

RESOLUTION

CASE NO. CBE-16-054. 129 & 137 INDUSTRIAL BOULEVARD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

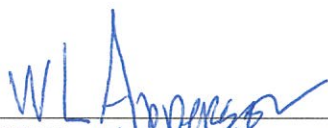
WHEREAS, Graham Corson, of AES Consulting Engineers, on behalf of Nice Commercial Properties, LLC (the "Applicant"), has applied to the Chesapeake Bay Board of James City County (the "Board"), to request an exception to use of the Resource Protection Area (the "RPA") on a parcel of property identified as James City County Real Estate Tax Parcel No. 1240100062 and further identified as 137 Industrial Boulevard in Hankins Industrial Park (the "Property") as set forth in the application CBE-16-054 for the purpose of constructing an extended detention wet pond; 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. Surety of \$5,000 will be required in a form acceptable to the County Attorney's office and incorporated into the development bonds that will be required for this project. The surety will be released once a plat of conservation easement and the Deed of Easement have been recorded at the County courthouse and proof provided to the Engineering and Resource Protection Division; and

- c. Provide evidence that the wetlands permit required by the Corps of Engineers for impacts to wetlands and waters of the United States has been issued; and
- d. This exception request approval shall run concurrent with the Corps of Engineers permit, once obtained. This approval shall expire if either the Corps of Engineers permit expires or site plan approval expires. If site plan approval is not obtained by March 8, 2019, this exception request is expired.


~~Davis Gussman~~ William Apperson
 Vice Chair, Chesapeake Bay Board

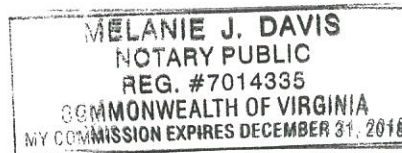

 Michael Woolson
 Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of March, 2017.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 8th DAY OF March, 2017 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.


 NOTARY PUBLIC

MY COMMISSION EXPIRES: 12/31/18



CBE16-054-129-13IndustrialBlvd-res