

RESOLUTION

CASE NO. SUP-20-05 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 process; and;

WHEREAS, the applicant has requested to amend existing Special Use Permit 8-00 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 2003 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. (1-3) on James City County Real Estate Tax Map No. (60-3); and

WHEREAS, on August 1, 2005, the Planning Commission recommended approval of the application by a vote of 7-0 with a five-year time limit.

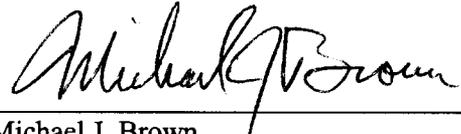
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-20-05 as described herein with the following conditions:

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 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.
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 special use permit 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 special use permit request and titled

"Progress Renewal Map-Lee/Bickford Borrow Pit Permit No. 10445AB U.S.G.S. Quadrangle: Hog Island James City County, Virginia" and dated April 2005.

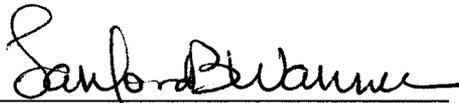
7. Areas on the USA Waste of Virginia Landfills, Inc. property may be mined to an elevation of -15 feet to mean sea level, once delineated by the Environmental Division Director with the aid of the Office of Economic Development for the purpose of creating tidal wetlands. Soil side slopes between the 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.
8. Only "inert material" shall be used as fill during the reclamation of the property. For the purposes of the special use permit, "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. Within 90 days after the date of issuance of this permit, a perennial stream study ("the Study") shall be conducted and submitted to the Environmental Division. The Study shall identify any Resource Protection Area(s) ("RPA") located on the subject property. The limits of the RPA(s) located on the subject property, if any, shall be shown on a revised version of the map submitted with the special use permit request and titled "Progress Renewal Map-Lee/Bickford Borrow Pit Permit No. 10445AB U.S.G.S. Quadrangle: Hog Island James City County, Virginia" dated April 2005 and shall be submitted to the Environmental Division. Encroachment into the RPA will be allowed only after obtaining expressed written consent by the Environmental Director and only for the sole purpose of creating tidal wetlands.
10. For as long as the special use permit is valid, the property owner shall submit a report prepared by, or verified 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 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.

11. A CE-7 Land Use permit shall be obtained from The Virginia Department of Transportation 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.
12. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.
13. This special use permit shall be valid for a period of five years from the date of approval by the James City County Board of Supervisors.



Michael J. Brown
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	AYE
GOODSON	AYE
MCLENNON	AYE
BRADSHAW	AYE
BROWN	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of September, 2005.

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