with the County's 2045 Comprehensive Plan Rural Lands designation. Mr. Foster said he comes to a different conclusion regarding the project's conformity with the Comprehensive Plan. He said the area is designated Rural Lands, with primary uses listed in Chapter 10 of the Comprehensive Plan that include certain public or semi-public uses compatible with the natural and rural surroundings. Mr. Foster argued that solar meets that definition, by letter and intent, being a passive use by nature that is not public utility intensive. He said this kind of development is very different than the commercial and residential development normally seen inside the Primary Service Area. He said it is a public utility use in keeping with State Code and is considered and meets the definition of a public utility facility, just like a water and sewer extension but does not lead to additional development. Mr. Foster said solar is a good fit and great neighbor to rural uses. He said it is not highly visible and does not make noise or light at night or complain about agricultural uses next door. Mr. Foster said he will also address the definition at the Planning Commission meeting, but he believes solar is a great way for rural landowners to monetize in the short-term in contrast to more traditional, less compatible, long-term development of rural lands. He noted after a solar project is decommissioned in 35-40 years, the land could return to an agricultural use.

Ms. Garrett asked about other localities with similar projects.

Mr. Grajewski replied a small-scale solar project was approved in Warsaw, and they are currently going through the approval process for summer projects in other areas.

Mr. Taylor asked about the economic feasibility of the project size.

Mr. Grajewski referenced the change of circumstance and new market created by the requirements and legislation regarding small-scale solar projects.

Mr. Foster added the power from this smaller project will be distributed and consumed locally.

Mr. Taylor asked if the project could be expanded.

Mr. Foster replied the legislation prevents connections and expansion.

Mr. Grajewski said they would be happy to provide additional assurances or conditions.

Mr. Abbott asked who would manufacture the solar panels.

Mr. Grajewski said that has not been identified yet, but in previous projects they have committed to stateside-manufactured panels.

Mr. Wanner said conditions would be considered in the Special Use Permit process.

Mr. Abbott said the adjacent property owners will likely not like the view of the solar farm.

Mr. Wanner said they would likely be well-shielded. He asked staff if the County Attorney's Office had been consulted on the recommendation.

Mr. Leininger replied yes, and he explained that the solar use is not identified or addressed in the County Comprehensive Plan, except on rooftops. He noted that solar is usually viewed as a temporary use, and previously approved solar projects in the County were on land designated Economic Opportunity and Low Density Residential, not Rural Lands. Mr. Leininger said that staff did not feel the project met the definition of institutional uses for public purposes and does not preserve the character of Rural Lands.

Mr. Wanner stated he is opposed to anything not consistent with the Comprehensive Plan and cannot support the proposed timeline. He said in his experience there is flexibility in all projects.

Mr. Taylor clarified what the Committee needed to review for their recommendation.

Mr. Wanner said they could wait and request withdrawal through the normal renewal process later this year.

Mr. Bradshaw said there would not be additional local revenue from the solar project due to tax credits, or significant increased property values. He said the change in legislation does not meet the change of circumstance criteria for early withdrawal from the AFD, normally reserved for death of a taxpayer. He said it is a financial operation, with no local benefit or institution. He agreed it would not disrupt the AFD, but he would vote against the withdrawal. He said they could wait until October to remove the property from the AFD during the renewal process.

Mr. Wanner motioned to recommend denial of Case. No. AFD-21-0003, 360 Racefield Drive Barnes Swamp Withdrawal, to the Planning Commission and Board of Supervisors.

Ms. Garrett seconded the motion.

On a voice vote of 5-0-1, with Ms. Sadler abstaining, the motion was approved to recommend denial.

4. S-21-0072. Newman Road Family Subdivision

Mr. Wysong addressed the Committee and stated that Mrs. Sheila Chandler submitted a family subdivision application on behalf of Mr. Kenneth Chandler to create a 6.07-acre lot within the parcel addressed 7751 Newman Road. He said this property is approximately 50 acres, zoned A-1, General Agricultural, and is part of the Christenson's Corner AFD. Mr. Wysong stated, per the AFD Ordinance, a subdivision of land shall result in parcels greater than 25 acres except in cases where the Board of Supervisors approves of smaller lots as part of family subdivisions. He said therefore the case is before the Committee today.

Mr. Wysong said the new 6.07-acre parcel would remain within the AFD. He said there are

no proposed changes to the AFD or negative impacts on surrounding property. Mr. Wysong said staff recommends the AFD Advisory Committee recommend approval of this application to the Board of Supervisors, and he would be happy to answer any questions.

Mr. Wysong stated there was ongoing coordination with the Health Department to address an unresolved drainfield issue.

Ms. Garrett clarified the location is across from the Chandler Farm.

Mr. Wanner motioned to recommend approval of Case No. S-21-0072, Newman Road Family Subdivision, to the Planning Commission and Board of Supervisors.

Mr. Abbott seconded the motion.

On a voice vote of 6-0, the motion was approved.

5. S-21-0069. 2188 Lake Powell Road, Perkinson Family Subdivision

Mr. Wysong stated that Mr. Alister Perkinson submitted a family subdivision application on behalf of his father, Mr. Roderick Perkinson, to create a 3.8-acre lot within the parcel addressed 2188 Lake Powell Road. Mr. Wysong said this property is approximately 28 acres, zoned R-8, Rural Residential, and is part of the Gospel Spreading Church AFD. Mr. Wysong said that per the Gospel Spreading Church AFD Ordinance, a subdivision of land shall result in parcels greater than 25 acres except in cases where the Board of Supervisors approves of smaller lots as part of family subdivisions. Mr. Wysong said this means the AFD Committee and Board of Supervisors need to approve this subdivision. He noted the new 3.8-acre parcel would remain within the AFD, and there are no proposed changes to the AFD or negative impacts on surrounding property. Mr. Wysong stated that staff recommends the AFD Advisory Committee recommend approval of this application to the Board of Supervisors. He said he would be happy to answer any questions, and the applicant is also available to answer questions as well.

Mr. Wysong added they are waiting on the Health Department's final review.

Mr. Wanner asked if the church had any input or say in the decision.

Mr. Wysong replied no, and that the property is owned by the Perkinson family.

Mr. Bradshaw noted it would no longer receive land use valuation once ownership changes, and there would be rollback taxes.

Mr. Abbott motioned to recommend approval of Case No. S-21-0072, Newman Road Family Subdivision, to the Planning Commission and Board of Supervisors.

Mr. Taylor seconded the motion.

On a voice vote of 6-0, the motion was approved.

F. DISCUSSION ITEMS

1. 2022 AFD Renewal Survey Responses

Ms. Rosario spoke to the Committee about the Mapping Committee for the Natural and Cultural Assets Plan. She said Mr. Abbott applied and was appointed as a member, and several meetings had taken place since the fall. She said the Mapping Committee was busy taking inventory and mapping the natural and cultural assets in the County. She said the next

step would be to gather citizen input on those maps. Ms. Rosario asked the AFD Committee for its assistance in promoting the upcoming survey.

Ms. Sadler suggested that Mr. Abbott contribute to questions on the survey.

Mr. Abbott replied that he would make suggestions to the Mapping Committee.

The AFD Committee thanked Ms. Rosario for attending the meeting and sharing the information.

Mr. Crump addressed a previous question regarding notice of withdrawal from an AFD during the current renewal period. He stated that property owners may withdraw any time before the Board of Supervisors meeting on September 27, 2022.

Mr. Bradshaw stated that some may wait until the very last moment.

Mr. Crump then discussed the recent AFD property owner survey. He said the Board of Supervisors has requested that the Committee survey property owners regarding their preferred length of term renewal. Mr. Crump stated that 127 survey postcards were mailed out, and 66 postcards were returned. He said that most respondents wish to keep the four-year renewal period. He said some responded that the term length does not matter, while others prefer an eight-year term. He said staff would most likely pursue the four-year term length. Mr. Crump did note that, after more dialogue with property owners, it might be possible for some districts such as Cranston's Pond AFD or Gordon Creek AFD to move to an eight-year renewal period if preferred.

Mr. Wanner suggested additional coordination between staff and the Commissioner of the Revenue.

Ms. Garrett inquired about advertising for additional AFD Committee members.

Mr. Taylor asked if there were any other items for discussion and thanked everyone for attending.

G. ADJOURNMENT

Mr. Wanner motioned to Adjourn the meeting.

Mr. Abbott seconded the motion.

The meeting was adjourned at 5 p.m. after a unanimous 6-0 voice vote.

Chris Taylor, Chair

Josh Crump, Principal Planner

ITEM SUMMARY

DATE: 7/21/2022

TO: The AFD Advisory Committee

FROM: Terry Costello, Senior Planner; John Risinger, Planner; Suzanne Yeats, Planner

SUBJECT: 2022 Agricultural and Forestal District (AFD) Renewals

ATTACHMENTS:

	Description	Type
▣	Memorandum	Cover Memo
▣	Overall AFD Map	Exhibit
▣	AFD Program Information Sheet	Backup Material
▣	AFD District Memos and Backup Material	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
AFD Advisory Group	Crump, Josh	Approved	7/14/2022 - 3:03 PM
AFD Advisory Group	Holt, Paul	Approved	7/14/2022 - 3:32 PM
Publication Management	Daniel, Martha	Approved	7/14/2022 - 3:44 PM
AFD Advisory Group	Secretary, AFD	Approved	7/14/2022 - 3:52 PM

MEMORANDUM

DATE: July 21, 2022

TO: The Agricultural and Forestal District Advisory Committee

FROM: Terry Costello, Senior Planner
John Risinger, Planner
Suzanne Yeats, Planner

SUBJECT: 2022 Agricultural and Forestal District (AFD) Renewals

Agricultural and Forestal Districts

In 1977, the Virginia General Assembly created a process to “provide a means for a mutual undertaking by landowners and local governments to protect and enhance agricultural and forestal land as a viable segment of the Commonwealth’s economy and an economic and environmental resource of major importance.” The process also provides landowners an opportunity to try to protect their land from the pressure to develop. This process is known as the [Agricultural and Forestal Districts \(AFD\) Act](#). The Act gives local governments authority, upon landowners’ voluntary application, to establish agricultural districts, forestal districts, and agricultural and forestal districts.

Land within a district is directly affected in several ways:

- 1) District land qualifies for the benefits of use-value taxation, subject to local regulations; and
- 2) Restraints are imposed on government, as it may affect a property. More specifically, local governments may not restrict farming or forestry practices, except to protect public health or safety. Local plans, Ordinances, and decisions affecting land adjacent to a district must take into account both the district and the AFD Act. In addition, it shall be the policy of state agencies to encourage farming and forestry within the districts. No special purpose assessments or tax levies may be imposed on the basis of frontage, acreage, or value of land used for agricultural or forestal production within a district; and
- 3) Land acquisition by agencies, political subdivisions, or public service corporations (including acquisition by eminent domain) must be reviewed by the Board of Supervisors if the land acquisition in question exceeds 10 acres from the district or one acre from any one district farm or forestry operation.

AFD Statistics

State Code specifies a minimum acreage for each district of 200 acres. As shown in the following table, there are currently $\pm$ 18,031.93 acres of land within the AFD program. This acreage represents approximately 19.80% of the total land area of the County. The AFD program began in James City County in 1986 and there have been seven previous major review periods of AFD districts (1990, 1994, 1998, 2002, 2006, 2010, 2014, and 2018). Of the 13 districts, 12 are set to expire on October 31, 2022 (Wright’s Island District expires on October 31, 2026).

2022 Agricultural and Forestal District (AFD) Renewals

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The State Code governing AFDs allows the establishment of a district for terms of four to 10 years. With the exception of the Wright's Island District, the 12 districts currently being considered have been previously renewed for four-year terms. The Wright's Island District was renewed for a term of eight years. Prior to the start of the review process, the Board of Supervisors had asked staff to survey property owners regarding the preferred AFD term length (four-year renewal schedule or eight-year renewal schedule). Staff conducted this survey of AFD property owners with a postcard mailer sent in November 2021 and received responses through December 2021.

According to survey results, staff determined there was not significant voluntary support for modifying the existing districts' term length at this time. Staff met with the AFD Advisory Committee at its January 2022 Organizational Meeting to discuss the survey results; the Committee concurred with staff's findings. Therefore, staff is not proposing any revisions to these terms and recommends that if renewed, each district continue to be renewed for its respective four-year terms.

Applications regarding AFDs, as well as AFD renewals, are reviewed by County staff, the AFD Advisory Committee, the Planning Commission, and the Board of Supervisors, as well as the Virginia Department of Forestry, the Virginia Department of Transportation, and the Natural Resource Conservation Service.

Agricultural and Forestal Districts (As of July 2022)

District Name and Term of District in Years ()	$\pm$ Acres	Exp. Date
Armistead (4)	311.53	10/31/2022
Barnes Swamp (4)	1,929.55	10/31/2022
Carter's Grove (4)	316.14	10/31/2022
Christenson's Corner (4)	1,179.32	10/31/2022
Cranston's Pond (4)	774.31	10/31/2022
Croaker (4)	1,314.89	10/31/2022
Gordon Creek (4)	3,055.17	10/31/2022
Gospel Spreading Church (4)	1,133.21	10/31/2022
Hill Pleasant Farm (4)	346.34	10/31/2022
Mill Creek (4)	3,276.74	10/31/2022
Pates Neck (4)	755.30	10/31/2022
Wright's Island (8)	1,496.55	10/31/2026
Yarmouth Island (4)	2,142.88	10/31/2022
	Acres	Sq. Miles
$\pm$ AFD Total	18,031.93	28.17
Total County Area: Land	91,070.72	142.30
Total County Area: Water	23,534.08	36.77
Total County Area: Land and Water	114,604.80	179.07
$\pm$ AFD % of Total County Area	15.73%	
$\pm$ AFD % of Total Land Area	19.80%	

Renewal Process

The review process is somewhat similar to other land use cases that come before the Board, but with several important exceptions. The review of districts begins at least 90 days before the expiration date of the district or districts. If there are any proposed changes to the AFD policy or to the conditions of any of the districts, the County must convey those proposed changes to the affected property owners and advertise proposed

changes in a local newspaper. During this review period, the County sends notice of the renewal to all affected property owners and adjacent property owners.

Withdrawals and Additions

During the renewal period, State Code provides that all AFD property owners have an opportunity to withdraw any or all of their property from the AFD. Owners do not need Board approval to withdraw at this time, and are able to request withdrawal up to the day of consideration by the Board. If the Board chooses to renew or “continue” the particular district, the Board simply renews the district without the acreage that has been voluntarily withdrawn. Should a property owner request to withdraw their property outside of the renewal period, the request must be approved by the Board of Supervisors and should be in accordance with the [Policy Governing Withdrawals of Property from Agricultural and Forestal Districts](#), adopted by the Board of Supervisors on June 28, 2010.

Property owners may also apply to add land to an AFD or establish a new district at any time. Properties requesting to participate in the AFD program are evaluated for consistency with the criteria established in [Section 15.2-4306](#) of the State Code. Staff notes that several applications have recently been received. These applications are currently under review and are tentatively scheduled to be evaluated by the AFD Advisory Committee, Planning Commission, and Board of Supervisors this fall.

Conditions

Staff is not proposing any revisions to these conditions during this review period. The current conditions to be re-established are:

- 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 5 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 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 within the AFD may be withdrawn from the district in accordance with the Board of Supervisors’ Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.
- 3) No Special Use Permit shall be issued except for agricultural, forestall, 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.

In addition, any land within the district that is within 25 feet of an adjoining public road is generally excluded from the district in order to allow for possible future road and/or drainage improvements.

Summary of District Renewals

Included in the Agenda Packet are detailed staff reports which identify any modifications to parcel acreages, changes to conditions, and requested withdrawals for each district. In total, approximately 22 acres of land have been requested to withdraw from the James City County AFD program during this renewal period, leaving approximately 18,009.93 acres ($\pm$ 19.78% of total land area) remaining in AFDs.

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Staff recommends the continuation of each district, subject to the conditions detailed in the respective staff reports.

TC/JR/SY/md

2022AFDRen-mem

Attachments:

1. Overall AFD Map
2. AFD Program Information Sheet
3. AFD District Memos and Backup Material



James City County Agricultural & Forestral Districts



Gloucester
County

King and Queen
County

York
County

Charles City
County

Surry
County

City of
Newport News

AFD NAME	
	Armistead
	Barnes Swamp
	Carter's Grove
	Christenson's Corner
	Cranston's Pond
	Croaker
	Gordon Creek
	Gospel Spreading Church
	Hill Pleasant Farm
	Mill Creek
	Pates Neck
	Wrights Island
	Yarmouth Island
	Primary Service Area

0 1 2
Miles
1 inch = 13,000 feet
1:156,000

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Office of Real Estate Assessments of James City County, Mapping/GIS Section.

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AGRICULTURAL AND FORESTAL DISTRICT ACT

Virginia Code Section 15.2-4300 et seq.

Authority

Localities may establish agricultural and forestal districts under the Agricultural and Forestal Districts Act (“AFD”), which serve two primary purposes:

1. Conserve and protect agricultural and forestal lands: Conserve and protect agricultural and forestal lands for the production of food and other agricultural and forestal products; conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clear air sheds, watershed protection, wildlife habitat, as well as for aesthetic purposes.
2. Develop and improve agricultural and forestal lands: Encourage the development and improvement of agricultural and forestal lands for the production of food and other agricultural and forestal products.¹

AFD Committee

The AFD Advisory Committee is established under the provisions of Virginia Code §15.2-4304 to provide the County Planning Commission and Board of Supervisors in “creating, reviewing, modifying, continuing or terminating districts within the locality.” It is comprised of 10 members in the following criteria; the Commissioner of Revenue (Richard Bradshaw), a member of the Board of Supervisors (Sue Sadler), 4 landowners engaged in agricultural or forestal production and 4 additional landowners. Members are appointed by and serve at the pleasure of the Board of Supervisors. All Committee members serve as volunteers, without compensation. James City Planning staff assists the Committee by providing a secretary, who is not a member of the Committee, and technical assistance regarding current County statutes and policies.

AFD Establishment and effect

Establishment

Agricultural and forestal districts are established by the Board of Supervisors on the petition of participating landowners. A new district must have a minimum core of 200 acres in a single or in contiguous parcels.²

A parcel not part of the core may be included in a district: (1) if the nearest boundary of the parcel is within one mile of the boundary of the core; (2) if it is contiguous to a parcel in the district the nearest boundary of which is within one mile of the boundary of the core; or (3) if the local governing body finds, in consultation with the advisory committee or planning commission, that the parcel not part of the core or within one mile of the boundary of the core contains agriculturally and forestally significant land.³

¹ *Virginia Code* § 15.2-4300

² *Virginia Code* § 15.2-4305.

³ *Id.*

A landowner may petition to add land to the district at any time.⁴ Districts are periodically reviewed by the locality (most often 4 years, but it depends on the applicable district ordinance) and during the review period, any landowner may request to withdraw her lands from a district.⁵ At other times, land may be withdrawn from a district only for good and reasonable cause and in accordance with the Board's policies (there are two policies – one regarding withdrawals from land within the PSA and one outside the PSA).⁶

Effect

1. Prohibits development to a more intensive use: The Act prohibits any parcel in a district from being developed to a more intensive use, other than a use resulting in more intensive agricultural or forestal production, without prior approval of the governing body.
2. Prohibits regulation of certain dwelling construction and placement: The Act bars the locality from prohibiting the construction and placement of dwellings for persons who earn a substantial part of their livelihood from a farm or forestry operation on the same property, or for members of the immediate family of the owner, unless the locality finds that the use in the particular case would be incompatible with farming or forestry in the district.
3. Prohibits regulation of certain structures and practices: The Act bars a locality from exercising its zoning power in a district in a manner which would unreasonably restrict or regulate farm structures or farming and forestry practices in contravention of the Act unless the restrictions or regulations bear a direct relationship to public health and safety.

7

Tax consequences

Land lying within a district and used in agricultural, horticultural, or forestal production automatically qualifies for use-value assessment authorized under Virginia Code § 58.1-3229 et seq. if the requirements for that assessment are satisfied.⁸ Any AFD ordinance shall extend such use-value assessment and taxation to eligible real property within such district whether or not a use-value assessment and taxation ordinance has been adopted.⁹

LAND USE TAXATION

Virginia Code Section 58.1-3229 et seq.

In general, to qualify for land use valuation, assessment, and taxation, the real estate must meet the following use requirements:

1. Agricultural use: Real estate devoted to agricultural use is either land devoted to the *bona fide* production for sale of plants and animals useful to man, or land that meets the

⁴ Virginia Code § 15.2-4310.

⁵ Virginia Code § 15.2-4311.

⁶ Virginia Code § 15.2-4314.

⁷ Virginia Code § 15.2-4312.

⁸ Virginia Code § 15.2-4312.

⁹ *Id.*

requirements for payments or other compensation pursuant to a soil conservation program.

2. Horticultural use: Real estate devoted to the *bona fide* production for sale of fruits of all kinds, including grapes, nuts, and berries; vegetables; and nursery and floral products under uniform standards prescribed by the Commissioner of Agriculture and Consumer Services in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), or real estate devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government.
3. Forest use: Real estate devoted to forest use is land devoted to tree growth in such a quantity and so spaced as to constitute forest area.

Virginia Code § 58.1-3230

Real estate that has been designated as devoted to one of these three uses does not lose its designation solely because a portion of the property is being used for a different purpose as allowed by the County's zoning regulations, including a special use permit, if the property, excluding the portion used for a different purpose, meets all the requirements for the applicable designation.¹⁰ The portion of the property being used for a different purpose is deemed to be a separate piece of property from the remaining property for purposes of assessment.¹¹ Neither the property's zoning designation nor any special use permits is to be the sole consideration in determining whether real property is devoted to one of the two qualifying uses.¹² Prior, discontinued use of property shall not be considered in determining its current use.¹³

In addition to the foregoing use requirements, the real estate must meet the following minimum size requirements: (1) agricultural or horticultural property must consist of a minimum of five acres; and (2) forest property must consist of a minimum of 20 acres.¹⁴ The minimum acreage requirements for special classifications of real estate shall be determined by adding together the total area of contiguous real estate excluding recorded subdivision lots recorded after July 1, 1983, titled in the same ownership.¹⁵ For purposes of the Virginia Code, properties separated only by a public right-of-way are considered contiguous.

Land participating in the land use valuation program is entitled to a tax preference in the form of a reduction in the assessed value of the qualifying land. Determining the fair market value is a factual question for the Commissioner of the Revenue.¹⁶

In assessing land qualifying for land use valuation, the Commissioner must determine the value in accordance with *Virginia Code* § 58.1-3236, which provides that he must "consider only those indicia of value which such real estate has for agricultural, horticultural ... [or] forest ... use, and

¹⁰ *Virginia Code* § 58.1-3230.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Virginia Code* § 58.1-3233(2).

¹⁵ *Id.*

¹⁶ *Virginia Code* § 58.1-3236.

real estate taxes for such jurisdiction shall be extended upon the value so determined.”¹⁷ These factors include the real estate’s location, appearance, availability for use and the economic situation in the area.¹⁸

When the use by which real estate qualified for land use valuation changes to a nonqualifying use, or the zoning of the real estate is changed to a more intensive use at the request of the owner or his agent, it is subject to roll-back taxes.¹⁹ Roll-back taxes are considered to be deferred real estate taxes. These additional taxes are only assessed against that portion of the real estate that no longer qualifies for use valuation.²⁰ The roll-back tax is equal to the sum of the deferred tax for each of the five most recent complete tax years including simple interest on the roll-back taxes at a rate no greater than the rate applicable to delinquent taxes.²¹

¹⁷ *Virginia Code* § 58.1-3236(A).

¹⁸ *See Smith v. City of Covington*, 205 Va. 104, 135 S.E.2d 220 (1964); 1997 Va. Op. Atty. Gen. 196.

¹⁹ *Virginia Code* § 58.1-3237(A).

²⁰ *Id.*

²¹ *Virginia Code* § 58.1-3237(B)

AGRICULTURAL AND FORESTAL DISTRICT-22-0002. Armistead Renewal

Staff Report for the July 21, 2022, Agricultural and Forestal District Advisory Committee

SUMMARY FACTS

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES</u>
Sarah Armistead	3120100014	53.78
Sarah Armistead	3120100017	84.50
Sarah Armistead	3130100029	132.08
<i>Sarah Armistead</i>	<i>3140100001</i>	<i>41.17*</i>
TOTAL ACRES		311.53

**Parcel size changed since 2018 due to new plats and/or revised parcel acreages per Real Estate Assessments Division.*

Zoning:	A-1, General Agricultural R-8, Rural Residential
Comprehensive Plan:	Low-Density Residential
Primary Service Area (PSA):	Inside
Staff Contact:	Terry Costello, Senior Planner

PUBLIC HEARING DATES

Agricultural and Forestal District (AFD) Advisory Committee:	July 21, 2022, 4:00 p.m.
Planning Commission:	Aug. 3, 2022, 6:00 p.m. (Tentative)
Board of Supervisors:	Sept. 12, 2022, 5:00 p.m. (Tentative)

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

DISTRICT HISTORY

- The Armistead AFD was created in 1989 for a term of four years and originally consisted of five parcels totaling ± 403 acres.
- The District was renewed in 1994 and 1998 for four-year terms with no additions or withdrawals.
- On February 9, 1999, the Board of Supervisors approved the withdrawal of approximately 90 acres (Elizabeth Carter Tract) as part of a rezoning for Ford's Colony on the south side of Longhill Road.
- The District was renewed in 2002, 2006, 2010, 2014, and 2018 for four-year terms with no additions or withdrawals.

DISTRICT DESCRIPTION

The Armistead AFD consists of 311.53 acres located between Longhill Road and Centerville Road. Three parcels totaling ± 258 acres are zoned R-8, Rural Residential. The fourth parcel consisting of ± 54 acres is zoned A-1, General Agricultural. All parcels remain heavily wooded and undeveloped, are located inside the PSA and are designated Low-Density Residential in the Comprehensive Plan.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

ADDITION/WITHDRAWAL REQUESTS

None.

AGRICULTURAL AND FORESTAL DISTRICT-22-0002. Armistead Renewal

Staff Report for the July 21, 2022, Agricultural and Forestal District Advisory Committee

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The Armistead AFD is bordered by several residential developments and zoning districts, including Adam's Hunt (R-1, Limited Residential), Ford's Colony (R-4, Residential Planned Community), Forest Glen (R-2, General Residential), and Longhill Station (R-2, General Residential). Warhill Sports Complex (PL, Public Lands) abuts the District to the east.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Low-Density Residential. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

STAFF RECOMMENDATION

Staff finds the Armistead AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the AFD Advisory Committee recommend renewal of this AFD for a period of four years to the Planning Commission, subject to the attached conditions which were approved at the District's last renewal.

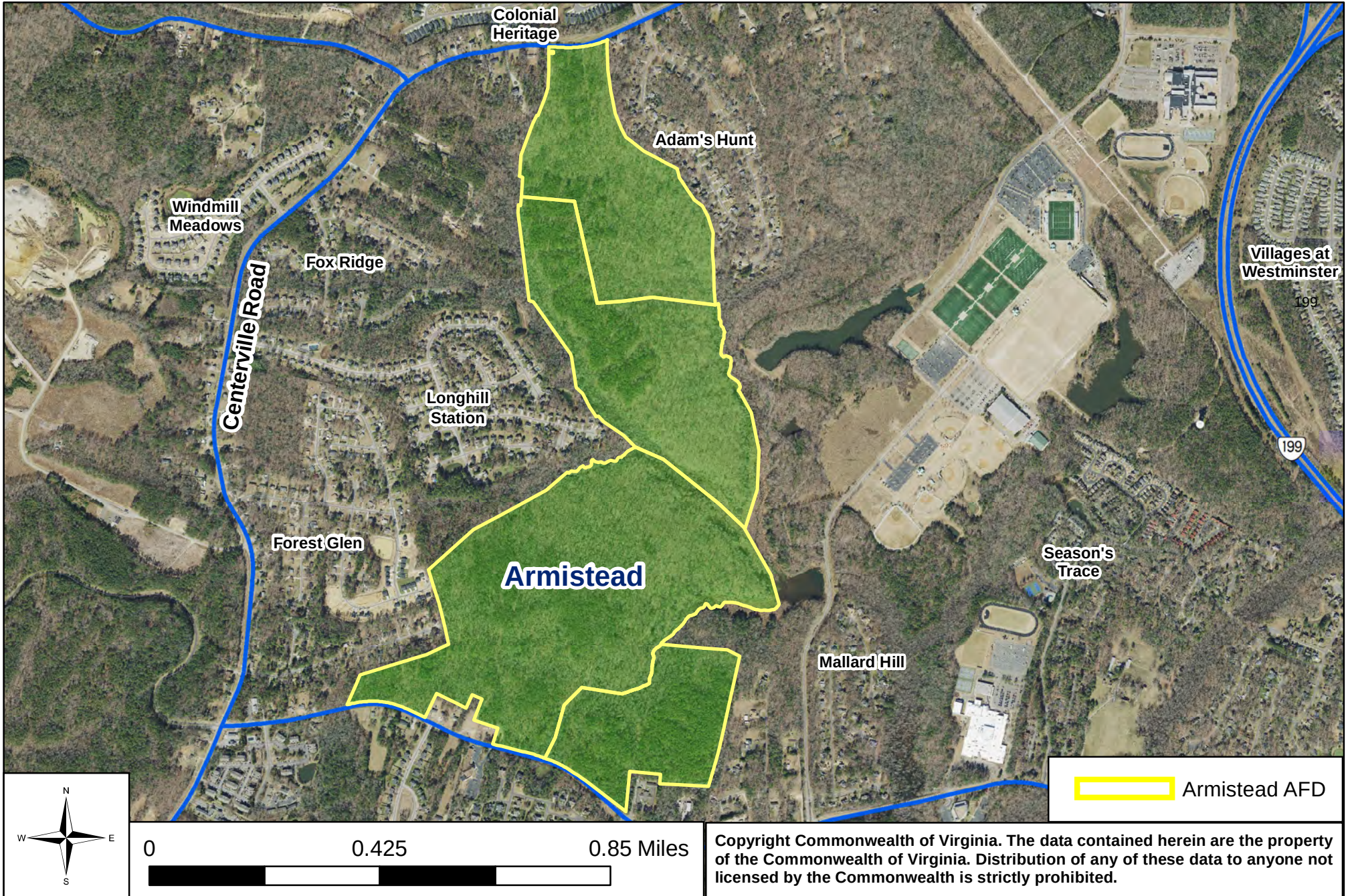
TC/md
AFD22-2_ArmisteadRen

Attachments:

1. Location Map
2. Adopted Conditions for the Armistead AFD

JCC AFD-22-0002

Armistead Agricultural Forestal District



ADOPTED

SEP 11 2018

ORDINANCE NO. 182A-10

Board of Supervisors
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-01-89-1-2018

ARMISTEAD 2018 RENEWAL

- WHEREAS, James City County has completed a review of the Armistead Agricultural and Forestal District (the "District"); and
- WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), 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 District; and
- WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on June 21, 2018, voted 9-0 to recommend renewal of the District; and
- WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 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:

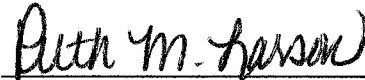
1. The Armistead Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").
2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road right-of-ways is excluded from the District:

<u>Owner</u>	<u>Parcel ID No.</u>	<u>Acres</u>
Sarah H. Armistead	3120100017	84.50
Sarah H. Armistead	3120100014	53.78
Sarah H. Armistead	3130100029	132.08
Sarah H. Armistead	3140100001	41.17
	Total:	<u>311.53</u>

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the 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

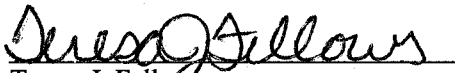
members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCFs), provided: a) The subdivision does not result in the total acreage 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 and within the District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.
- c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.



Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:



Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	☒	☐	☐
ICENHOUR	☒	☐	☐
SADLER	☒	☐	☐
HIPPLE	☒	☐	☐
LARSON	☒	☐	☐

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

AFDArmisteadRenw-res

AGRICULTURAL AND FORESTAL DISTRICT-22-0003. Barnes Swamp Renewal**Staff Report for the July 21, 2022, Agricultural and Forestal District Advisory Committee****SUMMARY FACTS**

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES</u>
Arline H. Bowmer Estate	0240100012	62.19
Berta L. Bowmer Estate	0240100013	18.90
Berta L. Bowmer Estate	0240100014	25.84
Alex L. Penland	0240100029	55.90
Maynard P. Phelps and Joy L. Barnes	0310100001	108.47
Leah R. Fry & Craig A. Beck	0310100001A	10.00
Maynard P. Phelps	0310100001B	10.23
Timothy & Joan Mills	0310100002	23.84*
Katherine L. Hockaday, Ann Blair Hall Martin, and Justin Ray Martin	0310100003	39.26*
Elizabeth O. Harwood	0320100001	43.53*
Stephen E. and Rebecca Murphy, Trustee	0320100002	13.86*
Frederick C. Johnson, Trustee Betty Johnson and Lynn Fischer	0320100002A	17.20
Betty Johnson and Lynn Fischer	0320100003	19.08*
Robert M. Dzula	0320100003A	93.99*
Jane Farmer and Betty Rady	0320100004	28.08*
Jane Farmer and Betty Rady	0330100003	70.00
Arline H. Bowmer Estate	0330100004	70.00
Steven and Michelle Johnson	0330100006	96.75
Steven and Michelle Johnson	0340800003	52.63
John A. Richardson	0340800005	68.43
John A. Richardson	0410100005	42.00
Jonathan C. Kinney, Trust	0410100006	10.00
Niceland Farm, LLC	0410100010	196.30
Cherri U. Spellmeyer, Trustee	0420100008	188.68*
Donald A. Hazelwood	0420100014	134.00
	0420100018	4.77*

Donald A. Hazelwood	0420100020	112.44
Pamaka, LLC	0430100014A	1.12*
Pamaka, LLC	0430100015	19.99*
Pamaka, LLC	0430100016	36.84*
Donald A. Hazelwood	0440100001	6.12*
David K. and Karen P. Hogue	0540100001	60.77
Charles and Dianne Hasbrouck	0920100001	97.50
Shelton and Jennifer Daniels	1010100001	61.62*
TOTAL ACRES		1,838.71

*Parcel size changed since 2018 due to new plats and/or revised parcel acreages per Real Estate Assessments Division.

Zoning: A-1, General Agricultural
Open Space and Recreation

Comprehensive Plan: Rural Lands
Low Density Residential

Primary Service Area
(PSA): Outside and Inside

Staff Contact: Terry Costello, Senior Planner

PUBLIC HEARING DATES

Agricultural and Forestal
District (AFD) Advisory
Committee: July 21, 2022, 4:00 p.m.
Planning Commission: Aug. 3, 2022, 6:00 p.m. (Tentative)
Board of Supervisors: Sept. 13, 2022, 5:00 p.m. (Tentative)

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

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.

AGRICULTURAL AND FORESTAL DISTRICT-22-0003. Barnes Swamp Renewal

Staff Report for the July 21, 2022, Agricultural and Forestal District Advisory Committee

DISTRICT HISTORY

- The Barnes Swamp AFD was created in 1986 for a term of four years and originally consisted of 29 parcels totaling $\pm$ 1,905 acres.
- The District was renewed at four-year intervals again in 1990, 1994, 1998, 2002, 2006, 2010, 2014, and 2018 with various additions and withdrawals taking place during that period.
- On June 9, 2020, the Board of Supervisors approved the addition of approximately 44.74 acres, Parcel ID Nos. 0240100014 and 0240100013. Case number is AFD-19-0003.
- On October 13, 2020, the Board of Supervisors approved the addition of approximately 196.30 acres, Parcel ID No. 0410100010. Case number is AFD-05-85-2-2018.
- On January 11, 2022, the Board of Supervisors approved the addition of approximately 60.77 acres, Parcel ID No. 0540100001. Case number is AFD-21-0002.
- On March 8, 2022, the Board of Supervisors approved the withdrawal of approximately 26 acres, Parcel ID No. 0310100002. Case number is AFD-21-0003 and is part of a Special Use Permit (SUP) for Racefield Solar Farm (SUP-21-0022).

DISTRICT DESCRIPTION

This District is primarily forested, though records indicate that a significant portion of the land is actively in agricultural use. All the land in this District is zoned A-1, General Agricultural, located outside of the PSA, and designated Rural Lands and Open Space and Recreation by the adopted Comprehensive Plan. There is one exception; however, the Hogue parcel is located inside the PSA and

designated Low Density Residential by the adopted Comprehensive Plan.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

ADDITION/WITHDRAWAL REQUESTS

None.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The area surrounding the main body of the District is zoned A-1, General Agricultural and designated Rural Lands by the adopted Comprehensive Plan. Some parcels at the eastern end of the District are adjacent to the Stonehouse Development, which is zoned Planned Unit Development and designated Low-Density Residential and Mixed Use by the adopted Comprehensive Plan. The Diascund Reservoir borders the main body of the District to the west, and Mill Creek AFD is located directly south of the District.

COMPREHENSIVE PLAN

The Comprehensive Plan designates all the parcels as Rural Lands and Open Space and Recreation except the Hogue parcel, which is designated Low Density Residential. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall “support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*.”

AGRICULTURAL AND FORESTAL DISTRICT-22-0003. Barnes Swamp Renewal

Staff Report for the July 21, 2022, Agricultural and Forestal District Advisory Committee

STAFF RECOMMENDATION

Staff finds the Barnes Swamp AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the AFD Advisory Committee recommend renewal of this AFD for a period of four years to the Planning Commission, subject to the attached conditions which were approved at the District's last renewal.

TC/md

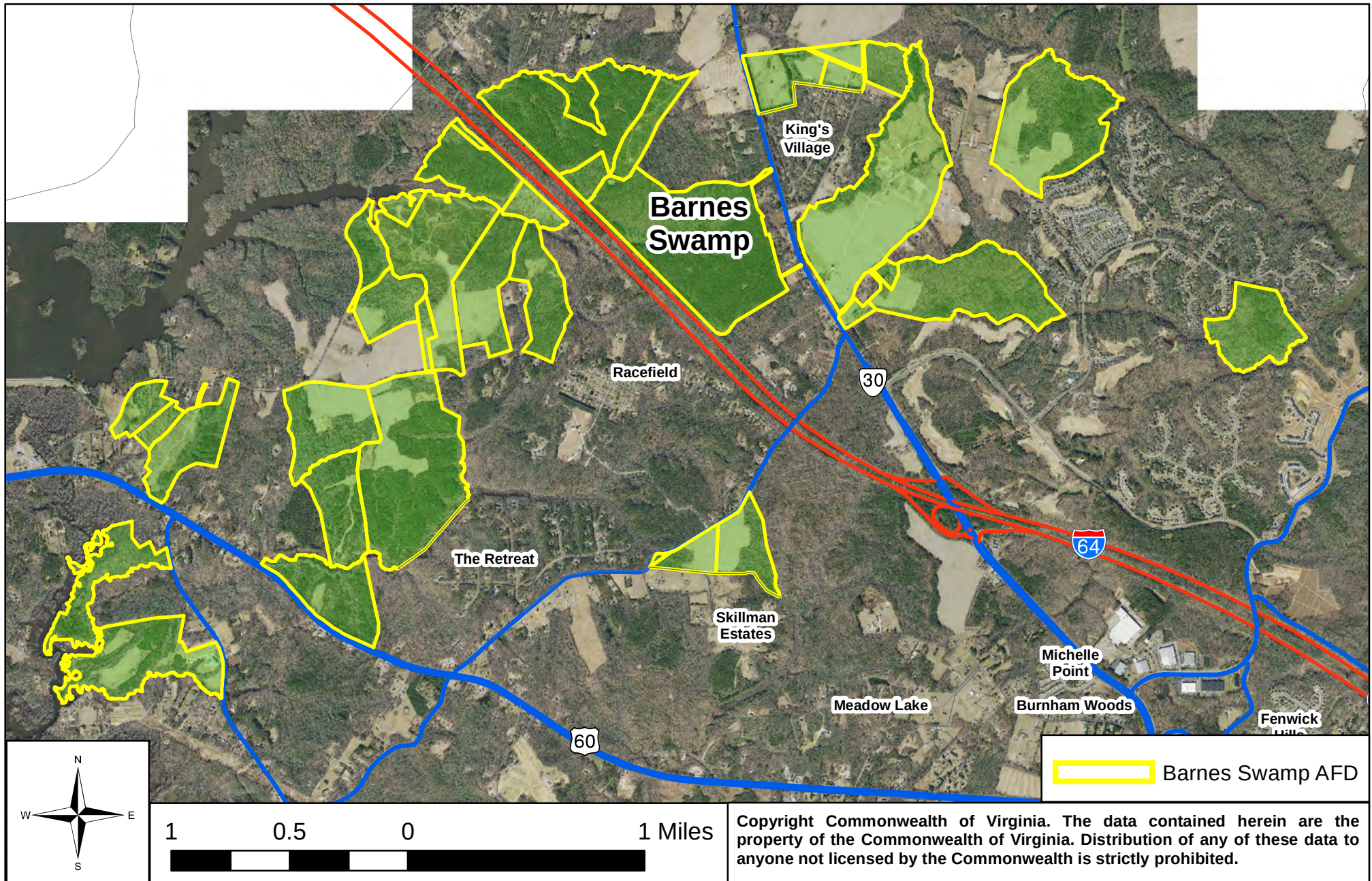
AFD22-3_BarnesSwpRen

Attachments:

1. Location Map
2. Adopted Conditions for the Barnes Swamp AFD

JCC AFD-22-0003

Barnes Swamp Agricultural Forestal District



ADOPTED

SEP 11 2018

ORDINANCE NO. 167A-14

Board of Supervisors
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-05-86-1-2018

BARNES SWAMP 2018 RENEWAL

- WHEREAS, James City County has completed a review of the Barnes Swamp Agricultural and Forestal District (the "District"); and
- WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), 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 District; and
- WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on June 21, 2018, voted 9-0 to recommend renewal of the District; and
- WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 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 Barnes Swamp Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").
2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road right-of-ways is excluded from the District:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
SD & SKI, LLC	0310100001	108.47
Jane B. Farmer & Betty B. Rady	0310100002	36.00
Katherine Leon Hockaday	0310100003	65.26
Jane Farmer & Betty Rady	0330100003	70.00
Jane Farmer & Betty Rady	0330100004	70.00
Arline H. Bowmer Estate	0330100006	96.75
Arline H. Bowmer Estate	0240100012	62.19
Martha W. McMurren & SWR-Misc, LLC	1010100001	61.61
Elizabeth O. Harwood	0320100001	43.52
Stephen E. & Rebecca Murphy, Trustee	0320100002	13.85
Frederick C. Johnson, Trustee	0320100002A	17.20
Betty L. Johnson & Lynne J. Fischer	0320100003	19.07

Betty L. Johnson & Lynne J. Fischer	0320100003A	93.98
Robert Michael Dzula	0320100004	28.07
John Avery Richardson	0410100005	42.00
John Avery Richardson	0410100006	10.00
Niceland Farm, LLC	0420100008	189.74
Cherri U. Spellmeyer	0420100014	134.00
Pamaka, LLC	0430100015	21.99
Pamaka, LLC	0430100016	52.00
Charles & Dianne Hasbrouck	0920100001	97.50
Alex Lamar Penland	0240100029	55.90
Donald A. Hazelwood	0420100020	112.44
Donald A. Hazelwood	0420100018	3.46
Donald A. Hazelwood	0440100001	6.11
John P. and Shelly D. Latoski Trustee	0310100001B	10.23
Dennis Wayne Leonituk, Jr.	0310100001A	10.00
Pamaka, LLC	0430100014A	1.34
Steven M. & Michelle T. Johnson	0340800003	52.63
Steven M. & Michelle T. Johnson	0340800005	68.43
Total:		<u>1,653.74</u>

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the 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, 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 Wireless Communications Facilities (WCFs), 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 and within the District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.
 - c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.

Ruth M. Larson

Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows

Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCLENNON	<u>✓</u>	___	___
ICENHOUR	<u>✓</u>	___	___
SADLER	<u>✓</u>	___	___
HIPPLE	<u>✓</u>	___	___
LARSON	<u>✓</u>	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

AFD-BarnesSwpRnw-res

AGRICULTURAL AND FORESTAL DISTRICT-22-0004. Carter's Grove Renewal

Staff Report for the July 21, 2022, Agricultural and Forestal Advisory Committee

SUMMARY FACTS

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES</u>
Carter's Grove Associates	5820100002	62.30*
Carter's Grove Associates	5910100030	245.26
TOTAL ACRES		307.56

**Parcel size changed since 2018 due to new plats and/or revised parcel acreages per Real Estate Assessments Division.*

Zoning:	R-2, General Residential R-8, Rural Residential
Comprehensive Plan:	Open Space or Recreation Federal, State, and County Land
Primary Service Area (PSA):	Inside
Staff Contact:	Terry Costello, Senior Planner

PUBLIC HEARING DATES

Agricultural and Forestal District (AFD) Advisory Committee:	July 21, 2022, 4:00 p.m.
Planning Commission:	Aug. 3, 2022, 6:00 p.m. (Tentative)
Board of Supervisors:	Sept. 13, 2022, 5:00 p.m. (Tentative)

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

DISTRICT HISTORY

- The Carter's Grove AFD was created in 2002 for a term of four years and originally consisted of three parcels totaling $\pm$ 320 acres.

- In 2006, the District was renewed for a four-year term. At this time, a 2.26-acre portion was withdrawn.
- The District was renewed for four-year terms in 2010 and 2014 with no additions or withdrawals.
- In 2015, a 1.56-acre parcel owned by Colonial Williamsburg Foundation was withdrawn.
- The District was renewed in 2018 for a period of four years with no additions or withdrawals.
- In 2020, a boundary line adjustment was approved for 5.22 acres from Parcel ID No. 5820100002 to Parcel ID No. 5910100030.

DISTRICT DESCRIPTION

Carter's Grove AFD consists of $\pm$ 308 acres which were originally part of historic Carter's Grove Plantation. The District is mostly wooded, with wetlands located near the river. The mansion and areas immediately surrounding it, including the gardens and entrance road, are not included in the AFD.

Total acreage includes all the land in the above properties with the exception of the aforementioned mansion grounds and all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

ADDITION/WITHDRAWAL REQUESTS

None.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The surrounding area consists of both residential and commercial development, including Kingsmill (R-4, Planned Residential Community and M-1, Limited Business/Industrial), James River Elementary School (PL, Public Lands) and James River Commerce Center (M-1, Limited Business/Industrial). Other adjacent zoning districts include LB, Limited Business and R-5, Multifamily Residential. Hampton Roads Sanitation District sanitary sewer station is not included in the Carter's Grove AFD, but is wholly encompassed by Parcel ID No. 5820100002.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Open Space or Recreation and Federal, State, and County Land. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

STAFF RECOMMENDATION

Staff finds the Carter's Grove AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the AFD Advisory Committee recommend renewal of this AFD for a period of four years to the Planning Commission, subject to the attached conditions which were approved at the District's last renewal.

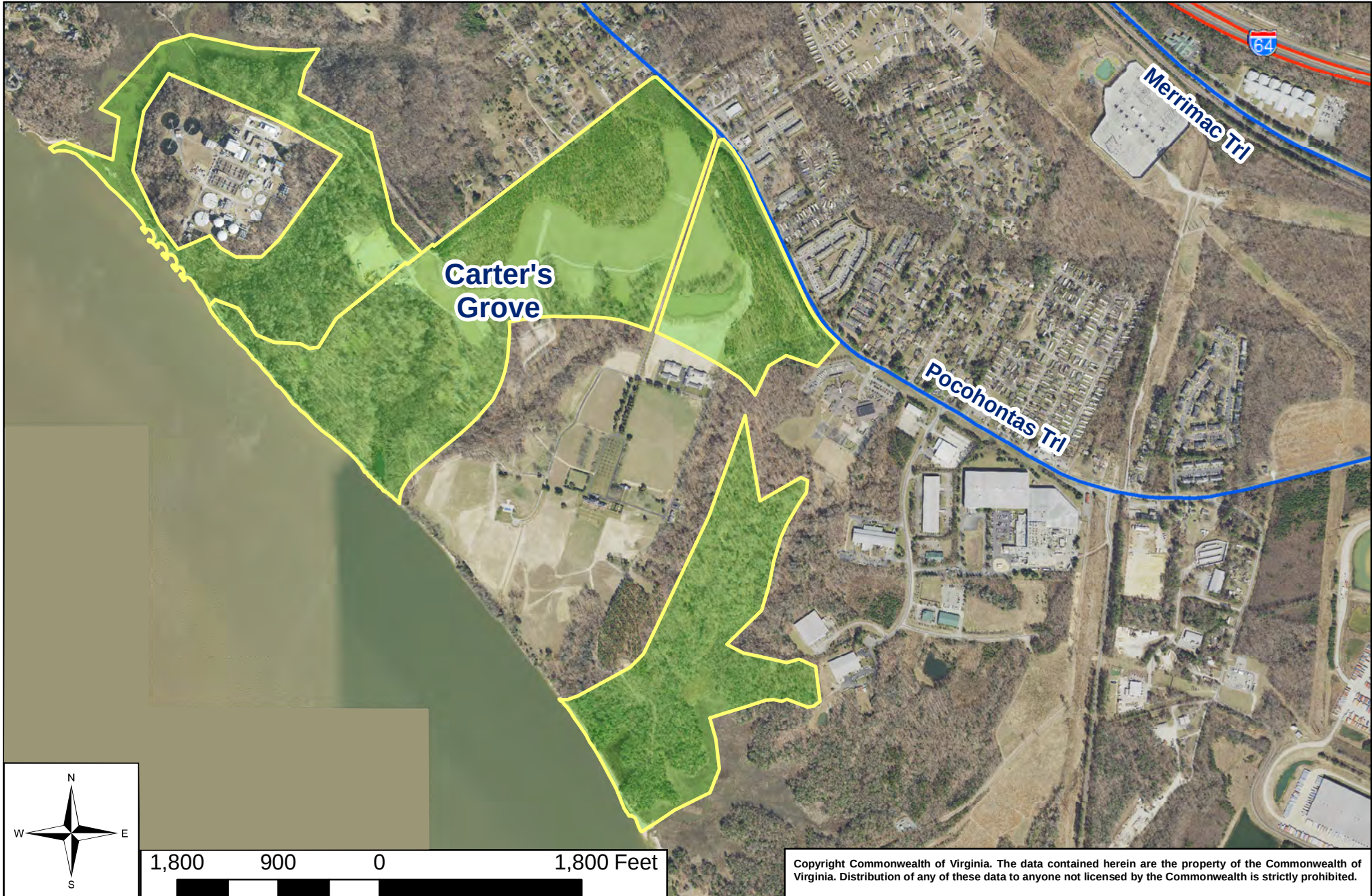
TC/md
AFD22-4_CartersGrvRen

Attachments:

1. Location Map
2. Adopted Conditions for the Carter's Grove AFD

JCC AFD-22-0004

Carter's Grove Agricultural Forestal District



CORRECTED

ADOPTED

SEP 11 2018

ORDINANCE NO. 197A-5

Board of Supervisors
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-1-02-1-2018

CARTER'S GROVE 2018 RENEWAL

WHEREAS, James City County has completed a review of the Carter's Grove Agricultural and Forestal District (the "District"); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), 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 District; and

WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on June 21, 2018, voted 9-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 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:

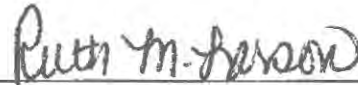
1. The Carter's Grove Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").
2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road right-of-ways is excluded from the District:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Carter's Grove Associates	5820100002	76.10
Carter's Grove Associates	5910100030	<u>240.04</u>
	Total:	<u>316.14</u>

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the 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, 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 Wireless Communications Facilities (WCFs), 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 and within the District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.
- c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.



Ruth M. Larson

Chairman, Board of Supervisors

ATTEST:



Teresa J. Fellows

Deputy Clerk to the Board

MCLENNON
ICENHOUR
SADLER
HIPPLE
LARSON

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
☒	☐	☐
☒	☐	☐
☒	☐	☐
☒	☐	☐
☒	☐	☐

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

AFDCtrrsGrvRenw-res

AGRICULTURAL AND FORESTAL DISTRICT-22-0005. Christenson's Corner Renewal

Staff Report for the July 21, 2022, Agricultural and Forestal District Advisory Committee

SUMMARY FACTS

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES</u>
Kenneth Chandler	1540100008	49.53
<i>Kenneth Chandler</i>	<i>1540100011</i>	<i>155.95*</i>
Kenneth Chandler	1630100001	8.01
Hampton 41 LLC, Abbitt Land Co., R Holdings LLC, and Mountain Park LLC	1630100011	156.85
<i>Stieffen Co. LLC, BP Stieffen Woodlands LLC, and Dennis Stieffen</i>	<i>1640100003</i>	<i>400.80*</i>
Hampton 41 LLC, Abbitt Land Co., R Holdings LLC, and Mountain Park LLC	2520100007	410.79
Betty Arlene Chandler Woodfin	1540100011X	1.31
TOTAL ACRES		1,179.32

**Parcel size changed since 2018 due to new plats and/or revised parcel acreages per Real Estate Assessments Division.*

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area (PSA): Outside

Staff Contact: Terry Costello, Senior Planner

PUBLIC HEARING DATES

Agricultural and Forestal District (AFD) Advisory Committee: June 22, 2022, 4:00 p.m.

Planning Commission: Aug. 3, 2022, 6:00 p.m. (Tentative)

Board of Supervisors: Sept. 13, 2022, 5:00 p.m. (Tentative)

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

DISTRICT HISTORY

- The Christenson's Corner AFD was created in 1986 for a term of four years and originally consisted of four parcels totaling ± 568 acres.
- The District was renewed in 1990, 1994, 1998, 2002, 2006, 2010, 2014, and 2018 for four-year periods. Various additions and withdrawals occurred throughout these years.

DISTRICT DESCRIPTION

The majority of the District is heavily forested, though it also includes marshlands and land actively in agricultural use. All of the land in this District is zoned A-1, General Agricultural, located outside of the PSA, and designated Rural Lands by the adopted Comprehensive Plan.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

ADDITION/WITHDRAWAL REQUESTS

None.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The surrounding area consists of forestland, marshes, and single-family residential. The District is bordered by York River State Park (zoned Public Lands) to the north, Riverview Plantation (zoned R-1) and Camp Peary (zoned Public Lands) to the east and Wexford Hills and North Cove (zoned A-1) to the west. The Croaker AFD is also located to the west. York County is located to the south.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Rural Lands. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall “support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*.”

STAFF RECOMMENDATION

Staff finds the Christenson's Corner AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the AFD Advisory Committee recommend renewal of this AFD for a period of four years to the Planning Commission, subject to the attached conditions which were approved at the District's last renewal.

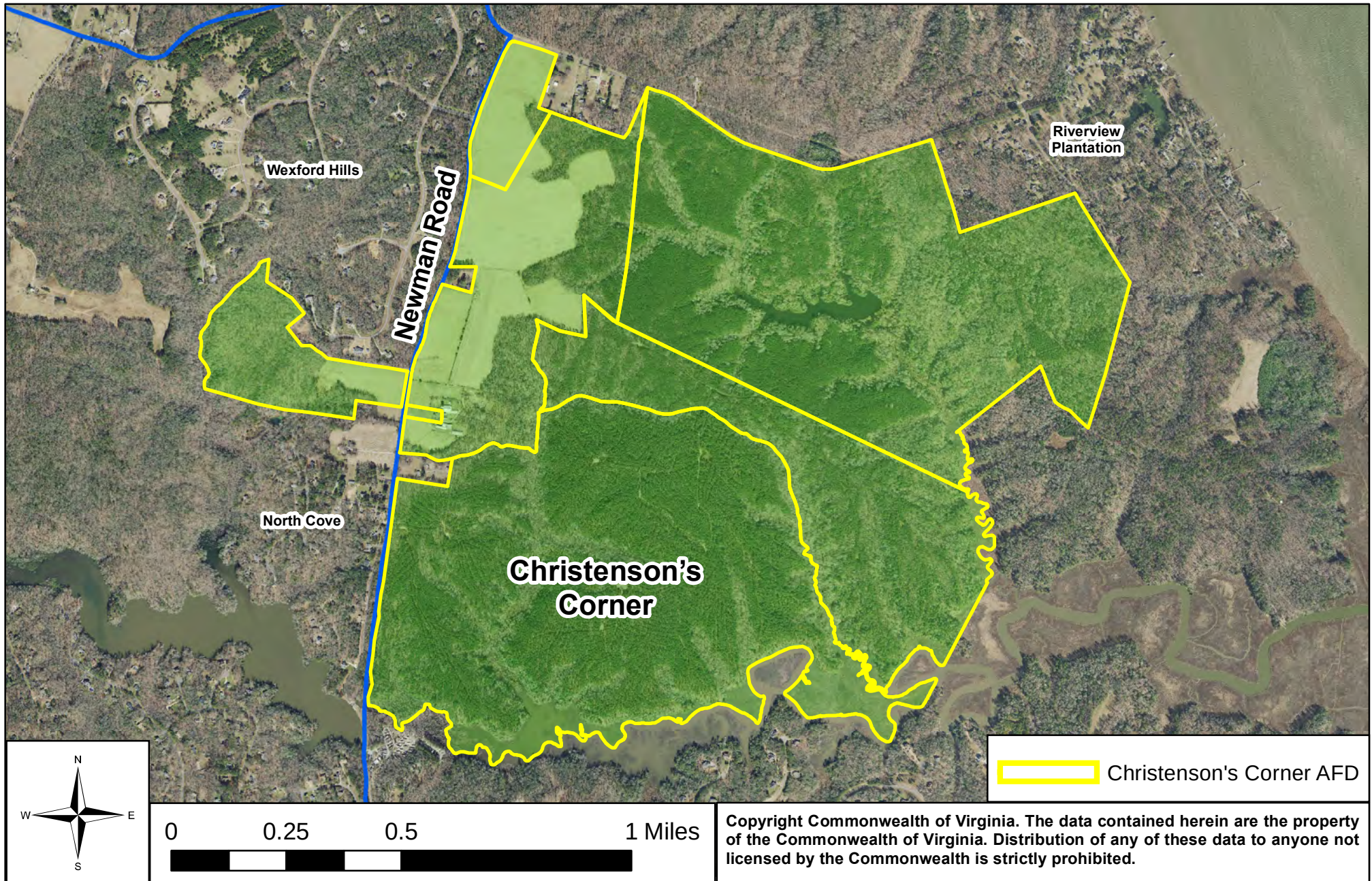
TC/md
AFD22-5_ChristCnrRen

Attachments:

1. Location Map
2. Adopted Conditions for the Christenson's Corner AFD

JCC AFD-22-0005

Christensen's Corner Agricultural Forestal District



ADOPTED

SEP 11 2018

ORDINANCE NO. 171A-10

**Board of Supervisors
James City County, VA**

AGRICULTURAL AND FORESTAL DISTRICT-10-86-1-2018

CHRISTENSON'S CORNER 2018 RENEWAL

- WHEREAS, James City County has completed a review of the Christenson's Corner Agricultural and Forestal District (the "District"); and
- WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), 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 District; and
- WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on June 21, 2018, voted 9-0 to recommend renewal of the District; and
- WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 to recommend renewal of the District with the conditions listed below.

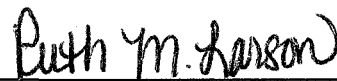
NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia that:

1. The Christenson's Corner Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").
2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road right-of-ways is excluded from the District:

<u>Owner</u>	<u>Parcel No.</u>	<u>±Acres</u>
Kenneth Chandler	1540100011	151.25
Betty Arlene Chandler Woodfin	1540100011X	1.31
Kenneth Chandler	1630100001	8.01
Stieffen Co. LLC, B. P. Stieffen, Woodlands LLC & Dennis Stieffen	1640100003	402.89
Hampton 41 LLC, Abbitt Land Co., R Holdings LLC, & Mountain Park LLC	2520100007	410.79
Hampton 41 LLC, Abbitt Land Co., R Holdings LLC, & Mountain Park LLC	1630100011	156.85
Kenneth Chandler	1540100008	<u>49.53</u>

Total: 1,179.33

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the 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, 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 Wireless Communications Facilities (WCF), 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 and within the District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Properties from Agricultural and Forestal Districts, adopted September 28, 2010, as amended.
 - c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, 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 properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.



Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:



Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	☒	☐	☐
ICENHOUR	☒	☐	☐
SADLER	☒	☐	☐
HIPPLE	☒	☐	☐
LARSON	☒	☐	☐

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

AFD-ChristCrmRnw-res

AGRICULTURAL AND FORESTAL DISTRICT-22-0006. Cranston's Pond Renewal
Staff Report for the July 21, 2022, Agricultural and Forestal District Advisory Committee

SUMMARY FACTS

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES</u>
Susanna Y. English	2210100056	5.07
J. Payten Harcum	2220100087	62.56
Bertrand E. Geddy, Jr., Trustee	2230100026	167.50
Hidden Acres Farm, Inc.	2330100001	416.50
Susanna L. English	2240100001A	101.67
Sandra J. Ripley and Shirley J. Sulenski-Hughes	3120100003B	21.01
TOTAL ACRES		774.31

Zoning:	A-1, General Agricultural R-8, Rural Residential
Comprehensive Plan:	Rural Lands Low-Density Residential
Primary Service Area (PSA):	Inside and Outside
Staff Contact:	Terry Costello, Senior Planner

PUBLIC HEARING DATES

Agricultural and Forestal District (AFD) Advisory Committee:	July 21, 2022, 4:00 p.m.
Planning Commission:	Aug. 3, 2022, 6:00 p.m. (Tentative)
Board of Supervisors:	Sept. 13, 2022, 5:00 p.m. (Tentative)

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

DISTRICT HISTORY

- The Cranston's Pond AFD was created in 1986 for a term of four years and originally consisted of 12 parcels totaling ± 1,172 acres.
- The District was renewed at four-year intervals again in 1990, 1994, 1998, 2002, 2006, 2010, 2014, and 2018. Various additions and withdrawals occurred throughout these years.

DISTRICT DESCRIPTION

The District consists primarily of forested land. Records indicate that approximately 75% of the District is used for forestry with some agricultural use and the remainder is in marsh land. Most of the District is located outside of the PSA and is designated Rural Lands by the Comprehensive Plan. The Ripley parcel is located inside the PSA and is designated Low-Density Residential.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

ADDITION/WITHDRAWAL REQUESTS

None.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The majority of the District is located southeast of Chickahominy Road and Little Creek Dam Road. The area surrounding the main body of the District is largely wooded, and zoned A-1, General Agricultural

AGRICULTURAL AND FORESTAL DISTRICT-22-0006. Cranston's Pond Renewal
Staff Report for the July 21, 2022, Agricultural and Forestal District Advisory Committee

and R-8, Rural Residential, with Cranston's Mill Pond forming the southeast border. The Ripley parcel is surrounded by the Colonial Heritage and James Shire Settlement subdivisions, which are zoned MU, Mixed-Use and A-1, General Agricultural, respectively.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Rural Lands and Low-Density Residential. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

STAFF RECOMMENDATION

Staff finds the Cranston's Pond AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the AFD Advisory Committee recommend renewal of this AFD for a period of four years to the Planning Commission, subject to the attached conditions which were approved at the District's last renewal.

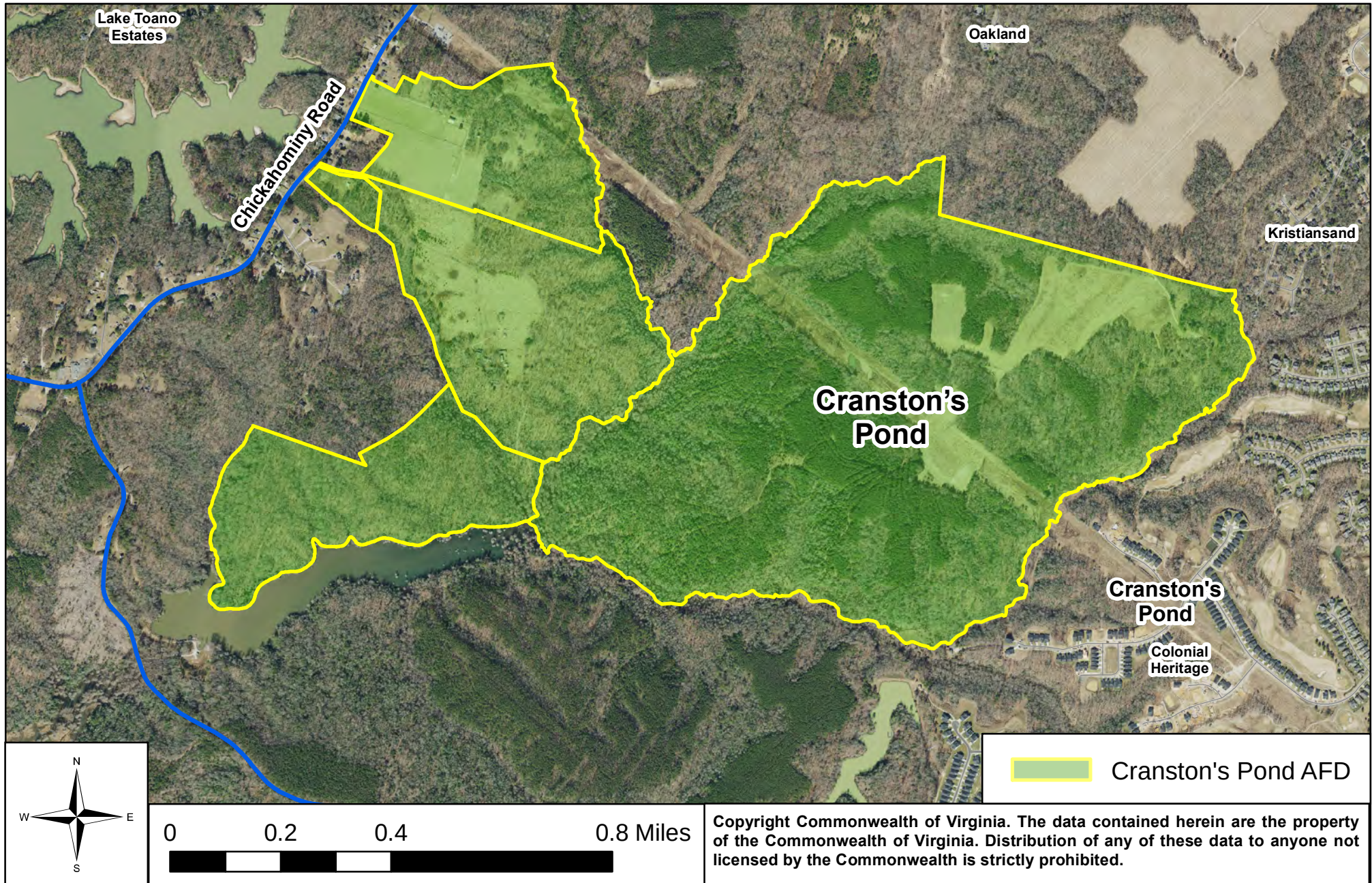
TC/md
AFD22-6_CranstnPd-Ren

Attachments:

1. Location Map
2. Adopted Conditions for the Cranston's Pond AFD

JCC AFD-22-0006

Cranston's Pond Agricultural Forestal District



ADOPTED

ORDINANCE NO. 168A-13

SEP 11 2018

Board of Supervisors
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-06-86-1-2018

CRANSTON'S POND 2018 RENEWAL

WHEREAS, James City County has completed a review of the Cranston's Pond Agricultural and Forestal District (the "District"); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), 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 District; and

WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on June 21, 2018, voted 9-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 to recommend renewal of the District with the conditions listed below.

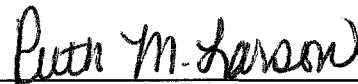
NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Cranston's Pond Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").
2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road right-of-ways is excluded from the District:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Hidden Acres Farm, Inc.	2330100001	416.50
Bertrand E. Geddy Jr. Trustee	2230100026	167.50
Edward K. English Estate	2240100001A	101.67
Peyton J. Harcum	2220100087	62.56
Otto C. & Thelma Ripley	3120100003B	21.01
Susanna Y. English	2210100056	<u>5.07</u>
	Total:	<u>774.31</u>

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the 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, 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 Wireless Communications Facilities (WCFs), 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 and within the District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.
- c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.



Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:



Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	☒	☐	☐
ICENHOUR	☒	☐	☐
SADLER	☒	☐	☐
HIPPLE	☒	☐	☐
LARSON	☒	☐	☐

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

AFD-CranstnPdRnw-res

AGRICULTURAL AND FORESTAL DISTRICT-22-0007. Croaker Renewal**Staff Report for the July 21, 2022, Agricultural and Forestal District Advisory Committee****SUMMARY FACTS**

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES</u>
Thomas W. Dana III, Trustee	0720100006	62.35
Thomas W. Dana III, Trustee	0720100006A	3.85
Mitchell Family Ltd. Partnership	0740100002	48.49
Wenger Farms, LLC	1320100018	95.30
Wenger Farms, LLC	1410100001	120.00
Wenger Farms, LLC	1410100002	30.00
Wenger Farms, LLC	1410100007	7.00
Wenger Farms, LLC	1410100014	143.50
Jonathan C. Kinney, Trustee	1410100046	14.18
Stephanie L. Billon, Trustee	1440100009	49.08
J. Rosalie Will, Trustee	1440100010	40.00
William L. and Mary M. Apperson	1440100015	26.05
William L. and Mary M. Apperson	1440100015A	26.23
Katherine G. Trustee and William Mann, Trustee	1510400003	50.00
Hazel M. and L. Richardson	1530100002	39.76
Sharpe Family Properties, LLC	1530100018	16.05
William R. Atkins, Jr.	1530100019	16.40
William R. Atkins, Jr.	1530100029	30.94
Thomas B. Ballard	1530100032	16.22
Hazel M. Richardson	1530100034	39.78
Thomas B. Ballard	1530100035	53.17
Thomas B. Ballard	1530100035A	4.91
Douglas O. Lucidi	1530100036	40.40
Ronald McManus, Patrick S. Crawford McManus, Michelle and Sarah McManus	1530100042	10.10
Ronald McManus, Patrick S. Crawford McManus, Michelle and Sarah McManus	1530100043	119.85

Hankins Land Trust	1530100044	119.00
Milly Wallis	1540100004	40.00
Charles E. Apperson Trustee and Patricia A. Russo, Trustee	2420100035	52.28
TOTAL ACRES		1,314.89

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area
(PSA): Outside

Staff Contact: Terry Costello, Senior Planner

PUBLIC HEARING DATES

Agricultural and Forestal
District (AFD) Advisory
Committee: July 21, 2022, 4:00 p.m.
Planning Commission: Aug. 3, 2022, 6:00 p.m. (Tentative)
Board of Supervisors: Sept. 13, 2022, 5:00 p.m. (Tentative)

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

DISTRICT HISTORY

- The Croaker AFD was created in 1986 for a term of four years and originally consisted of 13 parcels totaling ± 1,341 acres.
- The District was renewed for four-year intervals in 1990, 1994, 1998, 2002, 2006, 2010, 2014, and 2018 with various withdrawals and additions occurring during that period.

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.

AGRICULTURAL AND FORESTAL DISTRICT-22-0007. Croaker Renewal

Staff Report for the July 21, 2022, Agricultural and Forestal District Advisory Committee

- On April 9, 2019, the Board of Supervisors approved the addition of approximately 128.81 acres, Parcels ID Nos. 0720100006, 1410100046, and 242010035. Case numbers are AFD-18-0017, AFD-02-86-2-2018, and AFD-18-0019, respectively.
- On January 14, 2020, the Board of Supervisors approved the addition of approximately 3.85 acres, Parcel ID No. 0720100006A. Case number is AFD-19-0002.

DISTRICT DESCRIPTION

While still conforming to applicable area and proximity requirements this District is somewhat geographically dispersed. According to the United States Geological Service Soils Survey, the bulk of the District appears to consist of soils which are prime for crop cultivation or forestry. The majority of the District is forested and remains rural in nature. All the land in this District is zoned A-1, General Agricultural, located outside the PSA and are designated both Rural Lands by the adopted Comprehensive Plan.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

ADDITION/WITHDRAWAL REQUESTS

None.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The majority of this District is located southeast of the Croaker Road/Interstate 64 interchange, though several small pieces are

located north and east of the interchange as well. The surrounding area is mostly zoned A-1, General Agricultural; however, the northern and eastern portions of the District are surrounded by undeveloped portions of the Stonehouse Development which is zoned PUD-R, Planned Unit Development-Residential. The Christenson's Corner AFD lies to the southeast of the District and the Hill Pleasant Farm AFD lies to the southwest of the District.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Rural Lands. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

STAFF RECOMMENDATION

Staff finds the Croaker AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the AFD Advisory Committee recommend renewal of this AFD for a period of four years to the Planning Commission, subject to the attached conditions which were approved at the District's last renewal.

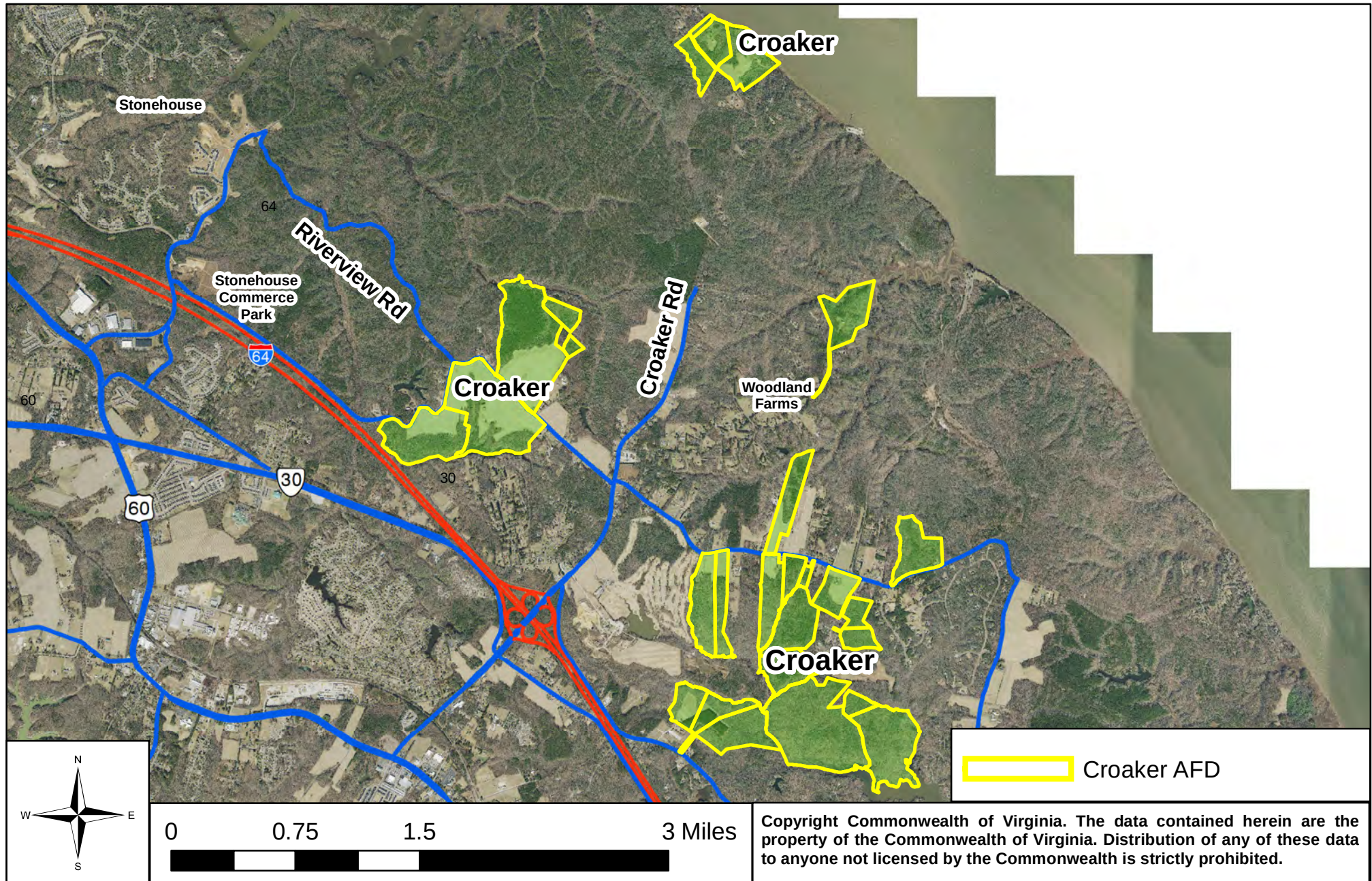
TC/md
AFD22-7_CroakerRen

Attachments:

1. Location Map
2. Adopted Conditions for the Croaker AFD

JCC AFD-22-0007

Croaker Agricultural Forestal District



CORRECTED

ADOPTED

SEP 11 2018

ORDINANCE NO. 164A-17

Board of Supervisors
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-02-86-1-2018

CROAKER 2018 RENEWAL

WHEREAS, James City County has completed a review of the Croaker Agricultural and Forestal District (the "District"); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), 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 District; and

WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on June 21, 2018, voted 9-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 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 Croaker Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").
2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road right-of-ways is excluded from the District:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Hankins Land Trust	1530100044	119.00
William and Mary M. Apperson	1440100015	26.05
William and Mary M. Apperson	1440100015A	26.23
Ronald McManus, et al.	1530100043	119.85
Ronald McManus, et al.	1530100042	10.10
Ronald McManus, et al.	1530100036	40.40
Hazel M. Richardson & LA Richardson	1530100002	39.76
Hazel M. Richardson	1530100034	39.78
J. Rosalie Will, Trustee	1440100010	40.00
Stephanie L. Billon-Wolfe, Trustee	1440100009	49.08
Wenger Farms LLC	1320100018	95.30
Wenger Farms LLC	1410100001	150.00
Wenger Farms LLC	1410100014	143.50
Thomas B. Ballard	1530100035	53.17
Sharpe Family Properties, LLC	1530100018	16.05

William R. Atkins, Jr.	1530100019	16.40
William R. Atkins, Jr	1530100029	30.94
Milly Wallis	1540100004	40.00
Thomas B. Ballard	1530100035A	4.91
Thomas B. Ballard	1530100032	16.22
Wenger Farms, LLC	1410100007	7.00
Katherine G. & William Mann	1510400003	50.00
Mitchell Family Ltd. Partnership	0740100002	48.49
Total:		<u>1,182.23</u>

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the 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, 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 Wireless Communications Facilities (WCFs), 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 and within the District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.
- c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.

Ruth M. Larson

Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MC GLENNON	☒	☐	☐
ICENHOUR	☒	☐	☐
SADLER	☒	☐	☐
HIPPLE	☒	☐	☐
LARSON	☒	☐	☐

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

AGRICULTURAL AND FORESTAL DISTRICT-22-0008. Gordon Creek Renewal**Staff Report for the July 21, 2022, Agricultural and Forestal District Advisory Committee****SUMMARY FACTS**

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES</u>
Martha W. McMurrin and SWR-Pinewood	3540100001	394.50
Edward D, III, and Regina L. Warburton	3520100001B	29.00
Marion P. Warburton	2940100011	56.20
David H. & Stephanie M. Allen	3420100002	132.98
Thomas R. Tucker, Trustee	3420100002A	25.02
Martha W. McMurrin and SWR-Pinewood	3630100003	264.00
Thomas L. and Victoria R. Hitchens, Trustee	3610100006	35.00
William Albert Thompson, Trustee and InSight Law PLLC, Trustee	3620100040	136.96
Claybank Landing, LLC	4320100012	33.83
Claybank Landing, LLC	4320100013	46.04
Claybank Landing, LLC	4320100014	44.92
Richardson Holdings Limited Partnership	3640100007	109.65*
Richardson Holdings Limited Partnership	3030100003	33.00
Scott Arthur Carswell and Robert. Anson Carswell	3610100003	44.00
James M. and Deborah S. Wright, Trustee	3610100004	36.92*
Powhatan Associates	4410100001	360.50*
Powhatan Associates	3540100016	25.52**
Powhatan Associates	3530100001	241.68
Mary Rebecca Richardson Abbott	3620100018	43.55
Gregory R. Davis, Trustee	3540100009	56.15
Linda Henderson Gordon	3420100001	35.30
Nayes Bay Land Company, LLC	3510100003	32.00
Nayes Bay Land Company, LLC	3510100006	34.30
William C. Jr. and Angelia Kane, Trustee	2940100003	4.00
William C. Jr. and Angelia Kane, Trustee	3520100007	110.00
William C. Jr. and Angelia Kane, Trustee	3610100002	13.00
Baxter I. Bell Jr., Trustee	4320100003	207.95

Robert Anson and S. Carswell	3520100010	28.36
Beatrice Richardson Est.	3640100009	22.00
Richardson Holdings Limited Partnership	3640100008	38.00
Pickett Holdings, LLC	3510100001	349.00
Jerry W. Nixon and Martha M.	3730100003	30.74
Michael B. and Michelle Ann Isler	3630100004	1.11

TOTAL ACRES 3,055.17

**Parcel size changed since 2018 due to new plats and/or revised parcel acreages per Real Estate Assessments Division.*

***Parcel subdivided after 2018. No withdrawal from the AFD was requested.*

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands
Low-Density Residential

Primary Service Area
(PSA): Inside and Outside

Staff Contact: John Risinger, Planner

PUBLIC HEARING DATES

Agricultural and Forestal
District (AFD) Advisory
Committee: July 21, 2022, 4:00 p.m.
Planning Commission: Aug. 3, 2022, 6:00 p.m. (Tentative)
Board of Supervisors: Sept. 13, 2022, 5:00 p.m. (Tentative)

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

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.

AGRICULTURAL AND FORESTAL DISTRICT-22-0008. Gordon Creek Renewal

Staff Report for the July 21, 2022, Agricultural and Forestal District Advisory Committee

DISTRICT HISTORY

- The Gordon Creek AFD was created in 1986 for a term of four years and originally consisted of 26 parcels totaling $\pm$ 3,337 acres.
- The District was renewed in 1990, 1994, 1998, 2002, 2006, 2010, 2014, and 2018 for four-year periods. Various additions and withdrawals occurred throughout these years.

DISTRICT DESCRIPTION

The majority of the District contains woodlands. All of the land in this District is zoned A-1, General Agricultural. The majority of the District is located outside of the PSA and is designated Rural Lands on the Comprehensive Plan. A small portion is located inside the PSA and is designated Low-Density Residential on the Comprehensive Plan. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land in agricultural and forestal uses until the appropriate time for development in the future.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

ADDITION/WITHDRAWAL REQUESTS

None.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The Gordon Creek AFD is bordered to the east and south by several residential developments zoned R-4, Residential Planned Community, including Ford's Colony, Greenspings West, Greenspings Plantation, and Governor's Land. The Yarmouth Island AFD is located to the north, with most land zoned A-1, General Agricultural. The Chickahominy River and associated marshland is located to the west.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Rural Lands and Low-Density Residential. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

STAFF RECOMMENDATION

Staff finds the Gordon Creek AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the AFD Advisory Committee recommend renewal of this AFD for a period of four years to the Planning Commission, subject to the attached conditions which were approved at the District's last renewal.

JR/md

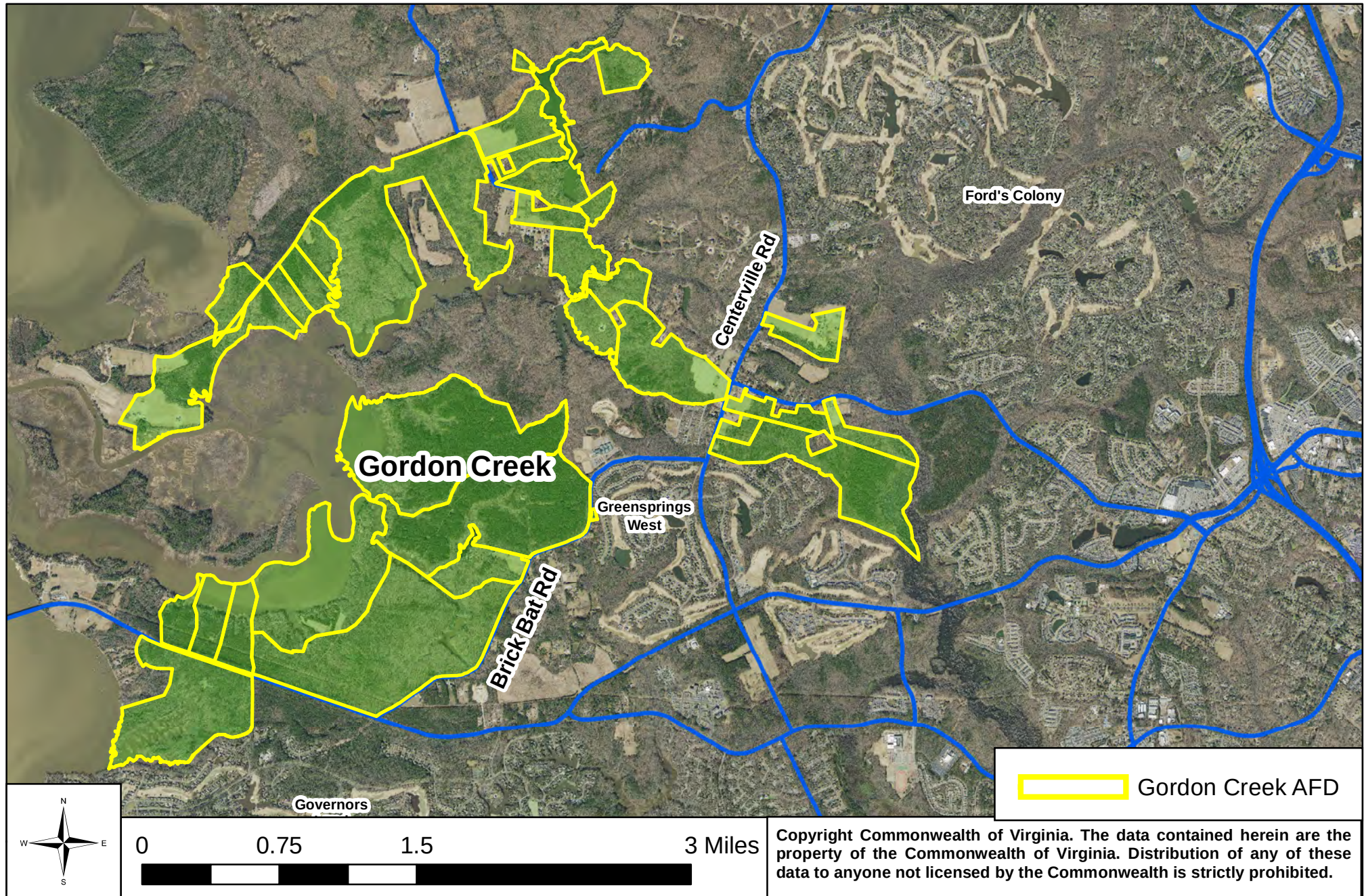
AFD22-8GrdnCrkRen

Attachments:

1. Location Map
2. Adopted Conditions for the Gordon Creek AFD

JCC AFD-22-0008

Gordon Creek Agricultural Forestal District



SEP 11 2018

ORDINANCE NO. 170A-22

Board of Supervisors
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-09-86-1-2018

GORDON CREEK 2018 RENEWAL

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

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), 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 District; and

WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on June 21, 2018, voted 9-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 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 Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").
2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road right-of-ways is excluded from the District:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Martha W McMurran & SWR-Pinewood	3540100001	394.50
Edward Warburton, III & Regina L	3520100001B	29.00
Edward Warburton	2940100011	56.20
David H. Allen & Stephanie M.	3420100002	132.98
Thomas R. Tucker, Trustee	3420100002A	25.02
Martha W McMurran & SWR-Pinewood	3630100003	264.00
Thomas L. Hitchens	3610100006	35.00
W.A. Thompson & Charles Flemming	3620100040	136.96
Claybank Landing, LLC	4320100012	33.83
Claybank Landing, LLC	4320100013	46.04
Claybank Landing, LLC	4320100014	44.92
Richardson Holdings Limited Partnership	3640100007	116.65
Richardson Holdings Limited Partnership	3030100003	33.00

Jane T. Carswell	3610100003	44.00
Martha W. McMurren & SWR-Pinewood	3610100004	37.62
Powhatan Associates	4410100001	384.42
Powhatan Associates	3530100001	241.68
Mary Rebecca Richardson Abbott	3620100018	43.55
Trust Company of Virginia	3540100009	56.15
Linda Henderson Gordon	3420100001	35.30
Nayses Bay Land Co.	3510100003	32.00
Nayses Bay Land Co.	3510100006	34.30
William Kane	2940100003	4.00
William Kane	3520100007	110.00
William Kane	3610100002	13.00
Baxter I. Bell Jr., Trustee	4320100003	207.95
Robert Anson and S. Carswell	3520100010	28.36
Beatrice Richardson Est.	3640100009	22.00
Richardson Holdings Limited Partnership	3640100008	38.00
Pickett Holdings, LLC	3510100001	349.00
Jerry W. Nixon & Martha M.	3730100003	30.74
Michael B. & Michelle Ann Isler	3630100004	1.10
Total:		<u>3,061.27</u>

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the 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, 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 Wireless Communications Facilities (WCF), 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 and within the District may be rezoning and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.
 - c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SPUs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.

Ruth M. Larson
Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<u>✓</u>	___	___
ICENHOUR	<u>✓</u>	___	___
SADLER	<u>✓</u>	___	___
HIPPLE	<u>✓</u>	___	___
LARSON	<u>✓</u>	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

AFD-GordonCkRnw-res

AGRICULTURAL AND FORESTAL DISTRICT-22-0009. Gospel Spreading Church Renewal

Staff Report for the July 21, 2022, Agricultural and Forestal District Advisory Committee

SUMMARY FACTS

<u>LANDOWNERS</u>	<u>PARCEL ID</u>	<u>ACRES</u>
JCC Bible and Agricultural Training School	4830100035	403.56*
JCC Bible and Agricultural Training School	5620100001	457.80*
Roderick B. Perkinson	4740100037	27.93*
Stephen W. Haag	4740100042C	2.89
R. Edwin II, and Meredith H. Gilley	4740100042E	56.49
Leigh Ann Gilley	4740100040	56.58
Smokehouse Lane, LLC	4740100041	56.63
R. Edwin II, Leigh Anne, and Terri Lynn Gilley	4830100042	71.33

TOTAL ACRES 1,133.21

**Parcel size changed since 2018 due to new plats and/or revised parcel acreages per Real Estate Assessments Division.*

Zoning: A-1, General Agricultural
R-1, Limited Residential
R-2, General Residential
R-8, Rural Residential

Comprehensive Plan: Rural Lands
Low-Density Residential

Primary Service Area (PSA): Inside and Outside

Staff Contact: John Risinger, Planner

PUBLIC HEARING DATES

Agricultural and Forestal District (AFD) Advisory Committee:

July 21, 2022, 4:00 p.m.

Planning Commission:

Aug. 3, 2022, 6:00 p.m. (Tentative)

Board of Supervisors:

Sept. 13, 2022, 5:00 p.m. (Tentative)

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

DISTRICT HISTORY

- The Gospel Spreading Church AFD was created in 1986 for a term of four years and originally consisted of nine parcels totaling ± 1,173 acres.
- A separate adjacent AFD, titled “Gospel Spreading Church (Gilley Addition),” was created in 1987, consisting of five parcels totaling ± 208 acres.
- Gospel Spreading Church AFD and Gospel Spreading Church (Gilley Addition) AFD were renewed for four-year terms in 1990, 1994, and 1998.
- In 2002, Gospel Spreading Church (Gilley Addition) AFD was discontinued due to falling below the minimum required acreage for a district. The remaining eligible parcels were merged with the Gospel Spreading Church AFD.
- The merged District was renewed in 2006, 2010, 2014, and 2018. Various additions and withdrawals occurred throughout these years.

AGRICULTURAL AND FORESTAL DISTRICT-22-0009. Gospel Spreading Church Renewal

Staff Report for the July 21, 2022, Agricultural and Forestal District Advisory Committee

DISTRICT DESCRIPTION

The Gospel Spreading Church AFD consists of woodlands, wetlands, and farmland. The majority of the District is zoned R-8, Rural Residential and A-1, General Agricultural. Portions of two parcels are zoned R-1, Limited Residential and R-2, General Residential, respectively. Approximately 861 acres are located outside the PSA, while the remaining $\pm$ 271 acres are located inside the PSA. Comprehensive Plan designations include Rural Lands and Low-Density Residential.

ADDITION/WITHDRAWAL REQUESTS

None.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The District is generally surrounded by residential housing zoned R-1, Limited Residential or R-2, General Residential. Adjacent subdivisions include Page Landing, Peleg's Point, Lake Powell Forest, Rolling Woods, and Vineyards at Jockey's Neck. The Colonial Parkway serves as the District's southern border.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Rural Lands and Low-Density Residential. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

STAFF RECOMMENDATION

Staff finds the Gospel Spreading Church AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the AFD Advisory Committee recommend renewal of this AFD for a period of four years to the Planning Commission, subject to the attached conditions which were approved at the District's last renewal.

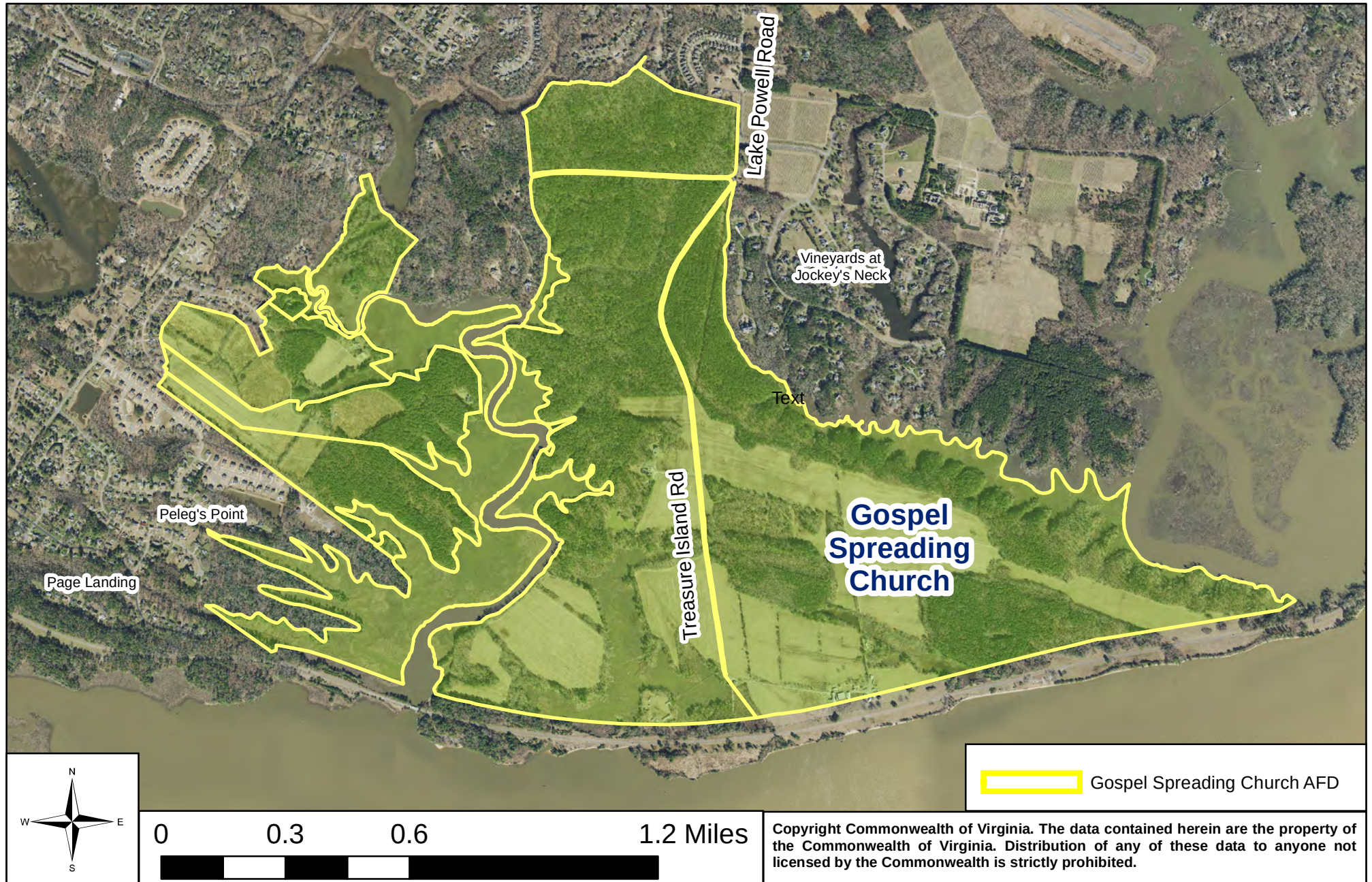
JR/md
AFD22-9_GospSprdChRen

Attachments:

1. Location Map
2. Adopted Conditions for the Gospel Spreading Church AFD

JCC AFD-22-0009

Gospel Spreading Church Agricultural Forestal District



ADOPTED

ORDINANCE NO. 173A-20

SEP 11 2018

Board of Supervisors
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-12-86-1-2018

GOSPEL SPREADING CHURCH FARM 2018 RENEWAL

- WHEREAS, James City County has completed a review of the Gospel Spreading Church Farm Agricultural and Forestal District (the "District"); and
- WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), 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 District; and
- WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on June 21, 2018, voted 9-0 to recommend renewal of the District; and
- WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 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:

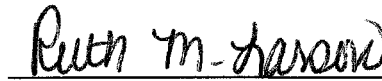
1. The Gospel Spreading Church Farm Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").
2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road right-of-ways is excluded from the District:

<u>Owner</u>	<u>Parcel ID No.</u>	<u>Acres</u>
JCC Bible & Agricultural Training School	4830100035	403.55
JCC Bible & Agricultural Training School	5620100001	457.79
Roderick B. Perkinson	4740100037	27.92
Robert E. II & Meredith H. Gilley	4740100042C	2.89
Merewin Farms, LLC	4740100042E	56.49
Leigh Ann Gilley	4740100040	56.58
Terri Lynn Gilley	4740100041	56.63
R. Edwin II, Leigh Ann & Terri Lynn Gilley	4830100042	71.33
	Total:	<u>1,133.18</u>

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the 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, 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 Wireless Communications Facilities (WCFs), 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 and within the District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.
- c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SPUs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.



Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:



Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MC GLENNON	☒	☐	☐
ICENHOUR	☒	☐	☐
SADLER	☒	☐	☐
HIPPLE	☒	☐	☐
LARSON	☒	☐	☐

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

AFDGospSCFrmRenw-res

AGRICULTURAL AND FORESTAL DISTRICT-22-0010. Hill Pleasant Farms Renewal
Staff Report for the July 21, 2022, Agricultural and Forestal District Advisory Committee

SUMMARY FACTS

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES</u>
D&S Chong, LLC	2410100004	83.82*
Hill Pleasant Farm, Inc.	2410100005	208.24
Wayne A. Moyer	2410100015D	32.28
TOTAL ACRES		324.34
<i>*Requesting a partial withdrawal</i>		

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands
Economic Opportunity

Primary Service Area
(PSA): Outside

Staff Contact: Suzanne Yeats, Planner

PUBLIC HEARING DATES

Agricultural and Forestal
District (AFD) Advisory
Committee: July 21, 2022, 4:00 p.m.
Planning Commission: Aug. 3, 2022, 6:00 p.m. (Tentative)
Board of Supervisors: Sept. 13, 2022, 5:00 p.m. (Tentative)

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

DISTRICT HISTORY

- The Hill Pleasant Farms AFD was created in 1986 for a term of four years and originally consisted of two parcels totaling ± 504 acres.

- The District was renewed in 1990, 1994, 1998, 2002, 2006, 2010, 2014, and 2018 for periods of four years, during which time various withdrawals and additions took place.
- On November 15, 2019, the Board of Supervisors approved the withdrawal of approximately 192.76 acres (Hill Pleasant Farm, Inc., Parcel ID No. 2410100005) as part of a Special Use Permit (SUP) (SUP-19-0017) for Hill Pleasant Solar Farm.

DISTRICT DESCRIPTION

Except for a few residences, all acreage in this District is in agriculture or forestal uses. The properties have been managed in the past for food and fiber production and have the potential to support significant agriculture and commercial timber operations. All the land in this District is zoned A-1, General Agricultural, and is located outside of the PSA. The majority of the land in this District is designated Economic Opportunity by the adopted 2045 Comprehensive Plan, with Mr. Moyer's parcel and a small portion of a parcel located northeast of the Interstate 64 right-of-way, both designated Rural Lands.

Total acreage includes all the land in the above properties except land within 25 feet of rights-of-way. This area has been excluded to allow for possible road and/or drainage improvements.

ADDITION/WITHDRAWAL REQUESTS

The owner of the property located at 7294 Richmond Road (Parcel ID No. 2410100004) has requested a partial withdrawal of 22-acres (Attachment No. 3). With this withdrawal, the District will encompass 324.34 acres and continue to maintain the 200-acre minimum requirement per State Code.

AGRICULTURAL AND FORESTAL DISTRICT-22-0010. Hill Pleasant Farms Renewal
Staff Report for the July 21, 2022, Agricultural and Forestal District Advisory Committee

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

Most of the surrounding land to the north of the District is zoned A-1, General Agriculture. The property to the west of the District is a mixture of businesses, residences, and developed property within the PSA zoned LB, Limited Business; B-1, General Business; R-2, General Residential; and MU, Mixed Use. The property to the south of the District is zoned A-1, General Agriculture and M-1, Limited Business/Industrial. Although this AFD lies within the vicinity of existing commercial development along Richmond Road, the District is separated from Richmond Road by the CSX Railway. The District borders York County to the east.

COMPREHENSIVE PLAN

The 2045 Comprehensive Plan designates these parcels as Economic Opportunity and Rural Lands. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall “support both the use value assessment and Agricultural and Forestal District (AFD) programs to the maximum degree allowed by the *Code of Virginia*.”

STAFF RECOMMENDATION

Staff finds the Hill Pleasant AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the AFD Advisory Committee recommend renewal of this AFD for a period of four years to the Planning Commission, subject to the attached conditions which were approved at the District’s last renewal.

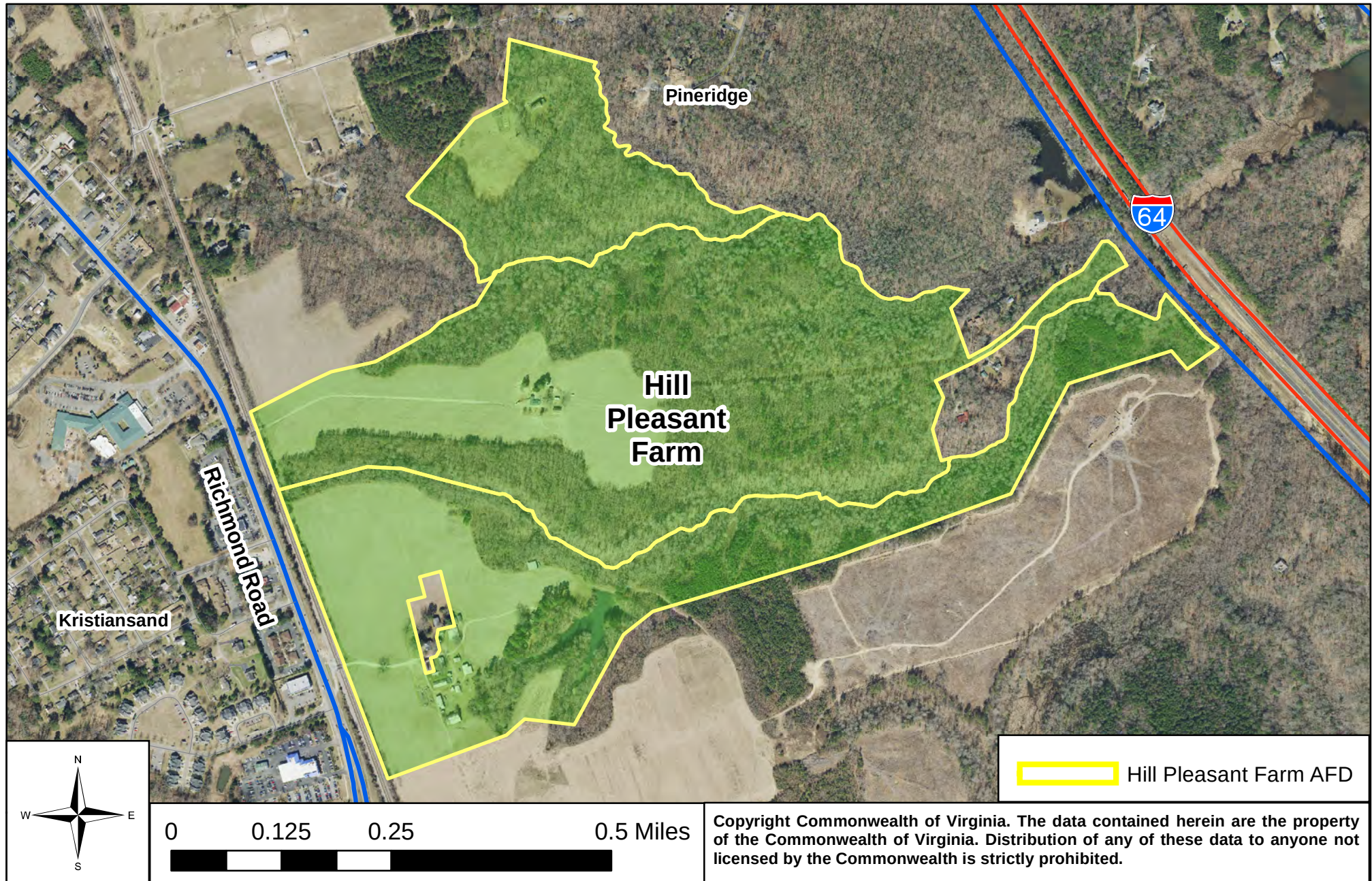
SY/md
AFD22-10HillPlFmRen

Attachments:

1. Location Map
2. Adopted Conditions for the Hill Pleasant Farms AFD
3. Property Owner(s) Withdrawal Request

JCC AFD-22-0010

Hill Pleasant Farm Agricultural Forestal District



ADOPTED

SEP 11 2018

ORDINANCE NO. 165A-12

**Board of Supervisors
James City County, VA**

AGRICULTURAL AND FORESTAL DISTRICT-03-86-1-2018

HILL PLEASANT FARM 2018 RENEWAL

- WHEREAS, James City County has completed a review of the Hill Pleasant Farm Agricultural and Forestal District (the "District"); and
- WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), 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 District; and
- WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on June 21, 2018, voted 9-0 to recommend renewal of the District; and
- WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 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:

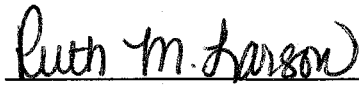
1. The Hill Pleasant Farm Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").
2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road right-of-ways is excluded from the District:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Margaret S. Stevens	2410100004	105.82
Hill Pleasant Farm, Inc.	2410100005	391.30
Wayne A. Moyer Revocable Trust	2410100015D	<u>32.27</u>
	Total:	<u>529.39</u>

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the 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, 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 Wireless Communications Facilities (WCFs), 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 and within the District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.
- c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.



Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:


Teresa J. Fellows
Deputy Clerk to the Board

MCGLENNON
ICENHOUR
SADLER
HIPPLE
LARSON

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
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Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

AFD-HillPlstFmRnw-res

D & S Chong, LLC
3920 Hester Drive
Virginia Beach, VA 23456

April 25, 2022

James City County Community Development
101-A Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187-8784.

Re: 7294 Richmond Road (James City County PIN: 2410100004)

Greetings Community Development,

Please acknowledge this letter as the formal withdrawal request for our property at 7294 Richmond Rd (PIN 2410100004) from the Hill Pleasant Farm AFD. This is a partial withdrawal request for the approximately twenty-two (22) acres as seen in the accompanying conceptual site plan for a proposed solar development.

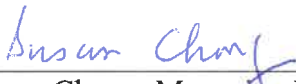
We have not farmed this property for a few years and do not wish to remain in the AFD. Please let us know what else is needed to quickly withdraw from the AFD ahead of the natural expiration of its term this fall.

Sincerely,
D & S Chong, LLC

By:


Dae Chong, Managing Member

By:


Susan Chong, Managing Member

cc: Buzz Becker, Pivot Energy

AGRICULTURAL AND FORESTAL DISTRICT-22-0011. Mill Creek Renewal**Staff Report for the July 21, 2022, Agricultural and Forestal District Advisory Committee****SUMMARY FACTS**

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES</u>
8700 Barnes Road LLC	1010100037	104.00
Abbitt, M.W. Family Partnership	920100040	95.51
Albert T. and Joan Lloyd Slater	1010100028	69.69
Christopher M. Ware	920100036	39.13
Cowles-Cowlesville LLC	1040100005	249.89*
Cowles-Cowlesville LLC	1040100006	124.77*
Cowles-Cowlesville LLC	2010100002	2.00
Cowles-Lobbs LLC	2020100006	352.96
Dale Cowles Henderson and John Cowles Dozier, et al.	2020100001	8.76*
Dale Cowles Henderson and John Cowles Dozier, et al.	2020100003	102.67
Daniel R. Winall and Marion Virginia	1030100019	97.59
Dennis P. and Christine A. Weygand	1030100013	34.03
Edwards' Mill Pond, LLC	1030100003	45.80
Ivy Hill LLC and Barbara L Silverman c/o Ellen Lightman	1110100013	100.18
Ivy Hill LLC c/o Ellen Lightman	1110100024	1.18
J. Michael Sim	1040100003	103.26
J. Michael Sim	1040100001A	10.00
John E. and Elaine M. Sharp	0940100008N	57.81
John G. and Marie Antionette Findlay	0940100008H	118.29
John M. L. Barnes Estate	1110100001	29.00
John M.L. Barnes Estate and James F. Cowles	1020100004	215.77*
Mark M. and Michelle B. Massie	1130100028B	29.43*
Martha Ware Trust	2020100002	57.41
Mary M. Selph	1010100007	50.00

Mayes D. and Cheryl M. Matthews	2110100005	46.01
Nancy Cottrell Kruse and M. Anderson Bradshaw	1140100002	297.29*
Pamaka LLC	1020100017	242.70
Pamela C. and Steve L. Massie	1130100028	102.06*
Ralph Benjamin Dozier, Charles Norris Dozier III and Mary Elizabeth Sink	2020100005	178.44*
Ralph Benjamin Dozier, Charles Norris Dozier III and Mary Elizabeth Sink	2020100007	16.50
Ralph Benjamin Dozier, Charles Norris Dozier III and Mary Elizabeth Sink	2020100008	12.00
Randolph G. and Michelle H. Gulden	1020100012	62.20
Randolph G. and Michelle H. Gulden	1020100032	25.00
Richard W. and Margaret Krapf	1140100006	4.73
Sarah Armistead	1010100038	50.00
Walter Nelson Marshall, III Trustee	1140100005	79.95*
WGJ Land Holdings LLC	1040100004	43.07
WGJ Land Holdings LLC	1130100011	14.85
WGJ Land Holdings LLC	1130100011A	2.81

TOTAL ACRES 3,276.74

*Parcel size changed since 2018 due to new plats and/or revised parcel acreages per Real Estate Assessments Division.

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area (PSA): Outside

Staff Contact: Suzanne Yeats, Planner

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.

AGRICULTURAL AND FORESTAL DISTRICT-22-0011. Mill Creek Renewal

Staff Report for the July 21, 2022, Agricultural and Forestal District Advisory Committee

PUBLIC HEARING DATES

Agricultural and Forestal
District (AFD) Advisory

Committee: July 21, 2022, 4:00 p.m.
Planning Commission: Aug. 3, 2022, 6:00 p.m. (Tentative)
Board of Supervisors: Sept. 13, 2022, 5:00 p.m. (Tentative)

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

DISTRICT HISTORY

- The Mill Creek AFD was created in 1986 for a term of four years and originally consisted of 28 parcels totaling $\pm$ 3,547 acres.
- The District was renewed in 1990, 1994, 1998, 2002, 2006, 2010, 2014, and 2018 for four-year periods. Various additions and withdrawals occurred throughout these years.
- Since the 2018 renewal, the Board of Supervisors approved the addition of $\pm$ 70.73 acres:
 - o 10.00 ac; AFD-18-2020 and Res. 169A-19
 - o 43.07 ac; AFD-18-2016 and Res. 169A-20
 - o 14.85 ac; AFD-18-2016 and Res. 169A-20
 - o 2.81 ac; AFD-18-2016 and Res. 169A-20

DISTRICT DESCRIPTION

The Mill Creek AFD consists of $\pm$ 3,276 acres, the majority of which are located along Forge Road or Diascund Road. The majority of the District contains either woodland or active agriculture. All parcels are zoned A-1, General Agriculture and are designated Rural Lands on the 2045 Comprehensive Plan.

Total acreage includes all the land in the above properties except land within 25 feet of rights-of-way. This area has been excluded to allow for possible road and/or drainage improvements.

ADDITION/WITHDRAWAL REQUESTS

None.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The surrounding area consists mostly of forestland. The majority of the surrounding property is zoned A-1 and is designated Rural Lands on the Comprehensive Plan. The Chickahominy River is located to the west. The Barnes Swamp AFD is located to the north and the Wright's Island AFD is located to the south.

COMPREHENSIVE PLAN

The 2045 Comprehensive Plan designates these parcels as Rural Lands. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

STAFF RECOMMENDATION

Staff finds the Mill Creek AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the AFD Advisory Committee recommend renewal of this AFD for a period of four years to the Planning Commission, subject to the attached conditions which were approved at the District's last renewal.

AGRICULTURAL AND FORESTAL DISTRICT-22-0011. Mill Creek Renewal

Staff Report for the July 21, 2022, Agricultural and Forestal District Advisory Committee

SY/md

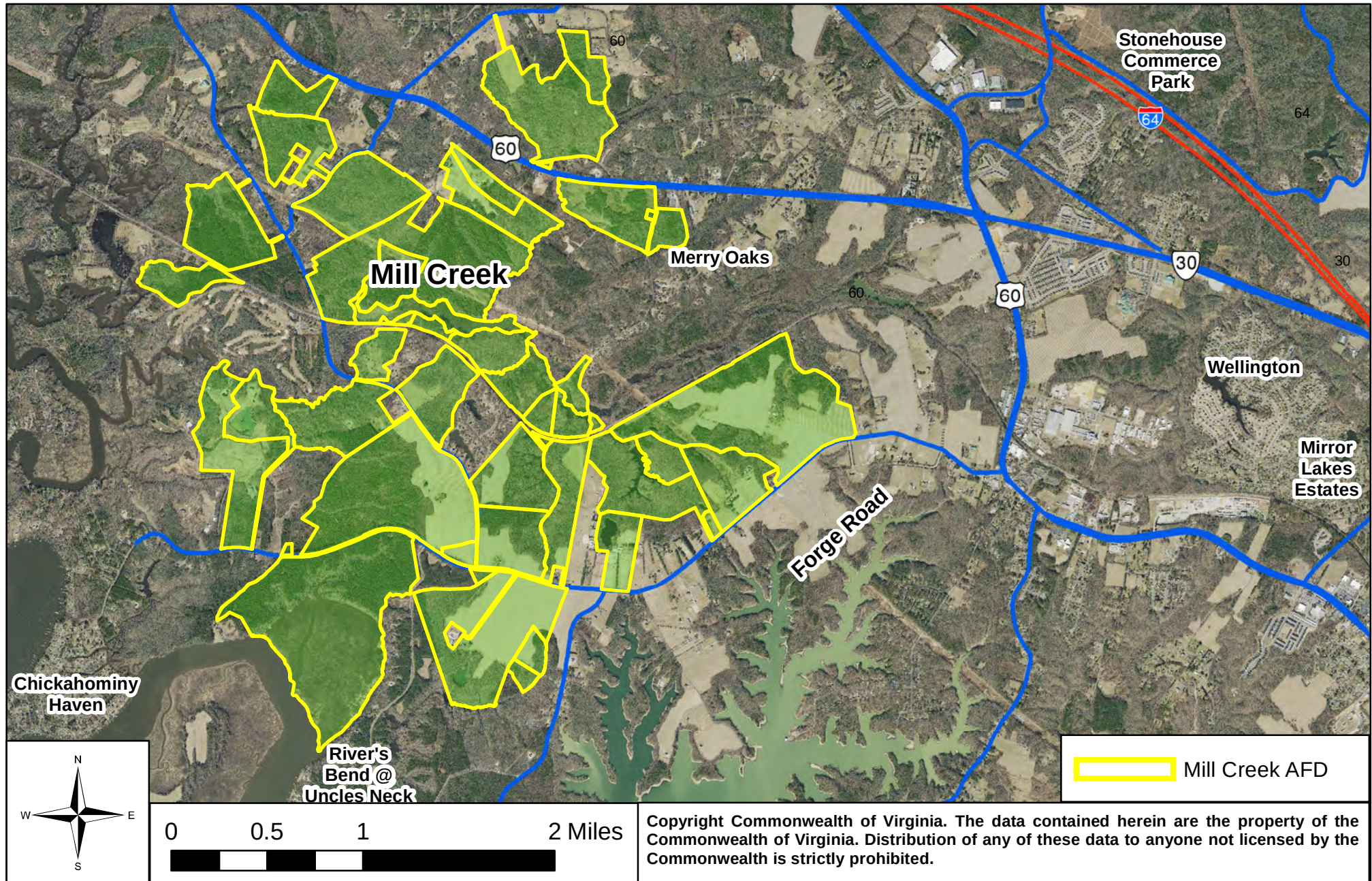
AFD22-11MillCrkRen

Attachments:

1. Location Map
2. Adopted Conditions for the Mill Creek AFD

JCC AFD-22-0012

Mill Creek Agricultural Forestal District



ADOPTED

SEP 11 2018

ORDINANCE NO. 169A-18

Board of Supervisors
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-07-86-1-2018

MILL CREEK 2018 RENEWAL

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

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), 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 District; and

WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on June 21, 2018, voted 9-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 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:

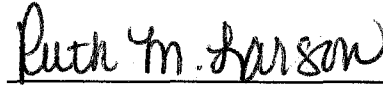
1. The Mill Creek Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").
2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road right-of-way is excluded from the District:

<u>Owner</u>	<u>Parcel No.</u>	<u>±Acres</u>
Cowles-Lobbs LLC	2020100006	352.96
Dale Cowles Henderson & John Cowles Dozier, et al.	2020100003	102.66
Dale Cowles Henderson & John Cowles Dozier, et al.	2020100001	8.75
Mayes D. & Cheryl M. Matthews	2110100005	46.01
Pamela C. & Steve L. Massie	1130100028	98.76
Pamela C. & Steve L. Massie	1130100028A	32.74
Richard W. & Margaret Krapf	1140100006	4.73
Nancy Cottrell Kruse & M. Anderson Bradshaw	1140100002	297.28
Cowles-Cowlesville LLC	1040100005	249.88
Cowles-Cowlesville LLC	1040100006	124.76
J. Michael Sim	1040100003	103.26

8700 Barnes Road LLC	1010100037	104.00
Sarah H. Armistead	1010100038	50.00
Daniel R. & Marion Virginia Winall	1030100019	97.59
Pamaka LLC	1020100017	242.70
Albert T. & Joan Lloyd Slater	1010100028	69.69
McRae O. Selph	1010100007	50.00
Walter N. Marshall, III Trustee	1140100005	79.94
Martha M. Ware Trust	2020100002	57.41
Christopher M. Ware	0920100036	39.13
Pamaka LLC	1030100003	45.80
Ralph Benjamin Dozier, Charles Norris Dozier III & Mary Elizabeth Sink	2020100005	178.44
Ralph Benjamin Dozier, Charles Norris Dozier III & Mary Elizabeth Sink	2020100007	16.50
Ralph Benjamin Dozier, Charles Norris Dozier III & Mary Elizabeth Sink	2020100008	12.00
Dennis P. & Christine A. Weygand	1030100013	34.02
John M. L. Barnes Estate	1020100004	215.76
John M. L. Barnes Estate	1110100001	29.00
Cowles-Cowlesville LLC	2010100002	2.00
Randolph G. & Michelle H. Gulden	1020100012	62.20
Randolph G. & Michelle H. Gulden	1020100032	25.00
John E. & Elaine M. Sharp	0940100008N	57.81
John G. & Marie Antoinette Findlay	0940100008H	118.29
Richard F. Abbitt Investment LC	0920100040	95.51
Ivy Hill LLC	1110100013	100.18
Ivy Hill LLC	1110100024	1.18
Total:		<u>3,205.94</u>

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the 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, 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 Wireless Communications Facilities (WCF), 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 and within the District may be rezoning and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.

- c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.



Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:



Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	☒	☐	☐
ICENHOUR	☒	☐	☐
SADLER	☒	☐	☐
HIPPLE	☒	☐	☐
LARSON	☒	☐	☐

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

AFD-MillCrkRnw-res

AGRICULTURAL AND FORESTAL DISTRICT-22-0012. Pates Neck Renewal

Staff Report for the July 21, 2022, Agricultural and Forestal District Advisory Committee

SUMMARY FACTS

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES</u>
Pates Neck Timber Company	2040100001	408.86
Miriam Daniels, Trustee	2040100002	215.44
Laura Hineman, Trustee	2130100005B	56.00
John Ballentine	2130100005C	75.00
TOTAL ACRES		755.30

Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands
Primary Service Area (PSA):	Outside
Staff Contact:	Terry Costello, Senior Planner

PUBLIC HEARING DATES

Agricultural and Forestal District (AFD) Advisory Committee	July 21, 2022, 4:00 p.m.
Planning Commission:	Aug. 3, 2022, 6:00 p.m. (Tentative)
Board of Supervisors:	Sept. 13, 2022, 5:00 p.m. (Tentative)

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

DISTRICT HISTORY

- The Pates Neck AFD was created in 1986 for a term of six years and originally consisted of one parcel totaling ± 624 acres.

- The District was renewed in 1992 for a period of eight years. In 2000, 2006, and 2012, the District was renewed for a period of six years with two additions taking place.
- In 2018, the District was renewed for a period of four years, two months and 17 days to align it with the renewal period of the other AFDs, therefore making the renewal period easier to administer.

DISTRICT DESCRIPTION

The District continues to meet minimum size requirements. The majority of the District is heavily forested, though it also includes marshlands and land actively in agricultural use. All the land in this District is zoned A-1, General Agricultural, located outside of the PSA, and designated Rural Lands by the adopted Comprehensive Plan.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

ADDITION/WITHDRAWAL REQUESTS

None.

CHANGES TO CONDITIONS

None.

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 AND FORESTAL DISTRICT-22-0012. Pates Neck Renewal

Staff Report for the July 21, 2022, Agricultural and Forestal District Advisory Committee

Agricultural. Wrights Island AFD-1-94 is directly to the west of the Pates Neck AFD.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Rural Lands. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall “support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*.”

STAFF RECOMMENDATION

Staff finds the Pates Neck AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the AFD Advisory Committee recommend renewal of this AFD for a period of four years to the Planning Commission, subject to the attached conditions which were approved at the District’s last renewal.

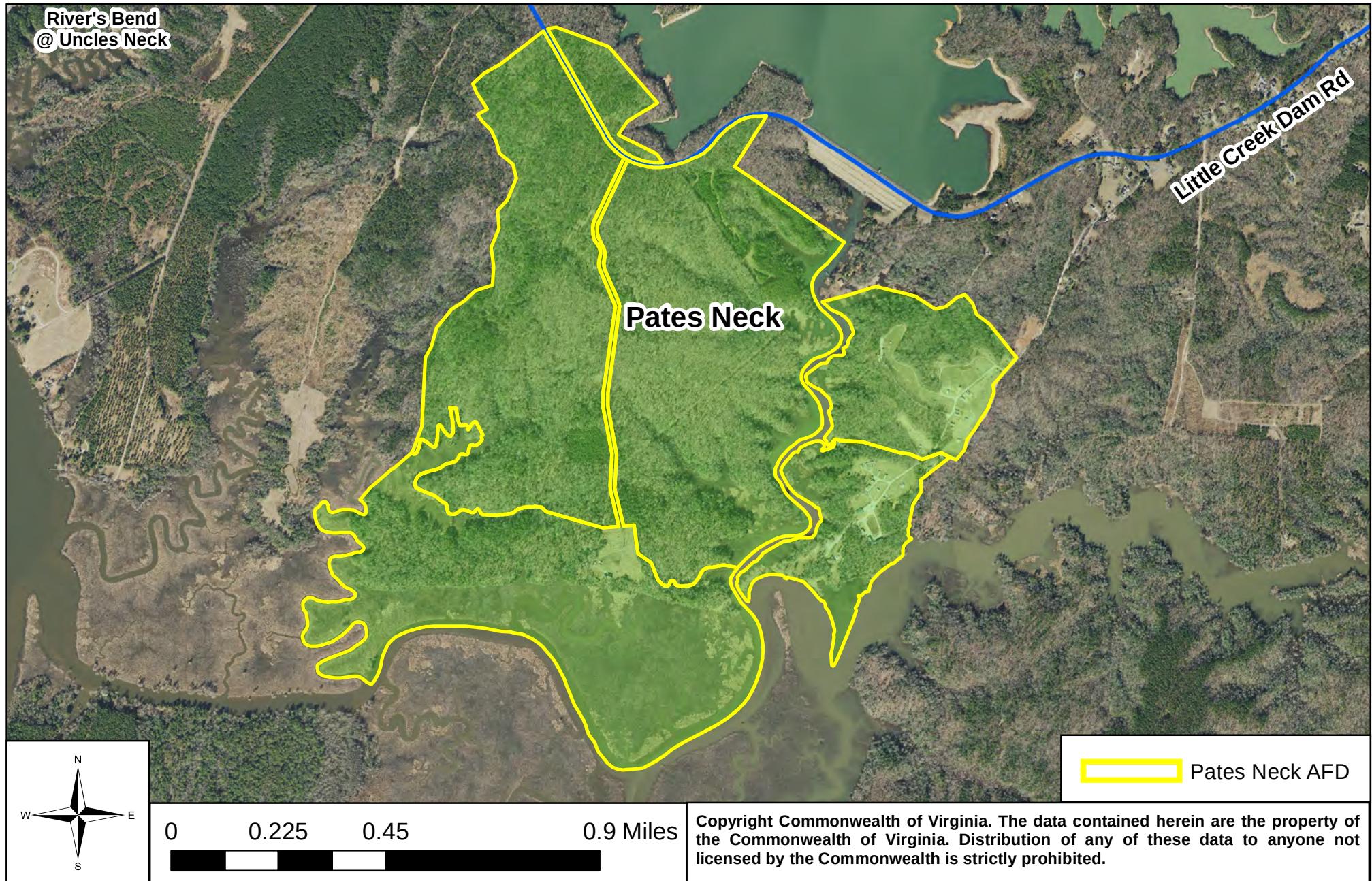
TC/md
AFD22-12PatesNkRen

Attachments:

1. Location Map
2. Adopted Conditions for the Pates Neck AFD

JCC AFD-22-0012

Pates Neck Agricultural Forestal District



ADOPTED

JUL 10 2018

**Board of Supervisors
James City County, VA**

ORDINANCE NO. 166A-5

PATES NECK AGRICULTURAL AND FORESTAL DISTRICT

2018 RENEWAL

(AFD-4-86)

- WHEREAS, James City County has completed a review of the Pates Neck Agricultural and Forestal District (AFD); and
- WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified and public hearings have been held on the continuation of the Pates Neck AFD; and
- WHEREAS, the Agricultural and Forestal District Advisory Committee, at its meeting on April 26, 2018, recommended the continuation of the District; and
- WHEREAS, the Planning Commission, following its public hearing on June 6, 2018, unanimously recommend the continuation of the District subject to the conditions below.

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

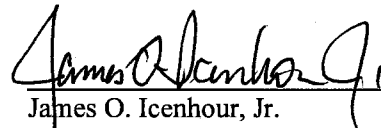
1. The Pates Neck Agricultural and Forestal District (the "AFD") is hereby continued for a period of four years, two months, and 17 days to October 31, 2022, beginning this 10th day of July, 2018, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et seq.
2. The AFD shall include the following parcels:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Pates Neck Timber Company	2040100001	408.859
Ms. Miriam Daniels (Trustee)	2040100002	215.438
Ms. Laura Hineman (Trustee)	2130100005b	56.000
Ms. John Ballentine	2130100005c	<u>75.000</u>
Total:		755.300

3. Pursuant to Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the 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 AFD 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 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 AFD. Land may be withdrawn from the AFD in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.
- c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities, and uses consistent with Virginia Code Section 15.2-4301 et seq., which are not in conflict with the policies of the AFD. 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.



James O. Icenhour, Jr.
Vice Chairman, Board of Supervisors

ATTEST:



Teresa J. Fellows
Deputy Clerk to the Board

MC GLENNON
ICENHOUR
SADLER
HIPPLE
LARSON

VOTES			
<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of July, 2018.

AFD4-86-1-2017PatesNkRenew-res

AGRICULTURAL AND FORESTAL DISTRICT-22-0013. Yarmouth Island Renewal**Staff Report for the July 21, 2022, Agricultural and Forestal Advisory Committee****SUMMARY FACTS**

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES</u>
Franciscan Brethren of St. Philip	2940100002	34.65
John C. Richardson	2910100001	28.50
Lyle and Demetria Charbonneau	2940100001	38.70
Richardson Holdings Limited Partnership	2930100005	172.84
Richardson Holdings Limited Partnership	2930100002	68.50
Richardson Holdings Limited Partnership	2840100005	940.00
Richardson Holdings Limited Partnership	2920100001	100.00
Richardson Holdings Limited Partnership	2930100003	10.00
Shield's Point LLC	2840100008	625.20
Shield's Point LLC	3510100011	27.34
Shield's Point LLC	3510100012	7.35
Shield's Point LLC	2840100006	15.10
Shield's Point LLC	2840100007	74.70
TOTAL ACRES		2,142.88

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area (PSA): Outside

Staff Contact: Suzanne Yeats, Planner

PUBLIC HEARING DATES

Agricultural and Forestal District (AFD) Advisory Committee:

July 21, 2022, 4:00 p.m.

Planning Commission:

Aug. 3, 2022, 6:00 p.m. (Tentative)

Board of Supervisors:

Sept. 13, 2022, 5:00 p.m. (Tentative)

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

DISTRICT HISTORY

- The Yarmouth Island AFD was created in 1986 for a term of four years and originally consisted of nine parcels totaling ± 1,524 acres.
- The District was renewed for terms of four years in 1990, 1994, 1998, 2002, 2006, 2010, 2014, and 2018. Various additions and withdrawals have occurred since 1994, but there have been none since 2018.

DISTRICT DESCRIPTION

Yarmouth Island AFD is roughly bordered by the Chickahominy River, Yarmouth Creek, Jolly Pond Road, and Bush Neck Road. The District is heavily wooded and includes swamp and wetland areas. All parcels within Yarmouth Island AFD are zoned A-1, General Agricultural, are designated Rural Lands in the 2045 Comprehensive Plan, and are outside of the PSA.

Total acreage includes all the land in the above properties except land within 25 feet of rights-of-way. This area has been excluded to allow for possible road and/or drainage improvements.

AGRICULTURAL AND FORESTAL DISTRICT-22-0013. Yarmouth Island Renewal

Staff Report for the July 21, 2022, Agricultural and Forestal Advisory Committee

ADDITION/WITHDRAWAL REQUESTS

None.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The surrounding area is substantially rural in nature. The District is abutted by the Chickahominy River and residences to the east, Wright's Island AFD to the north, and Gordon Creek AFD to the south. Adjacent Zoning Districts include A-1, General Agricultural; PL, Public Lands; and R-6, Low-Density Residential.

COMPREHENSIVE PLAN

The 2045 Comprehensive Plan designates these parcels as Rural Lands. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

STAFF RECOMMENDATION

Staff finds the Yarmouth Island AFD compatible with surrounding development and consistent with the recommendations of the adopted 2045 Comprehensive Plan and Zoning Ordinance. Staff recommends that the AFD Advisory Committee recommend renewal of this AFD for a period of four years to the Planning Commission, subject to the attached conditions which were approved at the District's last renewal.

SY/md

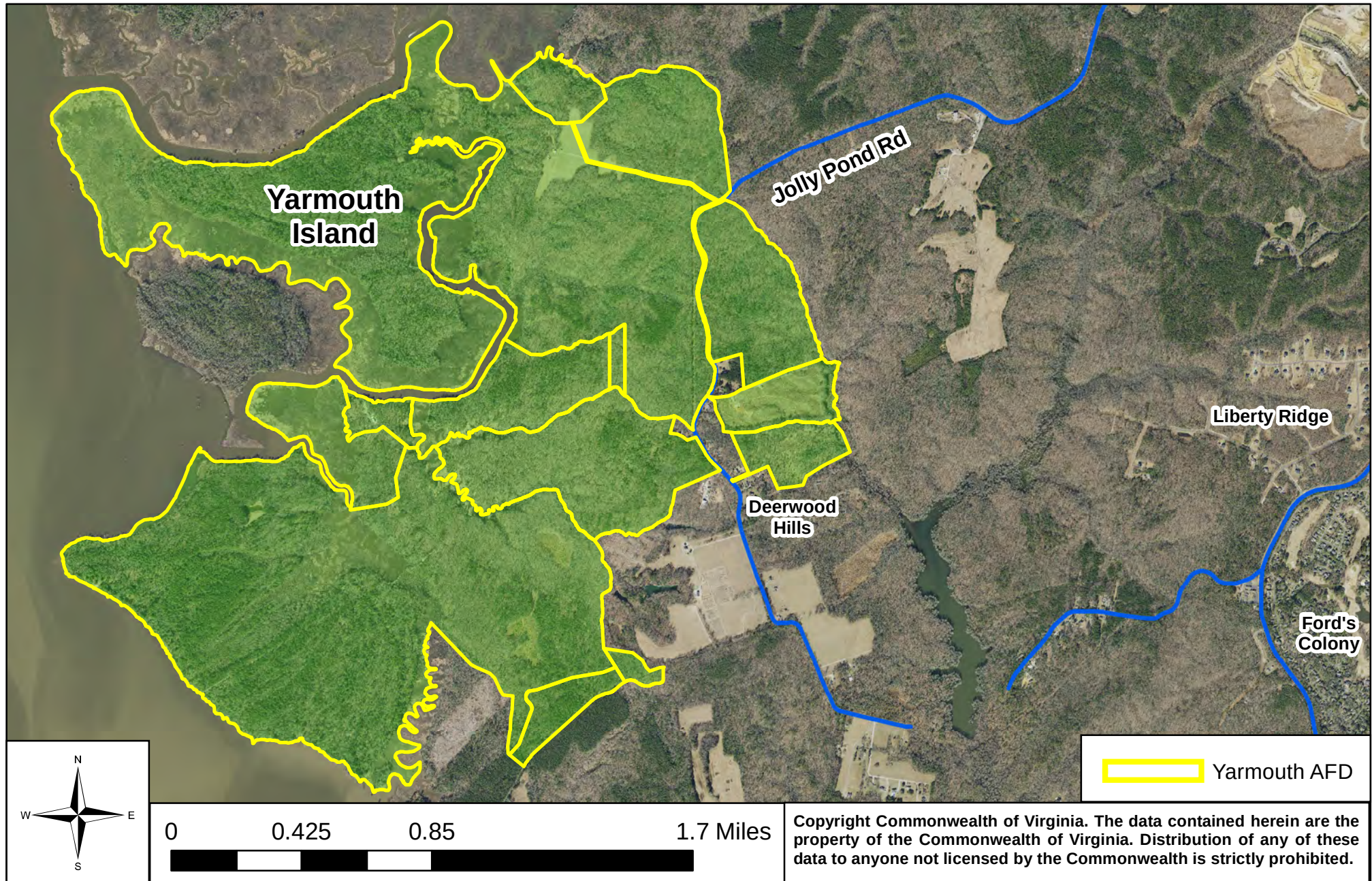
AFD22-13_YrmthIslRen

Attachments:

1. Location Map
2. Adopted Conditions for the Yarmouth Island AFD

JCC AFD-22-0013

Yarmouth Agricultural Forestal District



ADOPTED

SEP 11 2018

ORDINANCE NO. 172A-11

Board of Supervisors
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-11-86-1-2018

YARMOUTH ISLAND 2018 RENEWAL

- WHEREAS, James City County has completed a review of the Yarmouth Island Agricultural and Forestal District (the "District"); and
- WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), 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 District; and
- WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on June 21, 2018, voted 9-0 to recommend renewal of the District; and
- WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 to recommend renewal of the District with the conditions listed below.

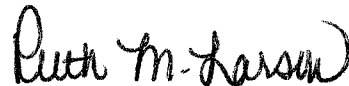
NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Yarmouth Island Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").
2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road right-of-ways is excluded from the District:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Richardson Holdings Limited Partnership	2930100005	172.84
Richardson Holdings Limited Partnership	2930100002	68.50
Richardson Holdings Limited Partnership	2840100005	940.00
John C. Richardson	2910100001	28.50
Richardson Holdings Limited Partnership	2920100001	100.00
Lyle & Demetria Charbonneau	2940100001	38.70
Franciscan Brethren of St. Philip	2940100002	34.65
Shield's Point LLC	2840100008	625.20
Shield's Point LLC	3510100011	27.34
Shield's Point LLC	3510100012	7.35
Shield's Point LLC	2840100006	12.30
Shield's Point LLC	2840100007	77.50
Richardson's Holdings Limited Partnership	2930100003	<u>10.00</u>

Total: 2,142.88

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the 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, 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 Wireless Communications Facilities (WCFs), 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 and within the District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.
 - c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.



Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:


Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	☒	☐	☐
ICENHOUR	☒	☐	☐
SADLER	☒	☐	☐
HIPPLE	☒	☐	☐
LARSON	☒	☐	☐

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

AFDYarmthIsRenw-res