

RESOLUTION

CASE NO. SUP-0004-2015. HANKINS RESOURCE RECOVERY FACILITY

WHEREAS, the Board of Supervisors of James City County, Virginia, (the "Board") has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Hankins Land Trust (the "Owner") owns three parcels of property located at 8196, 8212 and 8220 Croaker Road, further identified as James City County Real Estate Tax Map Parcel Nos. 1430100039, 1430100040A and 1430100040, respectively (together, the "Property"); and

WHEREAS, on behalf of the Owner, Mr. Vernon Geddy, III, of Geddy, Harris, Franck, & Hickman has applied for an SUP to allow the operation of a +/-100 acre resource recovery facility on the Property, as shown on the exhibit titled "Hankins Property Exhibit" prepared by VHB and dated September 15, 2015; and

WHEREAS, on December 12, 1990, the Board approved Case No. Z-0012-1990, which rezoned the property to M-1, Limited Industrial, with proffers; and

WHEREAS, on January 16, 1996, the Board approved Case No. Z-0013-1995, which rezoned the property to M-1, Limited Industrial, with amended proffers; and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. SUP-0004-2015; and

WHEREAS, the Planning Commission, following its public hearing on May 4, 2016, recommended approval of this application by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-0004-2015 as described herein with the following conditions:

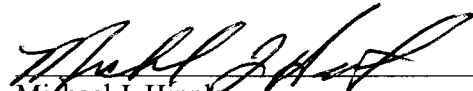
1. Master Plan and Use: This SUP shall be valid for the operation of a +/-100 acre resource recovery facility (the "Project") on parcels located at 8196, 8212 and 8220 Croaker Road, further identified as James City County Real Estate Tax Map Nos. 1430100039, 1430100040 and 1430100040A, respectively (collectively, the "Property"), which includes an existing borrow pit and operation to process wood and stone products. The Project shall be in accordance with the "Hankins Property Exhibit" prepared by VHB, and dated September 15, 2015 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. Annual Reporting: For as long as the SUP is valid and the Project is operational, a report prepared by, or verified and sealed by, a licensed engineer or surveyor shall be submitted between January 1 and January 31 of each year and include the following:

- 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 a Resource Protection Area (RPA), RPA buffer, the transitional screening buffer described in Section 5 below 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 in Section 13 below.
 - 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.
3. Material and Equipment Storage: All material and equipment storage, and stone and wood processing activities shall be limited to the area identified on the Master Plan as the "Area to be used for dirt/topsoil, concrete, asphalt, stone, mulch, equipment, vehicle maintenance and storage."
4. Borrow Pit Stock Piles: Stockpiles associated with the mining operation shall not exceed 16 feet in height from the existing grade on James City County Real Estate Tax Map Nos. 1430100039 and 1430100040A.
5. Sale of Products: No sale of wood, wood products, stone and/or stone products shall be offered for sale directly to the general public on the Property.
6. Croaker Road Buffer: A buffer 50 feet in width shall be provided adjacent to Croaker Road and the entrance drive as shown on the Master Plan. The existing trees in the buffer area adjacent to Croaker Road shall be retained and any open areas shall be supplemented with additional plantings. The landscaping plan shall be shown as part of the site plan and shall be reviewed and approved by the Director of Planning or his designee.
7. Tub Grinder/Stone Crusher Location: The tub grinder, stone crusher and all associated equipment shall be located so as to minimize the potential adverse impacts on adjacent properties. When in operation, this equipment shall be placed in the locations identified as "Approximate location concrete products recycling operation," and "Approximate location wood products recycling operation," on the "Hankins Resource Recovery Facility James City County SUP No 0004 2015 Environmental Inventory Exhibit" dated April 26, 2016. Hours of operations for the tub grinder, stone crusher and all associated equipment shall be limited to 7 a.m. to 7 p.m., Monday through Saturday.
8. Lighting: A lighting plan shall be reviewed and approved by the Director of Planning or his designee prior to final approval of the site plan. Any exterior site or building lighting shall be shielded and directed downward. No glare - defined as 0.1 foot-candle or higher - shall extend outside the property lines. Lights shall be operated by a motion detector or be able to be turned on as needed and shall not be routinely illuminated at

night. No lighting shall be installed on structures at a height greater than 30 feet above finished grade. This condition shall not apply to any lighting required by federal or state regulations.

9. Construction Mitigation Plan: A construction mitigation plan to address the impacts associated with continued operation of the Project shall be reviewed and approved by the Director of Planning or his designee prior to final site plan approval. The plan shall address:
 - i. Dust mitigation, such as water trucks, mulch or similar methods.
 - ii. Noise mitigation, such as the enforcement of hours of operation.
 - iii. Road monitoring of Croaker Road, to include cleaning roadways of mud tracked onto Croaker Road from traffic associated with the Project.
10. Material Decomposition: The use of chemicals to aid in the decomposition of material shall be prohibited.
11. Burning: No materials shall be burned on the Property.
12. Archaeology: A Phase I Archeological Study of the Property, "A Phase I Archaeological Survey of the Proposed Old Dominion French Winery Complex, James City County, Virginia," dated March 1989, by the William & Mary Archaeological Project Center identified several archeological sites. Prior to preliminary site plan approval, a Phase II study shall be conducted for Sites Nos. 4, 5 and 6. The Phase II 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 further land disturbance within the study area. The 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 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.
13. Stormwater Management: A stormwater management plan shall be submitted to the Director of Engineering and Resource Protection or his designee for review and approval prior to preliminary site plan approval. The stormwater management plan shall demonstrate that adequate measures have been taken for the post-development to achieve the same degree of pre-development water quality. The development of the site shall utilize the applicable best management practices as outlined in the Virginia Department of Environmental Quality Stormwater BMP Clearinghouse.

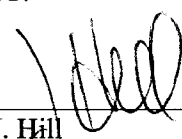
14. Reclamation: Only “inert material” shall be used as fill during the reclamation of the Property. For the purposes of the SUP “inert material” shall be defined as “clean soil, broken concrete, broken road pavement, rocks, bricks and broken concrete pipe.” Under no condition shall fly ash, organic waste material, pressure treated wood or household waste be used as fill.
15. Resource Protection Area: No soil disturbance, parking and/or storage of equipment and/or vehicles associated with the Project shall occur within 15 feet of an RPA buffer. All sites identified on the Environmental Impact Assessment provided with the SUP application as “Areas of Potential Buffer Encroachment” shall be restored with vegetation as approved by the Director of Engineering and Resource Protection or his designee. A restoration plan for these sites shall be submitted to the Director of Engineering and Resource Protection or his designee for review and approval, and its implementation bonded in a form and amount satisfactory to the County Attorney prior to final site plan review.
16. Entrances: Access to the Project shall be limited to the existing entrance from Croaker Road.
17. Residence: The existing residence on the Property may be used as living quarters for up to three individuals employed on the Property.
18. Spill Prevention: Prior to preliminary site plan approval, an operational phase stormwater pollution prevention plan/spill prevention and control plan to address the outdoor vehicle and material storage, including but not limited to oil, diesel and gasoline, shall be submitted to the Director of Engineering and Resource Protection, or his designee, and the Fire Chief for their respective review and approval.
19. Future Expansion: Any future expansion of the Project outside of the areas delineated on the Master Plan shall require an amendment to this SUP.
20. Site Plan: A site plan shall be required for the area identified as “Area to be used for dirt/topsoil, concrete, asphalt, stone, mulch, equipment,” on the Master Plan. Final site plan approval must be obtained within 24 months of issuance of this SUP or the SUP shall become void.
21. 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>
MCGLENNON	<u>✓</u>	___	___
LARSON	<u>✓</u>	___	___
ONIZUK	<u>✓</u>	___	___
SADLER	<u>✓</u>	___	___
HIPPLE	<u>✓</u>	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June, 2016.

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