



**CONDITIONAL USE PERMIT APPLICATION
FOR AN EXCAVATION/BORROW PIT**

CHESAPEAKE PLANNING DEPARTMENT

APPLICATION NUMBER: _____
(Assigned by Chesapeake Planning Department)

GENERAL INFORMATION

Project Name: _____

1. Applicant(s) Intending to Excavate a Borrow Pit:

Name: _____

Address: _____

City: _____ State: ____ Zip: _____

Daytime Phone: _____ FAX Number: _____

E-mail address: _____

Interest in subject property: _____

2. Agent(s): _____

Agency: _____

Address: _____

City: _____ State: ____ Zip: _____

Daytime Phone: _____ FAX Number: _____

E-mail address: _____

3. Owner(s) of property: (If different from applicant)

Name: _____

Address: _____

City: _____ State: ____ Zip: _____

Daytime Phone: _____ FAX Number: _____

E-mail address: _____

DECLARATION

APPLICATION NUMBER: _____

PRIMARY TAX MAP NUMBER: _____

DECLARATION OF PLANNING COMMISSION / CITY COUNCIL INTEREST:

Does any member of the Planning Commission or City Council own or have any personal or financial interest in the land which is subject to this application, or has any personal or financial interest in the outcome of the decisions, as defined by the Virginia Conflict of Interest Act? No Yes If yes, please explain:

DECLARATION OF ACCURACY:

I, the undersigned, certify that this application is complete, accurate and contains all required and requested information, documents and other submittals, and that all statements made herein are, to the best of my knowledge, true and correct. I further certify that I have exercised due diligence to obtain the most recent, complete and correct information available. I understand that wrongful certification or failure to provide required or requested documents that become available after the initial submittal of this application may result in a delay in, or invalidation of, any official governmental action taken. Fraudulent representations may lead to additional penalties under law.

I, the undersigned, also certify that the list of adjacent property owners is complete and correct as of the date of this application submittal. I will update any changes in ownership of the property that is the subject of this application and adjacent property owners upon learning that any such property has been conveyed prior to final action on this application. I understand that if the list of adjacent property owners is determined to be inaccurate, out-of-date or incomplete at a later date, any action taken on this application may be deemed null and void.

DECLARATION OF FINANCIAL RESPONSIBILITY FOR ADVERTISING COSTS:

I, the undersigned, understand that the cost of newspaper advertising for public hearing notification purposes is my responsibility and agree to pay all notices of payment due and bills associated with advertising costs for this application, including all readvertisements for continuances and appeals. *Party responsible for advertising:* Applicant Agent

DECLARATION OF CONSENT:

I, the undersigned, consent to entry upon the subject property by public officers, employees, and agents of the City of Chesapeake wishing to view the site for purposes of processing, evaluating or deciding this application.

Applicant/Owner: _____

Applicant/Owner: _____

Applicant/Owner: _____

Applicant/Owner: _____

Agent: _____

DESCRIPTION OF PROPERTY

1. 13-digit Tax Map Number(s): _____,
_____, _____,

2. Street Address (or common description if address is not available):

3. Borough: _____

4. Legal Description of the Property: _____

5. Physical description of the property including location of its boundaries to the north, south, east, and west. State the street frontage, depth, and overall size in square feet/acreage: _____

DESCRIPTION OF PROPERTY (continued)

6. Zoning Information:

a. Zoning Sheet(s): _____

b. Current Zoning Classification(s) and present use of the property:

c. Proposed Zoning Classification(s), where applicable: _____

d. Overlay District Classification(s) where applicable: _____

e. Adjacent property zoning and uses:

DIRECTION	ADJACENT ZONING DESIGNATIONS/USES
North	
South	
East	
West	

7. Land Use designation of the property as contained in the City's Comprehensive Plan: _____

8. Standard Industrial Classification (SIC) code for this proposed use (see Office of Zoning Administration): _____

9. Planning Area: _____

10. Is the property subject to proffers approved with a conditional rezoning application?
 No Yes If yes, application # _____

11. Is the property located within the Chesapeake Bay Preservation Area Overlay District as determined by the Department of Planning?
 No Yes If yes, the following shall be submitted:

a. An environmental site assessment

b. A landscape plan

DESCRIPTION OF PROPOSED USE

The applicant is required to provide the requested information on separate 8 1/2" x 11" sheets of paper which are numbered in accordance with the questions below. All questions must be completed.

1. Indicate the proposed date on which the excavation shall commence and the proposed date on which the excavation shall be completed.
2. Indicate the proposed hours of operation.
3. Indicate the type(s) of material to be removed from the site.
4. Describe the proposed method of excavation, including a description of the types of equipment to be used.
5. Describe as to how the proposed excavation/borrow pit will be designed, arranged and operated in order to ensure that development and use of neighboring property will not be prevented or made less likely, and that the value, use and reasonable enjoyment of such property will not be impaired or adversely affected.
6. Describe any potentially adverse effects that may be associated with the proposed excavation/borrow pit, and the means proposed by the applicant to avoid, minimize or mitigate such effects related to the following:
 - a. The estimated noise levels during operation, and whether they exceed the maximum sound levels that are typical of uses permitted as a matter of right in the district.
 - b. The anticipated glare from vehicular and stationary lights, and the extent to which such lights will be visible from any residential district.
 - c. The vulnerability of the proposed borrow pit to fire and related safety hazards.
 - d. The interference by the excavation activities with any easements, roadways, rail lines, utilities and public or private rights of way.
 - e. The possible destruction, loss or damage of a natural, scenic or historic feature of significant importance.
 - f. The adequacy of proposed landscaping and buffering measures to screen the site from neighboring properties zoned for or containing less intensive uses.
7. Describe any and all special conditions for the use, construction, layout, landscaping and screening, or appearance of the site proposed to be made conditions of the use permit, if granted, for purposes of assuring its compatibility with the surrounding neighborhood.

DESCRIPTION OF PROPOSED USE (continued)

8. Provide the estimated removal rate, including the proposed number of daily truck trips to or from the site.
9. Describe the method of disposition of excess water during operation, including the details of proposed filtration system. Attach any diagrams, illustrations, or documentation of the proposed system.
10. Describe the impact the excavation will have on groundwater and surface water.
11. List all state and federal approvals or permits, which are required for the proposed excavation.
12. Describe whether the proposed borrow pit will be consistent with the adopted policies in the Comprehensive Plan of the City.

TRAFFIC IMPACT

13. Provide a listing of the proposed haul routes within the City from the excavation site to the first four-lane primary road.
14. Include any supporting information for the following:
 - a. What is the current average daily traffic (ADT) of the adjacent roadway(s)? State the date and source of the counts. Traffic Engineering may request electronic files of the raw count data. If a current traffic count for the adjacent roadway(s) is not available, the Department of Development and Permits may request a count after submittal of this application. If requested, the count must include a 24-hour count for a minimum of three consecutive weekdays. Additionally, the Department of Development and Permits may request turning movement counts (TMCs) at an intersection during morning and evening peak hours for a minimum of two consecutive weekdays.
 - b. Describe how traffic ingress and egress would be provided between the subject property and the existing abutting and intersecting roads (Are U-turns necessary? Is there a proposed median break? Is there shared access? Etc.) State whether traffic devices, such as signals and turn lanes, would be required to provide safe ingress and egress.
 - c. A Traffic Impact Analysis (TIA) may be required depending on acreage, zoning, proposed vehicle trips, level of service of existing facilities, and/or other factors. If the need for a TIA is uncertain, contact Traffic Engineering.

Is a Traffic Impact Analysis required?

No Yes If yes, contact Traffic Engineering regarding the scope of the analysis.

DESCRIPTION OF PROPOSED USE (continued)

DRAINAGE IMPACT ANALYSIS (DIA)

15. The applicant shall address potential drainage impact issues, including how the proposed development will accommodate drainage impacts on the proposed site and surrounding upstream and downstream properties.
 - a. How will this project address increase in stormwater runoff as a result of development? Please note although the post-development peak flow is less than pre-developed, the increase of volume must be addressed in areas with existing deficiencies.
 - b. What steps will be taken to ensure adequacy of the receiving facility (off-site dynamic drainage analysis of watershed, improvements, etc.)?
 - c. Address whether the project will be required to provide for water quantity and/or water quality of stormwater runoff.
 - d. What off-site easements and/or improvements are required? What steps have been taken to ensure that these easements can be obtained and that improvements can be constructed?
 - e. Address the current adequacy of the existing drainage receiving facility.
 - f. Is this development subject to tidal impacts? How will the tides associated with a hurricane or northeaster affect the drainage system?
 - g. What steps have been taken to ensure no property damage will result from a 100-year tidal or rainfall event?

WATER AND SEWER IMPACT

16.
 - a. State the location of the nearest water and sewer lines which could accommodate flows generated by the proposed development.
 - b. State the estimated water and sewer demand to be generated by the development including the basis for the water and sewer demands estimated for the project (i.e. GPD per acre or dwelling). For office and institutional, commercial, and industrial use permits, identify peak demands in addition to average demands.
 - c. Compare the water and sewer demands generated by the proposed development with the demands generated by development under existing zoning, and the demand generated by development at highest density allowed under the proposed zoning, where applicable.
17. Describe the plan for meeting the anticipated water and sewer demands including methodologies used to determine that existing facilities will be able to provide or handle the additional flows (see Public Utilities for assistance).

DESCRIPTION OF PROPOSED USE (continued)

18. Submit a conceptual plan identifying the proposed routing of off-site water lines and sewer force mains and the proposed location of pump station(s), if needed, to serve the project.
19. Are septic tanks and private wells proposed?
- No Yes If yes, provide a soil analysis for the subject property and documentation from the Chesapeake Health Department approving the site for septic tank use.

RESTORATION PLAN

20. Provide a description of proposed use and ownership of site after completion of all restoration activities.
21. Provide engineering data regarding the length of time needed for restoration work to settle sufficiently to provide a stable base for the proposed end use.

CHESAPEAKE BAY PRESERVATION AREA (CBPA)

22. Is the property located within the Chesapeake Bay Preservation Area Overlay District as determined by the Department of Planning?
- No Yes If yes, provide delineations for the RPA, RMA and IDA, as applicable that meet the requirements of Section 26, Article X, of the Chesapeake City Code.

SITE PLAN & MAP REQUIREMENTS

1. Provide thirty (30) copies of a preliminary site plan at a scale not less than 1"=50' meeting the requirements of Section 18-201 of the Chesapeake Zoning Ordinance **All site plans shall be folded to a size no larger than 9" x 14" size and shall include a vicinity map.** *Please fold with the site plan facing out* and include the following:
 - a. Location and zoning of the proposed site, including the depiction of the boundaries of the area to be excavated.
 - b. The maximum amount of materials in cubic yards proposed to be excavated and the maximum amount of cubic yards proposed to be transported from the site.
 - c. The maximum extent of area to be disturbed including acreage and maximum depths.
 - d. Interior road pattern, including points of ingress and egress to state and city roads.
 - e. The land use pattern, including all existing zoning districts, building locations and historic sites within a three-quarter (3/4) mile radius of the proposed boundaries of the borrow pit.
 - f. The width of streets and weight limits of bridges within a three-quarter (3/4) mile radius of the proposed boundaries of the borrow pit.
 - g. Surface drainage patterns.
 - h. Location and depth of wells, constructed drainways, natural waterways and streams within a three-quarter (3/4) mile radius of the proposed boundaries of the borrow pit.
 - i. General description of the dominant species of vegetation existing within a one-quarter (1/4) mile radius of the proposed boundaries of the borrow pit.

NOTE: *All site plans shall be folded to 8½" x 14" size with the site plan folded to the outside and shall include a general location map. If revisions are submitted, the assigned application number shall be included in the title block.*
3. Three (3) copies of a landscape plan, reduced to 11" x 17", identifying how the site and proposed uses will be screened from neighboring properties zoned for or containing less intensive uses.
4. Provide three (3) copies of a topographical map showing a three-quarter mile radius of the proposed boundaries of the borrow pit, prepared by a licensed engineer or licensed surveyor at a scale of two hundred (200) feet to the inch or better, with a two (2) foot contour interval or less.

SITE PLAN & MAP REQUIREMENTS

5. Provide a hydrology study showing the impact of excavation on existing private wells located within a two-thousand (2000) foot radius of the proposed boundaries of the borrow pit.
6. Provide an end-use plan including the following:
 - a. Proposed dates by which the restoration activities will commence and be completed.
 - b. Cross-sections showing the proposed final depth and final grade of slopes after completion of restoration activities.

ASSUMPTION OF LEGAL RESPONSIBILITY

I, the undersigned, assume all legal responsibility for any environmental pollution that occurs on-site during the excavation operation.

Applicant/Owner:

Applicant/Owner:

sign _____

sign _____

Name, Title _____

Name, Title _____

Company _____

Company _____

Commonwealth/State of _____

City of _____

Subscribed and sworn to before me this _____ day of _____ 20____,

with the signatures of _____

NOTARY PUBLIC

Notary Registration No. _____

My commission expires: _____

I, the undersigned, assume all legal responsibility for any environmental pollution that occurs on-site after excavation activities are complete.

Applicant/Owner:

Applicant/Owner:

sign _____

sign _____

Name, Title _____

Name, Title _____

Company _____

Company _____

Commonwealth/State of _____

City of _____

Subscribed and sworn to before me this _____ day of _____ 20____,

by _____

NOTARY PUBLIC

Notary Registration No. _____

My commission expires: _____

SPECIAL POWER OF ATTORNEY

Application No: _____

Property Description (13-digit Tax Map Number, Street Address or Common Description, Borough): _____

Nature of **Excavation / Borrow Pit Use Permit** sought: _____

I/we _____, am/are
 the applicant for the above referenced application the owner of the property described above and I/we do hereby make, constitute, and appoint _____

_____, my true and lawful attorney-in-fact, and grant unto my attorney-in-fact full power and authority to make application for the use permit application described above, and to perform all acts and make all representations as such person shall deem necessary or appropriate in regard to said application, without any limitation whatsoever, including but not limited to the following authority: in the case of use permits, to offer conditions to which the proposed use of the property would be subject; and to modify or amend any documents in whole or in part relating to the application. The rights, powers, and authority of said attorney-in-fact herein granted shall commence and be in full force and effect on the _____ day of _____, 20 and shall remain in full force and effect thereafter until actual notice, by certified mail, return receipt requested is received by the Planning Department of the City of Chesapeake stating that the terms of this power have been revoked or modified.

Applicant/Owner:

Applicant/Owner:

sign _____

sign _____

Name, Title _____

Name, Title _____

Company _____

Company _____

Commonwealth/State of _____

City of _____

Subscribed and sworn to before me this _____ day of _____ 20_____,

with the signatures of _____

NOTARY PUBLIC

Notary Registration No. _____

My commission expires: _____

* If the owner or applicant is a corporation, partnership, or similar entity, documentation must be attached which establishes that the person signing on behalf of the entity has the authority to act on behalf of and to bind that entity.

STATEMENT OF OWNERSHIP

Application No: _____

The owner(s) and applicant(s) listed on the attached Excavation/Borrow Pit Use Permit Application, does/do hereby affirm that the listing attached to, and hereby made a part of this statement of ownership, identifies the names and last known addresses of all of the following persons and entities in regard to the property that is the subject of the application:

1. All applicants, title owners, contract purchasers, and lessees of the property; and, if any of the foregoing is a trustee, each beneficiary having an interest in the property.
2. Where any of those listed in (1) above is a corporation, all shareholders owning ten per cent (10%) or more of any class of stock issued by said corporation and where any of those listed in (1) above is a corporation having ten (10) or fewer shareholders, all such shareholders. This requirement may be waived by the Planning Director where the owner or applicant, as applicable, is a publicly-held corporation.
3. Where any of those listed in (1) above is a partnership, or limited liability company, all such partners, both general and limited, in a partnership, and all members of a limited liability company.
4. Where any of those listed in (1) above is a church, provide a list of all such trustees or if no trustees, then identify the president or vice-president of the corporation or association of the church.

Attach the listing of names and addresses on business letterhead of either the applicant, owner or agent, as required above.

Applicant/Owner:

sign _____

Name, Title _____

Company _____

Applicant/Owner:

sign _____

Name, Title _____

Company _____

ADJACENT PROPERTY OWNERS LIST OF ADDRESSES

Tax Map #: _____	Tax Map #: _____
Name: _____	Name: _____
Street: _____	Street: _____
City: _____	City: _____
State/Zip: _____	State/Zip: _____

Tax Map #: _____	Tax Map #: _____
Name: _____	Name: _____
Street: _____	Street: _____
City: _____	City: _____
State/Zip: _____	State/Zip: _____

Tax Map #: _____	Tax Map #: _____
Name: _____	Name: _____
Street: _____	Street: _____
City: _____	City: _____
State/Zip: _____	State/Zip: _____

Tax Map #: _____	Tax Map #: _____
Name: _____	Name: _____
Street: _____	Street: _____
City: _____	City: _____
State/Zip: _____	State/Zip: _____

Tax Map #: _____	Tax Map #: _____
Name: _____	Name: _____
Street: _____	Street: _____
City: _____	City: _____
State/Zip: _____	State/Zip: _____

Tax Map #: _____	Tax Map #: _____
Name: _____	Name: _____
Street: _____	Street: _____
City: _____	City: _____
State/Zip: _____	State/Zip: _____

EXCAVATION / BORROW PIT USE PERMIT APPLICATION CHECKLIST

The following items are required as part of the filing application for a Use Permit for an Excavation/Borrow Pit:

- The **\$420.00 filing fee** for an Excavation/Borrow Pit Use Permit.
- The original and three (3) copies of the completed Excavation/Borrow Pit Use Permit application, with original signatures, including all required development information. All information must be typed or clearly printed on the application and 8½" x 11" paper as needed. *Please copy only the application, not the instructions.*
 - Special Power of Attorney**, if applicable, see instructions.
 - Statement of Ownership with required listing**, see instructions.
 - Real Estate Tax Demonstration Form**, see instructions.
 - Adjacent property owner's list of addresses** on the form provided with this application or Avery 5260 label format.
 - Title report or title certification letter**, not more than six (6) months old.
 - Zoning map** reduced to 8½" x 11" paper.
 - Vicinity map** on 8½" x 11" paper. *This may be included on the survey of the property.*
- Thirty (30) copies of a preliminary site plan at a scale not less than 1" = 50' meeting the requirements of Section 18-201 of the Chesapeake Zoning Ordinance. **All site plans shall be folded to a size no larger than 9" x 14" size and shall include a vicinity map.** *Please fold with the site plan facing out.*
- Three (3) copies of the site plan reduced to 11" x 17" paper.
- Three (3) copies of a landscape plan reduced to 11" x 17" paper.
- Three (3) copies of a topographical map reduced to 11" x 17" paper.
- Three (3) copies of a hydrology study on 11" x 17" paper.
- Three (3) copies of an end use plan on 11" x 17" paper.
- Stamped #10 (4 1/8" x 9½") envelopes with the name and mailing address of each adjacent property owner printed legibly. **(Do not use pre-stamped, dated envelopes from a postage machine. Also, do not include a return address on the envelopes.)**
- SIGN FEE.** The applicant is responsible for proper posting of sign(s) on the property. The sign fee is \$25.00 for the first sign, \$20.00 for each additional sign, as required. You will be phoned and advised of when the sign(s) must be posted. Applicants are encouraged to take pictures of the signs after posting and provide them to the Planning Department as proof that the signs were properly posted.
- ADVERTISING COST.** In addition to the filing fee, the applicant is responsible for all newspaper advertising costs for public hearing notifications. **The applicant or agent will be billed separately for these costs.** The average advertising cost is \$200 for the Planning Commission Public Hearing and the average is between \$400 to \$1,000 for the City Council meeting. The project will require a minimum of four (4) advertisements. Any additional advertising costs incurred due to continuances will also be the responsibility of the applicant. Planning Commission advertisement fees will be billed by the City of Chesapeake. City Council advertisement fees will be billed by the Virginia Pilot.
- This completed Excavation/Borrow Pit Application Checklist.