

A G E N D A
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, VA 23188
June 13, 2018
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from May 9, 2018, regular meeting

D. PUBLIC HEARINGS

1. CBE-18-091 : 2148 Benomi Drive
2. CBE-18-092 : 4069 South Riverside Drive
3. CBE-18-093 : 123 Jordans Journey
4. CBE-18-088 : 1 Ensigne Spence
5. CBE-18-100 : 4131 Centerville Road
6. CBE-18-101 : Busch Gardens Pet Shenanigans Building
7. CBE-18-094 : Busch Gardens Ireland Expansion

E. BOARD CONSIDERATIONS

1. Special Conditions Discussion

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 6/13/2018

TO: Chesapeake Bay Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: Minutes from May 9, 2018, regular meeting

ATTACHMENTS:

	Description	Type
	Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	6/10/2018 - 12:47 PM
Chesapeake Bay Group	Geissler, Fran	Approved	6/11/2018 - 2:31 PM
Publication Management	Colonna, Tina	Approved	6/11/2018 - 3:37 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	6/11/2018 - 3:40 PM

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, VA 23188
May 9, 2018
5:00 PM

A. CALL TO ORDER

Mr. Hughes nominated Mr. Roadley to be acting Chairman for tonight.

The Chesapeake Bay Board meeting for May 9, 2018, was Called to Order.

The responsibility of this Board is to carry out locally the Commonwealth policy to protect against and minimize pollution and deposition of sediment in wetlands, streams and lakes in James City County which are tributaries of the Chesapeake Bay.

B. ROLL CALL

Board Members Present:

Charles Roadley
Larry Waltrip
John Hughes

Board Members Absent:

David Gussman
William Apperson

County Staff Present:

Michael Woolson, Senior Watershed Planner, Stormwater and Resource Protection
Frances Geissler, Director, Stormwater and Resource Protection
Liz Parman, Assistant County Attorney
Trevor Long, Watershed Planner, Stormwater and Resource Protection
Janice Petty, Assistant, Stormwater and Resource Protection

C. MINUTES

1. Minutes from the April 11, 2018, work session

The minutes from the April 11, 2018, work session were approved as written.

2. Minutes from the April 11, 2018, regular meeting

The minutes from the April 11, 2018, regular meeting were approved as written.

D. PUBLIC HEARINGS

1. CBE-18-074 : 233 Richard Brewster

Mr. Trevor Long presented the exception request submitted by Mr. James Sizemore of Dogwood Construction, on behalf of Brian and Diane Magoon, for encroachment into the RPA buffer for the construction of a retaining wall on the property located at 233 Richard Brewster in the Colston's Crossing section of the Kingsmill subdivision and the College Creek Watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 5030600044. The presentation described the current site conditions and the proposed project. Staff determined the impacts associated with the proposal to be minor and recommended the conditions outlined in the Resolution be required for approval.

The Board deliberated on the pros and cons of this application.

Mr. Roadley stated that he did not want to preempt the discussion that may occur at the next meeting on our special board meeting last month. Staff talked about having an open discussion for the public so they will understand the context of that discussion. Since we have not had that yet and that has not transpired, I am going to recommend to the Board that we strike the requirement to record the affidavit at least for tonight's meeting.

Mr. Long stated that staff was okay with striking the affidavit language.

Mr. Hughes had questions about the application.

Mr. Long answered the questions.

Mr. Roadley opened the Public Hearing.

A. Mr. James Sizemore of Dogwood Contracting addressed the Board and responded to questions.

Mr. Roadley closed the Public Hearing as no one wished to speak.

Mr. Roadley made a motion to adopt the Resolution to grant the exception request for CBE-18-074 at 233 Richard Brewster, subject to the modification of the affidavit exclusion.

The motion was approved: 3-0

Ayes: Roadley, Waltrip, Hughes

Nays: None

Absent: Apperson, Gussman

2. CBE-18-086 : 153 North Quarter

Mr. Trevor Long presented the exception request submitted by Mr. Ronald Curtis, Ronald Curtis Builder, on behalf of Mr. Neil and Sandy Jesuele, for the construction of a home addition with deck extension on property located at 153 North Quarter in the North Quarter Section of the Kingsmill subdivision and the College Creek Watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 5010700013. The presentation described the current site conditions and the proposed project. Staff determined the impacts associated with the proposal to be moderate and recommended the conditions outlined in the Resolution be required for approval.

The Board deliberated on the pros and cons of this application.

Mr. Roadley opened the Public Hearing.

A. Mr. Ronald Curtis, Ronald Curtis Builder, addressed the Board and answered questions.

Mr. Roadley closed the Public Hearing as no one else wished to speak.

Mr. Hughes made a motion to adopt the Resolution to grant the exception request for CBE-18-068 at 153 North Quarter, subject to the modification of the affidavit exclusion.

The motion was approved: 3-0

Ayes: Roadley, Waltrip, Hughes

Nays: None

Absent: Apperson, Gussman

3. CBE-18-088 : 1 Ensigne Spence

Mr. Michael Woolson requested a deferral until June 13, 2018 for the exception request submitted by Matthew Roth of Roth Environmental on behalf of Mr. Jay Napoleon for encroachments into the Resource Protection Area for the construction of a retaining wall and patio. The project is located on property known as 1 Ensigne Spence in the Hampton Key Section of the Kingsmill subdivision in the College Creek Watershed.

Mr. Roadley opened the Public Hearing.

Mr. Hughes made a motion to defer the application until the June 13, 2018, meeting for Cheasapeake Bay Board Case No. CBE-18-088 at 1 Ensigne Spence.

The motion was approved: 3-0

Ayes: Roadley, Waltrip, Hughes

Nays: None

Absent: Apperson, Gussman

E. BOARD CONSIDERATIONS

1. Special Conditions Discussion

Mr. Roadley tabled the discussion to the next scheduled meeting when a full Board was available to discuss.

F. MATTERS OF SPECIAL PRIVILEGE

None.

G. ADJOURNMENT

The meeting was adjourned at 5:47 p.m.

ITEM SUMMARY

DATE: 6/13/2018

TO: Chesapeake Bay Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: CBE-18-091 : 2148 Benomi Drive

Mrs. Tabitha Partlow has filed an exception request for encroachment into the RPA buffer and conservation easement for the installation of a shed at 2148 Benomi Drive in the Peleg's Point subdivision, JCC Parcel No. 4741300084.

ATTACHMENTS:

	Description	Type
▣	Deferral Request	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	6/10/2018 - 11:11 AM
Chesapeake Bay Group	Geissler, Fran	Approved	6/11/2018 - 2:28 PM
Publication Management	Colonna, Tina	Approved	6/11/2018 - 3:17 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	6/11/2018 - 3:39 PM

MEMORANDUM

DATE: June 13, 2018
TO: The Chesapeake Bay Board
FROM: Michael D. Woolson, Senior Watershed Planner
SUBJECT: CBE-18-091. 2148 Benomi Drive

Mr. Mac Partlow has requested a deferral of this case until the August 2018 meeting as they will be unable to attend the scheduled June meeting. Staff concurs with this request and ask that the Board defer this case to the August 2018 meeting.

MDW/md
CBE18-091Deferral-mem

ITEM SUMMARY

DATE: 6/13/2018

TO: Chesapeake Bay Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: CBE-18-092 : 4069 South Riverside Drive

Mr. Vladimir Arana has filed an exception request for encroachment into the RPA buffer for the installation of a hot tub at 4069 South Riverside Drive in the Chickahominy Haven subdivision, JCC Parcel No. 1910500017.

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Water Quality Impact Assessment	Backup Material
▣	Site Plan	Backup Material
▣	Public Hearing Notice	Backup Material
▣	APO Notification Letter	Backup Material
▣	APO Notification List	Backup Material
▣	Presentation	Presentation

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	6/11/2018 - 1:58 PM
Chesapeake Bay Group	Geissler, Fran	Approved	6/11/2018 - 2:28 PM
Publication Management	Colonna, Tina	Approved	6/11/2018 - 3:18 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	6/11/2018 - 3:39 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-18-092. 4069 South Riverside Drive
Staff Report for the June 13, 2018, Chesapeake Bay Board Public Hearing**

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.

EXISTING SITE DATA AND INFORMATION

Applicant: Mr. Vladamir Arana

Agent: None

Location: 4069 South Riverside Drive

Tax Map/Parcel No.: 1910500015

Parcel: Lot 17, Chickahominy Haven, Section 4

Lot Size: 0.30 acre

Area of Lot in Resource
Protection Area (RPA): 0.18 acre +/- (60%)

Watershed: Yarmouth Creek, (HUC JL28)

Floodplain: 0.2 Annual Chance Flood Hazard

Proposed Activity: Installation of a hot tub

Impervious Cover: 64 square feet

RPA Encroachment: 64 square feet, seaward 50-foot RPA buffer

Staff Contact: Michael Woolson, Senior Watershed Planner Phone: 253-6823

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Vladimír Arana has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the installation of a hot tub on property located at 4069 South Riverside Drive within the Chickahominy subdivision and the Yarmouth Creek Watershed. The property is further identified as James City County Tax Map Parcel No. 1910500015. The parcel was platted in 1961 prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

Earlier this year, Mr. Arana was cited for a violation that he appealed to this Board. As part of the settlement for that violation, Mr. Arana was required to restore the RPA with shrubs and other vegetation (no turf grass) and allowed to have a 10-foot by 20-foot area for playground equipment for his children. Mr. Arana is proposing to reduce the playground area to a 10-foot by 10-foot area and install a hot tub in the other 10-foot by 10-foot area. The total additional impervious cover within the RPA is 64 square feet within the seaward 50-foot RPA. Staff does not recommend any further mitigation due to the restoration of the RPA that Mr. Arana has undergone. Staff does note that two exception requests within six months of each other is highly unusual and that staff has no guidance from the Board on whether or not these should be considered serial requests. The State does offer some guidance on what is considered to be a serial requester.

STAFF EVALUATION

Staff has evaluated the application and exception request for the installation of a hot tub 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 proposed addition is considered accessory. A Water Quality Impact Assessment (WQIA) was submitted, per Sections 23-11 and 23-14 of the County Ordinance, for the proposed project within the RPA.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14. The Chesapeake Bay Board should fully consider Chesapeake Bay Exception CBE-18-092 as outlined and presented above and review the request for exception along with the WQIA. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chesapeake Bay Preservation Ordinance.

STAFF RECOMMENDATIONS

Staff has reviewed the application and exception request and has determined impacts associated with the proposal to be minor for the proposed development. Language in Virginia Department of Environmental Quality guidelines state that, "The Department discourages "serial exceptions" because the criteria for granting an exception are based on the minimum necessary to provide the use of the property, not convenience or desire for a particular level of development." Therefore, staff does not recommend approval of this exception request due to the applicant's appearance before the Board in regards to CBV-19-008 and CBE-18-063. Should the Board grant exception to this exception request, staff recommends the following conditions:

1. The applicant must obtain all other necessary federal, state and local permits as required for the project; and
2. This exception request approval shall become null and void if construction has not begun by June 13, 2019; and
3. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

MDW/md
CBE-18-092-4069SRvrside

Attachments:

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

RESOLUTION

CASE NO. CBE-18-092. 4069 SOUTH RIVERSIDE DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Vladamir Arana (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on June 13, 2018, 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. 1910500015 and further identified as 4069 South Riverside Drive in the Chickahominy Haven subdivision (the “Property”) as set forth in the application CBE-18-092 for the purpose of installing a hot tub; 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.
 - b. This exception request approval shall become null and void if construction has not begun by June 13, 2019; and
 - c. 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 13th day of June, 2018.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 20__ IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

CBE-18-092-4069SRvrside-res



Engineering & Resource Protection
APR 25 2018
RECEIVED

Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

For Office Use Only

CB Number CPE 13-092

Submission Requirements: (Check all applicable)

- ☒ A \$25 non-refundable processing fee payable to Treasurer, James City County.
☐ RPA - landward 50' - Complete Items 1 - 5, and sign on Page 3.
☒ RPA - seaward 50' - Complete Items 1 - 5, sign on Page 3 and submit an additional \$100 non-refundable fee payable to Treasurer, James City County, for the Chesapeake Bay Board.
☐ Conservation Easement - Complete Items 1, 2, 3, and 5, and sign on Page 3.
☐ Steep Slopes ≥ 25 percent - Complete Items 1, 2, 3, and 5, and sign on Page 3.
☐ Attach plans as required (see instruction on Page 4, Item 4).
☐ Applicable surety as required for mitigation (see **Mitigation Rates Table** on Page 2).

Upon completion, please return pages 1-3 to the JCC Engineering and Resource Protection Division

Property Owner Information:

Date: 04-26-08

Name: VLADIMIR ARANA
Address: 4069 S Riverside Dr. Haney
Phone: 804-248-3387 Fax: _____ Email: Vladimiracg@hotmail.com

Contact (if different from above):

Name: _____ Phone: _____
Email: _____

Project Information:

Project Address: Same
Subdivision Name, Lot, and Section No.: Chickahominy Haven LOT 17 Sec 4
Parcel Identification No. or Tax Map No.: 191 05 00015
Date Lot was platted: 5/9/61 Line or Bldg Permit No.: _____

Activity Location and Impacts (Square Feet - SF): (check all that apply)

- | | |
|--|--|
| <input type="checkbox"/> Steep Slopes ≥ 25 percent _____ (SF) | <input type="checkbox"/> RPA - Landward 50' _____ (SF) |
| <input type="checkbox"/> Conservation Easement _____ (SF) | <input checked="" type="checkbox"/> RPA - Seaward 50' <u>6455</u> (SF) |
| <input type="checkbox"/> Trees to be Removed _____ (#) | <input type="checkbox"/> Proposed Impervious Cover _____ (SF) |

Activity involves: (check all that apply)

- | | | |
|---|---|--|
| <input type="checkbox"/> New principal structure construction | <input type="checkbox"/> Building addition to principal structure | <input type="checkbox"/> Attached Deck |
| <input type="checkbox"/> Permitted buffer modifications: | <input type="checkbox"/> Dead/diseased/dying tree removal | <input type="checkbox"/> Sightline |
| <input checked="" type="checkbox"/> Accessory (Detached) Structure or Patio | <input type="checkbox"/> Invasive/noxious weed removal | <input type="checkbox"/> Access path/trail |
| <input type="checkbox"/> Other: <u>HOT TUB 6'x9'</u> | <input type="checkbox"/> Redevelopment: _____ | |

Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

Page 2

For Office Use Only

CB Number CE-18-092

1. Description of requested sensitive area activity and reason for request:

(In the description, please indicate the reason for the proposed structure or activity, the location, sizes and dimensions of feature. For decks or expansions, indicate if ground floor, first floor or other levels)

Install inground hot tub 8x8

2. As per Section 23-9 of the Chesapeake Bay Preservation Ordinance, if there is an on-site sewage disposal system on this property, has it been inspected and/or pumped out in the past five years? ☐ Yes ☒ No

3. Are permits from other local, State or Federal agencies required for any portion of this project? ☐ Yes ☒ No
(If yes, please explain) _____

4. Water Quality Impact Assessment

The purpose of a water quality impact assessment is to demonstrate that the project will result in the removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater run-off and that it will retard runoff, prevent accelerated erosion, promote infiltration, and filter non-point source pollution equivalent to the full undisturbed 100-foot buffer.

A. Why is this encroachment necessary? Can it be relocated to avoid RPA impacts?

Can not be located outside R.P.A.

B. What measures will be used to minimize impervious area? Examples: pervious pavers, removal of existing impervious surfaces (concrete, pavement, etc.) in the RPA not needed for the project

N/A

5. Proposed mitigation measures:

Note: All mitigation measures must be shown in detail on a mitigation plan. Show both location of mitigation measures and plant species if applicable. All mitigation plants must be native species and be located in the sensitive area (RPA or Conservation Easement).

Mitigation Rates Table

<u>Impervious Area (SF)</u>	<u>Mitigation Required</u>	<u>Surety</u>
<400	1 tree and 3 shrubs	\$250
400-1,000	1 canopy tree, 2 understory trees and 3 shrubs per 400 SF (or fraction thereof)	\$1,000
>1,000	Plant at same rate as 400 – 1,000; or may be determined by Director of Engineering and Resource Protection Division	To be determined

Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

Page 3

N/A

For Office Use Only

CB Number CBE #18-092

A. Vegetation/ground cover enhancement of buffer (see Mitigation Rates Table on previous page).

- ☐ Number of native canopy trees _____
- ☐ Number of native understory trees _____
- ☐ Number of native shrubs _____
- ☐ Square feet of native ground cover _____
- ☐ Square feet of mulch _____

B. Best Management Practices (BMPs)

- ☐ EC-2 (degradable) erosion control matting
- ☐ Dry Swale
- ☐ Silt fence
- ☐ Turf (Nutrient) Management Plan
- ☐ Gravel under deck (3" of gravel over synthetic filter fabric under entire deck area)
- ☐ Other: _____
- ☐ Bioretention or rain garden practice
- ☐ Infiltration Area/Trench/Drywell
- ☐ Structural BMP (Wet or Dry Pond)
- ☐ Rain Barrel

I understand that the following are approval conditions:

- 1) Mitigation for the above activity shall follow the approved mitigation plan and be guaranteed with a form of surety acceptable to the County Attorney.
- 2) Limits of disturbance as shown on the approved plan shall not be exceeded.
- 3) This approval shall become null and void if construction has not begun within 12 months of the approval date.
- 4) Surety will be released following the completion and inspection of mitigation plantings.

Property owner signature Nicholas A. Brown Date 04/26/18

Program Administrator _____ Date _____
Authorized Signature

For Office Use Only

Surety Amount: _____

Date/Rec No.: _____

Fee Paid? ☒ Yes ☐ No

Amount: 125.00

Date/Rec No.: 4/25/18 #3329

Chesapeake Bay Preservation Ordinance

Sensitive Area Activity Application

Instructions for the JCC Single-Family Sensitive Area Activity Application

1. When do I need to submit an application?

This application is for any activity in the Resource Protection Area (RPA); on 25 percent or greater slopes or in Conservation Easements, on single-family, residential lots. Activities include grading, filling, building, removal of vegetation, and any other disturbances. If you are proposing to do any activities in these sensitive and protected areas, you must fill out this application. The application will be reviewed and either approved or disapproved. If the application is approved, you may proceed with the activity after receiving a letter of approval.

2. What activities can be approved administratively and which ones need to go to the James City County Chesapeake Bay Board?

All sensitive area activities require administrative review. Activities that must go to the Board are:

- Construction of a new principal structure within the seaward 50-foot RPA buffer.
- Construction of an accessory structure (such as a shed, garage, patio, etc.) anywhere in the 100-foot RPA.
- Any application administratively determined to exceed the minimum necessary to afford relief.
- Appeals of an administrative decision.

Activities that can be approved administratively by the Engineering and Resource Protection Division are:

- Construction of certain new principal structures within the landward 50-foot RPA buffer.
- Expansions and alterations to an existing, non-conforming (built prior to adoption of the ordinance), principal structure anywhere in the RPA buffer.
- Disturbance of steep slopes.
- Tree/vegetation removal for a sight line, path, or because the plants are dead, diseased or dying.

3. What other permits may be needed?

If you are proposing activity in tidal wetlands, you will need to file a Joint Permit Application (JPA) for the James City County Wetlands Board with the Virginia Marine Resources Commission (VMRC). If you are proposing activity in US Army Corps of Engineers jurisdictional wetlands, you will need to obtain a permit from them or the Department of Environmental Quality. These activities will also require the filing of a JPA. Most work involving a principal or accessory structure will require a building permit from the James City County Building Safety and Permits. The applicant is responsible for obtaining all necessary permits for the activity they are proposing.

4. What else needs to be submitted with the Sensitive Area Application?

The plans submitted must be drawn to scale and the following items must be clearly shown on the overhead plan view:

- Any existing buildings/structures on the property (house, garage, pool, deck, patio, retaining wall etc).
- Location and dimensions of proposed activity.
- Type of materials to be used (examples: timber retaining wall, brick paver patio, frame shed on concrete, etc).
- Any perennial streams, wetlands or ponds on or adjacent to the property.
- The 50-ft (seaward) and 100-ft (landward) RPA buffer areas and/or the Conservation Easement.
- Approximate contours on the land (topography).
- Location of slopes \geq 25 percent.
- All trees greater than 12" in diameter (measured 4.5' above the ground); include diameter and species or an outline of the wood lines if there are clumps of trees.
- Any vegetation proposed for removal or alteration.
- Erosion and sediment controls if necessary.
- Mitigation plan with surety (see page 6, Item 7).

Chesapeake Bay Preservation Ordinance

Sensitive Area Activity Application

The following items must be clearly indicated on the on the side view elevation of the proposed structure:

- Proposed structure and its location to any existing structure.
- Show the approximate contours of the land (topography).
- If proposed structure is an elevated deck, provide the height of the deck above ground.
- Show any proposed staircases or landings, any other existing decks or patios on the property and show the required gravel underneath the deck.

5. Why is mitigation required?

Natural vegetation is important for controlling the rate of stormwater runoff, removing excesses nutrients and pollutants from storm and groundwater, and preventing soil erosion. When natural vegetation is removed, these functions are lost. Therefore, the replacement of natural vegetation is required to ensure that the RPA area functions properly.

6. When is mitigation required?

Mitigation is required for the removal of vegetation from the RPA to enhance the pollutant filtering function of the remaining buffer. The amount of plantings is based on the amount of impervious cover created within the RPA, or to replace vegetation removed for sightline clearing. Mitigation is not required for activities on steep slopes that are not in the RPA. Disturbed steep slopes must be matted with EC-2 (degradable) erosion control matting.

7. What are the mitigation requirements?

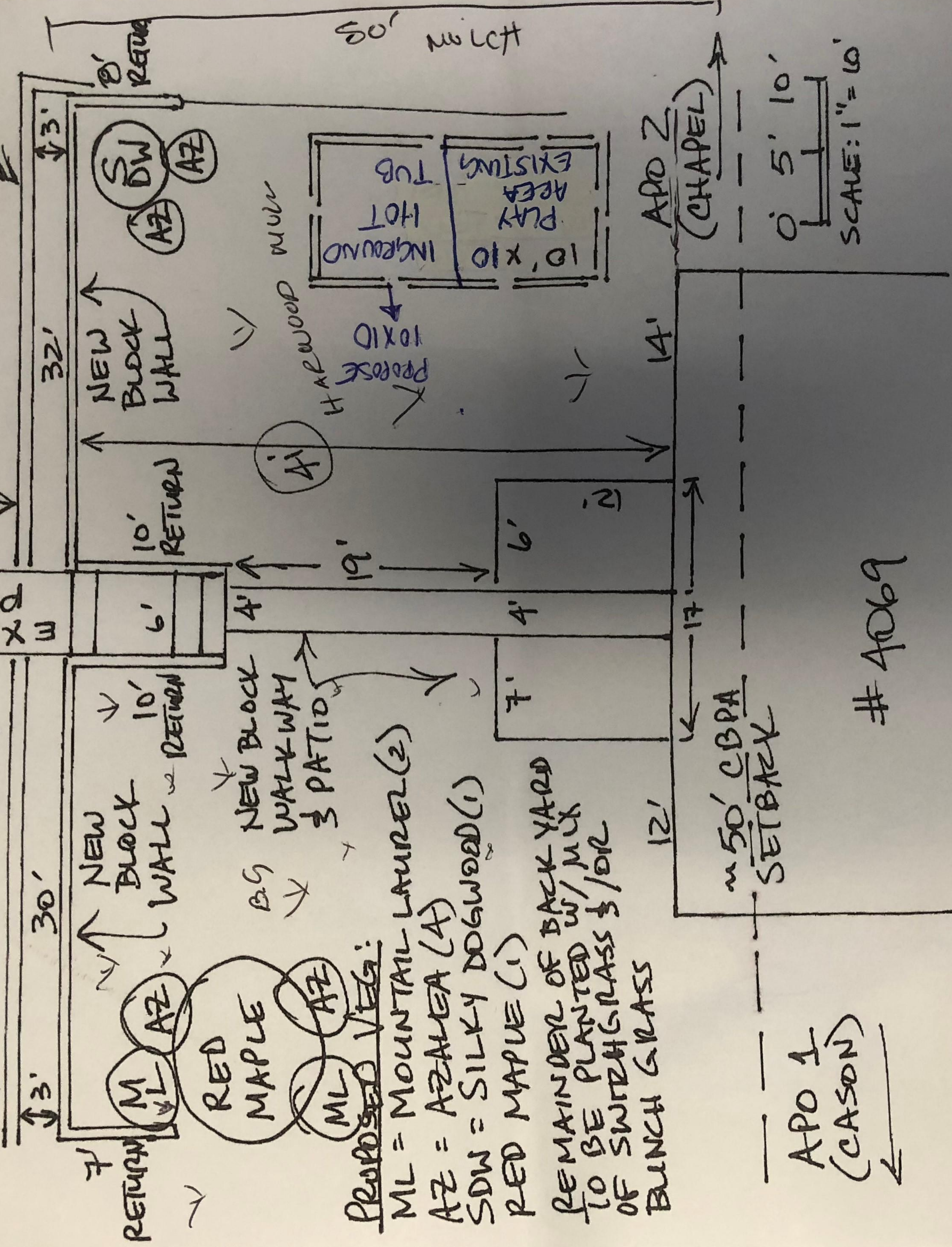
- Mitigation plants must be species that are native to the coastal plain of Virginia. A list of plant species can be found at: www.dcr.virginia.gov/natural_heritage/nativeplants.shtml
- Mitigation plantings should be a mix of native, canopy trees, understory trees, and shrubs to provide the most effective buffer.
- Mitigation plantings must be within the 100' RPA buffer. Mitigation and corresponding surety rates will be determined by the table at the bottom of page 2.
- Mitigation size requirements:
 - Canopy and understory trees must be a minimum of 1 1/2 inch caliper or 6 feet tall.
 - Shrubs must be a minimum 3-gallon size and 18 inches tall.
- If your activity requires mitigation, you must submit a mitigation plan. Required elements for the mitigation plan are:
 - Any current and proposed buildings/structures.
 - The 50' (seaward) and 100' (landward) RPA buffer areas.
 - Any perennial streams, wetlands, or ponds on or adjacent to the property.
 - All trees greater than 12" in diameter (measured 4.5' above the ground); include diameter and species or an outline of the wood lines if there are clumps of trees.
 - Location of mitigation plantings (include species and size of planting).
 - Location of other mitigation measures.
 - Date of completion (no more that 24 months from approval).
 - Corresponding surety in a form acceptable to the County Attorney (certified check is preferred), must be submitted to ensure completion of the approved mitigation plan.
- Mitigation plantings must be inspected before the Certificate of Occupancy is issued by JCC Building Safety and Permits and/or prior to release of the surety.

8. What if I have questions or need additional information?

Contact the James City County Engineering and Resource Protection Division at 757-253-6670 or visit our website at www.jamescitycountyva.gov/resourceprotection.

CHP 18-063
* SILT FENCE TO BE
INSTALLED & MAINTAINED
AT LANDWARD EDGE OF
BLOCK WALL UNTIL A
COMPLETE VEGETATIVE
COVER IS ESTABLISHED.
EX. CONC. Bt/MHW)

EX. CONC. BH/MHW ↗



Adjacent Property Owners

1. Francis D. & Constance Cason
2. Theresa Hope & Stephen Chapel

VLADIMIR ARANA
2 BROTHER'S INVESTMENTS, LLC
4069 S. Riverside Drive
on the Chickahominy River

Date: 1-29-18 Sheet 2 of 2

Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane - Plainview, VA 23156 (804) 785-2107 - karlshavens@gmail.com



PUBLIC HEARING NOTICE

THE WETLANDS AND CHESAPEAKE BAY BOARDS OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, JUNE 13, 2018, AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

W-26-18/VMRC 18-0763: Mr. and Mrs. Steve and Lori Caudill have applied for a wetland permit to construct a pier at 8401 Hicks Island Road, JCC Parcel No. 0910100024A.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-18-091: Mrs. Tabitha Partlow has filed an exception request for encroachment into the RPA buffer and conservation easement for the installation of a shed at 2148 Benomi Drive in the Peleg's Point subdivision, JCC Parcel No. 4741300084.

CBE-18-092: Mr. Vladimir Arana has filed an exception request for encroachment into the RPA buffer for the installation of a hot tub at 4069 South Riverside Drive in the Chickahominy Haven subdivision, JCC Parcel No 1910500017.

CBE-18-093: Mr. Whitford R. Strickland has filed an exception request for encroachment into the RPA buffer for the construction of a retaining wall, patio, access path and shoreline restoration at 123 Jordans Journey in the First Colony subdivision, JCC Parcel No. 4540200150.

CBE-18-094: Mr. Piotr Swietuchowski of VHB, Inc., on behalf of SeaWorld Parks & Entertainment, LLC, has filed an exception request for encroachment into the RPA buffer for the construction of a new structure in the Ireland Hamlet section of Busch Gardens at 7851 Pocahontas Trail, JCC Parcel No. 5140100009.

CBE-18-100: Mr. Joseph E. Franklin has filed an exception request for encroachment into the RPA buffer for installation of a double wide mobile home at 25 Clay Circle in the Greensprings Mobile Home Park located at 4131 Centerville Road, JCC Parcel No. 3640100001.

CBE-18-101: Ms. Suzy Cheely, on behalf of SeaWorld Parks & Entertainment, LLC, has filed an exception request for encroachment into the RPA buffer for the construction of a deck behind the Pet Shenanigans Show building at Busch Gardens, located at 7851 Pocahontas Trail, JCC Parcel No. 5140100009.

Consideration of proposed Chesapeake Bay exception conditions will be heard.

Appeals from decisions under the Chesapeake Bay Preservation Ordinance may also be heard.

All interested parties are invited to attend the meetings. The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101 Mounts Bay Road, Building E, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – May 30, 2018 and June 6, 2018.
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

COPIES: PLANNING
ASSISTANT COUNTY ATTORNEY
WETLAND/CHESAPEAKE BAY BOARD MEMBERS



General Services
Stormwater and Resource
Protection Division
101-E Mounts Bay Road
Williamsburg, VA 23185

Resource.Protection@jamescitycountyva.gov

May 23, 2018

RE: 4069 S Riverside Drive
CBE-18-092
Accessory – Hot Tub

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Chesapeake Bay Board by Mr. Vladimir Arana of 2 Brothers Investments, LLC. for encroachment into the Resource Protection Area (RPA) buffer associated with installation of a hot tub. The project is located at 4069 S Riverside Drive in the Chickahominy Haven Subdivision. The property is further identified by James City County Real Estate as Parcel No. 1910500017.

A complete description, plan, and other information are on file in the Stormwater Division and are available for inspection during normal business hours, should anyone desire to review them.

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, June 13, 2018 at 5:00 p.m.**, in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

Janice Petty

Janice Petty
Stormwater Assistant

cc: Vladimir Arana of 2 Brothers Investments, LLC

Mailing List for: CBE-18-092 – 4069 S Riverside Drive – 2 Brothers Investments LLC – Arana – Accessory – Hot Tub

Owner: 1910500017

2 Brothers Investments LLC
Attn: Arana, Vladimir
4069 S Riverside Drive
Lanexa, VA 23089-9415

2 Brothers Investments LLC
Attn: Arana, Vladimir
11351 Brickshire Lane
Providence Forge, VA 23140

2 Brothers Investments LLC
6831 West Road
Chesterfield, VA 23832-8345

1910500016- 4067 S Riverside Drive

Chapel, Teresa Hope & Stephen
5206 Reids Point Road
Glen Allen, VA 23060-2828

1910500049

McDaniel, William R & Jan L
4070 S Riverside Drive
Lanexa, VA 23089-9414

1910500048

Fox, Richard T
4072 S Riverside Drive
Lanexa, VA 23089-9414

1910500018

Cason, Francis D & Constance J
4071 S Riverside Drive
Lanexa, VA 23089-9415



Chesapeake Bay Board of James City County, Virginia

June 13, 2018

CBE-18-092

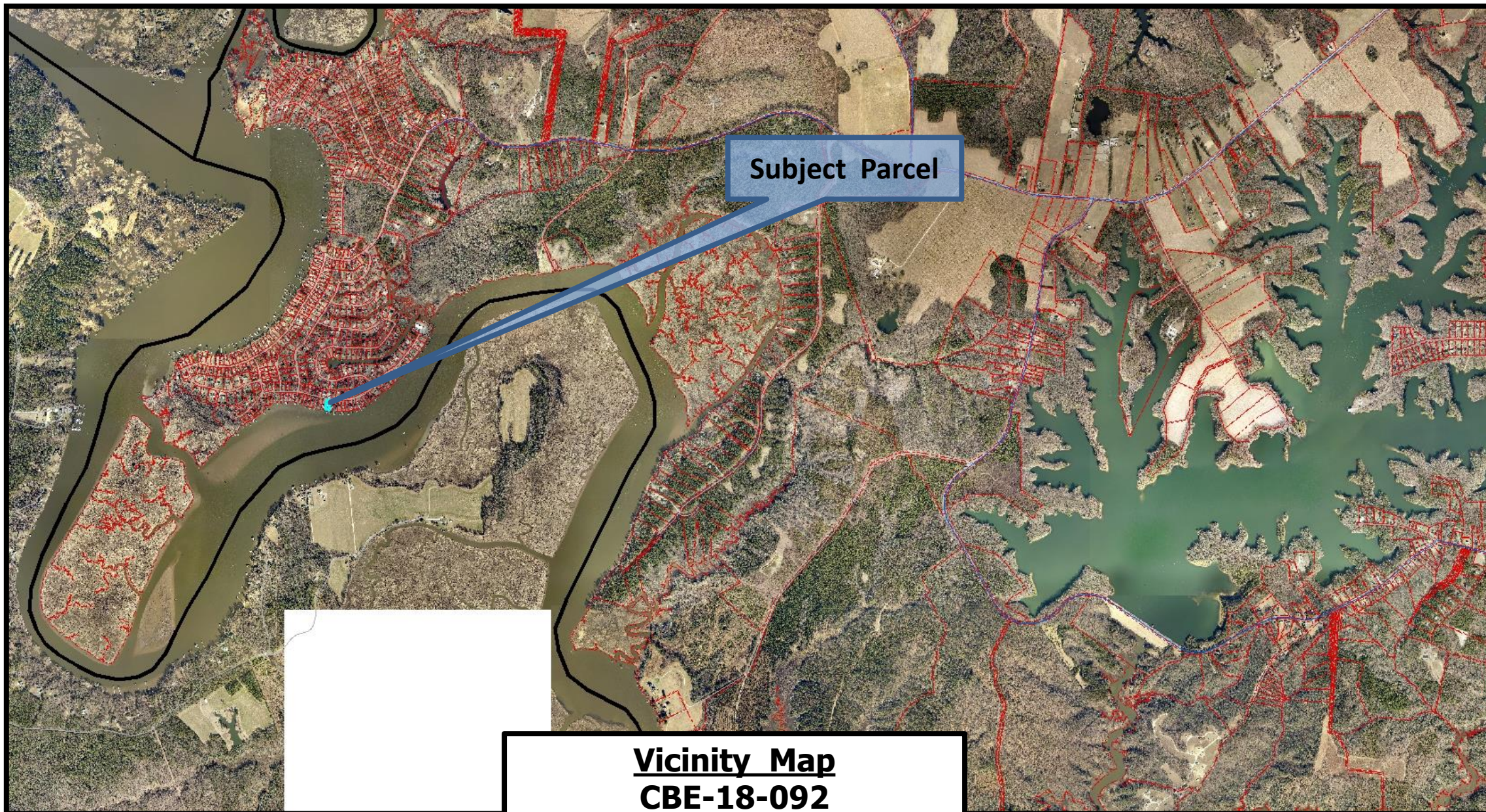
Vladimir Arana

4069 South Riverside Drive



Applicant Request

- ✓ To install a hot tub.



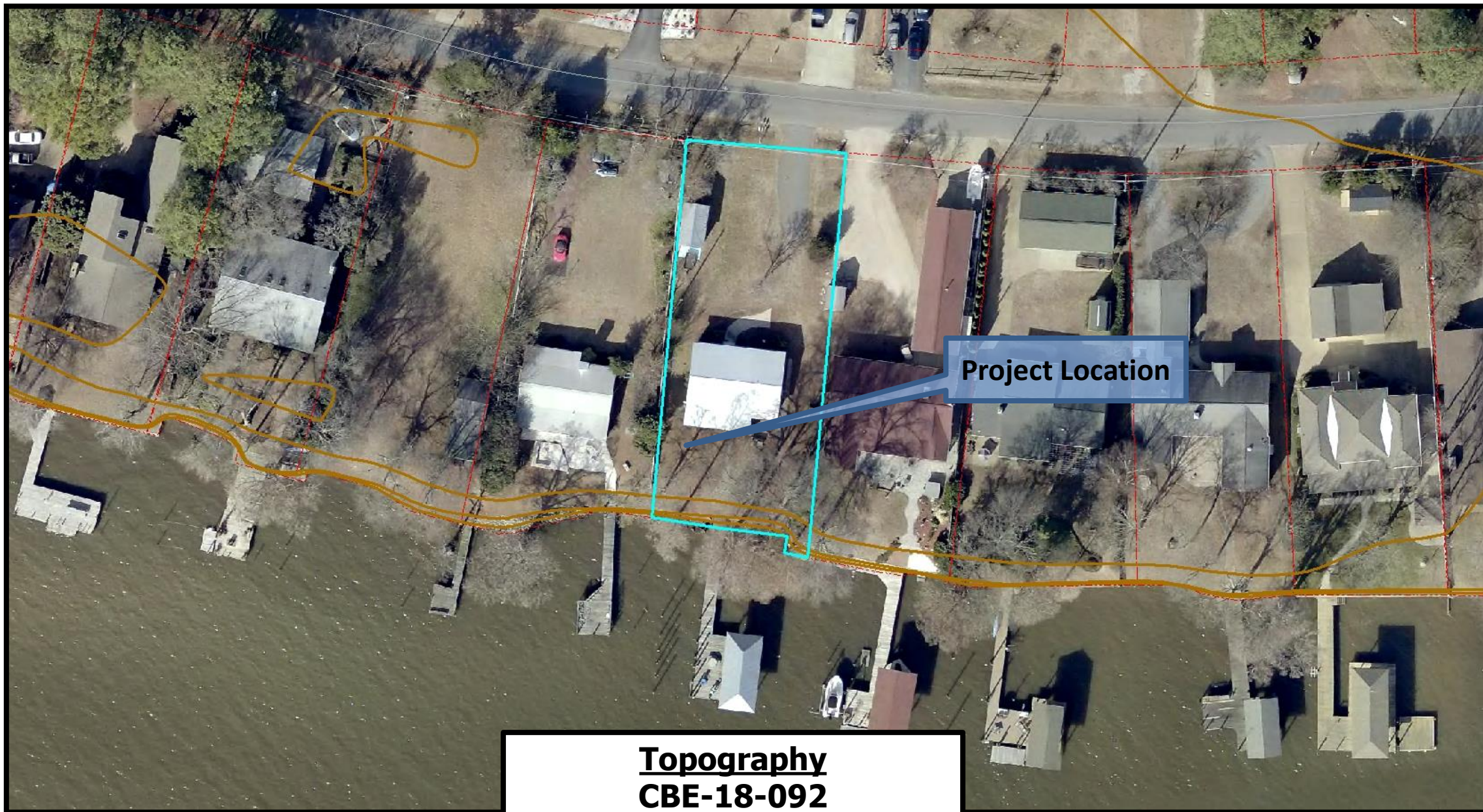
Subject Parcel

Vicinity Map
CBE-18-092
4069 South Riverside Drive



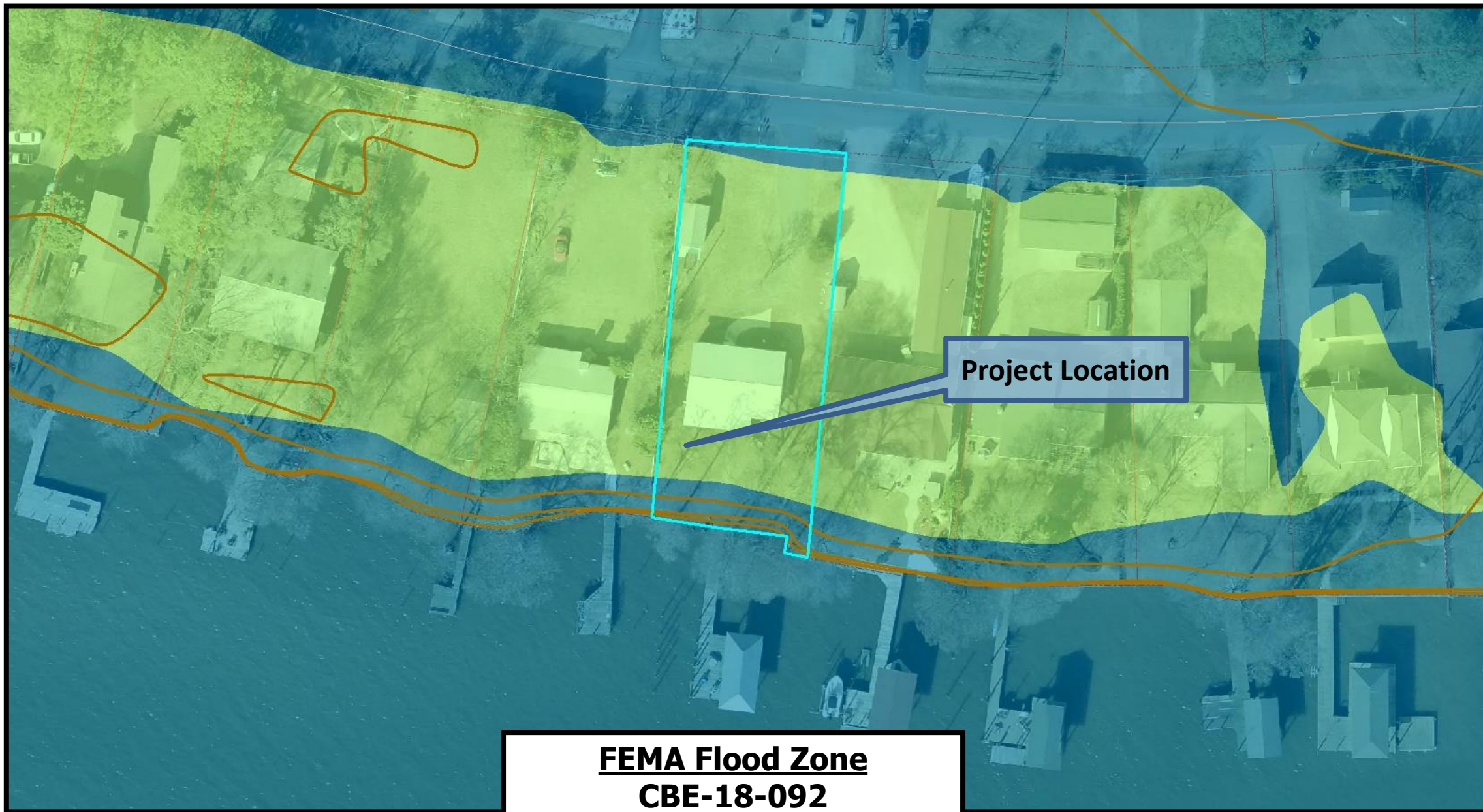
Project Location

Aerial Photograph
CBE-18-092
4069 South Riverside Drive



Project Location

Topography
CBE-18-092
4069 South Riverside Drive



Project Location

FEMA Flood Zone
CBE-18-092
4069 South Riverside Drive

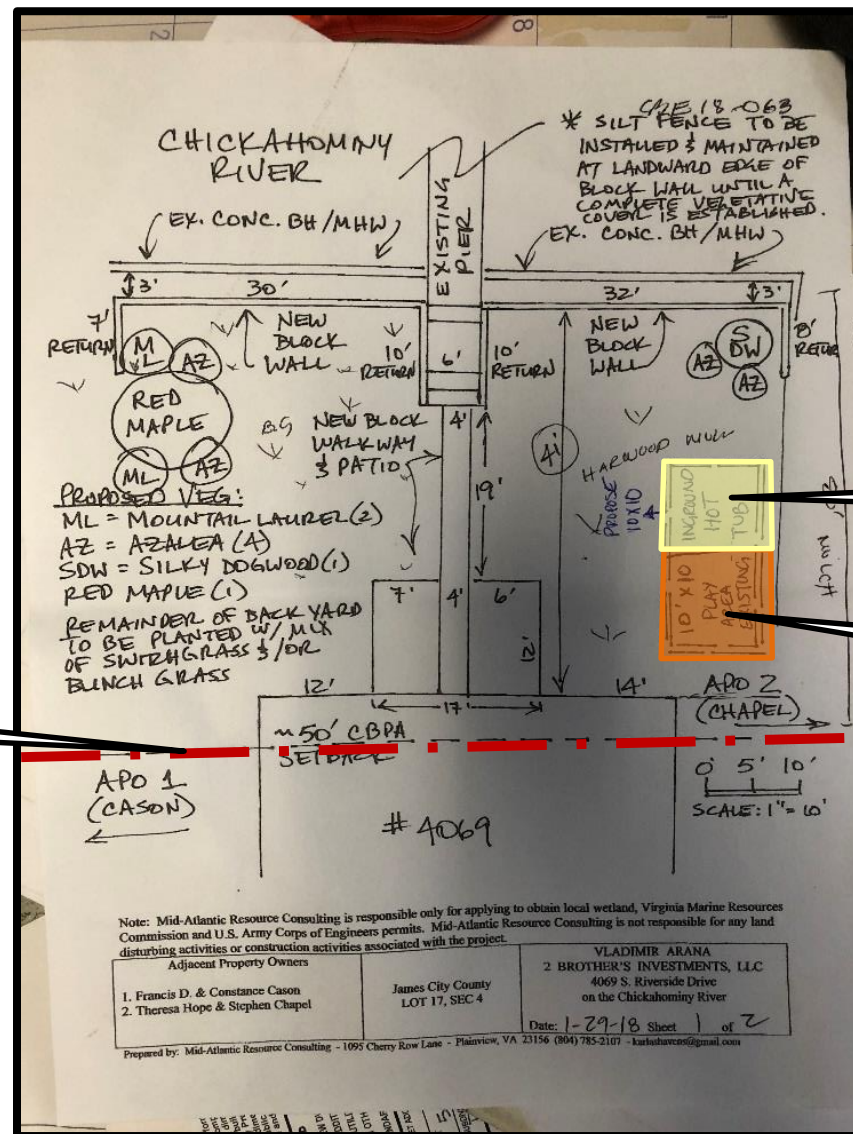


Project Location

Resource Protection Area-
CBE-18-092
4069 South Riverside Drive

Site Plan showing proposed improvements, submitted May 29, 2018. For representative use only for presentation of case # CBE-18-092.

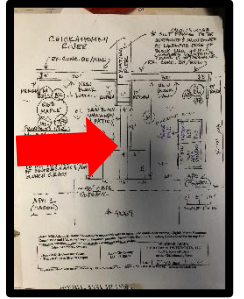
50 FT RPA



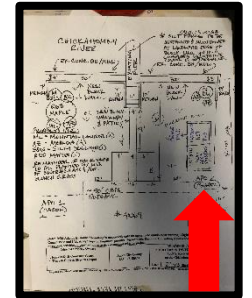
Proposed Hot Tub

Existing Play Area

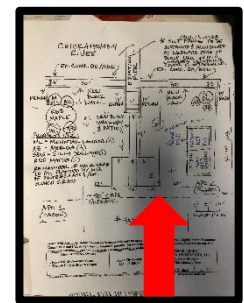
Site Plan - CBE-18-092
4069 South Riverside Drive



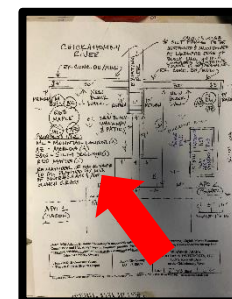
Site Photograph #1 - CBE-18-092
4069 South Riverside Drive



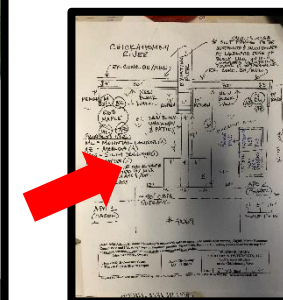
Site Photograph #2 - CBE-18-092
4069 South Riverside Drive



Site Photograph #3 - CBE-18-092
4069 South Riverside Drive



Site Photograph #4 - CBE-18-092
4069 South Riverside Drive



Site Photograph #5 - CBE-18-092
4069 South Riverside Drive

Permit Conditions



Staff Recommendation – Denial

- ✓ All other necessary local, state and federal permits
- ✓ Null and Void if not started by June 13, 2019
- ✓ Extension request no later than 6 weeks prior to expiration

ITEM SUMMARY

DATE: 6/13/2018

TO: Chesapeake Bay Board

FROM: Trevor Long, Watershed Planner

SUBJECT: CBE-18-093 : 123 Jordans Journey

Whitford and Judith Strickland have filed an exception request for encroachment into the RPA buffer for construction of a retaining wall, seating area and access path at 123 Jordans Journey in the First Colony subdivision.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Water Quality Impact Assessment	Backup Material
☐	Site and Mitigation Plan	Backup Material
☐	Presentation	Presentation
☐	Public Hearing Notice	Backup Material
☐	APO Notification Letter	Backup Material
☐	APO Notification List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	6/11/2018 - 11:32 AM
Chesapeake Bay Group	Geissler, Fran	Approved	6/11/2018 - 2:27 PM
Publication Management	Colonna, Tina	Approved	6/11/2018 - 3:20 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	6/11/2018 - 3:39 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-18-093. 123 Jordans Journey
Staff Report for the June 13, 2018, Chesapeake Bay Board Public Hearing**

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.

EXISTING SITE DATA AND INFORMATION

Applicants:	Whitford R. and Judith A. Strickland	
Agent:	Same	
Location:	123 Jordans Journey	
Tax Map/Parcel No.:	4540200150	
Parcel:	Lot 150, First Colony, Section Two	
Lot Size:	0.68 acre	
Area of Lot in Resource Protection Area (RPA):	0.33 acre +/- (49%)	
Watershed:	James River, (HUC JL30)	
Floodplain:	None	
Proposed Activity:	Construction of a retaining wall, access path and installation of coir log bank stabilization	
Impervious Cover:	770 square feet	
RPA Encroachment:	770 square feet, landward 50-foot RPA buffer	
Staff Contact:	Trevor Long, Watershed Planner	Phone: 253-6789

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Whitford and Judith Strickland have applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a retaining wall, access path and coir log bank stabilization on property located at 123 Jordans Journey within the First Colony subdivision and the James River watershed. The property is further identified as James City County Tax Map Parcel No. 4540200150. The parcel was platted in 1964 prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total impervious cover within the RPA is 770 square feet within the landward 50-foot RPA. To date, the applicant has proposed a mitigation plan of three eastern redbuds, 20+ assorted shrubs, and 1,271 square feet of native ground cover. The required mitigation for this amount of impact would be two planting units, therefore proposed mitigation exceeds County requirements.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a retaining wall, access path and coir log bank stabilization 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 proposed additions are considered accessory. A Water Quality Impact Assessment (WQIA) was submitted per Sections 23-11 and 23-14 of the County Ordinance for any proposed project within the RPA.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14. The Chesapeake Bay Board should fully consider Chesapeake Bay Exception CBE-18-093 as outlined and presented above and review the request for exception along with the WQIA. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chesapeake Bay Preservation Ordinance.

STAFF RECOMMENDATIONS

Staff has reviewed the application and exception request and has determined impacts associated with the proposal to be minor for the proposed development. Staff recommends approval of this exception request with the following conditions incorporated into the approval:

1. The applicant must obtain all other necessary federal, state and local permits as required for the project; and
2. That the applicant submit a mitigation plan with a \$1,000 surety to guarantee the plantings; and
3. This exception request approval shall become null and void if construction has not begun by June 13, 2019; and
4. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

MDW/md
CBE18-093-123JordJny

Attachments:

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

RESOLUTION

CASE NO. CBE-18-093. 123 JORDANS JOURNEY

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Whitford R. and Judith A. Strickland (the “Applicants”) have applied to the Chesapeake Bay Board of James City County (the “Board”) on June 13, 2018, 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. 4540200150 and further identified as 123 Jordans Journey (the “Property”) as set forth in the application CBE-18-093 for the purpose of installing a principle structure; 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.
 - b. The applicant submit a mitigation plan with three planting units, along with a \$1,000 surety to guarantee the plantings.
 - c. This exception request approval shall become null and void if construction has not begun by June 13, 2019.

- d. Written requests for an extension to an exception shall be submitted to the Stormwater 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 13th day of June, 2018.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 20__ IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

CBE18-093-123JordJny-res



Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

RECEIVED

For Office Use Only

CBE# 18-093
CB Number

Submission Requirements: (Check all applicable)

- ☒ A \$25 non-refundable processing fee payable to Treasurer, James City County.
- ☒ RPA - landward 50' - Complete Items 1 - 5, and sign on Page 3.
- ☐ RPA - seaward 50' - Complete Items 1 - 5, sign on Page 3 and submit an additional \$100 non-refundable fee payable to Treasurer, James City County, for the Chesapeake Bay Board.
- ☐ Conservation Easement - Complete Items 1, 2, 3, and 5, and sign on Page 3.
- ☒ Steep Slopes ≥ 25 percent - Complete Items 1, 2, 3, and 5, and sign on Page 3.
- ☒ Attach plans as required (see instruction on Page 4, Item 4).
- ☒ Applicable surety as required for mitigation (see **Mitigation Rates Table** on Page 2).

Upon completion, please return pages 1-3 to the JCC Engineering and Resource Protection Division

Property Owner Information:

Date: April 30, 2018

Name: Whitford R. and Judith A. Strickland

Address: 123 Jordan's Journey, Williamsburg, VA 23185

Phone: (757) 221-0295

Fax: _____

Email: jandy.randy@cox.net

Contact (if different from above):

Name: _____

Phone: _____

Email: _____

Project Information:

Project Address: 123 Jordan's Journey, Williamsburg, VA 23185

Subdivision Name, Lot, and Section No.: Lot 150, First Colony, Section Two

Parcel Identification No. or Tax Map No.: 4540200150

Date Lot was platted: 05/14/1964

Line or Bldg Permit No.: _____

Activity Location and Impacts (Square Feet - SF): (check all that apply)

- | | |
|--|--|
| <input checked="" type="checkbox"/> Steep Slopes ≥ 25 percent <u>2,203</u> (SF) | <input checked="" type="checkbox"/> RPA - Landward 50' <u>2,981</u> (SF) |
| <input type="checkbox"/> Conservation Easement _____ (SF) | <input type="checkbox"/> RPA - Seaward 50' _____ (SF) |
| <input type="checkbox"/> Trees to be Removed _____ (#) | <input type="checkbox"/> Proposed Impervious Cover <u>770</u> (SF) |

Activity involves: (check all that apply)

- | | | |
|---|---|---|
| <input type="checkbox"/> New principal structure construction | <input type="checkbox"/> Building addition to principal structure | <input type="checkbox"/> Attached Deck |
| <input type="checkbox"/> Permitted buffer modifications: | <input type="checkbox"/> Dead/diseased/dying tree removal | <input type="checkbox"/> Sightline |
| <input checked="" type="checkbox"/> Accessory (Detached) Structure or Patio | <input checked="" type="checkbox"/> Invasive/noxious weed removal | <input checked="" type="checkbox"/> Access path/trail |
| <input checked="" type="checkbox"/> Other: <u>Erosion control</u> | <input type="checkbox"/> Redevelopment: _____ | |

Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

Page 2

For Office Use Only

CE# 18-093
CB Number

1. Description of requested sensitive area activity and reason for request:

(In the description, please indicate the reason for the proposed structure or activity, the location, sizes and dimensions of feature. For decks or expansions, indicate if ground floor, first floor or other levels)

~~The purpose is to stop continuous erosion on the 9' high slope draining into Lake Pasbehegh. Installing coco coir logs, a low retaining wall, an access path and planting natural shrubs, grasses, small trees and ground cover as mitigation.~~

2. As per Section 23-9 of the Chesapeake Bay Preservation Ordinance, if there is an on-site sewage disposal system on this property, has it been inspected and/or pumped out in the past five years? ☐ Yes ☐ No

3. Are permits from other local, State or Federal agencies required for any portion of this project? ☐ Yes ☒ No
(If yes, please explain) _____

4. Water Quality Impact Assessment

The purpose of a water quality impact assessment is to demonstrate that the project will result in the removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater run-off and that it will retard runoff, prevent accelerated erosion, promote infiltration, and filter non-point source pollution equivalent to the full undisturbed 100-foot buffer.

A. Why is this encroachment necessary? Can it be relocated to avoid RPA impacts?

~~The encroachment is necessary to stop erosion and reduce runoff.~~

B. What measures will be used to minimize impervious area? Examples: pervious pavers, removal of existing impervious surfaces (concrete, pavement, etc.) in the RPA not needed for the project

~~The site surface soil is impervious silty clay, the project will add 4" - 6" of topsoil and mulch to the entire project area~~

5. Proposed mitigation measures:

Note: All mitigation measures must be shown in detail on a mitigation plan. Show both location of mitigation measures and plant species if applicable. All mitigation plants must be native species and be located in the sensitive area (RPA or Conservation Easement).

Mitigation Rates Table

<u>Impervious Area (SF)</u>	<u>Mitigation Required</u>	<u>Surety</u>
<400	1 tree and 3 shrubs	\$250
400-1,000	1 canopy tree, 2 understory trees and 3 shrubs per 400 SF (or fraction thereof)	\$1,000
>1,000	Plant at same rate as 400 – 1,000; or may be determined by Director of Engineering and Resource Protection Division	To be determined

**Chesapeake Bay Preservation Ordinance
Sensitive Area Activity Application**

Page 3

For Office Use Only

CBE # 18-093
CB Number

A. Vegetation/ground cover enhancement of buffer (see Mitigation Rates Table on previous page).

- ☐ Number of native canopy trees _____
☒ Number of native understory trees 3 eastern redbuds
☒ Number of native shrubs 20+ assorted shrubs see attached proposed plant list
☒ Square feet of native ground cover 1,271
☐ Square feet of mulch _____

B. Best Management Practices (BMPs)

- ☒ EC-2 (degradable) erosion control matting
☐ Dry Swale
☐ Silt fence
☐ Turf (Nutrient) Management Plan
☐ Gravel under deck (3" of gravel over synthetic filter fabric under entire deck area)
☒ Other: Paths to be 3" washed gravel over filter fabric.
☐ Bioretention or rain garden practice
☐ Infiltration Area/Trench/Drywell
☐ Structural BMP (Wet or Dry Pond)
☐ Rain Barrel

I understand that the following are approval conditions:

- 1) Mitigation for the above activity shall follow the approved mitigation plan and be guaranteed with a form of surety acceptable to the County Attorney.
- 2) Limits of disturbance as shown on the approved plan shall not be exceeded.
- 3) This approval shall become null and void if construction has not begun within 12 months of the approval date.
- 4) Surety will be released following the completion and inspection of mitigation plantings.

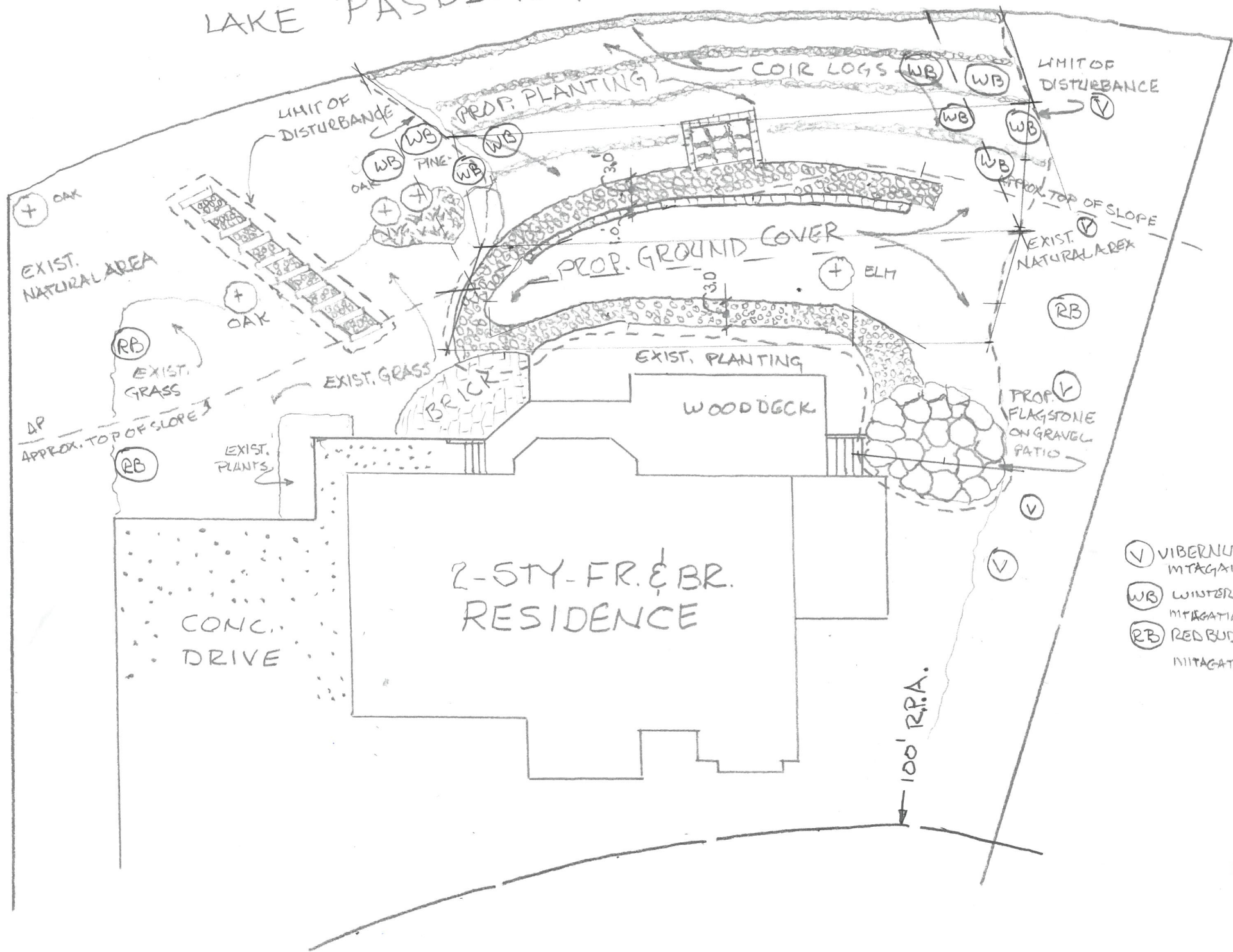
Property owner signature W.R. Stickland, Trustee Date 4/27/18

Program Administrator _____ Date _____
Authorized Signature

For Office Use Only

Surety Amount: 4000.00
Date/Rec No.: 4/30/18 # 3332
Fee Paid? ☒ Yes ☐ No
Amount: 125.00
Date/Rec No.: 4/30/18 # 3332

LAKE PASBEHEGH



- (V) VIBERNUM MITIGATION
- (WB) WINTERBERRY MITIGATION
- (RB) REDBUD MITIGATION

CH/E# 18-093



Chesapeake Bay Board of James City County, Virginia

June 13, 2018

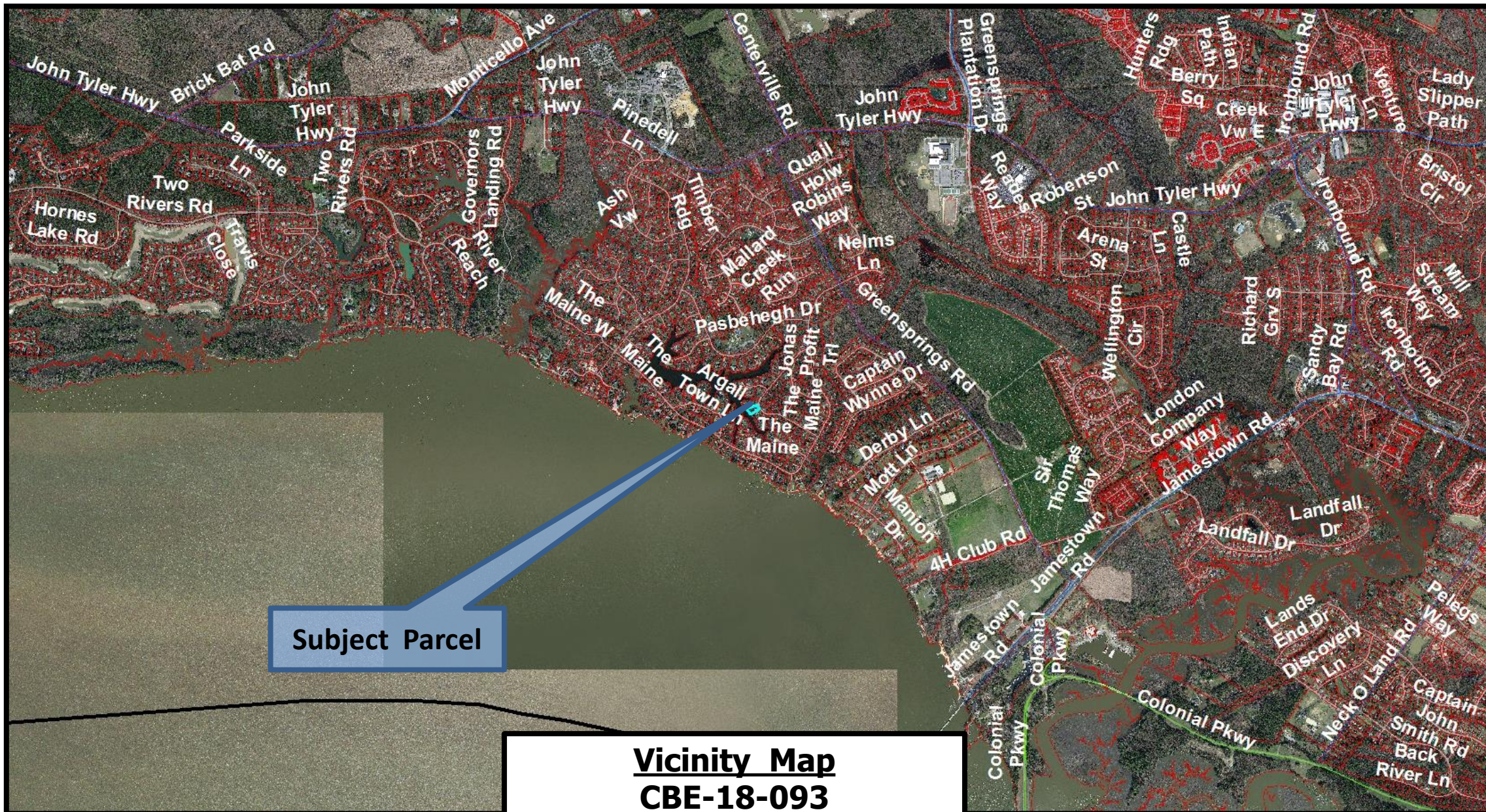
CBE-18-093

Whitford R. and Judith A. Strickland

123 Jordans Journey

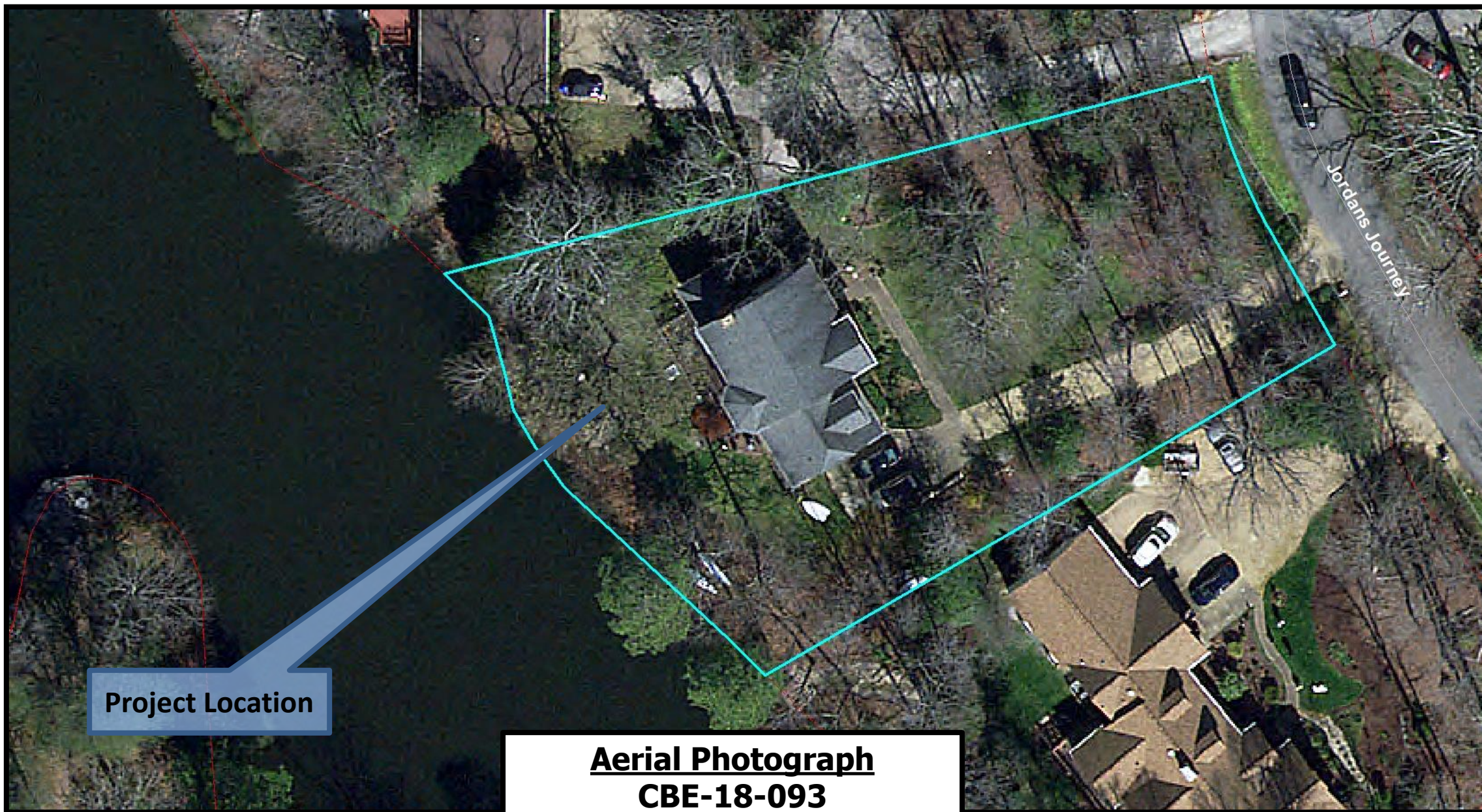
Applicant Request

- ✓ Construction of a retaining wall with access path and installation of coir logs



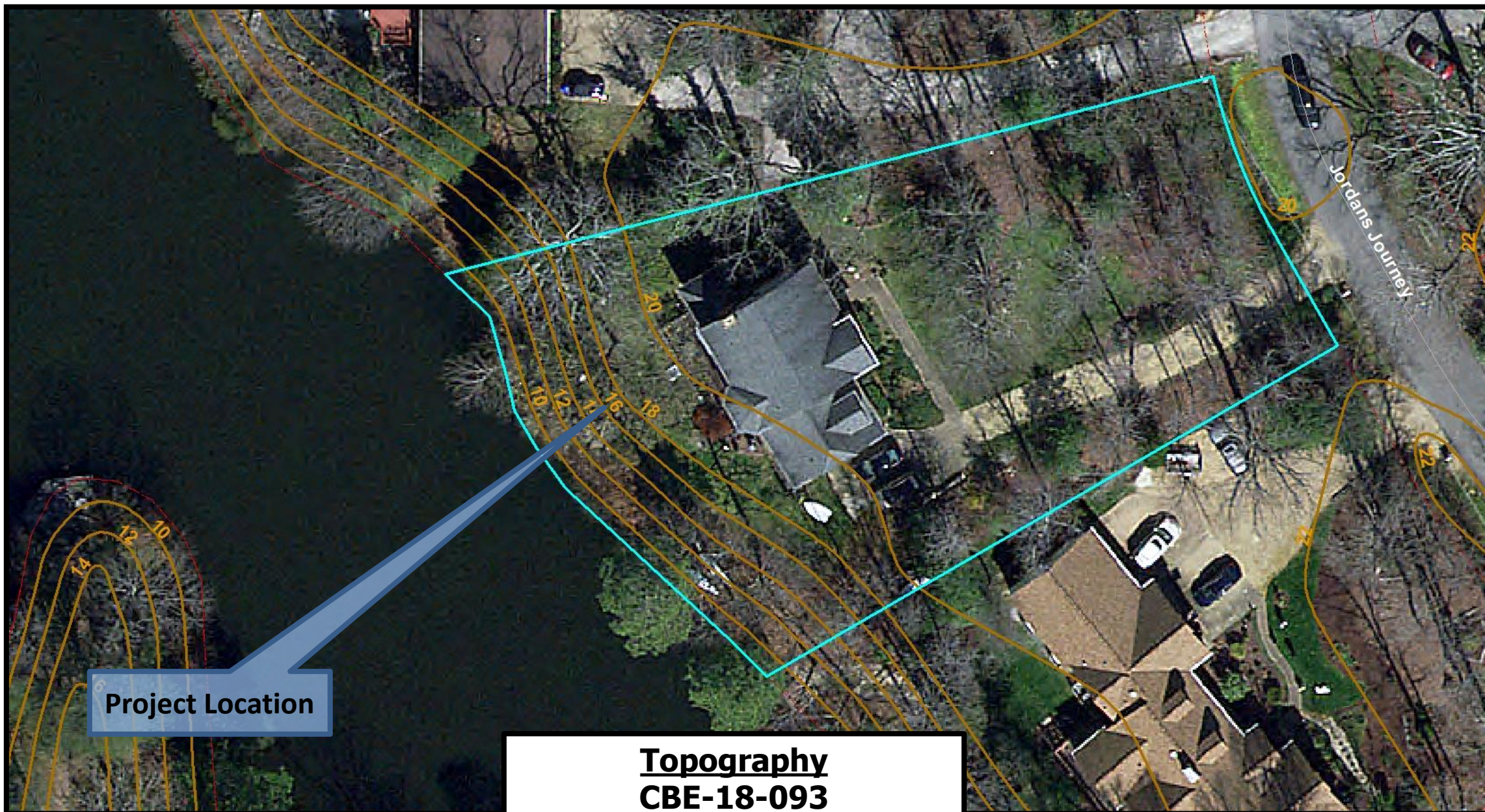
Subject Parcel

Vicinity Map
CBE-18-093
123 Jordans Journey



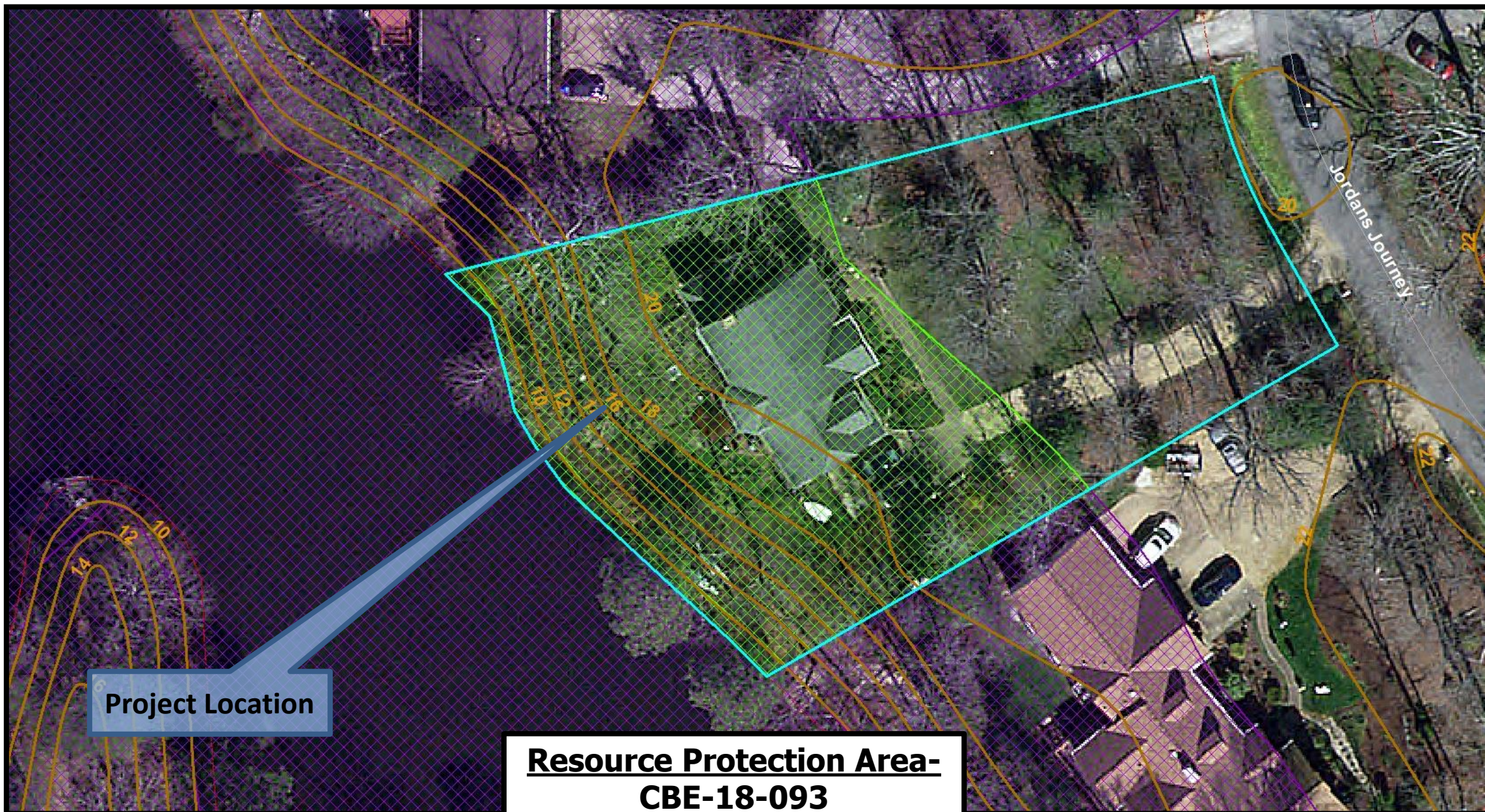
Project Location

Aerial Photograph
CBE-18-093
123 Jordans Journey



Project Location

Topography
CBE-18-093
123 Jordans Journey



Project Location

Resource Protection Area-
CBE-18-093
123 Jordans Journey

Proposed Coir Logs

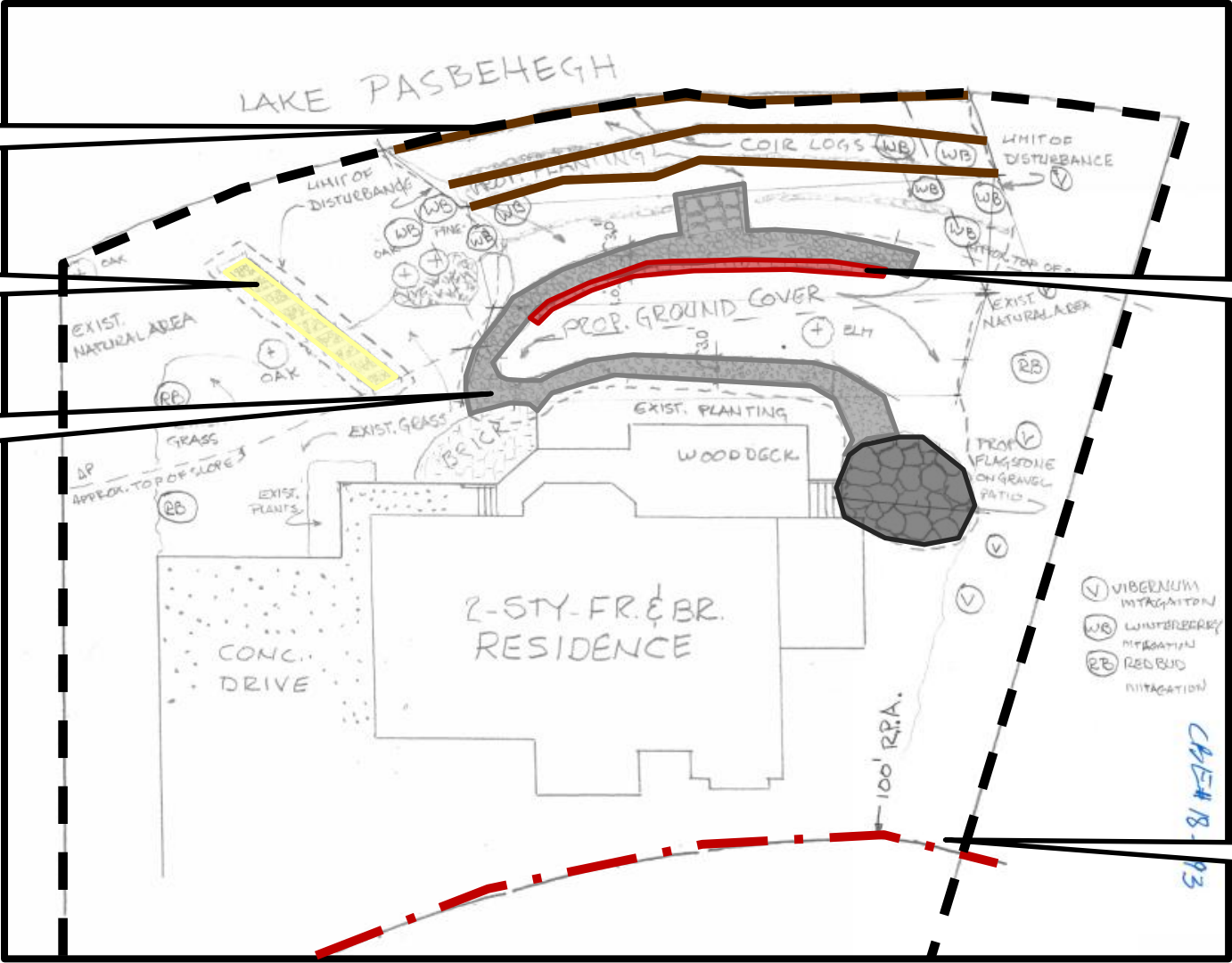
Proposed Access Path

Proposed Gravel Walkway

Site Plan showing proposed improvements, submitted April 30, 2018. For representative use only for presentation of case # CBE-18-093.

Proposed Retaining Wall

100 ft RPA



Site Plan - CBE-18-093
123 Jordans Journey

Proposed Coir
Logs

Proposed
Access Path

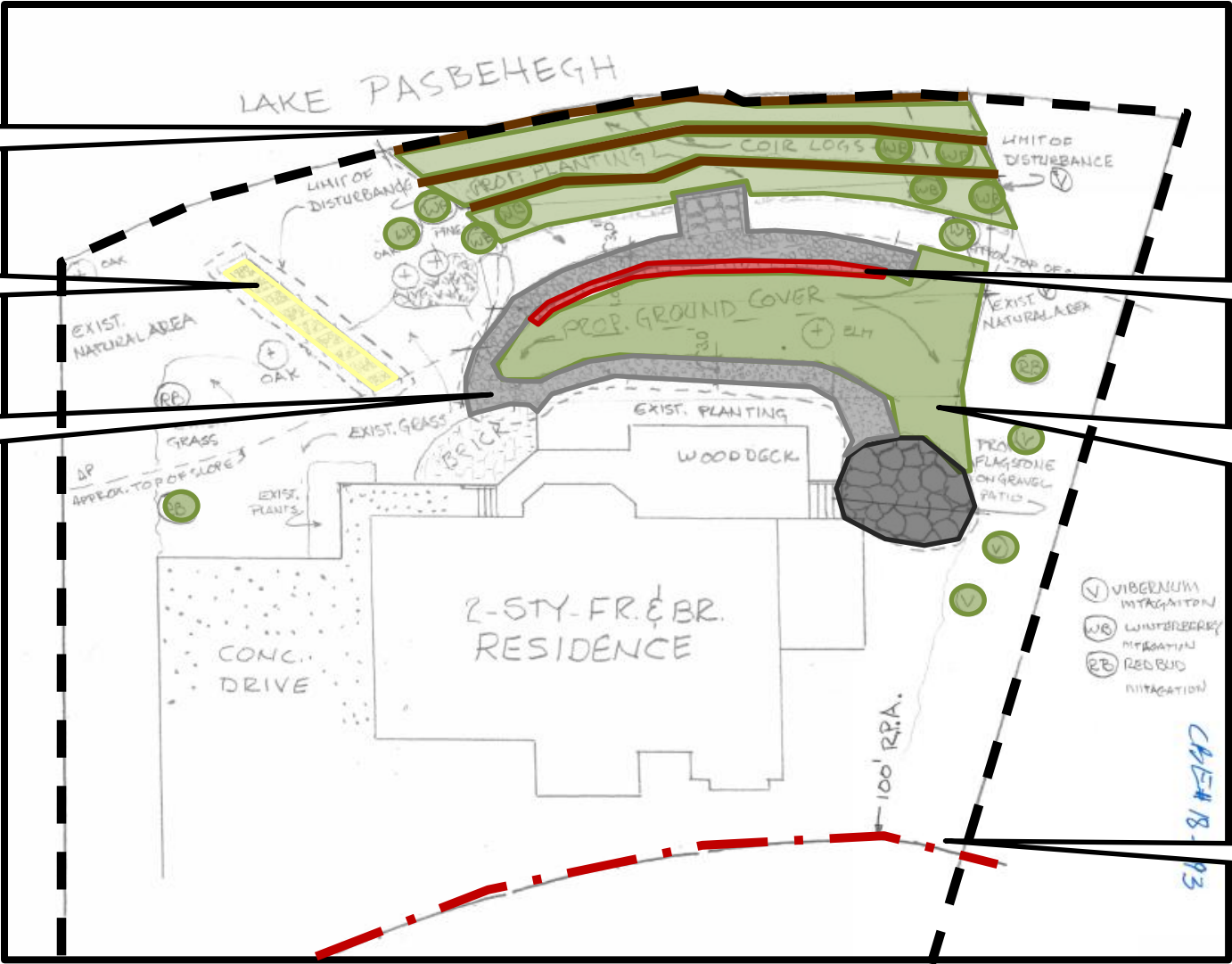
Proposed
Gravel
Walkway

Site Plan showing
proposed improvements,
submitted April 30, 2018.
For representative use
only for presentation of
case # CBE-18-093.

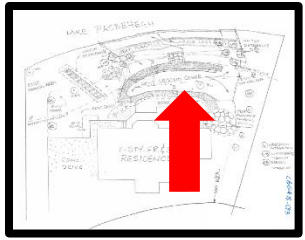
Proposed
Retaining Wall

Proposed
Ground Cover/
Mitigation

100 FT RPA



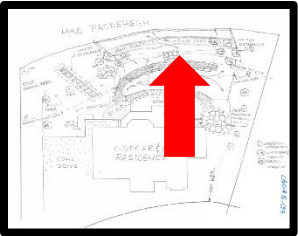
Site Plan - CBE-18-093
123 Jordans Journey

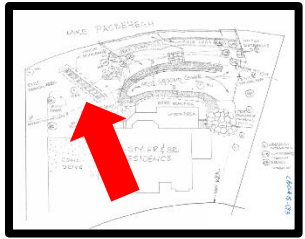


Site Photograph #1 - CBE-18-093
123 Jordans Journey

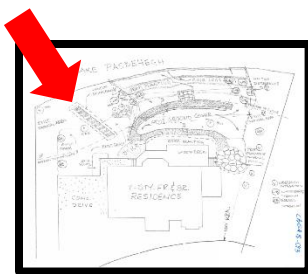


Site Photograph #2 - CBE-18-093
123 Jordans Journey





Site Photograph #3 - CBE-18-093
123 Jordans Journey



Site Photograph #4 - CBE-18-093
123 Jordans Journey



Site Photograph #5 - CBE-18-093
123 Jordans Journey

Permit Conditions



Staff Recommendation – Approval

- ✓ All other necessary local, state and federal permits
- ✓ \$1000 surety made payable James City County Treasurer
- ✓ Null and Void if not started by June 13, 2019
- ✓ Extension request no later than 6 weeks prior to expiration



PUBLIC HEARING NOTICE

THE WETLANDS AND CHESAPEAKE BAY BOARDS OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, JUNE 13, 2018, AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

W-26-18/VMRC 18-0763: Mr. and Mrs. Steve and Lori Caudill have applied for a wetland permit to construct a pier at 8401 Hicks Island Road, JCC Parcel No. 0910100024A.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-18-091: Mrs. Tabitha Partlow has filed an exception request for encroachment into the RPA buffer and conservation easement for the installation of a shed at 2148 Benomi Drive in the Peleg's Point subdivision, JCC Parcel No. 4741300084.

CBE-18-092: Mr. Vladimir Arana has filed an exception request for encroachment into the RPA buffer for the installation of a hot tub at 4069 South Riverside Drive in the Chickahominy Haven subdivision, JCC Parcel No 1910500017.

CBE-18-093: Mr. Whitford R. Strickland has filed an exception request for encroachment into the RPA buffer for the construction of a retaining wall, patio, access path and shoreline restoration at 123 Jordans Journey in the First Colony subdivision, JCC Parcel No. 4540200150.

CBE-18-094: Mr. Piotr Swietuchowski of VHB, Inc., on behalf of SeaWorld Parks & Entertainment, LLC, has filed an exception request for encroachment into the RPA buffer for the construction of a new structure in the Ireland Hamlet section of Busch Gardens at 7851 Pocahontas Trail, JCC Parcel No. 5140100009.

CBE-18-100: Mr. Joseph E. Franklin has filed an exception request for encroachment into the RPA buffer for installation of a double wide mobile home at 25 Clay Circle in the Greensprings Mobile Home Park located at 4131 Centerville Road, JCC Parcel No. 3640100001.

CBE-18-101: Ms. Suzy Cheely, on behalf of SeaWorld Parks & Entertainment, LLC, has filed an exception request for encroachment into the RPA buffer for the construction of a deck behind the Pet Shenanigans Show building at Busch Gardens, located at 7851 Pocahontas Trail, JCC Parcel No. 5140100009.

Consideration of proposed Chesapeake Bay exception conditions will be heard.

Appeals from decisions under the Chesapeake Bay Preservation Ordinance may also be heard.

All interested parties are invited to attend the meetings. The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101 Mounts Bay Road, Building E, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – May 30, 2018 and June 6, 2018.
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

COPIES: PLANNING
ASSISTANT COUNTY ATTORNEY
WETLAND/CHESAPEAKE BAY BOARD MEMBERS



General Services
Stormwater and Resource
Protection Division
101-E Mounts Bay Road
Williamsburg, VA 23185

Resource.Protection@jamescitycountyva.gov

May 23, 2018

RE: CBE-18-093
123 Jordans Journey
Retaining Wall – Patio – Access Path – Shoreline Restoration

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Chesapeake Bay Board by Whitford R Strickland, Trustee for encroachment into the Resource Protection Area (RPA) buffer associated with installation of a retaining wall, patio, access path and shoreline restoration. The project is located at 123 Jordans Journey in Section 2 of the First Colony subdivision. The property is further identified by James City County Real Estate as Parcel No 4540200150.

A complete description, plan and other information are on file in the Stormwater Division and are available for inspection during normal business hours, should anyone desire to review them.

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, June 13, 2018 at 5:00 p.m.**, in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

Janice Petty

Janice Petty
Stormwater Assistant

cc: Strickland, Whitford R, Trustee and Judith A, Trustee

Mailing List for: CBE-18-093 – 123 Jordans Journey – Strickland – Accessory – Patio – Access Path – Buffer Mod

Owner: 4540200150

Strickland, Whitford R, Trustee & Judith A, Trustee
123 Jordans Journey
Williamsburg, VA 23185-1444

4540200149

Osborne, Linda J & Bryan, Michelle Leigh
125 Jordans Journey
Williamsburg, VA 23185-1444

4540200151

Harris, Donald B, Trustee & Faye Voss, Trustee
121 Jordans Journey
Williamsburg, VA 23185-1444

4540200152

Egloff, Keith & Nancy
124 Jordans Journey
Williamsburg, VA 23185-1430

4540200153

Paisley, Donald M
126 Jordans Journey
Williamsburg, VA 23185-1430

4540200115

Schell, Jeffrey W & Karen M
107 Powie Circle
Williamsburg, VA 23185-1418

ITEM SUMMARY

DATE: 6/13/2018

TO: Chesapeake Bay Board

FROM: Trevor Long, Watershed Planner

SUBJECT: CBE-18-088 : 1 Ensigne Spence

Roth Environmental, on behalf of Mr. Jay Napoleon, has filed an exception request for encroachment into the RPA buffer for the construction of a retaining wall with patio at 1 Ensigne Spence in the Hampton Key section of the Kingsmill subdivision, JCC Parcel No. 5021100053.

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Water Quality Impact Assessment	Backup Material
▣	Project Summary	Backup Material
▣	Site Plan	Backup Material
▣	Mitigation Plan	Backup Material
▣	Rain Garden Calculations	Backup Material
▣	Presentation	Presentation
▣	Public Hearing Notice	Backup Material
▣	APO Notification Letter	Backup Material
▣	APO Notification List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	6/11/2018 - 1:55 PM
Chesapeake Bay Group	Geissler, Fran	Approved	6/11/2018 - 2:30 PM
Publication Management	Colonna, Tina	Approved	6/11/2018 - 3:16 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	6/11/2018 - 3:39 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-18-088. 1 Ensigne Spence
Staff Report for the June 13, 2018, Chesapeake Bay Board Public Hearing**

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.

EXISTING SITE DATA AND INFORMATION

Applicant: Mr. Jay Napoleon

Agent: Mr. Mathew Roth, Roth Environmental

Location: 1 Ensigne Spence

Tax Map/Parcel No.: 5021100053

Parcel: Kingsmill, Section 1, Lot 53

Lot Size: 0.83 acre

Area of Lot in Resource
Protection Area (RPA): 0.54 acre +/- (65%)

Watershed: College Creek, (HUC JL34)

Floodplain: None

Proposed Activity: Construction of a patio and retaining wall

Impervious Cover: 63 square feet

RPA Encroachment: 63 square feet, landward 50-foot RPA buffer

Staff Contact: Trevor Long, Watershed Planner Phone: 253-6789

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Mathew Roth has applied for a Chesapeake Bay Exception on behalf of Mr. Jay Napoleon for encroachments into the RPA buffer for the construction of a patio and retaining wall on property located at 1 Ensigne Spence within the Kingsmill Subdivision and the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 5021100053. The parcel was platted in 1974 prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The current conditions of the RPA have a raised garden with an impervious path dividing the garden into four sections. The applicant is proposing to remove the garden and the associated impervious cover to partially compensate for the installation of the patio and retaining wall. The net increase in impervious cover is 63 square feet within the RPA. Further, the applicant is proposing some work outside of the RPA and is proposing to capture the stormwater runoff from the existing home and the proposed impervious in a rain garden that has been designed to the Virginia Best Management Practices clearinghouse standards for rain garden infiltration practices.

In addition to the stormwater practices, the applicant is also proposing to use the Turf Love Program to help reduce excessive nutrient application and more than double the required planting mitigation to include two canopy trees, four understory trees and 19 shrubs.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a patio and retaining wall 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 proposed items are considered accessory in nature. A Water Quality Impact Assessment (WQIA) was submitted, per Sections 23-11 and 23-14 of the County Ordinance, for the proposed project within the RPA. The mitigation plan as described above exceeds County requirements.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14. The Chesapeake Bay Board should fully consider Chesapeake Bay Exception CBE-18-088 as outlined and presented above and review the request for exception along with the WQIA. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chesapeake Bay Preservation Ordinance.

STAFF RECOMMENDATIONS

Staff has reviewed the application and exception request and has determined impacts associated with the proposal to be minor for the proposed development. Staff recommends approval of this exception request with the following conditions incorporated into the approval:

1. The applicant must obtain all other necessary federal, state and local permits as required for the project.
2. Surety of \$3,000 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation, including plantings, Turf Love Program registration and rain garden installation.
3. The rain garden feature will follow the standards and specifications found in the Virginia Department of Environmental Quality Stormwater Specification No. 9 Bioretention, current version.
4. This exception request approval shall become null and void if construction has not begun by June 13, 2019.
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

MDW/md
CBE18-088-1EnsigneSp

Attachments:

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

RESOLUTION

CASE NO. CBE-18-088. 1 ENSIGNE SPENCE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Jay Napoleon (the "Applicant") has applied to the Chesapeake Bay Board of James City County (the "Board") on June 13, 2018, 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. 5021100053 and further identified as 1 Ensigne Spence in the Ford's Colony subdivision (the "Property") as set forth in the application CBE-18-088 for the purpose of constructing a patio and retaining wall; 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.
 - b. Surety of \$3,000 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation, including plantings, Turf Love Program registration and rain garden installation.

- c. The rain garden feature will follow the standards and specifications found in the Virginia Department of Environmental Quality Stormwater Specification No. 9 Bioretention, current version.
- d. This exception request approval shall become null and void if construction has not begun by June 13, 2019; 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 13th day of June, 2018.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 20__ IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

CBE18-088-1EnsigneSp-res



Engineering & Resource Protection
MAR 29 2018
RECEIVED

Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

For Office Use Only

CB Number CRE#12-088

Submission Requirements: (Check all applicable)

- ☒ A \$25 non-refundable processing fee payable to Treasurer, James City County.
- ☒ RPA - landward 50' - Complete Items 1 - 5, and sign on Page 3.
- ☐ RPA - seaward 50' - Complete Items 1 - 5, sign on Page 3 and submit an additional \$100 non-refundable fee payable to Treasurer, James City County, for the Chesapeake Bay Board.
- ☐ Conservation Easement - Complete Items 1, 2, 3, and 5, and sign on Page 3.
- ☐ Steep Slopes ≥ 25 percent - Complete Items 1, 2, 3, and 5, and sign on Page 3.
- ☒ Attach plans as required (see instruction on Page 4, Item 4).
- ☒ Applicable surety as required for mitigation (see **Mitigation Rates Table** on Page 2).

Upon completion, please return pages 1-3 to the JCC Engineering and Resource Protection Division

Property Owner Information:

Date: 28 March 2018

Name: Jay Napoleon

Address: 1 Ensigne Spence, Williamsburg, VA 23185

Phone: (757) 220-5780 Fax: _____ Email: jay.napoleon5@gmail.com

Contact (if different from above):

Name: Same

Phone: _____

Email: _____

Project Information:

Project Address: 1 Ensigne Spence

Subdivision Name, Lot, and Section No.: Kingsmill - HMPT KEY SC 1 LT 53

Parcel Identification No. or Tax Map No.: 5021100053

Date Lot was platted: May, 16, 1974

Line or Bldg Permit No.: _____

Activity Location and Impacts (Square Feet - SF): (check all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Steep Slopes ≥ 25 percent _____ (SF) | <input type="checkbox"/> RPA - Landward 50' _____ (SF) |
| <input type="checkbox"/> Conservation Easement _____ (SF) | <input type="checkbox"/> RPA - Seaward 50' _____ (SF) |
| <input type="checkbox"/> Trees to be Removed _____ (#) | <input checked="" type="checkbox"/> Proposed Impervious Cover <u>622</u> (SF) |

Activity involves: (check all that apply)

- | | | |
|---|---|--|
| <input type="checkbox"/> New principal structure construction | <input type="checkbox"/> Building addition to principal structure | <input type="checkbox"/> Attached Deck |
| <input type="checkbox"/> Permitted buffer modifications: | <input type="checkbox"/> Dead/diseased/dying tree removal | <input type="checkbox"/> Sightline |
| | <input type="checkbox"/> Invasive/noxious weed removal | <input type="checkbox"/> Access path/trail |
| <input checked="" type="checkbox"/> Accessory (Detached) Structure or Patio | <input type="checkbox"/> Redevelopment: _____ | |
| <input type="checkbox"/> Other: _____ | | |

Chesapeake Bay Preservation Ordinance

Sensitive Area Activity Application

Page 2

For Office Use Only

CB Number CBE # 18-088

1. Description of requested sensitive area activity and reason for request:

(In the description, please indicate the reason for the proposed structure or activity, the location, sizes and dimensions of feature. For decks or expansions, indicate if ground floor, first floor or other levels)

The proposed improvements include a patio and retaining wall within the landward 50' portion of the RPA buffer.

2. As per Section 23-9 of the Chesapeake Bay Preservation Ordinance, if there is an on-site sewage disposal system on this property, has it been inspected and/or pumped out in the past five years? ☐ Yes ☒ No

3. Are permits from other local, State or Federal agencies required for any portion of this project? ☒ Yes ☐ No
(If yes, please explain) None

4. Water Quality Impact Assessment

The purpose of a water quality impact assessment is to demonstrate that the project will result in the removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater run-off and that it will retard runoff, prevent accelerated erosion, promote infiltration, and filter non-point source pollution equivalent to the full undisturbed 100-foot buffer.

A. Why is this encroachment necessary? Can it be relocated to avoid RPA impacts?

The patio cannot be constructed in an appropriate location behind the house without encroachment into the RPA buffer.

B. What measures will be used to minimize impervious area? Examples: pervious pavers, removal of existing impervious surfaces (concrete, pavement, etc.) in the RPA not needed for the project
Removing existing impervious area in the buffer (associated with the garden) and to install a bioretention BMP that will treat and infiltrate a significant amount of existing impervious area along with the proposed additional impervious area.

5. Proposed mitigation measures:

Note: All mitigation measures must be shown in detail on a mitigation plan. Show both location of mitigation measures and plant species if applicable. All mitigation plants must be native species and be located in the sensitive area (RPA or Conservation Easement).

Mitigation Rates Table

<u>Impervious Area (SF)</u>	<u>Mitigation Required</u>	<u>Surety</u>
<400	1 tree and 3 shrubs	\$250
400-1,000	1 canopy tree, 2 understory trees and 3 shrubs per 400 SF (or fraction thereof)	\$1,000
>1,000	Plant at same rate as 400 – 1,000; or may be determined by Director of Engineering and Resource Protection Division	To be determined

**Chesapeake Bay Preservation Ordinance
Sensitive Area Activity Application**

Page 3

For Office Use Only

CB Number CBE #18-088

A. Vegetation/ground cover enhancement of buffer (see Mitigation Rates Table on previous page).

- ☒ Number of native canopy trees 4
☒ Number of native understory trees 8
☒ Number of native shrubs 30
☐ Square feet of native ground cover _____
☒ Square feet of mulch 2,603

B. Best Management Practices (BMPs)

- ☐ EC-2 (degradable) erosion control matting
☐ Dry Swale
☒ Silt fence
☒ Turf (Nutrient) Management Plan
☐ Gravel under deck (3" of gravel over synthetic filter fabric under entire deck area)
☐ Other: _____
- ☒ Bioretention or rain garden practice
☐ Infiltration Area/Trench/Drywell
☐ Structural BMP (Wet or Dry Pond)
☐ Rain Barrel

I understand that the following are approval conditions:

- 1) Mitigation for the above activity shall follow the approved mitigation plan and be guaranteed with a form of surety acceptable to the County Attorney.
- 2) Limits of disturbance as shown on the approved plan shall not be exceeded.
- 3) This approval shall become null and void if construction has not begun within 12 months of the approval date.
- 4) Surety will be released following the completion and inspection of mitigation plantings.

Property owner signature [Signature] For Jay Napoleon Date 3/28/18

Program Administrator _____ Date _____
Authorized Signature

For Office Use Only

Surety Amount: _____

Date/Rec No.: _____

Fee Paid? ☐ Yes ☐ No

Amount: _____

Date/Rec No.: _____



ROTH ENVIRONMENTAL, LLC

1 ENSIGNE SPENCE
HAMPTON KEY SECTION 1 LOT 53
KINGSMILL SUBDIVISION
PROJECT SUMMARY AND MITIGATION PLAN
May 18, 2018

The property at 1 Ensigne Spence is located in the Hampton Key portion of the Kingsmill community. Jay & Patricia Napoleon own the property and are proposing improvements for the rear of their house.

The 0.83-acre site is situated on the northwestern end of Ensigne Spence. Residential lots to the south, east, and west and a perennial stream and wetland system to the north border this cul-de-sac lot. The lot was platted in 1974 and the house was constructed in 2003. As depicted on the site plans, the house was primarily constructed in what is now the landward 50-foot portion of the Resource Protection Area Buffer. A portion of the proposed patio and the bioretention area are within the landward 50-foot portion of the Resource Protection Area Buffer.

In general, the square shaped lot slopes north to a perennial stream. Elevations on the site range from 40 to 55 feet above mean sea level. The highest elevations are found on the southern portion of the property. The site then slopes gently to the north. The steepness of the slope increases once inside the existing tree-line. The property then falls rather steeply to the delineated perennial stream/wetland system.

As shown on the site plans, the applicants are proposing a pool as part of their improvements. This pool is outside the RPA buffer, but is being shown as part of an “entire application” and to aid in the understanding of the areas that remain outside the RPA buffers on the site.

The existing conditions in the proposed project area within the RPA buffer include sparse turf grass, a garden with surrounding pavers/access path, and the edge of the remaining forested property.

Drainage from the driveway, rear yard, and rear half of the house presently flows untreated down the slope to the perennial stream. During the site inspection, Roth Environmental observed washed out leaves on the slope that would indicate that sheet flow is occurring on the slope. The proposed mitigation plan will eliminate this potential for erosion.

The RPA feature from which the RPA buffer is extended is the perennial stream and associated narrow wetland fringe found in the ravine on the northern portion of the site. The proposed site plan shows the flagged wetland limit as delineated by Roth Environmental and survey located by LandTech Resources. The wetlands were delineated using the methodology outlined in the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (TR-10-20)*.

Impervious Encroachment in the RPA Buffer

The applicant is proposing to remove 556 square feet of impervious that currently exists in the RPA buffer. This is comprised of the impervious areas in and around the garden (not the garden beds), the concrete ground gutters on the rear of the house, the steps off the existing covered porch, and a small patio.

The proposed improvements account for 619 square feet of impervious area in the RPA buffer. This accounts for the proposed retaining wall, patio, and riprap outfall from the bioretention area.

The total net increase in impervious area within the RPA buffer for the proposed plan is 63 square feet.

Mitigation

Mitigation for the impervious surface created by proposed project will include three elements. These are infiltration/bioretention, mitigative plantings, and enrollment in the “Turf Love” program.

Bioretention

The infiltration/bioretention element of the mitigation plan performs several important functions.

- It will direct stormwater from the proposed improvements in the RPA buffer into a BMP.
- It will direct stormwater from existing impervious areas within the RPA buffer and outside the RPA buffer that directly discharge (untreated) into the nearby perennial stream.
- It will direct stormwater from proposed impervious areas that are outside the RPA buffer (the pool and pool deck) that would not require a BMP to be treated in the proposed BMP.
- Uses the space currently occupied by a garden as the majority of the area for the bioretention area.
- Prevents sheet flows down the steep slope preventing erosion.
- Aids in stabilization of the steep slope adjacent to the perennial stream.

The infiltration/bioretention will have stormwater directed to it through swales in the landscape above the proposed retaining wall.

The bioretention area will consist of a created depression. A six-inch perforated drainage pipe will be placed in stone in the bottom of the basin. Twelve inches of washed stone will surround the pipe to provide adequate storage and drainage (see bioretention detail on the site plan). Twenty-four inches of filter media/soil will be placed over the stone. The filter

media/soil will be topped with three inches of mulch. Native shrubs will be planted in the bioretention basin to aid in soil stabilization and nutrient uptake.

Minor flows into the bioretention area will be absorbed by the soil media, taken up by the plantings, and will infiltrate into the native soils. Heavier flows will infiltrate the basin at a higher rate. If the storage capacity of the basin is exceeded, water will exit the area via the outfall pipe. Very heavy flows will flow over the level-spreader on the downstream end of the bioretention area and sheet flow to the wetlands.

The benefits of the bioretention area are water quality treatment (reduction in the pollutant loads), reduction of peak flows, and groundwater recharge. Specifically, the bioretention area will reduce/trap sediments, reduce nutrients, not cause oxygen depletion, and ensure that there are no increases in water temperatures into the nearby surface waters. The bioretention area will provide all these benefits to the stormwater flowing off the proposed and a portion of the existing impervious area on the lot directed to the BMP.

Plantings

The proposed mitigation plantings will consist of three mitigation units. This exceeds the required mitigation rate of one unit for the area of net increased proposed impervious in the RPA buffer. The mitigation plantings will consist of 2 canopy trees, 4 understory trees, and 19 shrubs.

All mitigation plantings will be native species that are located within the RPA buffer. The native species will be selected from the Native Plant List found on the James City County website. They can include the following:

Canopy Trees

- Red maple (*Acer rubrum*)
- Black willow (*Salix nigra*)
- Willow oak (*Quercus phellos*)

Understory Trees:

- Flowering dogwood (*Cornus florida*)
- Eastern redbud (*Cercis canadensis*)
- American holly (*Ilex opaca*)
- Canada serviceberry (*Amelanchier canadensis*)

Shrubs

- American beautyberry (*Callicarpa americana*)
- Inkberry holly (*Ilex glabra*)
- Winterberry (*Ilex verticillata*)
- Sweetspire (*Itea virginica*)
- New Jersey tea (*Ceanothus americanus*)

- Waxmyrtle (*Morella cerifera*)
- Red chokeberry (*Aronia arbutifolia*)

Canopy trees will be a minimum of 1.5" caliper or six feet tall. Understory trees will be a minimum of 0.75" caliper or five feet tall. Shrubs will be a minimum of 3 gallons in size or 18" tall. The goal of the landscape plan is to achieve a minimum of 80% native species planted for the mitigation effort. The remainder of the species may be non-native ornamental species. It is recommended that all plantings be installed in the fall or early winter.

Once the applicants have selected the specific species that are available from local nursery stock, they will coordinate the final landscape listing and plan with the CBPA Board's Staff Liaison, Michael Woolson, for review and approval.

As part of the typical CBPA encroachment requirements, the applicant will post a surety for the proposed plantings and bioretention area. This surety will be determined by county staff and be returned to the applicant once the mitigative plantings are installed and the county verifies their installation. Additionally, the applicant will enter into an agreement to maintain the mitigative plantings and a BMP agreement for the bioretention area.

Turf Love

The applicants will also enroll in the "Turf Love" program administered by the Virginia Cooperative Extension for all areas within the buffer that are proposed for turf grass. As part of this program, a cooperative extension agent will perform an on-site lawn/site analysis and teach the residents how to produce healthy turf while reducing the use of fertilizers, pesticides and insecticides.



Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

For Office Use Only

CB Number _____

Submission Requirements: (Check all applicable)

- ☒ A \$25 non-refundable processing fee payable to Treasurer, James City County.
- ☒ RPA - landward 50' – Complete Items 1 – 5, and sign on Page 3.
- ☐ RPA - seaward 50' – Complete Items 1 – 5, sign on Page 3 and submit an additional \$100 non-refundable fee payable to Treasurer, James City County, for the Chesapeake Bay Board.
- ☐ Conservation Easement – Complete Items 1, 2, 3, and 5, and sign on Page 3.
- ☐ Steep Slopes \geq 25 percent - Complete Items 1, 2, 3, and 5, and sign on Page 3.
- ☒ Attach plans as required (see instruction on Page 4, Item 4).
- ☒ Applicable surety as required for mitigation (see **Mitigation Rates Table** on Page 2).

Upon completion, please return pages 1-3 to the JCC Engineering and Resource Protection Division

Property Owner Information:

Date: 17 May 2018

Name: Jay Napoleon

Address: 1 Ensigne Spence, Williamsburg, VA 23185

Phone: (757) 220-5780 Fax: _____ Email: jay.napoleon5@gmail.com

Contact (if different from above):

Name: Matthew Roth - Roth Environmental, LLC

Phone: (757) 814-1048

Email: rothenv@cox.net

Project Information:

Project Address: 1 Ensigne Spence

Subdivision Name, Lot, and Section No.: Kingsmill - HAMP KEY SC 1 LT 53

Parcel Identification No. or Tax Map No.: 5021100053

Date Lot was platted: May 16, 1974

Line or Bldg Permit No.: _____

Activity Location and Impacts (Square Feet - SF): (check all that apply)

- | | |
|--|--|
| <input type="checkbox"/> Steep Slopes \geq 25 percent _____ (SF) | <input checked="" type="checkbox"/> RPA - Landward 50' 619 _____ (SF) |
| <input type="checkbox"/> Conservation Easement _____ (SF) | <input type="checkbox"/> RPA - Seaward 50' _____ (SF) |
| <input type="checkbox"/> Trees to be Removed _____ (#) | <input checked="" type="checkbox"/> Proposed Impervious Cover 619 _____ (SF) |

Activity involves: (check all that apply)

- | | | |
|---|---|--|
| <input type="checkbox"/> New principal structure construction | <input type="checkbox"/> Building addition to principal structure | <input type="checkbox"/> Attached Deck |
| <input type="checkbox"/> Permitted buffer modifications: | <input type="checkbox"/> Dead/diseased/dying tree removal | <input type="checkbox"/> Sightline |
| <input checked="" type="checkbox"/> Accessory (Detached) Structure or Patio | <input type="checkbox"/> Invasive/noxious weed removal | <input type="checkbox"/> Access path/trail |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Redevelopment: _____ | |

Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

Page 2

For Office Use Only

CB Number _____

1. Description of requested sensitive area activity and reason for request:

(In the description, please indicate the reason for the proposed structure or activity, the location, sizes and dimensions of feature. For decks or expansions, indicate if ground floor, first floor or other levels)

The proposed improvements include a patio and retaining wall within the landward 50' portion of the RPA buffer.

2. As per Section 23-9 of the Chesapeake Bay Preservation Ordinance, if there is an on-site sewage disposal system on this property, has it been inspected and/or pumped out in the past five years? ☐ Yes ☒ No

3. Are permits from other local, State or Federal agencies required for any portion of this project? ☐ Yes ☒ No
(If yes, please explain) None

4. Water Quality Impact Assessment

The purpose of a water quality impact assessment is to demonstrate that the project will result in the removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater run-off and that it will retard runoff, prevent accelerated erosion, promote infiltration, and filter non-point source pollution equivalent to the full undisturbed 100-foot buffer.

A. Why is this encroachment necessary? Can it be relocated to avoid RPA impacts?

The patio cannot be constructed in an appropriate location behind the house without encroachment into the RPA buffer.

B. What measures will be used to minimize impervious area? Examples: pervious pavers, removal of existing impervious surfaces (concrete, pavement, etc.) in the RPA not needed for the project

Removing existing impervious area within the buffer (556 s.f.) and the installation of a bioretention BMP that will treat and infiltrate a significant stormwater.

5. Proposed mitigation measures:

Note: All mitigation measures must be shown in detail on a mitigation plan. Show both location of mitigation measures and plant species if applicable. All mitigation plants must be native species and be located in the sensitive area (RPA or Conservation Easement).

Mitigation Rates Table

<u>Impervious Area (SF)</u>	<u>Mitigation Required</u>	<u>Surety</u>
<400	1 tree and 3 shrubs	\$250
400-1,000	1 canopy tree, 2 understory trees and 3 shrubs per 400 SF (or fraction thereof)	\$1,000
>1,000	Plant at same rate as 400 – 1,000; or may be determined by Director of Engineering and Resource Protection Division	To be determined

**Chesapeake Bay Preservation Ordinance
Sensitive Area Activity Application**

Page 3

For Office Use Only

CB Number _____

A. Vegetation/ground cover enhancement of buffer (see Mitigation Rates Table on previous page).

- ☒ Number of native canopy trees 2
☒ Number of native understory trees 2
☒ Number of native shrubs 19
☐ Square feet of native ground cover _____
☒ Square feet of mulch 1,425

B. Best Management Practices (BMPs)

- ☐ EC-2 (degradable) erosion control matting
☐ Dry Swale
☒ Silt fence
☒ Turf (Nutrient) Management Plan
☒ Gravel under deck (3" of gravel over synthetic filter fabric under entire deck area)
☐ Other: _____
- ☒ Bioretention or rain garden practice
☐ Infiltration Area/Trench/Drywell
☐ Structural BMP (Wet or Dry Pond)
☐ Rain Barrel

I understand that the following are approval conditions:

- 1) Mitigation for the above activity shall follow the approved mitigation plan and be guaranteed with a form of surety acceptable to the County Attorney.
- 2) Limits of disturbance as shown on the approved plan shall not be exceeded.
- 3) This approval shall become null and void if construction has not begun within 12 months of the approval date.
- 4) Surety will be released following the completion and inspection of mitigation plantings.

Property owner signature  Date 5-17-18

Program Administrator _____ Date _____

Authorized Signature

For Office Use Only

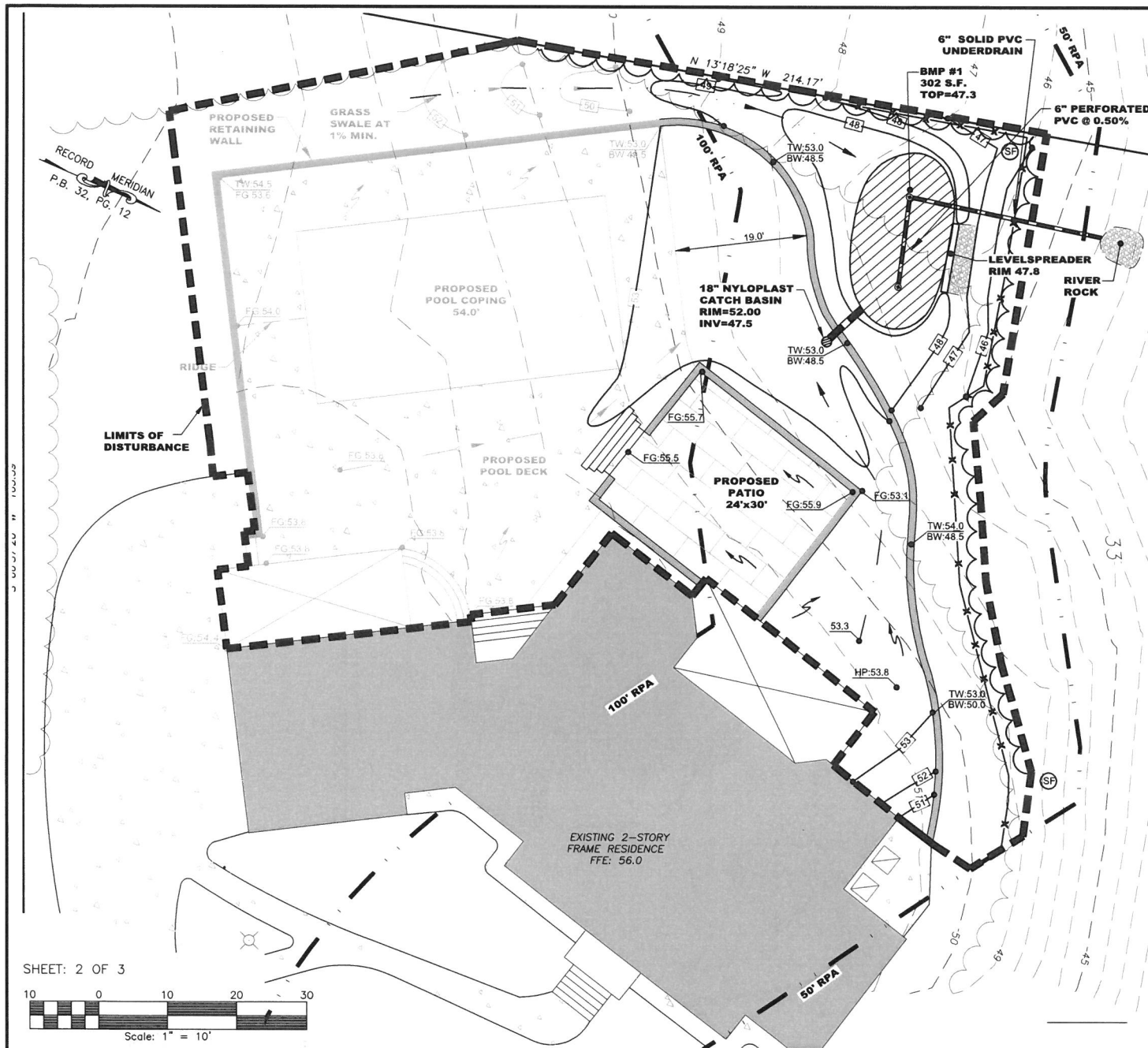
Surety Amount: _____

Date/Rec No.: _____

Fee Paid? ☐ Yes ☐ No

Amount: _____

Date/Rec No.: _____



BMP #1 DESIGN - BIO-RETENTION FILTER

TURF AREA: 0.08 ACRES
IMPERVIOUS AREA: 0.11 ACRES

TOTAL CDA: 0.19 ACRES

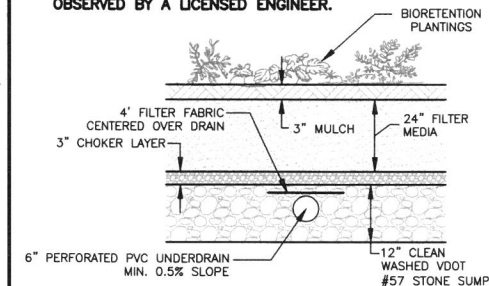
VRRM T_v REQUIRED - 437 CF

MEDIA DEPTH -
SURFACE PONDING (V_r=1.00): DEPTH=6\"/>

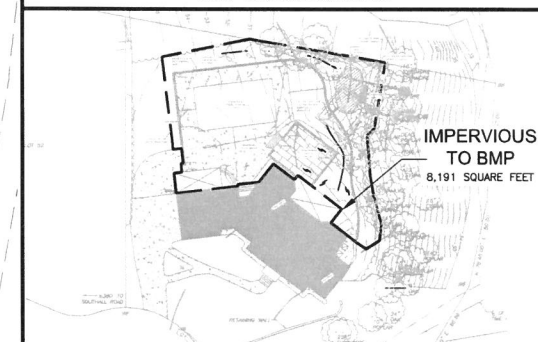
FILTER EQUIVALENT STORAGE DEPTH - 1.45'

MIN. SURFACE AREA REQUIRED -
(437CF) / (1.45') = 302 FT²

- NOTES:
1. A 6\"/>

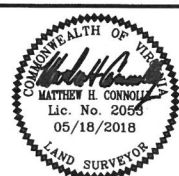
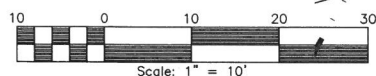


BMP CALCULATIONS



DRAINAGE MAP

SHEET: 2 OF 3



DATE: 03-28-2018
DRAWN BY: CMH
PROJECT No. 16-527
FILE NAME: 16-527.dwg
REFERENCES:
P.B. 55, PG. 23

DECK & POOL ADDITION PLAN OF
LOT 53,
HAMPTON KEY
FOR
JAY NAPOLEON

JAMES CITY COUNTY

VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
2	5/18/2018	REVISED PER CLIENT COMMENTS
1	4/12/2018	REVISED PER CLIENT COMMENTS



Stormwater & Resource Protection
MAY 24 2018
RECEIVED



MITIGATION TABLE

MITIGATION MEASURE	QTY. (NEEDED)	QTY. (PROPOSED)
NATIVE CANOPY TREES	2	2
NATIVE UNDERSTORY TREES	4	4
NATIVE SHRUBS	8	19

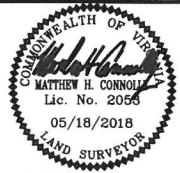
2 SHRUBS PER UNDERSTORY TREE AND 4 SHRUBS PER CANOPY TREE
MITIGATION LEGEND

- CANOPY TREE (2)
- UNDERSTORY TREE (4)
- SHRUB (19)
- MULCH BED 1,425 SQ. FT.

SITE INFORMATION

TOTAL AREA: 36,317 S.F. / 0.834 AC.
IMPERVIOUS ENTIRE SITE: 8,504 S.F.
IMPERVIOUS WITHIN RPA
EXISTING 3,868 S.F.
REMOVED -556 S.F.
PROPOSED +619 S.F.
TOTAL 3,931 S.F.

SHEET: 3 OF 3
Scale: 1" = 10'



DATE: 03-28-2018
DRAWN BY: CMH
PROJECT No. 16-527
FILE NAME: 16-527.dwg
REFERENCES:
P.B. 55, PG. 23

DECK & POOL ADDITION PLAN OF
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stormwater & Resource Protection
MAY 24 2018
RECEIVED

LOT 52
 LOT 53
 LOT 54
 LOT 55

EDGE OF WETLANDS AS MARKED BY ROTH ENVIRONMENTAL

RECORD MERIDIAN
 P.B. 32, PG. 12

IRF

BRICK WALL ENCROACHES 10'

GRAVEL ENCROACHES 3.2'

BASKETBALL HOOP

AREA TO BE DEMOLISHED

COVERED PATIO

EXISTING 2-STORY FRAME RESIDENCE
 FFE: 56.0

CONCRETE DRIVE

RETAINING WALL

CONCRETE GUTTER

20' SANITARY SEWER EASEMENT

50' PRIVATE R/W

LOT 53
 36,317 S.F.
 0.834 AC.

PROPOSED LIMITS OF CLEARING TO NOT DISTURB 50' RPA

±380' TO SOUTHALL ROAD

CE

LOT 46

LOT 4
 SOUTHALL QUARTER
 (P.B. 33 PG. 64)

LOT 3
 SOUTHALL QUARTER
 (P.B. 33 PG. 64)

OF CREEK AT TIME OF SURVEY

SITE INFORMATION

LOT NUMBER 53, SECTION 1, HAMPTON KEY IN KINGSMILL

TOTAL AREA: 36,317 S.F. / 0.834 AC.

IMPERVIOUS ENTIRE SITE: 8,504 S.F.

IMPERVIOUS WITHIN RPA

EXISTING	3,868 S.F.
REMOVED	-556 S.F.
PROPOSED	+619 S.F.
TOTAL	3,931 S.F.

DISTURBED AREA: 11,230 S.F. / 0.258 AC.

PARCEL ID: 5021100053

ZONING DISTRICT: R4

ENSIGN SPENCE
 (50' PRIVATE R/W)

LOT 54

LOT 55

LOT 56

LOT 57

LOT 58

LOT 59

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LOT 342

LOT NUMBER 53, SECTION 1,
HAMPTON KEY IN KINGSMILL

TOTAL AREA: 36,317 S.F. / 0.834 AC.

IMPERVIOUS ENTIRE SITE: 8,504 S.F.

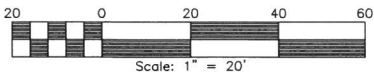
IMPERVIOUS WITHIN RPA

EXISTING	3,868 S.F.
REMOVED	-556 S.F.
PROPOSED	+619 S.F.
TOTAL	3,931 S.F.

DISTURBED AREA: 11,230 S.F. / 0.258 AC.

PARCEL ID: 5021100053

ZONING DISTRICT: R4



SHEET: 1 OF 3

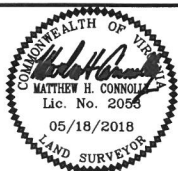
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00'	76.82'	69.49'	S 20°38'13" W	88°02'01"

SOURCE: Adapted from Installation of Straw and Fabric Filter Barriers for Sediment Control, VA. DSWC Sherwood and Wyant

1. A TITLE REPORT HAS NOT BEEN FURNISHED TO THIS FIRM.
2. ELEVATION SHOWN HEREON ARE IN FEET AND ARE RELATIVE TO JAMES CITY COUNTY GIS DATA.
3. WETLANDS SHOWN HEREON WERE DELINEATED BY ROTH ENVIRONMENTAL.
4. THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
5. PARCEL LIES IN F.I.R.M. ZONE "X" ACCORDING TO COMMUNITY PLAN #51095C0206C, DATED DECEMBER 16, 2015.
6. LOT SERVED BY PUBLIC WATER AND SEWER.
7. CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS SHOWN HEREON.
8. TOPOGRAPHIC DATA AS SHOWN IS BASED ON A CURRENT FIELD SURVEY.
9. A 7.5' DRAINAGE EASEMENT EXISTS PARALLEL TO AND ALONG ALL PROPERTY LINES. (P.B. 32, PG. 11)

ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE "VIRGINIA EROSIONS AND SEDIMENT CONTROL HANDBOOK 1992 THIRD EDITION". THE CONTRACTOR SHALL BE THOROUGHLY FAMILIAR WITH ALL APPLICABLE MEASURES CONTAINED THEREIN WHICH MAY BE PERTINENT TO THIS PROJECT.

1 ENSIGN SPENCE
JAMES CITY COUNTY, VIRGINIA



DATE: 03/28/2018
DRAWN BY: CG
PROJECT No. 16-527
FILE NAME: 16-527.DWG
REFERENCES:
P.B. 55, PG. 23

DECK & POOL ADDITION PLAN OF
LOT 53,
HAMPTON KEY
FOR
JAY NAPOLEON

JAMES CITY COUNTY

VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
2	5/18/2018	REVISED PER CLIENT COMMENTS
1	4/12/2018	REVISED PER CLIENT COMMENTS



DEQ Virginia Runoff Reduction Method Re-Development Compliance Spreadsheet - Version 3.0

2011 BMP Standards and Specifications		2013 Draft BMP Standards and Specifications							
Project Name:	1 Ensign Spence			CLEAR ALL (Ctrl+Shift+R)	data input cells				
Date:	5/18/2018				constant values				
Linear Development Project?				No	calculation cells				
					final results				
Site Information									
Post-Development Project (Treatment Volume and Loads)									
Enter Total Disturbed Area (acres) →				0.22	Check:				
					BMP Design Specifications List: 2011 Stds & Specs				
Maximum reduction required:				10%	Linear project?				
The site's net increase in impervious cover (acres) is:				0.07	Land cover areas entered correctly?				
Post-Development TP Load Reduction for Site (lb/yr):				0.14	Total disturbed area entered?				
Pre-ReDevelopment Land Cover (acres)									
	A Soils	B Soils	C Soils	D Soils	Totals				
Forest/Open Space (acres) – undisturbed, protected forest/open space or reforested land		0.03			0.03				
Managed Turf (acres) – disturbed, graded for yards or other turf to be mowed/managed		0.15			0.15				
Impervious Cover (acres)		0.04			0.04				
					0.22				
Post-Development Land Cover (acres)									
	A Soils	B Soils	C Soils	D Soils	Totals				
Forest/Open Space (acres) – undisturbed, protected forest/open space or reforested land		0.00			0.00				
Managed Turf (acres) – disturbed, graded for yards or other turf to be mowed/managed		0.11			0.11				
Impervious Cover (acres)		0.11			0.11				
Area Check	OK.	OK.	OK.	OK.	0.22				
Constants									
Annual Rainfall (inches)	43	Runoff Coefficients (Rv)							
Target Rainfall Event (inches)	1.00	A Soils	B Soils	C Soils	D Soils				
Total Phosphorus (TP) EMC (mg/L)	0.26	Forest/Open Space	0.02	0.03	0.04	0.05			
Total Nitrogen (TN) EMC (mg/L)	1.86	Managed Turf	0.15	0.20	0.22	0.25			
Target TP Load (lb/acre/yr)	0.41	Impervious Cover	0.95	0.95	0.95	0.95			
Pj (unitless correction factor)	0.90								
LAND COVER SUMMARY -- PRE-REDEVELOPMENT									
Land Cover Summary-Pre			LAND COVER SUMMARY -- POST DEVELOPMENT						
Pre-ReDevelopment	Listed	Adjusted ¹	Land Cover Summary-Post (Final)		Land Cover Summary-Post		Land Cover Summary-Post		
Forest/Open Space Cover (acres)	0.03	0.00	Post ReDev. & New Impervious		Post-ReDevelopment		Post-Development New Impervious		
Weighted Rv(forest)	0.03	0.00	Forest/Open Space Cover (acres)		Forest/Open Space Cover (acres)				
% Forest	14%	0%	Weighted Rv(forest)		Weighted Rv(forest)				
Managed Turf Cover (acres)	0.15	0.11	% Forest		% Forest				
Weighted Rv(turf)	0.20	0.20	Managed Turf Cover (acres)		Managed Turf Cover (acres)				
% Managed Turf	68%	73%	Weighted Rv (turf)		Weighted Rv (turf)				
Impervious Cover (acres)	0.04	0.04	% Managed Turf		% Managed Turf				
Rv(impervious)	0.95	0.95	Impervious Cover (acres)		ReDev. Impervious Cover (acres)		New Impervious Cover (acres)		
% Impervious	18%	27%	Rv(impervious)		Rv(impervious)		0.07		
Total Site Area (acres)	0.22	0.15	% Impervious		% Impervious		Rv(impervious)		
Site Rv	0.31	0.40	Final Site Area (acres)		Total ReDev. Site Area (acres)		0.95		
			Final Post Dev Site Rv		ReDev Site Rv				
Treatment Volume and Nutrient Load			Treatment Volume and Nutrient Load						
Pre-ReDevelopment Treatment Volume (acre-ft)	0.0057	0.0050	Final Post-Development Treatment Volume (acre-ft)	0.0105	Post-ReDevelopment Treatment Volume (acre-ft)	0.0050	Post-Development Treatment Volume (acre-ft)	0.0055	
Pre-ReDevelopment Treatment Volume (cubic feet)	250	218	Final Post-Development Treatment Volume (cubic feet)	459	Post-ReDevelopment Treatment Volume (cubic feet)	218	Post-Development Treatment Volume (cubic feet)	241	
Pre-ReDevelopment TP Load (lb/yr)	0.16	0.14	Final Post-Development TP Load (lb/yr)	0.29	Post-ReDevelopment TP Load (TP) (lb/yr)*	0.14	Post-Development TP Load (lb/yr)	0.15	
Pre-ReDevelopment TP Load per acre (lb/acre/yr)	0.71	0.91	Final Post-Development TP Load per acre (lb/acre/yr)	1.31	Post-ReDevelopment TP Load per acre (lb/acre/yr)	0.91			
Baseline TP Load (lb/yr) (0.41 lbs/acre/yr applied to pre-redevelopment area excluding pervious land proposed for new impervious cover)		0.06			Max. Reduction Required (Below Pre-ReDevelopment Load)	10%			
¹ Adjusted Land Cover Summary: Pre ReDevelopment land cover minus pervious land cover (forest/open space or managed turf) acreage proposed for new impervious cover.					TP Load Reduction Required for Redeveloped Area (lb/yr)	0.01	TP Load Reduction Required for New Impervious Area (lb/yr)	0.12	
Adjusted total acreage is consistent with Post-ReDevelopment acreage (minus acreage of new impervious cover).									
Column 1 shows load reduction requirement for new impervious cover (based on new development load limit, 0.41 lbs/acre/year).									
Post-Development Requirement for Site Area									

TP Load Reduction Required (lb/yr)		0.14	
Nitrogen Loads (Informational Purposes Only)			
Pre-ReDevelopment TN Load (lb/yr)	1.12	Final Post-Development TN Load (Post-ReDevelopment & New Impervious) (lb/yr)	2.06

Drainage Area A

Drainage Area A Land Cover (acres)

	A Soils	B Soils	C Soils	D Soils	Totals	Land Cover Rv
Forest/Open Space (acres)		0.00			0.00	0.00
Managed Turf (acres)		0.08			0.08	0.20
Impervious Cover (acres)		0.11			0.11	0.95
				Total	0.19	

CLEAR BMP AREAS

Total Phosphorus Available for Removal in D.A. A (lb/yr)	0.27
Post Development Treatment Volume in D.A. A (ft ³)	437

Stormwater Best Management Practices (RR = Runoff Reduction)

--Select from dropdown lists--

Practice	Runoff Reduction Credit (%)	Managed Turf Credit Area (acres)	Impervious Cover Credit Area (acres)	Volume from Upstream Practice (ft ³)	Runoff Reduction (ft ³)	Remaining Runoff Volume (ft ³)	Total BMP Treatment Volume (ft ³)	Phosphorus Removal Efficiency (%)	Phosphorus Load from Upstream Practices (lb)	Untreated Phosphorus Load to Practice (lb)	Phosphorus Removed By Practice (lb)	Remaining Phosphorus Load (lb)	Downstream Practice to be Employed
1. Vegetated Roof (RR)													
1.a. Vegetated Roof #1 (Spec #5)	45				0	0	0	0	0.00	0.00	0.00	0.00	
1.b. Vegetated Roof #2 (Spec #5)	60				0	0	0	0	0.00	0.00	0.00	0.00	
2. Rooftop Disconnection (RR)													
2.a. Simple Disconnection to A/B Soils (Spec #1)	50			0	0	0	0	0	0.00	0.00	0.00	0.00	
2.b. Simple Disconnection to C/D Soils (Spec #1)	25			0	0	0	0	0	0.00	0.00	0.00	0.00	
2.c. To Soil Amended Filter Path as per specifications (leading C/D soils) (Spec #4)	50			0	0	0	0	0	0.00	0.00	0.00	0.00	
2.d. To Dry Well or French Drain #1, Micro-Infiltration #1 (Spec #8)	50			0	0	0	0	25	0.00	0.00	0.00	0.00	
2.e. To Dry Well or French Drain #2, Micro-Infiltration #2 (Spec #8)	90			0	0	0	0	25	0.00	0.00	0.00	0.00	
2.f. To Rain Garden #1, Micro-Bioretenment #1 (Spec #9)	40			0	0	0	0	25	0.00	0.00	0.00	0.00	
2.g. To Rain Garden #2, Micro-Bioretenment #2 (Spec #9)	80			0	0	0	0	50	0.00	0.00	0.00	0.00	
2.h. To Rainwater Harvesting (Spec #6)	0			0	0	0	0	0	0.00	0.00	0.00	0.00	
2.i. To Stormwater Planter, Urban Bioretenment (Spec #9, Appendix A)	40			0	0	0	0	25	0.00	0.00	0.00	0.00	
3. Permeable Pavement (RR)													
3.a. Permeable Pavement #1 (Spec #7)	45			0	0	0	0	25	0.00	0.00	0.00	0.00	
3.b. Permeable Pavement #2 (Spec #7)	75				0	0	0	25		0.00	0.00	0.00	
4. Grass Channel (RR)													
4.a. Grass Channel A/B Soils (Spec #3)	20			0	0	0	0	15	0.00	0.00	0.00	0.00	None
4.b. Grass Channel C/D Soils (Spec #3)	10			0	0	0	0	15	0.00	0.00	0.00	0.00	
4.c. Grass Channel with Compost Amended Soils as per spec (see Spec #4)	30			0	0	0	0	15	0.00	0.00	0.00	0.00	
5. Dry Swale (RR)													
5.a. Dry Swale #1 (Spec #10)	40			0	0	0	0	20	0.00	0.00	0.00	0.00	
5.b. Dry Swale #2 (Spec #10)	60			0	0	0	0	40	0.00	0.00	0.00	0.00	
6. Bioretenment (RR)													
6.a. Bioretenment #1 or Micro-Bioretenment #1 or Urban Bioretenment (Spec #9)	40	0.08	0.11	0	175	262	437	25	0.00	0.27	0.15	0.12	
6.b. Bioretenment #2 or Micro-Bioretenment #2 (Spec #9)	80			0	0	0	0	50	0.00	0.00	0.00	0.00	
7. Infiltration (RR)													
7.a. Infiltration #1 (Spec #8)	50			0	0	0	0	25	0.00	0.00	0.00	0.00	
7.b. Infiltration #2 (Spec #8)	90			0	0	0	0	25	0.00	0.00	0.00	0.00	
8. Extended Detention Pond (RR)													
8.a. ED #1 (Spec #15)	0			0	0	0	0	15	0.00	0.00	0.00	0.00	
8.b. ED #2 (Spec #15)	15			0	0	0	0	15	0.00	0.00	0.00	0.00	
9. Sheetflow to Filter/Open Space (RR)													
9.a. Sheetflow to Conservation Area, A/B Soils (Spec #2)	75			0	0	0	0	0	0.00	0.00	0.00	0.00	
9.b. Sheetflow to Conservation Area, C/D Soils (Spec #2)	50			0	0	0	0	0	0.00	0.00	0.00	0.00	
9.c. Sheetflow to Vegetated Filter Strip, A Soils or Compost Amended B/C/D Soils (Spec #2 & #4)	50			0	0	0	0	0	0.00	0.00	0.00	0.00	

TOTAL IMPERVIOUS COVER TREATED (ac) 0.11 AREA CHECK: OK.
TOTAL MANAGED TURF AREA TREATED (ac) 0.08 AREA CHECK: OK.
TOTAL RUNOFF REDUCTION IN D.A. A (ft³) 175

TOTAL PHOSPHORUS AVAILABLE FOR REMOVAL IN D.A. A (lb/yr) 0.27
TOTAL PHOSPHORUS REMOVED WITH RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr) 0.15
TOTAL PHOSPHORUS REMAINING AFTER APPLYING RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr) 0.12

SEE WATER QUALITY COMPLIANCE TAB FOR SITE COMPLIANCE CALCULATIONS

Nitrogen Removal Efficiency (%)	Nitrogen Load from Upstream Practices (lbs)	Untreated Nitrogen Load to Practice (lbs)	Nitrogen Removed By Practice (lbs)	Remaining Nitrogen Load (lbs)
1. Vegetated Roof (RR)				
0		0.00	0.00	0.00
0		0.00	0.00	0.00

2. Rooftop Disconnection (RR)				
0	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00
15	0.00	0.00	0.00	0.00
15	0.00	0.00	0.00	0.00
40	0.00	0.00	0.00	0.00
60	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00
40	0.00	0.00	0.00	0.00

3. Permeable Pavement (RR)				
25	0.00	0.00	0.00	0.00
25		0.00	0.00	0.00

4. Grass Channel (RR)				
20		0.00	0.00	0.00
20	0.00	0.00	0.00	0.00
20	0.00	0.00	0.00	0.00

5. Dry Swale (RR)				
25	0.00	0.00	0.00	0.00
35	0.00	0.00	0.00	0.00

6. Bioretenment (RR)				
40	0.00	1.96	1.26	0.71
60	0.00	0.00	0.00	0.00

7. Infiltration (RR)				
15	0.00	0.00	0.00	0.00
15	0.00	0.00	0.00	0.00

8. Extended Detention Pond (RR)				
10	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00

9. Sheetflow to Filter/Open Space (RR)				
0	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00

TOTAL RUNOFF REDUCTION IN D.A. A (ft³) 175
NITROGEN REMOVED WITH RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr) 1.26

SEE WATER QUALITY COMPLIANCE TAB FOR SITE CALCULATIONS (Information Only)

10. Wet Swale (no RR)													
10.a. Wet Swale #1 (Spec #11)	0			0	0	0	0	20	0.00	0.00	0.00	0.00	
10.b. Wet Swale #2 (Spec #11)	0			0	0	0	0	40	0.00	0.00	0.00	0.00	
11. Filtering Practices (no RR)													
11.a. Filtering Practice #1 (Spec #12)	0			0	0	0	0	60	0.00	0.00	0.00	0.00	
11.b. Filtering Practice #2 (Spec #12)	0			0	0	0	0	65	0.00	0.00	0.00	0.00	
12. Constructed Wetland (no RR)													
12.a. Constructed Wetland #1 (Spec #13)	0			0	0	0	0	50	0.00	0.00	0.00	0.00	
12.b. Constructed Wetland #2 (Spec #13)	0			0	0	0	0	75	0.00	0.00	0.00	0.00	
13. Wet Ponds (no RR)													
13.a. Wet Pond #1 (Spec #14)	0			0	0	0	0	50	0.00	0.00	0.00	0.00	
13.b. Wet Pond #1 (Coastal Plain) (Spec #14)	0			0	0	0	0	45	0.00	0.00	0.00	0.00	
13.c. Wet Pond #2 (Spec #14)	0			0	0	0	0	75	0.00	0.00	0.00	0.00	
13.d. Wet Pond #2 (Coastal Plain) (Spec #14)	0			0	0	0	0	65	0.00	0.00	0.00	0.00	
14. Manufactured Treatment Devices (no RR)													
14.a. Manufactured Treatment Device-Hydrodynamic	0			0	0	0	0	20	0.00	0.00	0.00	0.00	
14.b. Manufactured Treatment Device-Filtering	0			0	0	0	0	20	0.00	0.00	0.00	0.00	
14.c. Manufactured Treatment Device-Generic	0			0	0	0	0	20	0.00	0.00	0.00	0.00	

10. Wet Swale (Coastal Plain) (no RR)				
25	0.00	0.00	0.00	0.00
35	0.00	0.00	0.00	0.00
11. Filtering Practices (no RR)				
30	0.00	0.00	0.00	0.00
45	0.00	0.00	0.00	0.00
12. Constructed Wetland (no RR)				
25	0.00	0.00	0.00	0.00
55	0.00	0.00	0.00	0.00
13. Wet Ponds (no RR)				
30	0.00	0.00	0.00	0.00
20	0.00	0.00	0.00	0.00
40	0.00	0.00	0.00	0.00
30	0.00	0.00	0.00	0.00
14. Manufactured BMP (no RR)				
0	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00
0	0.00	0.00	0.00	0.00

TOTAL IMPERVIOUS COVER TREATED (ac)	0.11	AREA CHECK: OK.
TOTAL MANAGED TURF AREA TREATED (ac)	0.08	AREA CHECK: OK.
TOTAL PHOSPHORUS REMOVAL REQUIRED ON SITE (lb/yr)	0.14	
TOTAL PHOSPHORUS AVAILABLE FOR REMOVAL IN D.A. A (lb/yr)	0.27	
TOTAL PHOSPHORUS REMOVED WITHOUT RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)	0.00	
TOTAL PHOSPHORUS REMOVED WITH RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)	0.15	
TOTAL PHOSPHORUS LOAD REDUCTION ACHIEVED IN D.A. A (lb/yr)	0.15	
TOTAL PHOSPHORUS REMAINING AFTER APPLYING BMP LOAD REDUCTIONS IN D.A. A (lb/yr)	0.12	
SEE WATER QUALITY COMPLIANCE TAB FOR SITE COMPLIANCE CALCULATIONS		
NITROGEN REMOVED WITH RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)	1.26	
NITROGEN REMOVED WITHOUT RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)	0.00	
TOTAL NITROGEN REMOVED IN D.A. A (lb/yr)	1.26	

Site Results (Water Quality Compliance)

Area Checks	D.A. A	D.A. B	D.A. C	D.A. D	D.A. E	AREA CHECK
FOREST/OPEN SPACE (ac)	0.00	0.00	0.00	0.00	0.00	OK.
IMPERVIOUS COVER (ac)	0.11	0.00	0.00	0.00	0.00	OK.
IMPERVIOUS COVER TREATED (ac)	0.11	0.00	0.00	0.00	0.00	OK.
MANAGED TURF AREA (ac)	0.08	0.00	0.00	0.00	0.00	OK.
MANAGED TURF AREA TREATED (ac)	0.08	0.00	0.00	0.00	0.00	OK.
AREA CHECK	OK.	OK.	OK.	OK.	OK.	
Site Treatment Volume (ft ³)	459					
Runoff Reduction Volume and TP By Drainage Area						
	D.A. A	D.A. B	D.A. C	D.A. D	D.A. E	TOTAL
RUNOFF REDUCTION VOLUME ACHIEVED (ft ³)	175	0	0	0	0	175
TP LOAD AVAILABLE FOR REMOVAL (lb/yr)	0.27	0.00	0.00	0.00	0.00	0.27
TP LOAD REDUCTION ACHIEVED (lb/yr)	0.15	0.00	0.00	0.00	0.00	0.15
TP LOAD REMAINING (lb/yr)	0.12	0.00	0.00	0.00	0.00	0.12
NITROGEN LOAD REDUCTION ACHIEVED (lb/yr)	1.26	0.00	0.00	0.00	0.00	1.26
Total Phosphorus						
FINAL POST-DEVELOPMENT TP LOAD (lb/yr)	0.29					
TP LOAD REDUCTION REQUIRED (lb/yr)	0.14					
TP LOAD REDUCTION ACHIEVED (lb/yr)	0.15					
TP LOAD REMAINING (lb/yr):	0.14					
REMAINING TP LOAD REDUCTION REQUIRED (lb/yr):	0.00	**				
** TARGET TP REDUCTION EXCEEDED BY 0.01 LB/YEAR **						
Total Nitrogen (For Information Purposes)						
POST-DEVELOPMENT LOAD (lb/yr)	2.06					
NITROGEN LOAD REDUCTION ACHIEVED (lb/yr)	1.26					
REMAINING POST-DEVELOPMENT NITROGEN LOAD (lb/yr)	0.81					



Chesapeake Bay Board of James City County, Virginia

June 13, 2018

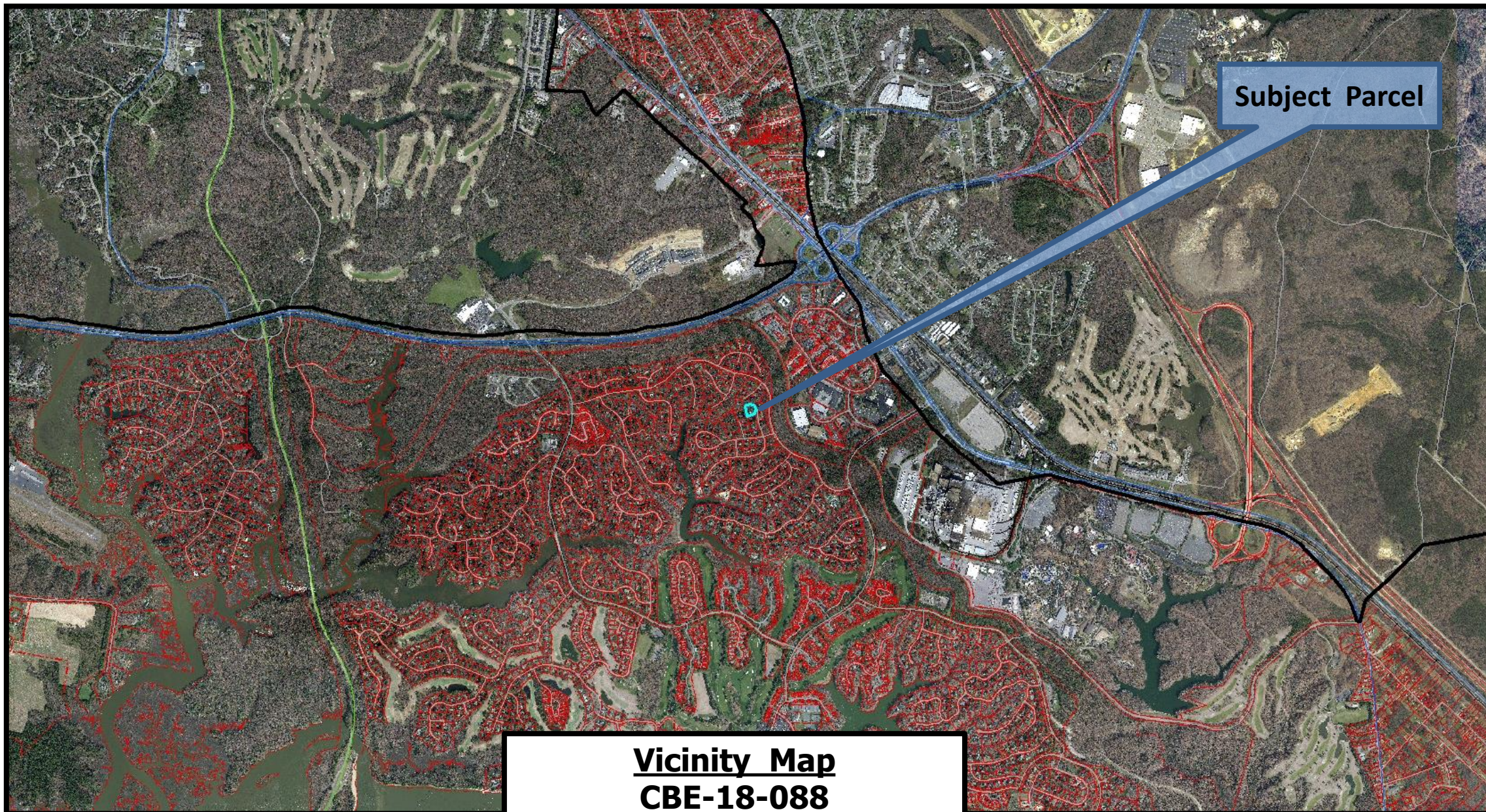
CBE-18-088

Jay Napoleon

1 Ensigne Spence

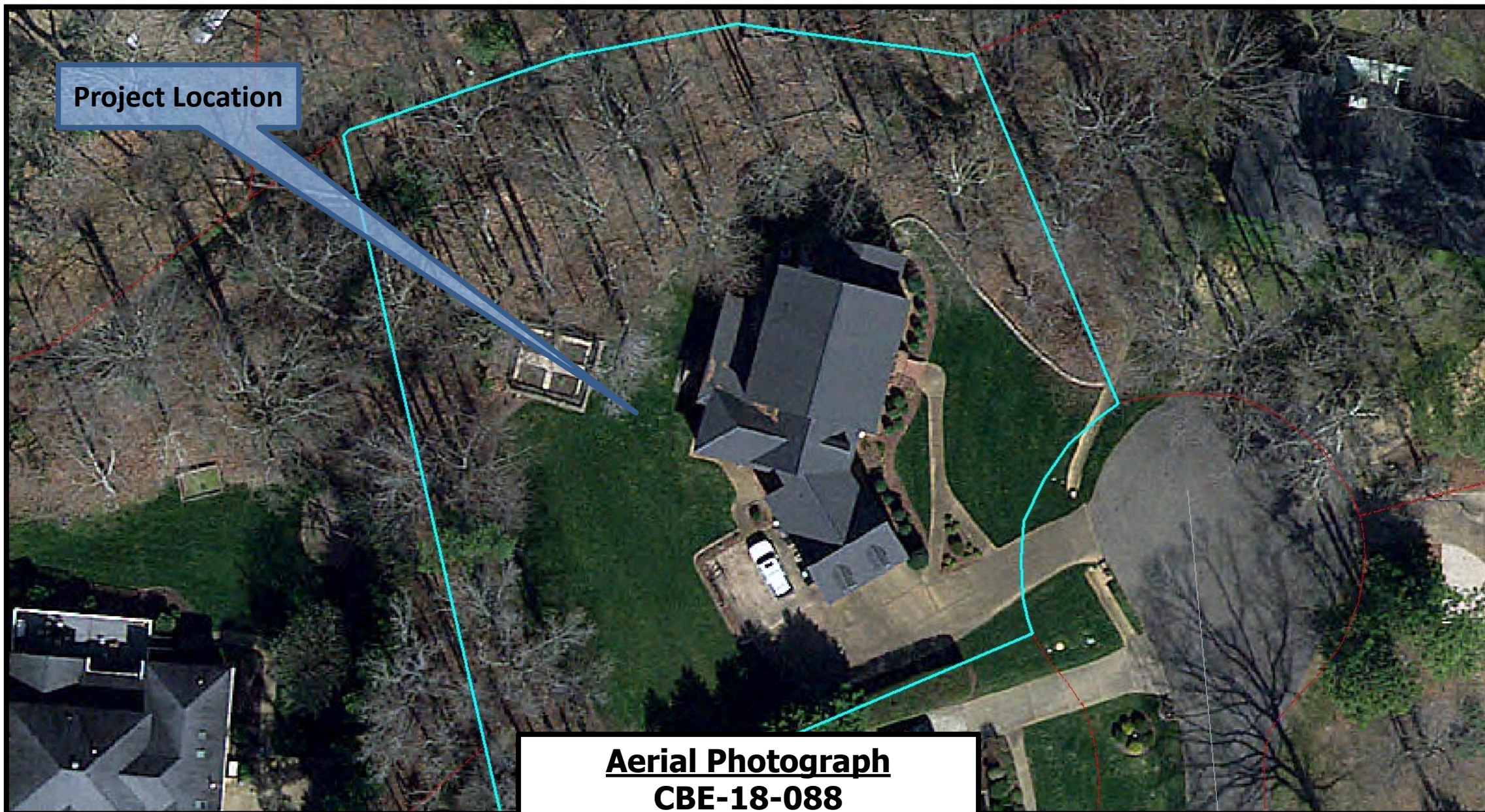
Applicant Request

- ✓ To construct a patio and retaining wall.



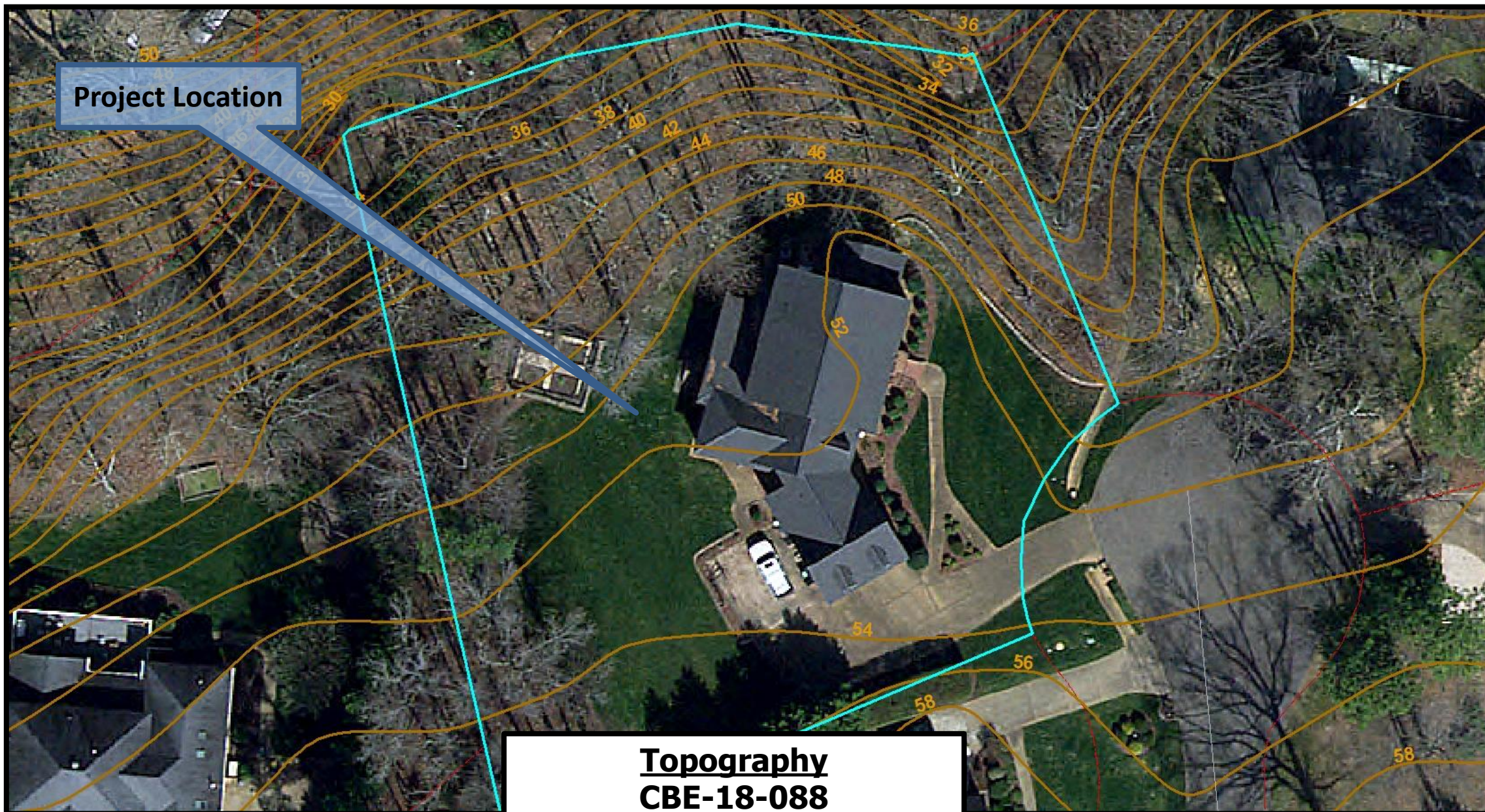
Subject Parcel

Vicinity Map
CBE-18-088
1 Ensign Spence



Project Location

Aerial Photograph
CBE-18-088
1 Ensign Spence



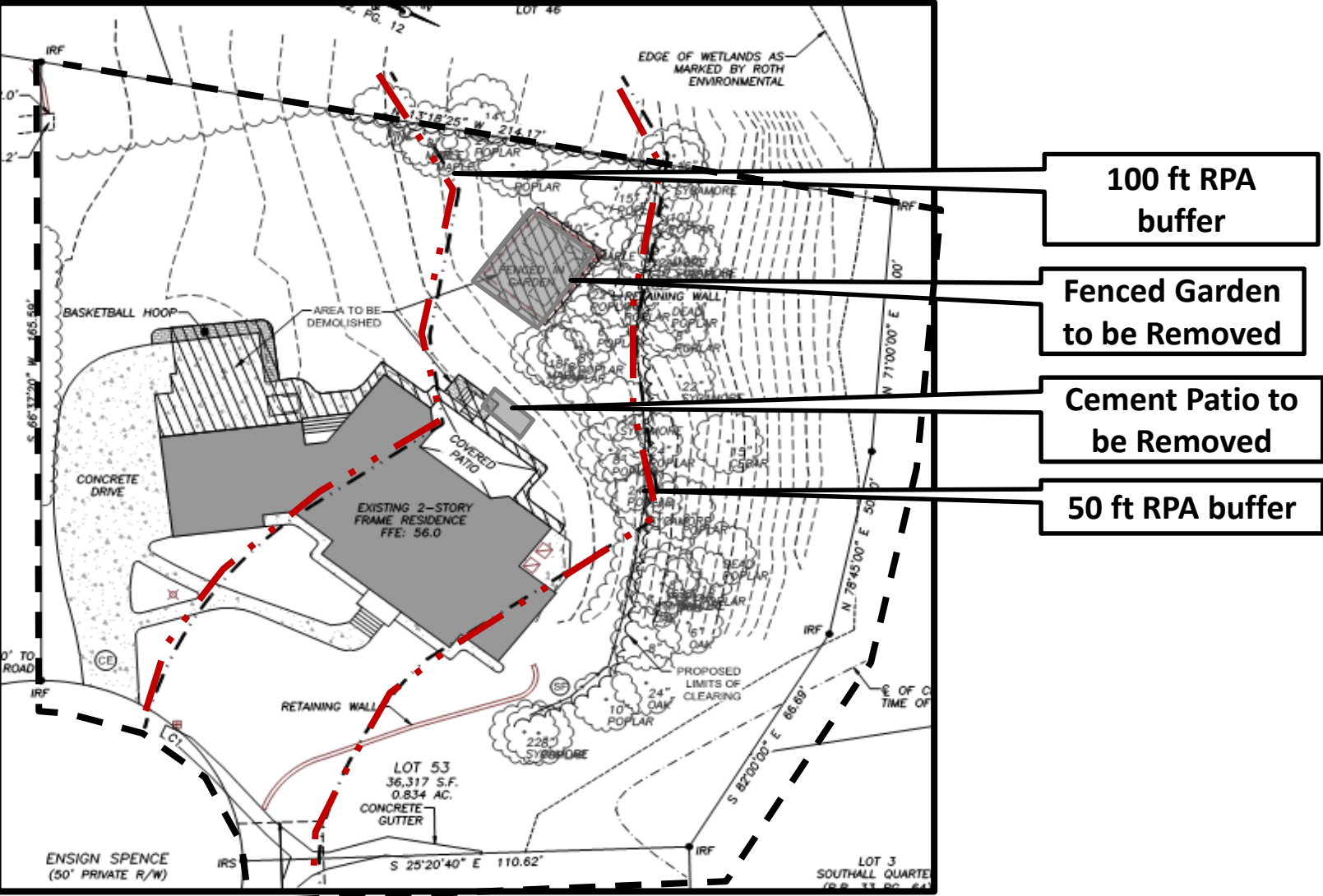
Topography
CBE-18-088
1 Ensign Spence



Project Location

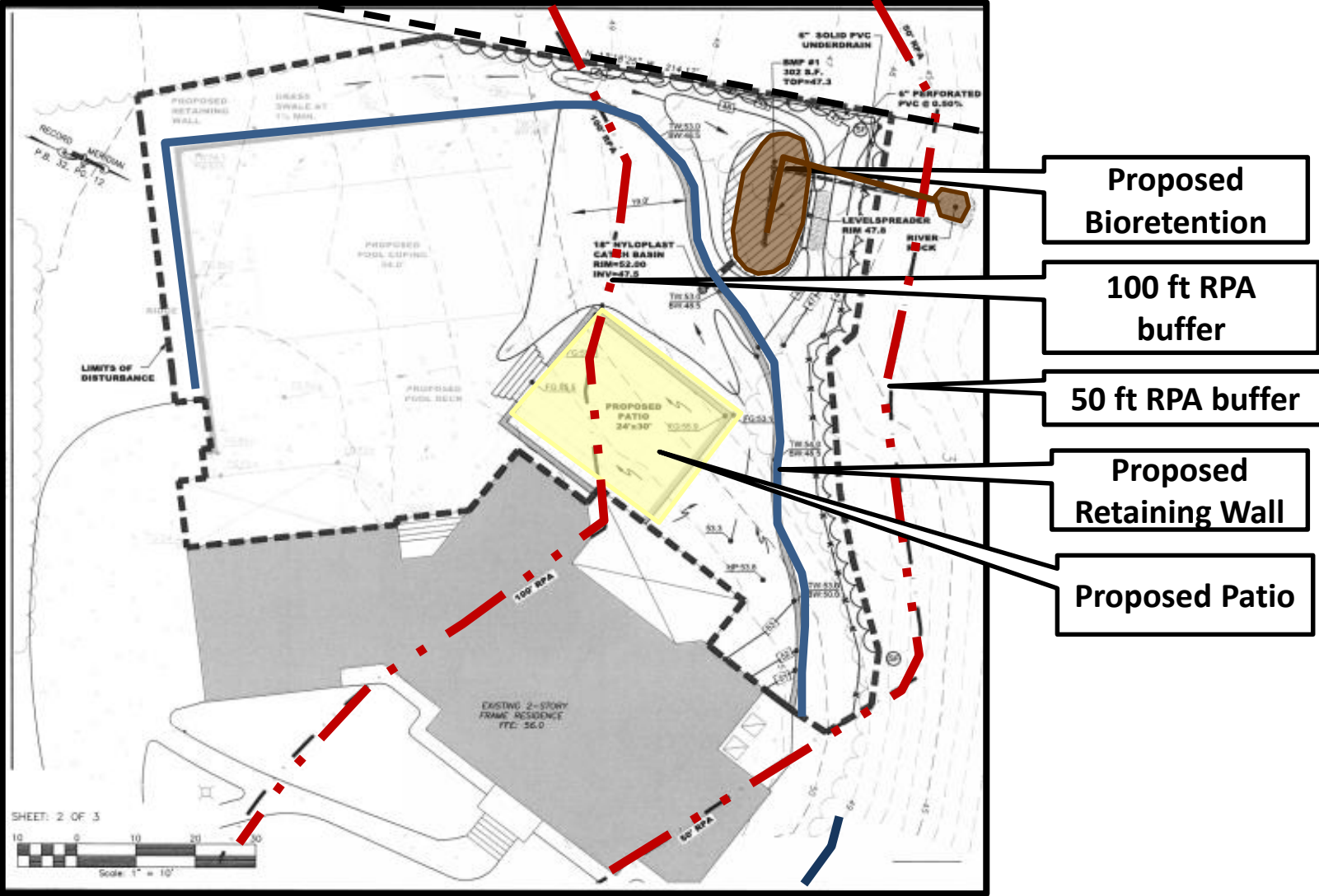
Resource Protection Area
CBE-18-088
1 Ensign Spence

Site Plan showing proposed improvements, submitted March 24, 2018. For representative use only for presentation of case # CBE-18-088.



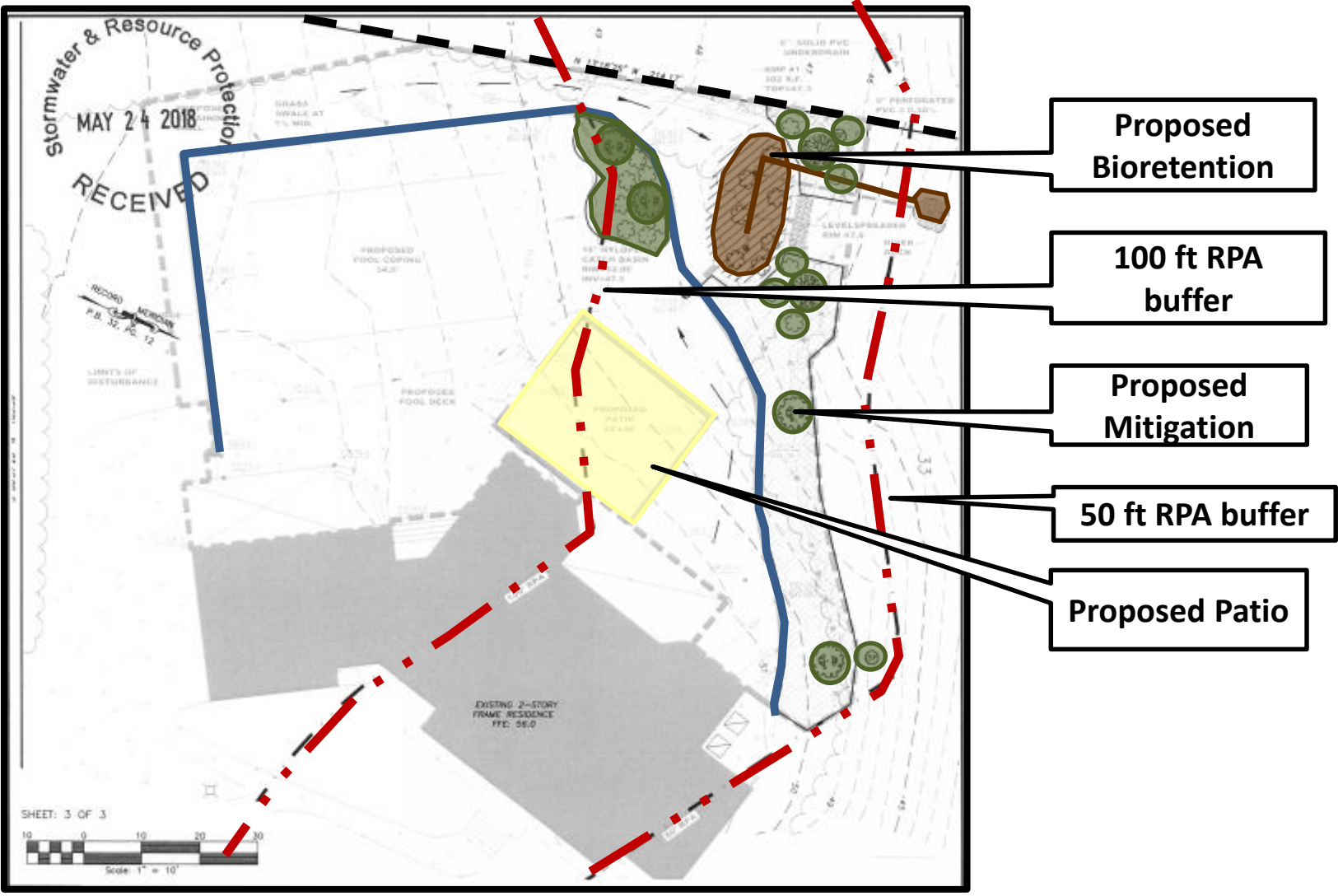
Current Site Plan - CBE-18-088
1 Ensign Spence

Site Plan showing proposed improvements, submitted March 24, 2018. For representative use only for presentation of case # CBE-18-088.

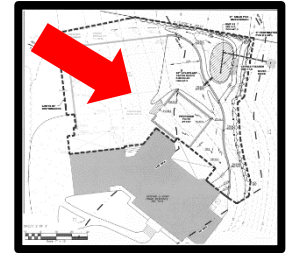


Site Plan - CBE-18-088 1 Ensigne Spence

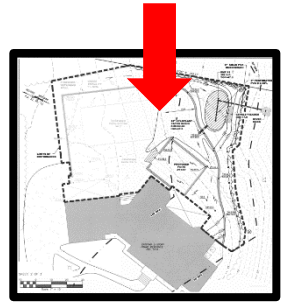
Site Plan showing proposed improvements, submitted March 24, 2018. For representative use only for presentation of case # CBE-18-088.



Mitigation Plan - CBE-18-088
1 Ensign Spence



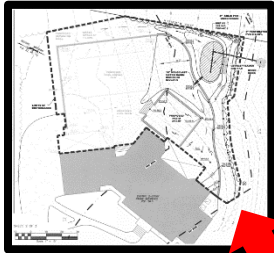
Site Photograph #1 - CBE-18-088
1 Ensign Spence



Site Photograph #2 - CBE-18-088
1 Ensign Spence



Site Photograph #3 - CBE-18-088
1 Ensign Spence





Site Photograph #4 - CBE-18-088
1 Ensign Spence

Permit Conditions



Staff Recommendation - Approval

- ✓ All other necessary local, state and federal permits
- ✓ \$3,000 surety, acceptable to County Attorney's Office
- ✓ The bio-retention feature will follow the standards and specifications found in the Virginia DEQ Stormwater Specification No. 9 Bioretention, current version; and
- ✓ Null and Void if not started by June 13, 2019.
- ✓ Extension request no later than 6 weeks prior to expiration



PUBLIC HEARING NOTICE

THE WETLANDS AND CHESAPEAKE BAY BOARDS OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING ON **WEDNESDAY MAY 9, 2018, AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

W-22-18/VMRC 18-0317: Water's Edge Construction, on behalf of Mr. & Mrs. Mark Gillespie has applied for a wetlands permit for installation of two low profile sills with beach nourishment at 7624 Uncles Neck in the River's Bend at Uncles Neck subdivision, JCC Parcel No. 2030200031.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-18-074: Dogwood Contracting, on behalf of Mr. and Mrs. Brian Magoon, has filed an exception request for encroachment into the RPA buffer for construction of a retaining wall at 233 Richard Brewster in the Colston's Crossing, Kingsmill subdivision, JCC Parcel No. 5030600044.

CBE-18-086: Ron Curtis Builder, on behalf of Mr. and Mrs. Neil Jesuel, has filed an exception request for encroachment into the RPA buffer for construction of a house and deck addition at 153 North Quarter in the North Quarter, Kingsmill subdivision, JCC Parcel No. 5010700013.

CBE-18-088: Roth Environmental, on behalf of Mr. Jay Napoleon, has filed an exception request for encroachment into the RPA buffer for construction of a retaining wall with patio at 1 Ensigne Spence in the Hampton Key, Kingsmill subdivision, JCC Parcel No. 5021100053.

Appeals from decisions under the Chesapeake Bay Preservation Ordinance may also be heard.

All interested parties are invited to attend the meetings. The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101 Mounts Bay Road, Building E, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – April 25, 2018 and May 2, 2018.
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

COPIES: PLANNING
ASSISTANT COUNTY ATTORNEY
WETLAND/CHESAPEAKE BAY BOARD MEMBERS



General Services
Stormwater and Resource
Protection Division
101-E Mounts Bay Road
Williamsburg, VA 23185

Resource.Protection@jamescitycountyva.gov

April 18, 2018

RE: CBE-18-088
1 Ensigne Spence
Retaining Wall, Access Stairs, Slope Stabilization

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Chesapeake Bay Board by Mr. Matthew Roth of Roth Environmental on behalf of Mr. Jay Napoleon for encroachment into the Resource Protection Area (RPA) buffer and Open Space Easement associated with installation of a retaining wall and patio. The project is located at 1 Ensigne Spence in the Hampton Key Section of the Kingsmill subdivision. The property is further identified by James City County Real Estate as Parcel No 5021100053.

A complete description, plan and other information are on file in the Stormwater Division and are available for inspection during normal business hours, should anyone desire to review them.

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, May 9, 2018 at 5:00 p.m.**, in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

Janice Petty

Janice Petty
Stormwater Assistant

cc: Roth Environmental
Roth, Matthew

Mailing List for: CBE-18-088 – 1 Ensigne Spence – Roth Environmental, LLC – Retaining Wall & Patio

Owner: 5021100053

Napoleon, Jay L & Patricia L
1 Ensigne Spence
Williamsburg, VA 23185-5560

5021100053 for 1 Ensigne Spence - Contractor

Roth Environmental, LLC
Attn: Matthew Roth
700 Prescott Circle
Newport News, VA 23602-7019

5021100054

Rothschild, Richard K & Mary
2 Ensigne Spence
Williamsburg, VA 23185-5512

5021100052

Branch, William J, Trustee & Anne E T
3 Ensigne Spence
Williamsburg, VA 23185-5560

5021000003

Francum, Johnson C & Leslie M
108 Barrett Place
Williamsburg, VA 23185-5503

5021000004 for 112 Barrett Place

Pilcher, Melinda
148 John Browning
Williamsburg, VA 23185-8928

5021100046

Kang, Song Kuk, Trustee & Hi-Sung Lim
2 Staples Road
Williamsburg, VA 23185-5529

5021100047

Arndt, Janice O
4 Staples Road
Williamsburg, VA 23185-5529

ITEM SUMMARY

DATE: 6/13/2018

TO: Chesapeake Bay Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: CBE-18-100 : 4131 Centerville Road

Mr. Joseph E. Franklin has filed an exception request for encroachment into the RPA buffer for installation of a double wide mobile home at 25 Clay Circle in the Greensprings Mobile Home Park located at 4131 Centerville Road, JCC Parcel No. 3640100001.

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Water Quality Impact Assessment	Backup Material
▣	Presentation	Presentation
▣	Public Hearing Notice	Backup Material
▣	APO Notification Letter	Backup Material
▣	APO Notification List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	6/10/2018 - 11:06 AM
Chesapeake Bay Group	Geissler, Fran	Approved	6/11/2018 - 2:20 PM
Publication Management	Colonna, Tina	Approved	6/11/2018 - 3:31 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	6/11/2018 - 3:40 PM

CHESAPEAKE BAY BOARD EXCEPTION No. CBE-18-100. 4131 Centerville Road
Staff report for the June 13, 2018, Chesapeake Bay Board Public Hearing

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.

EXISTING SITE DATA AND INFORMATION

Applicant: Greensprings Mobile Home Park, LLC

Agent: Mr. Joe Franklin

Location: 4131 Centerville Road

Tax Map/Parcel No.: 3640100001

Lot Size: 46.29 acre

Area of Lot in Resource Protection Area (RPA): 10.08 acre +/- (22%)

Watershed: Gordon Creek, (HUC JL29)

Floodplain: None

Proposed Activity: Construction of a new principle structure

Impervious Cover: 1,400 square feet

RPA Encroachment: 400 square feet within the seaward 50-foot RPA buffer
1,000 square feet within the landward 50-foot RPA buffer

Staff Contact: Trevor Long, Watershed Planner Phone: 253-6789

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Joe Franklin has applied for a Chesapeake Bay Exception on behalf of Greensprings Mobile Home Park, LLC for encroachments into the RPA buffer for the construction of a new principle structure on property located at 4131 Centerville Road within the James River watershed. The property is further identified as James City County Tax Map Parcel No. 3640100001. The parcel was platted in 1955 prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total impervious cover within the RPA is 1,400 square feet, of which 400 square feet is within the seaward 50-foot RPA. The lot in question has been used historically for a mobile home site. That use was discontinued in 1986. The owners are requesting to use the site again for a mobile home site because the other programmed site has encroachments into it from the two adjacent mobile homes. The major open space area outside of the RPA cannot be used for mobile home placement because it is used by the community as a recreation field. The applicant has verbally committed to planting the required mitigation at the rear of the lot, but has not proposed a written mitigation plan. The required mitigation is three planting units.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a new principle structure 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 proposed construction encroaches into the 50-foot seaward RPA. Therefore, this request must be considered by the Board following a public hearing under the formal exception process. A Water Quality Impact Assessment (WQIA) was submitted per Sections 23-11 and 23-14 of the County Ordinance for the project within the RPA.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14. The Chesapeake Bay Board should fully consider Chesapeake Bay Exception CBE-18-100 as outlined and presented above and review the request for exception along with the WQIA. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chesapeake Bay Preservation Ordinance.

STAFF RECOMMENDATIONS

Staff has reviewed the application and exception request and has determined impacts associated with the proposal to be major for the proposed development. Staff recommends approval of this exception request with the following conditions incorporated into the approval:

1. The applicant must obtain all other necessary federal, state and local permits as required for the project.
2. The applicant submit a mitigation plan with three planting units, along with a \$1,500 surety to guarantee the plantings.
3. This exception request approval shall become null and void if construction has not begun by June 13, 2019.
4. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

TL/nb
CBE18-100-4131CtrvilleRd

Attachments:

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

RESOLUTION

CASE NO. CBE-18-100. 4131 CENTERVILLE ROAD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Greensprings Mobile Home Park (the "Applicant") has applied to the Chesapeake Bay Board of James City County (the "Board") on June 13, 2018, 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. 3640100001 and further identified as 4131 Centerville Road, Greensprings Mobile Home Park (the "Property") as set forth in the application CBE-18-100 for the purpose of installing a principle structure; 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.
 - b. The applicant submit a mitigation plan with three planting units, along with a \$1,500 surety to guarantee the plantings.
 - c. This exception request approval shall become null and void if construction has not begun by June 13, 2019.

- d. Written requests for an extension to an exception shall be submitted to the Stormwater 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 13th day of June, 2018.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 20__ IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

CBE18-100-4131CtrvilleRd-res



Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

Stormwater & Resource Protection
MAY 16 2018

For Office Use Only
CB Number **15218-100**

Submission Requirements: (Check all applicable)

- ☐ A \$25 non-refundable processing fee payable to Treasurer, James City County.
- ☐ RPA - landward 50' - Complete Items 1 - 5, and sign on Page 3.
- ☐ RPA - seaward 50' - Complete Items 1 - 5, sign on Page 3 and submit an additional \$100 non-refundable fee payable to Treasurer, James City County, for the Chesapeake Bay Board.
- ☐ Conservation Easement - Complete Items 1, 2, 3, and 5, and sign on Page 3.
- ☐ Steep Slopes ≥ 25 percent - Complete Items 1, 2, 3, and 5, and sign on Page 3.
- ☐ Attach plans as required (see instruction on Page 4, Item 4).
- ☐ Applicable surety as required for mitigation (see **Mitigation Rates Table** on Page 2).

Upon completion, please return pages 1-3 to the JCC Engineering and Resource Protection Division

Property Owner Information:

Date: 5/16/18

Name: Greensprings Mobile Home Park, LLC
Address: 4131 Centerville Rd, Williamsburg, VA 23188
Phone: 757-814-2343 Fax: 757-875-2394 Email: maint@fmco.biz

Contact (if different from above):

Name: Joe Franklin, Property Manager Phone: 757-879-7360
Email: joe@fmco.biz

Project Information:

Project Address: 4131 Centerville Road
Subdivision Name, Lot, and Section No.: Adjacent Scotland
Parcel Identification No. or Tax Map No.: 3640100001
Date Lot was platted: 1/26/55 Line or Bldg Permit No.:

Activity Location and Impacts (Square Feet - SF): (check all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Steep Slopes ≥ 25 percent _____ (SF) | <input type="checkbox"/> RPA - Landward 50' _____ (SF) |
| <input type="checkbox"/> Conservation Easement _____ (SF) | <input type="checkbox"/> RPA - Seaward 50' _____ (SF) |
| <input type="checkbox"/> Trees to be Removed _____ (#) | <input type="checkbox"/> Proposed Impervious Cover _____ (SF) |

Activity involves: (check all that apply)

- | | | |
|--|---|--|
| <input type="checkbox"/> New principal structure construction | <input type="checkbox"/> Building addition to principal structure | <input type="checkbox"/> Attached Deck |
| <input type="checkbox"/> Permitted buffer modifications: | <input type="checkbox"/> Dead/diseased/dying tree removal | <input type="checkbox"/> Sightline |
| <input type="checkbox"/> Accessory (Detached) Structure or Patio | <input type="checkbox"/> Invasive/noxious weed removal | <input type="checkbox"/> Access path/trail |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Redevelopment: _____ | |

Chesapeake Bay Preservation Ordinance

Sensitive Area Activity Application

Page 2

For Office Use Only

CB Number CBE#11-100

1. Description of requested sensitive area activity and reason for request:

(In the description, please indicate the reason for the proposed structure or activity, the location, sizes and dimensions of feature. For decks or expansions, indicate if ground floor, first floor or other levels)

Mrs. Bowman, widow who occupies home at 19 Hickory Ct has a doublewide home that has been in place for over 30 years. Home occupies lot at 19 Hickory Ct and part of lot at 17 Hickory Ct. In order for 17 Hickory Ct to be a usable lot it would require dismantling double wide home and removal.

2. As per Section 23-9 of the Chesapeake Bay Preservation Ordinance, if there is an on-site sewage disposal system on this property, has it been inspected and/or pumped out in the past five years? ☒ Yes ☐ No

3. Are permits from other local, State or Federal agencies required for any portion of this project? ☐ Yes ☒ No
(If yes, please explain) _____

4. Water Quality Impact Assessment

The purpose of a water quality impact assessment is to demonstrate that the project will result in the removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater run-off and that it will retard runoff, prevent accelerated erosion, promote infiltration, and filter non-point source pollution equivalent to the full undisturbed 100-foot buffer.

A. Why is this encroachment necessary? Can it be relocated to avoid RPA impacts?

B. What measures will be used to minimize impervious area? Examples: pervious pavers, removal of existing impervious surfaces (concrete, pavement, etc.) in the RPA not needed for the project

5. Proposed mitigation measures:

Note: All mitigation measures must be shown in detail on a mitigation plan. Show both location of mitigation measures and plant species if applicable. All mitigation plants must be native species and be located in the sensitive area (RPA or Conservation Easement).

Mitigation Rates Table

<u>Impervious Area (SF)</u>	<u>Mitigation Required</u>	<u>Surety</u>
<400	1 tree and 3 shrubs	\$250
400-1,000	1 canopy tree, 2 understory trees and 3 shrubs per 400 SF (or fraction thereof)	\$1,000
>1,000	Plant at same rate as 400 – 1,000; or may be determined by Director of Engineering and Resource Protection Division	To be determined

Chesapeake Bay Preservation Ordinance
Sensitive Area Activity Application

Page 3

For Office Use Only

CB Number UOE #18-100

A. Vegetation/ground cover enhancement of buffer (see Mitigation Rates Table on previous page).

- ☐ Number of native canopy trees _____
☐ Number of native understory trees _____
☐ Number of native shrubs _____
☐ Square feet of native ground cover _____
☐ Square feet of mulch _____

B. Best Management Practices (BMPs)

- ☐ EC-2 (degradable) erosion control matting
☐ Dry Swale
☐ Silt fence
☐ Turf (Nutrient) Management Plan
☐ Gravel under deck (3" of gravel over synthetic filter fabric under entire deck area)
☐ Other: _____
- ☐ Bioretention or rain garden practice
☐ Infiltration Area/Trench/Drywell
☐ Structural BMP (Wet or Dry Pond)
☐ Rain Barrel

I understand that the following are approval conditions:

- 1) Mitigation for the above activity shall follow the approved mitigation plan and be guaranteed with a form of surety acceptable to the County Attorney.
- 2) Limits of disturbance as shown on the approved plan shall not be exceeded.
- 3) This approval shall become null and void if construction has not begun within 12 months of the approval date.
- 4) Surety will be released following the completion and inspection of mitigation plantings.

Property owner signature Agent JE Stranahan Date 5-16-2018
Program Administrator _____ Date _____
Authorized Signature

For Office Use Only

Surety Amount: _____

Date/Rec No.: _____

Fee Paid? ☒ Yes ☐ No

Amount: 125.00

Date/Rec No.: 5/16/18 # 3340

Instructions for the JCC Single-Family Sensitive Area Activity Application

1. When do I need to submit an application?

This application is for any activity in the Resource Protection Area (RPA), on 25 percent or greater slopes or in Conservation Easements, on single-family, residential lots. Activities include grading, filling, building, removal of vegetation, and any other disturbances. If you are proposing to do any activities in these sensitive and protected areas, you must fill out this application. The application will be reviewed and either approved or disapproved. If the application is approved, you may proceed with the activity after receiving a letter of approval.

2. What activities can be approved administratively and which ones need to go to the James City County Chesapeake Bay Board?

All sensitive area activities require administrative review. Activities that must go to the Board are:

- Construction of a new principal structure within the seaward 50-foot RPA buffer.
- Construction of an accessory structure (such as a shed, garage, patio, etc.) anywhere in the 100-foot RPA.
- Any application administratively determined to exceed the minimum necessary to afford relief.
- Appeals of an administrative decision.

Activities that can be approved administratively by the Engineering and Resource Protection Division are:

- Construction of certain new principal structures within the landward 50-foot RPA buffer.
- Expansions and alterations to an existing, non-conforming (built prior to adoption of the ordinance), principal structure anywhere in the RPA buffer.
- Disturbance of steep slopes.
- Tree/vegetation removal for a sight line, path, or because the plants are dead, diseased or dying.

3. What other permits may be needed?

If you are proposing activity in tidal wetlands, you will need to file a Joint Permit Application (JPA) for the James City County Wetlands Board with the Virginia Marine Resources Commission (VMRC). If you are proposing activity in US Army Corps of Engineers jurisdictional wetlands, you will need to obtain a permit from them or the Department of Environmental Quality. These activities will also require the filing of a JPA. Most work involving a principal or accessory structure will require a building permit from the James City County Building Safety and Permits. The applicant is responsible for obtaining all necessary permits for the activity they are proposing.

4. What else needs to be submitted with the Sensitive Area Application?

The plans submitted must be drawn to scale and the following items must be clearly shown on the overhead plan view:

- Any existing buildings/structures on the property (house, garage, pool, deck, patio, retaining wall etc).
- Location and dimensions of proposed activity.
- Type of materials to be used (examples: timber retaining wall, brick paver patio, frame shed on concrete, etc).
- Any perennial streams, wetlands or ponds on or adjacent to the property.
- The 50-ft (seaward) and 100-ft (landward) RPA buffer areas and/or the Conservation Easement.
- Approximate contours on the land (topography).
- Location of slopes \geq 25 percent.
- All trees greater than 12" in diameter (measured 4.5' above the ground); include diameter and species or an outline of the wood lines if there are clumps of trees.
- Any vegetation proposed for removal or alteration.
- Erosion and sediment controls if necessary.
- Mitigation plan with surety (see page 6, Item 7).

The following items must be clearly indicated on the on the side view elevation of the proposed structure:

- Proposed structure and its location to any existing structure.
- Show the approximate contours of the land (topography).
- If proposed structure is an elevated deck, provide the height of the deck above ground.
- Show any proposed staircases or landings, any other existing decks or patios on the property and show the required gravel underneath the deck.

5. Why is mitigation required?

Natural vegetation is important for controlling the rate of stormwater runoff, removing excesses nutrients and pollutants from storm and groundwater, and preventing soil erosion. When natural vegetation is removed, these functions are lost. Therefore, the replacement of natural vegetation is required to ensure that the RPA area functions properly.

6. When is mitigation required?

Mitigation is required for the removal of vegetation from the RPA to enhance the pollutant filtering function of the remaining buffer. The amount of plantings is based on the amount of impervious cover created within the RPA, or to replace vegetation removed for sightline clearing. Mitigation is not required for activities on steep slopes that are not in the RPA. Disturbed steep slopes must be matted with EC-2 (degradable) erosion control matting.

7. What are the mitigation requirements?

- a. Mitigation plants must be species that are native to the coastal plain of Virginia. A list of plant species can be found at: www.dcr.virginia.gov/natural_heritage/nativeplants.shtml
- b. Mitigation plantings should be a mix of native, canopy trees, understory trees, and shrubs to provide the most effective buffer.
- c. Mitigation plantings must be within the 100' RPA buffer. Mitigation and corresponding surety rates will be determined by the table at the bottom of page 2.
- d. Mitigation size requirements:
 - Canopy and understory trees must be a minimum of 1 1/2 inch caliper or 6 feet tall.
 - Shrubs must be a minimum 3-gallon size and 18 inches tall.
- e. If your activity requires mitigation, you must submit a mitigation plan. Required elements for the mitigation plan are:
 - Any current and proposed buildings/structures.
 - The 50' (seaward) and 100' (landward) RPA buffer areas.
 - Any perennial streams, wetlands, or ponds on or adjacent to the property.
 - All trees greater than 12" in diameter (measured 4.5' above the ground); include diameter and species or an outline of the wood lines if there are clumps of trees.
 - Location of mitigation plantings (include species and size of planting).
 - Location of other mitigation measures.
 - Date of completion (no more than 24 months from approval).
 - Corresponding surety in a form acceptable to the County Attorney (certified check is preferred), must be submitted to ensure completion of the approved mitigation plan.
- f. Mitigation plantings must be inspected before the Certificate of Occupancy is issued by JCC Building Safety and Permits and/or prior to release of the surety.

8. What if I have questions or need additional information?

Contact the James City County Engineering and Resource Protection Division at 757-253-6670 or visit our website at www.jamescitycountyva.gov/resourceprotection.



Chesapeake Bay Board of James City County, Virginia

June 13, 2018

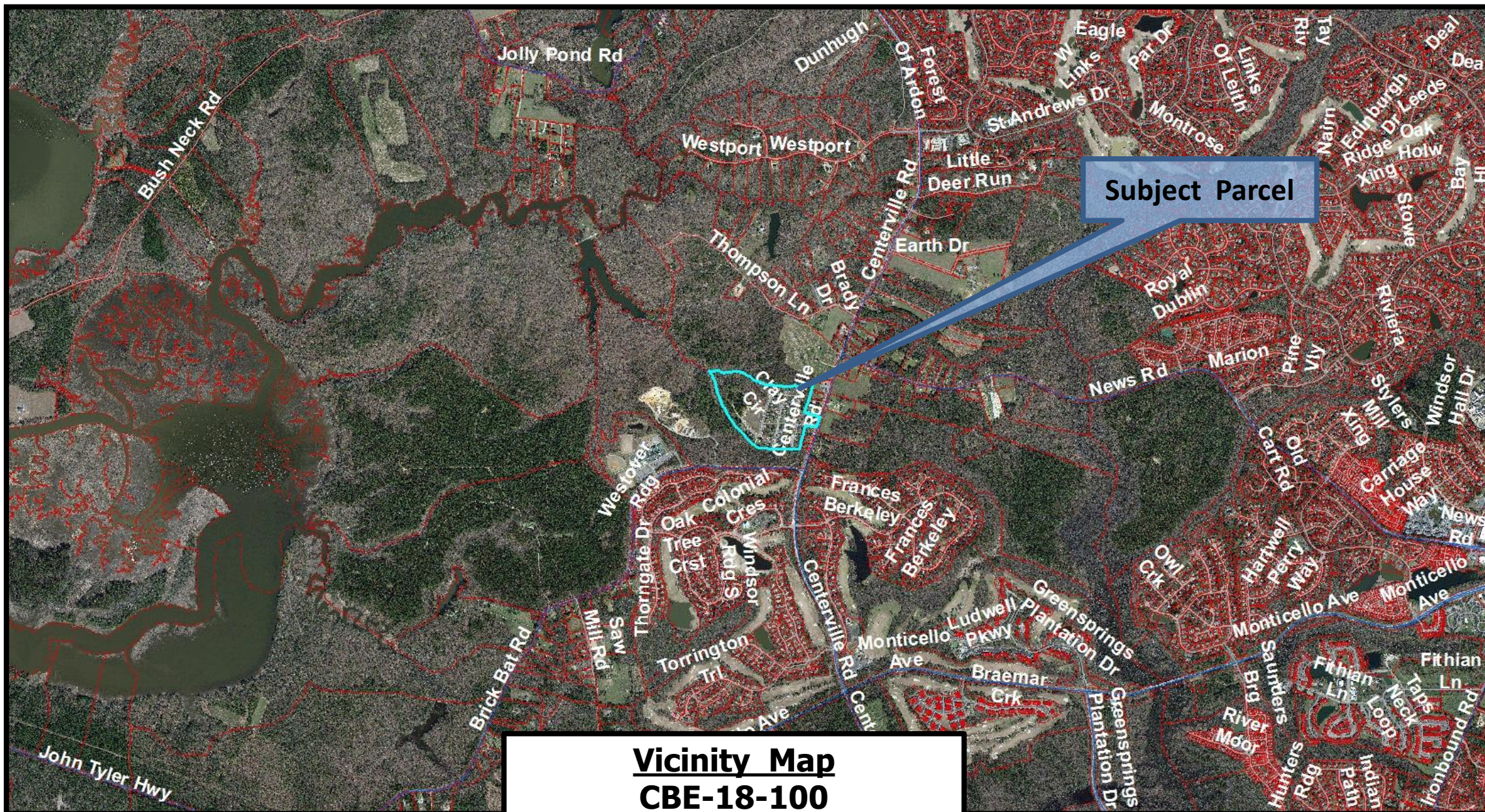
CBE-18-100

Greensprings Mobile Home Park, LLC

4131 Centerville Road

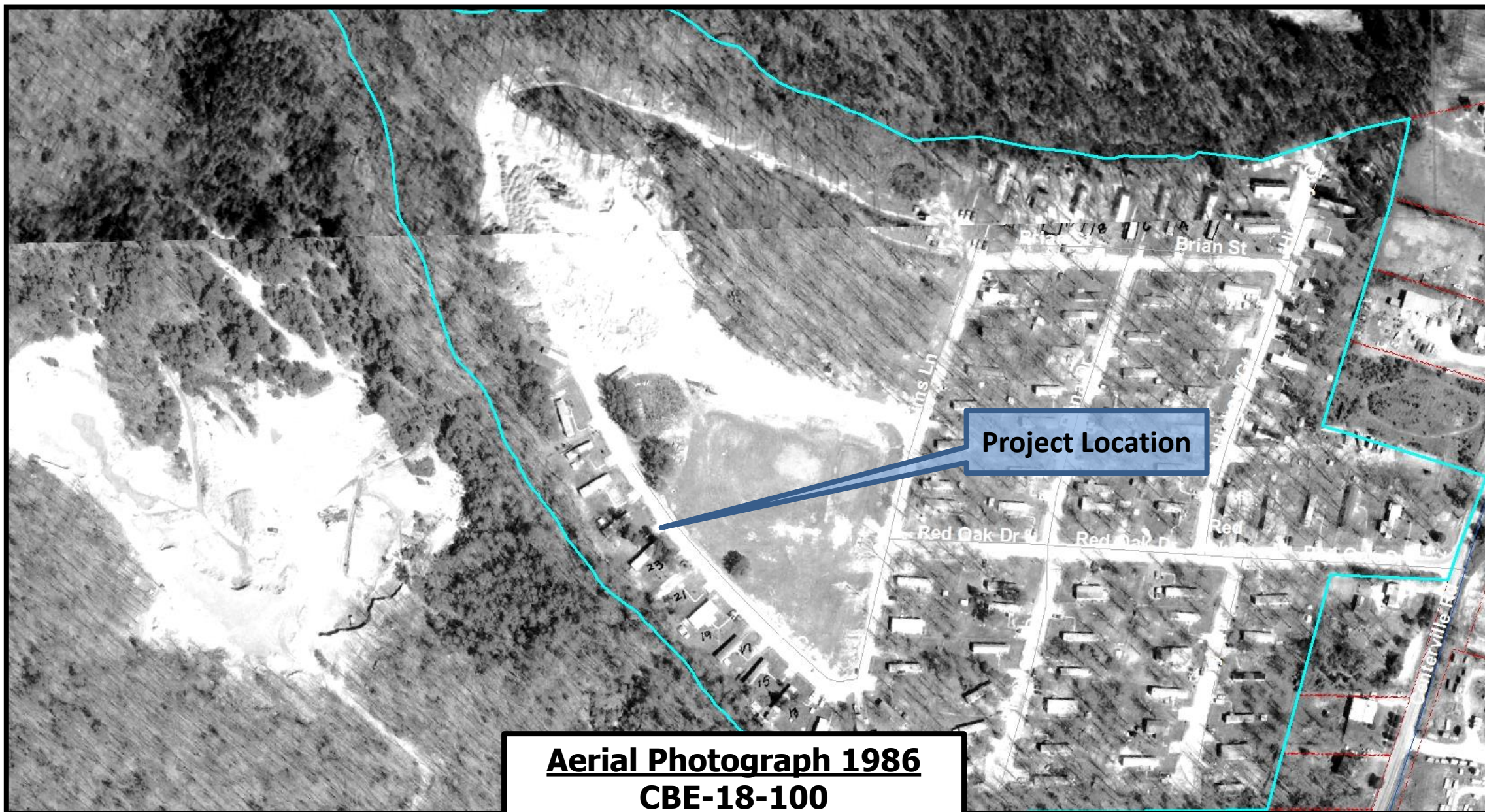
Applicant Request

- ✓ To construct a new principle structure.

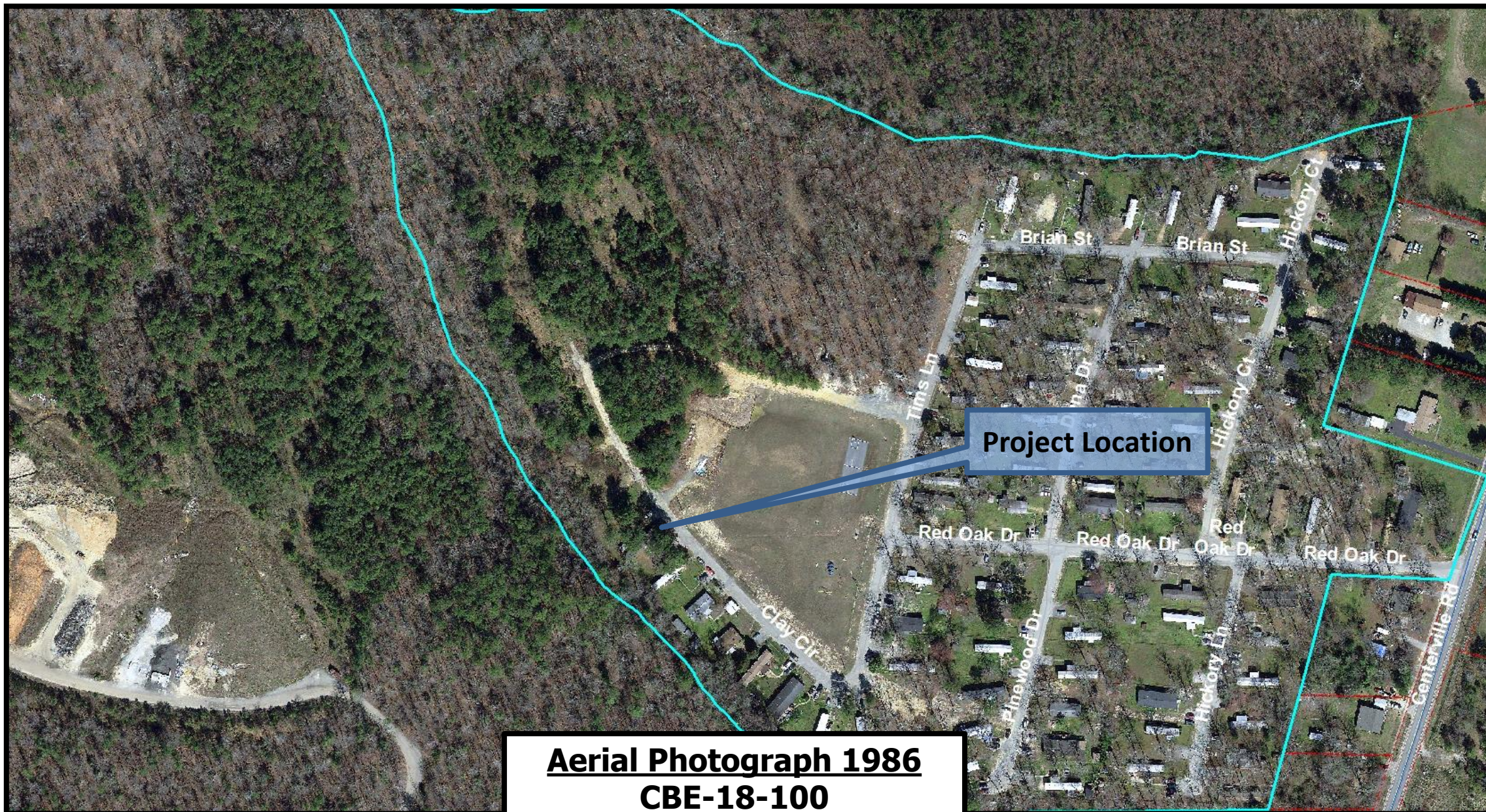


Subject Parcel

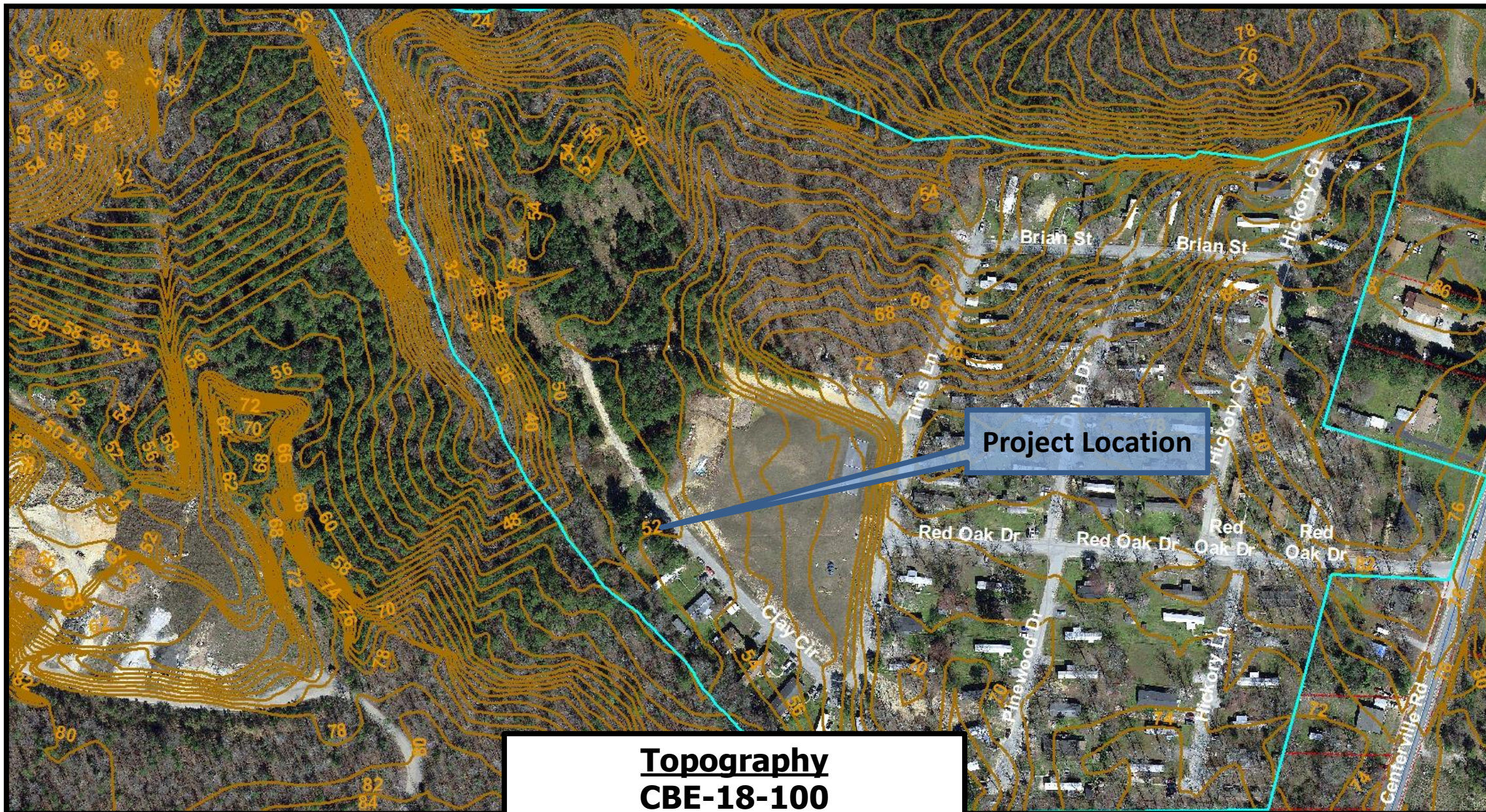
Vicinity Map
CBE-18-100
4131 Centerville Road



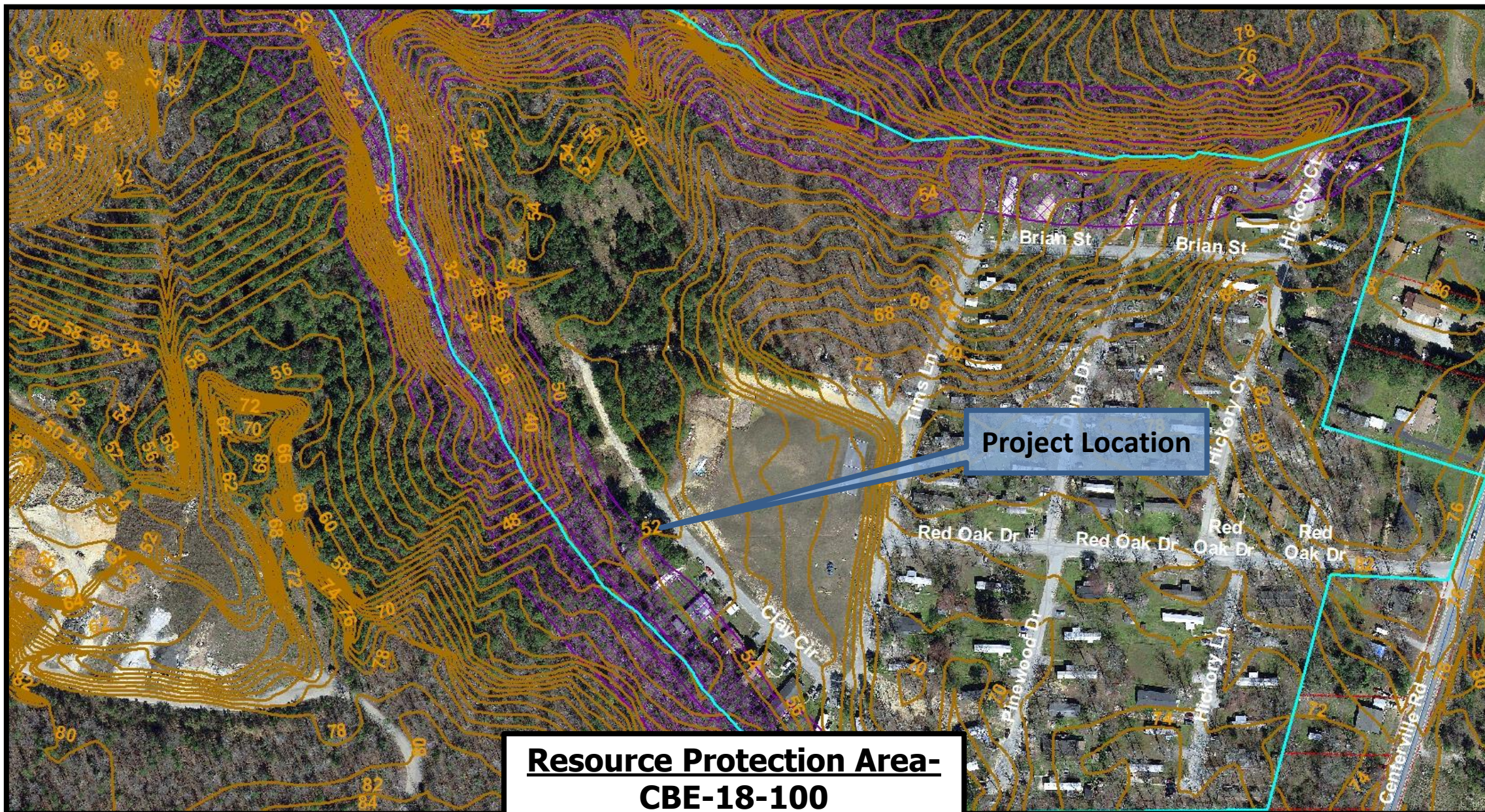
Aerial Photograph 1986
CBE-18-100
4131 Centerville Road



Aerial Photograph 1986
CBE-18-100
4131 Centerville Road

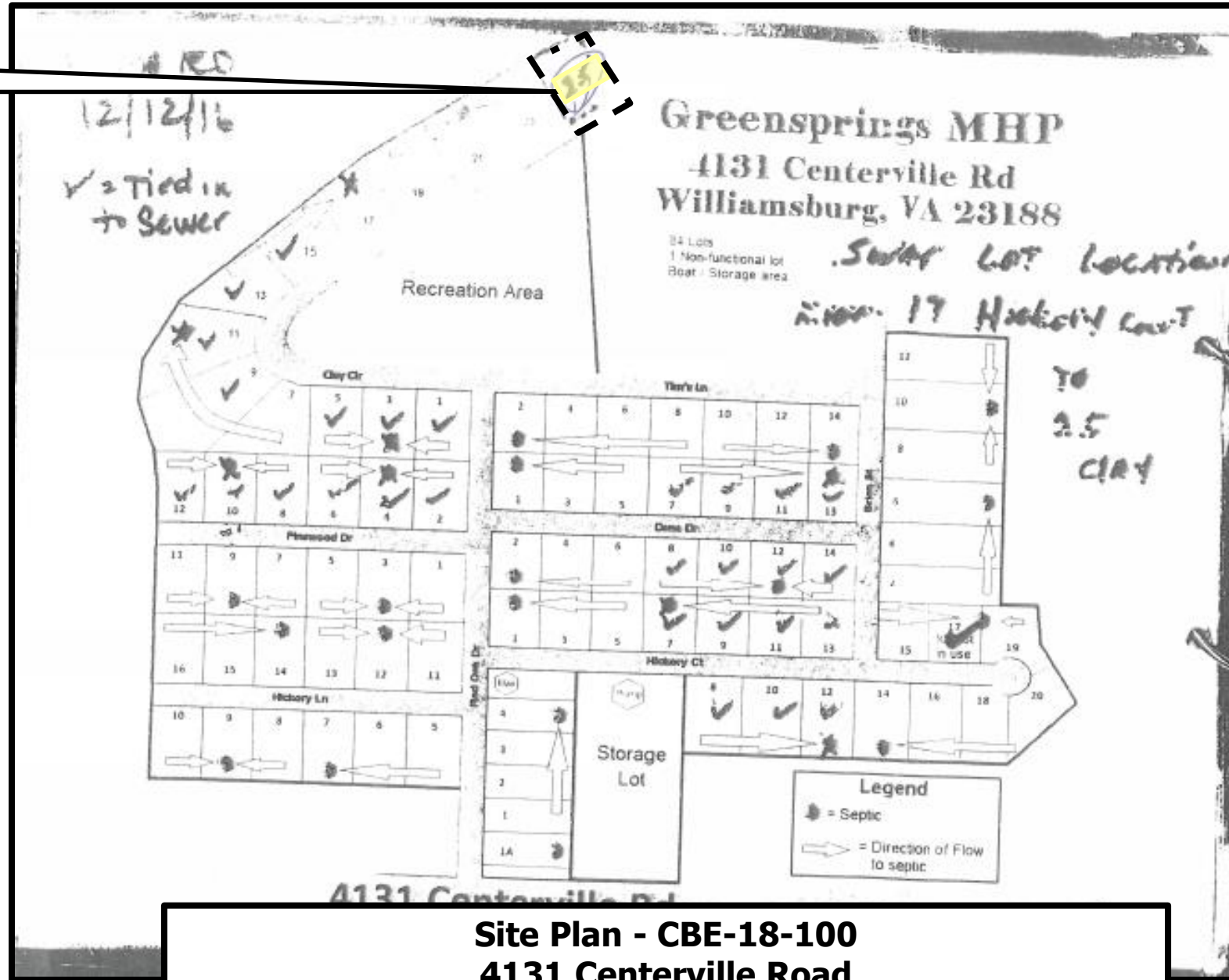


Topography
CBE-18-100
4131 Centerville Road



Resource Protection Area-
CBE-18-100
4131 Centerville Road

Proposed Mobile
Home

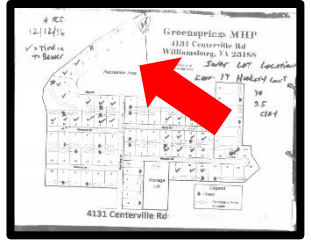


Site Plan showing
proposed improvements,
submitted March 22,
2018. For representative
use only for presentation
of case # CBE-18-100.

Site Plan - CBE-18-100
4131 Centerville Road

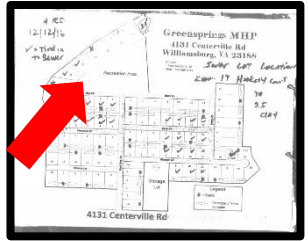


Site Photograph #1 - CBE-18-100
4131 Centerville Road





Site Photograph #2 - CBE-18-100
4131 Centerville Road



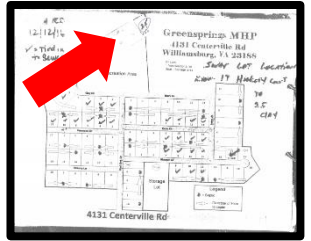


Site Photograph #3 - CBE-18-100
4131 Centerville Road





Site Photograph #5 - CBE-18-100
4131 Centerville Road





Site Photograph #4 - CBE-18-100
4131 Centerville Road



Permit Conditions



Staff Recommendation – Approval

- ✓ All other necessary local, state and federal permits
- ✓ \$1,500 surety payable to James City County Treasurer
- ✓ Null and Void if not started by June 13, 2019
- ✓ Extension request no later than 6 weeks prior to expiration



PUBLIC HEARING NOTICE

THE WETLANDS AND CHESAPEAKE BAY BOARDS OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, JUNE 13, 2018, AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

W-26-18/VMRC 18-0763: Mr. and Mrs. Steve and Lori Caudill have applied for a wetland permit to construct a pier at 8401 Hicks Island Road, JCC Parcel No. 0910100024A.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-18-091: Mrs. Tabitha Partlow has filed an exception request for encroachment into the RPA buffer and conservation easement for the installation of a shed at 2148 Benomi Drive in the Peleg's Point subdivision, JCC Parcel No. 4741300084.

CBE-18-092: Mr. Vladimir Arana has filed an exception request for encroachment into the RPA buffer for the installation of a hot tub at 4069 South Riverside Drive in the Chickahominy Haven subdivision, JCC Parcel No 1910500017.

CBE-18-093: Mr. Whitford R. Strickland has filed an exception request for encroachment into the RPA buffer for the construction of a retaining wall, patio, access path and shoreline restoration at 123 Jordans Journey in the First Colony subdivision, JCC Parcel No. 4540200150.

CBE-18-094: Mr. Piotr Swietuchowski of VHB, Inc., on behalf of SeaWorld Parks & Entertainment, LLC, has filed an exception request for encroachment into the RPA buffer for the construction of a new structure in the Ireland Hamlet section of Busch Gardens at 7851 Pocahontas Trail, JCC Parcel No. 5140100009.

CBE-18-100: Mr. Joseph E. Franklin has filed an exception request for encroachment into the RPA buffer for installation of a double wide mobile home at 25 Clay Circle in the Greensprings Mobile Home Park located at 4131 Centerville Road, JCC Parcel No. 3640100001.

CBE-18-101: Ms. Suzy Cheely, on behalf of SeaWorld Parks & Entertainment, LLC, has filed an exception request for encroachment into the RPA buffer for the construction of a deck behind the Pet Shenanigans Show building at Busch Gardens, located at 7851 Pocahontas Trail, JCC Parcel No. 5140100009.

Consideration of proposed Chesapeake Bay exception conditions will be heard.

Appeals from decisions under the Chesapeake Bay Preservation Ordinance may also be heard.

All interested parties are invited to attend the meetings. The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101 Mounts Bay Road, Building E, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – May 30, 2018 and June 6, 2018.
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

COPIES: PLANNING
ASSISTANT COUNTY ATTORNEY
WETLAND/CHESAPEAKE BAY BOARD MEMBERS



**General Services
Stormwater and Resource
Protection Division**
101-E Mounts Bay Road
Williamsburg, VA 23185

Resource.Protection@jamescitycountyva.gov

May 23, 2018

RE: CBE-18-100
4131 Centerville Road

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Chesapeake Bay Board by Mr. Joseph Franklin for encroachment into the Resource Protection Area (RPA) buffer associated with the installation of a double wide trailer in the Greensprings Mobile Home Park at 4131 Centerville Road, Williamsburg, VA. The property is further identified by James City County Real Estate as Parcel No 3640100001.

A complete description, plan and other information are on file in the Stormwater Division and are available for inspection during normal business hours, should anyone desire to review them.

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, June 13, 2018 at 5:00 p.m.**, in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

Janice Petty

Janice Petty
Stormwater Assistant

cc: Joseph Franklin, Greensprings Mobile Home Park

Mailing List for: CBE-18-094 – 7851 Pocahontas Trail– Seaworld Parks – Accessory – Deck

Owner: 5140100009

SeaWorld Parks & Entertainment LLC c/o Pts
P.O. Box 543185
Dallas, TX 75354-3185

SeaWorld Parks and Entertainment
Attn: Suzy Cheely
One Busch Gardens Blvd
Williamsburg, VA 23185-8765

Seaworld Parks & Entertainment LLC
9205 South Park Center Loop, Suite 400
Orlando, FL 32819-8651

Vanasse Hangen Brustlin, Inc.
Attn: Piotr Swietuchowski
351 McLaws Cir, Suite 3
Williamsburg, VA 23185-6316

5130100001 - 7801 Pocahontas Tr
5230100112 – 100 Busch Service Rd
Anheuser-Busch Brewing Properties, LLC
Attn: General Counsel
One Busch Place
Saint Louis, MO 63118-1849

5140100002 – 8397 Pocahontas Tr
Sturdivant, Toni C
8405 Pocahontas Trail
Williamsburg, VA 23185-5952

5140100003 – 8399 Pocahontas Tr
Lee, Robert and Rebecca
215 Telford Drive
Newport News VA 23602-5224

5130100002 – 1000 Carter's Grove
5230100011A – 8581 Pocahontas Tr
5230100111 - 8515 Pocahontas Tr
5230100011B – 101 Busch Service Rd
Escalante Kingsmill Development LLC
2930 Bledsoe Street, Suite 124
Forth Worth, TX 76107-2942

ITEM SUMMARY

DATE: 6/13/2018

TO: Chesapeake Bay Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: CBE-18-101 : Busch Gardens Pet Shenanigans Building

Ms. Suzy Cheely, on behalf of SeaWorld Parks & Entertainment, LLC, has filed an exception request for encroachment into the RPA buffer for the construction of a deck behind the Pet Shenanigans Show building at Busch Gardens, located at 7851 Pocahontas Trail, JCC Parcel No. 5140100009.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Site Plan	Backup Material
☐	Presentation	Presentation
☐	Public Hearing Notice	Backup Material
☐	APO Notification Letter	Backup Material
☐	APO Notification List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	6/10/2018 - 11:31 AM
Chesapeake Bay Group	Geissler, Fran	Approved	6/11/2018 - 2:18 PM
Publication Management	Colonna, Tina	Approved	6/11/2018 - 3:37 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	6/11/2018 - 3:40 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBE-18-101. Busch Gardens Pet Shenanigans
Staff report for the June 13, 2018, Chesapeake Bay Board Public Hearing**

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.

EXISTING SITE DATA AND INFORMATION

Applicant:	SeaWorld Parks & Entertainment, LLC	
Agent:	Ms. Suzy Cheely	
Location:	7851 Pocahontas Trail	
Tax Map/Parcel No.:	5140100009	
Parcel:	Busch Gardens Williamsburg	
Lot Size:	383 acres	
Area of Lot in Resource Protection Area (RPA):	130 acres +/- (39%)	
Watershed:	James River (HUC JL30)	
Floodplain:	None	
Proposed Activity:	Construction of a deck and HVAC system	
Impervious Cover:	170 square feet	
RPA Encroachment:	170 square feet, seaward 50-foot RPA buffer	
Staff Contact:	Trevor Long, Watershed Planner	Phone: 253-6789

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Ms. Suzy Cheely has applied for a Chesapeake Bay Exception on behalf of SeaWorld Parks & Entertainment, LLC for encroachments into the RPA buffer for the construction of a new deck and HVAC unit on property located at 7851 Pocahontas Trail within the James River watershed. The property is further identified as James City County Tax Map Parcel No. 5140100009 and is also known as Busch Gardens Williamsburg. The parcel was platted in 1974 prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total impervious cover within the RPA is 170 square feet within the seaward 50-foot RPA. The existing HVAC unit needs to be replaced and was originally installed on a small wooden deck. The slope falls off suddenly and steeply from the building, making working on the unit challenging and unsafe. In order to provide a safe and level working environment for technicians servicing the unit, the size of the deck must be increased to 170 square feet. Typical mitigation for this amount of impact is three shrubs. As the project site has a full tree canopy, no mitigation is required in the vicinity of the project site. The mitigation requirements will be encompassed in the requirements for the Ireland Expansion project.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a deck and HVAC system 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 proposed deck encroaches into the seaward 50-foot RPA and is accessory in nature. 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 (WQIA) was submitted for the proposed project.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14. The Chesapeake Bay Board should fully consider Chesapeake Bay Exception CBE-18-101 as outlined and presented above and review the request for exception along with the WQIA. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chesapeake Bay Preservation Ordinance.

STAFF RECOMMENDATIONS

Staff has reviewed the application and exception request and has determined impacts associated with the proposal to be minor for the proposed development. Staff recommends approval of this exception request with the following conditions incorporated into the approval:

1. The applicant must obtain all other necessary federal, state and local permits as required for the project; and
2. This exception request approval shall become null and void if construction has not begun by June 13, 2019; and
3. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

TL/nb
CBE18-101BGPetShen

Attachments:

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

RESOLUTION

CASE NO. CBE-18-101. 7851 POCAHONTAS TRAIL - BUSCH GARDENS

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, SeaWorld Parks & Entertainment, LLC (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on June 13, 2018, 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. 5140100009 and further identified as 7851 Pocahontas Trail, Busch Gardens Williamsburg (the “Property”) as set forth in the application CBE-18-101 for the purpose of constructing a deck; 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.
 - b. This exception request approval shall become null and void if construction has not begun by June 13, 2019.
 - c. Written requests for an extension to an exception shall be submitted to the Stormwater 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 13th day of June, 2018.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 20__ IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

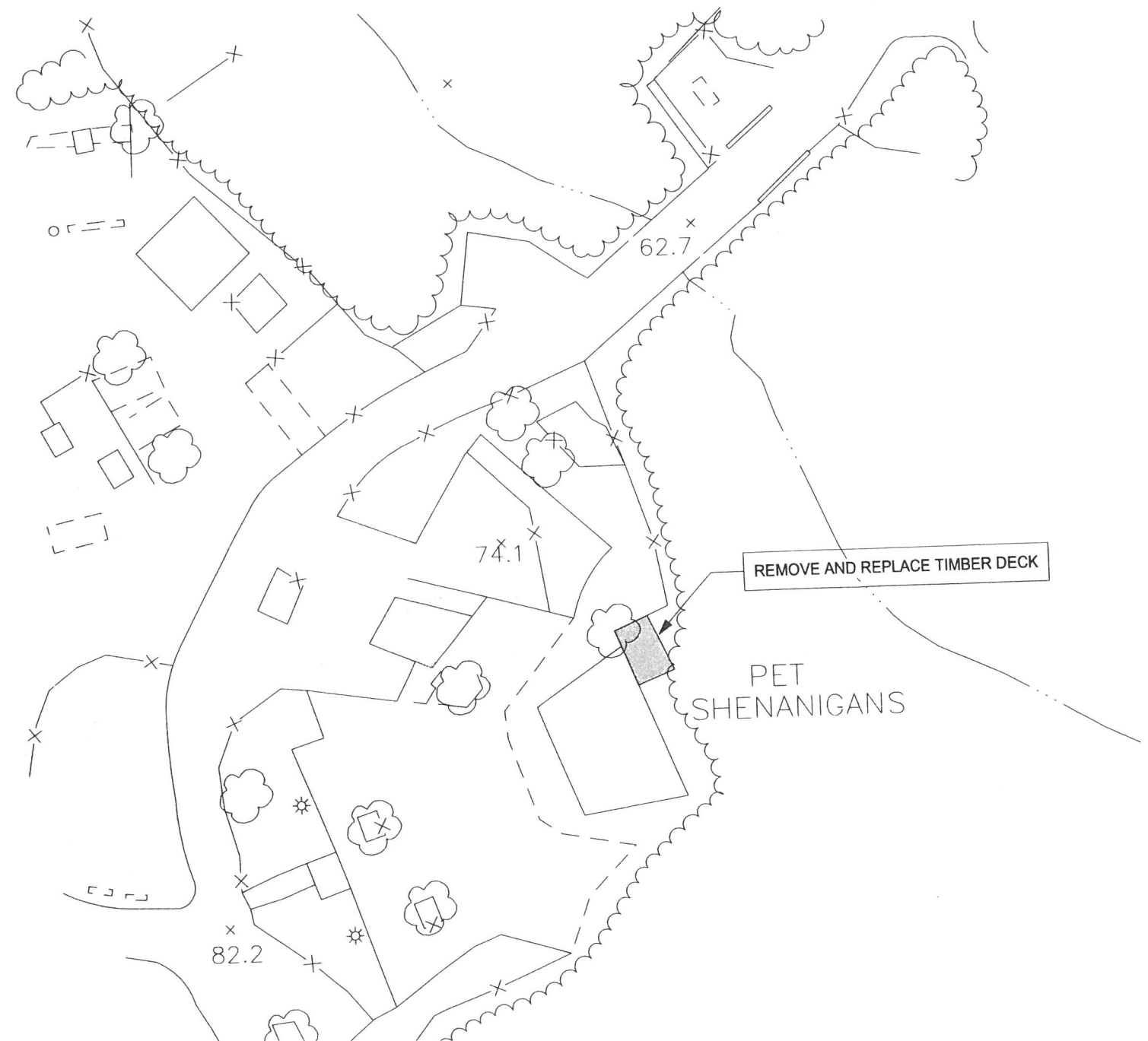
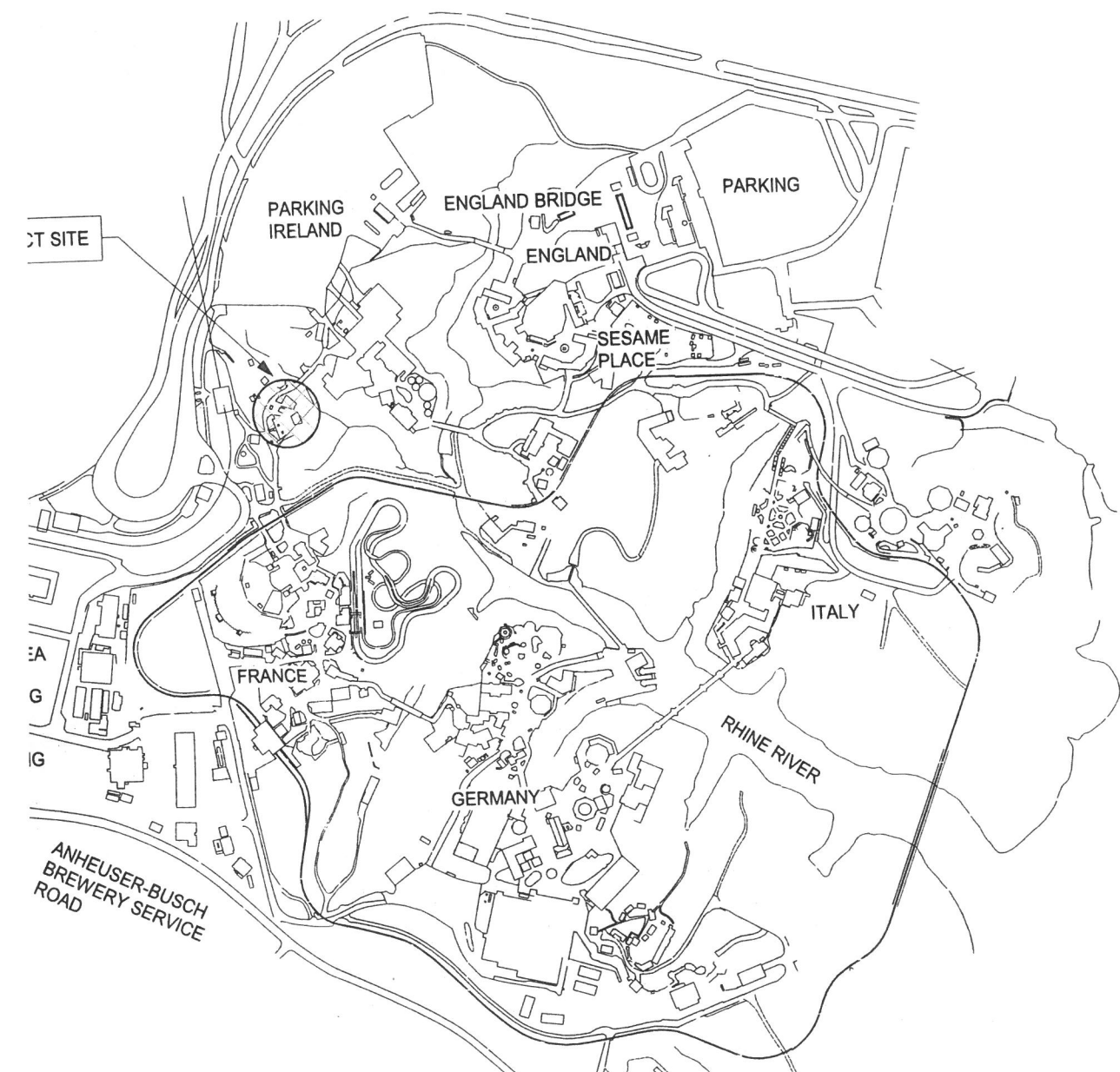
NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

CBE18-101BGPetShen-res

FOR

BUSCH GARDENS JAMSBURG, VIRGINIA





Chesapeake Bay Board of James City County, Virginia

June 13, 2018

CBE-18-101

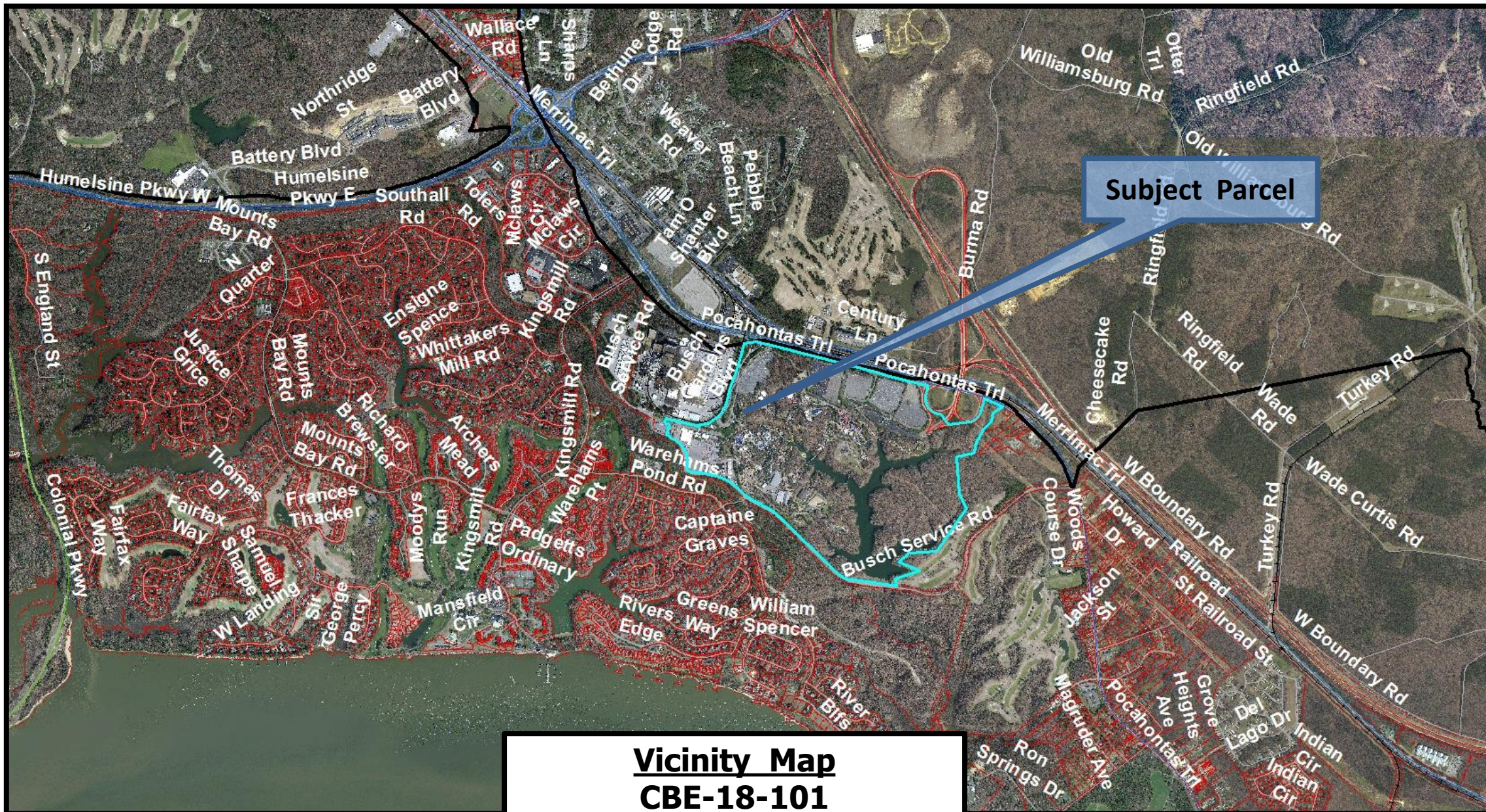
SeaWorld Parks and Entertainment

Busch Gardens Williamsburg

7851 Pocahontas Trail

Applicant Request

- ✓ To construct a deck behind the Pat Shenanigans Building to hold HVAC equipment.

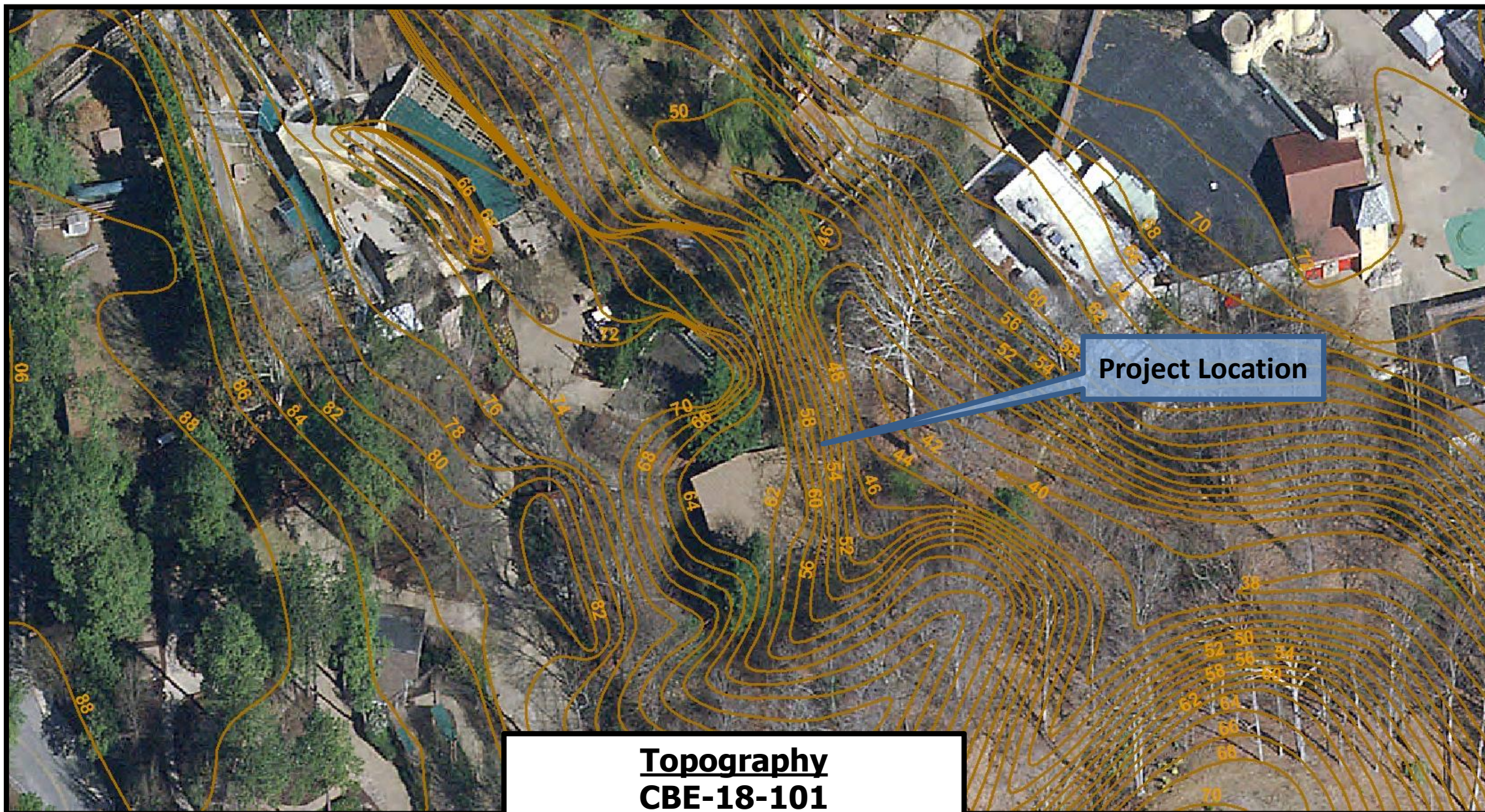


Vicinity Map
CBE-18-101
7851 Pocahontas Trail

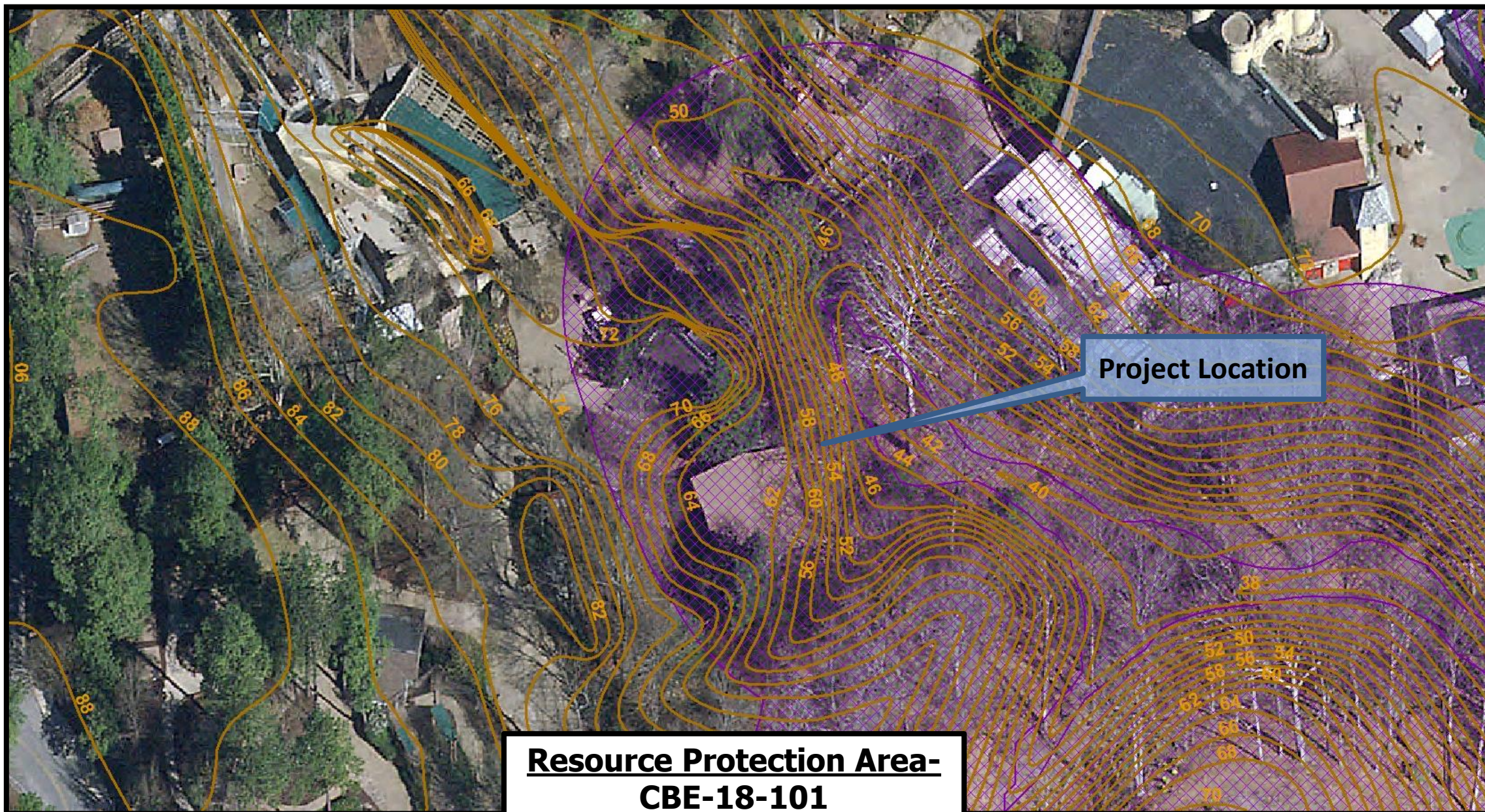


Project Location

Aerial Photograph
CBE-18-101
7851 Pocahontas Trail

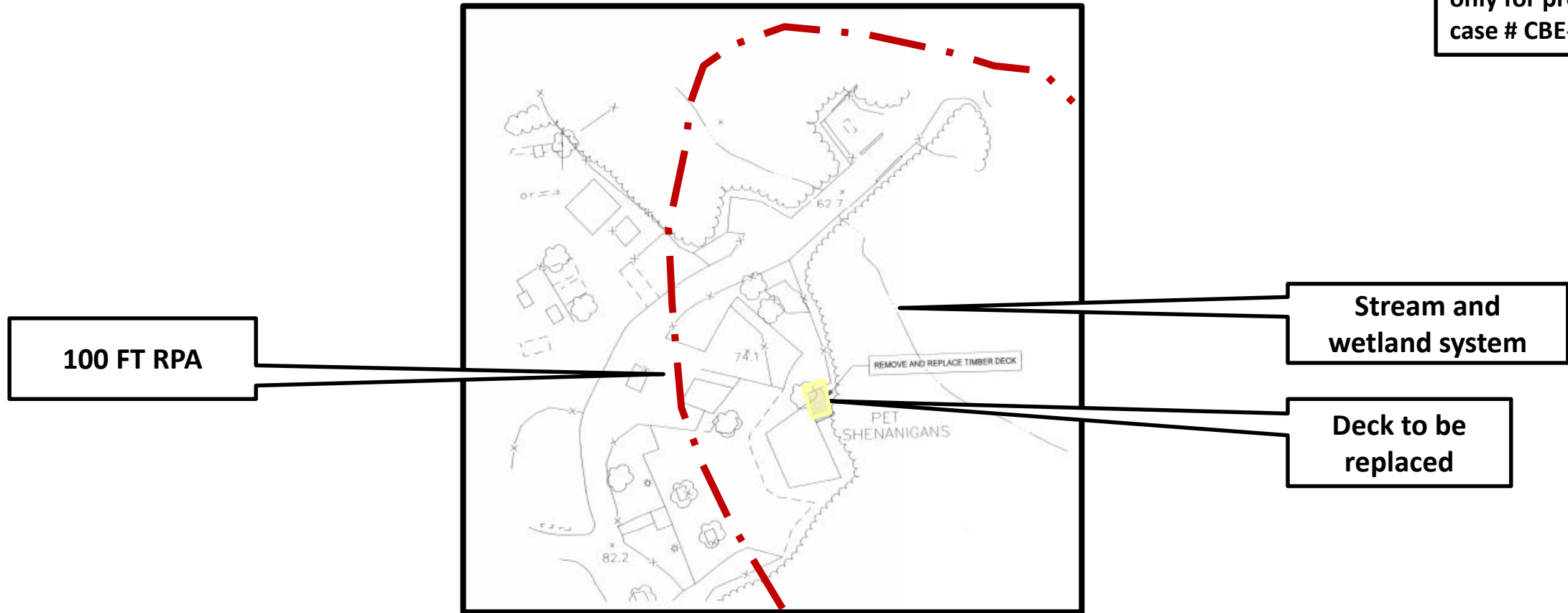


Topography
CBE-18-101
7851 Pocahontas Trail



Resource Protection Area-
CBE-18-101
7851 Pocahontas Trail

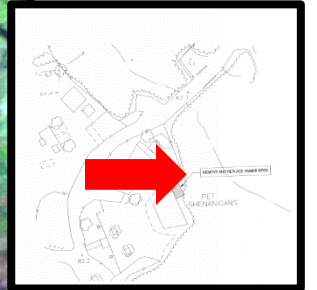
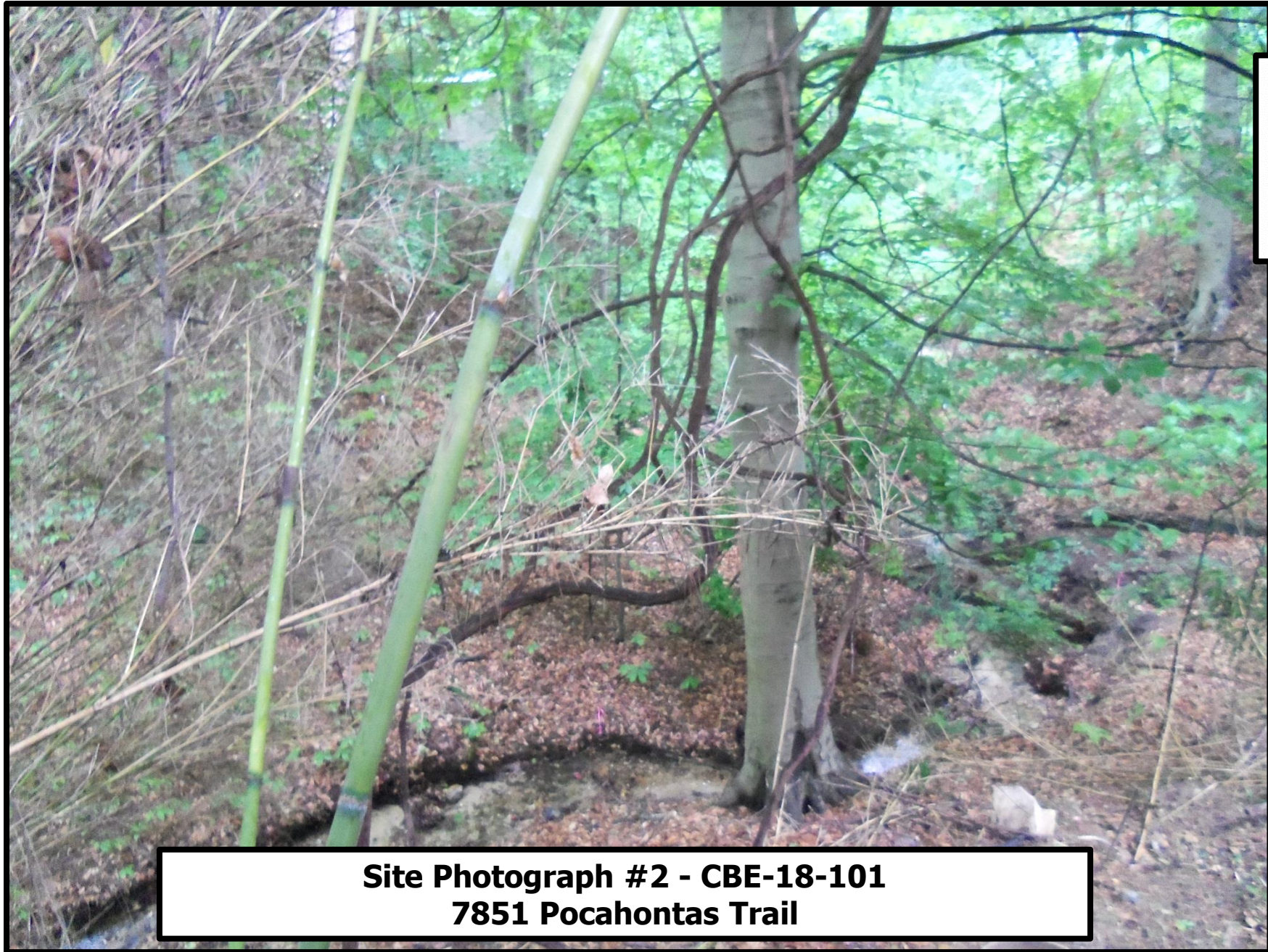
Site Plan showing
proposed improvements,
submitted May 16, 2018.
For representative use
only for presentation of
case # CBE-18-101.



Site Plan - CBE-18-101
7851 Pocahontas Trail



Site Photograph #1 - CBE-18-101
7851 Pocahontas Trail



Site Photograph #2 - CBE-18-101
7851 Pocahontas Trail

Permit Conditions



Staff Recommendation – Approval

- ✓ All other necessary local, state and federal permits
- ✓ Null and Void if not started by June 13, 2019
- ✓ Extension request no later than 6 weeks prior to expiration



PUBLIC HEARING NOTICE

THE WETLANDS AND CHESAPEAKE BAY BOARDS OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, JUNE 13, 2018, AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

W-26-18/VMRC 18-0763: Mr. and Mrs. Steve and Lori Caudill have applied for a wetland permit to construct a pier at 8401 Hicks Island Road, JCC Parcel No. 0910100024A.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-18-091: Mrs. Tabitha Partlow has filed an exception request for encroachment into the RPA buffer and conservation easement for the installation of a shed at 2148 Benomi Drive in the Peleg's Point subdivision, JCC Parcel No. 4741300084.

CBE-18-092: Mr. Vladimir Arana has filed an exception request for encroachment into the RPA buffer for the installation of a hot tub at 4069 South Riverside Drive in the Chickahominy Haven subdivision, JCC Parcel No 1910500017.

CBE-18-093: Mr. Whitford R. Strickland has filed an exception request for encroachment into the RPA buffer for the construction of a retaining wall, patio, access path and shoreline restoration at 123 Jordans Journey in the First Colony subdivision, JCC Parcel No. 4540200150.

CBE-18-094: Mr. Piotr Swietuchowski of VHB, Inc., on behalf of SeaWorld Parks & Entertainment, LLC, has filed an exception request for encroachment into the RPA buffer for the construction of a new structure in the Ireland Hamlet section of Busch Gardens at 7851 Pocahontas Trail, JCC Parcel No. 5140100009.

CBE-18-100: Mr. Joseph E. Franklin has filed an exception request for encroachment into the RPA buffer for installation of a double wide mobile home at 25 Clay Circle in the Greensprings Mobile Home Park located at 4131 Centerville Road, JCC Parcel No. 3640100001.

CBE-18-101: Ms. Suzy Cheely, on behalf of SeaWorld Parks & Entertainment, LLC, has filed an exception request for encroachment into the RPA buffer for the construction of a deck behind the Pet Shenanigans Show building at Busch Gardens, located at 7851 Pocahontas Trail, JCC Parcel No. 5140100009.

Consideration of proposed Chesapeake Bay exception conditions will be heard.

Appeals from decisions under the Chesapeake Bay Preservation Ordinance may also be heard.

All interested parties are invited to attend the meetings. The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101 Mounts Bay Road, Building E, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – May 30, 2018 and June 6, 2018.
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

COPIES: PLANNING
ASSISTANT COUNTY ATTORNEY
WETLAND/CHESAPEAKE BAY BOARD MEMBERS



**General Services
Stormwater and Resource
Protection Division**
101-E Mounts Bay Road
Williamsburg, VA 23185

Resource.Protection@jamescitycountyva.gov

May 23, 2018

RE: CBE-18-101
Busch Gardens Pet Shenanigans Show Building

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Chesapeake Bay Board by Suzy Cheely on behalf of SeaWorld Parks & Entertainment, LLC, for encroachment into the Resource Protection Area (RPA) buffer associated with the construction of Pet Shenanigans Show Deck located within Busch Gardens at 7851 Pocahontas Trail, Williamsburg, VA. The property is further identified by James City County Real Estate as Parcel No 5140100009.

A complete description, plan and other information are on file in the Stormwater Division and are available for inspection during normal business hours, should anyone desire to review them.

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, June 13, 2018 at 5:00 p.m.**, in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

Janice Petty

Janice Petty
Stormwater Assistant

cc: SeaWorld Parks & Entertainment, Suzy Cheely

Mailing List for: CBE-18-101 – 7851 Pocahontas Trail– SeaWorld Parks – Pet Shenanigans Show Building

Owner: 5140100009

SeaWorld Parks & Entertainment LLC c/o Pts
P.O. Box 543185
Dallas, TX 75354-3185

SeaWorld Parks and Entertainment
Attn: Suzy Cheely
One Busch Gardens Blvd
Williamsburg, VA 23185-8765

Seaworld Parks & Entertainment LLC
9205 South Park Center Loop, Suite 400
Orlando, FL 32819-8651

5130100001 - 7801 Pocahontas Tr
5230100112 – 100 Busch Service Rd
Anheuser-Busch Brewing Properties, LLC
Attn: General Counsel
One Busch Place
Saint Louis, MO 63118-1849

5140100002 – 8397 Pocahontas Tr
Sturdivant, Toni C
8405 Pocahontas Trail
Williamsburg, VA 23185-5952

5140100003 – 8399 Pocahontas Tr
Lee, Robert and Rebecca
215 Telford Drive
Newport News VA 23602-5224

5130100002 – 1000 Carter's Grove
5230100011A – 8581 Pocahontas Tr
5230100111 - 8515 Pocahontas Tr
5230100011B – 101 Busch Service Rd
Escalante Kingsmill Development LLC
2930 Bledsoe Street, Suite 124
Forth Worth, TX 76107-2942

ITEM SUMMARY

DATE: 6/13/2018

TO: Chesapeake Bay Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: CBE-18-094 : Busch Gardens Ireland Expansion

Mr. Piotr Swietuchowski of VHB, Inc., on behalf of SeaWorld Parks and Entertainment, LLC, has filed an exception request for encroachment into the RPA buffer for construction of a new structure in the Ireland Hamlet section of Busch Gardens, located at 7851 Pocahontas Trail, JCC Parcel No. 5140100009.

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Water Quality Impact Assessment	Backup Material
▣	Site Plan	Backup Material
▣	Revised Impacts Map	Backup Material
▣	Presentation	Presentation
▣	Public Hearing Notice	Backup Material
▣	APO Notification Letter	Backup Material
▣	APO Notification List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	6/11/2018 - 1:53 PM
Chesapeake Bay Group	Geissler, Fran	Approved	6/11/2018 - 2:24 PM
Publication Management	Colonna, Tina	Approved	6/11/2018 - 3:21 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	6/11/2018 - 3:40 PM

CHESAPEAKE BAY BOARD EXCEPTION No. CBE-18-094. BUSCH GARDENS IRELAND EXPANSION

Staff Report for the June 13, 2018, Chesapeake Bay Board Public Hearing

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.

EXISTING SITE DATA AND INFORMATION

Applicant:	SeaWorld Parks & Entertainment, LLC		
Agent:	Mr. Piotr Swietuchowski		
Location:	7851 Pocahontas Trail		
Tax Map/Parcel No.:	5140100009		
Parcel:	328 acres; M-1 Limited Business/Industrial		
Lot Size:	383.07		
Area of Lot in Resource Protection Area (RPA):	130 ac +/- (39%)		
Watershed:	James River, (HUC JL30)		
Floodplain:	None		
Proposed Activity:	Construction of a new attraction		
Impervious Cover:	6,000 square feet		
RPA Encroachment:	3,700 square feet landward 50-foot RPA buffer, 12,900 square feet seaward 50-foot RPA buffer		
Staff Contact:	Trevor Long, Watershed Planner	Phone:	253-6789

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Piotr Swietuchowski has applied for a Chesapeake Bay Exception on behalf of SeaWorld Parks & Entertainment, LLC for encroachments into the RPA buffer for the construction of a new attraction on property located at 7851 Pocahontas Trail within the James River watershed. The property is further identified as James City County Tax Map Parcel No. 5140100009 and is also known as Busch Gardens Williamsburg. The parcel was platted in 1974 prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The proposed installation results in 3,700 square feet of encroachment into the landward 50-foot RPA and 12,900 square feet of encroachment into the seaward 50-foot RPA equating to a total of 16,600 square feet of RPA encroachment. The proposed installation will also add 6,000 square feet of impervious cover to the RPA. To date, the applicant has proposed a mitigation plan of 15 planting units. The required mitigation for this amount of impact would be 15 planting units, therefore proposed mitigation meets County requirements.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a new attraction 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 proposed additions encroach into the seaward 50-foot RPA. A Water Quality Impact Assessment (WQIA) was submitted, per Sections 23-11 and 23-14 of the County Ordinance, for the proposed project within the RPA.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14. The Chesapeake Bay Board should fully consider Chesapeake Bay Exception CBE-18-094 as outlined and presented above and review the request for exception along with the WQIA. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chesapeake Bay Preservation Ordinance.

STAFF RECOMMENDATIONS

Staff has reviewed the application and exception request and has determined impacts associated with the proposal to be major for the proposed development. Staff recommends approval of this exception request with the following conditions incorporated into the approval:

1. The applicant must obtain all other necessary federal, state and local permits as required for the project.
2. Surety of \$8,000 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation.
3. This exception request approval shall become null and void if construction has not begun by June 13, 2019.
4. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

MDW/md
CBE-18-094-BGlrldExp

Attachments:

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

RESOLUTION

CASE NO. CBE-18-094. BUSCH GARDENS IRELAND EXPANSION

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, SeaWorld Parks & Entertainment, LLC (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on June 13, 2018, 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. 5140100009 and further identified as 7851 Pocahontas Trail, also known as Busch Gardens Williamsburg (the “Property”) as set forth in the application CBE-18-094 for the purpose of constructing a new attraction; 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.
 - b. Surety of \$8,000 will be required in a form acceptable to the County Attorney’s office to guarantee the mitigation.
 - c. This exception request approval shall become null and void if construction has not begun by June 13, 2019.

- d. 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 13th day of June, 2018.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 20__ IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

CBE-18-094BGIreldExp-res



Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

For Office Use Only

CB Number CBE # 18-094

Submission Requirements: (Check all applicable)

- ☒ A \$25 non-refundable processing fee payable to Treasurer, James City County.
- ☒ RPA - landward 50' - Complete Items 1 - 5, and sign on Page 3.
- ☒ RPA - seaward 50' - Complete Items 1 - 5, sign on Page 3 and submit an additional \$100 non-refundable fee payable to Treasurer, James City County, for the Chesapeake Bay Board.
- ☐ Conservation Easement - Complete Items 1, 2, 3, and 5, and sign on Page 3.
- ☒ Steep Slopes ≥ 25 percent - Complete Items 1, 2, 3, and 5, and sign on Page 3.
- ☒ Attach plans as required (see instruction on Page 4, Item 4).
- ☒ Applicable surety as required for mitigation (see **Mitigation Rates Table** on Page 2).

Engineering & Resource Protection
MAY 02 2018

RECEIVED

Upon completion, please return pages 1-3 to the JCC Engineering and Resource Protection Division

Property Owner Information:

Date: 5/2/18

Name: Seaworld Parks & Entertainment, LLC

Address: 1 Busch Gardens Blvd., Williamsburg, VA 23185

Phone: (757) 253-3426

Fax: _____

Email: _____

Contact (if different from above):

Name: Piotr Swietuchowski - VHB, Inc.

Phone: (757) 220-0500

Email: pswietuchowski@vhb.com

Project Information:

Project Address: 7851 Pocahontas Trail, Williamsburg, VA 23185

Subdivision Name, Lot, and Section No.: _____

Parcel Identification No. or Tax Map No.: 5140100009

Date Lot was platted: _____ Line or Bldg Permit No.: _____

Activity Location and Impacts (Square Feet - SF): (check all that apply)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Steep Slopes ≥ 25 percent <u>16,500</u> (SF) | <input checked="" type="checkbox"/> RPA - Landward 50' <u>3,700</u> (SF) |
| <input type="checkbox"/> Conservation Easement _____ (SF) | <input checked="" type="checkbox"/> RPA - Seaward 50' <u>12,900</u> (SF) |
| <input type="checkbox"/> Trees to be Removed _____ (#) | <input checked="" type="checkbox"/> Proposed Impervious Cover <u>6,000</u> (SF) |

Activity involves: (check all that apply)

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> New principal structure construction | <input type="checkbox"/> Building addition to principal structure | <input checked="" type="checkbox"/> Attached Deck |
| <input type="checkbox"/> Permitted buffer modifications: | <input type="checkbox"/> Dead/diseased/dying tree removal | <input type="checkbox"/> Sightline |
| | <input type="checkbox"/> Invasive/noxious weed removal | <input type="checkbox"/> Access path/trail |
| <input type="checkbox"/> Accessory (Detached) Structure or Patio | <input type="checkbox"/> Redevelopment: _____ | |
| <input type="checkbox"/> Other: _____ | | |

Chesapeake Bay Preservation Ordinance Sensitive Area Activity Application

Page 2

For Office Use Only

CB Number CBE-18-094

1. Description of requested sensitive area activity and reason for request:

(In the description, please indicate the reason for the proposed structure or activity, the location, sizes and dimensions of feature. For decks or expansions, indicate if ground floor, first floor or other levels)

Busch Gardens desires to use this site in Ireland as the location for the proposed structure for economic and accessibility reasons. The maximum footprint of the structure within the RPA will be 6000 sf. However, permanent ground impacts will be less than that because portions of the elevated deck will sit on piles. The sensitive area disturbance for this project is largely due to the fact that Ireland cannot be accessed by construction equipment and the service roads along the Rhine River will be utilized for construction.

2. As per Section 23-9 of the Chesapeake Bay Preservation Ordinance, if there is an on-site sewage disposal system on this property, has it been inspected and/or pumped out in the past five years? ☒ Yes ☐ No

3. Are permits from other local, State or Federal agencies required for any portion of this project? ☒ Yes ☐ No
(If yes, please explain) US Army Corps of Engineers

4. Water Quality Impact Assessment

The purpose of a water quality impact assessment is to demonstrate that the project will result in the removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater run-off and that it will retard runoff, prevent accelerated erosion, promote infiltration, and filter non-point source pollution equivalent to the full undisturbed 100-foot buffer.

A. Why is this encroachment necessary? Can it be relocated to avoid RPA impacts?

The Ireland Hamlet is the desired location of this project. The entire undeveloped perimeter is covered by the RPA. Even developed portions of Ireland are encroaching in the RPA. This is the flatest area in Ireland that is not occupied by a current building.

B. What measures will be used to minimize impervious area? Examples: pervious pavers, removal of existing impervious surfaces (concrete, pavement, etc.) in the RPA not needed for the project

The proposed structure will be partially on piers and will be elevated above the steep slopes. The area under the structure can be mulched.

5. Proposed mitigation measures:

Note: All mitigation measures must be shown in detail on a mitigation plan. Show both location of mitigation measures and plant species if applicable. All mitigation plants must be native species and be located in the sensitive area (RPA or Conservation Easement).

Mitigation Rates Table

<u>Impervious Area (SF)</u>	<u>Mitigation Required</u>	<u>Surety</u>
<400	1 tree and 3 shrubs	\$250
400-1,000	1 canopy tree, 2 understory trees and 3 shrubs per 400 SF (or fraction thereof)	\$1,000
>1,000	Plant at same rate as 400 – 1,000; or may be determined by Director of Engineering and Resource Protection Division	To be determined

**Chesapeake Bay Preservation Ordinance
Sensitive Area Activity Application**

Page 3

For Office Use Only

CB Number

CBF # 13-094

A. Vegetation/ground cover enhancement of buffer (see Mitigation Rates Table on previous page).

<input checked="" type="checkbox"/>	Number of native canopy trees	<u>15</u>
<input checked="" type="checkbox"/>	Number of native understory trees	<u>30</u>
<input checked="" type="checkbox"/>	Number of native shrubs	<u>45</u>
<input type="checkbox"/>	Square feet of native ground cover	
<input type="checkbox"/>	Square feet of mulch	

B. Best Management Practices (BMPs)

<input checked="" type="checkbox"/> EC-2 (degradable) erosion control matting	<input type="checkbox"/> Bioretention or rain garden practice
<input type="checkbox"/> Dry Swale	<input type="checkbox"/> Infiltration Area/Trench/Drywell
<input checked="" type="checkbox"/> Silt fence	<input type="checkbox"/> Structural BMP (Wet or Dry Pond)
<input type="checkbox"/> Turf (Nutrient) Management Plan	<input type="checkbox"/> Rain Barrel
<input type="checkbox"/> Gravel under deck (3" of gravel over synthetic filter fabric under entire deck area)	
<input type="checkbox"/> Other: _____	

I understand that the following are approval conditions:

- 1) Mitigation for the above activity shall follow the approved mitigation plan and be guaranteed with a form of surety acceptable to the County Attorney.
- 2) Limits of disturbance as shown on the approved plan shall not be exceeded.
- 3) This approval shall become null and void if construction has not begun within 12 months of the approval date.
- 4) Surety will be released following the completion and inspection of mitigation plantings.

Property owner signature *K n H* Date 05-01-18

Program Administrator _____ Date _____

Authorized Signature

For Office Use Only

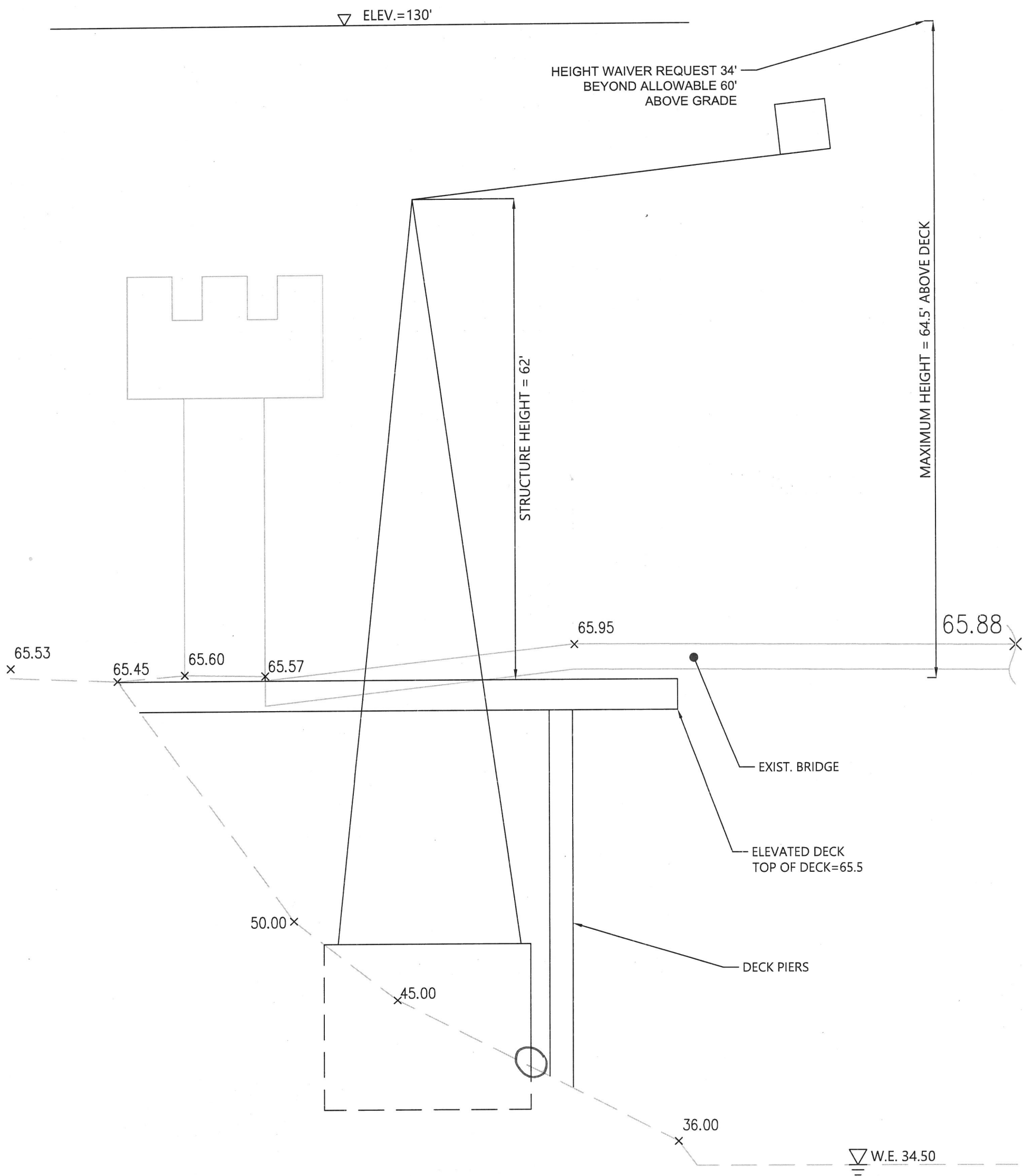
Surety Amount: _____

Date/Rec No.: _____

Fee Paid? ☒ Yes ☐ No

Amount: 25.00

Date/Rec No.: 5/2/18 #3333



DRAWING NOT TO SCALE

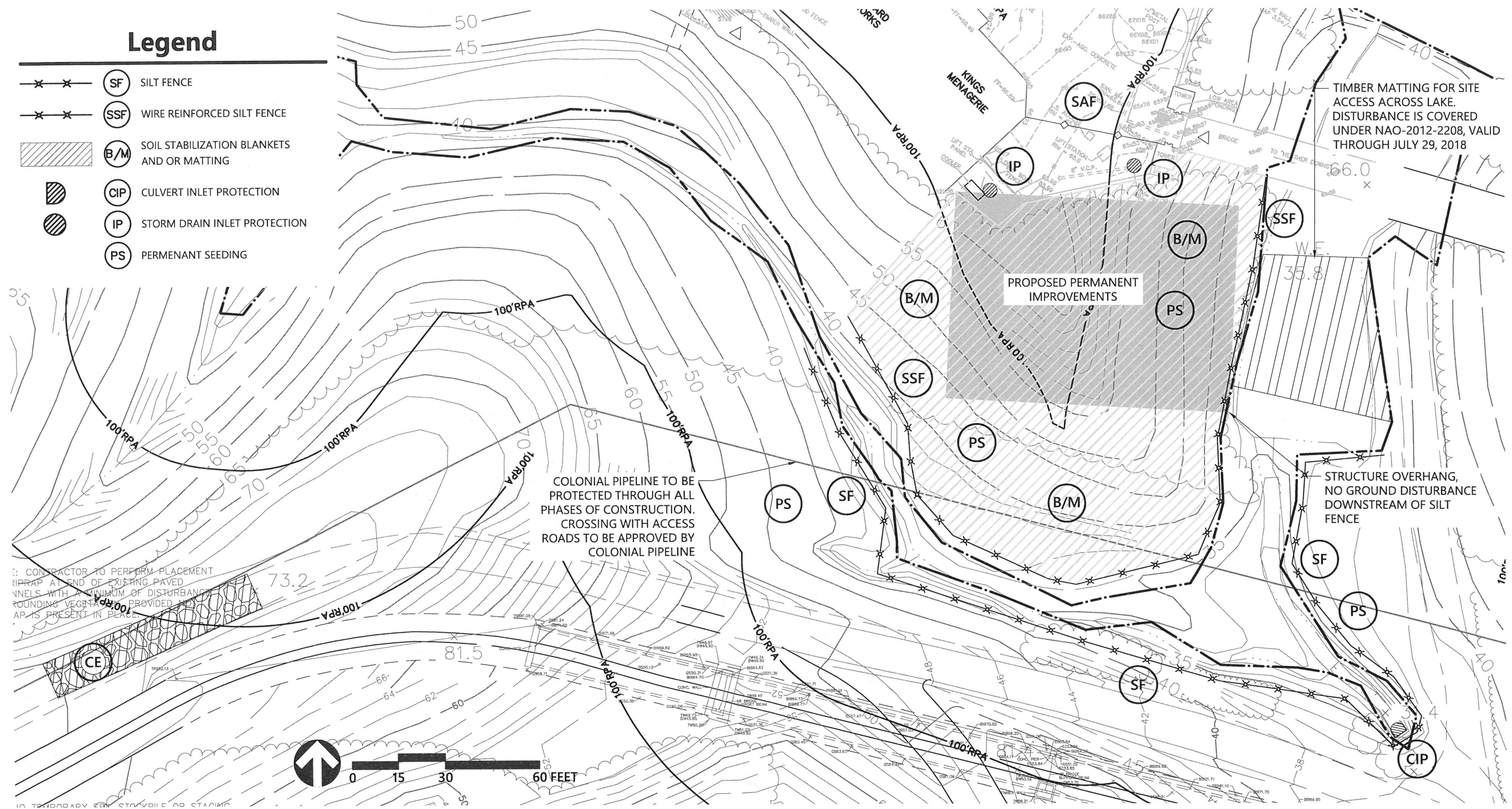
PROFILE VIEW IRELAND EXPANSION BUSCH GARDENS WILLIAMSBURG

Source: **VHB**
Prepared for: **EXHIBIT**
Date: **05/01/2018**



Legend

- SF SILT FENCE
- SSF WIRE REINFORCED SILT FENCE
- B/M SOIL STABILIZATION BLANKETS AND OR MATTING
- CIP CULVERT INLET PROTECTION
- IP STORM DRAIN INLET PROTECTION
- PS PERMENANT SEEDING



Conceptual Erosion Control Plan

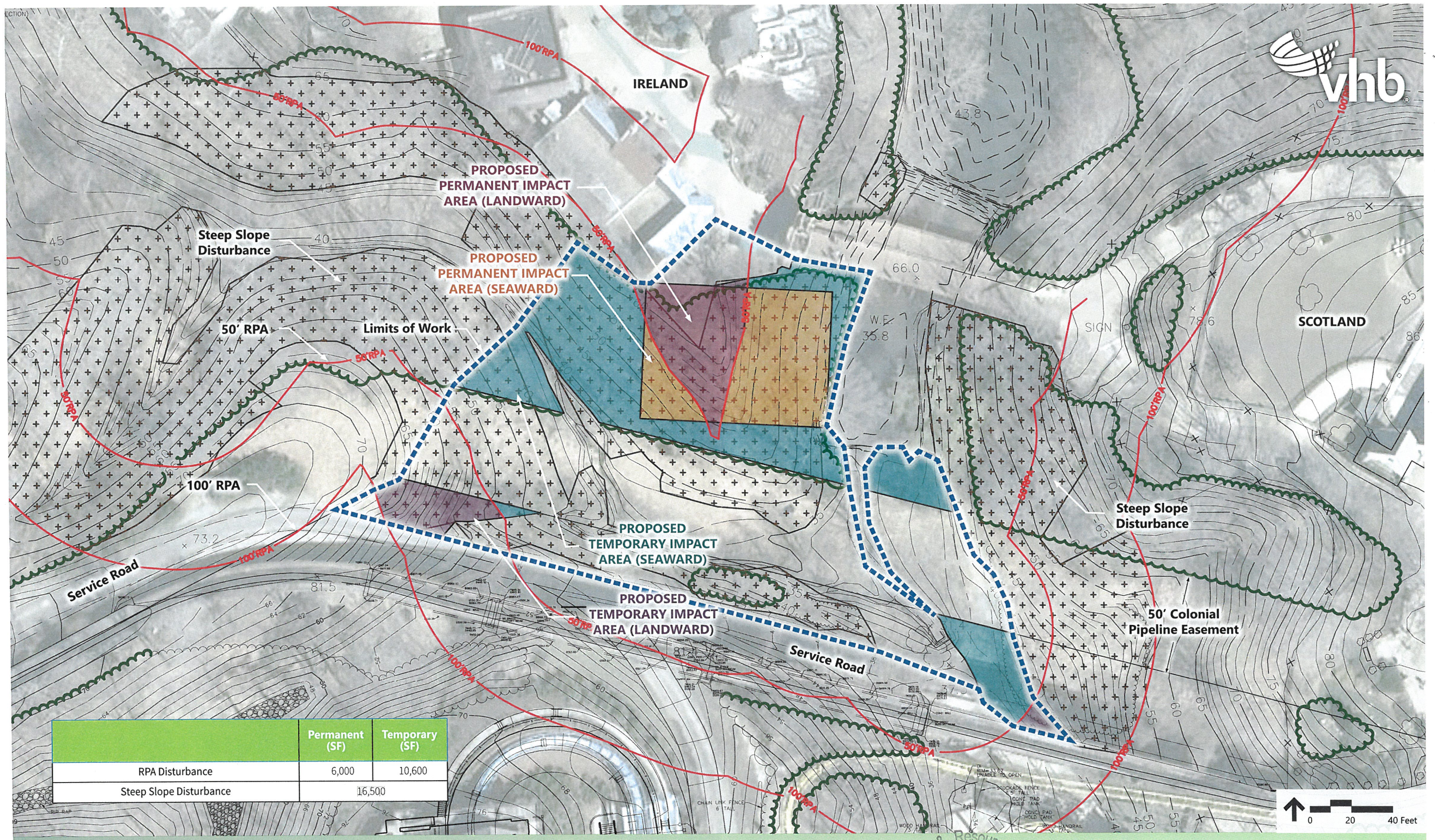
Busch Gardens Ireland Expansion

Williamsburg, VA

Source:
Prepared for: **Chesapeake Bay Board Approval**
Date: **5/1/118**

Engineering & Resource Protection
MAY 02 2018
RECEIVED





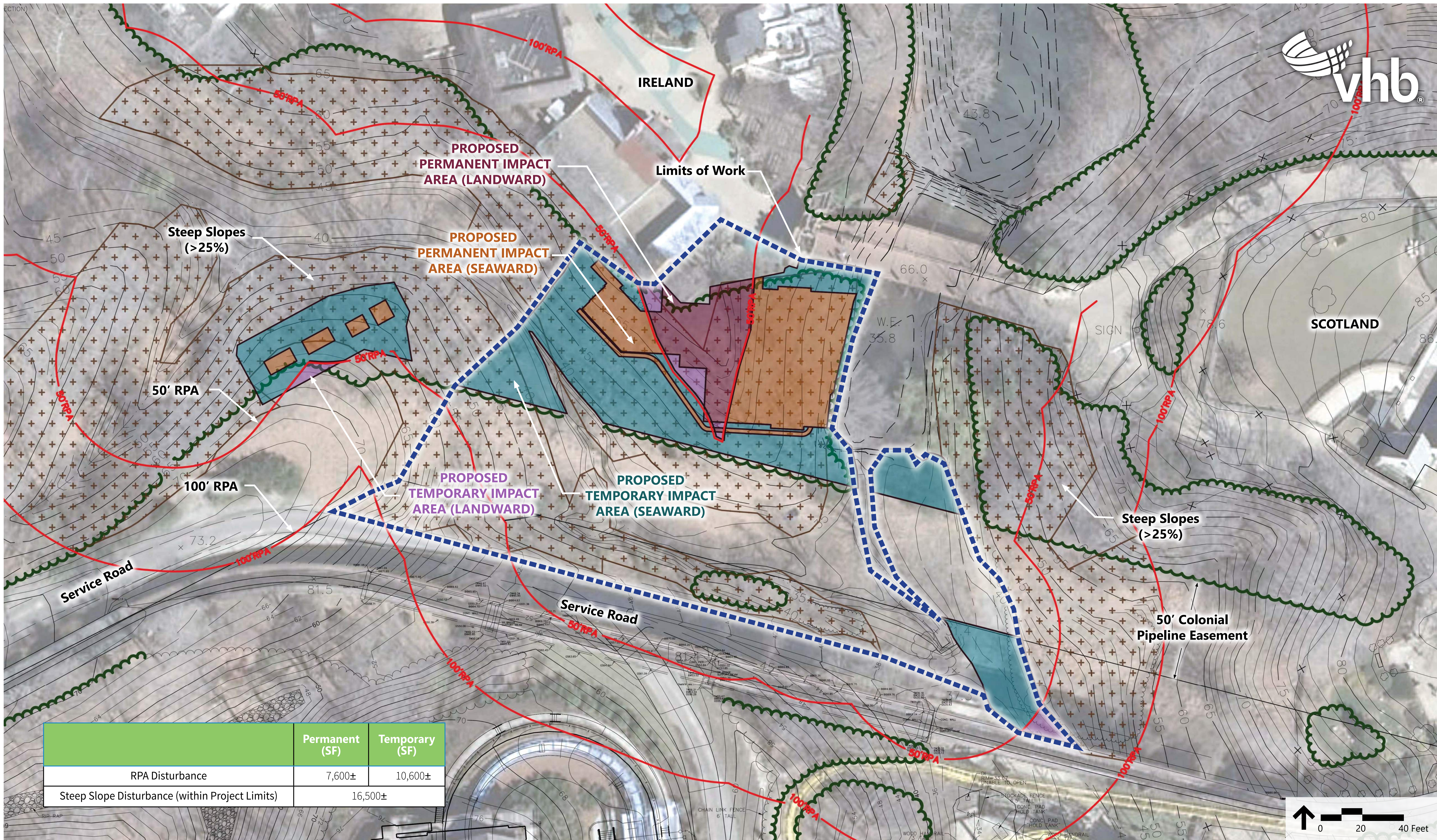
	Permanent (SF)	Temporary (SF)
RPA Disturbance	6,000	10,600
Steep Slope Disturbance	16,500	



Busch Gardens Ireland Expansion

Engineering & Resource Protection
MAY 02 2018

RPA Impact Exhibit



	Permanent (SF)	Temporary (SF)
RPA Disturbance	7,600±	10,600±
Steep Slope Disturbance (within Project Limits)	16,500±	



Chesapeake Bay Board of James City County, Virginia

June 13, 2018

CBE-18-094

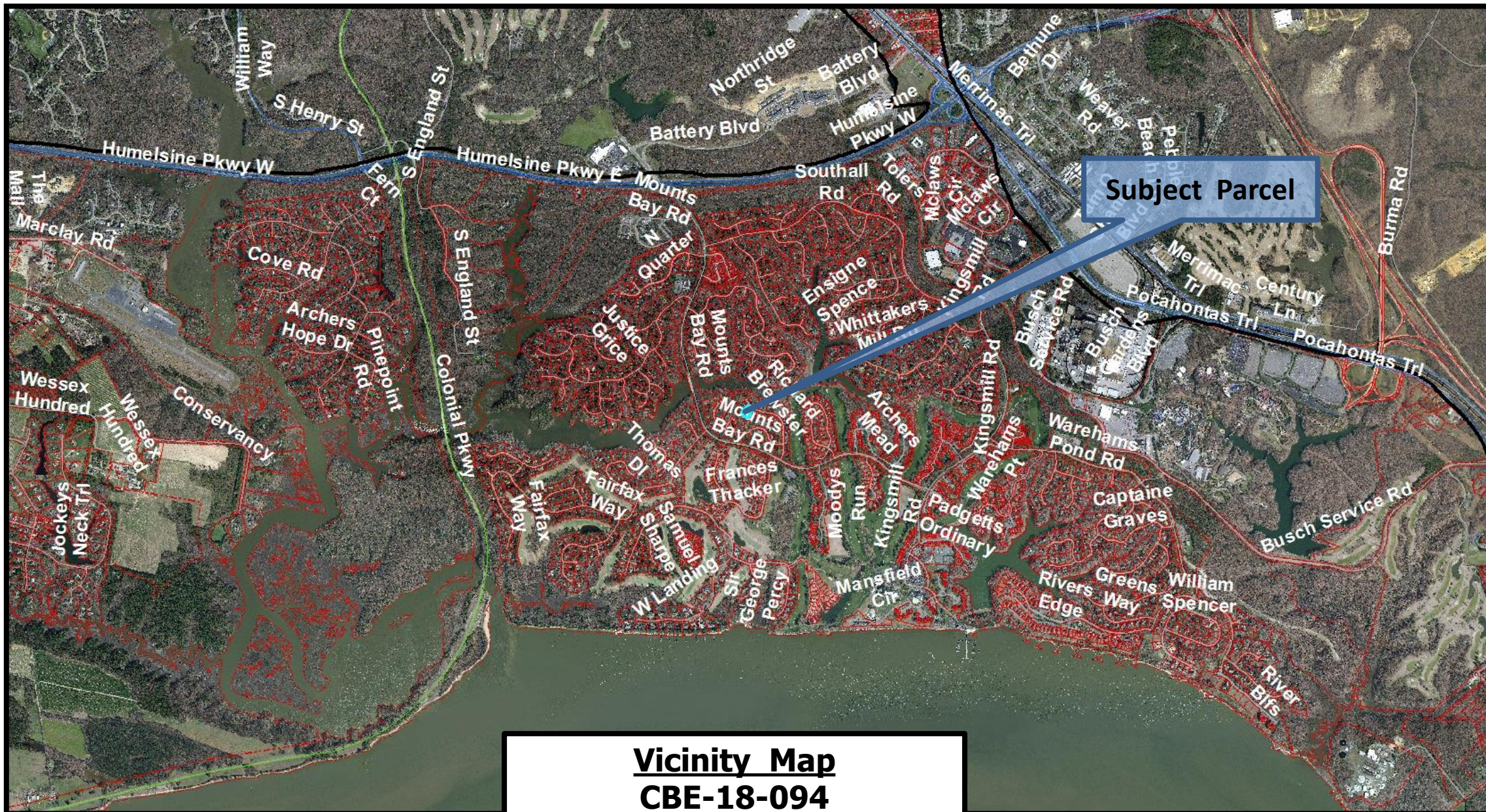
SeaWorld Parks & Entertainment, LLC

Busch Gardens Williamsburg

7851 Pocahontas Trail

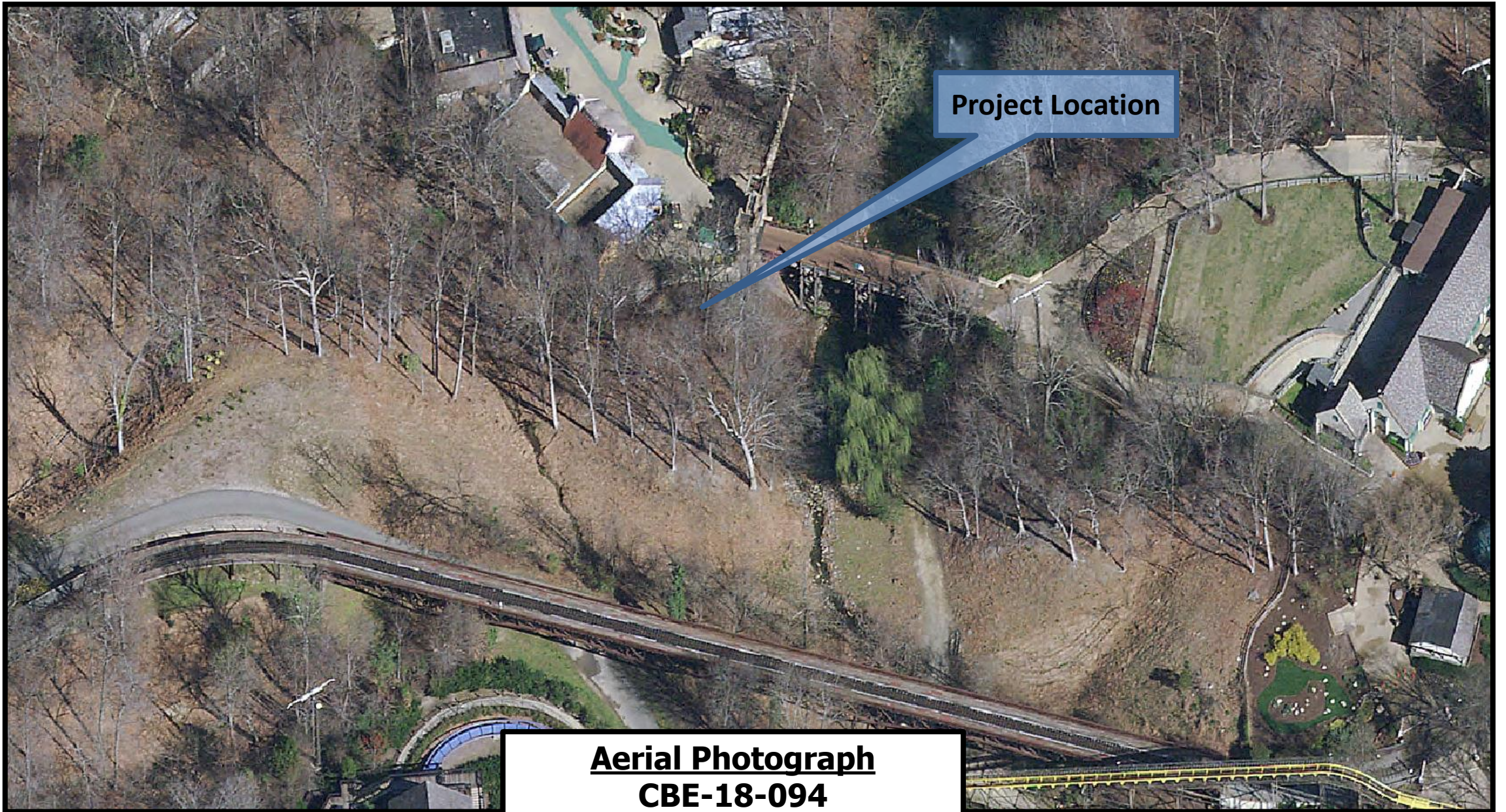
Applicant Request

- ✓ To construct a new attraction.



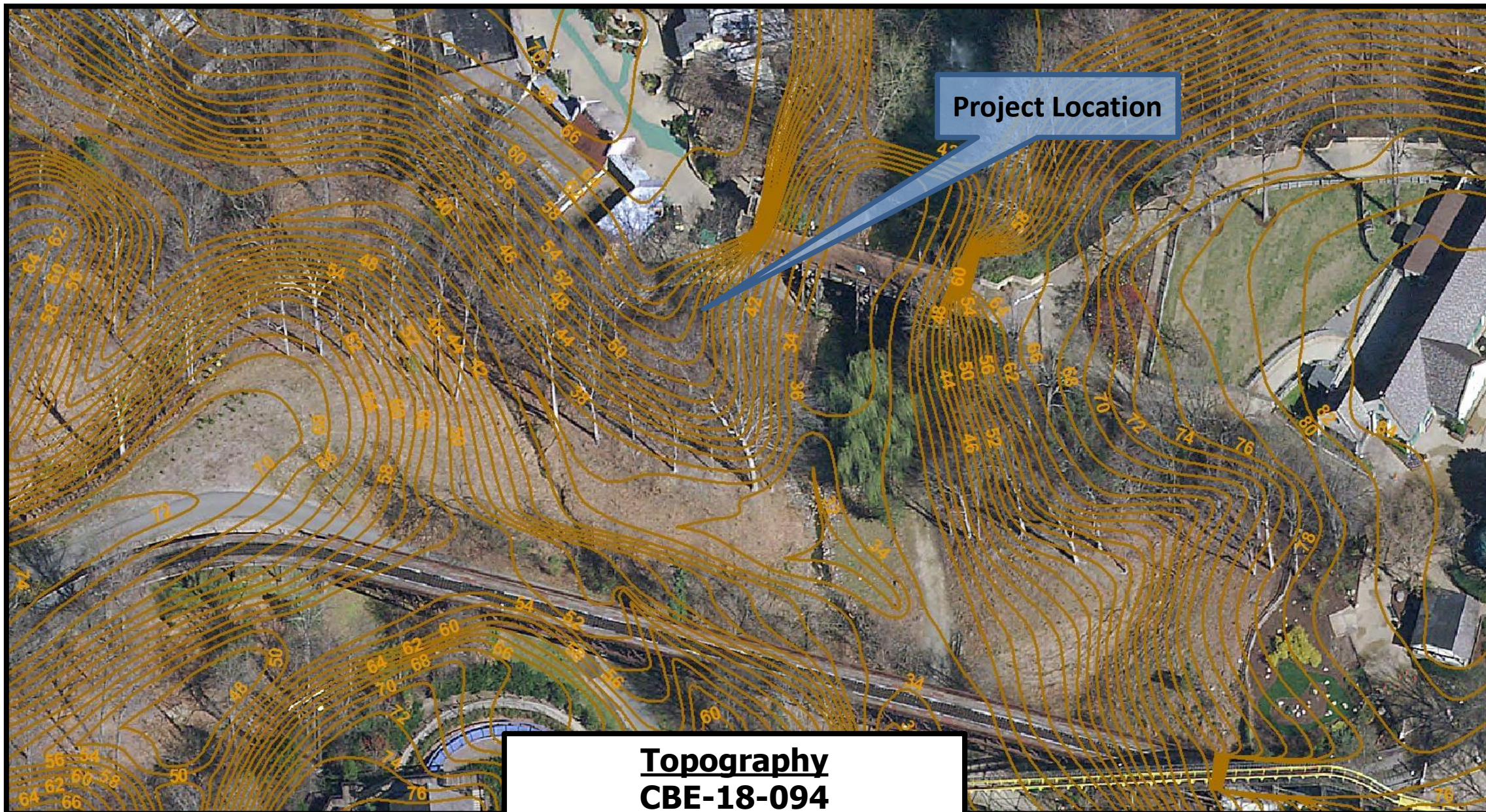
Subject Parcel

Vicinity Map
CBE-18-094
7851 Pocahontas Trail



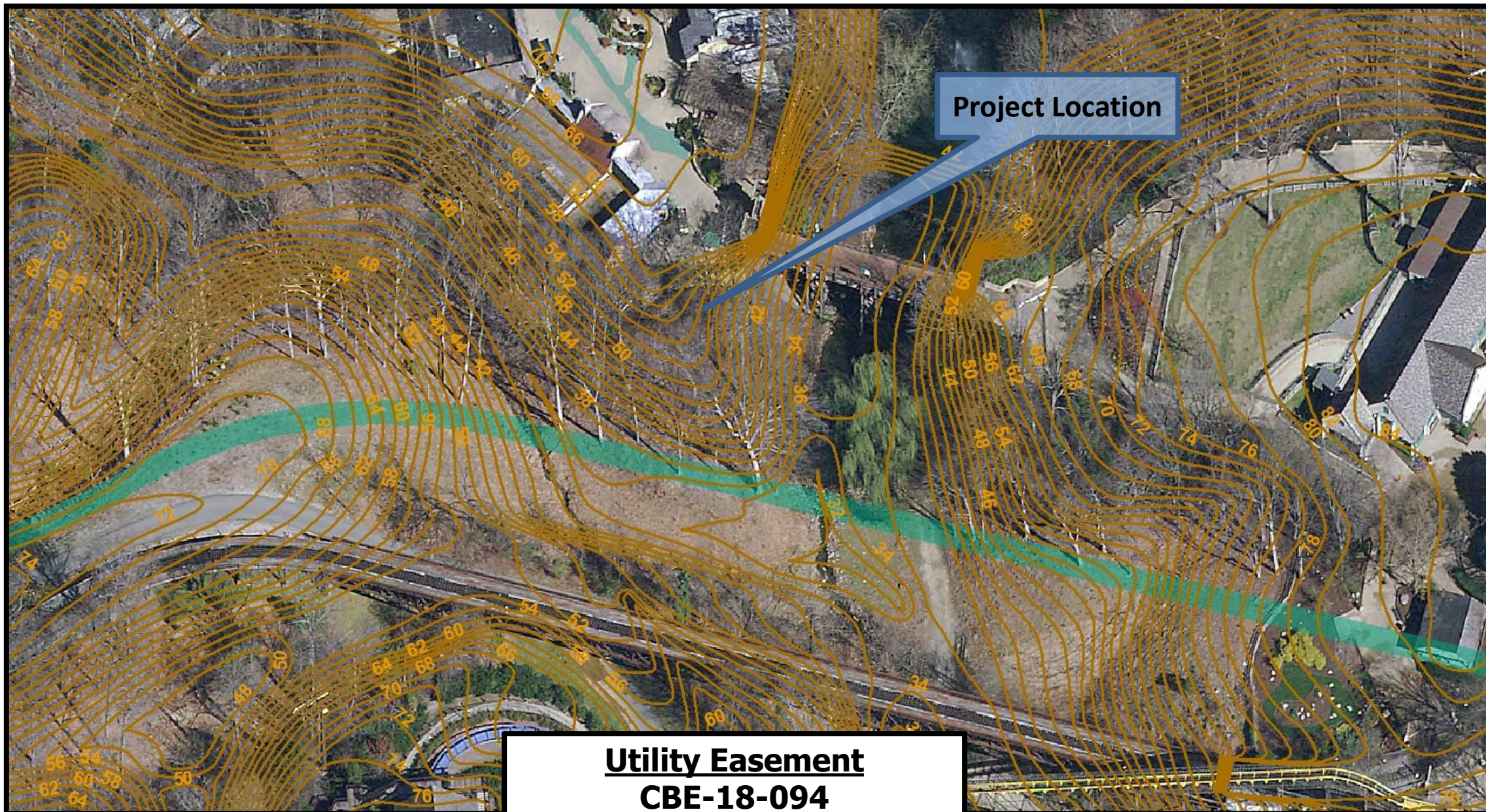
Project Location

Aerial Photograph
CBE-18-094
7851 Pocahontas Trail



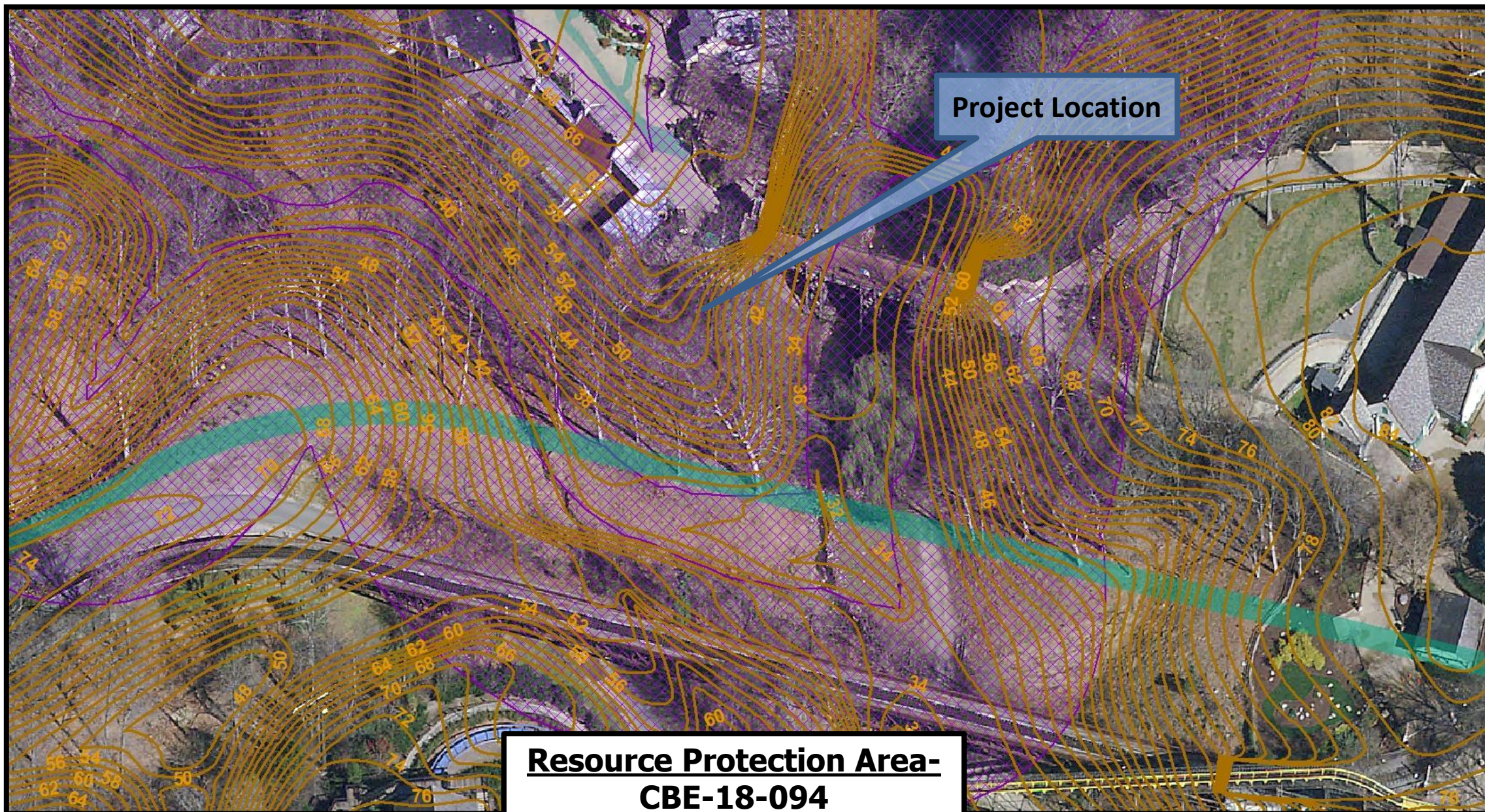
Project Location

Topography
CBE-18-094
7851 Pocahontas Trail



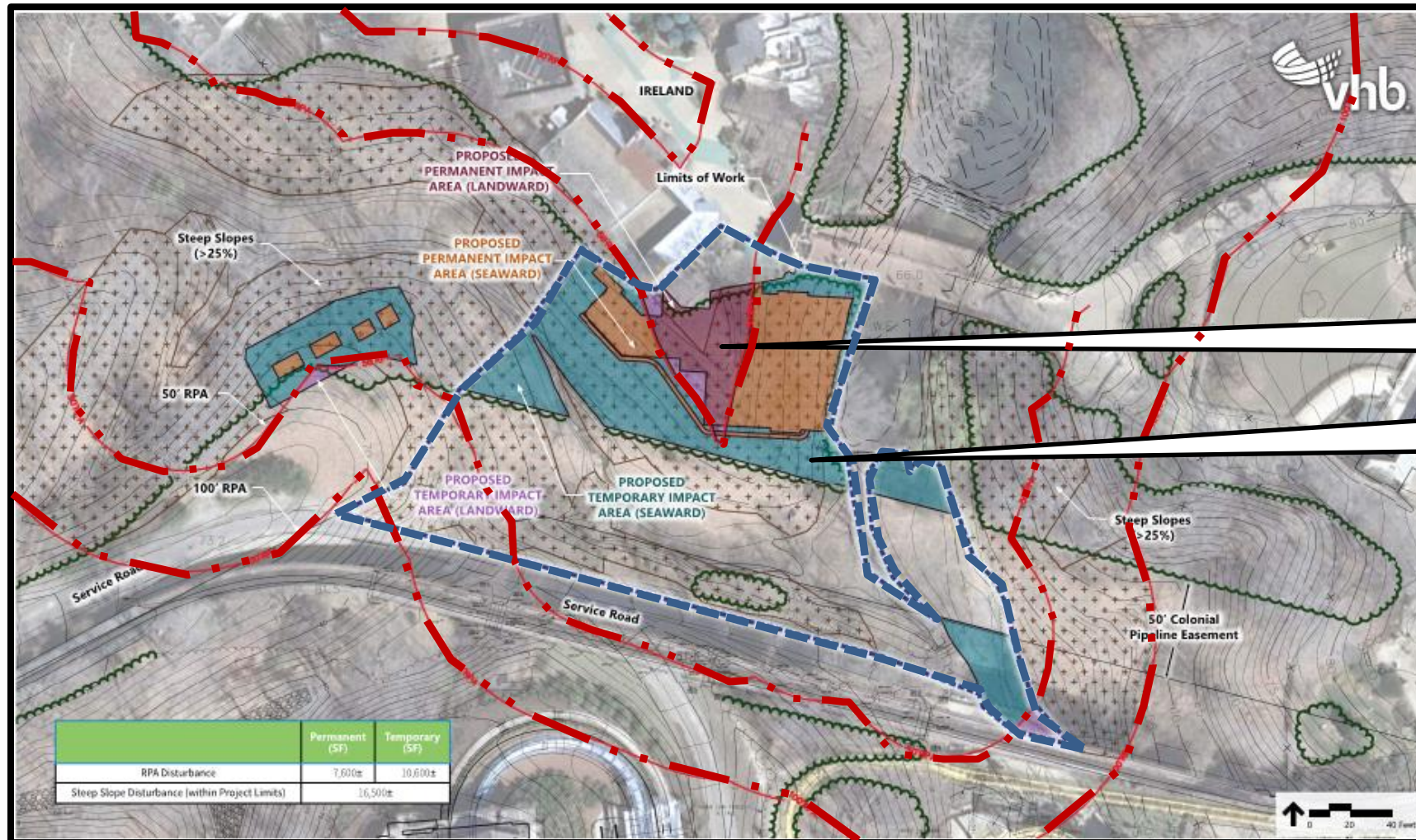
Project Location

Utility Easement
CBE-18-094
7851 Pocahontas Trail



Project Location

Resource Protection Area-
CBE-18-094
7851 Pocahontas Trail

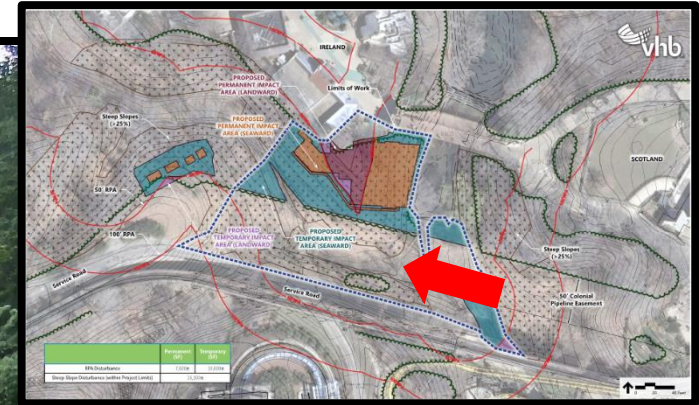


Site Plan showing proposed improvements, submitted June 6, 2018. For representative use only for presentation of case # CBE-18-094.

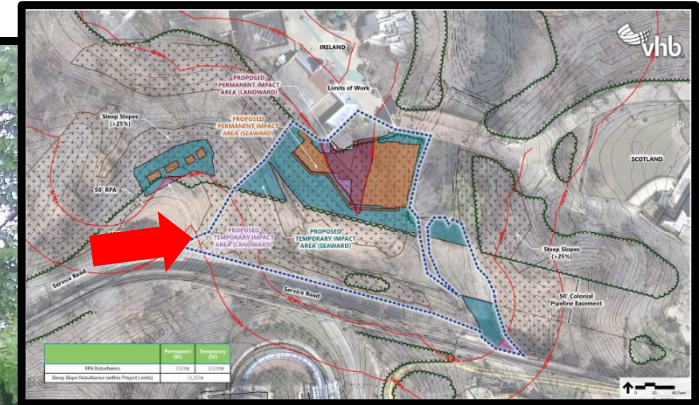
Permanent Impact within RPA

Temporary Impacts within RPA

Site Plan - CBE-18-094
7851 Pocahontas Trail



Site Photograph #3 - CBE-18-094
7851 Pocahontas Trail



Site Photograph #4 - CBE-18-094
7851 Pocahontas Trail

Permit Conditions



Staff Recommendation – Approval

- ✓ All other necessary local, state and federal permits
- ✓ \$8,000 surety payable to James City County Treasurer
- ✓ Null and Void if not started by June 13, 2019
- ✓ Extension request no later than 6 weeks prior to expiration



PUBLIC HEARING NOTICE

THE WETLANDS AND CHESAPEAKE BAY BOARDS OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, JUNE 13, 2018, AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

W-26-18/VMRC 18-0763: Mr. and Mrs. Steve and Lori Caudill have applied for a wetland permit to construct a pier at 8401 Hicks Island Road, JCC Parcel No. 0910100024A.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-18-091: Mrs. Tabitha Partlow has filed an exception request for encroachment into the RPA buffer and conservation easement for the installation of a shed at 2148 Benomi Drive in the Peleg's Point subdivision, JCC Parcel No. 4741300084.

CBE-18-092: Mr. Vladimir Arana has filed an exception request for encroachment into the RPA buffer for the installation of a hot tub at 4069 South Riverside Drive in the Chickahominy Haven subdivision, JCC Parcel No 1910500017.

CBE-18-093: Mr. Whitford R. Strickland has filed an exception request for encroachment into the RPA buffer for the construction of a retaining wall, patio, access path and shoreline restoration at 123 Jordans Journey in the First Colony subdivision, JCC Parcel No. 4540200150.

CBE-18-094: Mr. Piotr Swietuchowski of VHB, Inc., on behalf of SeaWorld Parks & Entertainment, LLC, has filed an exception request for encroachment into the RPA buffer for the construction of a new structure in the Ireland Hamlet section of Busch Gardens at 7851 Pocahontas Trail, JCC Parcel No. 5140100009.

CBE-18-100: Mr. Joseph E. Franklin has filed an exception request for encroachment into the RPA buffer for installation of a double wide mobile home at 25 Clay Circle in the Greensprings Mobile Home Park located at 4131 Centerville Road, JCC Parcel No. 3640100001.

CBE-18-101: Ms. Suzy Cheely, on behalf of SeaWorld Parks & Entertainment, LLC, has filed an exception request for encroachment into the RPA buffer for the construction of a deck behind the Pet Shenanigans Show building at Busch Gardens, located at 7851 Pocahontas Trail, JCC Parcel No. 5140100009.

Consideration of proposed Chesapeake Bay exception conditions will be heard.

Appeals from decisions under the Chesapeake Bay Preservation Ordinance may also be heard.

All interested parties are invited to attend the meetings. The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101 Mounts Bay Road, Building E, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – May 30, 2018 and June 6, 2018.
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

COPIES: PLANNING
 ASSISTANT COUNTY ATTORNEY
 WETLAND/CHESAPEAKE BAY BOARD MEMBERS



**General Services
Stormwater and Resource
Protection Division**
101-E Mounts Bay Road
Williamsburg, VA 23185

Resource.Protection@jamescitycountyva.gov

May 23, 2018

RE: CBE-18-094
Busch Gardens Ireland Hamlet

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Chesapeake Bay Board by Vanasse Hangen Brustlin, Inc. on behalf of SeaWorld Parks & Entertainment, LLC, for encroachment into the Resource Protection Area (RPA) buffer associated with the construction of a new structure and deck in the Ireland Hamlet section of Busch Gardens at 7851 Pocahontas Trail, Williamsburg, VA. The property is further identified by James City County Real Estate as Parcel No 5140100009.

A complete description, plan and other information are on file in the Stormwater Division and are available for inspection during normal business hours, should anyone desire to review them.

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, June 13, 2018 at 5:00 p.m.**, in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

Janice Petty

Janice Petty
Stormwater Assistant

cc: VHB, Piotr Swietuchowski
SeaWorld Parks & Entertainment, Suzy Cheely

Mailing List for: CBE-18-094 – 7851 Pocahontas Trail– Seaworld Parks – Deck – Ireland Hamlet

Owner: 5140100009

SeaWorld Parks & Entertainment LLC c/o Pts
P.O. Box 543185
Dallas, TX 75354-3185

SeaWorld Parks and Entertainment
Attn: Suzy Cheely
One Busch Gardens Blvd
Williamsburg, VA 23185-8765

Seaworld Parks & Entertainment LLC
9205 South Park Center Loop, Suite 400
Orlando, FL 32819-8651

Vanasse Hangen Brustlin, Inc.
Attn: Piotr Swietuchowski
351 McLaws Cir, Suite 3
Williamsburg, VA 23185-6316

5130100001 - 7801 Pocahontas Tr
5230100112 – 100 Busch Service Rd
Anheuser-Busch Brewing Properties, LLC
Attn: General Counsel
One Busch Place
Saint Louis, MO 63118-1849

5140100002 – 8397 Pocahontas Tr
Sturdivant, Toni C
8405 Pocahontas Trail
Williamsburg, VA 23185-5952

5140100003 – 8399 Pocahontas Tr
Lee, Robert and Rebecca
215 Telford Drive
Newport News VA 23602-5224

5130100002 – 1000 Carter's Grove
5230100011A – 8581 Pocahontas Tr
5230100111 - 8515 Pocahontas Tr
5230100011B – 101 Busch Service Rd
Escalante Kingsmill Development LLC
2930 Bledsoe Street, Suite 124
Forth Worth, TX 76107-2942

ITEM SUMMARY

DATE: 6/13/2018

TO: Chesapeake Bay Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: Special Conditions Discussion

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	6/11/2018 - 12:59 PM
Chesapeake Bay Group	Geissler, Fran	Approved	6/11/2018 - 2:12 PM
Publication Management	Colonna, Tina	Approved	6/11/2018 - 3:44 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	6/11/2018 - 4:24 PM

MEMORANDUM

DATE: June 13, 2018

TO: The Chesapeake Bay Board

FROM: Michael D. Woolson, Senior Watershed Planner

SUBJECT: Conditions for Legislative Chesapeake Bay Exceptions

At the April 11, 2018, Chesapeake Bay Board work session, it was requested that staff compile a list of conditions for the Board to review and approval. These conditions are to be used, when applicable, on every case seeking an exception from the Board. These conditions are as follows:

- a. The applicant must obtain all other necessary local, state and/or federal permits required for the project.
- b. A surety in a form acceptable to the County Attorney's Office to guarantee the nutrient management plan preparation.
- 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.
- d. The applicant must execute an Affidavit at the Williamsburg/James City County Courthouse and provide evidence of such to the County.
- e. Execute a Declaration of Covenants, Inspection/Maintenance of Drainage Systems with James City County and record said document at the Williamsburg-James City County Courthouse and provide evidence to the County.
- f. Design and construction of the on-lot runoff reduction/pollutant removal practice proposed shall follow infiltration specifications found in the Virginia Department of Environmental Quality Stormwater Clearinghouse.
- g. All development activities located in the special flood hazard area shall comply with Article VI Division 3 Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities.
- h. The exception request approval for this project shall expire 12 months from the hearing date, if construction has not begun.
- i. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

Staff respectfully requests any feedback the Board may have on these conditions.

MDW/md
CBB-speccondlist-mem