

A G E N D A
JAMES CITY COUNTY AFD ADVISORY COMMITTEE
ORGANIZATIONAL MEETING
101-A Mounts Bay Road, Williamsburg, VA 23185
Building A Large Conference Room
January 19, 2023
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes of the October 20, 2022, Regular Meeting

D. OLD BUSINESS

E. NEW BUSINESS

1. Election of Officers
2. AFD Advisory Committee Proposed 2023/2024 Calendar
3. AFD-22-0018. 278 Ivy Hill Road Mill Creek AFD Addition
4. AFD-22-0019. 1245 Stewarts Road Barnes Swamp AFD Withdrawal

F. DISCUSSION ITEMS

G. ADJOURNMENT

ITEM SUMMARY

DATE: 1/19/2023

TO: The AFD Advisory Committee

FROM: Josh Crump, Principal Planner

SUBJECT: Minutes of the October 20, 2022, Regular Meeting

ATTACHMENTS:

	Description	Type
📎	Minutes of the October 20, 2022, Regular Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
AFD Advisory Group	Crump, Josh	Approved	1/4/2023 - 5:12 PM
AFD Advisory Group	Holt, Paul	Approved	1/4/2023 - 7:26 PM
Publication Management	Pobiak, Amanda	Approved	1/5/2023 - 8:12 AM
AFD Advisory Group	Secretary, AFD	Approved	1/10/2023 - 11:42 AM

MINUTES
JAMES CITY COUNTY AFD ADVISORY COMMITTEE
REGULAR MEETING
101-A Mounts Bay Road, Williamsburg, VA 23185
Building A Large Conference Room
October 20, 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. and welcomed new Committee members.

B. ROLL CALL

Present:

Chris Taylor, Chair
Bruce Abbott, Vice Chair
Richard Bradshaw
Loretta Garrett
Will Harcum
David Hogue
Jason Knight

Absent:

Payten Harcum
Sue Sadler
Sandy Wanner

Staff:

Josh Crump, Principal Planner
John Risinger, Senior Planner
Suzie Yeats, Planner
Andrea Case, Community Development Assistant
Katie Pelletier, Community Development Assistant

C. MINUTES

1. Minutes of the July 21, 2022 Regular Meeting

Ms. Garrett motioned to Approve the meeting minutes from July 21, 2022.

Mr. Harcum seconded the motion.

On a voice vote, the motion was approved 7-0.

Ms. Garrett motioned to Approve the meeting minutes from July 21, 2022.

Mr. Harcum seconded the motion.

On a voice vote, the motion was approved 7-0.

D. OLD BUSINESS

There was no old business for discussion.

E. NEW BUSINESS

1. AFD-22-0015. 999 Jolly Pond Road Cranston's Pond AFD Addition

Mr. Risinger greeted the Committee and stated that Mr. Hunter Taylor has applied to enroll approximately 169.15 acres of land located at 999 Jolly Pond Road into the Cranston's Pond AFD. He said the parcel is zoned A-1, General Agricultural, and designated Rural Lands on the 2045 Comprehensive Plan. He added that the parcel is located within one mile of the core of the Cranston's Pond AFD.

Mr. Risinger stated that a single-family dwelling has been constructed on the property, but the property remains largely undeveloped. He noted that a 30-acre portion of the property was timbered this past spring and summer. Mr. Risinger said a forest management plan has been prepared for the property to guide future timbering activities.

Mr. Risinger told the Committee that staff determined the proposed addition meets state and local requirements for inclusion in the AFD and recommends that the Committee recommend approval of the proposed addition to the Planning Commission and the Board of Supervisors. He said he would be happy to answer any questions.

The Committee did not have any questions and noted that the application met the AFD qualifications.

Mr. Bradshaw motioned to recommend Approval of enrolling approximately 169.15 acres of land at 999 Jolly Pond Road into the Cranston's Pond AFD Addition.

Mr. Abbott seconded the motion.

On a voice vote, the motion was approved 7-0.

2. AFD-22-0017. 7294 Richmond Road Hill Pleasant Farm AFD Withdrawal

Mr. Risinger stated that Mr. Buzz Becker from Pivot Energy has applied to withdraw a 10-acre portion of the 105.82-acre parcel within the Hill Pleasant Farm AFD, on behalf of the property owner. Mr. Risinger noted that the parcel is located at 7294 Richmond Road, is zoned A-1, General Agricultural, and is designated Economic Opportunity (EO) on the 2045 Comprehensive Plan Land Use Map. He said that the Hill Pleasant Farm AFD currently consists of a total of 304.34 acres across three properties.

Mr. Risinger told the Committee that 42 acres of this property were withdrawn from the AFD during the 2022 renewal process. He explained that during the review of a Special Use Permit (SUP) application for a proposed solar farm on the property, a revised master plan of the solar farm required 10 additional acres which were not part of the 42 acres already withdrawn. Mr. Risinger stated that the additional 10 acres must be withdrawn from the AFD before the SUP application can be approved for that portion of the property.

Mr. Risinger stated that AFD withdrawal requests outside of the renewal period are considered per the criteria listed in the Board of Supervisors' Policy Governing the Withdrawal of Properties from AFDs. He listed the four criteria (and staff interpretation): (i) 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 (change in circumstances historically interpreted as death of a property owner); (ii) 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 (public purpose interpreted as using the land for a public facility such as a school or fire station); (iii) the request would not cause damage or disruption to the existing district (the AFD would continue to meet the minimum acreage requirements if this withdrawal is approved); and (iv) if the request for withdrawal is in conjunction with a proposal to convert the land use of a property to a different use than what was currently in place on the property, the new land use would be in conformance with the Comprehensive Plan (solar farms are not specifically identified as a compatible land use in the EO designation but may serve as a transitional land use until market forces determine a more intense economic use).

Mr. Risinger told the Committee that staff determined the application would not cause a disruption to the AFD, and the proposed land use would be a transitional use within the EO designation. He noted, however, that staff determined the proposal is not caused by an unforeseen change in circumstances, and the request would not serve a public purpose. Mr. Risinger summarized that staff recommends the Committee recommend denial of this application to the Planning Commission and the Board of Supervisors based on evaluation of the criteria. He noted that Mr. Becker was in attendance and had a presentation available.

Mr. Bradshaw said he disagreed with staff's interpretation of the first criteria, that the change in circumstance could have been anticipated at the time of the application. He said the applicant withdrew what was believed to be the necessary acreage for the proposed solar farm, but an additional withdrawal of 10 acres was deemed required by County staff upon site plan review. Mr. Bradshaw said the applicant could not have foreseen that requirement, and therefore the current AFD withdrawal application did meet all criteria.

Mr. Bradshaw motioned to recommend Approval of withdrawing the proposed 10 acres located at 7294 Richmond Road from the Hill Pleasant Farm AFD.

Mr. Taylor invited Mr. Becker, Director of Project Development for Pivot Energy, to speak to the Committee.

Mr. Becker displayed his presentation and said there were only a few points on which he and staff disagreed. He said the proposed withdrawal would not affect the minimum 200-acre requirement for the AFD. He added that the property owner is willing to enroll into the district six to eight acres from their abutting parcel to the north, as a sign of good faith and to offset the additional withdrawal. Mr. Becker noted that the letter indicating the property owner's intent was included in the withdrawal application.

Mr. Becker stated he would expand the definition of public purpose and said that staff's definition is limited to a public facility such as a school or fire station. Mr. Becker noted that public purpose is defined in federal regulations under the Recreation and Public Purposes Act as "the purpose of providing facilities or services for the benefit of the public in connection with, but not limited to, public health, safety or welfare." Mr. Becker argued the proposed project would deliver infrastructure investment with clean, local energy to the County, and it would offer meaningful utility bill savings to County residents, particularly those of low to moderate income.

Mr. Becker then addressed the criteria related to unanticipated change in circumstance. He said he disagrees with staff accepting only one viable circumstance change as the death of a property owner. He explained the goal in withdrawing during the enrollment window was to maintain as many acres in the district as possible and still pursue the project. Mr. Becker said it was not until the end of the AFD renewal period when the County issued comments and proposed conditions which significantly impacted the required permit area for the project. He noted that his project team then conducted multiple meetings with County staff to understand

the new standard and to see if the project could proceed without additional acreage withdrawal from the district. He said his project team revised designs to meet the requirements even as regulatory guidance from Virginia Department of Environmental Quality is not finalized.

Mr. Becker argued that because new standards from staff were provided after the window in which necessary acres could be withdrawn, this meets the criteria and constitutes a change in circumstance that could not have been anticipated at the time the application was made for inclusion in the district.

Mr. Abbott asked about the purpose of the additional 10 acres to be withdrawn.

Mr. Becker said the 10 acres withdrawn were for buffer requirements as well as stormwater management. He said the initial proposal was based on conditions for the recent Racefield Solar Project, but he understood that standards change.

With no additional questions by the Committee, Mr. Abbott seconded the motion made earlier by Mr. Bradshaw to recommend approval of the withdrawal.

On a voice vote, the motion was approved 7-0.

The Committee thanked Mr. Becker for attending the meeting and speaking with them.

F. DISCUSSION ITEMS

Mr. Crump noted that Committee members were provided an updated roster with contact information for new members Mr. Hogue and Mr. Knight. He noted the next meeting would be the Organizational Meeting on January 19, 2023.

Mr. Crump also shared a flyer for a Legacy Planning Workshop offered on November 2, 2022, as a program offered by the Virginia Department of Forestry and Virginia Cooperative Extension.

Mr. Hogue commented that he had attended the program recently and felt it was well-run and informative.

Mr. Crump asked the Committee to help spread the word about the opportunity. He noted the registration deadline was October 26, 2022.

Mr. Crump also described other flyers provided to the Committee related to the 2022 Census of Agriculture. He asked the Committee to encourage participation in the community and offered to share electronic versions of the flyers.

Ms. Garrett asked if there was anything that could be done to help promote and make the AFD program more accessible to citizens. She asked if there were any changes the County could make and if staff could provide any suggestions to the Committee at the next meeting.

Mr. Crump replied yes, staff would provide more information on the tools available to citizens and any changes possible within the parameters of the State Code.

Mr. Bradshaw said there is the possibility of establishing AFD Areas of Special Interest, which would have a smaller minimum acreage requirement. He also described some of the minimum acreage requirements for land use valuation qualifications. He noted not all counties in Virginia have land use programs, and each county's program and valuations are different.

Mr. Crump said that staff can provide some examples and ideas for discussion at the next meeting. He said the Board of Supervisors will provide more direction in the future through Ordinance amendments and discussion on the Purchase of Development Rights Program. Mr. Crump noted The Natural and Cultural Assets Mapping Committee would also issue its recommendations soon. He said an informational toolbox for landowners could help provide options and improve the process. He encouraged the Committee to speak with the Board of Supervisors.

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

G. ADJOURNMENT

Mr. Abbott motioned to Adjourn the meeting.

Mr. Bradshaw seconded the motion.

The meeting was adjourned at 4:30 p.m. after a unanimous 7-0 voice vote.

Chris Taylor, Chair

Josh Crump, Secretary

ITEM SUMMARY

DATE: 1/19/2023

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	1/4/2023 - 5:12 PM
AFD Advisory Group	Holt, Paul	Approved	1/4/2023 - 7:26 PM
Publication Management	Daniel, Martha	Approved	1/5/2023 - 8:03 AM
AFD Advisory Group	Secretary, AFD	Approved	1/10/2023 - 11:42 AM

ITEM SUMMARY

DATE: 1/19/2023

TO: The AFD Advisory Committee

FROM: Josh Crump, Principal Planner

SUBJECT: AFD Advisory Committee Proposed 2023/2024 Calendar

ATTACHMENTS:

	Description	Type
	AFD Advisory Committee Proposed 2023/2024 Calendar	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
AFD Advisory Group	Crump, Josh	Approved	1/5/2023 - 2:38 PM
AFD Advisory Group	Holt, Paul	Approved	1/5/2023 - 4:07 PM
Publication Management	Pobiak, Amanda	Approved	1/5/2023 - 4:12 PM
AFD Advisory Group	Secretary, AFD	Approved	1/10/2023 - 11:43 AM

JAMES CITY COUNTY
AGRICULTURAL AND FORESTAL DISTRICT COMMITTEE
CALENDAR 2023/2024

2023/2024 (Proposed)	2024/2025 (Tentative)
January 19, 2023 (Organizational Meeting) *	January 18, 2024 (Organizational Meeting)
April 20, 2023	April 18, 2024
July 20, 2023	July 18, 2024
October 19, 2023	October 17, 2024
January 18, 2024 (Organizational Meeting)	January 16, 2025 (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: 1/19/2023

TO: The AFD Advisory Committee

FROM: John Risinger, Senior Planner

SUBJECT: AFD-22-0018. 278 Ivy Hill Road Mill Creek AFD Addition

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	1. Location Map	Backup Material
▣	2. Mill Creek AFD Map	Backup Material
▣	3. Mill Creek AFD 2022 Renewal Ordinance and Staff Report	Backup Material
▣	4. State Code § 15.2-4305 Regarding AFD Application Criteria	Backup Material
▣	5. Applicant's Narrative	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
AFD Advisory Group	Crump, Josh	Approved	1/11/2023 - 3:58 PM
AFD Advisory Group	Holt, Paul	Approved	1/11/2023 - 4:06 PM
Publication Management	Daniel, Martha	Approved	1/11/2023 - 4:12 PM
AFD Advisory Group	Secretary, AFD	Approved	1/12/2023 - 8:50 AM

**AGRICULTURAL AND FORESTAL DISTRICT-22-0018. 278 Ivy Hill Road Mill Creek AFD Addition
Staff Report for the January 19, 2023, Agricultural and Forestal District Advisory Committee Meeting**

SUMMARY FACTS

Applicant:	Mr. William C. Taylor
Landowner:	Greensprings Materials, LLC
Proposal:	Addition of a $\pm$ 256.85-acre parcel to the Mill Creek Agricultural and Forestal District (AFD)
Location:	278 Ivy Hill Road
Tax Map/Parcel No.:	1130100013
Project Acreage:	$\pm$ 256.85 acres
Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands
Primary Service Area:	Outside
Staff Contact:	John Risinger, Senior Planner

PUBLIC HEARING DATES

AFD Advisory Committee:	January 19, 2023, 4:00 p.m.
Planning Commission:	March 1, 2023, 6:00 p.m. (Tentative)
Board of Supervisors:	April 11, 2023, 5:00 p.m. (Tentative)

FACTORS FAVORABLE

1. Staff finds that this addition to the Mill Creek AFD would not adversely affect surrounding development and is consistent with the core of the District.
2. Staff finds the proposal consistent with the 2045 Comprehensive Plan Land Use Action 6.1.1.
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

Staff finds that the proposed addition meets all state and local requirements for inclusion in the Mill Creek AFD. Should the Committee concur, staff recommends that the AFD Advisory Committee recommend approval of the proposed addition to the Planning Commission and Board of Supervisors.

PROJECT DESCRIPTION

- Mr. William C. Taylor of Greensprings Materials, LLC, has applied to enroll $\pm$ 256.85 acres of land located at 278 Ivy Hill Road into the Mill Creek AFD. It is currently an undeveloped, wooded lot with the exception of a Dominion Energy power line easement located at the west end of the property.
- The property was timbered approximately 15 years ago and is currently a mixture of pine and hardwood.

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-22-0018. 278 Ivy Hill Road Mill Creek AFD Addition
Staff Report for the January 19, 2023, Agricultural and Forestal District Advisory Committee Meeting

- Currently the property is used for hunting and trail riding and there are no plans for future development.
- The subject parcel is located within one mile of the core of the District and is contiguous with other parcels currently in the District which is consistent with the criteria listed in the *Code of Virginia* (see Attachment No. 3).
- Per the United States Department of Agriculture's *Soil Survey of James City and York Counties and the City of Williamsburg Virginia*, the parcel consists of the following soils:

Soil Type	Erosion Hazard	Equipment Limitation	Seedling Mortality	Windthrow Hazard
11B, Craven-Uchee complex, 2-6% slopes	Slight	Moderate	Slight/Moderate	Slight
11C, Craven-Uchee complex, 6-10% slopes	Slight	Moderate	Slight/Moderate	Slight
14B, Emporia fine sandy loam, 2-6% slopes	Slight	Slight	Slight	Slight
15F, Emporia complex, 25-50% slopes	Moderate	Severe	Slight	Slight
19B, Kempsville-Emporia fine sandy loams, 2-6% slopes	Slight	Slight	Slight	Slight
25B, Norfolk fine sandy loam, 2-6% slopes	Slight	Slight	Slight	Slight

Soil Type	Erosion Hazard	Equipment Limitation	Seedling Mortality	Windthrow Hazard
29A, Slagle fine sandy loam, 0-2% slopes	Slight	Moderate	Slight	Slight
29B, Slagle fine sandy loam, 2-6% slopes	Slight	Moderate	Slight	Slight
31B, Suffolk fine sandy loam, 2-6% slopes	Slight	Slight	Slight	Slight
34B, Uchee loamy fine sand, 2-6% slopes	Slight	Moderate	Moderate	Slight
38, Yemassee fine sandy loam	Slight	Moderate	Slight	Slight

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 four-year intervals in 1990, 1994, 1998, 2002, 2006, 2010, 2014, 2018, and 2022 with various additions and withdrawals taking place during those periods.
- The District currently consists of $\pm$ 3,132.45 acres. Should this addition be approved, the District would consist of $\pm$ 3,389.3 acres.

SURROUNDING ZONING AND DEVELOPMENT

Adjacent properties to the north, east, west, and south, are zoned A-1, General Agricultural, and designated Rural Lands on the 2045

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-22-0018. 278 Ivy Hill Road Mill Creek AFD Addition
Staff Report for the January 19, 2023, Agricultural and Forestal District Advisory Committee Meeting**

Comprehensive Plan Land Use Map. The parcels adjacent to the north are residential lots as part of the Merry Oaks subdivision.

COMPREHENSIVE PLAN

The subject parcel is designated Rural Lands on the 2045 Comprehensive Plan Land Use Map. Appropriate uses in Rural Lands include traditional agricultural and forestal activities. Land Use Action 6.1.1 of the 2045 Comprehensive Plan states that the County shall “Support both the use value assessment and AFD programs to the maximum degree allowed by the Code of Virginia. Explore extending the terms of the County’s Districts.” Staff finds this application to be consistent with both the Rural Lands designation and Land Use Action 6.1.1.

PUBLIC IMPACTS

This proposal is not anticipated to generate any impacts that require mitigation.

STAFF RECOMMENDATION

Staff finds that the proposed addition meets all state and local requirements for inclusion in the Mill Creek AFD. Should the Committee concur, staff recommends that the AFD Advisory Committee recommend approval of the proposed addition to the Planning Commission and the Board of Supervisors.

JR/md
AFD22-18_278IvyHRdAdd

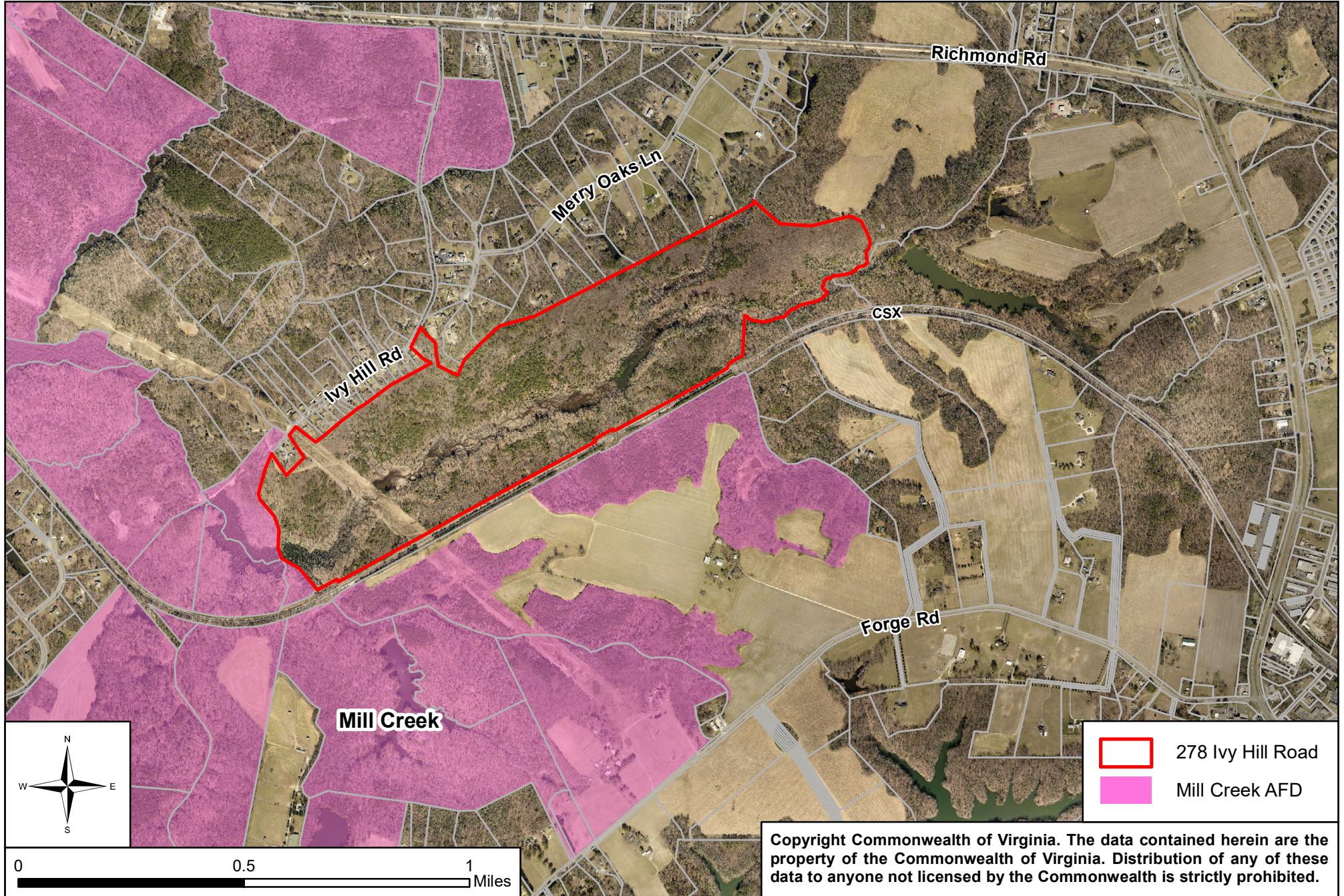
Attachments:

1. Location Map
2. Mill Creek AFD Map

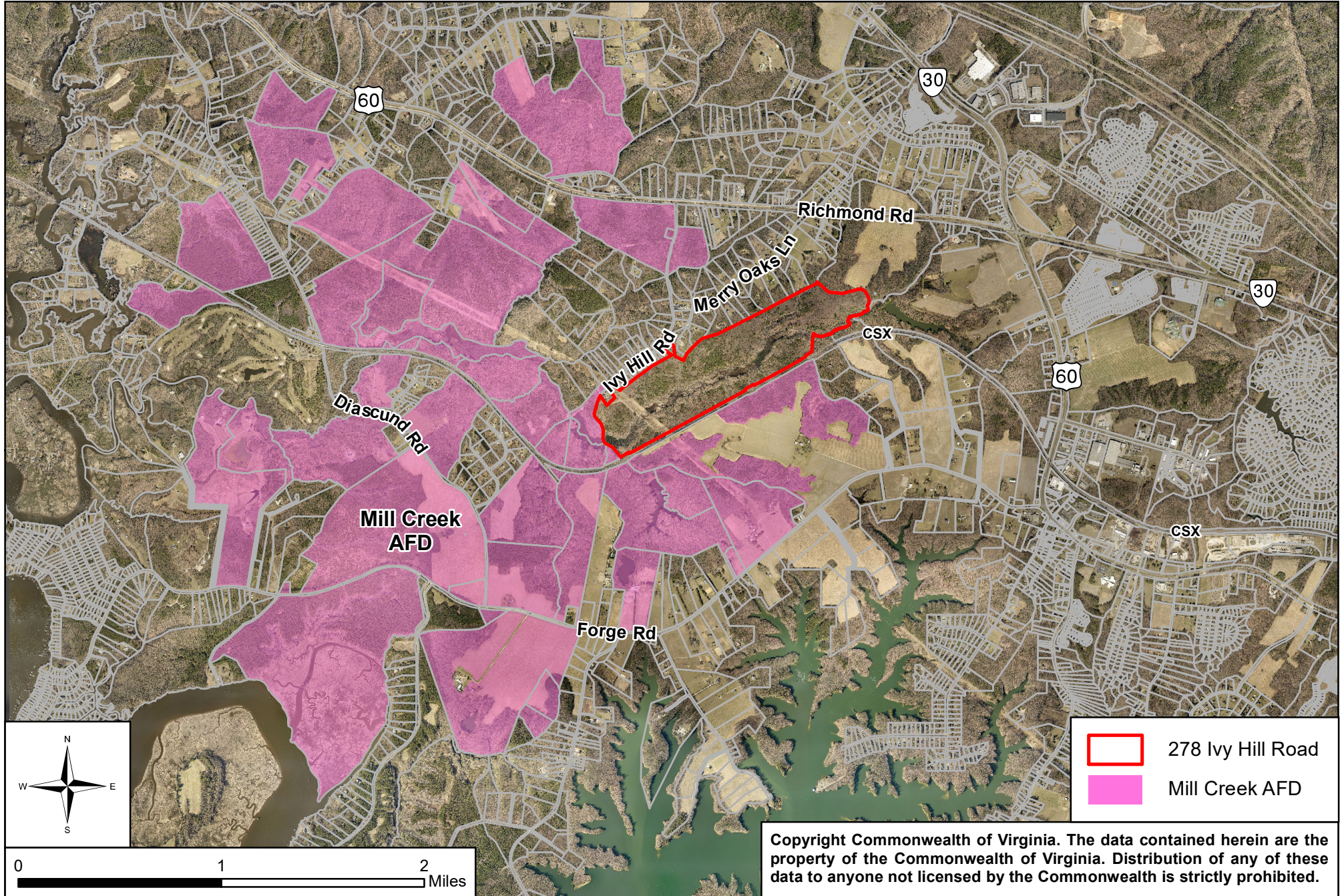
3. Mill Creek AFD 2022 Renewal Ordinance and Staff Report
4. State Code § 15.2-4305 Regarding AFD Application Criteria
5. Applicant’s Narrative

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.

JCC AFD-22-0018, 278 Ivy Hill Road Mill Creek AFD Addition



JCC AFD-22-0018, 278 Ivy Hill Road Mill Creek AFD Addition



ADOPTED

SEP 13 2022

ORDINANCE NO. 169A-21

Board of Supervisors
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-22-0011

MILL CREEK 2022 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 July 21, 2022, voted 6-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on August 3, 2022, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to recommend renewal of the District with the conditions listed below.

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

1. The Mill Creek Agricultural and Forestal District (the "District") is hereby continued to October 31, 2026, 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 rights-of-way is excluded from the District:

<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. & 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 & John Cowles Dozier, et al.	2020100001	8.76
Dale Cowles Henderson & John Cowles Dozier, et al.	2020100003	102.67
Daniel R. Winall & Marion Virginia	1030100019	97.59
Dennis P. and Christine A. Weygand	1030100013	34.03
Edwards' Mill Pond, LLC	1030100003	45.80
Ivy Hill LLC & 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. & Elaine M. Sharp	0940100008N	57.81
John G. & Marie Antionette Findlay	0940100008H	118.29
John M. L. Barnes Estate	1110100001	29.00
John M.L. Barnes Estate & James F. Cowles	1020100004	215.77
Mark M. & Michelle B. Massie	1130100028B	29.43
Martha Ware Trust	2020100002	57.41
Mary M. Selph	1010100007	50.00
Mayes D. & Cheryl M. Matthews	2110100005	46.01
Nancy Cottrell Kruse & M. Anderson Bradshaw	1140100002	153.00
Pamaka LLC	1020100017	242.70
Pamela C. & Steve L. Massie	1130100028	102.06
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
Randolph G. & Michelle H. Gulden	1020100012	62.20
Randolph G. & Michelle H. Gulden	1020100032	25.00
Richard W. & 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		<u>3,132.45</u>

3. That pursuant to Section 15.2-4309 of the Act, The Board of Supervisors requires that any parcel in the District shall not, without the prior approval of the Board of Supervisors, be developed to any more intensive use, other than uses resulting in more intensive agricultural or forestal production. 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. 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.


John J. McGlennon
Chairman, Board of Supervisors

ATTEST:


Teresa J. Saeed
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of September, 2022.

AFD22-11MillCrkRen-res

AGRICULTURAL AND FORESTAL DISTRICT-22-0011. Mill Creek Renewal**Staff Report for the September 13, 2022, Board of Supervisors Meeting****SUMMARY FACTS**

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES</u>		
8700 Barnes Road LLC	1010100037	104.00	Mayes D. and Cheryl M. Matthews	2110100005 46.01
Abbitt, M.W. Family Partnership	920100040	95.51	<i>Nancy Cottrell Kruse and M. Anderson Bradshaw</i>	<i>1140100002 153.00*</i>
Albert T. and Joan Lloyd Slater	1010100028	69.69	Pamaka LLC	1020100017 242.70
Christopher M. Ware	920100036	39.13	<i>Pamela C. and Steve L. Massie</i>	<i>1130100028 102.06*</i>
<i>Cowles-Cowlesville LLC</i>	<i>1040100005</i>	<i>249.89*</i>	Ralph Benjamin Dozier, Charles Norris Dozier III and Mary Elizabeth Sink	2020100005 178.44
<i>Cowles-Cowlesville LLC</i>	<i>1040100006</i>	<i>124.77*</i>	Ralph Benjamin Dozier, Charles Norris Dozier III and Mary Elizabeth Sink	2020100007 16.50
Cowles-Cowlesville LLC	2010100002	2.00	Ralph Benjamin Dozier, Charles Norris Dozier III and Mary Elizabeth Sink	2020100008 12.00
Cowles-Lobbs LLC	2020100006	352.96	Randolph G. and Michelle H. Gulden	1020100012 62.20
<i>Dale Cowles Henderson and John Cowles Dozier, et al.</i>	<i>2020100001</i>	<i>8.76*</i>	Randolph G. and Michelle H. Gulden	1020100032 25.00
Dale Cowles Henderson and John Cowles Dozier, et al.	2020100003	102.67	Richard W. and Margaret Krapf	1140100006 4.73
Daniel R. Winall and Marion Virginia	1030100019	97.59	Sarah Armistead	1010100038 50.00
Dennis P. and Christine A. Weygand	1030100013	34.03	<i>Walter Nelson Marshall, III Trustee</i>	<i>1140100005 79.95*</i>
Edwards' Mill Pond, LLC	1030100003	45.80	WGJ Land Holdings LLC	1040100004 43.07
Ivy Hill LLC and Barbara L Silverman c/o Ellen Lightman	1110100013	100.18	WGJ Land Holdings LLC	1130100011 14.85
Ivy Hill LLC c/o Ellen Lightman	1110100024	1.18	WGJ Land Holdings LLC	1130100011A 2.81
J. Michael Sim	1040100003	103.26	TOTAL ACRES	3,132.45
J. Michael Sim	1040100001A	10.00	<i>*Parcel size changed since 2018 due to new plats and/or revised parcel acreages per Real Estate Assessments Division.</i>	
John E. and Elaine M. Sharp	0940100008N	57.81	Zoning:	A-1, General Agricultural
John G. and Marie Antionette Findlay	0940100008H	118.29	Comprehensive Plan:	Rural Lands
John M. L. Barnes Estate	1110100001	29.00	Primary Service Area (PSA):	Outside
<i>John M.L. Barnes Estate and James F. Cowles</i>	<i>1020100004</i>	<i>215.77*</i>	Staff Contact:	Suzanne Yeats, Planner
<i>Mark M. and Michelle B. Massie</i>	<i>1130100028B</i>	<i>29.43*</i>		
Martha Ware Trust	2020100002	57.41		
Mary M. Selph	1010100007	50.00		

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 September 13, 2022, Board of Supervisors Meeting

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

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE RECOMMENDATION:

At its July 21, 2022, meeting, the Agricultural and Forestal District (AFD) Advisory Committee voted 6-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

PLANNING COMMISSION RECOMMENDATION:

At its August 3, 2022, meeting, the Planning Commission voted 7-0 for the continuation of the District to the Board of Supervisors including the following recommendations:

- For staff to review the end-to-end survey process prior to the next renewal cycle;
- For staff to consider other avenues inclusive of AFD tax credits, including but not limited to carbon sequestration, to reimburse AFD landowners;
- For staff to forward the Commissioner of the Revenue's "Tax Benefits Associated with Inclusion in an AFD for FY 2022" to the Board of Supervisors.

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

The owners of the property located at 2724 Forge Road (Parcel ID No. 114010002) has requested a partial withdrawal of 144.288 acres (Attachment No. 3). With this withdrawal, the District will encompass 3,132.45 acres and continue to maintain the 200-acre minimum requirement per State Code.

CONDITIONS

If continued, the Districts are proposed to be re-established for another four-year term, with edits to Condition No. 3 that reflects updates from the Virginia State Code and clarifying language (See Attachment No. 1).

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

SY/md
AFD22-11MillCrkRen

Attachments:

1. Ordinance
2. Location Map
3. Property Owner Withdrawal Request

§ 15.2-4305. Application for creation of district in one or more localities; size and location of parcels

On or before November 1 of each year or any other annual date selected by the locality, any owner or owners of land may submit an application to the locality for the creation of a district or addition of land to an existing district within the locality. Each district shall have a core of no less than 200 acres in one parcel or in contiguous parcels. A parcel not part of the core may be included in a district (i) if the nearest boundary of the parcel is within one mile of the boundary of the core, (ii) 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 (iii) 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. No land shall be included in any district without the signature on the application, or the written approval of all owners thereof. A district may be located in more than one locality, provided that (i) separate application is made to each locality involved, (ii) each local governing body approves the district, and (iii) the district meets the size requirements of this section. In the event that one of the local governing bodies disapproves the creation of a district within its boundaries, the creation of the district within the adjacent localities' boundaries shall not be affected, provided that the district otherwise meets the requirements set out in this chapter. In no event shall the act of creating a single district located in two localities pursuant to this subsection be construed to create two districts.

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.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

William C. Taylor
Greensprings Materials LLC
8589 Richmond Road
Toano VA 23168
1/9/23

Josh Crump
Principal Planner
James City County
101-A Mounts Bay Road
Williamsburg, VA 23185

Mr. Josh Crump:

I writing to request that our property located at 278 Ivy Hill Road Toano VA be included into The Agricultural and Forestall District. We purchased the property a little over a year ago. It is currently wooded, with the only exception being a Domino Energy power line easement that is located on the west end of the property. The timber was harvested approximately 15 years ago and is currently a mixture of pine and hardwoods. We have no plans to develop any of the property at this time. Currently the property is used for hunting and trail riding. As time goes by and the trees mature, we will most likely harvest the timber. If you have any questions or need any further information, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read 'William C. Taylor', written in dark ink.

William C. Taylor

ITEM SUMMARY

DATE: 1/19/2023

TO: The AFD Advisory Committee

FROM: Thomas Wysong, Senior Planner II

SUBJECT: AFD-22-0019. 1245 Stewarts Road Barnes Swamp AFD Withdrawal

ATTACHMENTS:

	Description	Type
▣	0. Staff Report	Staff Report
▣	1. Location Map	Backup Material
▣	2. Barnes Swamp Ordinance	Backup Material
▣	3. Policy Governing AFD Withdrawals	Backup Material
▣	4. AFD Withdrawal Request	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
AFD Advisory Group	Crump, Josh	Approved	1/10/2023 - 11:37 AM
AFD Advisory Group	Holt, Paul	Approved	1/10/2023 - 12:15 PM
Publication Management	Daniel, Martha	Approved	1/10/2023 - 12:19 PM
AFD Advisory Group	Secretary, AFD	Approved	1/12/2023 - 8:50 AM

**AGRICULTURAL AND FORESTAL DISTRICT-22-0019. 1245 Stewarts Road Barnes Swamp AFD Withdrawal
Staff Report for the January 19, 2023, Agricultural and Forestal District Advisory Committee Meeting**

SUMMARY FACTS

Applicant: Mr. Tim Mills

Landowners: Mr. Tim and Ms. Joan Mills

Proposal: Withdrawal of $\pm$ 23.84 acres of the 52.15 total acre parcel from the Barnes Swamp Agricultural and Forestal District (AFD)

Location: 1245 Stewarts Road

Tax Map/Parcel No. 0310100002

Parcel Size: $\pm$ 52.15 acres

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area (PSA): Outside

Staff Contact: Thomas Wysong, Senior Planner II

PUBLIC HEARING DATES

AFD Advisory Committee: January 19, 2023, 4:00 p.m.

Planning Commission: February 1, 2023, 6:00 p.m. (Tentative)

Board of Supervisors: March 14, 2023, 5:00 p.m. (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 of Supervisors' 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 three and a half months after the most recent renewal of the Barnes Swamp AFD on September 13, 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. Therefore, 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 29 parcels totaling $\pm$ 1,905 acres.
- The District was renewed at four-year intervals again in 1990, 1994, 1998, 2002, 2006, 2010, 2014, 2018, and 2022 with various additions and withdrawals taking place during that period.
- If this withdrawal is approved, the District would consist of approximately 1,814.87 acres.

**AGRICULTURAL AND FORESTAL DISTRICT-22-0019. 1245 Stewarts Road Barnes Swamp AFD Withdrawal
Staff Report for the January 19, 2023, Agricultural and Forestal District Advisory Committee Meeting**

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 2045 Comprehensive Plan.

However, there is one exception. The Hogue parcel is located inside the PSA and designated Low Density Residential by the adopted 2045 Comprehensive Plan.

WITHDRAWAL REQUESTS/WITHDRAWAL ANALYSIS

Mr. Tim Mills has requested to withdraw 23.84 acres of their 52.15-acre parcel from the AFD (Attachment No. 6). The requested withdrawal is to allow for a minor subdivision, which has an approved conceptual master plan and driveway layout from the Planning Commission.

On September 28, 2010, the Board of Supervisors adopted a policy and withdrawal criteria for AFD parcels outside of renewal periods. That policy is enclosed (Attachment No. 3) 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.

Staff interprets “public purpose” as using the land for a public facility such as a school or fire station. The proposed minor subdivision is not a public purpose.

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

With this withdrawal, the District will 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 2045 Comprehensive Plan designates this parcel as Rural Lands. Rural Lands are 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. Residential development is not a recommended use.

SURROUNDING ZONING AND DEVELOPMENT

Adjacent properties to the north, east, west, and south are zoned A-1, General Agricultural, and designated Rural Lands on the 2045 Comprehensive Plan Land Use Map. Development consists of farms and housing.

STAFF RECOMMENDATION

The adopted Board of Supervisors’ policy governing withdrawal of property from AFDs states that “it is the policy of the Board to

**AGRICULTURAL AND FORESTAL DISTRICT-22-0019. 1245 Stewarts Road Barnes Swamp AFD Withdrawal
Staff Report for the January 19, 2023, Agricultural and Forestal District Advisory Committee Meeting**

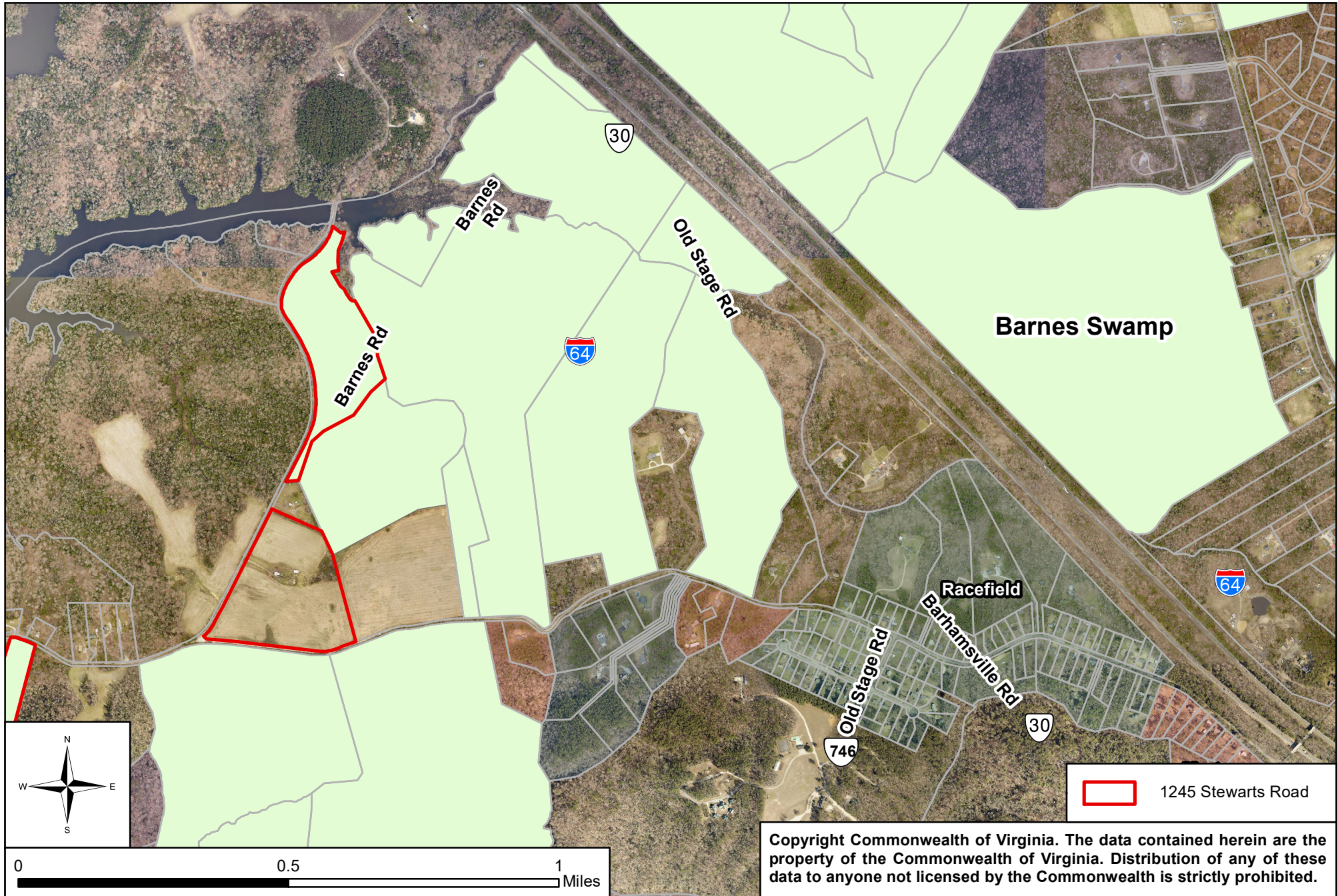
discourage the withdrawal of properties from AFDs during the terms of those districts.” This withdrawal request was submitted approximately three and a half months after the most recent renewal of the Barnes Swamp AFD on September 13, 2022. Staff cannot support this request for withdrawal due to it not fully meeting all four of the criteria set forth in the Board’s policy. Therefore, staff recommends that the AFD Advisory Committee recommend denial of this withdrawal application to the Planning Commission and to the Board of Supervisors.

TW/md
AFD22-19_1245StewRdWD

Attachments:

1. Location Map
2. Barnes Swamp AFD 2022 Renewal Ordinance and Staff Report
3. Policy Governing the Withdrawals of Property from AFDs
4. AFD Withdrawal Request Letter

AFD 22-0019. 1245 Stewarts Road Barnes Swamp Withdrawal



AGRICULTURAL AND FORESTAL DISTRICT-22-0003. Barnes Swamp Renewal**Staff Report for the September 13, 2022, Board of Supervisors Meeting****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
<i>Timothy & Joan Mills</i>	<i>0310100002</i>	<i>23.84*</i>
<i>Katherine L. Hockaday, Ann Blair Hall Martin, and Justin Ray Martin</i>	<i>0310100003</i>	<i>39.26*</i>
<i>Elizabeth O. Harwood</i>	<i>0320100001</i>	<i>43.53*</i>
<i>Stephen E. and Rebecca Murphy, Trustee</i>	<i>0320100002</i>	<i>13.86*</i>
Frederick C. Johnson, Trustee	0320100002A	17.20
<i>Betty Johnson and Lynn Fischer</i>	<i>0320100003</i>	<i>19.08*</i>
<i>Betty Johnson and Lynn Fischer</i>	<i>0320100003A</i>	<i>93.99*</i>
<i>Robert M. Dzula</i>	<i>0320100004</i>	<i>28.08*</i>
Jane Farmer and Betty Rady	0330100003	70.00
Jane Farmer and Betty Rady	0330100004	70.00
Arline H. Bowmer Estate	0330100006	96.75
Steven and Michelle Johnson	0340800003	52.63
Steven and Michelle Johnson	0340800005	68.43
John A. Richardson	0410100005	42.00
John A. Richardson	0410100006	10.00
Jonathan C. Kinney, Trust	0410100010	196.30
<i>Niceland Farm, LLC</i>	<i>0420100008</i>	<i>188.68*</i>
Cherri U. Spellmeyer, Trustee	0420100014	134.00
<i>Donald A. Hazelwood</i>	<i>0420100018</i>	<i>4.77*</i>

Donald A. Hazelwood	0420100020	112.44
<i>Pamaka, LLC</i>	<i>0430100014A</i>	<i>1.12*</i>
<i>Pamaka, LLC</i>	<i>0430100015</i>	<i>19.99*</i>
<i>Pamaka, LLC</i>	<i>0430100016</i>	<i>36.84*</i>
<i>Donald A. Hazelwood</i>	<i>0440100001</i>	<i>6.12*</i>
David K. and Karen P. Hogue	0540100001	60.77
Charles and Dianne Hasbrouck	0920100001	97.50
<i>Shelton and Jennifer Daniels</i>	<i>1010100001</i>	<i>61.62*</i>
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.
Board of Supervisors: Sept. 13, 2022, 5:00 p.m.

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

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

Staff Report for the September 13, 2022, Board of Supervisors Meeting

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE RECOMMENDATION

At its July 21, 2022, meeting, the Agricultural and Forestal District (AFD) Advisory Committee voted 6-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

PLANNING COMMISSION RECOMMENDATION

At its August 3, 2022, meeting, the Planning Commission voted 7-0 for the continuation of the District to the Board of Supervisors including the following recommendations:

- For staff to review the end-to-end survey process prior to the next renewal cycle;
- For staff to consider other avenues inclusive of AFD tax credits, including but not limited to carbon sequestration, to reimburse AFD landowners;
- For staff to forward the Commissioner of the Revenue's "Tax Benefits Associated With Inclusion in an AFD for FY 2022" 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 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 rights-of-way. This area has been excluded to allow for possible road and/or drainage improvements.

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

Staff Report for the September 13, 2022, Board of Supervisors Meeting

ADDITION/WITHDRAWAL REQUESTS

None.

CONDITIONS

If continued, the Districts are proposed to be re-established for another four-year term, with edits to Condition No. 3 that reflects updates from the Virginia State Code and clarifying language (See Attachment No. 1).

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*.”

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

TC/md
AFD22-3BnsSwpRen

Attachments:

1. Ordinance
2. Location Map

ADOPTED

SEP 13 2022

ORDINANCE NO. 167A-18

Board of Supervisors
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-22-0003

BARNES SWAMP 2022 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 July 21, 2022, voted 6-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on August 3, 2022, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to recommend renewal of the District with the conditions listed below.

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

1. The Barnes Swamp Agricultural and Forestal District (the "District") is hereby continued to October 31, 2026, 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 rights-of-way is excluded from the District:

<u>Owner</u>	<u>Parcel No.</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 & 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, & Justin Ray Martin	0310100003	39.26
Elizabeth O. Harwood	0320100001	43.53
Stephen E. & Rebecca Murphy, Trustee	0320100002	13.86
Frederick C. Johnson, Trustee	0320100002A	17.20
Betty Johnson & Lynn Fischer	0320100003	19.08
Betty Johnson & Lynn Fischer	0320100003A	93.99

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Robert M. Dzula	0320100004	28.08
Jane Farmer & Betty Rady	0330100003	70.00
Jane Farmer & Betty Rady	0330100004	70.00
Arline H. Bowmer, Estate	0330100006	96.75
Steven & Michelle Johnson	0340800003	52.63
Steven & Michelle Johnson	0340800005	68.43
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John A. Richardson	0410100006	10.00
Jonathan C. Kinney, Trustee	0410100010	196.30
Niceland Farm, LLC	0420100008	188.68
Cherri U. Spellmeyer, Trustee	0420100014	134.00
Donald A Hazelwood	0420100018	4.77
Pamaka, LLC	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. & Karen P. Hogue	0540100001	60.77
Charles & Dianne Hasbrouck	0920100001	97.50
Shelton & Jennifer Daniels	1010100001	61.62
Total:		<u>1,838.71</u>

3. That pursuant to Sections 15.2-4309 of the Act, the Board of Supervisors requires that any parcel in the District shall not, without the prior approval of the Board of Supervisors, be developed to any more intensive use, other than uses resulting in more intensive agricultural or forestal production. 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. 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.


John J. McGlennon
Chairman, Board of Supervisors

ATTEST:


Teresa J. Saeed
Deputy Clerk to the Board

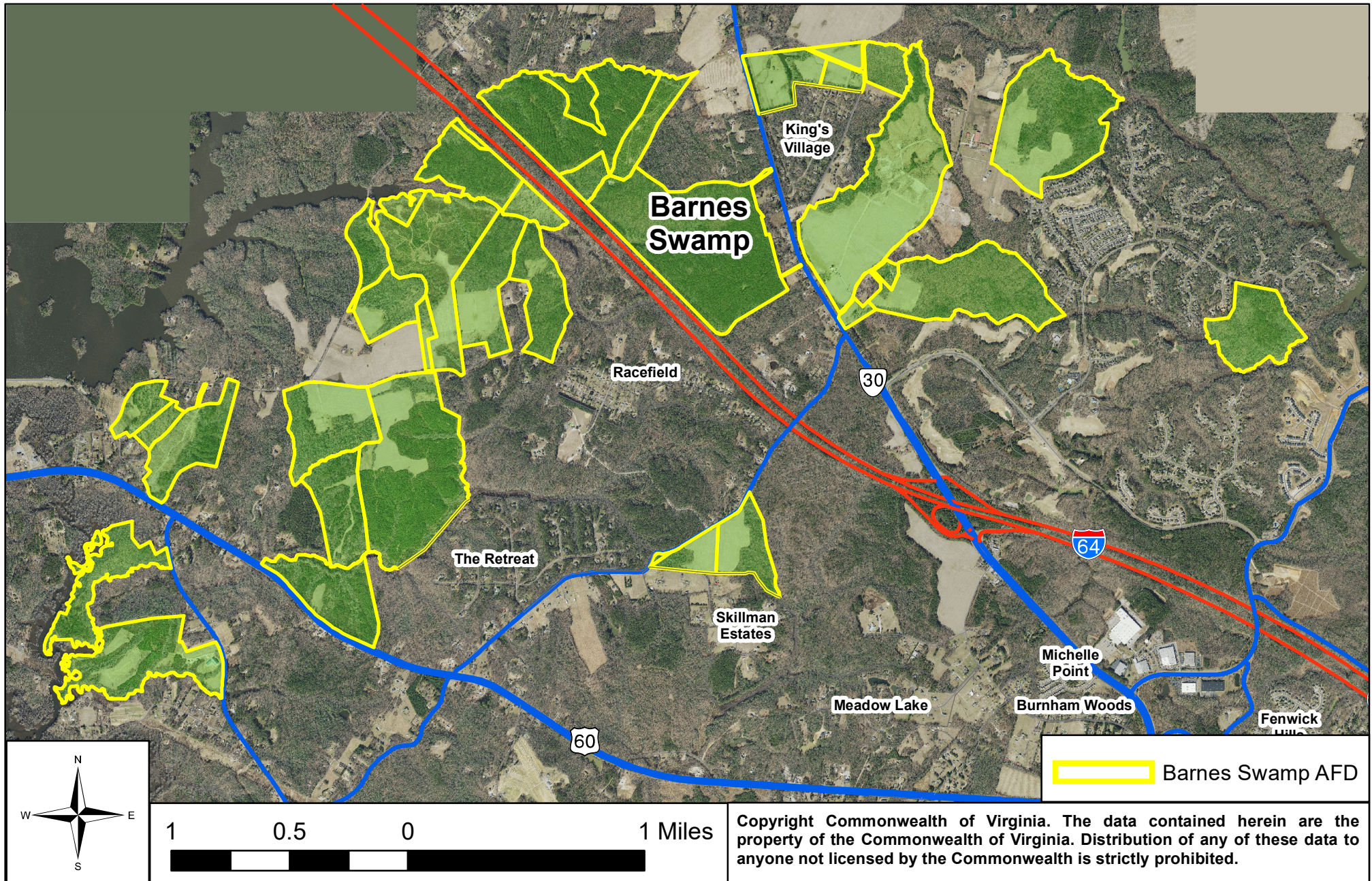
	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
ICENHOUR	☒	☐	☐	☐
HIPPLE	☒	☐	☐	☐
LARSON	☒	☐	☐	☐
SADLER	☒	☐	☐	☐
MCGLENNON	☒	☐	☐	☐

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of September, 2022.

AFD22-3BnsSwpRen-res

JCC AFD-22-0003

Barnes Swamp Agricultural Forestal District



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:

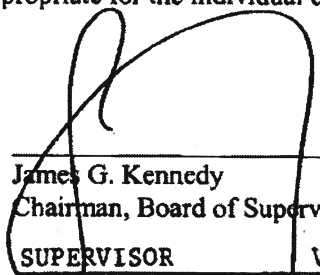
In order to establish "good and reasonable cause," a landowner requesting to withdraw property from an AFD must submit written information to demonstrate compliance with the following criteria:

- 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

Timothy A. Mills, P.E.
Joan E. Mills
306 The Maine West
Williamsburg, VA 23185
757 869 0957; timtamva@gmail.com

November 18, 2022

Mr. Paul Holt, III, paul.holt@jamescitycountyva.gov
Director of Community Development and Planning
Members of the Board of Supervisors
Members of the AFD Advisory Committee
James City County
Community Development
101-A Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187-8784
757 253 6671

Re: 1245 Stewarts Road AFD and Planned Subdivision
Parcel 0310100002
Ref. Case No. C-20-0115; S-22-0033 and S-22-0034

Mr. Holt and Members of the Board of Supervisors and ADF Advisory Committee:

We are relatively new property owners of the farm property at 1245 Stewarts Road, a portion of which is in the Barns Swamp AFD. Only approximately one half of the property was and apparently still is in AFD.

Prior to our purchase of the property in 2021 we worked with Planning staff for five months to obtain an approved Master Plan to subdivide the approximately 53-acre parcel into six lots including one lot for my wife and I and one lot for each of our five adult children.

As part of our plan and discussions with staff it was clear that our plan has always been to wait for the AFD to expire on October 31, 2022 to remove the AFD portion of the property from the AFD and then file two plats to complete the subdivision in accordance with the approved Master Plan. A copy of the approved Master Plan is enclosed. After the subdivision is platted one half of the land will remain in row crops and agricultural use and the timber lot (which was in the AFD) will eventually support four modest homes. We will also move forward with the restoration of the 1915 farmhouse currently on the property.

Either due to confusion on our part or a poorly worded letter on the County's part the parcel was recently put back into the renewed AFD without our knowledge. We requested it be removed from the AFD prior to the October 31, 2002 expiration date by letter on September 26, 2002 (copy attached).

Timothy A. Mills, P.E.
Joan E. Mills
306 The Maine West
Williamsburg, VA 23185
757 869 0957; timtamva@gmail.com

We have not received a response regarding our letter but did recently receive a comment letter from Planning regarding our submitted subdivision plats with one of the comments indicating that the acreage within the AFD still needs to be removed.

Therefore, we are once again indicating our request to remove the noted portion of our property from the AFD so the approved Master Plan can move forward.

We are moving ahead with re-submitting the subdivision plats to address Planning's comments. Please let us know if any other action on our part is requested.

Thank you for your consideration,

Tim

A handwritten signature in black ink, appearing to read "Timothy A. Mills", written over a horizontal line.

Timothy A. Mills, P.E.

cc. Vernon Geddy, Esq.
encl.

Timothy A. Mills, P.E.
Joan E. Mills
306 The Maine West
Williamsburg, VA 23185
757 869 0957; timtamva@gmail.com

September 26, 2022

Mr. Paul Holt, III, paul.holt@jamescitycountyva.gov
Director of Community Development and Planning
Tom Leininger, Tom.Leininger@jamescitycountyva.gov
Senior Planner
James City County
Community Development
101-A Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187-8784
757 253 6671

Re: 1245 Stewarts Road AFD and Planned Subdivision
Parcel 0310100002
Ref. Case No. C-20-0115

Mr. Holt and Mr. Leininger:

As you may be aware we are new property owners for the property at 1245 Stewarts Road, a portion of which is in the Barns Swamp AFD. We have approval for subdividing the property in accordance with our case. We are working with LandTech Surveying at the moment as we are planning on submitting a subdivision plat shortly after the October 31, 2022 AFD expiration date.

We are also in receipt of Mr. Holts letter date August 17th regarding the AFD. We were unable to attend the public hearing noted in the letter on September 13, 2022 as we have been out of town. I spoke with Mr. Bruce Abbott this past weekend regarding the letter and AFD and he advised that I file a letter to withdraw from the AFD soon. Therefore, I visited your offices today to indicate and file our intent to not renew our property in the AFD due to the pending subdivision and ultimate transfer of five lots to each of our children.

I was stunned to be advised by staff that the Board has already approved extending the AFD with our property included. That is not and was not our intent.

Unfortunately, there is no way for us to interpret the August 17th letter in a way that suggests that we had just a few weeks or any deadline at all to act before the Board took action or that the Board would take action so soon, or that time was of the essence. We assumed that there would be Board action at the end of October. This appears to be a significant oversight in the way the letter is written and with a very short

Timothy A. Mills, P.E.
Joan E. Mills
306 The Maine West
Williamsburg, VA 23185
757 869 0957; timtamva@gmail.com

timeline to respond. This is the only correspondence along with a letter pertaining to the zoning lot size change that we have received regarding this property.

We are moving ahead with the subdivision as well as plans for house plan applications. Please let us know if any other action on our part is requested.

Thank you,

Tim

A handwritten signature in black ink, appearing to read "Timothy A. Mills". The signature is written in a cursive, flowing style with a horizontal line above the first part of the name.

Timothy A. Mills, P.E.

cc. Vernon Geddy, Esq.

**Community Development**

101-A Mounts Bay Road

P.O. Box 8784

Williamsburg, VA 23187-8784

P: 757-253-6671

F: 757-253-6822

community.development@jamescitycountyva.gov

jamescitycountyva.gov**Building Safety & Permits**

757-253-6626

Neighborhood Development

757-253-6640

Planning

757-253-6685

Zoning

757-253-6671

0310100002

MILLS, TIMOTHY & JOAN

306 THE MAIN W

WILLIAMSBURG VA 231851448

August 17, 2022

RE: Agricultural and Forestal District (AFD) Renewals – Proposed Change to Conditions

Dear AFD Property Owner:

You currently have property in an AFD which is being reviewed by the James City County (JCC) Board of Supervisors to determine if the district should be terminated, modified, or continued for another term.

If continued, the District is proposed to be re-established for another four-year term, with the following amendment to Condition No. 3. (Deletions are shown in strikethrough. Additions are shown in italics.)

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:~~ *That pursuant to Section 15.2-4309 of the Act, The Board of Supervisors requires that any parcel in the District shall not, without the prior approval of the Board of Supervisors, be developed to any more intensive use, other than uses resulting in more intensive agricultural or forestal production. 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 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.

August 17, 2022

Agricultural and Forestal District (AFD) Renewals – Proposed Change to Conditions

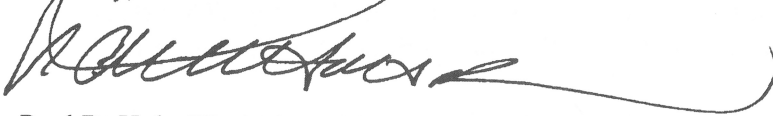
Page 2

The Board of Supervisors of James City County, Virginia, will hold a public hearing on this matter on Tuesday, September 13, 2022, at 5:00 p.m. in the County Government Center Board Room, 101-F Mounts Bay Road, Williamsburg, VA. All interested persons are invited to attend the hearing and may speak on the above matter. Land may be withdrawn from the AFD at the owner's discretion by filing a written notice with the local governing body at any time before it acts to continue, modify or terminate the district.

Persons requiring an accommodation in order to participate in the hearing should call 253-6685, Planning Division, at least three days prior to the meeting. Alternatively, you can comment on this matter by mailing, faxing, or emailing comments to the address listed above any time prior to the day of the public hearing.

Should you have questions, please feel free to call the Community Development office at 757-253-6671. Information related to the AFD Renewals is on file and available for review at the JCC Government Center, 101-A Mounts Bay Road, Williamsburg, Virginia. Office hours are Monday through Friday, 8 a.m. - 5 p.m., or at any time on the James City County PermitLink Portal: https://comdev.jamescitycountyva.gov/EnerGov_Prod/SelfService/#/home.

Sincerely,



Paul D. Holt, III, AICP, CNU-A, CFM
Director of Community Development and Planning

PDH/bk

Proposed Conditions for C-20-0115, 1245 Stewarts Road Shared Driveway Exception Request

1. **Lot Layout.** This exception to Section 19-73 of the Subdivision Ordinance shall be valid for the subdivision of property located at 1245 Stewarts Road and further identified as James City County Real Estate Tax Map No. 0310100002 (the “Property”). The layout of the property shall be substantially in accordance with the proposed lot layout titled “Boundary Survey Property of Jane B. Farmer, Betty B. Rady” prepared by Canada Land & Marine Surveying, and dated January 28, 2020 and revised December 22, 2020 (the “Master Plan”), with any deviations to be reviewed and approved by the Planning Director.
2. **Driveway Requirements.** Each new driveway as shown on the Master Plan shall be built to the following standards:
 - a. All driveways shall have a minimum separation of 300 feet between adjacent driveways.
 - b. All new driveways shall be built to the construction standards listed in Section 19-73(b) of the Subdivision Ordinance.
3. **Future Subdivision.** Any request to subdivide the consolidated Lot 6 (shown as Lots 6, 7, and 8) must gain approval from the DRC to determine if all new lots shall utilize the existing driveway off Stewarts Road (which would need to be brought into conformance with condition 2) or if any new driveways shall be permitted.

Recommended by the DRC by a vote of 3-0 on 2/17/21 and approved by the PC on 3/3/21 by a vote of 4-3.

DIASCUND CREEK RESERVOIR

REFERENCE - IN#07006572W, PB 54 PG 58/59

- LEGEND:**
- - DENOTES IRON PIN OR PIPE FOUND
 - ⊙ - DENOTES IRON PIN SET
 - P/L - DENOTES ADJOINING PROPERTY LINE
 - - DENOTES COMPUTED POINT
 - OHP- - DENOTES OVERHEAD POWER
 - ⊗ - DENOTES POINT IN BRANCH
 - ⊙ - DENOTES IRON POST FOUND
 - ⊗ - DENOTES POWER POLE
 - T - DENOTES TELEPHONE PEDASTAL
 - E - DENOTES ELECTRIC BOX

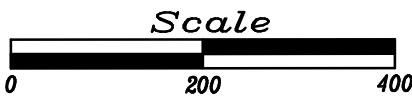
TAX PARCEL
0310100001
NOW OR FORMERLY
SD&SKI, LLC
IN#0500021685
PLAT IN#050004219
PB 54 PG 59

This parcel will be subdivided into
4 residential lots

TAX PARCEL
0310100003
NOW OR FORMERLY
KATHERINE LEON HOCKADAY
DB 504 PG 184
PB 51 PG 58

TAX PARCEL
0330100001
NOW OR FORMERLY
RONALD LEONITUK
DB 247 PG 057

BOUNDARY SURVEY
PROPERTY OF
JANE B. FARMER
BETTY B. RADY
LOCATED ON STEWARTS ROAD & RACEFIELD DRIVE
STONEHOUSE DISTRICT
JAMES CITY COUNTY, VIRGINIA
SCALE 1" = 200' JANUARY 28, 2020
TOTAL AREA THIS SURVEY 52.15 Ac.



I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, IS CORRECT AND COMPLIES WITH THE MINIMUM STANDARDS AND PROCEDURES ESTABLISHED BY THE VIRGINIA DPOR STATE BOARD, AND IS BASED ON A CURRENT FIELD SURVEY.

THIS SURVEY HAS BEEN COMPLETED WITHOUT THE BENEFIT OF A TITLE SEARCH. THEREFORE, THIS SURVEY IS SUBJECT TO ANY EASEMENT OF RECORD, LAND TRANSACTIONS AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE.

THE PROPERTY SHOWN ON THIS PLAT APPEARS TO BE LOCATED IN ZONE "X/A" AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 510201 0036 D & 510201 0028 D, DATED 12-16-2015.



1212 S. Church Street Smithfield, VA 23430
PHONE : 757-357-2911

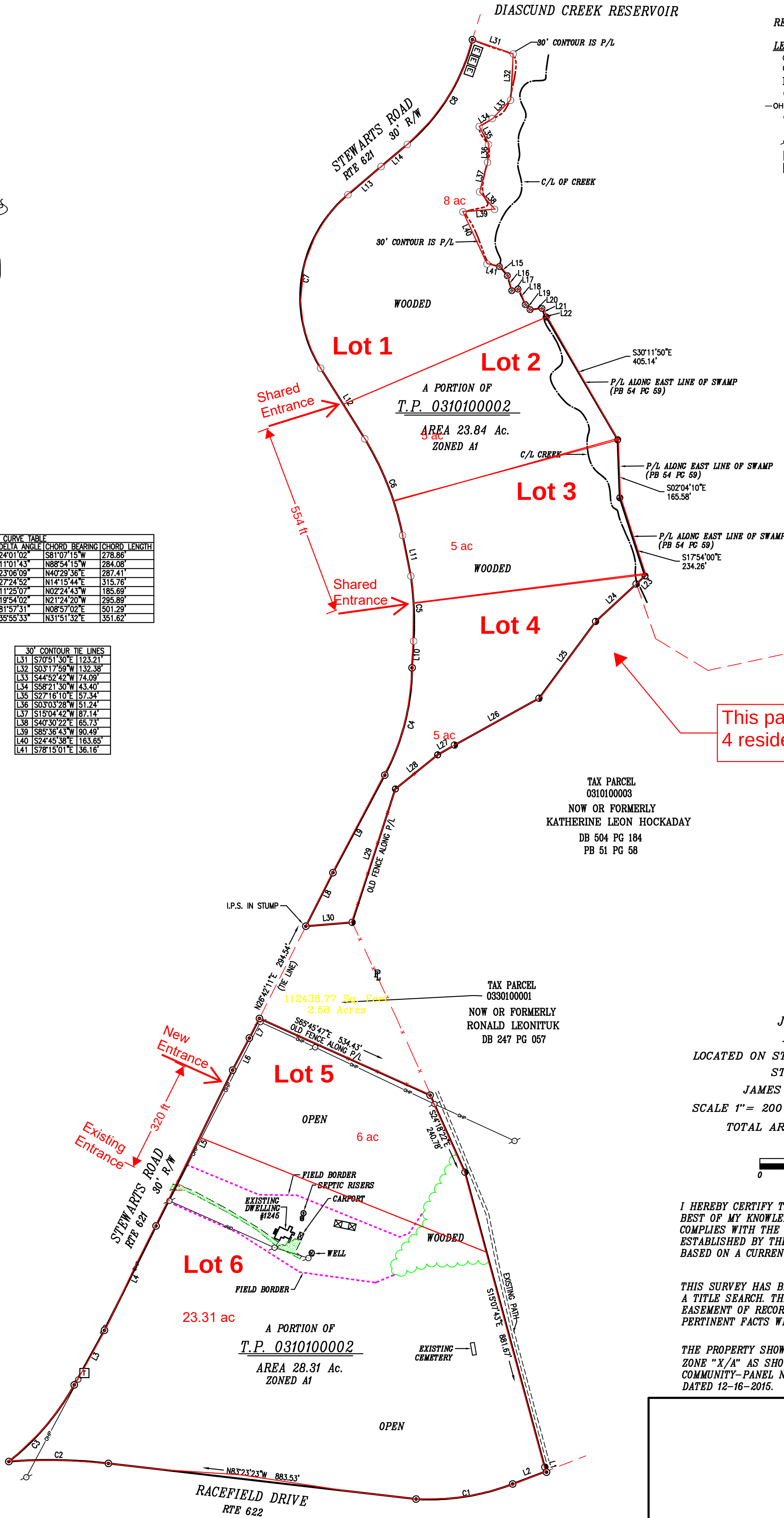
DRAWN BY: ECC JOB #S20-13-JC

CURVE TABLE					
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	280.91'	670.15'	24°01'02"	S81°07'15"W	278.86'
C2	284.51'	1478.11'	11°01'43"	N88°54'15"W	284.08'
C3	289.36'	717.64'	23°06'09"	N40°29'36"E	287.41'
C4	318.80'	666.28'	27°24'52"	N14°15'44"E	315.76'
C5	186.00'	933.30'	11°25'07"	N02°24'43"W	185.69'
C6	297.38'	856.19'	19°54'02"	N21°24'20"W	295.89'
C7	546.73'	382.21'	81°57'31"	N08°57'02"E	501.29'
C8	357.44'	570.07'	35°55'33"	N31°51'32"E	351.62'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S15°07'43"E	1.95'
L2	S69°06'45"W	101.40'
L3	N28°56'31"E	177.97'
L4	N26°18'27"E	332.08'
L5	N26°11'05"E	495.25'
L6	N27°28'13"E	103.19'
L7	N27°16'43"E	62.89'
L8	N26°51'58"E	171.25'
L9	N27°58'10"E	315.11'
L10	N03°17'50"E	76.17'
L11	N11°27'19"W	118.53'
L12	N32°01'44"W	237.32'
L13	N49°42'28"E	124.12'
L14	N49°49'19"E	97.82'
L15	S41°10'27"E	34.63'
L16	S16°13'12"E	44.45'
L17	N75°43'23"E	18.40'
L18	S25°21'13"E	49.04'
L19	S43°43'07"E	19.89'
L20	N84°18'14"E	33.81'
L21	S19°02'17"E	23.07'
L22	S60°23'37"E	5.35'
L23	S47°13'10"W	34.34'
L24	S47°13'10"W	157.24'
L25	S36°24'00"W	272.20'
L26	S61°01'20"W	275.79'
L27	S60°15'10"W	55.40'
L28	S51°04'40"W	155.35'
L29	S17°54'40"W	399.81'
L30	S85°17'43"W	132.57'

30' CONTOUR TIE LINES		
L31	S70°51'30"E	123.21'
L32	S03°17'59"W	132.38'
L33	S44°52'42"W	74.09'
L34	S58°21'30"W	43.40'
L35	S27°16'10"E	57.34'
L36	S03°03'28"W	51.24'
L37	S15°04'42"W	87.14'
L38	S40°30'22"E	65.73'
L39	S85°36'43"W	90.49'
L40	S24°45'38"E	163.65'
L41	S78°15'01"E	36.16'

VA STATE PLAT



Sec. 19-73. - Shared driveway requirements for minor subdivisions.

- (a) For all minor subdivisions of three or more lots, direct access from all lots to the existing road shall be limited to one shared driveway.

This requirement shall not apply to developed lots within a proposed minor subdivision. However, as long as there are three or more other lots that are undeveloped, this requirement shall apply to those lots. Upon the request of the subdivider, and after finding that such waiver would not adversely affect public health, safety or welfare, the agent may waive this requirement for subdivisions inside the primary service area which are along local roads, as defined.

- (b) Such driveway shall have a paved surface at least ten feet wide consisting of two inches of pavement over four to six inches of stone aggregate. In addition, the shared driveway must meet all applicable transportation department requirements for the portion of the driveway that ties into the public road. A detail depicting the driveway specifications shall be included on the subdivision plat. An erosion and sediment control plan and land disturbance permit may be required for the shared driveway, as determined by the engineering and resource protection director.
- (c) Such driveway shall be located within a shared access easement that is depicted on the subdivision plat.
- (d) No such subdivision shall be recorded until appropriate shared care and maintenance documents in a form approved by the county attorney have been executed. Such documents shall be recorded concurrently with the subdivision plat and shall set forth the following:
 - (1) The provisions made for permanent care and maintenance of the shared driveway and any associated easement, including surety when required by the county; and
 - (2) The method of assessing the individual property for its share of the cost of adequately administering, maintaining and replacing such shared driveway.

(Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13)