

## RESOLUTION

### GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 5040100001

WHEREAS, Mr. Stephen Quina with the Timmons Group on behalf of Kevin Kolda with Xanterra Kingsmill, LLC (the "Applicant"), has appeared before the Chesapeake Bay Board of James City County (the "Board") on November 13, 2013 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. 5040100001 and further identified as 1000 Kingsmill Road in the Kingsmill subdivision (the "Property") as set forth in the application CBE-14-041 for the purpose of installing an asphalt and concrete multiuse path, wooden steps, retaining walls, gravel parking, and a wooden boardwalk and pier; 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) **Full implementation of siteplan SP-0086-2013, once approved by various County agencies.**
  - 3) **A surety of \$50,000 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation plantings.**

- 4) This exception request approval shall become null and void if construction has not begun by November 13, 2014.
- 5) Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 6 weeks prior to the expiration date.

Michael Woolson  
 Michael Woolson  
 Senior Watershed Planner

David Gussman  
 David Gussman  
 Chair, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13<sup>th</sup> day of November 2013.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 13<sup>th</sup> DAY OF November 2013 IN THE COMMONWEALTH OF VIRGINIA IN THE COUNTY OF JAMES CITY.

Melanie J. Davis  
 NOTARY PUBLIC

7014335  
 REGISTRATION

MY COMMISSION EXPIRES 12/31/14

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