

A G E N D A
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

B. ROLL CALL

C. MINUTES

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

D. OLD BUSINESS

E. NEW BUSINESS

1. Election of Officers
2. AFD Advisory Committee Proposed 2022/2023 Calendar
3. AFD-21-0003. 360 Racefield Dr. Barnes Swamp Withdrawal
4. S-21-0072. Newman Road Family Subdivision
5. S-21-0069. 2188 Lake Powell Road, Perkinson Family Subdivision

F. DISCUSSION ITEMS

1. 2022 AFD Renewal Survey Responses

G. ADJOURNMENT

ITEM SUMMARY

DATE: 1/20/2022

TO: The AFD Advisory Committee

FROM: Josh Crump, Principal Planner

SUBJECT: Minutes of the October 21, 2021, Regular Meeting

ATTACHMENTS:

	Description	Type
📎	Minutes of the October 21, 2021, Regular Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
AFD Advisory Group	Crump, Josh	Approved	1/12/2022 - 9:17 AM
AFD Advisory Group	Holt, Paul	Approved	1/12/2022 - 3:22 PM
Publication Management	Daniel, Martha	Approved	1/12/2022 - 3:36 PM
AFD Advisory Group	Secretary, AFD	Approved	1/13/2022 - 8:45 AM

MINUTES
JAMES CITY COUNTY AFD ADVISORY COMMITTEE
REGULAR MEETING
101-D Mounts Bay Road, Williamsburg, VA 23185
Building D Glass Conference Room
October 21, 2021
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 (late arrival)
Loretta Garrett
Payten Harcum
William Harcum
Thomas Hitchens
Sue Sadler (by phone)
Sandy Wanner

Staff:

Tammy Rosario, Community Development Assistant Director
Josh Crump, Principal Planner
Katie Pelletier, Community Development Assistant

Mr. Taylor requested a motion to Amend the Agenda to add consideration of a Remote Participation Policy.

Ms. Garrett motioned to Amend the Agenda and consider the Remote Participation Policy.

Mr. Wanner seconded the motion.

On an 8-0 voice vote, the Committee approved the motion.

Mr. Taylor reviewed the AFD Committee Policy for Remote Participation and asked for any discussion. He then requested a motion to Adopt the policy as presented.

Mr. Wanner motioned to Adopt the Remote Participation Policy.

Mr. Abbott seconded the motion, and the Committee adopted the policy on an 8-0 voice vote.

Mr. Crump stated that Ms. Sadler would participate remotely in accordance with the adopted Remote Participation Policy.

Ms. Rosario then addressed the Committee to give an update on a County Open Space initiative called the Natural and Cultural Assets Plan. She explained a new committee would work with the community to identify assets, priorities, risks, and opportunities. She said the committee would provide updates to the AFD Committee and invite input throughout the

process.

Mr. Payten Harcum asked if the new committee was involved in the Comprehensive Plan.

Ms. Rosario replied no, but the new committee would help accomplish some of the actions items in the Comprehensive Plan. She said the Comprehensive Plan was being considered for adoption at the upcoming Board of Supervisors meeting.

Ms. Garrett commented on the number of committees for rural lands over the years. She asked if any were still in effect.

Ms. Rosario replied that past committees shared their work and recommendations with the Board of Supervisors then were disbanded. She stated the terms of the Purchase of Development Rights Committee had expired, but members were invited to apply for the new committee for the Natural and Cultural Assets Plan.

Mr. Hitchens commented on continued residential development and effects on taxes.

Ms. Rosario said she would keep the AFD Committee informed on opportunities to give input.

C. MINUTES

1. Minutes of the January 21, 2021 Organizational Meeting

Mr. Abbott motioned to Approve the minutes of the January 21, 2021, organizational meeting.

Mr. Hitchens seconded the motion.

On a voice vote, the motion was approved 8-0.

D. OLD BUSINESS

There was no old business for discussion.

E. NEW BUSINESS

1. AFD-21-0002. 9958 Mill Pond Run, Barnes Swamp AFD Addition

Mr. Crump stated that Mr. David Hogue has applied to enroll approximately 60 acres of land located at 9958 Mill Pond Run into the Barnes Swamp AFD. He said the parcel is currently undeveloped and is located more than one mile away from the core of the District. Mr. Crump noted that when a parcel is located more than one mile away from the core, State Code allows it to be added to the AFD if the governing body finds that the property contains agriculturally and forestally significant land.

Mr. Crump stated that the applicant has been working with the Virginia Department of Forestry and the Colonial Soil and Water Conservation District for harvesting and resource management plans. He noted approximately five acres of harvested land will be reforested, and the remaining harvested acreage will be converted into pasture.

Mr. Crump said, should the AFD Advisory Committee find that the property contains agriculturally and forestally significant land, staff recommends that the Committee recommend approval of the application to the Planning Commission and Board of Supervisors. He then asked if there were any questions from Committee members.

Mr. Taylor asked if there was currently a residence on the property.

Mr. Crump replied no. He stated the parcel is landlocked in the Stonehouse subdivision with no frontage on the public right-of-way. He noted a 50-foot ingress/egress easement was granted in 2004 to allow vehicle and equipment access for any harvesting, but a residence or subdivision would prove difficult.

Mr. Abbott asked about the plan in the packet that showed a potential barn and future house site.

Mr. Crump said the applicant might attend the meeting late to answer questions.

Mr. Hitchens asked if they should defer the case until the applicant is present to answer questions.

The applicant Mr. Hogue arrived and joined the meeting.

Mr. Hitchens asked Mr. Hogue what he planned to do with the property.

Mr. Hogue said he understood they would not be able to subdivide the property.

Mr. Payten Harcum said he might be able to subdivide but would pay rollback taxes.

Mr. Wanner asked how many years he would put the property in the AFD.

Mr. Crump replied that the Barnes Swamp AFD will expire on October 31, 2022. He said this property would join that district timeline and be renewed for either four or eight years.

Mr. Abbott said the Commissioner of Revenue, Mr. Richard Bradshaw, would determine the land use taxation for the property.

Mr. Abbott motioned to recommend approval of Case No. AFD-21-0002, 9958 Mill Pond Run, Barnes Swamp AFD Addition, to the Planning Commission and Board of Supervisors.

Mr. Payten Harcum seconded the motion.

On a voice vote of 8-0, the motion was approved.

Mr. Crump thanked Mr. Hogue for attending the meeting and said that staff expects the Planning Commission will hear the case at its meeting on December 1, 2021.

Mr. Bradshaw joined the meeting late.

Mr. Hogue said they plan to build a house on the property in two to three years. He asked Mr. Bradshaw about the tax implications.

Mr. Bradshaw replied that the applicant would not need to take the acre out of the AFD, but he would need to take the acre out of land use. Mr. Bradshaw said the entire parcel can enter the AFD and any future residential acreage could be kept out of land use to avoid rollback taxes. Mr. Bradshaw said it would be different if there is a change of ownership or subdivision of property.

Mr. Bradshaw explained that a timber parcel must be in an AFD in order to get a land use valuation. He said crop land does not have to be in an AFD to receive a land use valuation,

but it must be actively farmed. He also explained that pasture and timber have different land use rates or value, but both are qualified uses. He said converting the land use does not trigger a rollback in taxes.

Mr. Abbott commented that the County has always required 25 feet of road frontage to build a house or have any subdivision approved.

Mr. Crump suggested the applicant contact the Planning Division to discuss options at that time and submit a Conceptual Plan.

Mr. Bradshaw suggested the applicant put the entire parcel in the AFD and land use, then apply for any adjustments in the future. He said to contact him in Building B with any questions.

Mr. Hogue thanked the Committee and left the meeting.

F. DISCUSSION ITEMS

1. 2022 Agricultural and Forestal District Renewal Process

Mr. Crump reviewed the memorandum in the meeting packet that outlines the upcoming AFD renewal process. He said the process will begin in January 2022, and most AFD term limits are four years. Mr. Crump stated the Board of Supervisors has requested that the Committee survey property owners regarding their preferred length of term renewal, and a draft survey card was also included in the packet for review.

Mr. Bradshaw commented that the four-year renewal term has received the most interest in the past, with the exception of Wright's Island AFD which has preferred its eight-year renewal term schedule. He said only withdrawals have to be filed during the renewal period, otherwise the properties stay in the districts.

Mr. Crump confirmed the state limit for an AFD term is 10 years.

Mr. Hitchens asked why he receives a letter each year from Mr. Bradshaw's office.

Mr. Bradshaw said the annual letter pertains to land use, and property owners must confirm how they are using their land each year for tax rate purposes.

Mr. Crump said that staff will be conducting the survey in a few weeks and created draft templates. He requested any feedback from the Committee. He noted an eight-year renewal period would require less staff and Committee time compared to a four-year renewal period.

Mr. Bradshaw commented that fewer people will likely want to tie up their property for eight years.

Mr. Abbott inquired about rollback taxes when a property is taken out of an AFD.

Mr. Bradshaw said it depends, but timber land use would be affected. He said timber land use must be in an AFD, and timber would no longer be a qualified use if taken out of an AFD. He said rollback taxes include the current year and back five years.

Mr. Crump asked if there were any other comments or questions. He said the Committee also has a copy of the latest roster and upcoming meeting schedule.

Mr. Abbott corrected his phone number.

Mr. Will Harcum asked if the survey included advantages of a four- versus eight-year renewal schedule.

Mr. Crump replied they will rely on the preferences of property owners.

Ms. Garrett asked if there would be an additional meeting in December 2021.

Mr. Crump replied an additional meeting would not be necessary, but the Committee may consider an AFD withdrawal application at the next scheduled meeting on January 20, 2022.

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 9-0 voice vote.

Chris Taylor, Chair

Josh Crump, Principal Planner

ITEM SUMMARY

DATE: 1/20/2022

TO: The AFD Advisory Committee

FROM: Josh Crump, Principal Planner

SUBJECT: Election of Officers

REVIEWERS:

Department	Reviewer	Action	Date
AFD Advisory Group	Crump, Josh	Approved	1/13/2022 - 1:00 PM
AFD Advisory Group	Holt, Paul	Approved	1/13/2022 - 1:08 PM
Publication Management	Daniel, Martha	Approved	1/13/2022 - 1:44 PM
AFD Advisory Group	Secretary, AFD	Approved	1/13/2022 - 4:27 PM

ITEM SUMMARY

DATE: 1/20/2022

TO: The AFD Advisory Committee

FROM: Josh Crump, Principal Planner

SUBJECT: AFD Advisory Committee Proposed 2022/2023 Calendar

ATTACHMENTS:

	Description	Type
	AFD Advisory Committee Proposed 2022/2023 Calendar	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
AFD Advisory Group	Crump, Josh	Approved	1/13/2022 - 1:49 PM
AFD Advisory Group	Holt, Paul	Approved	1/13/2022 - 3:20 PM
Publication Management	Daniel, Martha	Approved	1/13/2022 - 3:27 PM
AFD Advisory Group	Secretary, AFD	Approved	1/13/2022 - 4:27 PM

JAMES CITY COUNTY
AGRICULTURAL AND FORESTAL DISTRICT COMMITTEE
CALENDAR 2022/2023

2022/2023 (Proposed)	2023/2024 (Tentative)
* January 20, 2021 (Organizational Meeting)	January 19, 2023 (Organizational Meeting)
April 21, 2022	April 20, 2023
July 21, 2022 (AFD Renewals)	July 20, 2023
July 28, 2022 (Additional meeting for AFD Renewals)	October 19, 2023
October 20, 2022	January 18, 2024 (Organizational meeting)
January 19, 2023 (Organizational meeting)	
* Adopted	

Meetings will take place at 4:00 p.m. in the Building A Large Conference Room at the County Government Complex.

ITEM SUMMARY

DATE: 1/20/2022

TO: The AFD Advisory Committee

FROM: Tom Leininger, Principal Planner

SUBJECT: AFD-21-0003. 360 Racefield Dr. Barnes Swamp Withdrawal

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Location Map	Backup Material
☐	AFD Withdrawal Request Letter	Backup Material
☐	Barnes Swamp AFD Map	Backup Material
☐	Barnes Swamp Ordinance No. 167A-14	Backup Material
☐	Map Showing Extent of Withdrawal Request	Backup Material
☐	Policy Governing the Withdrawals of Property from AFDs	Backup Material
☐	Proposed Solar Farm Master Plan	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
AFD Advisory Group	Crump, Josh	Approved	1/13/2022 - 8:02 AM
AFD Advisory Group	Holt, Paul	Approved	1/13/2022 - 8:14 AM
Publication Management	Daniel, Martha	Approved	1/13/2022 - 8:18 AM
AFD Advisory Group	Secretary, AFD	Approved	1/13/2022 - 8:45 AM

**AGRICULTURAL AND FORESTAL DISTRICT-21-0003. 360 Racefield Drive Barnes Swamp Withdrawal
Staff Report for the January 20, 2022, AFD Advisory Committee**

SUMMARY FACTS

Applicant:	Brendan Grajewski, Hexagon Energy, LLC
Land Owners:	Katherine Hockaday, Justin Martin, and Ann Martin
Proposal:	Withdrawal of $\pm$ 26 acres of the 65.26 total acre parcel from the Barnes Swamp AFD
Location:	360 Racefield Drive
Tax Map/Parcel No.	0310100003
Parcel Size:	65.26 acres
Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands
Primary Service Area (PSA):	Outside
Staff Contact:	Tom Leininger, Principal Planner

PUBLIC HEARING DATES

Agricultural and Forestal District (AFD) Advisory Committee:	January 20, 2022, 4:00 p.m.
Planning Commission:	February 2, 2022 (tentative)
Board of Supervisors:	March 8, 2022 (tentative)

FACTORS FAVORABLE

1. The request would not cause damage or disruption to the existing district.

FACTORS UNFAVORABLE

1. Request does not fully meet all four criteria set forth in the Board's policy.

STAFF RECOMMENDATION

The adopted Board of Supervisors' policy governing withdrawal of property from AFDs states that "it is the policy of the Board to discourage the withdrawal of properties from AFDs during the terms of those districts." This withdrawal request was submitted approximately a year prior to the upcoming renewal of the Barnes Swamp AFD in October 31, 2022. Staff cannot support this request for withdrawal due to it not fully meeting all four of the criteria set forth in the Board's policy. As such, staff recommends that the AFD Advisory Committee recommend denial of this withdrawal application to the Planning Commission and to the Board of Supervisors.

DISTRICT HISTORY

- The Barnes Swamp AFD was created in 1986 for a term of four years and originally consisted of 33 parcels totaling $\pm$ 2,207 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.
- There have been three additions for a total $\pm$ 301.82 acres and no withdrawals from the District since its most recent renewal in 2018.

**AGRICULTURAL AND FORESTAL DISTRICT-21-0003. 360 Racefield Drive Barnes Swamp Withdrawal
Staff Report for the January 20, 2022, AFD Advisory Committee**

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 Community Character, Open Space and Recreation by the adopted 2045 Comprehensive Plan.

WITHDRAWAL REQUESTS/WITHDRAWAL ANALYSIS

Mr. Brendan Grajewski, on behalf of the owners of the property located at 360 Racefield Drive (Parcel ID No. 0310100003), has requested to withdraw 26 acres of their 65.26 total acre parcel from the AFD (Attachment No. 5). The requested withdrawal is to allow for the submittal of a Special Use Permit (SUP) for a 3-megawatt alternate current (MWac) solar farm. Per Barnes Swamp AFD Condition No. 3c (Attachment No. 4), no SUP shall be issued except for agricultural, forestal, or other activities and uses consistent with the Virginia Agricultural and Forestal District Act.

A solar farm is a specially permitted use in the A-1 Zoning District. The applicant has submitted their SUP application (SUP-21-0022). Per the application, the project proposes approximately 8,764 solar panels that are on a single-axis tracking system, internal access roads and stormwater management. The project would take access from Racefield Drive.

On September 28, 2010, the Board of Supervisors adopted a policy and withdrawal criteria for AFD parcels. That policy is enclosed (Attachment No. 6) and the withdrawal criteria are listed below with staff comments following in italics.

- A. The request is caused by a change in circumstances that could not have been anticipated at the time the application was made for inclusion in the District.

Historically, a change in circumstances has been interpreted to include “death of a property owner,” as stated in the State Code, but has not included new opportunities for development of a property. The withdrawal policy, as adopted by the Board of Supervisors, states that it is the policy of the Board of Supervisors to discourage the withdrawal of properties from AFDs during the terms of those districts.

- B. The request would serve a public purpose, as opposed to the proprietary interest of the landowner that could not otherwise be realized upon expiration of the AFD.

Although the proposed solar farm would potentially provide a community benefit by supplying green energy to the adjacent communities, staff finds that this does not fulfill the requirement of Criteria B. Staff interprets “public purpose” as using the land for a public facility such as a school or fire station.

- C. The request would not cause damage or disruption to the existing District.

With this withdrawal, the District will include a total of 2,181 acres, and will thus continue to meet minimum acreage requirements.

- D. If the request for withdrawal is in conjunction with a proposal to convert the land use of a property to a different use than is currently in place, the new land use would be in conformance with the Comprehensive Plan.

The Comprehensive Plan designates this parcel as Rural Lands (RL). The 2045 Comprehensive Plan states that land designated RL are areas containing farms, forests and scattered houses, exclusively outside of the PSA, where a lower level of public service delivery exists or where utilities and urban services do not exist and are not planned for in the future. Rural Lands uses are

**AGRICULTURAL AND FORESTAL DISTRICT-21-0003. 360 Racefield Drive Barnes Swamp Withdrawal
Staff Report for the January 20, 2022, AFD Advisory Committee**

intended to help protect and enhance the viability of agricultural and forestal resources and compatible rural economic development uses as important components of the local economy. Appropriate primary uses include traditional agricultural and forestal activities, but also innovative agriculture, horticulture, silviculture, specialty or niche farming, commercial and non-commercial equine opportunities, agri-tourism, rural-based public or commercial recreation, rural-support businesses and certain public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings. Staff finds that a solar farm is not a recommended use and not consistent with the RL designation description.

SURROUNDING ZONING AND DEVELOPMENT

The Barnes Swamp AFD is widespread throughout the northern portion of the County. A majority of the land surrounding the District is zoned A-1. A portion of the District is adjacent to Planned Unit Residential. Much of the surrounding property is designated Rural Lands with an area of Low Density Residential and Economic Opportunity to the east. The District borders New Kent County to the west.

STAFF RECOMMENDATION

The adopted Board of Supervisors' policy governing withdrawal of property from AFDs states that "it is the policy of the Board to discourage the withdrawal of properties from AFDs during the terms of those districts." This withdrawal request was submitted approximately a year prior to the most upcoming expiration date of the Barnes Swamp AFD of October 31, 2022. Staff cannot support this request for withdrawal due to it not fully meeting all four of the criteria set forth in the Board's policy. Additionally, staff finds that the use of this site would not serve a public purpose and the proposed use is not consistent with the 2045 Comprehensive Plan. Therefore, staff recommends that the AFD Advisory Committee recommend denial of

this withdrawal application to the Planning Commission and to the Board of Supervisors.

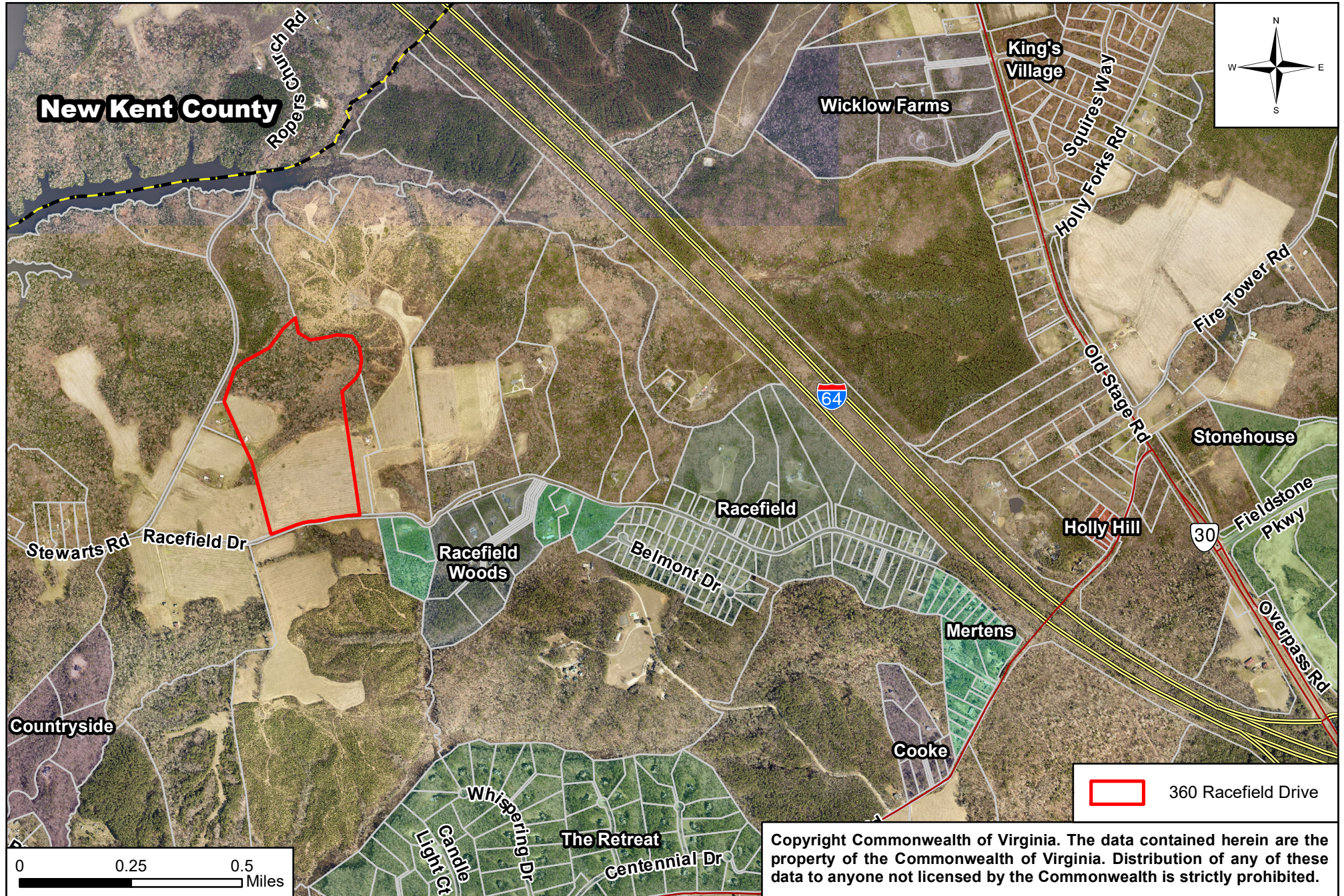
TL/md

AFD21-3_360RcfldBSWD

Attachments:

1. Location Map
2. AFD Withdrawal Request Letter
3. Barnes Swamp AFD Map
4. Barnes Swamp Ordinance No. 167A-14
5. Map Showing Extent of Withdrawal Request
6. Policy Governing the Withdrawals of Property from AFDs
7. Proposed Solar Farm Master Plan

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



Tom Leininger
101 Mounts Bay Road
Building A
Williamsburg, VA 23185

Re: 360 Racefield Drive Partial AFD Withdrawal Request

Greetings Mr. Leininger,

On behalf of Racefield Solar, LLC, we would like to request that a 26-acre portion of property owned by Kathleen Hockaday, and Justin & Blair Martin, be withdrawn from the Barnes Swamp Agricultural & Forestal District (AFD). In order to establish good and reasonable cause for the proposed withdrawal, we demonstrate below compliance with the required criteria outlined in the Policy Governing the Withdrawals of Property from Agricultural and Forestal Districts (AFDs).

A. The request is caused by a change in circumstances that could not have been anticipated at the time application was made for inclusion in the district.

The Barnes Swamp district was continued for a four-year term beginning in 2018. This renewal occurred prior to the enactment of the enabling legislation (Virginia Clean Economy Act), initial conversation, and execution of the agreements allowing for the development of a proposed solar project to begin.

B. The request would serve a public purpose, as opposed to the proprietary interest of the landowner that could not otherwise be realized upon expiration of the AFD.

If approved, this withdrawal request would allow for the consideration of a Special Use Permit for a 3 Megawatt solar energy facility. The Virginia Clean Economy Act is legislation enacted in 2020 that sets the Commonwealth on a path to source its energy mix from 100% carbon-free sources by the year 2050, with an interim goal of constructing a number of small solar facilities across



Dominion Energy's service territory by 2035. Installation of small-scale solar projects provide the community with locally sourced, clean energy. Small distributed solar generators reduce the distance between power generation and consumption, thereby improving grid resiliency.

The project is subject to Virginia interconnection regulations and Dominion Energy's interconnection process. The project has an early 2022 interconnection deadline that, due to Virginia Regulations, cannot be suspended or delayed. The deadline requires the project to either move forward with an Interconnection Service Agreement and begin Interconnection Construction Planning or terminate. Therefore, the withdrawal from the AFD must occur prior to the October 2022 expiration to allow the project to meet the interconnection deadline and move forward.

C. The request would not cause damage or disruption to the existing district.

The request to remove 26 acres from the AFD represents 1.5% of the 1,653.74-acre Barnes Swamp AFD, and 0.14% of the larger 18,200-acre total AFD area (as of March, 2021). Approving the withdrawal of 26 acres would allow the AFD to remain well above the requisite 200-acre minimum identified in the Barnes Swamp Renewal document.

D. If the request for withdrawal is in conjunction with a proposal to convert the land use of a property to a different use than is currently in place on the property, the new land use would be in conformance with the Comprehensive Plan

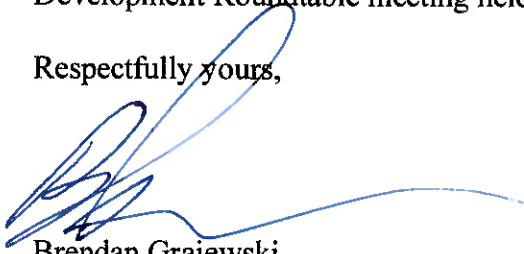
The request for withdrawal is in conjunction with a proposal to convert the land use. Concurrent with this request, Racefield Solar has submitted a Special Use Permit application request that demonstrates the proposed new land use is in conformance with the Comprehensive Plan. Virginia Code 15.2-2232 requires solar energy facilities be found in substantial accord with the locality's adopted Comprehensive Plan prior to construction. Racefield Solar's Special Use Permit application request includes a detailed analyses of how the approximate location, character, and extent thereof are in substantial accord with James City County's *Toward 2035: Leading the Way* Comprehensive Plan, pursuant to VAC15.2-2232.

We appreciate your consideration of this request. To aid in discussion of this proposal, we have attached an updated conceptual plan of Racefield Solar, the proposed project that would occupy



the withdrawn acreage. This plan considers the comments we had received in a previous Development Roundtable meeting held earlier this year.

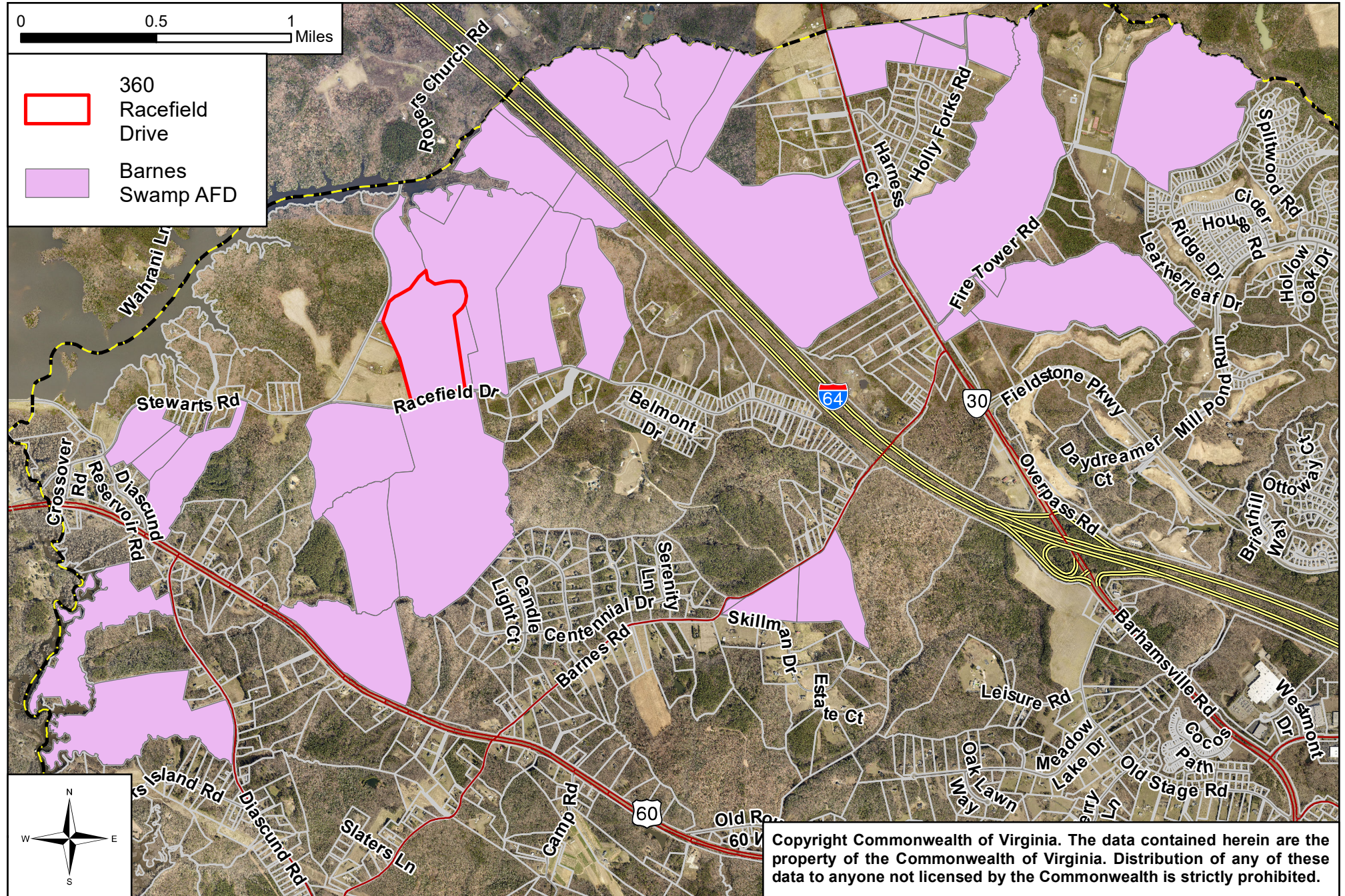
Respectfully yours,



Brendan Grajewski
Development Manager
Hexagon Energy, LLC
(434) 326-4405
BGrajewski@Hexagon-Energy.com



Barnes Swamp AFD



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



HEXAGON ENERGY

321 East Main Street | Suite 500
Charlottesville, VA 22902
hexagon-energy.com

RACEFIELD SOLAR

AFD Withdrawal Map

360 Racefield Drive
Toano, VA 23168
37.43120298, -76.86614779

Legend

-  Property Boundary
-  Proposed AFD Withdrawal Area (26 acres)

Proposed: 26 Acres

Retained: 39.26 Acres

RESOLUTION

POLICY GOVERNING THE WITHDRAWALS OF PROPERTY FROM AGRICULTURAL

AND FORESTAL DISTRICTS (AFDs)

WHEREAS, the Board of Supervisors has determined that Agricultural and Forestal Districts (AFDs) are a valuable tool to help protect the agricultural and forestal lands and industry in James City County; and

WHEREAS, premature withdrawals of land from the Districts is contrary to the intent of the Board in allowing the establishment of these Districts.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes the following policy relating to the withdrawal of lands from AFDs during the terms of those Districts. This policy in no way supersedes the provisions for withdrawal by right under Sections 15.2-4311 or 15.2-4314D of the Code of Virginia.

1. It is the policy of the Board of Supervisors to discourage the withdrawal of properties from AFDs during the terms of those districts.
2. The criteria for withdrawal during the terms of the districts are as follows:

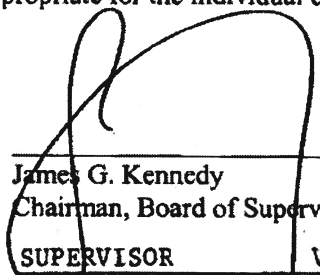
In order to establish "good and reasonable cause," a landowner requesting to withdraw property from an AFD must submit written information to demonstrate compliance with the following criteria:

- A. The request is caused by a change in circumstances that could not have been anticipated at the time application was made for inclusion in the district.
- B. The request would serve a public purpose, as opposed to the proprietary interest of the landowner that could not otherwise be realized upon expiration of the AFD.
- C. The request would not cause damage or disruption to the existing district.
- D. If the request for withdrawal is in conjunction with a proposal to convert the land use of a property to a different use than is currently in place on the property, the new land use would be in conformance with the Comprehensive Plan.

The Board shall weigh each of the above criteria in its deliberation, but may also use whatever other criteria as it deems appropriate for the individual case.

ATTEST:

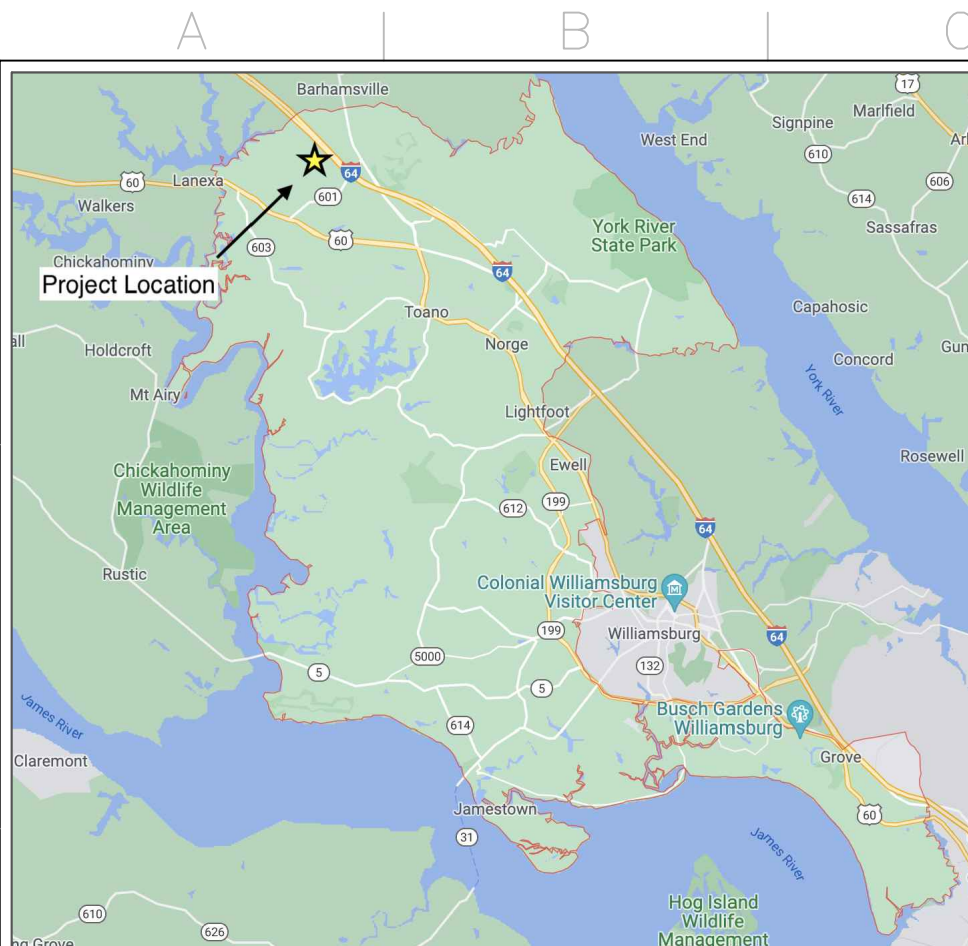

Robert C. Mindaugh
Clerk to the Board


James G. Kennedy
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCGLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

AFDsPolWdraw_res

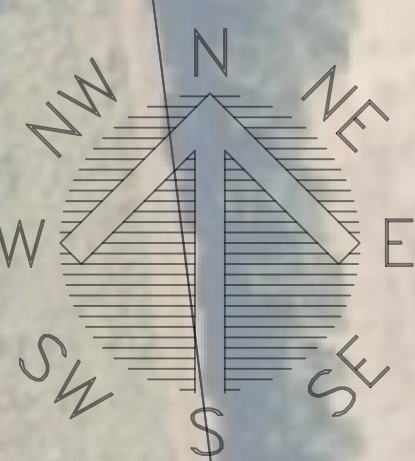
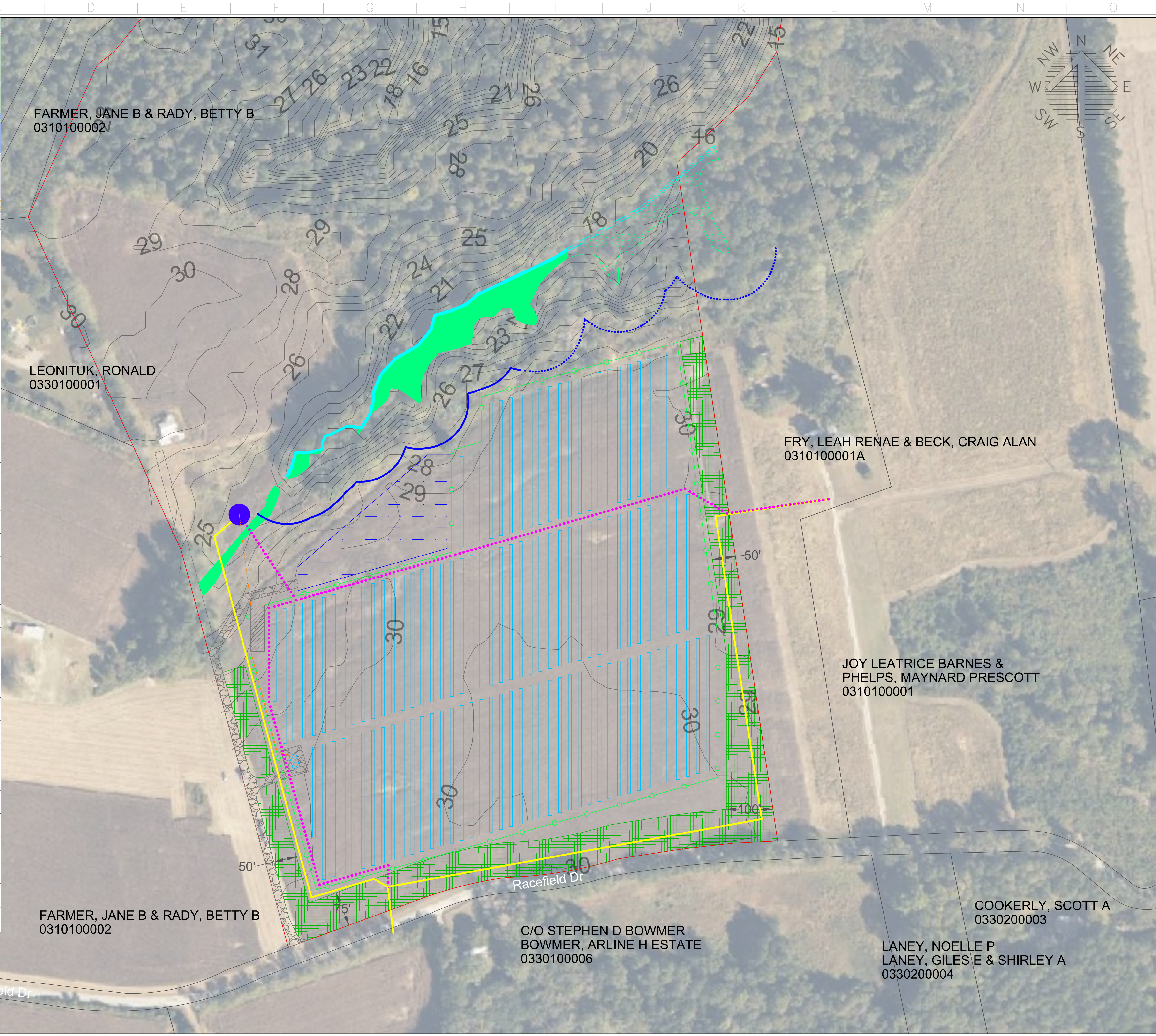
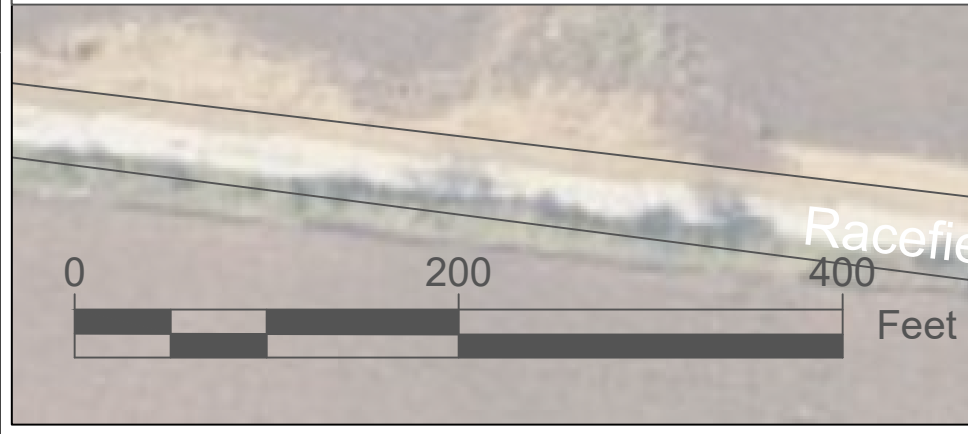


SITE NOTES

- STORMWATER MANAGEMENT AND STORMWATER RUNOFF WILL MEET JAMES CITY COUNTY AND STATE NPDES STORMWATER PERMIT REQUIREMENTS BOTH DURING CONSTRUCTION AND OPERATION. THERE WILL BE NO DEVELOPMENT ON EXISTING SLOPES 25% OR GREATER WITHOUT A STEEP SLOPE WAIVER FROM JAMES CITY COUNTY
- THE SITE IS LOCATED IN THE DIASCUND CREEK WATERSHED (HUC JL26)
- WETLANDS AND RPA BOUNDARIES ARE BASED ON DESKTOP AND FIELD DELINEATION COMPLETED BY TIMMONS GROUP

LEGEND

- PROPERTY LINE (PARCEL NUMBER: 310100003) (65.26 ACRES)
- PROPOSED INTERNAL ROADS
- LANDOWNER ACCESS ROAD
- PROPOSED FENCE AREA
- PROPOSED SOLAR PANELS (SINGLE AXIS TRACKERS)
- PERENNIAL WETLANDS
- RPA BUFFER (100')
- INTERMITTENT WETLANDS
- PERENNIAL WETLANDS (ESTIMATED)
- RPA BUFFER (100') (ESTIMATED)
- INTERMITTENT WETLANDS (ESTIMATED)
- POI - 13.2kV LINE TAP
- PROPOSED CUSTOMER SWITCHGEAR AND MV TRANSFORMER
- OPTION #1 LINE TRENCHING
- OPTION #2 LINE TRENCHING
- PROPOSED VEGETATIVE BUFFER
- PROPOSED EROSION & SEDIMENTATION CONTROL AREA
- GRID ATTACHMENT WIRING (TO BE TRENCHED)
- PAD MOUNTED EQUIPMENT



HEXAGON ENERGY

HEXAGON ENERGY, LLC
321 E Main St, Suite 500
Charlottesville, VA 22902
Phone: 434.227.5090
Website: www.hexagon-energy.com

Professional Engineer:

PE Seal:

DRAWING TYPE			
☒ Preliminary	☐ Construction		
☐ Customer Approval	☐ As-built		
☐ Permitting	☐ Other		

REVISIONS			
Rev	By	Description	Date
0	EO	RFP PLAN	7/30/2021
1	EO	ADD CONTOUR LABELS	9/14/2021
2	EO	PERMIT PLAN	11/12/2021

SITE INFORMATION						
PARCEL ID NUMBER (PIN)	APPROX ACREAGE	ZONING	R/W SETBACK	SIDE YARD SETBACK	REAR YARD SETBACK	LANDSCAPE BUFFER
310100003	±65.26	A1	+75'	+50'	+1000'	+50'

Project Name: RACEFIELD SOLAR, LLC
Site Address: 360 RACEFIELD DR
TOANO, VA 23168
37.432°N, -76.868°W

Sheet Name:

MASTER PLAN

Scale: 1in=100ft | Project ID: TBD

Sheet No: L1.1

ITEM SUMMARY

DATE: 1/20/2022

TO: The AFD Advisory Committee

FROM: Thomas Wysong, Senior Planner II

SUBJECT: S-21-0072. Newman Road Family Subdivision

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	1. Location Map	Backup Material
▣	2. Proposed Subdivision Plat	Backup Material
▣	3. AFD Ordinance	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
AFD Advisory Group	Crump, Josh	Approved	1/13/2022 - 11:25 AM
AFD Advisory Group	Holt, Paul	Approved	1/13/2022 - 3:18 PM
Publication Management	Daniel, Martha	Approved	1/13/2022 - 3:29 PM
AFD Advisory Group	Secretary, AFD	Approved	1/13/2022 - 4:28 PM

S-21-0072. Newman Road Family Subdivision**Staff Report for the January 20, 2022, Agricultural and Forestal District Advisory Committee Meeting****SUMMARY FACTS**

Applicant:	Mrs. Sheila Chandler
Land Owner:	Mr. Kenneth Chandler
Proposal:	Proposed family subdivision to create a 6.07-acre lot for an immediate family member
Location:	7751 Newman Road
Tax Map/Parcel No.:	1540100008
Project Acreage:	± 49.53 acres
Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands
Primary Service Area:	Outside
Staff Contact:	Thomas Wysong, Senior Planner II

PUBLIC HEARING DATES

Agricultural and Forestal District (AFD) Committee:	January 20, 2022, 4:00 p.m.
Board of Supervisors:	March 8, 2022, 5:00 p.m. (Tentative)

FACTORS FAVORABLE

1. Staff finds this proposal to be compatible with the Subdivision and Zoning Ordinance(s).
2. Staff finds this proposal to be compatible with the Christenson's Corner AFD Ordinance.

FACTORS UNFAVORABLE

None.

SUMMARY STAFF RECOMMENDATION

Staff recommends that the Committee recommend approval of the application to the Board of Supervisors.

PROJECT DESCRIPTION

- Mrs. Sheila Chandler has applied for a family subdivision to create a 6.07-acre lot for her grandson on the parcel addressed 7751 Newman Road.
- The proposed subdivision has been prepared in accordance with the County's Subdivision and Zoning Ordinance requirements.
- The subject parcel is within the Christenson's Corner AFD (Ordinance No. 171A-10). The AFD Ordinance for this District states "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." As such, this family subdivision is permitted, but is required to be reviewed by the AFD Committee and approved by the Board of Supervisors.

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.

S-21-0072. Newman Road Family Subdivision

Staff Report for the January 20, 2022, Agricultural and Forestal District Advisory Committee Meeting

SURROUNDING ZONING AND DEVELOPMENT

All surrounding properties are zoned A-1, General Agricultural and designated Rural Lands on the Comprehensive Plan. Existing land uses on adjacent properties include single-family residences, farmland, and undeveloped forested land.

STAFF RECOMMENDATION

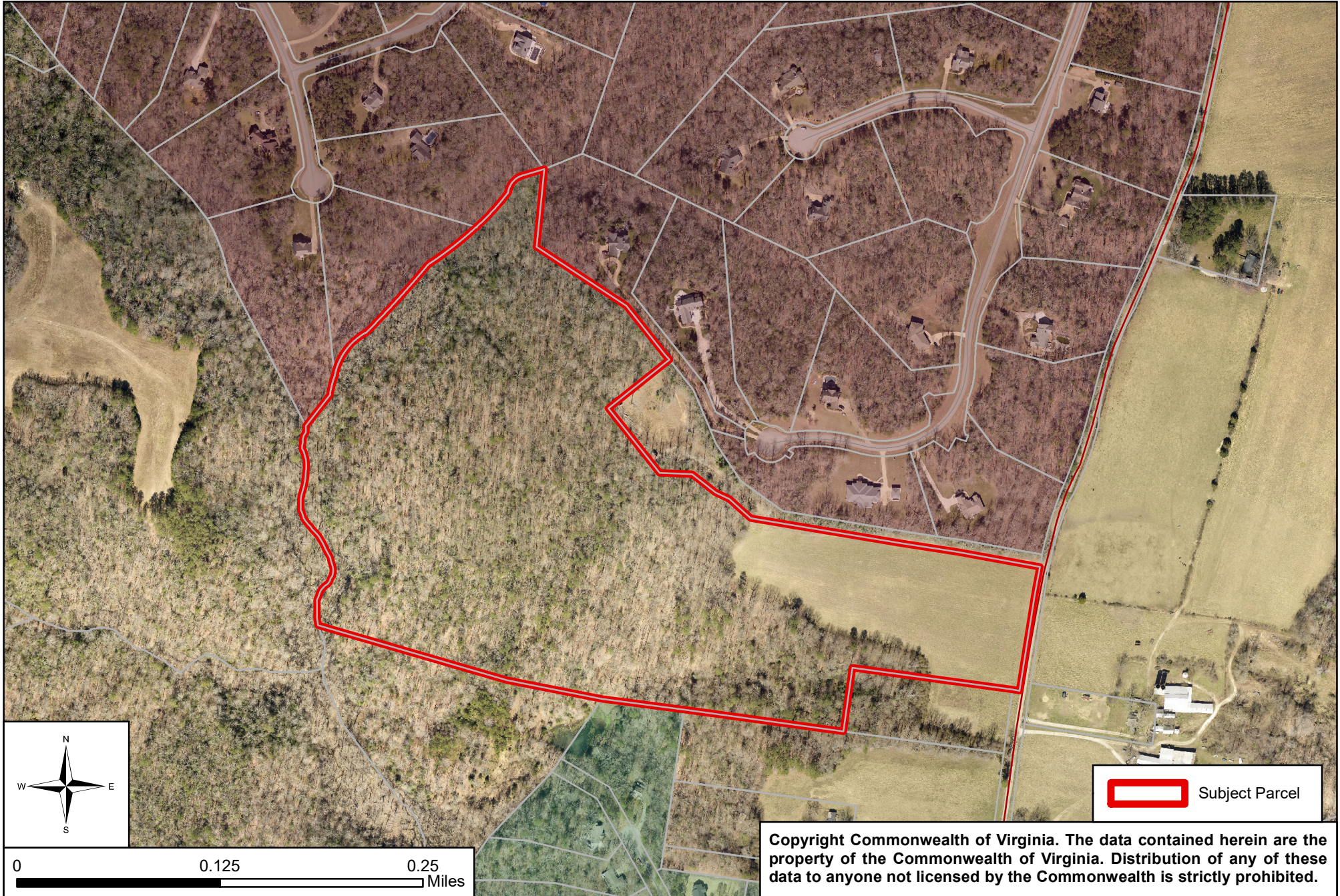
Staff recommends that the Committee recommend approval of the application to the Board of Supervisors.

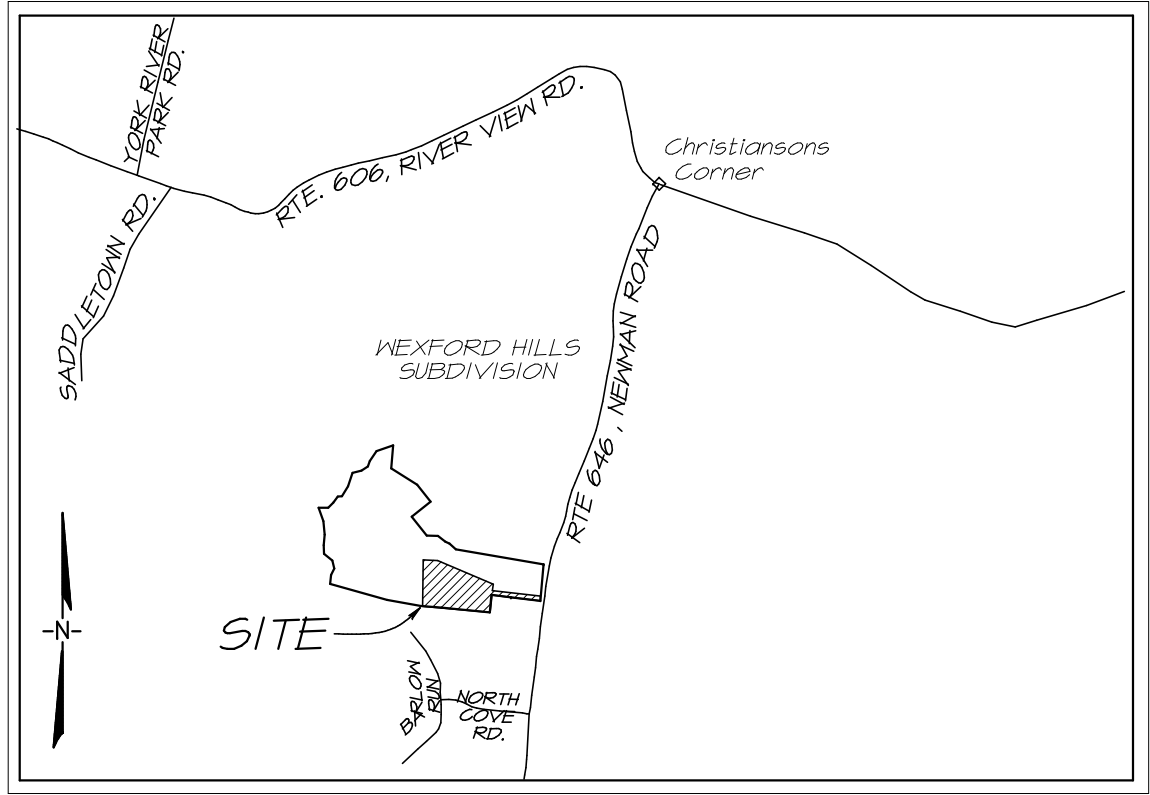
TW/md
Subdiv21-72NwmnRd

Attachments:

1. Location Map
2. Proposed Subdivision Plat
3. Christenson's Corner AFD Ordinance

S-21-0072 Newman Road Proposed Family Subdivision





VICINITY MAP SCALE 1" = 2000'

FAMILY SUBDIVISION
OF THE PROPERTY
OF
KENNETH MILFORD CHANDLER

PARCEL ID # 1540100008
JAMES CITY CASE # _____

PROPERTY SHOWN IS LOCATED
IN STONEHOUSE DISTRICT
JAMES CITY COUNTY, VIRGINIA

PARCEL ID # 1540100008
PROPERTY ADDRESS
7751 NEWMAN ROAD
WILLIAMSBURG, VA.

PREPARED BY
ANGLE & DISTANCE LAND SURVEYING, INC.
269 RACEFIELD DRIVE, TOANO, VA. 23168
757-561-5334
EDWARD C. CARR II
PLAT DATE 7-27-2021

AREA COMPUTATIONS

PARCEL ID # 1540100008
BEFORE SUBDIVISION=51.03 +/- ACRES
AFTER SUBDIVISION= 44.96 +/- ACRES
(ALL BY TAX MAP INFORMATION PARCEL NOT
SURVEYED IN ITS ENTIRETY AT THIS TIME).

NEW PARCEL = 6.07 ACRES

TOTAL AREA SUBDIVIDED = 51.03 +/- ACRES

A.O.S.E. CERTIFICATION STATEMENT

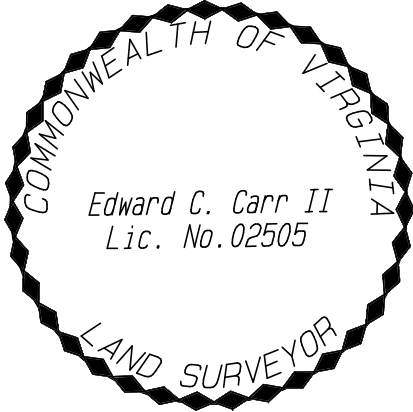
THIS SUBDIVISION IS APPROVED FOR INDIVIDUAL
ONSITE SEWAGE SYSTEMS IN ACCORDANCE WITH
THE PROVISIONS OF THE CODE OF VIRGINIA, AND
THE SEWAGE HANDLING AND DISPOSAL REGULATIONS
(12 VAC 5-610-10 et seq., THE REGULATIONS).

THIS SUBDIVISION WAS NOT SUBMITTED TO THE HEALTH
DEPARTMENT FOR REVIEW PURSUANT TO 32.1-163.5
OF THE CODE OF VIRGINIA WHICH REQUIRES THE
HEALTH DEPT. TO ACCEPT PRIVATE SOIL EVALUATIONS
AND DESIGNS FROM AN AUTHORIZED ONSITE SOIL
EVALUATOR (AOSE) OR A PROFESSIONAL ENGINEER
WORKING IN CONSULTATION WITH AN AOSE FOR
RESIDENTIAL DEVELOPMENT.THE DEPT. IS NOT
REQUIRED TO PERFORM A FIELD CHECK OF SUCH
EVALUATIONS. THIS SUBDIVISION WAS CERTIFIED
AS BEING IN COMPLIANCE WITH THE BOARD OF
HEALTH'S REGULATIONS BY: ADAM HERMAN
A.O.S.E. # 19400001109, 757-344-6270. THIS
SUBDIVISION APPROVAL IS ISSUED IN RELIANCE
UPON THAT CERTIFICATION.

PURSUANT TO 360 OF THE REGULATIONS THIS APPROVAL
IS NOT AN ASSURANCE THAT SEWAGE DISPOSAL SYSTEM
CONSTRUCTION PERMITS WILL BE ISSUED FOR ANY LOT
IN THE SUBDIVISION UNLESS THAT LOT IS SPECIFICALLY
IDENTIFIED AS HAVING AN APPROVED SITE FOR AN
ONSITE SEWAGE DISPOSAL SYSTEM, AND UNLESS ALL
CONDITIONS AND CIRCUMSTANCES ARE PRESENT AT THE
TIME OF APPROVAL. THIS SUBDIVISION MAY CONTAIN
LOTS THAT DO NOT HAVE APPROVED SITES FOR ONSITE
SEWAGE STSTEMS

THIS SUBDIVISION APPROVAL IS ISSUED IN RELIANCE
UPON THE CERTIFICATION THAT APPROVED LOTS ARE
SUITABLE FOR OTRADITIONAL SYSTEMSA , HOWEVER
ACTUAL SYSTEM DESIGN MAY BE DIFFERENT AT THE
TIME CONSTRUCTION PERMITS ARE ISSUED.

ADAM HERMAN _____DATE_____



GENERAL NOTES

PROPERTY IS ZONED A1, BUILDING SET BACK LINES ARE
FRONT = 75' OR UNTIL MINIMUM WIDTH OF 250' AT BSL.
REAR = 35'
SIDE = 15' '

PROPERTY APPEARS TO LIE IN FLOOD ZONE X (AREA
DETERMINED TO LIE OUTSIDE THE 500 YR. FLOOD PLAIN
AS SHOWN ON F.I.R.M. MAP # 51095 C 0064D
EFFECTIVE DATE DEC. 16th. , 2015.

WETLANDS AND LANDS IN THE R.P.A. AREAS SHALL
REMAIN IN A NATURAL UNDISTURBED STATE EXCEPT
FOR THOSE ACTIVITIES PERMITTED BY SECTION
23-7C(1)OF THE JAMES CITY CO. CODE.

ALL NEWLY CREATED CORNERS TO BE MONUMENTED IN
ACCORDANCE WITH JAMES CITY COUNTY SUBDIVISION
ORDINANCE SEC. 19-34 THROUGH 19-36.

NO EXISTING DRAINFIELDS OR WELLS TO BE AFFECTED
BY THIS PLAT.

ON-SITE SEWAGE DISPOSAL SYSTEM INFORMATION
AND SOIL INFORMATION SHOULD BE VERIFIED AND
RE-EVALUATED BY HEALTH DEPARTMENT PRIOR
TO ANY NEW CONSTRUCTION.

ON SITE SEWAGE TREATMENT SYSTEMS SHALL BE
PUMPED OUT AT LEAST ONCE EVERY FIVE YEARS
PER SECTION 23-9(b)(6) OF THE JAMES CITY CODE.

BOUNDARY INFORMATION TAKEN FROM ADJOINING
RECORD PLATS . THIS SURVEY HAS BEEN PREPARED
WITHOUT THE BENEFIT OF A FURNISHED TITLE REPORT
AND DOES NOT NECESSARILY INDICATE ALL
ENCUMBERANCES ON THE PROPERTIES SHOWN.
PLAT IS BASED ON A CURRENT FIELD SURVEY. POINTS
FOUND AND LOCATED FOR THERE RELATIONSHIP TO
ONE ANOTHER AND RECORD INFORMATION.
PARCEL ID # 1540100008 WAS NOT SURVEYED
IN ITS ENTIRETY AT THIS TIME.

MONUMENTS SHALL BE SET IN ACCORDANCE WITH SECTIONS
19-34 THROUGH 19-36 OF THE COUNTY CODE. SUBSEQUENT
TO COMPLETION OF ALL IMPROVEMENTS, BUT PRIOR TO
FINAL RELEASE OF SURETY FOR A SUBDIVISION OR ANY
PART THEREOF, THE SUBDIVIDER SHALL PROVIDE THE
AGENT A SURVEYORS CERTIFICATE THAT THE MONU-
MENTS AS SHOWN ON THE RECORD PLAT HAVE BEEN
INSTALLED, WERE PROPERLY ALIGNED, AND ARE
UNDAMAGED. THE PROVISIONS OF THE CERTIFICATION
SHALL BE WITHIN SIX MONTHS OF PLAT APPROVAL,
UNLESS OTHERWISE ARRANGED, IN WRITING, WITH
THE AGENT.

IN ACCORDANCE WITH SECTION 19-33 OF THE SUBDIVISION
ORDINANCE, ALL UTILITIES SHALL BE PLACED UNDERGROUND.

ANY UNUSED WELL(S) SHALL BE ABANDONED IN ACCORDANCE
WITH STATE PRIVATE WELL REGULATIONS AND JAMES CITY
COUNTY CODE.

UNLESS OTHERWISE NOTED, ALL DRAINAGE EASEMENTS
SHOW ON THIS PLAT SHALL REMAIN PRIVATE.

NO SUBSURFACE INVESTIGATION WAS PERFORMED
UTILITY LINE LOCATIONS ARE APPROXIMATE ONLY.

OWNERS CONSENT

This Subdivision as shown on this plat is with the free
consent and in accordance with the desire of the undersigned
owners, proprietors and/or trustees.

PARCEL ID # 1540100008, KENNETH MILFORD CHANDLER

Date _____Signature _____

Name printed _____

CERTIFICATE OF NOTARIZATION

Commonwealth of Virginia
City/County of _____
I, (_____) , a Notary Public in and for the
City/County and State aforesaid, do hereby certify that the
persons whose names are signed to the foregoing writing
have acknowledged the same before me in the City/County
aforesaid.
Given under my hand this _____day of _____(Year) . _____
(Signature)
My commission expires: _____
Notary registration number: _____

CERTIFICATE OF APPROVAL

THIS SUBDIVISION IS APPROVED BY THE
UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION
REGULATIONS AND MAY BE ADMITTED TO RECORD.

SUBDIVISION AGENT OF JAMES CITY COUNTY

_____.DATE_____

VIRGINIA DEPT. OF HEALTH

_____.DATE_____

VIRGINIA DEPT. OF TRANSPORTATION

_____.DATE_____

SOURCE OF TITLE

The property(tax parcel # 1540100008) shown on this
plat was conveyed by Will Dated 8-14-2014 from
Cameron M. Chandler Estate to Kenneth Milford
Chandler , by Instrument # 14008345N (Will). and
recorded in the Office of the Clerk of the Circuit Court
of the County of James City.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT TO THE BEST OF MY
KNOWLEDGE OR BELIEF, THIS PLAT COMPLIES WITH ALL
THE REQUIREMENTS OF THE BOARD OF SUPERVISORS
AND JAMES CITY COUNTY ORDINANCES REGARDING
THE PLATTING OF SUBDIVISIONS WITHIN THE COUNTY
AND WITH THE MINIMUM STANDARDS ESTABLISHED BY THE
VIRGINIA BOARD OF ARCHITECTS, ENGINEERS, LAND
SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS.

EDWARD C. CARR II L.S.# 2505 DATE _____

STATE OF VIRGINIA

COUNTY OF JAMES CITY
IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE
COUNTY OF JAMES CITY THE _____ DAY OF _____ 2021
THIS PLAT WAS PRESENTED AND ADMITTED TO RECORD
AS THE LAW DIRECTS IN PLAT BOOK _____, PAGE _____
AND OR INSTRUMENT # _____

TESTE: _____
CLERK

BY: _____

RECORD MERIDIAN

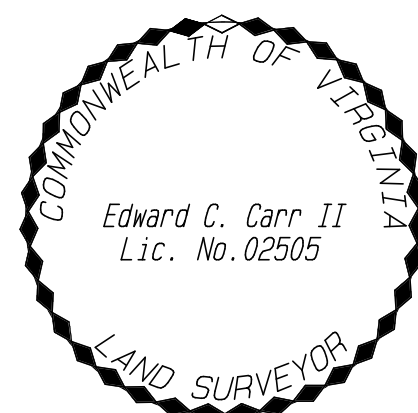
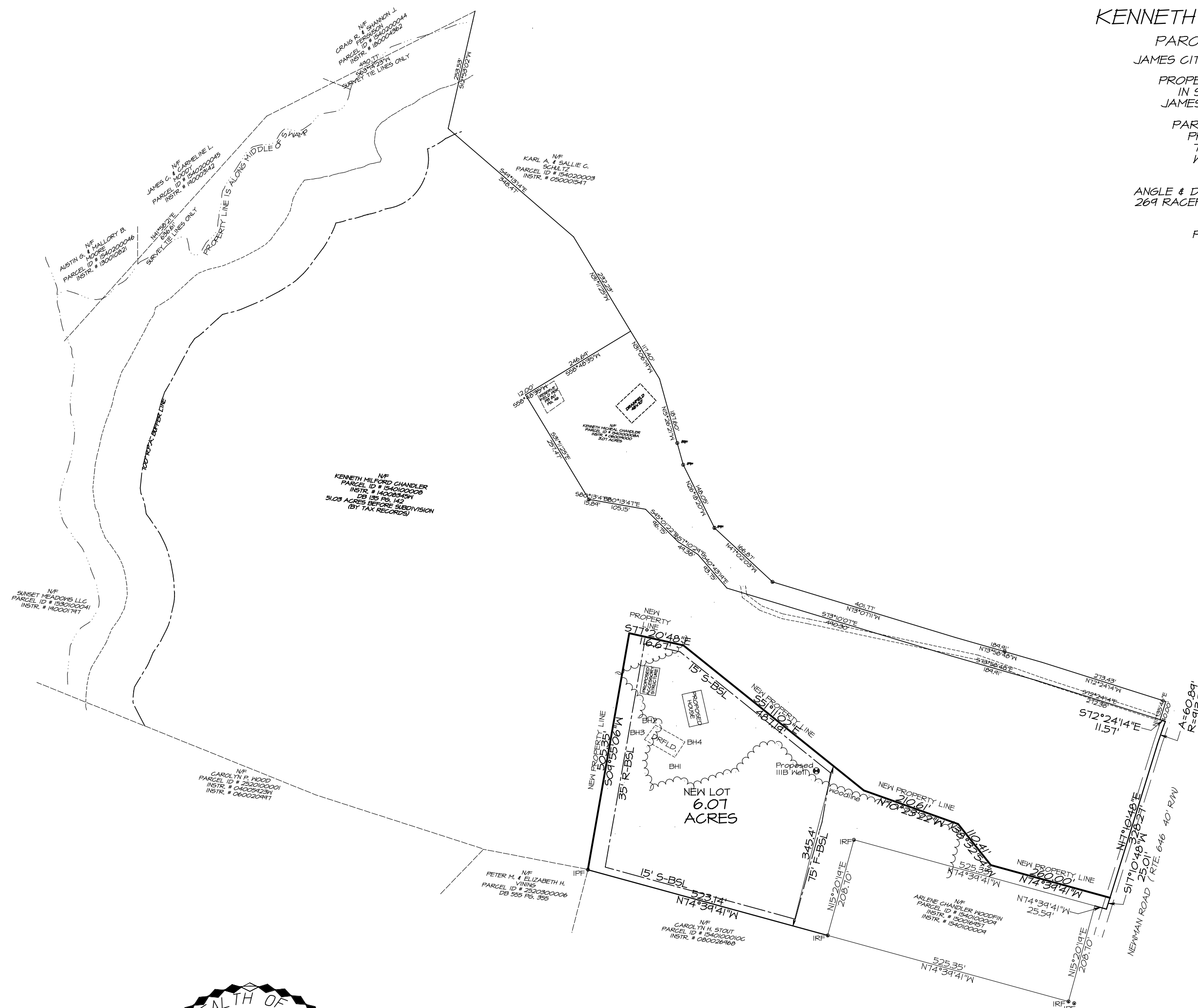
FAMILY SUBDIVISION
OF THE PROPERTY
OF
KENNETH MILFORD CHANDLER

PARCEL ID # 1540100008
JAMES CITY CASE # _____

PROPERTY SHOWN IS LOCATED
IN STONEHOUSE DISTRICT
JAMES CITY COUNTY, VIRGINIA

PARCEL ID # 1540100008
PROPERTY ADDRESS
7751 NEWMAN ROAD
WILLIAMSBURG, VA.

PREPARED BY
ANGLE & DISTANCE LAND SURVEYING, INC.
269 RACEFIELD DRIVE, TOANO, VA. 23168
757-561-5334
EDWARD C. CARR II
PLAT DATE 7-27-2021



GRAPHIC SCALE

$$1'' = 200'$$


A horizontal number line with tick marks at 0, 200, 400, and 600. A thick black line segment is drawn above the number line, starting at 250 and ending at 450. The region between 250 and 450 is shaded light blue.

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

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	☒	☐	☐
ICENHOUR	☒	☐	☐
SADLER	☒	☐	☐
HIPPLE	☒	☐	☐
LARSON	☒	☐	☐

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

AFD-ChristCrmRnw-res

ITEM SUMMARY

DATE: 1/20/2022

TO: The AFD Advisory Committee

FROM: Tori Haynes, Senior Planner

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

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	1. Location and AFD Map	Backup Material
▣	2. Preliminary Plat	Backup Material
▣	3. Gospel Spreading Church AFD 2018 Renewal Ordinance and Staff Report	Backup Material
▣	4. State Code § 15.2-4309	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
AFD Advisory Group	Crump, Josh	Approved	1/13/2022 - 1:01 PM
AFD Advisory Group	Holt, Paul	Approved	1/13/2022 - 1:19 PM
Publication Management	Daniel, Martha	Approved	1/13/2022 - 1:47 PM
AFD Advisory Group	Secretary, AFD	Approved	1/13/2022 - 4:28 PM

S-21-0069. 2188 Lake Powell Road, Perkinson Family Subdivision**Staff Report for the January 20, 2022, Agricultural and Forestal District Advisory Committee Meeting****SUMMARY FACTS**

Applicant:	Mr. Alister Perkinson
Land Owner:	Mr. Roderick Perkinson
Proposal:	Family subdivision to create one single-family residential parcel of $\pm$ 3.8 acres within the Gospel Spreading Church Agricultural and Forestal District (AFD)
Location:	2188 Lake Powell Road
Tax Map/Parcel No.:	4740100037
Parent Parcel Area:	$\pm$ 27.93 acres
Proposed Parcel Area:	$\pm$ 3.8 acres
Zoning:	R-8, Rural Residential
Comprehensive Plan:	Low Density Residential
Primary Service Area: (PSA)	Inside, but requires private well/septic systems
Staff Contact:	Tori Haynes, Senior Planner

PUBLIC MEETING DATES

AFD Committee:	January 20, 2022, 4:00 p.m.
Board of Supervisors:	March 8, 2022, 5:00 p.m. (Tentative)

FACTORS FAVORABLE

1. Staff finds that the proposal is not incompatible with farming and forestry activities in the AFD, in accordance with State Code § 15.2-4309(B).
2. Staff finds that the proposal is consistent with the 2045 Comprehensive Plan.
3. Impacts: This proposal is not anticipated to generate any impacts that require mitigation.

FACTORS UNFAVORABLE

As this proposal is not anticipated to generate any impacts that require mitigation, staff finds no unfavorable factors.

SUMMARY STAFF RECOMMENDATION

Should the AFD Advisory Committee concur that this family subdivision is not incompatible with farming and forestry activities in the AFD, staff recommends that the Committee recommend approval of the application to the Board of Supervisors, subject to approval from the Virginia Department of Health (VDH).

PROJECT DESCRIPTION

Mr. Alister Perkinson has applied on behalf of his father, Mr. Roderick Perkinson, for a family subdivision creating one new single-family parcel consisting of approximately 3.8 acres. Mr. A. Perkinson is the intended owner of the new parcel. The parent parcel is currently $\pm$ 27.595 acres and is located within the Gospel Spreading Church AFD. The proposed family subdivision does not require any land to be withdrawn from the AFD.

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.

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

Staff Report for the January 20, 2022, Agricultural and Forestal District Advisory Committee Meeting

A Special Use Permit (SUP) is not required for this proposal because the R-8 Zoning District allows family subdivisions of three or more acres by-right; however, per the Gospel Spreading Church AFD Ordinance, subdivisions within the AFD are “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.” For the purposes of family subdivisions, “immediate family” is defined as the parents or offspring of the current landowner, who must have owned the parcel for at least five years.

State Code § 15.2-4309(B) states that “local governing bodies shall not prohibit as a more intensive use, 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, or divisions of parcels for such family members, unless the governing body finds that such use in the particular case would be incompatible with farming or forestry in the district.”

The property is located inside the PSA, but the James City Service Authority (JCSA) has confirmed that this location cannot be served by public water/sewer utilities at this time. For a new dwelling unit, the owner would need to install private well and septic systems. Staff has reviewed a preliminary plat and is awaiting confirmation from VDH that the well and septic systems can be approved. All other Ordinance requirements can be met, including eligibility requirements for family subdivisions. Additionally, staff finds that the proposal would result in a maximum of one single-family dwelling, which would not be incompatible with farming or forestry in the district.

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 and 2010.
- The District was renewed at the September 9, 2014, Board of Supervisors meeting, but was brought back before the Board for consideration the following month due to an incorrect parcel list on the adopted Ordinance. The Board of Supervisors adopted the revised renewal Ordinance on October 28, 2014.
- Various additions and withdrawals have occurred since 1990. Since 2014, there have been no requested additions or withdrawals.

SURROUNDING ZONING AND DEVELOPMENT

The subject parcel is bounded by Mill Creek to the south and west. Adjacent properties south of Lake Powell Road are zoned R-8, Rural Residential, A-1, General Agricultural, and R-1, Limited Residential. North of Lake Powell Road, nearby properties are zoned R-1, Limited Residential and R-2, General Residential. All surrounding properties are designated Low Density Residential in the 2045 Comprehensive Plan.

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.

COMPREHENSIVE PLAN

The subject parcel is designated Low Density Residential in the 2045 Comprehensive Plan. Appropriate uses in Low Density Residential include single-family and multifamily units, accessory units, cluster housing, and recreation areas. Staff finds that creating one single-family parcel through the family subdivision process is consistent with the intent of the Comprehensive Plan.

STAFF RECOMMENDATION

Should the AFD Advisory Committee concur that this family subdivision is not incompatible with farming and forestry activities in the AFD, staff recommends that the Committee recommend approval of the application to the Board of Supervisors, subject to approval from the VDH.

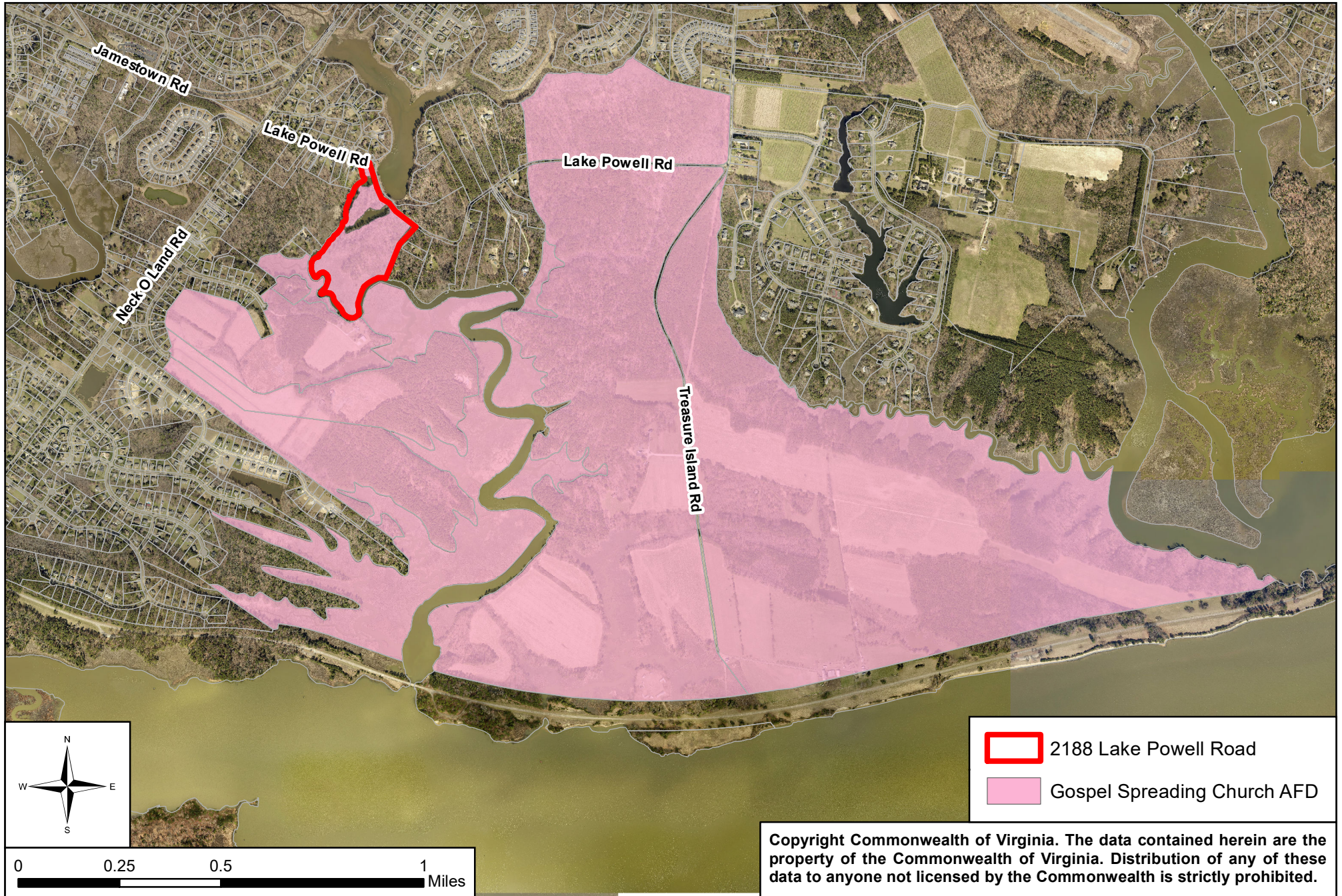
TH/ap
S21-69_2188LkPwllRd

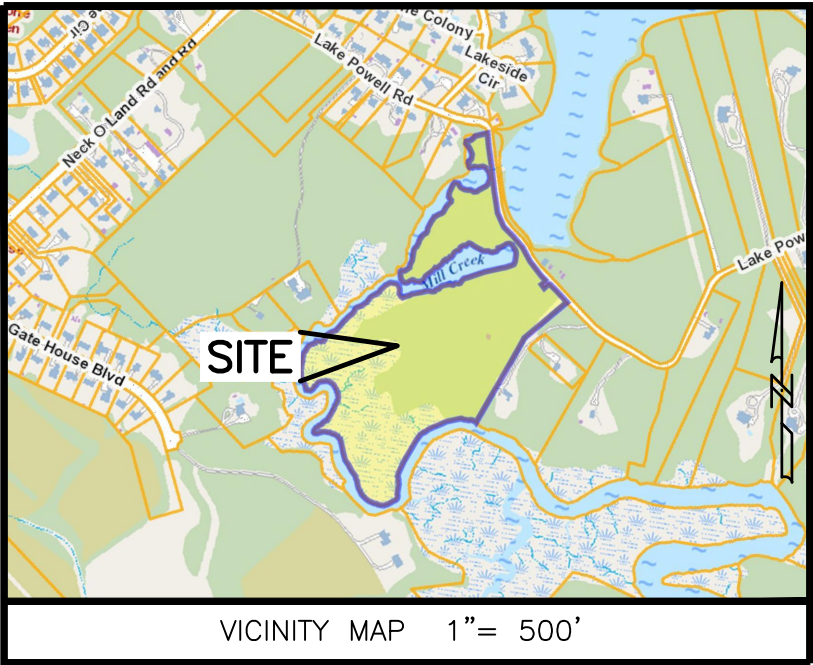
Attachments:

1. Location and AFD Map
2. Preliminary Plat
3. Gospel Spreading Church AFD 2018 Renewal Ordinance and Staff Report
4. State Code § 15.2-4309

JCC S-21-0069

2188 Lake Powell Road, Perkinson Family Subdivision





GENERAL NOTES

1. THIS PLAT WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT REFLECT ALL ENCUMBRANCES, EASEMENTS AND SETBACKS THAT AFFECT THE SUBJECT PROPERTY.
2. WETLANDS SHOWN HEREON WERE FIELD DELINEATED BY ROTH ENVIRONMENTAL, LLC. ON 05/25/2021.
3. THIS FIRM MADE NO ATTEMPT TO LOCATED UNDERGROUND UTILITIES.
4. ALL LOTS ARE SERVED BY PRIVATE WATER AND SEWER SYSTEMS.
5. ALL NEW UTILITIES SHALL BE PLACED UNDERGROUND.
6. PROPERTY LIES IN FIRM ZONE "X" AND ZONE "AE". ACCORDING TO FLOOD INSURANCE RATE MAP #51095C0201D, DATED 12/16/2015.
7. THIS PROPERTY FALLS PARTIALLY WITHIN THE RPA.
8. UNLESS OTHERWISE NOTED, ALL DRAINAGE EASEMENTS DESIGNATED ON THIS PLAT SHALL REMAIN PRIVATE.
9. ANY EXISTING UNUSED WELLS SHALL BE ABANDONED IN ACCORDANCE WITH STATE PRIVATE WELL REGULATIONS AND JAMES CITY COUNTY CODE.
10. WETLANDS AND LAND WITHIN RESOURCE PROTECTION AREA SHALL REMAIN IN A NATURAL UNDISTURBED STATE EXCEPT FOR THOSE ACTIVITIES PERMITTED BY SEC. 23-7 OF THE JAMES CITY COUNTY CODE.
11. MONUMENTS SHALL BE SET IN ACCORDANCE WITH SECTIONS 19-34 THROUGH 19-36 OF THE COUNTY CODE.
12. EASEMENTS DENOTED AS JCSA UTILITY EASEMENTS ARE FOR THE EXCLUSIVE USE OF THE JAMES CITY SERVICE AUTHORITY AND THE PROPERTY OWNER. OTHER UTILITY SERVICE PROVIDERS DESIRING TO USE THESE EASEMENTS WITH THE EXCEPTION OF PERPENDICULAR UTILITY CROSSINGS MUST OBTAIN AUTHORIZATION FOR ACCESS AND USE FROM JCSA AND THE PROPERTY OWNER, ADDITIONALLY, JCSA SHALL NOT BE HELD RESPONSIBLE FOR ANY DAMAGE TO IMPROVEMENTS WITHIN THIS EASEMENT, FROM ANY CAUSE.
13. ON-SITE SEWAGE DISPOSAL SYSTEM INFORMATION AND SOILS INFORMATION SHOULD BE VERIFIED AND REEVALUATED BY THE HEALTH DEPARTMENT PRIOR TO ANY NEW CONSTRUCTION.
14. ON-SITE SEWAGE TREATMENT SYSTEMS SHALL BE PUMPED OUT AT LEAST ONCE EVERY FIVE YEARS PER SECTION 23-9(B)(6) OF THE JAMES CITY COUNTY CODE.
15. THE VIRGINIA DEPARTMENT OF TRANSPORTATION, ITS AGENTS AND ASSIGNS ARE GRANTED THE EXCLUSIVE RIGHT TO MAINTAIN THE AREA DEDICATED FOR PUBLIC USE.
16. THE DRIVEWAY LOCATED WITHIN 25' INGRESS/EGRESS EASEMENT MUST CONSIST OF, AT A MINIMUM, AN ALL WEATHER SURFACE OF RICK, STONE OR GRAVEL, WITH A MINIMUM DEPTH OF THREE INCHES AND A MINIMIM WIDTH OF TEN FEET.

OWNERS CERTIFICATE: PIN: 4740100037

THE SUBDIVISION OF THE PROPERTY AS SHOWN ON THIS PLAT IS WITH FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS AND OR TRUSTEES.

RODERICK B. PERKINSON DATE

CERTIFICATE OF NOTARIZATION

STATE OF VIRGINIA
CITY/COUNTY OF _____ I, _____, A NOTARY PUBLIC
IN AND FOR THE CITY/COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY
THAT THE PERSONS WHOSE NAMES ARE SIGNED TO THE FOREGOING WRITING HAS
ACKNOWLEDGED THE SAME BEFORE ME IN THE CITY/COUNTY AFORESAID.
GIVEN UNDER MY HAND THIS _____ DAY OF _____, 2022.
MY COMMISSION EXPIRES _____.

NOTARY PUBLIC

REGISTRATION NO. _____

CERTIFICATE OF SOURCE OF TITLE

THIS IS TO CERTIFY THAT THE LAND EMBRACED IN THIS SUBDIVISION STANDS IN THE NAME OF RODERICK B. PERKINSON AND WAS ACQUIRED FROM FLOYD P. CARMINES BY THAT CERTAIN WILL DATED JULY 31, 2012 AND RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF JAMES CITY COUNTY, VIRGINIA AS INSTRUMENT #12007823W.

CERTIFICATE OF APPROVAL

THIS SUBDIVISION IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH WITH EXISTING SUBDIVISION REGULATIONS AND MAY BE ADMITTED TO RECORD.

DATE VIRGINIA DEPARTMENT OF HEALTH

DATE VIRGINIA DEPARTMENT OF TRANSPORTATION

DATE SUBDIVISION AGENT OF JAMES CITY COUNTY

ENGINEERS OR SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE OR BELIEF, THIS PLAT COMPLIES WITH ALL OF THE REQUIREMENTS OF THE BOARD OF SUPERVISORS AND ORDINANCES OF THE COUNTY OF JAMES CITY, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE COUNTY.

12/22/2021
DATE MATTHEW H. CONNOLLY Lic. No. 2053



FAMILY SUBDIVISION
OF
P-3 BESSIE CARMINES ESTATE
STANDING IN THE NAME OF
RODERICK B. PERKINSON
BEING

PIN: 4740100037
ROBERTS DISTRICT JAMES CITY COUNTY VIRGINIA
DATE: 12/22/2021 JOB # 21-095



SHEET 1 OF 2

JCC-S-21-0069

AOSE SUBDIVISION APPROVAL STATEMENT

THIS SUBDIVISION IS APPROVED FOR INDIVIDUAL ONSITE SEWAGE SYSTEMS IN ACCORDANCE WITH THE PROVISIONS OF THE CODE OF VIRGINIA, AND THE SEWAGE HANDLING REGULATIONS AUTHORIZING THE LOCAL HEALTH DEPARTMENT TO ACCEPT PRIVATE EVALUATIONS FOR COMPLIANCE WITH LOCAL ORDINANCES.

THIS SUBDIVISION WAS SUBMITTED TO THE HEALTH DEPARTMENT FOR REVIEW PURSUANT TO SEC. 32.1-163.5 OF THE CODE OF VIRGINIA WHICH REQUIRES THE HEALTH DEPARTMENT TO ACCEPT PRIVATE SOIL EVALUATIONS AND DESIGNS FROM AN AUTHORIZED ONSITE SOIL EVALUATOR (AOSE) OR A PROFESSIONAL ENGINEER WORKING IN CONSULTATION WITH AN AOSE FOR RESIDENTIAL DEVELOPMENT.

THIS SUBDIVISION WAS CERTIFIED AS BEING IN COMPLIANCE WITH THE BOARD OF HEALTH'S REGULATIONS BY: ANN L. RUFFE, LICENSE NO. 1940001376, PHONE NO. 757-810-5293, ADDRESS: P.O. BOX 759, LIGHTFOOT, VA 23090. THIS SUBDIVISION APPROVAL IS ISSUED IN RELIANCE UPON THAT CERTIFICATION.

PURSUANT TO SEC. 360 OF THE REGULATIONS THIS APPROVAL IS NOT AN ASSURANCE THAT SEWAGE DISPOSAL SYSTEM CONSTRUCTION PERMITS WILL BE ISSUED FOR ANY LOT IN THE SUBDIVISION UNLESS THAT LOT IS SPECIFICALLY IDENTIFIED AS HAVING AN APPROVED SITE FOR AN ONSITE SEWAGE DISPOSAL SYSTEM, AND UNLESS ALL CONDITIONS AND CIRCUMSTANCES ARE PRESENT AT THE TIME OF THIS APPROVAL. THIS SUBDIVISION MAY CONTAIN LOTS THAT DO NOT HAVE APPROVED SITES FOR ONSITE SEWAGE SYSTEMS.

THIS SUBDIVISION APPROVAL IS ISSUED UPON THE CERTIFICATION THAT APPROVED LOTS ARE SUITABLE FOR "TRADITIONAL SYSTEMS", HOWEVER ACTUAL SYSTEM DESIGN MAY BE DIFFERENT AT THE TIME CONSTRUCTION PERMITS ARE ISSUED.

STATE OF VIRGINIA, JAMES CITY COUNTY

IN THE CLERKS OFFICE OF THE CIRCUIT COURT FOR THE COUNTY OF JAMES CITY THIS _____ DAY OF _____, 2022.
THIS PLAT WAS PRESENTED AND ADMITTED TO RECORD AS THE LAW DIRECTS AT _____
INSTRUMENT # _____
TESTE _____

BEING
PIN: 4740100037
JAMES CITY COUNTY VIRGINIA

DATE: 12/22/2021 JOB # 21-095

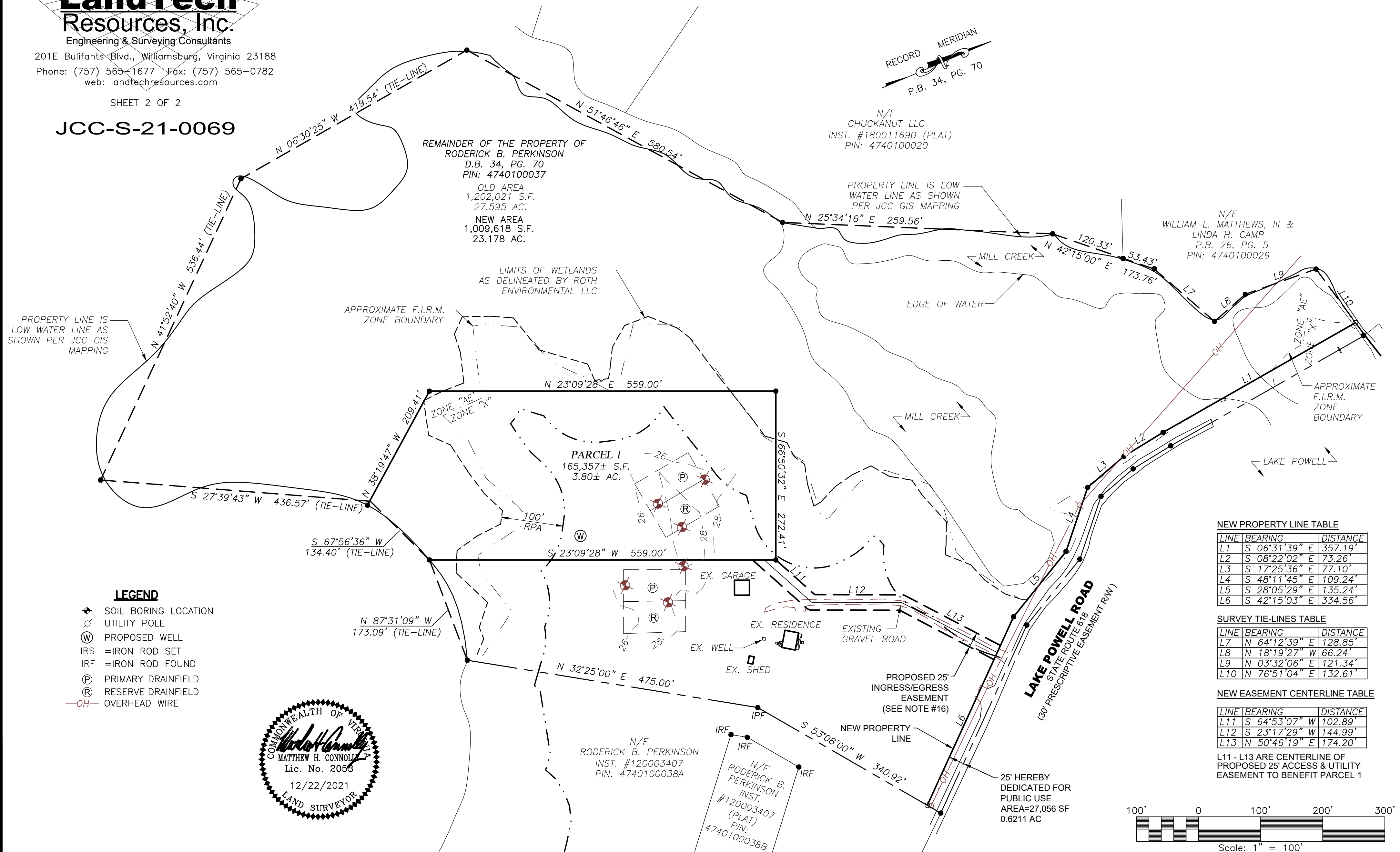
~~Engineering & Surveying Consultants~~

201E Bulifants Blvd., Williamsburg, Virginia 23188
Phone: (757) 565-1677 Fax: (757) 565-0782
web: landtechresources.com

SHEET 2 OF 2

JCC-S-21-0069

1. RECORDED PLAT DOES NOT DOES NOT MATHEMATICALLY CLOSE.
PROPERTY LINE IS BASED ON NATURAL AND ARTIFICIAL MONUMENTS
SHOWN ON THIS PLAT.



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:

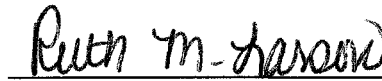
1. The Gospel Spreading Church Farm Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").
2. That the District shall include 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-12-86-1-2018. Gospel Spreading Church Renewal

Staff Report for the September 11, 2018, Board of Supervisors

SUMMARY FACTS

<u>LANDOWNERS</u>	<u>PARCEL ID</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 & Meredith 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 ACRES		1,133.18

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: Tori Haynes, Planner

PUBLIC HEARING DATES

Planning Commission: August 1, 2018, 6:00 p.m.
Board of Supervisors: September 11, 2018, 5:00 p.m.

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

AGRICULTURAL AND FORESTAL DISTRICT (AFD) ADVISORY COMMITTEE RECOMMENDATION

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

PLANNING COMMISSION RECOMMENDATION

At its August 1, 2018 meeting, the Planning Commission voted 5-0 to recommend the continuation of the District to the Board of Supervisors.

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.

AGRICULTURAL AND FORESTAL DISTRICT-12-86-1-2018. Gospel Spreading Church Renewal

Staff Report for the September 11, 2018, Board of Supervisors

- The merged District was renewed in 2006 and 2010.
- The District was renewed at the September 9, 2014 Board of Supervisors meeting, but was brought back before the Board for consideration the following month due to an incorrect parcel list on the adopted Ordinance. The Board of Supervisors adopted the revised renewal Ordinance on October 28, 2014.
- Various additions and withdrawals have occurred since 1990. Since 2014, there have been no requested additions or withdrawals to the District.
- Acreages denoted with an asterisk (*) in the summary facts table reflect a boundary line adjustment between several parcels in the District in 2016. There was no request to withdraw land from the District; however, staff notes that there is a 0.44 acre net decrease in the District's total acreage compared to 2014, due to the updated area calculations from the most recent survey.

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 ±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 Board of Supervisors approve the renewal of this AFD for a period of four years, subject to the conditions listed in the District Ordinance (Attachment No. 1).

TH/md

AFD-GospelChRenew

Attachments:

1. Ordinance
2. Location Map
3. Adopted conditions for the Gospel Spreading Church AFD
4. Staff report from the September 9, 2014, Board of Supervisors meeting
5. Staff memorandum from the October 28, 2014, Board of Supervisors meeting

§ 15.2-4309. Hearing; creation of district; conditions; notice

A. The local governing body, after receiving the report of the local planning commission and the advisory committee, shall hold a public hearing as provided by law, and after such public hearing, may by ordinance create the district or add land to an existing district as applied for, or with any modifications it deems appropriate.

B. The governing body may require, as a condition to creation of the district, that any parcel in the district shall not, without the prior approval of the governing body, be developed to any more intensive use or to certain more intensive uses, other than uses resulting in more intensive agricultural or forestal production, during the period which the parcel remains within the district. Local governing bodies shall not prohibit as a more intensive use, 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, or divisions of parcels for such family members, unless the governing body finds that such use in the particular case would be incompatible with farming or forestry in the district. To further the purposes of this chapter and to promote agriculture and forestry and the creation of districts, the local governing body may adopt programs offering incentives to landowners to impose land use and conservation restrictions on their land within the district. Programs offering such incentives shall not be permitted unless authorized by law. Any conditions to creation of the district and the period before the review of the district shall be described, either in the application or in a notice sent by first-class mail to all landowners in the district and published in a newspaper having a general circulation within the district at least two weeks prior to adoption of the ordinance creating the district. The ordinance shall state any conditions to creation of the district and shall prescribe the period before the first review of the district, which shall be no less than four years but not more than ten years from the date of its creation. In prescribing the period before the first review, the local governing body shall consider the period proposed in the application. The ordinance shall remain in effect at least until such time as the district is to be reviewed. In the event of annexation by a city or town of any land within a district, the district shall continue until the time prescribed for review.

C. The local governing body shall act to adopt or reject the application, or any modification of it, no later than 180 days from (i) November 1 or (ii) the other date selected by the locality as provided in § 15.2-4305. Upon the adoption of an ordinance creating a district or adding land to an existing district, the local governing body shall submit a copy of the ordinance with maps to the local commissioner of the revenue, and the State Forester, and the Commissioner of Agriculture and Consumer Services for information purposes. The commissioner of the revenue shall identify the parcels of land in the district in the land book and on the tax map, and the local governing body shall identify such parcels on the zoning map, where applicable and shall designate the districts on the official comprehensive plan map each time the comprehensive plan map is updated.

1977, c. 681, § 15.1-1511; 1979, c. 377; 1981, c. 546; 1984, c. 20; 1985, c. 13; 1987, c. 552; 1993, cc. 745, 761; 1997, c. 587; 1998, c. 833; 2011, cc. 344, 355.

ITEM SUMMARY

DATE: 1/20/2022

TO: The AFD Advisory Committee

FROM: Josh Crump, Principal Planner

SUBJECT: 2022 AFD Renewal Survey Responses

ATTACHMENTS:

	Description	Type
📎	2022 AFD Renewal Survey Responses	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
AFD Advisory Group	Crump, Josh	Approved	1/12/2022 - 12:48 PM
AFD Advisory Group	Holt, Paul	Approved	1/13/2022 - 8:16 AM
Publication Management	Daniel, Martha	Approved	1/13/2022 - 8:20 AM
AFD Advisory Group	Secretary, AFD	Approved	1/13/2022 - 8:44 AM

2022 AFD RENEWAL SURVEY RESPONSES

DISTRICT	As long as district terms are 8 or less years, the exact length of terms will not affect my decision and I have no preference	As long as district terms are 8 or less years, the exact length of terms will not affect my decision, but I would prefer a term length of four or eight years.			I am very likely to withdraw some or all of my property if extended from a 4 year to an 8 year district.		Regardless of district time period, I will most likely be withdrawing my land during the upcoming renewal period.	Response Rate	
		4 years	8 years	No Preference	Some	All			
Armistead		1						1/1	100%
Barnes Swamp	4	9	2			1		16/23	70%
Carter's Grove			1					1/1	100%
Christenson's Corner		1	1					2/4	50%
Cranston's Pond	2		2					4/6	67%
Croaker	1	3	2					6/20	30%
Gordon Creek	2	3	4		2	2		13/25	52%
Gospel Spreading Church			1			2		3/7	43%
Hill Pleasant Farm	1							1/3	33%
Mill Creek	4	9	1			1		15/29	52%
Pates neck	1		1	1				3/4	75%
Yarmouth Island						1		1/4	25%
	15	26	15	1	2	7	0	66/127	52%

Notes:

One Survey Returned/Undeliverable