

RESOLUTION

CASE NO. SUP-25-94. VIRGINIA NATURAL GAS PIPELINE EXTENSION

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 Planning Commission of James City County, following its public hearing on October 11, 1994, unanimously recommended approval of Case No. SUP-25-94 to permit a 16-inch natural gas pipeline extension that begins at the existing Virginia Natural Gas meter site in the Grove section of the County, runs along a corridor that closely parallels the CSX Railroad Line and the existing Virginia Power easement, and enters the City of Newport News.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-25-94 as described herein with the following conditions:

1. No land disturbing activities shall occur on property for which easements have not been acquired by Virginia Natural Gas or a right of entry pursuant to condemnation processed. Evidence of this acquisition shall be provided to the Planning Division prior to such activities. This permit is valid only for the route shown on the maps submitted to the County as part of this application. Any deviation from the route must be approved by the Development Review Committee. Any relocation of the proposed main on property other than that identified on the maps submitted as part of this application shall require a new special use permit. Minor realignments of the proposed main located on the same parcel may be accommodated within the site plan review process contained in the James City County Zoning Ordinance then in effect, if the Zoning Administrator determines that no material change or impact will occur as a result.
2. If construction has not commenced on this project within a period of 24 months from the date of issuance of the special use permit, it shall become void.
3. Prior to final site plan approval, the crossing of the Skiffe's Creek Reservoir shall be approved by the City of Newport News Waterworks. The City of Newport News Waterworks Department shall approve any crossings of the existing waterlines located in the existing Virginia Power right-of-way.
4. Where a dwelling on any property along the route of the pipeline is located 150 feet or less from the edge of the permanent easement, the construction easement shall be revegetated with trees that best match the species of trees which were destroyed during the construction of the main. Trees shall be planted in a staggered fashion so as not to look uniform, and shall meet the standards within the landscaping section of the Zoning Ordinance.
5. Construction, operation, and maintenance of the natural gas transmission line shall comply with all local, State, and Federal requirements.
6. The project shall comply with all State erosion and sediment control regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook.

7. Copies of all State and Federal permits shall be provided as part of the site plan submittal.
8. Crossings of roads and existing utilities shall be coordinated with applicable agencies during the construction of the main.
9. For pipeline construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on adjacent property. These methods are to be shown on the site plan and approved as part of the site plan submittal.
10. A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for his review and approval prior to land disturbance. A treatment plan shall be submitted to 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 being 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 II 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 area. All Phase I, Phase II and Phase III studies shall meet the Virginia Department of Historic Resource's Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standard 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.
11. Any aboveground facilities shall be considered a building and shall be landscaped in accordance with the landscape section of the Zoning Ordinance.
12. In areas of the construction easement that have been cleared and landscaping is not required as part of Condition 4, seedlings shall be planted in accordance with the State Department of Forestry guidelines and shall be shown on a reforestation plan to be approved by the Planning Director. Alternative materials may be substituted for seedlings, subject to approval by the Planning Director and the State Department of Forestry. The reforestation of this easement shall be completed within 2 years of the clearing of the easement. It shall be the responsibility of Virginia Natural Gas to secure the necessary means to plant on the construction easement after the easement reverts back to the property owner.
13. Virginia Natural Gas shall not object to allowing trails and/or paths to be placed within the 20-foot permanent easement.
14. The proposed main shall be placed at such depth that future road work would not impact it. Any relocation of the main in the future for the Grove Interchange and for

improvements and/or relocation of Route 60 shall be the responsibility of Virginia Natural Gas.

- 15. In any area where the pipeline crosses existing development or agricultural uses, the topsoil shall be removed and stockpiled separate from other soil. When construction is completed, the topsoil shall be restored to its previous location and conditions to the greatest extent practical. In areas where topsoil restoration is not possible, post-construction topsoil conditions shall be reestablished utilizing soil amendments as approved by the Soil Conservation Service.



Perry M. DePue
Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
MAGOON	AYE
EDWARDS	AYE
TAYLOR	AYE
SISK	AYE
DEPUE	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 7th day of November, 1994.

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