

## RESOLUTION

CASE NO. SUP-0004-2012. HAMPTON ROADS SANITATION DISTRICT

### SANITARY SEWER FORCE MAIN REPLACEMENT


- WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific uses that shall be subject to a Special Use Permit (SUP) process; and
- WHEREAS, Mr. Eddie M. Abisaab has applied for an SUP to allow for the replacement of  $\pm$  7,000 linear feet of a 36-inch sanitary sewer force main (the "Project") on five parcels of property in the County; and
- WHEREAS, the proposed Project is depicted on the plan entitled "HRSD Sanitary Sewer Force Main Replacement Master Plan" drawn by URS and date stamped December 16, 2014 (the "Master Plan"); and
- WHEREAS, the proposed Project is located on properties zoned PL, Public Lands; R-2, General Residential; M-1, Limited Business/Industrial; and R-4, Residential Planned Community, located at 250 and 300 Ron Springs Drive, 8581 Pocahontas Trail, 1000 Carter's Grove Country Road and 175 Wareham's Pond Road, and further identified as James City County Real Estate Tax Map Parcel Nos. 5820100003, 5820100002, 5230100011A, 5130100002, and 5130100006; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on this application; and
- WHEREAS, following its public hearing on January 7, 2015, the Planning Commission voted 6-0-1 to recommend approval of this application; and
- WHEREAS, the Board of Supervisors, in consultation with the Planning Commission and the Agricultural and Forestal Districts (AFD) Advisory Committee, finds that the proposed acquisition of a property interest within the Carter's Grove AFD for the purpose of this SUP application is consistent with the criteria established by Section 15.2-4313 of the Code of Virginia as shown on Attachment No. 5.
- NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, does hereby 1) adopt the written findings found in Attachment No. 5; 2) determine that the proposed action is necessary to provide service to the public in the most economic and practical manner and will not have an unreasonably adverse effect on State or local policy; and 3) approve Application No. SUP-0004-2012, as described herein, pursuant to the following conditions:
1. **Master Plan and Use.** This SUP shall be valid for the installation of  $\pm$  7,000 linear feet of new sanitary sewer force main piping. Development of the Project shall be generally in accordance with the Master Plan entitled: "SUP-0004-2012, HRSD Sanitary Sewer Force Main Replacement Master Plan" drawn by URS, and date stamped December 16,

2014 with such minor changes as the Director of Planning, or his designee, determines does not change the basic concept or character of the development. In the event that Director of Planning finds that the proposed change alters the basic concept or character of the development the applicant may appeal the Director of Planning's determination to the Development Review Committee.

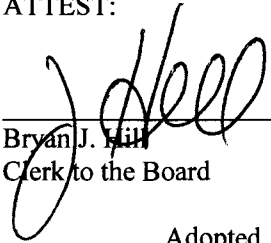
2. **Compliance.** Construction, operation, and maintenance of the sanitary sewer force main shall comply with all applicable local, State, and Federal requirements.
3. **Spill Containment Plan.** Prior to final site plan approval, a spill containment plan shall be submitted to the Director of Engineering and Resource Protection and the Fire Department for review and approval.
4. **Vehicle and Equipment Storage.** Construction vehicles and equipment shall not be parked or stored along private right-of-ways without written consent from the property owner.
5. **Construction Vehicles and Equipment Access.** Construction vehicles and equipment associated with construction of this project are not permitted to use Kingsmill Road or Mounts Bay Road.
6. **Construction.** Start of construction of the sanitary sewer force main shall commence within 24 months from the date of issuance of the SUP, or the SUP shall become void. Construction shall be defined as clearing, grading, and excavation of trenches necessary for the sanitary sewer force main.
7. **Archaeology.** A Phase I Archaeological Study for the portions of the Properties shall be submitted to the Director of Planning for review and approval prior to land disturbance by Owner. 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 Property and the clearing, grading, or construction activities thereon. This proffer shall be interpreted in accordance with the County's Archaeological Policy adopted by the County on September 22, 1998.
8. **Natural Heritage Resource.** A natural resource inventory of suitable habitats for S1, S2, S3, G1, G2, or G3 resources, including an inventory for Mountain camellia, in the project area shall be submitted to the Director of Planning for review and approval prior to land disturbance. If the inventory confirms that a natural heritage resource either exists or could be supported by a portion of the site, a conservation management plan shall be submitted to and approved by the Director of Planning for the affected area. All inventories and conservation management plans shall meet the Department of

Conservation and Recreation's Division of Natural Heritage (DCR/DNH) standards for preparing such plans, and shall be conducted under the supervision of a qualified biologist as determined by the DCR/DNH or the United States Fish and Wildlife Service. All approved conservation management plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activated thereon, to the maximum extent possible. Upon approval by the Director of Planning, a mitigation plan may be submitted for the incorporation of the conservation management plan into the plan of development for this site.

- 9. **Replanting Plan.** A plan addressing the replanting of disturbed vegetation within the variable 40 foot temporary construction easement shall be submitted for review and approval of the Director of Planning or his designee, in consultation with DCR prior to issuance of a land disturbing permit. The intent of the plan is to restore the area to pre-land disturbing conditions.
- 10. **Lighting.** No new permanent lighting associated with the Project shall be installed on the Properties.
- 11. **Severance Clause.** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

  
 Michael J. Hipple  
 Chairman, Board of Supervisors

ATTEST:

  
 Bryan J. Hill  
 Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
JONES	<u>X</u>	___	___
MCGLENNON	<u>X</u>	___	___
ONIZUK	<u>X</u>	___	___
KENNEDY	<u>X</u>	___	___
HIPPLE	<u>X</u>	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of February, 2015.

SUP04-12HRSDReplmt-res