

## RESOLUTION

### CASE NO. SUP-9-00. BRANSCOME ENTERPRISES, LLC, BORROW PIT

- WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and
- WHEREAS, the applicant has requested to amend existing Special Use Permit SUP-30-97 to allow for the continued operation of a borrow pit; and
- WHEREAS, the property is currently zoned M-2, General Industrial, designated General Industry on the 1997 Comprehensive Plan Land Use Map; and
- WHEREAS, the property is located approximately 1.2 miles southeast of the terminus Blow Flats Road on property more specifically identified as Parcel No. (1-2) on the James City County Real Estate Tax Map Number (60-3); and
- WHEREAS, on September 6, 2000, the Planning Commission recommended approval of the application by a vote of 5-1 with a five-year time limit.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-9-00 as described herein with the following conditions:

1. An erosion and sediment control plan shall be submitted to, and approved by, the Director of the Environmental Division 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 cell.
2. No more than 40 acres of the site shall be disturbed at any one time.
3. A transitional screening buffer of 50 feet in width shall be provided along the perimeter of the site. The buffer shall be landscaped in accordance with the provisions of the Zoning Ordinance, where necessary, to provide an effective visual buffer.
4. All wooded areas disturbed after the date this special use permit has been issued shall be returned to their forested state. A reforestation plan for the site shall be approved by the Director of Planning prior to any clearing on-site. All restored areas shall be returned to a condition adequate to support and encourage the growth of trees. A minimum of 800 seedlings per acre shall be planted during the reclamation of that portion of the site. This requirement may be waived with written approval from the Director of Planning. The limits of the wooded areas as of the date of this permit are delineated on the map entitled "A Parcel of Land Owned By: Henry S. Branscome located in the Skiffe's Creeks Area of James City County, Va.," and dated April, 1998 (the "Site Map").
5. All buffer areas shall be flagged in the field prior to any new clearing so the operators know the limits of their work. This flagging shall be inspected by the Environmental

Division of James City County prior to any land disturbing activity in the immediate vicinity.

6. The hours of operation shall be limited to daylight hours, Monday through Saturday.
7. This special use permit shall only be valid for those areas covered by the State Bureau of Mines, Minerals and Energy Mining Permit No. 10445 AA, the limits of which are identified on the map submitted with the special use permit request and titled "Progress Renewal Map - Lee/Bickford Borrow Pit Permit No. 10445AA U.S.G.S. Quadrangle: Hog Island James City County, Virginia" and dated February 7, 2000 (the "Progress Renewal Map").
8. No mining shall occur lower than 10.0 feet above mean low water.
9. For the area within the primary ecological boundary (the area defined from the break in the slope at the top of the ravine and including the slopes and bottom of the ravine), no land disturbing activity and no timbering shall occur - this area shall be left in an undisturbed natural state. In a 100-foot buffer from the top of the ravine, trees to be removed shall be approved by the Director of Planning or his designee and shall not be smaller than 18 inches in diameter if a soft wood tree and not smaller than 24 inches in diameter if a hard wood tree. Within the 100-foot buffer, the removal of selected trees shall not significantly impact the existing tree canopy, as determined by the Director of Planning or his designee. Prior to any timbering, a timbering management plan (for purposes of this condition only, the "timbering plan") shall be submitted for the review and approval by the Director of Planning. Such timbering plan shall clearly delineate topography, the limits of the primary ecological boundary and the 100-foot buffer. The timbering plan shall also include storm water management measures to be installed at the top of the ravine to divert rainwater away from the primary ecological boundary. Such timbering plan shall include a maintenance schedule for the continued performance of the stormwater management measures. All approved stormwater management measures shall be installed prior to the commencement of timbering operations. For purposes of this condition, the limits of the "primary ecological boundary" is depicted graphically on the map entitled "Skiffe's Creek Natural Area" which was submitted with this application.
10. The environmental restoration plan narrative, dated August 7, 2000, shall be implemented, in a manner acceptable to the Environmental Director, prior to March 1, 2001. Should the restoration plan not be implemented by said date, the County shall issue a Stop Work Order for the mining operation. Upon the issuance of a Stop Work Order, all mining activities shall cease and shall not resume until the restoration plan has been implemented in a manner acceptable to the Environmental Director. Once implemented, the restored area shall be inspected by the Environmental Division every six months to determine if the restored area has adequately stabilized and the plantings are viable. The inspections shall continue until such time the Environmental Director agrees, in writing to the applicant, that no further work is necessary.
11. Only "inert material" shall be used as fill during the reclamation of the property. For the purposes of this special use permit, "inert material" shall be defined as "clean soil, broken concrete, broken road pavement, rocks, bricks and broken concrete pipe."

Under no conditions shall fly ash, demolition debris, organic waste material, lumber, or household waste be used as fill.

12. No land disturbing shall occur within the "Environmentally Sensitive Area," as delineated on the Site Map, without the expressed written consent of the Planning Director or his designee (the "Environmentally Sensitive Area").
13. For as long as the special use permit is valid, the property owner shall submit a report, prepared by, or verified in writing by, a licensed engineer or surveyor, 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 encroachment has occurred into an RPA, RPA buffer, the transitional screening buffer described above, the Florida Adder's-mouth area, the Environmentally Sensitive Area, 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.
14. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.
15. This special use permit is valid for a period of five years from the date of approval by the James City County Board of Supervisors.

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Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of October, 2000.