

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 2010200023

WHEREAS, Ms. Karla Havens, on behalf of Glenn and Michele Rauchwarg, (the "Applicant") has applied to the Chesapeake Bay Board of James City County (the "Board") 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. 2010200023 and further identified as 7592 Uncles Neck in the Rivers Bend at Uncles Neck subdivision (the "Property") as set forth in the application CBE-15-073 for the purpose of bank grading in conjunction with installation of a stone revetment (case W-06-15/VMRC 15-0246); 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 on April 8, 2015, 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) Prior to construction, a \$5,000 surety for the RPA plantings shall be submitted in a form acceptable to the County Attorney's office, to guarantee the mitigation plantings.
 - 3) Prior to construction, a RPA mitigation planting plan and plant list must be provided to the Engineering and Resource Protection Division staff for review and approval.
 - 4) The surety will be held for a minimum of one growing season after planting.


- 5) There shall be a 90% survival rate of the planted material after one growing season or additional plantings completed to reach 90% of the original quantity prior to surety release.
- 6) The Engineering and Resource Protection Division Director reserves the right to require additional erosion and sediment control measures for this project if field conditions warrant their use.
- 7) This exception request approval shall become null and void if construction has not begun by April 8, 2016.
- 8) 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
 Senior Watershed Planner


 David Gussman
 Chair, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of April, 2015.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 8th DAY OF April, 2015 IN THE COMMONWEALTH OF VIRGINIA IN THE COUNTY OF JAMES CITY.


 NOTARY PUBLIC

7014335
 REGISTRATION

MY COMMISSION EXPIRES 12/31/18.

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| MELANIE J. DAVIS NOTARY PUBLIC REG. #7014335 COMMONWEALTH OF VIRGINIA MY COMMISSION EXPIRES DECEMBER 31, 2018 |
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