

RESOLUTION

CASE NO. SUP-0025-2007. COLONIAL PENNIMAN, LLC WATERLINE &

FORCE MAIN EXTENSIONS

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 (SUP) process; and

WHEREAS, the applicant has requested an SUP to allow for the construction of up to a 16-inch water transmission main and two force mains to serve adjacent parcels within the James River Commerce Center and the property and facilities owned by Colonial Penniman, LLC at the BASF complex in the M-1, Limited Business/Industrial, and M-2, General Industry, zoning districts, located at 8925, 8961, 8963, and 8965 Pocahontas Trail, further identified as Parcel Nos. (1-3), (1-4), (1-5A), and (1-45) on James City County Real Estate Tax Map No. (59-2); and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing held on SUP No. 0025-2007; and

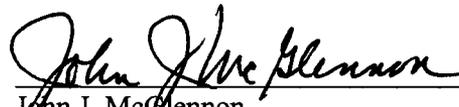
WHEREAS, the Board of Supervisors, following a public hearing is of the opinion that the SUP allowing for the above-mentioned waterline and two force mains should be approved.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP No. 0025-2007 as described herein with the following conditions:

1. For all portions of any temporary construction easements that have been cleared, but that do not need to remain clear after construction, as determined by the Director of Planning, seedlings shall be planted and shall be shown on a reforestation or re-vegetation plan to be approved by the Director of Planning. This plan shall be submitted within one year of the initial clearing of the easement. The reforestation or re-vegetation of any temporary construction easements shall be completed, as determined by the Director of Planning, within two years of the initial clearing of the easement. It shall be the responsibility of the developer to provide surety prior to final site plan approval guaranteeing implementation of the reforestation or re-vegetation plan, and to secure the necessary means to plant any temporary construction easements after the easements revert back to the property owner.
2. A Phase I Archaeological Study for the disturbed area 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

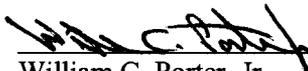
Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, 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.

3. Any crossing of the BASF complex sanitary sewer line and/or pump station shall be reviewed and approved by the James City Service Authority (JCSA).
4. Prior to the issuance of preliminary site plan approval, an agreement and plan between the developer and the JCSA, including implementation time lines, must be reviewed and approved by the JCSA on how the two Colonial Penniman, LLC properties and James City County Real Estate Tax Map Nos. (59-4)(1-4) and (59-4)(1-5A) will be served with public sewer.
5. All required permits and easements, including the necessary approvals from the Newport News Water Works, shall be obtained prior to the start of construction, as defined in the James City County Zoning Ordinance.
6. Construction, operation, and maintenance shall comply with all local, State, and Federal requirements, including all Newport News Water Works requirements.
7. A Land-Disturbing Permit shall be obtained by the developer within 24 months from the date of the issuance of this SUP, or this SUP shall be void.
8. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



John J. McGlennon
Chairman, Board of Supervisors

ATTEST:


William C. Porter, Jr.
Deputy Clerk to the Board

SUPERVISOR	VOTE
HARRISON	NAY
BRADSHAW	AYE
GOODSON	AYE
ICENHOUR	AYE
MCGLENNON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of October, 2007.