

## RESOLUTION

### GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NOS. 1220100022, 1310100003, and 1240100011

WHEREAS, HHHunt Communities (the "Applicant") has requested an extension of the exception granted by the Chesapeake Bay Board of James City County (the "Board") on March 9, 2011 for use of the Resource Protection Area (the "RPA") starting on a parcel of property identified as 3611 Rochambeau Drive – JCC RE Tax Parcel No. 1220100022, continuing behind the Williamsburg Christian Academy at 101 School House Lane – JCC RE Tax Parcel No. 1310100003, and ending at a manhole on 8290 Richmond Road – JCC RE Tax Parcel No. 1240100011 (the "Property") as set forth in the application CBE-11-079 for installation of a gravity sanitary sewer for the White Hall Offsite Sanitary Sewer 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 federal, state, and local permits as required for the project.**
  - 2) **All proposed mitigation plantings shall meet James City County Standards with the 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 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, 2013.
- 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

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8<sup>th</sup> day of February 2012.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 8<sup>th</sup> DAY OF February 2012 IN THE COMMONWEALTH OF VIRGINIA IN THE COUNTY OF JAMES CITY.



NOTARY PUBLIC

MY COMMISSION EXPIRES 12/31/14

MELANIE J. DAVIS NOTARY PUBLIC REG. #7014335 COMMONWEALTH OF VIRGINIA MY COMMISSION EXPIRES DEC. 31, 2014
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