

RESOLUTION

CASE NO. SUP-0009-2010. USA WASTE OF VIRGINIA LANDFILLS, INC.,

BORROW PIT RENEWAL

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

WHEREAS, crushed stone, sand, gravel, mineral mining, and storage or distribution of same is an SUP in the M-2, General Industrial Zoning District; and

WHEREAS, the applicant has requested to amend existing SUP-0020-2005 to allow for the continued operation of a borrow pit; and

WHEREAS, the property is currently zoned M-2, General Industrial, and designated General Industry on the 2009 Comprehensive Plan Land Use Map; and

WHEREAS, the property is located at 700 Blow Flats Road on property more specifically identified as James City County Real Estate Tax Map No. 6030100003; and

WHEREAS, on May 5, 2010, the Planning Commission recommended approval of the application by a vote of 6-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of SUP-0009-2010 as described herein with the following conditions:

1. An erosion and sediment control plan shall be submitted to, and approved by, the Environmental Division Director prior to any new land disturbance occurring on site. All approved erosion and sedimentation control measures shall be installed prior to any clearing or grading of any borrow pit cell.
2. No more than 40 acres of the site shall be disturbed at any one time.
3. 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 II, Division 4, Section 24-98 (a) *Transitional Screening* of the James City County Code, as amended.
4. 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 Environmental Division.
5. The hours of operation shall be limited to daylight hours, Monday through Saturday.

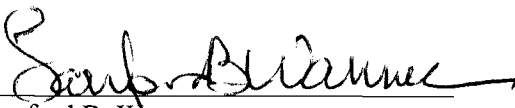
6. The SUP shall only be valid for those areas covered by the State Bureau of Mines, Minerals and Energy Mining Permit No. 10445AB, the limits of which are identified on the map submitted with the SUP request and titled "James City County Special Use Permit Branscome, Inc. U.S.G.S. Quadrangle: Hog Island" and dated April 2010.
7. Areas on the USA Waste of Virginia Landfills, Inc. property may be mined to an elevation of -15 feet to mean sea level, once delineated by the Environmental Division 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 to -2 feet to mean sea level shall be no steeper than 4:1. All other areas on the USA Waste of Virginia Landfills, Inc. property shall be mined to an elevation of +10 feet to mean sea level in order to be considered for future economic development. Encroachment into the Resource Protection Area (RPA) will be allowed only after obtaining expressed written consent by the Environmental Division Director and only for the sole purpose of creating tidal wetlands.
8. 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. For as long as the SUP is valid, the property owner shall submit a report prepared by, or verified by, a licensed engineer or surveyor or permissible on-site verification by the Environmental Division Director or his designee, documenting items A-H below. One such report shall be submitted 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 an RPA, RPA buffer, the transitional screening buffer described above, or any Natural Open Space easement.
 - D. For areas which are wooded as of the date of issuance of this permit, 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.
10. A CE-7 Land Use permit shall be renewed from the Virginia Department of Transportation (VDOT) within 60 days after the date of issuance of this permit for continued use of the access onto State right-of-way for hauling operations.

11. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.
12. This SUP shall be valid until December 31, 2018.

James G. Kennedy
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
MCGLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

ATTEST:


Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of June, 2010.

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