

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 5140100009

WHEREAS, Mr. Ronnie Orsborne: Vanasse Hangen Brustlin, Inc., (the "Applicant") on behalf of SeaWorld Parks and Entertainment (the "Owner") has appeared before the Chesapeake Bay Board of James City County (the "Board") on March 9, 2011 to request an exception to the use of the Resource Protection Area (the "RPA") on a parcel of property identified as JCC RE Tax Parcel No. 5140100009 and further identified as 7851 Pocahontas Trail (the "Property") as set forth in the application CBE-11-078 for the purpose of the Busch Gardens Oktoberfest Attraction Expansion project (the "Project"); and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

NOW, THEREFORE, following a public hearing, the Chesapeake Bay Board of James City County by a majority vote of its members FINDS that:


1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code, and is not of substantial detriment to water quality.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:

1) The applicant must obtain all other necessary local permits as required for the Project.

2) All proposed mitigation plantings shall meet James City County Standards with all proposed trees being a minimum of 1 ½ caliper and shrubs being a minimum of three gallon size.

3) A pre-construction meeting shall be held on-site prior to commencing work.

- 4) Full implementation of the RPA Mitigation Plan submitted with the WQIA (Table 3, page 4) and any additional Board mitigation requirements, shall be guaranteed through the provisions of the Chesapeake Bay Preservation Ordinance contained in Section 23-10(3)d and 23-17(c), by providing a form of surety satisfactory to the County Attorney.
- 5) This exception request approval shall become null and void if construction has not begun by March 9, 2012.
- 6) Written requests for an extension to an exception shall be submitted to the Environmental Division no later than 2 weeks prior to the expiration date.



David Gussman
Chair, Chesapeake Bay Board

ATTEST:



Scott J. Thomas
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this **9th** day of **March 2011**.