

RESOLUTION

CASE NO. CBE-16-098. 5700 and 5720 WARHILL TRAIL

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, LaRS Group, (the "Applicant") has applied to the Chesapeake Bay Board of James City County (the "Board") on June 8, 2016, to request an exception to use of the Resource Protection Area (the "RPA") on a parcel of property identified as James City County Real Estate Tax Parcel No. 3210100012 and 3210100012A and further identified as 5700 and 5720 Warhill Trail (the "Property") as set forth in the application CBE-16-098 for the purpose of construction an indoor pool and locker room facility at the Williamsburg Indoor Soccer Complex; and


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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, 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:
 - a. The applicant must obtain all other necessary federal, state and local permits required for the project; and
 - b. Full implementation of the plan of development county plan no. SP-0020-2016, once approved; and
 - c. Three planting units of mitigation shall be provided in the site plan, to be located in or near the RPA that surrounds the proposed pool facility; and
 - d. Surety of \$3,000 will be included in the Siltation Bond that is required for this project to guarantee the mitigation plantings. The surety will be released once the

plantings have been completed and survived for one growing season post-planting;
and

- e. This exception request approval shall become null and void if construction has not begun by June 8, 2017; and
- f. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than six weeks prior to the expiration date.



 William Apperson
 Vice Chair, Chesapeake Bay Board



 Michael Woolson
 Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of June, 2016

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 8th DAY OF June, 2016 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.



 NOTARY PUBLIC

MY COMMISSION EXPIRES: 12/31/18

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

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