

## **RESOLUTION**

### **CASE NO. SUP-18-0023. 700 BLOW FLATS ROAD BORROW PIT RENEWAL**

#### **(SANIFILL OF VIRGINIA, INC.)**

WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Sanifill of Virginia, Inc. (the "Owner") owns the parcel of property located at 700 Blow Flats Road, further identified as James City County Real Estate Tax Map Parcel No. 6030100003 (the "Property"); and

WHEREAS, the borrow pit operation encompasses two properties, 700 Blow Flats Road and 750 Blow Flats Road (together, the "Site"); and

WHEREAS, on behalf of the Owner, Mr. Julian Lipscomb has applied to amend SUP-0009-2010 to allow for the continued operation of a borrow pit, as shown on the exhibit titled "Amendment Map Branscome, Inc. Lee's Pit U.S.G.S. Quadrangle: Hog Island," prepared by Drapen Aden Associates and dated October 5, 2018; and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. SUP-18-0023; and

WHEREAS, the Planning Commission, following its public hearing on October 17, 2018, recommended approval of this application by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-18-0023 as described herein with the following conditions:

1. Master Plan. The SUP shall be valid for a borrow pit at 700 Blow Flats Road, further identified as James City County Real Estate Tax Map Parcel No. 6030100003 (the "Property"). The borrow pit shall only be operated in those areas of the Property covered by the State Department of Mines, Minerals and Energy Mining Permit No. 10445AB (the "State Mining Permit"), as generally shown on the map submitted with the SUP request titled "Amendment Map Branscome Inc. Lee's Pit U.S.G.S. Quadrangle: Hog Island," and dated October 5, 2018.
2. Erosion and Sediment Control. An erosion and sediment control plan shall be submitted to, and approved by, the Stormwater and Resource Protection Division Director, or their designee, prior to any new land disturbance occurring on the Property. All approved erosion and sedimentation control measures shall be installed prior to any clearing or grading of any borrow pit cell.
3. Disturbance. No more than 60 acres of the site shall be disturbed at any one time.

4. Transitional Screening. A transitional screening buffer equal to or greater than 50 feet in width shall be provided along the perimeter of the Site. The transitional screening buffer shall be established and maintained in accordance with Chapter 24, Article 11, Division 4, Section 24-100 (a) *Transitional Screening* of the James City County Code, as amended.
5. Buffers. All buffer areas shall be flagged in the field prior to any new clearing so the equipment operators know the limits of their work. This flagging shall be inspected by the Stormwater and Resource Protection Division.
6. Hours of Operation. The hours of operation shall be limited to daylight hours, Monday through Saturday.
7. Mining Elevation. Areas on the Property may be mined to an elevation of -15 feet below mean sea level once delineated by the Stormwater and Resource Protection Director with the aid of the Office of Economic Development for the purpose of creating tidal wetlands. Soil side slopes between the elevations of +2 feet above and -2 feet below mean sea level shall be no steeper than 4:1. All other areas on the Property may be mined to an elevation of +10 feet above mean sea level in order to keep the Property viable for future economic development. Encroachment into the Resource Protection Area (RPA) will be allowed only after obtaining expressed written consent by the Stormwater and Resource Protection Director and only for the sole purpose of creating tidal wetlands.
8. Reclamation. Only “inert material” shall be used as fill during the reclamation of the Property. For the purposes of the SUP, “inert material” shall be defined as “clean soil, broken concrete, broken road pavement, rocks, bricks and broken concrete pipe.” Under no condition shall fly ash, demolition debris, organic waste material, lumber or household waste be used as fill.
9. Archaeology. A Phase I Archaeological Study for the Property shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II and Phase III studies shall meet the Virginia Department of Historic Resources’ *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior’s *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior’s *Professional Qualification Standards*. All approved

treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.

10. Annual Reporting. For as long as the SUP is valid, a report shall be prepared by, or verified by, a licensed engineer or surveyor or permissible on-site verification by the Stormwater and Resource Protection Director, or their designee, documenting items A-H below. One such report shall be submitted to the Stormwater and Resource Protection Director, or their designee between January 1 and January 31 of each year.
  - a) The extent and depth of the area mined over the previous calendar year.
  - b) The extent and depth of the area expected to be mined over the upcoming calendar year.
  - c) A certification that no unauthorized encroachment has occurred into a Resource Protection Area (RPA), RPA buffer, the transitional screening buffer described above or any Natural Open Space easement.
  - d) For areas that are wooded as of the date of issuance of this SUP, a delineation of any encroachment into such wooded areas.
  - e) A certification as to the amount of disturbed acreage on-site.
  - f) A certification that all fill used after the date of issuance of this permit is "inert material," as defined above.
  - g) A delineation of all areas that have been restored, but not yet released under the State Mining Permit. This delineation shall show final grades for the restored area as well as any stabilization and/or reforestation plan, with implementation time schedule, if applicable.
  - h) A delineation of the extent of the areas covered by the State Mining Permit.
11. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.
12. Validity. This SUP shall be valid until December 31, 2026.

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Ruth M. Larson  
Chairman, Board of Supervisors

ATTEST:

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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 13th day of November, 2018.

SUP18-23-700BFRd-res