

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA 19-0117. 7851 Pocahontas Trail  
Staff Report for the November 13, 2019, Chesapeake Bay Board Public Hearing**

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*This staff report is prepared by James City County Stormwater and Resource Protection to provide information to the Chesapeake Bay Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.*

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**EXISTING SITE DATA AND INFORMATION**

Applicant:	Seaworld Parks & Entertainment, LLC	
Agent:	Mr. Anthony Loubier, Vanasse Hangen Brustlin, Inc.	
Location:	7851 Pocahontas Trail	
Parcel Identification No.:	5140100009	
Parcel:	Busch Gardens Williamsburg	
Lot Size:	383.07 acres	
Area of Lot in Resource Protection Area (RPA):	130 acres +/- (39%)	
Watershed:	James River (HUC JL30)	
Floodplain:	None affecting this property	
Proposed Activity:	Germany Expansion	
Impervious Cover:	8,050 square feet	
Temporary RPA Encroachment:	23,100 square feet, landward 50-foot RPA buffer 16,100 square feet, seaward 50-foot RPA buffer	
Permanent RPA Encroachment:	3,327 square feet, landward 50-foot RPA buffer 4,709 square feet, seaward 50-foot RPA buffer	
Staff Contact:	Trevor Long, Watershed Planner	Phone: 253-6789

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Anthony Loubier, Vanasse Hangen Brustlin, has applied for a Chesapeake Bay Exception on behalf of Seaworld Parks & Entertainment, LLC for encroachments into the RPA buffer for the expansion of the Germany area on property located at 7851 Pocahontas Trail within the James River watershed. The property is otherwise known as Busch Gardens Williamsburg and is further identified as James City County Tax Map Parcel No. 5140100009. The parcel was platted in 1974, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

Due to the scale of the proposed expansion in relation to existing structures surrounding the project site, RPA encroachment is deemed unavoidable for this exception request. During the construction of the proposed addition, there is a total of 23,100 square feet of temporary impact anticipated within the landward 50-foot RPA buffer and 16,100 square feet of temporary impact within the seaward 50-foot RPA buffer. Permanent impacts associated with the proposal equate to 3,327 square feet of impact within the landward 50-foot RPA and 4,709 square feet of impact within the seaward 50-foot RPA buffer. Furthermore, there is

approximately 8,050 square feet of impervious cover associated with the construction of the proposed attraction. An elevated building is also associated with the proposed permanent impacts for this project and is unavoidable due to the proximity of electrical connectivity from the attraction.

The required vegetative mitigation for this amount of impervious cover is 21 planting units. The applicant has proposed the plantings of 42 native canopy trees, 84 native understory trees, and 126 native shrubs, thereby doubling the mitigation requirements of the County.

## **STAFF EVALUATION**

Staff has evaluated the application and exception request for the expansion and finds that the application meets the conditions in Sections 23-11 and 23-14 and that the application should be heard by the Board because the expansion encroaches into the seaward 50-foot RPA buffer. Therefore, this request must be considered by the Board following a public hearing under the formal exception process. Per Sections 23-11 and 23-14 of the County Ordinance, a Water Quality Impact Assessment was submitted for the proposed project.

## **CONSIDERATION BY THE CHESAPEAKE BAY BOARD**

The Board may grant exceptions to Section 23-7 if the application meets the following five conditions:

1. The exception request is the minimum necessary to afford relief; and
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; and
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; and
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; and
5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

## **STAFF RECOMMENDATIONS**

Should the Board find that the exception request meets all five of the conditions outlined above, staff suggests the following conditions be incorporated into the approval:

1. The applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. A surety of \$10,000 be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney, to ensure the mitigation requirements; and
3. This exception request approval shall become null and void if construction has not begun by November 13, 2020; and
4. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than October 2, 2020, six weeks prior to the expiration date.

TL/md  
CBPA19-117BGWExp

Attachments:

1. Resolution
2. Water Quality Impact Assessment Package
3. Site Plan