

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL 2321100001D

WHEREAS, AES Consulting Engineers on behalf of Candle Development LLC (the "Applicant") has applied to the Chesapeake Bay Board of James City County (the "Board") on February 12, 2014 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 2321100001D and further identified as 7551 Richmond Road (the "Property") as set forth in the application CBE-14-062 for the purpose of installing a gravity sanitary sewer line; 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, state, and federal permits as required for the project.
 - 2) A Natural Open Space Easement shall be recorded prior to or concurrent with recordation of the subdivision plat.
 - 3) Recordation of the Natural Open Space easement shall be guaranteed by a surety in the amount of \$5,000, in a form satisfactory to the County Attorney.
 - 4) The applicant shall make a payment into the Chesapeake Bay Mitigation Fund in the amount of \$3,920.

- 5) This exception request approval shall become null and void if construction has not begun by February 12, 2015.
- 6) 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

William L. Apperson
 William Apperson
 Vice Chair, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 12th day of March 2014.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 12th DAY OF March 2014 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