

## RESOLUTION

CASE NO. CBE-17-094. 4680 FENTON MILL ROAD

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Matthew Roth of Roth Environmental, LLC, on behalf of Thomas Napier (the "Applicant"), has applied to the Chesapeake Bay Board of James City County (the "Board") to request an exception to use the Resource Protection Area (the "RPA") on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 1430300012 and further identified as 4680 Fenton Mill Road (the "Property") as set forth in the application CBE-17-094 for the purpose of installing a gravel parking lot; 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 and permissions as required for the project; and
  - b. Surety of \$4,000 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation plantings; and
  - c. The mitigation plantings shall have a survivability of at least 90% at one year post planting prior to final surety release. Up to 50% of the surety may be released once mitigation has been planted; and

- d. This exception request approval shall become null and void if construction has not begun by August 9, 2018; and
- e. 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.



David Gussman  
Chair, Chesapeake Bay Board



Michael Woolson  
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 9th day of August, 2017.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 9<sup>th</sup> DAY OF August, 2017 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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