# A G E N D A JAMES CITY COUNTY BOARD OF SUPERVISORS REGULAR MEETING

County Government Center Board Room 101 Mounts Bay Road, Williamsburg, VA 23185 May 9, 2017 5:00 PM

- A. CALL TO ORDER
- B. ROLL CALL
- C. MOMENT OF SILENCE
- D. PLEDGE OF ALLEGIANCE
  - 1. Pledge Leader John Geraghty, a 2nd grade student at Clara Byrd Baker and a resident of the Stonehouse District
- E. PUBLIC COMMENT
- F. PRESENTATIONS
  - 1. Busch Gardens Presentation Mr. Dave Cromwell
  - 2. VDOT Quarterly Update

#### G. CONSENT CALENDAR

- Minutes Adoption April 18, 2017 Budget Work Session and April 25, 2017 Regular Meeting
- 2. Grant Award Commonwealth Attorney National Association of VOCA Assistance Administrators \$5,000
- 3. Grant Appropriation Clerk of the Circuit Court \$59,643
- 4. Supplemental Grant Award Commonwealth Attorney Victim's Witness Grant Program \$15,913
- 5. Grant Award Sheriff Byrne Justice Assistance Grant Program \$1,580
- 6. Contract Award Replacement Fire Pumper \$639,829
- 7. Grant Award Radiological Emergency Preparedness \$30,000
- 8. Grant Award Office of Emergency Medical Services EMS System Initiative Award 12VAC-5-31-2860 Special Grant \$15,096
- 9. The Birthplace of America Trail Study: Resolution of Support

# H. PUBLIC HEARING(S)

- 1. Sentara Lease Extension
- 2. LU-0002-2014. 8491 Richmond Road (Taylor Farm) Land Use Designation Change
- 3. Special Use Permit-0028-2016. Solar Electrical Generation Facility at Norge
- 4. Height Limitation Waiver-0002-2017. AB InBev Brewery
- 5. Proposed FY 18-23 Secondary Six Year Plan

# I. BOARD CONSIDERATION(S)

1. Concurrence in Final MOA: Army Corps of Engineers Permit for Surry-Skiffes Creek-Whealton Transmission Line

# J. BOARD REQUESTS AND DIRECTIVES

## K. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

#### L. CLOSED SESSION

- 1. Discussion or consideration of the disposition of publicly held real property, where discussion in an opening would adversely affect the bargaining position of the public body, pursuant to Section 2.2-3711 (A)(3) of the Code of Virginia
- 2. Historical Commission Reappointments
- 3. Economic Development Authority Appointments
- 4. Williamsburg Area Arts Commission Appointments

## M. ADJOURNMENT

1. Adjourn until 4 p.m. on May 23, 2017 for the Work Session

# **AGENDA ITEM NO. D.1.**

# **ITEM SUMMARY**

DATE: 5/9/2017

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Administrative Coordinator

SUBJECT: Pledge Leader - John Geraghty, a 2nd grade student at Clara Byrd Baker and a

resident of the Stonehouse District

## **REVIEWERS:**

Department Reviewer Action Date

Board Secretary Fellows, Teresa Approved 5/2/2017 - 2:53 PM

# **AGENDA ITEM NO. F.1.**

# **ITEM SUMMARY**

DATE: 5/9/2017

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Administrative Coordinator

SUBJECT: Busch Gardens Presentation - Mr. Dave Cromwell

**REVIEWERS:** 

Department Reviewer Action Date

Board Secretary Fellows, Teresa Approved 4/12/2017 - 10:17 AM

## **AGENDA ITEM NO. F.2.**

# **ITEM SUMMARY**

DATE: 5/9/2017

TO: The Board of Supervisors

FROM: Rossie Carroll, Williamsburg Residency Administrator, VDOT

SUBJECT: VDOT Quarterly Update

**ATTACHMENTS:** 

Description Type

**Q** Quarterly Report Exhibit

**REVIEWERS:** 

Department Reviewer Action Date

Board Secretary Fellows, Teresa Approved 4/27/2017 - 8:28 AM

#### James City Board of Supervisor's Meeting

May 9, 2017

## Maintenance Accomplishments for Quarter (Feb 1 to Apr 30)

We completed 284 of 397 maintenance work orders this quarter with 113 outstanding (72% complete).

52 - Drainage

54 - Roadway/Sign

7 - Vegetation

Residency Direct Line 757-253-5138/VDOT's Customer Service Center **1-800-FOR-ROAD** (**1-800-367-7623**)

#### A few highlights of the accomplishments are:

Shoulder work on Kingspoint Drive Route 199

Sinkhole repair in Two Rivers Rd, Olde Town Rd, Parkside Ln, Allyson Drive, Burlington Lane Asphalt over lay at entrance to Toano Woods Subdivision

Fixed wash out in Stonehouse Bridge

County wide Mowing – Litter Pickup Feb 1<sup>st</sup>, First Primary Cut completed April 19, and First Primary and Secondary mowing/litter removal cycle started May 8th.

#### Calendar Year 2017 Paving Program

*Plant Mix* - Routes: Rte 602 Fenton Mill Rd., Rte 776 Greensprings Plantation Dr., Rte 1628 Crosscut Ct., Rte 1629 Timber Lane, Rte 5000 Monticello Ave, Rte 1570 Longhill Gate Rd, Rte 1677 Meadowlake Dr, Rte 1678 Thomas Higgs Ct, and Rte 1679 Old Lawn Way.

State of Good Repair - Route 31 Complete

#### **Current Projects**

#### **Route 1221 Mill Pond Run**

Repair of two 15" and one 30" Storm Water Concrete Pipes that created voids and sinkholes near the edge of pavement impacting the sidewalk and adjacent roadways in Stonehouse Subdivision.

#### **Longhill Road Widening (UPC 100921)**

Longhill Road Project from Rte 199 to Old Towne Rd. – 19 million Smart Scale project started Preliminary Engineering, Right of Way starts in 2017, and Construction starts in 2018 with completion scheduled for 2021.

#### I-64 Widening Segment 1 (UPC 104905)

The Base Scope includes additional 12' wide travel lanes and 12' wide shoulders within the existing median space, existing bridge repair and widening, and patching of the existing mainline pavement along with a ¾" THMACO overlay. The bid includes a 2" overlay and the extension of acceleration and deceleration lanes at the Ft. Eustis Interchange. The traffic shift to the inside lanes began in April 2017. The project completion date remains in December of 2017.

#### **VDOT Quarterly Transportation Update**

#### I-64 Widening Segment 2 (UPC 106665)

The I-64 segment 2 project includes reconstruction of the existing lanes and an additional 12' wide travel lane and median shoulder in each direction. Median barriers have been installed, travel lanes have been shifted to the right and the workzone speed limit of 55 mph is in effect. Construction has begun in the median, within VDOT right of way and beneath the bridges. Phase 1 of the roadway subbase is expected to begin in August 2017. The project is scheduled for completion in May 2019.

#### I-64 Widening Segment 3 (UPC 106689)

The I-64 segment 3 project includes reconstruction of the existing lanes and an additional 12' wide travel lane and median shoulder in each direction. The Request For Quotes (RFQ) was released on March 29, 2017. The Public Hearing will be held at Bruton High School from 4 to 7 pm on May 18. 2017. Award is projected for December 2017 and construction completion in October 2021.

#### **Ferry Update**

New 70 vehicle ferry boat is still on schedule for Fall of 2018.

## **Traffic Studies (Completed)**

- Feb 8 Install School Bus Stop Ahead sign on Riverview Road
- Feb 17 Install delineators on Route 199 prior to right turn for Mounts Bay Road
- Feb 22 Change Red Arrow to Red Ball at Lightfoot Marketplace exit onto Rte 60
- Feb 28 Change Red Arrow to Red Ball at exit Ramp of Rte 199 onto Rte 60 allowing right turn on red
- Apr 5 Install No Trucks sign on Fenton Mill Road near 7-11
- Apr 12 Install Intersection Warning sign on Barnes Road prior to Racefield Road

#### **Projects in Development**

Brookwood Drive at Rte 199 (UPC 102948) – construct additional dedicated left turn lane Skiffs Creek Connector (UPC 100200) – construct 2 lane road connecting Rte 60 to Rte 143 current prescope estimate is \$50,503,700

News Road and Centerville Road Project (UPC 102944) - construct signalized intersection with turn lanes

# **AGENDA ITEM NO. G.1.**

## **ITEM SUMMARY**

DATE: 5/9/2017

The Board of Supervisors TO:

FROM: Teresa J. Fellows, Administrative Coordinator

Minutes Adoption - April 18, 2017 Budget Work Session and April 25, 2017 SUBJECT:

Regular Meeting

**ATTACHMENTS:** 

Description Type

041817 BOS Budget Work Session Minutes D

Minutes

042517 BOS Minutes Minutes D

**REVIEWERS:** 

Reviewer Action Department Date

4/27/2017 - 8:30 AM Board Secretary Fellows, Teresa Approved

# MINUTES JAMES CITY COUNTY BOARD OF SUPERVISORS BUDGET WORK SESSION

County Government Center Board Room 101 Mounts Bay Road, Williamsburg, VA 23185 April 18, 2017 4:00 PM

#### A. CALL TO ORDER

#### B. ROLL CALL

John J. McGlennon, Vice Chairman, Roberts District Ruth M. Larson, Berkeley District Kevin D. Onizuk, Jamestown District - Absent P. Sue Sadler, Stonehouse District Michael J. Hipple, Chairman, Powhatan District

Bryan J. Hill, County Administrator Adam R. Kinsman, County Attorney

Mr. Hill took the roll and noted that everyone was present except Mr. Onizuk. He noted that he anticipated Mr. Onizuk to arrive a little late.

# C. BOARD DISCUSSIONS

## 1. Overview of the Budget

Mr. Hill gave an overview of the budget process thus far, including the pre-budget work session the five Board of Supervisors supervisor community meetings, as well as the budget public hearing. He noted the extra position for the Sheriff's Department and the funding for the Neighborhood Basketball League (NBL) were the only changes suggested by the Board to this point. He noted staff would entertain any other items at this meeting.

Ms. Sadler thanked staff for guidance in better understanding the budget process in general. She asked for clarification on employee compensation, particularly with respect to the proposed merit based increases.

Mr. Hill stated that it is a 0-4% scale, but the average cannot go above 3%. This is based on job performance, with supervisors identifying the job the employee has done.

Ms. Larson asked how our public safety employees, particularly those in Police and Fire, are doing compared to adjacent localities.

Mr. Hill stated that there are operational initiatives that will be undertaken during future fiscal years that will be a part of the next biennial budget. We are also implementing additional increases this year in the Fire Department to increase the salaries of those with special certifications.

Ms. Sadler asked if this was related to the \$235,000.

Mr. Hill noted that it was, and that it was related to employee retention, and that this would hopefully help keep employees that would have otherwise left to go to other jurisdictions.

Mr. McGlennon asked about the timeline for the future compensation study.

Mr. Hill stated that in 2019 and 2020 we would see a drop in debt services and we would anticipate looking at that time. He also noted that we do not have the same retention issues County-wide.

Ms. Sadler asked if we had any problems with low-merit evaluations.

Mr. Hill had not had any employees contact him about that issue.

Ms. Sadler asked if the County considered using a zero-based budget process. She noted that some of the metrics in the budget book seemed to indicate that service was declining.

Ms. Mellen noted that these drops were due to staffing levels that were insufficient to meet previously adopted standards. She further noted that operational items are reviewed from a zero-based standpoint, and the base budget for supplies are zeroed every other budget cycle. These are very labor intensive reviews.

Mr. Hill called the roll for the James City Service Authority (JCSA) Board, and all members were present except Mr. Onizuk.

Ms. Sadler asked about JCSA community wells and whether they were included in the Capital Improvements.

Mr. Powell stated that they were. He clarified that these are wells outside the Primary Service Area and JCSA takes over the maintenance of the operation. JCSA avoids the upfront costs, but not the long-term maintenance.

Ms. Sadler asked about strategic goals for Economic Development, including increasing revenue streams. She also asked if we knew how much our revenue increased based on the new businesses we get per month.

Mr. Hill stated that specific Economic Development strategies that are identified in the Strategic Plan will be implemented in coming years and will show up in those future budgets. He stated that he would need to see updated reassessment data before he could answer specific questions about increases based on new businesses.

Ms. Sadler asked about the Ambler House improvements and the impact on tourism.

Mr. Hill stated that the building is in disrepair and we are renovating it. Once it is structurally sound the County will put out a Request for Proposals and see if we can reinvigorate the area.

Ms. Sadler asked if this meant the County was going to be operating a business.

Mr. Hill noted that the brewery going into the Jamestown Marina site would be a good comparable. We are leasing space to a private business.

Mr. Hipple noted that Williamsburg Indoor Sports Complex, or the event venue at Jamestown Beach, were also similar situations.

Ms. Larson asked if we were rehabbing it to suit a specific type of business or to maintain the residential feel.

Mr. Hill stated that we are really focused on getting it structurally sound, but the scope will allow for a business.

Ms. Sadler asked how much the County saved this year on the refinance.

Ms. Mellen stated that the County did not refinance this year.

Ms. Sadler asked how the County could ensure infrastructure would be in place for an adequate water supply if we do not yet know the water source.

Mr. Powell noted that the existing infrastructure ages and it takes more and more to maintain in the future. Furthermore we need to identify an alternate source of water. This budget takes a new fund and puts money away towards that alternate source. Regardless of the direction the Board takes, the alternate source will cost significant capital.

Mr. Hill noted that the JCSA is still "15 of 16" in terms of water cost in the surrounding area.

Ms. Sadler asked about the County staff turnover rate and whether it could be attributed to retirements.

Mr. McGlennon noted that it declined from FY 15 to FY 16, but that the numbers for FY 17 were only projections.

Mr. Hill noted that the rates are below those of the Commonwealth and the national average.

Ms. Sadler asked about the projected workload increase noted by the Clerk of Courts. There was a significant increase, but that she was not asking for additional personnel.

Ms. Mellen noted that there is additional personnel, but it is part of the Special Project Grant Fund. Since it is an alternate source it is not a part of our budget.

Ms. Sadler asked about a reduction in Emergency Communications personnel.

Mr. Hill noted that the adopted two-year budget includes a plan for the second year. The second year was not previously approved, so it was not a reduction per se. He also noted that turnover in this area was high within five years on the job. We are looking at ways to deal with increases in workload.

Ms. Sadler asked for clarification on what constitutes a PCard and why there has been a fluctuation in their usage.

Ms. Mellen stated that they are credit cards and that the number she was referring to was based on the percentage spent. The County had more high-dollar purchases in one year versus the next.

Mr. McGlennon noted that we can save money since we do not have to process checks in some instances.

Ms. Sadler asked about the security system in place, as it relates to technology.

Mr. Hill noted that there is a lot of spam out there, but that we have a very secure system.

Mr. McGlennon stated that he agreed we needed to be mindful of safety.

Ms. Mellen stated that cyber security is a part of our budget. The County included an increased training budget for IT during the last fiscal year.

Ms. Sadler noted that full-time personnel in General Services was up 2.5.

Mr. Hill noted that these positions were not new, but rather were changing divisions, so they were not net increases.

Ms. Sadler also noted that Fleet equipment numbers were down.

Mr. Hill noted that staff needed to provide accurate numbers and we had to alter based on what is actually occurring.

Ms. Sadler closed her comments by stating her request for a one penny decrease in the tax rate.

Mr. McGlennon asked if there were any updated numbers for this budget.

Ms. Mellen stated that staff was working with the Commissioner of the Revenue on the retail sales figures, but that those would not be finalized as a part of this budget.

The Board members and staff discussed possible solutions based on the Commissioner's software and whether there was potential to be inaccuracies in other areas, such as personal property.

Mr. McGlennon stated that we need to be fair in our collection of taxes.

Ms. Mellen noted that we can only go back three years, but that we are actively working with the Commissioner's office to resolve any issues.

Mr. McGlennon asked if the Business, Professional and Occupational License rate could be based on other taxes collected or whether we need to look at that rate in general.

Mr. Hipple also noted that in York County it was tied to sub-contractors in some instances.

Ms. Mellen noted that we could look into that in next year's budget.

Mr. McGlennon asked for clarification on consensus for the new Sheriff's Deputy position.

Mr. Hill noted that if the Board agreed to add that and the \$10,000 for the NBL, it could be added to the budget.

Ms. Larson clarified that the Board would like to see updated information about James City County participants in the NBL program as a part of next year's budget.

Mr. Hipple noted that a number of small items were discussed, but the staff and the Board did a great job in putting this year's budget together. He noted that staff and Board members live and work in James City County and are invested in the community. He stated that he was supportive of the proposed Sheriff's position and the NBL.

Mr. McGlennon stated he was supportive of the NBL funding. For the Sheriff position he would like to see additional data on court security and document processing. He is interested in how things could be processed electronically. He wants to understand why there is a gap between what the state is saying the needs of the office are and what the Sheriff is requesting.

Ms. Sadler noted that the Compensation Board and safety issues are different.

Mr. McGlennon noted that prisoners are not held at the Courthouse. He is fine supporting it this year, but wants to see if there are any potential efficiencies.

Ms. Larson noted that judges often want things done a specific way, and given the different interests of these groups, as well as the Compensation Board, County and the City of Williamsburg, we need to look for as many efficiencies as possible.

Ms. Larson also discussed the difference between the schools funding request and what the County was able to provide.

Mr. Hill noted that the difference was approximately \$700,000. The County was able to provide the number that we planned for last year, and County expenditures went down in order to make that feasible. The Superintendent and County Administration have had good discussions about needs and future funding.

Ms. Larson wanted to acknowledge conversations with citizens about fully funding school requests and further noted that the County is outpacing the state funding increases. She also noted that citizens have spoken to her about the need to focus on parks, particularly in the Grove area. She also wants the County to put aside land for schools, fire stations and other public needs in order to fully take advantage of our bond rating. We need to make proactive decisions, rather than act in the moment.

Mr. Hill confirmed that the Board wished to cancel the work session on April 21.

## D. ADJOURNMENT

The Board adjourned the JCSA Board of Directors and Board of Supervisors until April 25 at 5 p.m.

Bryan J. Hill County Administrator

# M I N U T E S JAMES CITY COUNTY BOARD OF SUPERVISORS REGULAR MEETING

# County Government Center Board Room 101 Mounts Bay Road, Williamsburg, VA 23185 April 25, 2017 5:00 PM

#### A. CALL TO ORDER

#### B. ROLL CALL

Ruth M. Larson, Vice-Chairman, Berkeley District Michael J. Hipple, Powhatan District P. Sue Sadler, Stonehouse District John J. McGlennon, Roberts District Kevin D. Onizuk, Chairman, Jamestown District

Adam R. Kinsman, County Attorney Bryan J. Hill, County Administrator

#### C. MOMENT OF SILENCE

#### D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Gabriel Fellows, a 2nd-grade student at Clara Byrd Baker and a resident of the Jamestown District.

#### E. PUBLIC COMMENT

1. Ms. Barbara Henry, 141 Devon Road, addressed the Board regarding the installation of an online checkbook register.

## F. PRESENTATIONS

#### G. CONSENT CALENDAR

A motion to Approve was made by Ruth Larson, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0 Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

- 1. Minutes Adoption April 11, 2017 Regular Meeting
- 2. Section 8 Housing Choice Voucher Program Public Housing Agency Plan

#### H. PUBLIC HEARING(S) – None

#### I. BOARD CONSIDERATION(S)

1. FY 2018 Budget Adoption

A motion to Approve was made by Ruth Larson, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0 Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

Ms. Suzanne Mellen, Director of Financial and Management Services, addressed the Board, giving an overview of the memorandum included in the Agenda Packet.

Ms. Sadler stated that it has been her pleasure to work with the Sheriff's Department and to get the needed increase and new position included in the budget. She stated that she would like to propose a 1 cent rollback of the Property Tax amount from 84 cents to 83 cents. She stated that the funds could come from the Debt Reserve Fund and from the Stormwater Budget. She stated that she is in favor of flooding mitigation and correcting drainage issues, but believes that the stormwater priorities need to be redirected to those specific concerns and could handle the reduction in funding.

Ms. Sadler made a motion to roll back the Property Tax amount by 1 cent to 83 cents.

Mr. Onizuk asked Ms. Mellen to explain the Debt Reserve Fund, why we have it and the impact.

Ms. Mellen stated that the Debt Reserve Fund has been used in the past as a shock absorber for when debt amounts have changed. She stated that in the five-year plan, during year four the amount in the Debt Reserve Fund will still be less than what had been in it previously during the recession years when we had been pulling from that fund balance. She stated that it is similar to the Capital Improvements Program where it is a multi-year plan, and a change in year one would affect all years in the plan.

Mr. Onizuk clarified that during the recession the County was pulling from the Debt Reserve Fund to make ends meet, and now we are in a recovery or replenishment mode.

Ms. Mellen stated that was correct.

Mr. Onizuk asked what the impact would be if we pulled money from the Debt Reserve Fund, as Ms. Sadler has proposed.

Ms. Mellen stated that the County would not be able to get back to the financial position it was in prior to the recession.

Mr. Onizuk stated it is basically a "rainy day" fund, to put it in simplistic terms. The County has borrowed from it over the years, and now we are attempting to put the funds back.

Mr. Hipple asked what number Ms. Sadler is hoping to get to.

Ms. Sadler stated that in order to roll back the Property Tax by 1 cent, the budget would have to be reduced by approximately \$1.4 million.

Mr. Hipple asked why items are being added to the budget, like the Sheriff's position, if the aim is to reduce the budget by such a large dollar amount.

Ms. Sadler stated that those additions are coming from the contingency fund. This is just her proposal for this evening.

Mr. McGlennon asked why just a 1 cent rollback. He believed that the previous campaign issue was to repeal the tax increase completely, so he is not sure how rolling back 1 cent makes that much of an impact.

Ms. Sadler stated that it shows the County is being good stewards of the citizens' money. As revenues increase, then the tax can be reduced incrementally and not sacrifice current services to the citizens.

Mr. McGlennon stated the County is unable to fully fund the school system's request and is still rebuilding the cash reserves. It does not appear, in his opinion, that the Board is in a position to roll back the tax increase. He stated that the growth in revenues is not coming from property assessments going up, it has more to do with an increase in population, and those increases in population put a strain on infrastructure and services. He believes there are more public safety positions that should be added to the budget rather than talking about taking items away from it. Based on that, he is not supportive of Ms. Sadler's proposal.

Mr. Onizuk asked Ms. Larson if she had any comments.

Ms. Larson stated that she would not be supporting the proposal made by Ms. Sadler.

Mr. Hipple asked how the proposal would impact the budgets as we move through the next few years. There are public safety positions in the queue for the next few years. If this rollback is done, he wonders how that will impact the plans for the budget over the next few years.

Mr. Hill stated that in FY 2019, which begins July 2018, James Blair Middle School will come online. According to financial forecasts, at this juncture no tax increase will be necessary to support that. If the question is whether or not the County needs more police officers, then the answer is yes. They are not included in this budget because there was not funding to do so. He stated that he does not like the idea of pulling debt out of the reserve funds because the bond rating agencies do not look favorably on that. He said that there are other ways to reduce the tax by 1 cent if that is the will of the Board. It is hard at this juncture to pull over \$1 million out of the budget, but they will do so if the Board wills it.

Mr. Onizuk stated that he is in support of maintaining the budget as it has been presented by staff for several reasons. As Mr. Hill mentioned, it has been part of our long-term financial planning. Thankfully, we were able to address some needs of our Fire Department this year, but there are also needs that the Police Department has that have not been addressed in this budget. Public safety is something that we need to continue to focus on. Stormwater has several important projects coming up. Replenishing the Debt Reserve Fund is necessary. Previous Boards were able to use those funds to reduce tax rates during the recession when the citizens needed it most. He believes that the current plan in place is fiscally sound and financially responsible. Unfortunately, he cannot support the proposal made by Ms. Sadler.

Mr. Onizuk called for a vote on the motion made by Ms. Sadler to roll back the Property Tax by 1 cent to 83 cents.

AYES: 1 NAYS: 4 ABSTAIN: 0 ABSENT: 0

Ayes: Sadler

Nays: Larson, Hipple, McGlennon, Onizuk

Ms. Larson made a motion to adopt the budget as proposed by the County Administrator. She thanked the staff for their diligence and efforts through this process. She stated that coming from the schools' side, it is of great importance to her to see the schools fully funded. However, once you get on the Board, you realize how many different people and groups have needs that are addressed by the County's budget. During her final review of the budget, one thing that stuck out to her was that in the schools' budget, there is over \$1 million in non-negotiable increases, so the schools will have to put off other things because we could not fully fund their request. Our schools attract families to live and work here and it is important that we continue to have outstanding schools. As it was mentioned, James Blair will be coming online soon, and that represents \$2 million in operating expenses alone. She also stated that Public Safety has had to expand and grow. With growth in the community also comes more First Responders and Public Safety Officers. She stated that stormwater is a big issue in the Berkeley District. Through the Stormwater Division's work, many of the issues in those neighborhoods have been addressed and property values are starting to go back up. She is supportive of efficiencies in government and believes that staff and the Board has done a good job of being good stewards.

Mr. Hipple stated that he is very supportive of the budget as proposed by staff. He said that he spends a lot of time at regional meetings and is constantly asked how the County does what it does with as little money as it gets. Most of our surrounding localities are looking at 5- to 7-cent tax increases, we are not. We are managing our money and we are doing a good job. He is glad that the Board got behind the request from the Sheriff's Department. There are needs in the Fire Department that are being addressed. The school system is the number one reason that families move here. We need to keep our schools on top. We are putting our money into necessary items and buying down our debt. He believes that the budget is a good one and he is glad to support it.

Ms. Sadler stated that she is very appreciative of our Public Safety and First Responders, and is very happy that we are able to support them. She appreciates the Board's consideration of her proposal. She understands that the Board needs to adopt a budget, and as such, she will support the budget this evening.

Mr. McGlennon stated that he would like to echo the sentiments expressed. He also is appreciative of the way the Board has come together around a set of priorities. We have set in place a clear set of directives that puts us in charge of our own destiny. That is important because those that have an impact on our destiny have decided that they would like to stir us but not provide any of the wind that will move us there. The Commonwealth has been derelict in providing support to the localities, and the localities are stuck with the bills. For many years now, we have been stuck with more and more of the bill for the schools. We wish that we could fully fund them, but we also have to keep the pressure on the Commonwealth, which has the responsibility to provide public education. He stated that he is very much in support of this budget. There are always choices that have to be made, but for the citizens that have questions about where the dollars are being spent, there is no better document than this.

Mr. Onizuk stated that he echoes the sentiments expressed by the other Board members. He expressed his appreciation for the work done by all of the staff, and he expressed his appreciation for his other Board members and their efforts to work together with respect and even friendship. He thanked the citizens that reached out to have their input included in the budget process. He stated that they have begun to align the budget with the Strategic Plan. More of that alignment will occur in the budgets moving forward. He is proud of their ability to meet the needs of the citizens and he is proud of this budget.

2. Joint Resolution to Amend the Restated Contract for the Joint Operation of Schools, City of Williamsburg and County of James City

A motion to Approve was made by John McGlennon, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0 Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

Mr. Hill stated that the Board asked that this item be brought to this meeting because Ms. Larson was absent from the previous meeting. The Board wanted everyone to have an opportunity to weigh in on the contract. He stated that the City of Williamsburg has approved the contract as it is before you this evening. He asked if any of the Board members had any questions or concerns over the contract.

Ms. Larson thanked the Board for bringing this back this evening. She thanked the City of Williamsburg for approving the contract. She did mention that she has received several phone calls from James City County citizens regarding representation on the School Board and the way that the contract works out. She does not believe it should stop this contract, but moving forward, it is probably something that we need to be open to discuss in the future. It is very important to keep the line of communication open with the City and with the School Board.

Mr. Onizuk echoed Ms. Larson's comments. Ultimately, the joint operation of the schools is to the benefit of both the City and the County. He hopes that the positive relationship can continue for many years to come.

#### J. BOARD REQUESTS AND DIRECTIVES

The Board gave updates on its activities in the County and throughout the region over the last two weeks.

Ms. Sadler recommended that the Board meetings be moved to 6 p.m. to allow more citizens to be able to attend.

At 5:52 p.m., Mr. Onizuk recessed the Board in order to conduct the JCSA Board of Directors meeting.

At 5:56 p.m., Mr. Onizuk reconvened the Board of Supervisors.

#### K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Hill thanked the Communications staff for all of their efforts. We have begun a podcast and he hopes that all of the Board members will participate.

#### L. CLOSED SESSION

1. Consideration of a personnel matter, the performance review of the County Attorney, pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia.

A motion to Enter a Closed Session was made by John McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0 Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

At 5:57 p.m., the Board entered into Closed Session.

At 6:19 p.m., the Board re-entered Open Session.

2. Certification of Closed Session

A motion to Certify the Closed Session was made by John McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0 Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

## M. ADJOURNMENT

1. Adjourn until 5 p.m. on May 9, 2017, for the Regular Meeting

A motion to Adjourn was made by Ruth Larson, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0 Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

At 6:20 p.m., Mr. Onizuk adjourned the Board.

## AGENDA ITEM NO. G.2.

## **ITEM SUMMARY**

DATE: 5/9/2017

TO: The Board of Supervisors

FROM: Nathan R. Green, Commonwealth Attorney

SUBJECT: Grant Award - Commonwealth Attorney - National Association of VOCA

Assistance Administrators - \$5,000

# **ATTACHMENTS:**

Description Type

MEMORANDUM Cover Memo
RESOLUTION Resolution

# **REVIEWERS:**

| Reviewer        | Action  | Date   |
|-----------------|---|--|
| Fellows, Teresa | Approved  | 4/4/2017 - 1:54 PM   |
| Mellen, Sue     | Approved  | 4/7/2017 - 9:55 AM   |
| Trautman, Gayle | Approved  | 4/7/2017 - 10:03 AM  |
| Kinsman, Adam   | Approved  | 4/10/2017 - 10:44 AM   |
| Fellows, Teresa | Approved  | 4/10/2017 - 11:30 AM   |
| Purse, Jason    | Approved  | 5/2/2017 - 9:35 AM   |
| Fellows, Teresa | Approved  | 5/2/2017 - 9:40 AM   |
|                 | Fellows, Teresa<br>Mellen, Sue<br>Trautman, Gayle<br>Kinsman, Adam<br>Fellows, Teresa<br>Purse, Jason | Fellows, Teresa Approved Mellen, Sue Approved Trautman, Gayle Approved Kinsman, Adam Approved Fellows, Teresa Approved Purse, Jason Approved |

#### MEMORANDUM

DATE: May 9, 2017

TO: The Board of Supervisors

FROM: Nathan R. Green, Commonwealth Attorney

SUBJECT: Grant Award - Commonwealth Attorney - National Association of VOCA Assistance

Administrators – \$5,000

The Commonwealth Attorney has been awarded a \$5,000 grant from National Association of VOCA Assistance Administrators through the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. This federal grant will fund the speaker and program costs of the Victims' Rights event held by the Commonwealth Attorney's Office.

The attached resolution appropriates these funds to the Special Projects/Grant Fund through June 30, 2017.

Staff recommends adoption of the attached resolution.

NG/gt GA-FY17NAVAA-mem

Attachment

# RESOLUTION

# <u>GRANT AWARD – COMMONWEALTH ATTORNEY – NATIONAL</u>

# ASSOCIATION OF VOCA ASSISTANCE ADMINISTRATORS GRANT – \$5,000

| WHEREAS,  | the Commonwealth Attorney for the Ci<br>awarded a \$5,000 grant, which is award<br>Administrators through the Office for V<br>Department of Justice; and | led from Nation     | nal As | sociation  | ı of VOC | A Assistance   |
|-----------|--|---------------------|--------|------------|----------|----------------|
| WHEREAS,  | this grant would fund the speaker and program costs of the Victims' Rights event held by the Commonwealth Attorney's Office through June 30, 2017; and   |                     |        |            |          |                |
| NOW, THER | REFORE, BE IT RESOLVED that the Bo<br>hereby authorizes the additional approp<br>June 30, 2017, for the purposes describ                                 | oriation to the Sp  |        |            |          |                |
|           | Revenue:   |                     |        |            |          |                |
|           | FY17 National Crime Victims' Rights  | <u>\$5</u>          | 5,000  |            |          |                |
|           | Expenditure:   |                     |        |            |          |                |
|           | FY17 National Crime Victims' Rights  | <u>\$5</u>          | 5,000  |            |          |                |
|           |  |                     |        |            |          |                |
|           |  | Kevin D. (          | Onizu  | ık         |          |                |
|           |  | Chairman,           |        |            | ervisors |                |
|           |  |                     |        | VOTE       | S        |                |
| ATTEST:   |  | Maga Englas         |        | <u>AYE</u> | NAY      | <u>ABSTAIN</u> |
|           |  | MCGLENNO!<br>SADLER | N      |            |          |                |

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of May, 2017.

HIPPLE

LARSON

**ONIZUK** 

GA-FY17NAVAA-res

Bryan J. Hill

Clerk to the Board

## AGENDA ITEM NO. G.3.

# **ITEM SUMMARY**

DATE: 5/9/2017

TO: The Board of Supervisors

FROM: Mona A. Foley, Clerk of the Circuit Court

SUBJECT: Grant Appropriation - Clerk of the Circuit Court - \$59,643

# **ATTACHMENTS:**

Description Type

MEMORANDUM Cover Memo
RESOLUTION Resolution

# **REVIEWERS:**

| Department             | Reviewer        | Action   | Date                 |
|------------------------|-----------------|----------|----------------------|
| Budget                 | Mellen, Sue     | Approved | 4/7/2017 - 9:58 AM   |
| Financial Management   | Mellen, Sue     | Approved | 4/7/2017 - 9:59 AM   |
| Publication Management | Trautman, Gayle | Approved | 4/7/2017 - 10:07 AM  |
| Legal Review           | Kinsman, Adam   | Approved | 4/10/2017 - 10:44 AM |
| Board Secretary        | Fellows, Teresa | Approved | 4/10/2017 - 11:30 AM |
| Board Secretary        | Purse, Jason    | Approved | 5/2/2017 - 9:35 AM   |
| Board Secretary        | Fellows, Teresa | Approved | 5/2/2017 - 9:40 AM   |

#### MEMORANDUM

DATE: May 9, 2017

TO: The Board of Supervisors

FROM: Mona A. Foley, Clerk of the Circuit Court

SUBJECT: Grant Appropriation - Clerk of the Circuit Court - \$59,643

The Clerk of the Circuit Court has been awarded additional monies from the State Compensation Board's Technology Trust Fund totaling \$59,643. These additional funds will be used for backscanning, various equipment and service upgrades. These additional monies require no local match. These funds may not supplant local operations.

Staff recommends approval of the attached resolution authorizing a budget appropriation of \$59,643 to the Special Projects/Grant Fund through June 30, 2017.

MAF/nb CA-CircuitCtClk-mem

Attachment

# **RESOLUTION**

# GRANT APPROPRIATION - CLERK OF THE CIRCUIT COURT - \$59,643

| WHEREAS,                        | the State Compensation Board has awarded additional Technology Trust Fund monies to the Clerk of the Circuit Court totaling \$59,643; and |                    |             |              |             |
|---------------------------------|---|--------------------|-------------|--------------|-------------|
| WHEREAS,                        | the monies will be used for backscanning, various equipment and service upgrades through June 30, 2017; and                               |                    |             |              |             |
| WHEREAS,                        | no local match is required for these a  | additional monies. |             |              |             |
| NOW, THER                       | REFORE, BE IT RESOLVED that the hereby authorizes the following appr  |                    |             |              |             |
|                                 | Revenue:  |                    |             |              |             |
|                                 | Revenue from the Commonwea  | alth <u>\$59,6</u> | <u>643</u>  |              |             |
|                                 | Expenditure:  |                    |             |              |             |
|                                 | Clerk of the Circuit Court  | <u>\$59,0</u>      | <u>643</u>  |              |             |
|                                 |   | Kevin D. On        | izuk        |              |             |
|                                 |   | Chairman, Bo       | oard of Su  |              |             |
| ATTEST:                         |   |                    | VOTE<br>AYE | S<br>NAY     | ABSTAIN     |
|                                 |   | MCGLENNON          | AIL         | <u>INA I</u> | ADSTAIN     |
|                                 |   | SADLER             |             |              |             |
| D I II:11                       |   | HIPPLE             |             |              |             |
| Bryan J. Hill<br>Clerk to the B | Roard   | LARSON             |             |              |             |
| CICIK to the I                  | Jourd   | ONIZUK             |             |              |             |
| 2017.                           | Adopted by the Board of Supervisors   | of James City Coun | ty, Virgini | a, this 9th  | day of May, |
|                                 |   |                    |             |              |             |

GA-CircuitCtClk-res

# **AGENDA ITEM NO. G.4.**

# **ITEM SUMMARY**

DATE: 5/9/2017

TO: The Board of Supervisors

FROM: Nathan R. Green, Commonwealth Attorney

SUBJECT: Supplemental Grant Award – Commonwealth Attorney – Victim's Witness

Grant Program - \$15,913

# **ATTACHMENTS:**

Description Type

MEMORANDUM Cover Memo
RESOLUTION Resolution

# **REVIEWERS:**

| Department             | Reviewer        | Action   | Date                 |
|------------------------|-----------------|----------|----------------------|
| Budget                 | Fellows, Teresa | Approved | 4/18/2017 - 11:32 AM |
| Financial Management   | Mellen, Sue     | Approved | 5/2/2017 - 2:54 PM   |
| Publication Management | Burcham, Nan    | Approved | 5/2/2017 - 2:58 PM   |
| Legal Review           | Kinsman, Adam   | Approved | 5/2/2017 - 3:42 PM   |
| Board Secretary        | Fellows, Teresa | Approved | 5/2/2017 - 4:16 PM   |
| Board Secretary        | Purse, Jason    | Approved | 5/2/2017 - 4:22 PM   |
| Board Secretary        | Fellows, Teresa | Approved | 5/2/2017 - 4:34 PM   |

#### MEMORANDUM

DATE: May 9, 2017

TO: The Board of Supervisors

FROM: Nathan R. Green, Commonwealth Attorney

SUBJECT: Supplemental Grant Award – Commonwealth Attorney – Victim's Witness Grant

Program - \$15,913

The Commonwealth Attorney has been awarded a supplemental \$15,913 Federal grant by the Victim's Witness Grant Program through the State Department of Criminal Justice Services. The Grant will fund the purchase of furniture for the new office spaces in the Courthouse.

There is no County match required.

The attached resolution appropriates these funds to the Special Projects/Grant Fund.

Staff recommends approval of the attached resolution.

NG/gt GA-FY17VicWitSup-mem

Attachment

# **RESOLUTION**

# <u>SUPPLEMENTAL GRANT AWARD – COMMONWEALTH ATTORNEY – </u>

# VICTIM'S WITNESS GRANT PROGRAM - \$15,913

| WHEREAS,       | the Commonwealth Attorney for the City of Williamsburg and James City County has been awarded a supplemental \$15,913 Federal grant from the Victim's Witness Grant Fund; and |                               |            |                 |                |  |
|----------------|---|-------------------------------|------------|-----------------|----------------|--|
| WHEREAS,       | this grant would fund the purchase of office furniture for the new spaces in the Commonwealth Attorney's Office; and  |                               |            |                 |                |  |
| WHEREAS,       | the grant requires no local match.  |                               |            |                 |                |  |
| NOW, THER      | EFORE, BE IT RESOLVED that the Behereby authorizes the additional appr<br>FY 17 purposes described above:   |                               |            |                 |                |  |
|                | Revenue: Victim's Witness Department of Crim Services Federal Revenue   | inal Justice                  |            | <u>\$15,913</u> |                |  |
|                | Expenditure:<br>Victim's Witness Supplemental Grant   |                               |            | <u>\$15,913</u> |                |  |
|                |   |                               |            |                 |                |  |
|                |   | Kevin D. Oniz<br>Chairman, Bo |            | pervisors       |                |  |
|                |   |                               | VOTE       | S               |                |  |
| ATTEST:        |   |                               | <u>AYE</u> | <u>NAY</u>      | <u>ABSTAIN</u> |  |
|                |   | MCGLENNON                     |            |                 |                |  |
|                |   | SADLER                        |            |                 |                |  |
| Bryan J. Hill  |   | HIPPLE                        |            |                 |                |  |
| Clerk to the E | Roard   | LARSON                        |            |                 |                |  |
| CICIK to the L | odalu   | ONIZUK                        |            |                 |                |  |
| May, 2017.     | Adopted by the Board of Supervisors   | s of James City Co            | unty, Vir  | ginia, thi      | s 9th day of   |  |

GA-FY17VicWitSup-res

# **AGENDA ITEM NO. G.5.**

# **ITEM SUMMARY**

DATE: 5/9/2017

TO: The Board of Supervisors

FROM: Robert Deeds, Williamsburg-James City County Sheriff

SUBJECT: Grant Award – Sheriff – Byrne Justice Assistance Grant Program – \$1,580

# **ATTACHMENTS:**

Description Type

MEMORANDUM Cover Memo
RESOLUTION Resolution

# **REVIEWERS:**

| Department             | Reviewer        | Action   | Date                 |
|------------------------|-----------------|----------|----------------------|
| Budget                 | Fellows, Teresa | Approved | 4/18/2017 - 11:32 AM |
| Financial Management   | Mellen, Sue     | Approved | 5/2/2017 - 2:57 PM   |
| Publication Management | Burcham, Nan    | Approved | 5/2/2017 - 2:59 PM   |
| Legal Review           | Kinsman, Adam   | Approved | 5/2/2017 - 3:41 PM   |
| Board Secretary        | Fellows, Teresa | Approved | 5/2/2017 - 4:16 PM   |
| Board Secretary        | Purse, Jason    | Approved | 5/2/2017 - 4:22 PM   |
| Board Secretary        | Fellows, Teresa | Approved | 5/2/2017 - 4:33 PM   |

#### MEMORANDUM

DATE: May 9, 2017

TO: The Board of Supervisors

FROM: Robert Deeds, Williamsburg-James City County Sheriff

SUBJECT: Grant Award – Sheriff – Byrne Justice Assistance Grant Program – \$1,580

The Sheriff for the City of Williamsburg and James City County has been awarded a \$1,580 grant (Federal share \$1,422; County match \$158) from the Byrne Justice Assistance Grant Program through the State Department of Criminal Justice Services. The Grant will help fund the purchase of three automated external defibrillators and carrying cases to outfit Sheriff's Department vehicles.

The County match is available in the FY 17 Grant Match Account.

The attached resolution appropriates these funds to the Special Projects/Grant Fund through December 31, 2017.

Staff recommends approval of the attached resolution.

RD/gt GA-FY17ByrneJAG-mem

Attachment

# RESOLUTION

# <u>GRANT AWARD – SHERIFF – </u>

# BYRNE JUSTICE ASSISTANCE GRANT PROGRAM – \$1,580

| WHEREAS,       | the Sheriff's Office for the City of Will<br>a \$1,580 Federal grant from the Byrn<br>\$1,422; County match \$158) through<br>and | e Justice Assi     | stance      | Grant Pr   | rogram (I  | Federal share  |
|----------------|---|--------------------|-------------|------------|------------|----------------|
| WHEREAS,       | this grant will be used to purchase Au  | tomated Exter      | nal Dei     | fibrillato | rs; and    |                |
| WHEREAS,       | the grant requires a local match of \$158, which is available in the FY 17 Grant Match account.                                   |                    |             |            |            |                |
| NOW, THER      | EFORE, BE IT RESOLVED that the B hereby authorizes the following appro-   |                    |             |            |            |                |
|                | Revenues: Department of Criminal Justice Services Federal Revenue James City County Matching Funds  Expenditure:                  | Total              | \$1,422<br> | <u>3</u>   |            |                |
|                | Byrne Justice Assistance Grant Progra   | nm                 | \$1,580     | <u>)</u>   |            |                |
|                |   | Kevin D<br>Chairma |             |            | pervisors  |                |
|                |   |                    |             | VOTE       | S          |                |
| ATTEST:        |   |                    |             | <u>AYE</u> | <u>NAY</u> | <u>ABSTAIN</u> |
|                |   | MCGLENN            | ON          |            |            |                |
|                |   | SADLER             |             |            |            |                |
| Bryan J. Hill  | <del></del>   | HIPPLE             |             |            |            |                |
| Clerk to the E | Board   | LARSON<br>ONIZUK   |             |            |            |                |
| CIVIN W HICL   | CHIG  |                    |             |            |            |                |

ONIZUK

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of

GA-FY17ByrneJAG-res

May, 2017.

# **AGENDA ITEM NO. G.6.**

# **ITEM SUMMARY**

DATE: 5/9/2017

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Contract Award - Replacement Fire Pumper - \$639,829

# **ATTACHMENTS:**

Description Type

Memo Cover Memo
Resolution Resolution

# **REVIEWERS:**

| Department             | Reviewer        | Action   | Date                 |
|------------------------|-----------------|----------|----------------------|
| Fire                   | Ashe, Ryan      | Approved | 4/21/2017 - 10:44 AM |
| Publication Management | Burcham, Nan    | Approved | 4/21/2017 - 10:46 AM |
| Legal Review           | Kinsman, Adam   | Approved | 4/21/2017 - 4:24 PM  |
| Board Secretary        | Fellows, Teresa | Approved | 5/2/2017 - 9:40 AM   |
| Board Secretary        | Purse, Jason    | Approved | 5/2/2017 - 9:43 AM   |
| Board Secretary        | Fellows, Teresa | Approved | 5/2/2017 - 2:42 PM   |

#### MEMORANDUM

DATE: May 9, 2017

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Contract Award - Replacement Fire Pumper - \$639,829

The FY 2017 Capital Improvements Program (CIP) budget includes funds for the purchase of one replacement fire pumper.

The Fire Department, Fleet and Purchasing staff examined different options and determined the most efficient procurement method for this purchase is to use a cooperative purchasing contract issued by the Houston-Galveston Area Council (HGAC) to Atlantic Emergency Solutions. The HGAC contract contains wording allowing other localities to purchase from the contract. By participating in the cooperative procurement action, staff believes the County will increase efficiency, reduce administrative expenses and benefit from an accelerated delivery process.

The HGAC Fire Service Apparatus cooperative contracts offer 20-plus vendors for various rescue and fire apparatus. Base bid items are listed on the specific product pages. Almost all contracts include a wide array of additional configurations, optional equipment and accessories that are available to allow localities to configure equipment/services to suit their unique requirements. These items were included with the contractor's bid/proposal response and are part of the recommended contract. In 2010, 2012 and 2014 James City County purchased replacement pumper trucks utilizing the HGAC cooperative contract.

Fire Department technical staff researched the design, construction and field performance of the Pierce Velocity PUC Pumper, worked closely with Atlantic Emergency Solutions to design a vehicle that will meet the Department's needs and negotiated a price of \$639,829 for a replacement fire pumper. Should the County choose to provide a 90% pre-payment of \$575,846, the vendor offers a pre-payment discount of \$26,571, reducing the total purchase price to \$613,258. The cost of the contract is within the funds allotted.

The new pumper is intended for Fire Station 3. Final placement may differ based on call volume and the condition of other units at the time of delivery. The proposed replacement pumper is consistent with the newer model pumpers already in service and will standardize all five fire stations with similar equipment. The Fire Department will take the oldest reserve pumper out of service and shift the oldest non-reserve pumper to reserve status. The former pumpers may be sold or used elsewhere by the County in a non-emergency capacity.

Staff recommends adoption of the attached resolution authorizing contract award to Atlantic Emergency Solutions in the amount of \$639,829 for a Pierce Velocity PUC Pumper.

RTA/nb CA-RepPumper-mem

Attachment

#### RESOLUTION

#### CONTRACT AWARD - REPLACEMENT FIRE PUMPER - \$639,829

- WHEREAS, funds are available in the FY 2017 Capital Improvements Fund (CIP) budget for the purchase of a replacement pumper; and
- WHEREAS, cooperative procurement action is authorized by Chapter 1, Section 5, of the James City County Purchasing Policy and the Virginia Public Procurement Act, and the Houston-Galveston Area Council issued a cooperative purchasing contract to Atlantic Emergency Solutions as a result of a competitive sealed Invitation for Bid; and
- WHEREAS, Fire Department, Fleet and Purchasing staff determined the contract specifications meet the County's performance requirements for a pumper and negotiated a price of \$639,829 with Atlantic Emergency Solutions for a Pierce Velocity PUC Pumper.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with Atlantic Emergency Solutions for a Pierce Velocity PUC Pumper in the amount of \$639,829.

|                      | Kevin D. Oniz                        | zuk         |              |              |
|----------------------|--------------------------------------|-------------|--------------|--------------|
|                      | Chairman, Bo                         | ard of Su   | pervisors    |              |
|                      |                                      | VOTE        | S            |              |
| ATTEST:              |                                      | AYE         | NAY          | ABSTAIN      |
|                      | MCGLENNON                            |             |              |              |
|                      | SADLER                               |             |              |              |
|                      | HIPPLE                               |             |              |              |
| Bryan J. Hill        | LARSON                               |             |              |              |
| Clerk to the Board   | ONIZUK                               |             |              |              |
| Adopted by the Board | d of Supervisors of James City Count | v Viroini   | a this 9th   | n day of May |
| 2017.                | of Supervisors of James City Count   | y, viigiiii | u, 11115 711 | raay or way, |

CA-RepPumper-res

# **AGENDA ITEM NO. G.7.**

# **ITEM SUMMARY**

DATE: 5/9/2017

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Grant Award - Radiological Emergency Preparedness - \$30,000

# **ATTACHMENTS:**

Description Type

Memo Cover Memo
Resolution Resolution

# **REVIEWERS:**

| Department             | Reviewer        | Action   | Date                 |
|------------------------|-----------------|----------|----------------------|
| Fire                   | Ashe, Ryan      | Approved | 4/21/2017 - 10:47 AM |
| Publication Management | Trautman, Gayle | Approved | 4/21/2017 - 10:54 AM |
| Legal Review           | Kinsman, Adam   | Approved | 4/21/2017 - 4:24 PM  |
| Board Secretary        | Fellows, Teresa | Approved | 5/2/2017 - 9:40 AM   |
| Board Secretary        | Purse, Jason    | Approved | 5/2/2017 - 9:43 AM   |
| Board Secretary        | Fellows, Teresa | Approved | 5/2/2017 - 2:43 PM   |

#### MEMORANDUM

DATE: May 9, 2017

TO: The Board of Supervisors

FROM: Ryan Ashe, Fire Chief

SUBJECT: Grant Award - Radiological Emergency Preparedness - \$30,000

Each Virginia locality within 10 miles of a nuclear power plant receives pass-through funding annually from Dominion Virginia Power through the Virginia Department of Emergency Management (VDEM) to support Radiological Emergency Preparedness (REP).

The James City County Fire Department's Emergency Management Division has been awarded \$30,000 in radiological emergency preparedness funds from Dominion Virginia Power through VDEM due to the County's proximity to the Surry Power Station nuclear power plant. This funding is part of VDEM's 2016 package.

The funds are to be used for planning and response for public protective actions related to the Surry Power Station nuclear plant. The County uses the funds to maintain emergency response plans, participate in readiness drills and exercises, provide REP training, make improvements to the Emergency Operations Center, purchase and maintain radiological response equipment and support the JCC Alert County emergency notification system.

This grant requires no local match.

Staff recommends adoption of the attached resolution to appropriate funds.

RA/gt GA-REP2016-mem

Attachment

# **RESOLUTION**

# <u>GRANT AWARD - RADIOLOGICAL EMERGENCY PREPAREDNESS - \$30,000</u>

| WHEREAS,       | awarded pass-through funds in the<br>Preparedness from the Virginia I             | ne amount of \$30,000 to s    | upport Ra   | diologica    | al Emergency   |
|----------------|---|-------------------------------|-------------|--------------|----------------|
| WHEREAS,       | the funds are to be used for plant<br>the Surry Power Station nuclear             |                               | olic protec | ctive action | ons related to |
| WHEREAS,       | the grant requires no match.  |                               |             |              |                |
| NOW, THER      | EFORE, BE IT RESOLVED that hereby authorizes the acceptance Projects/Grants fund: |                               |             |              |                |
|                | Revenue: Radiological Emergency Prepare   | edness Funds – VDEM           | \$30,00     | <u>0</u>     |                |
|                | Expenditure:<br>Radiological Emergency Prepare                                    | edness Funds – VDEM           | \$30,00     | <u>0</u>     |                |
|                |   |                               |             |              |                |
|                |   | Kevin D. Oniz<br>Chairman, Bo |             | pervisors    |                |
|                |   |                               | VOTE        |              |                |
| ATTEST:        |   |                               | <u>AYE</u>  | NAY          | <b>ABSTAIN</b> |
|                |   | MCGLENNON                     |             |              |                |
|                |   | SADLER<br>HIPPLE              |             |              |                |
| Bryan J. Hill  |   | LARSON                        |             |              |                |
| Clerk to the E | Board   | ONIZUK                        |             |              |                |
| May, 2017.     | Adopted by the Board of Super   | visors of James City Co       | ounty, Vir  | ginia, th    | is 9th day of  |

GA-REP2016-res

## AGENDA ITEM NO. G.8.

## **ITEM SUMMARY**

DATE: 5/9/2017

TO: The Board of Supervisors

FROM: Ryan Ashe, Fire Chief

SUBJECT: Grant Award – Office of Emergency Medical Services EMS System Initiative

Award - 12VAC-5-31-2860 Special Grant - \$15,096

# **ATTACHMENTS:**

Description Type

Memorandum Cover Memo
Resolution Cover Memo

**REVIEWERS:** 

Department Reviewer Action Date

Board Secretary Fellows, Teresa Approved 5/2/2017 - 4:42 PM

#### MEMORANDUM

DATE: May 9, 2017

TO: The Board of Supervisors

FROM: Ryan Ashe, Fire Chief

SUBJECT: Grant Award – Office of Emergency Medical Services EMS System Initiative Award –

12VAC-5-31-2860 Special Grant - \$15,096

The James City County Fire Department (JCCFD) has been awarded an EMS System Initiative Award as part of the Rescue Squad Assistance Fund from the Commonwealth of Virginia Department of Health, Office of Emergency Medical Services.

The funds are to be used toward the initial enrollment costs for EMS certification courses beginning prior to the end of Fiscal Year 2017. JCCFD intends to use these funds to support training equipment costs for an upcoming Emergency Medical Technician (EMT) certification course as well as a currently ongoing Emergency Medical Technician-Intermediate (EMT-I) course. Based on the number of enrolled students, \$2,856 was awarded for the EMT course and \$12,240 was awarded for the EMT-I course. The grant funds will support the following expenses:

1. EMT students are currently taught using a hybrid learning technique with instruction occurring both in the classroom and electronically. The students are also required to complete assignments and activities online through the Jones & Bartlett Learning Management System.

This grant provides funding toward the enrollment costs and membership fees associated with the Jones & Bartlett Learning Management System as well as hard-copy versions of the appropriate text.

2. Students in the EMT-I course are instructed in the use of cardiac monitors and comprehensive patient assessment techniques.

This grant provides funding toward the purchase of additional patient simulation systems to augment the systems currently used by JCCFD training staff as well as materials used for simulating injuries on real-life patient actors.

The grant is 100% funded, and as such, requires no local match. Fifty percent of the total grant award is to be disbursed by the Office of EMS upon receiving enrollment forms for all of the students in the upcoming course with the remaining 50% being disbursed upon completion of the course.

Staff recommends adoption of the attached resolution to appropriate funds.

RA/gt GA-OEMS-EMS2017-mem

Attachment

# **RESOLUTION**

# <u>GRANT AWARD – OFFICE OF EMERGENCY MEDICAL SERVICES</u>

# EMS SYSTEM INITIATIVE AWARD – 12VAC-5-31-2860

# SPECIAL GRANT - \$15,096

| WHEREAS,  |  | been awarded an EMS System Initiative Award<br>ommonwealth of Virginia Department of Health,<br>EMS); and |
|-----------|--|---|
| WHEREAS,  | the funds are to be used for the support of i<br>Service certification programs; and | nitial enrollment costs for Emergency Medical   |
| WHEREAS,  | the grant does not require a local match.  |   |
| NOW, THER |  | of Supervisors of James City County, Virginia, nt and the following budget appropriation to the           |
|           | Revenue: OEMS-EMS Systems Initiative Grant   | <u>\$15,096</u>   |
|           | Expenditure: OEMS-EMS Systems Initiative Grant                                       | <u>\$15,096</u>   |
|           |  |   |
|           |  | Kevin D. Onizuk   |
|           |  | Chairman, Board of Supervisors  |
|           |  | VOTES   |

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of May, 2017.

MCGLENNON SADLER HIPPLE

LARSON

**ONIZUK** 

<u>AYE</u>

NAY ABSTAIN

ATTEST:

Bryan J. Hill

Clerk to the Board

# **AGENDA ITEM NO. G.9.**

# **ITEM SUMMARY**

DATE: 5/9/2017

TO: The Board of Supervisors

FROM: Roberta Sulouff, Planner

SUBJECT: The Birthplace of America Trail Study: Resolution of Support

# **ATTACHMENTS:**

|   | Description  | Type            |
|---|--|-----------------|
| D | Staff Memo   | Cover Memo      |
| D | Resolution of Support  | Resolution      |
| ۵ | Map A: Conceptual Alignments by Segment  | Backup Material |
| ם | Map B: Regional Bike Facilities<br>Map showing proposed Birthplace<br>of America Trail | Backup Material |
| ם | Map C: Revised<br>Williamsburg/James City County<br>Segments                           | Backup Material |

## **REVIEWERS:**

| Department             | Reviewer        | Action   | Date                 |
|------------------------|-----------------|----------|----------------------|
| Planning               | Holt, Paul      | Approved | 4/24/2017 - 9:58 AM  |
| Development Management | Holt, Paul      | Approved | 4/24/2017 - 9:58 AM  |
| Publication Management | Burcham, Nan    | Approved | 4/24/2017 - 10:00 AM |
| Legal Review           | Kinsman, Adam   | Approved | 4/24/2017 - 11:41 AM |
| Board Secretary        | Fellows, Teresa | Approved | 5/2/2017 - 9:41 AM   |
| Board Secretary        | Purse, Jason    | Approved | 5/2/2017 - 9:46 AM   |
| Board Secretary        | Fellows, Teresa | Approved | 5/2/2017 - 2:43 PM   |

#### MEMORANDUM

DATE: May 9, 2017

TO: The Board of Supervisors

FROM: Roberta Sulouff, Planner

SUBJECT: Birthplace of America Trail Study – Resolution of Support

#### History

In April 2016, the Hampton Roads Transportation Planning Organization's (HRTPO) Transportation Technical Advisory Committee (TTAC) created the Ad-Hoc TTAC Committee for Paths Connecting to the Virginia Capital Trail. The objective of the project, later named the "Birthplace of America Trail" (BOAT), was to explore the idea of connecting the current Capital Trail terminus at Jamestown with Fort Monroe in Hampton and the South Hampton Roads Trail in Suffolk via two, separate 30-mile paths. The Committee is comprised of staff representing all localities along the proposed path, as well as representatives from area bicycle advocacy groups, the Virginia Department of Transportation and HRTPO.

After soliciting public input, the Committee evaluated several general alignments for cost, feasibility and demand. Of the two conceptual alignments considered for the Peninsula, the one that received the best preliminary score followed Segments A-C-E-F-G-J-L-M (Monticello Avenue to Williamsburg and down Carter's Grove Country Road to Newport News) on Map A (attached). This concept aligns well with existing and planned regional bike facilities per the Regional Bike Facilities Plan (see Map B, attached), is consistent with the Pocahontas Trail corridor vision, has the support of the Historic Triangle Bicycle Advisory Committee and promotes multiple strategies in the Economic Development, Parks & Recreation and Transportation sections of the Comprehensive Plan adopted in 2015.

In subsequent meetings, stakeholders from the Historic Triangle met to discuss the proposed Peninsula alignment in greater detail. The stakeholders agreed that if Carter's Grove Country Road became infeasible (due to any property owner's unwillingness to sell property or for any other reason) Route 60 would be the preferred route over Route 143. The HRTPO consultant made minor revisions to the proposed route per feedback received at this meeting (see Map C, attached). The full Committee also met again to discuss the revised alignment and to decide upon strategy moving forward. The group affirmed the alignment shown on the attached map, including the updates in Map B.

## **Next Steps**

As the Committee is completing its work and preparing to submit a draft report to HRTPO, the Committee is requesting that members of all participating agencies and localities provide a letter of support for the study by May 23. The letters will be added as appendices of the study. These letters would only be indicative of a locality's general support of the preferred BOAT route and would not imply any financial commitment from agencies and localities. The Committee plans to present the revised, finalized report for public comment during the month of June and to the full HRTPO Board for adoption in July.

Birthplace of America Trail Study – Resolution of Support May 9, 2017 Page 2

## Recommendation

Staff supports the proposed conceptual alignment and recommends the Board of Supervisors adopt the attached resolution.

RS/gt BpAmTrailStdy-mem

# Attachments:

- 1. Resolution of Support
- 2. Map A: Conceptual Alignments by Segment
- 3. Map B: Regional Bike Facilities Overlap Map
- 4. Map C: Revised Williamsburg/James City County Segments

#### RESOLUTION

#### BIRTHPLACE OF AMERICA TRAIL STUDY - RESOLUTION OF SUPPORT

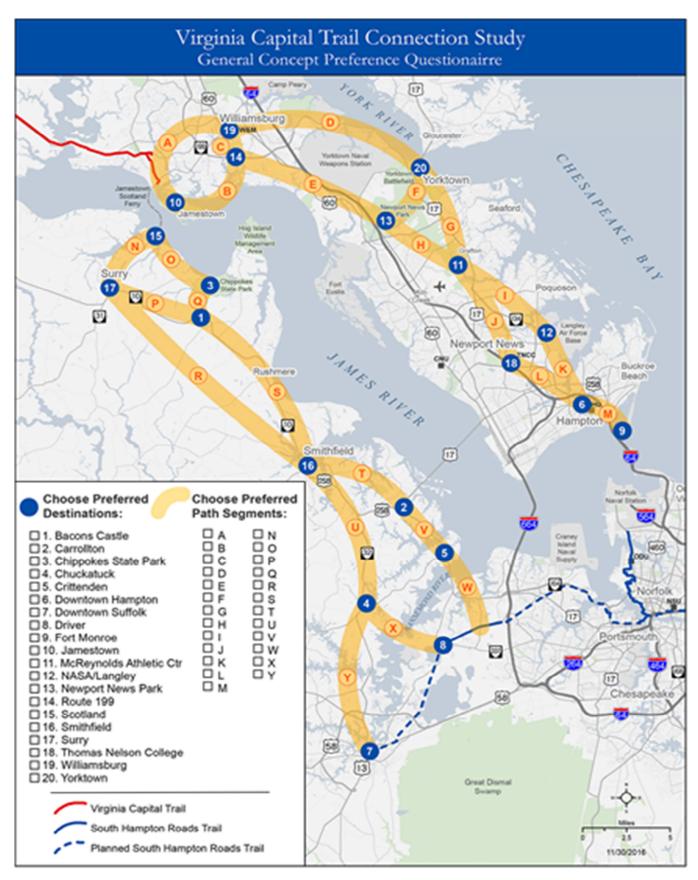
- WHEREAS, the Transportation Technical Advisory Committee (TTAC) of the Hampton Roads Transportation Planning Organization (HRTPO) created an ad-hoc committee to consider opportunities for trails to connect the existing Jamestown terminus of the Capital Trail with points in Suffolk and Hampton; and WHEREAS, the work of the Committee supports multiple strategies identified in the Economic Development, Parks & Recreation and Transportation sections of the Comprehensive Plan "Toward 2035: Leading the Way" adopted in 2015; and WHEREAS, the Committee solicited public input and evaluated several potential trail alignments for cost, feasibility and demand; and WHEREAS, the Committee identified an alignment which is compatible with the adopted Regional Bike Facilities Plan, the adopted James City County Pedestrian Accommodations Master Plan and the Pocahontas Trail corridor vision; and WHEREAS, this preferred alignment is supported by the Historic Triangle Bicycle Advisory Committee; and WHEREAS, the Committee has identified this project and the designated preferred alignments as the Birthplace of America Trail.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby expresses its support for the work of the HRTPO TTAC Ad-Hoc Committee on Trails Extending from the Capital Trail and the preferred proposed alignment of the Birthplace of America Trail.

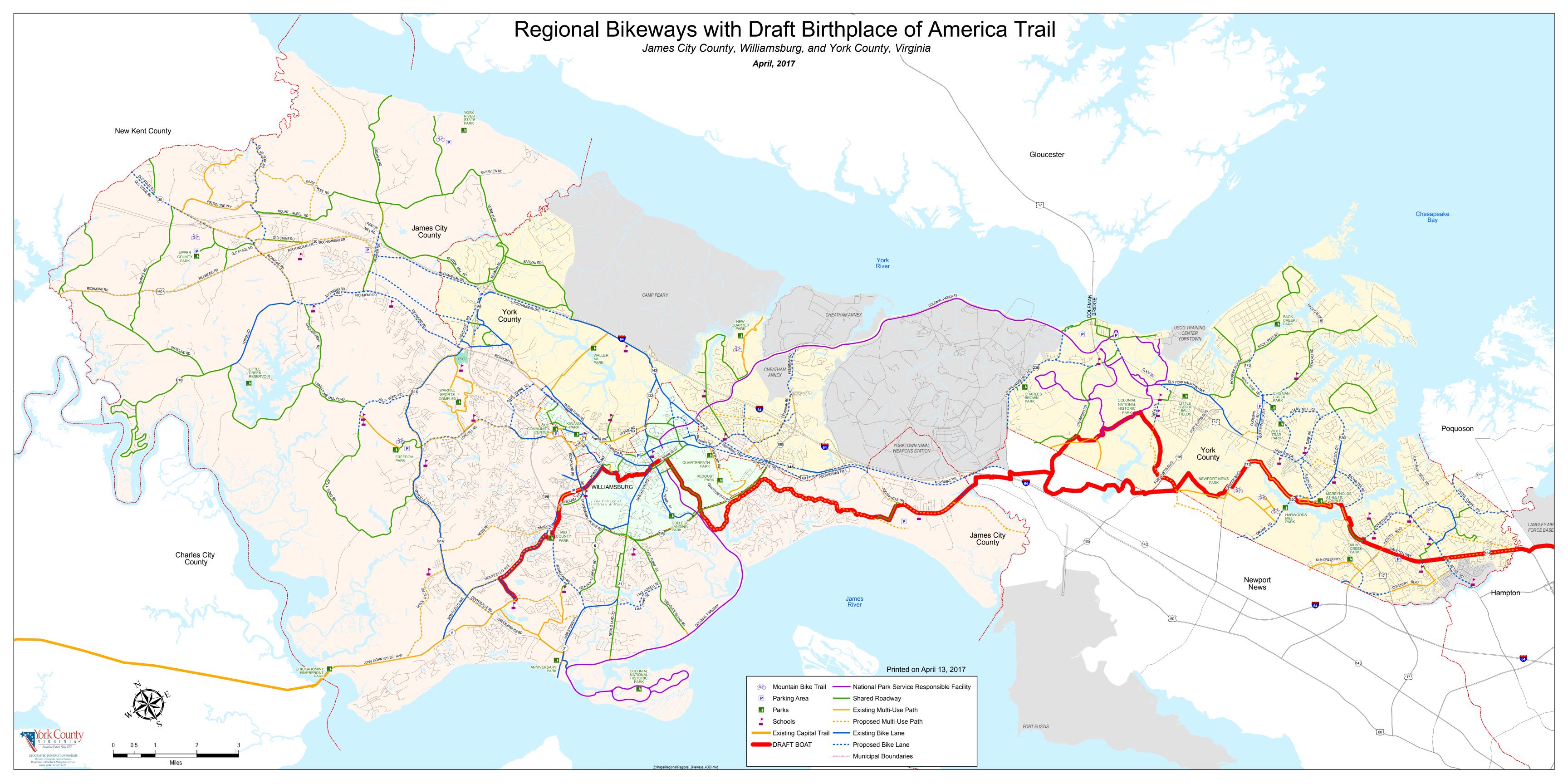
|                                     | Kevin D. Onizuk<br>Chairman, Board of Supervisors |            |             |             |  |
|-------------------------------------|---|------------|-------------|-------------|--|
| ATTEST:                             | VOTES   |            |             | A DOT A INI |  |
| TITLOT.                             | MCGLENNON   | <u>AYE</u> | <u>NA 1</u> | ABSTAIN     |  |
|                                     | SADLER<br>—— HIPPLE                               |            |             |             |  |
| Bryan J. Hill<br>Clerk to the Board | LARSON<br>ONIZUK                                  |            |             |             |  |

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of May, 2017.

BpAmTrailStudy-res

Map A: Conceptual Alignments by Segment





Map C: Revised Williamsburg/James City County Segments



# **AGENDA ITEM NO. H.1.**

# **ITEM SUMMARY**

DATE: 5/9/2017

TO: The Board of Supervisors

FROM: Elizabeth Parman, Assistant County Attorney

SUBJECT: Sentara Lease Extension

# **ATTACHMENTS:**

|   | Description     | Type       |
|---|-----------------|------------|
| ם | Memo            | Cover Memo |
| ם | Resolution      | Resolution |
| ם | Lease Amendment | Exhibit    |

# **REVIEWERS:**

| Department             | Reviewer        | Action   | Date                 |
|------------------------|-----------------|----------|----------------------|
| Attorney               | Kinsman, Adam   | Approved | 4/12/2017 - 9:46 AM  |
| Publication Management | Burcham, Nan    | Approved | 4/12/2017 - 10:04 AM |
| Legal Review           | Kinsman, Adam   | Approved | 4/12/2017 - 10:06 AM |
| Board Secretary        | Fellows, Teresa | Approved | 4/12/2017 - 10:16 AM |
| Board Secretary        | Purse, Jason    | Approved | 5/2/2017 - 9:35 AM   |
| Board Secretary        | Fellows, Teresa | Approved | 5/2/2017 - 9:41 AM   |

#### MEMORANDUM

DATE: May 9, 2017

TO: The Board of Supervisors

FROM: Elizabeth Parman, Assistant County Attorney

SUBJECT: Amendment to Lease of Real Property – 5301 Longhill Road Lease Agreement with Sentara

Williamsburg Regional Medical Center Corporation

James City County (the "County") currently owns a certain parcel of land located in the County of James City at 5301 Longhill Road and further identified as James City County Real Estate Parcel No. 3910100153, upon which the James City County Recreation Center (the "Rec Center") is situated.

The County currently leases 2,376 square feet of the 85,580-square-foot Rec Center to Sentara Williamsburg Regional Medical Center Corporation (the "Tenant") for medical and office uses related to the Tenant's wellness and health programs. The current Lease, executed in 1996 (the "Lease"), is set to expire on May 17, 2017. The Tenant wishes to amend the Lease to extend the term of the Lease to August 31, 2017.

Attached is a proposed Lease Amendment that will initiate a Lease-term Extension to August 31, 2017, for the portion of the Rec Center currently used by the Tenant under the 1996 Lease. Important aspects of the Lease Amendment are outlined below:

• <u>Rent</u>: If adopted, the Tenant will pay the County \$4,000 per month. Over the course of the Lease Extension the County will collect \$13,806 in additional rent payments.

EP/nb Sentara LseExt-mem

Attachment

#### RESOLUTION

## AMENDMENT TO LEASE OF REAL PROPERTY - 5301 LONGHILL ROAD

#### LEASE AGREEMENT WITH SENTARA WILLIAMSBURG REGIONAL

#### MEDICAL CENTER CORPORATION

- WHEREAS, the County owns the property located at 5301 Longhill Road in James City County, Virginia (the "Property") upon which the James City County Recreation Center (the "Rec Center") is situated; and

  WHEREAS. Sentara Williamsburg Regional Medical Center Corporation (the "Tenant") entered into a
- WHEREAS, Sentara Williamsburg Regional Medical Center Corporation (the "Tenant") entered into a Lease Agreement (the "Lease") with the County on May 20, 1996 to lease 2,376 square feet of the Rec Center for medical and office use; and
- WHEREAS, the term of the Lease expires on May 17, 2017; and
- WHEREAS, the Tenant wishes to amend the Lease to extend the term of the Lease to August 31, 2017; and
- WHEREAS, the County agrees to amend the Lease.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to execute those documents necessary for the amendment to the Lease of a portion of the Rec Center to Sentara Williamsburg Regional Medical Center Corporation.

|                    | Kevin D. Oniz                  | zuk               |            |                |
|--------------------|--------------------------------|-------------------|------------|----------------|
|                    | Chairman, Board of Supervisors |                   |            |                |
|                    |                                | VOTE              | S          |                |
| ATTEST:            |                                | $\underline{AYE}$ | <u>NAY</u> | <b>ABSTAIN</b> |
|                    | MCGLENNON                      |                   |            |                |
|                    | SADLER<br>HIPPLE               |                   |            |                |
| Bryan J. Hill      | LARSON                         |                   |            |                |
| Clerk to the Board | ONIZUK                         |                   |            |                |
|                    | ONZOK                          |                   |            |                |

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of May, 2017

SentaraLseExt-res

#### LEASE AMENDMENT

THIS LEASE AMENDMENT, entered into this \_\_\_\_\_\_ day of May 2017, by and between the County of James City, Virginia, a political subdivision of the Commonwealth of Virginia (the "County"), and Sentara Williamsburg Regional Medical Center Corporation (the "Tenant").

WHEREAS, the County owns the property located at 5301 Longhill Road in James City County, Virginia (the "Property") upon which the James City County Recreation Center (the "Rec Center") is situated; and

WHEREAS, the Tenant entered in to a lease agreement (the "Lease") with the County on May 20, 1996 to lease 2,376 square feet of the Rec Center for medical and office use; and

WHEREAS, the term of the Lease expires on May 17, 2017; and

WHEREAS, the Tenant wishes to amend the Lease to extend the term of the Lease to August 31, 2017; and

WHEREAS, the County agrees to amend the Lease.

NOW, THEREFORE, in consideration of the rent to be paid by the Tenant to the County, the mutual covenants set forth herein, and other good and valuable consideration, the parties agree as follows:

- 1) All terms and covenants in the Lease signed May 20, 1996, other than those amended herein, shall remain in effect and are incorporated into this Amendment.
- 2) <u>TERM.</u> The County agrees to extend the term of the Lease to August 31, 2017.
- 3) <u>RENT.</u> The Tenant agrees to pay the County rent in the amount of \$4,000 per month through the extended term of the Lease. The Tenant agrees to pay the County, on or before May 17, \$1,806 for the remaining 14 days in May. The Tenant agrees to pay the County, on or before the first day of June, July, and August, \$4,000. All rent shall be mailed to James City County Parks & Recreation in care of Pauline Milligan, 5320 Palmer Lane, Suite 2A, Williamsburg VA 23188.

Signatures begin on the next page.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be duly executed.

# SENTARA WILLIAMSBURG REGIONAL MEDICAL CENTER CORPORATION

| BY:                            |
|--------------------------------|
| NAME:                          |
| TITLE:                         |
| DATE:                          |
|                                |
| COUNTY OF JAMES CITY, VIRGINIA |
| BY:                            |
| Bryan J. Hill                  |
| County Administrator           |
|                                |
| DATE:                          |
|                                |
|                                |
|                                |
|                                |
| Amproved as to forms           |
| Approved as to form:           |
|                                |
|                                |
| County Attorney                |

## **AGENDA ITEM NO. H.2.**

# **ITEM SUMMARY**

DATE: 5/9/2017

TO: The Board of Supervisors

FROM: Ellen Cook, Principal Planner and Tammy Rosario, Principal Planner

SUBJECT: LU-0002-2014. 8491 Richmond Road (Taylor Farm) Land Use Designation

Change

# **ATTACHMENTS:**

|   | Description   | Type            |
|---|---|-----------------|
| ם | Staff Report  | Staff Report    |
| D | Resolution  | Resolution      |
| ם | Existing Comprehensive Plan and Zoning Designations                         | Backup Material |
| ם | Applicant Mixed Use Justification   | Backup Material |
| Ъ | Staff Memo to the Planning<br>Commission Working Group<br>December 12, 2014 | Backup Material |
| ם | Applicant Economic Opportunity Justification                                | Backup Material |
| ם | Staff Memo to the Planning<br>Commission Working Group<br>December 12, 2014 | Backup Material |
| ם | Land Use Designation Evaluation Table                                       | Backup Material |
| ם | Economic Opportunity Language   | Backup Material |
| ם | Staff Report to the Board of<br>Supervisors March 14 2017                   | Backup Material |
| ם | Minutes of the March 14, 2017<br>Board of Supervisors Meeting               | Backup Material |
| ם | Case-related Public Comments  | Backup Material |

# **REVIEWERS:**

| Department             | Reviewer        | Action   | Date                |
|------------------------|-----------------|----------|---------------------|
| Planning               | Holt, Paul      | Approved | 4/21/2017 - 4:34 PM |
| Development Management | Holt, Paul      | Approved | 4/21/2017 - 4:35 PM |
| Publication Management | Burcham, Nan    | Approved | 4/21/2017 - 4:40 PM |
| Legal Review           | Kinsman, Adam   | Approved | 5/2/2017 - 3:41 PM  |
| Board Secretary        | Fellows, Teresa | Approved | 5/2/2017 - 4:16 PM  |

Board Secretary Purse, Jason Approved 5/2/2017 - 4:22 PM Board Secretary Fellows, Teresa Approved 5/2/2017 - 4:34 PM

#### MEMORANDUM

DATE: May 9, 2017

TO: The Board of Supervisors

FROM: Ellen Cook, Principal Planner

Tammy Mayer Rosario, Principal Planner

SUBJECT: Case No. LU-0002-2014. 8491 Richmond Road (Taylor Farm) Land Use Designation Change

This Land Use Designation Change application was initially submitted during review of the County's Comprehensive Plan "Toward 2035: Leading the Way," as further detailed below.

#### **Timeline of Actions on the Application**

# 2014, April

• As part of the larger Comprehensive Plan update process, Land Use Designation Change applications were accepted from property owners.

- The current Comprehensive Plan land use designations for this property are Rural Lands, Low Density Residential and Mixed Use. The Primary Service Area (PSA) corresponds to the divide between the Rural Lands and Low Density Residential Designations; approximately 141 acres are outside the PSA and approximately 45.5 acres are inside the PSA. More information and maps showing the current Comprehensive Plan designations and Zoning Districts for this property are included in Attachment No. 2.
- The applicant's initial request was to bring the entire property within the PSA and have a Mixed Use Designation. The applicant's Mixed Use justification is included as Attachment No. 3.

#### 2014, November and December

- Land Use Designation Change applications were reviewed by the Planning Commission Working Group (PCWG).
- The staff report to the PCWG recommended denial of a change to the Mixed Use Designation, but approval for a change to a possible new "Rural Economy Support" land use designation category and inclusion in the PSA. The staff report detailing the rationale for these recommendations is included as Attachment No. 4.
- During the course of the PCWG's review, the applicant submitted supplemental documentation asking to revise their request from a change to Mixed Use to a change to Economic Opportunity. The applicant's justification for a change to Economic Opportunity is included as Attachment No. 5. Staff's evaluation of the request for a change to Economic Opportunity was provided in a memorandum to the PCWG dated December 12, 2014 (Attachment No. 6).
- During the course of the PCWG's review of the Land Use Designation Change applications, the PCWG was informed of the possibility of changes to the County's groundwater withdrawal permit by the Department of Environmental Quality (DEQ) that could result in a significant reduction in the County's permitted withdrawals.
- By a vote of 7-1, the PCWG recommended deferral of this application pending resolution of the groundwater withdrawal permit.

Case No. LU-0002-2014. 8491 Richmond Road (Taylor Farm) Land Use Designation Change May 9, 2017
Page 2

## 2015, April

 The Planning Commission voted to recommend adoption of the Comprehensive Plan. The Planning Commission did not vote on this application separately, but rather forwarded the deferral vote of the PCWG.

#### 2015, June

- The Board of Supervisors voted to adopt the Comprehensive Plan.
- However, the Board voted to defer this application to its December 8, 2015 meeting, noting the outstanding issue of the DEQ groundwater withdrawal permit, a possible future discussion of the PSA generally and the opportunity to further examine the possible land use designations for this parcel.
- At this meeting, the Board provided guidance that going forward it did not wish to consider the possible new Rural Economic Support Designation due to the property owner's discomfort with this designation.

#### 2015, December

- The staff report to the Board provided an update on the groundwater withdrawal permit, which had not been issued.
- The staff report also provided the Board with several documents to follow up on the Board's discussion at its June 2015 meeting. One document was a Land Use Designation Evaluation Table providing information about the property's existing designations, a change to Mixed Use and a change to Economic Opportunity. The information in the Evaluation Table provided an analysis of the pros and cons of each of these designations. The second document was draft Economic Opportunity designation description language for this property. The Land Use Designation Evaluation Table and the draft Economic Opportunity description language are included as Attachment Nos. 7 and 8, respectively.
- The Board voted to postpone this case per the applicant's request, pending resolution of the groundwater withdrawal permit.

#### 2016, March

• The staff report to the Board provided an update on the groundwater withdrawal permit, which had not been issued. The Board voted to postpone this case per the applicant's request, pending resolution of the groundwater withdrawal permit.

## 2017, March

- The staff report to the Board of Supervisors provided an update on the groundwater withdrawal permit, noted that the DEQ had issued the withdrawal permit to the County in February 2017 and provided details on the groundwater withdrawal amount approved under the permit. The staff report noted that over the near term (10 years) the approved permit amount is limited and constrained as compared with the County's past withdrawal permit. The staff report to the Board recommended denial of re-designation of this property and expansion of the PSA. The staff report detailing the rationale for these recommendations is included as Attachment No. 9.
- The Board voted 4-1 to remand this case to the Planning Commission for consideration of a change of the property to the Economic Opportunity land use designation and review of specific Economic Opportunity designation description language. The unapproved minutes from this meeting are included as Attachment No. 10.

Case No. LU-0002-2014. 8491 Richmond Road (Taylor Farm) Land Use Designation Change May 9, 2017 Page 3

## 2017, April

- The Planning Commission voted 4-3 to recommend approval of a change in the land use designation to Economic Opportunity, to expand the PSA by approximately 141 acres to include the entirety of the property, and to include specific Economic Opportunity designation description language.
- For the specific Economic Opportunity designation description language, the Commission reviewed the draft language that had previously been provided to the Board, and discussed whether it would be appropriate to include residential uses. After reviewing the description language for the two current Economic Opportunity designated areas (Mooretown Road/Hill Pleasant Farm Area and the Barhamsville Interchange Area), the Commission recommended the following description language, with the residential use aspect addressed via the revised language shown below in bold font.

## Economic Opportunity - Toano/Anderson's Corner Area

For the Toano/Anderson's Corner Area, the recommended uses are industrial, light industrial and office uses. Businesses that take advantage of the unique assets of the property or use agricultural or timber industry inputs are highly encouraged. In order to support Toano as the commercial center of this part of the County, retail commercial is not a recommended use unless accessory to the recommended uses. Any residential uses should be subordinate to and in support of the primary economic development uses. In addition, the location and amount of any residential uses should be depicted as an integrated element of the larger Master Plan for the area, should be limited to the amount or percentage allowed in the Economic Opportunity Zoning District, and should not be developed prior to a significant portion of the primary economic development uses. As expressed in the general Economic Opportunity language, the Master Plan for this area should demonstrate appropriate variation in uses, densities/intensities, pattern and design such that new development is compatible with the character of surrounding areas. In particular for this site, buffers, open space or other similar mechanisms should be used along the southwest and western property lines in order to provide a transition to areas designated Rural Lands, and the site design and architecture should respect the local rural character and nearby historic structures. Maintaining mobility on Route 60 is also a significant consideration, so development should utilize best practices for access management.

• This revised draft language, together with the existing general Economic Opportunity description language, is included as Attachment No. 8. The applicant has had an opportunity to review the draft language and has not had any comments to date. The unapproved minutes from the Commission's meeting are included as Attachment No. 11.

#### Recommendation

Staff recommends that the Board of Supervisors review and evaluate this case, including the following:

- A change in the land use designation to Economic Opportunity.
- A change to the PSA to expand the area by approximately 141 acres.
- Specific designation description language for Economic Opportunity.

EC/TMR/gt LU02-14TayFmMay2017-mem

#### Attachments:

- 1. Resolution
- 2. Existing Comprehensive Plan and Zoning Descriptions

Case No. LU-0002-2014. 8491 Richmond Road (Taylor Farm) Land Use Designation Change May 9, 2017 Page 4

- 3. Applicant's Mixed Use Justification
- 4. Staff Report for the Planning Commission Working Group, November 20, 2014, Including the Transportation Evaluation Sheet Attachment
- 5. Applicant's Economic Opportunity Justification
- 6. Staff Memorandum to the Planning Commission Working Group, December 12, 2014
- 7. Land Use Designation Evaluation Table
- 8. Draft Economic Opportunity Language
- 9. Staff Report to the Board of Supervisors, March 14, 2017
- 10. Unapproved Minutes of the March 14, 2017, Board of Supervisors Meeting
- 11. Unapproved Minutes of the April 5, 2017, Planning Commission Meeting
- 12. Case-Related Public Comments Received During the Comprehensive Plan Update

#### RESOLUTION

#### CASE NO. LU-0002-2014. 8491 RICHMOND ROAD (TAYLOR FARM)

#### LAND USE DESIGNATION CHANGE

- WHEREAS, at its June 23, 2015 meeting, the Board of Supervisors of James City County adopted the James City County Comprehensive Plan "Toward 2035: Leading the Way;" and
- WHEREAS, at its June 23, 2015 meeting, the Board of Supervisors postponed one component of the Comprehensive Plan, which was a land use designation change request submitted as Case No. LU-0002-2014. 8491 Richmond Road (James City County Real Estate Tax Map Parcel No. 1210100032); and
- WHEREAS, the request was to change the property from Rural Lands, Low Density Residential and Mixed Use to Economic Opportunity (EO) and to expand the Primary Service Area (PSA) to encompass the entire property; and
- WHEREAS, at its March 14, 2017 meeting, the Board of Supervisors reviewed updated information pertinent to this request and voted 4-1 to remand the request to the Planning Commission; and
- WHEREAS, at its April 5, 2017 meeting, the Planning Commission voted 4-3 to recommend approval of the change to EO, expansion of the PSA to include the entirety of the property, and to include specific designation description language for the Toano/Anderson's Corner Area EO area as follows:

For the Toano/Anderson's Corner Area, the recommended uses are industrial, light industrial and office uses. Businesses that take advantage of the unique assets of the property or use agricultural or timber industry inputs are highly encouraged. In order to support Toano as the commercial center of this part of the County, retail commercial is not a recommended use unless accessory to the recommended uses. Any residential uses should be subordinate to and in support of the primary economic development uses. In addition, the location and amount of any residential uses should be depicted as an integrated element of the larger Master Plan for the area, should be limited to the amount or percentage allowed in the Economic Opportunity Zoning District and should not be developed prior to a significant portion of the primary economic development uses. As expressed in the general Economic Opportunity language, the Master Plan for this area should demonstrate appropriate variation in uses, densities/intensities, pattern and design such that new development is compatible with the character of surrounding areas. In particular for this site, buffers, open space or other similar mechanisms should be used along the southwest and western property lines in order to provide a transition to areas designated Rural Lands, and the site design and architecture should respect the local rural character and nearby historic structures. Maintaining mobility on Route 60 is also a significant consideration, so development should utilize best practices for access management.

WHEREAS, the Board of Supervisors finds the proposed changes to the Comprehensive Plan to be consistent with prudent planning.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approve Case No. LU-0002-2014 by changing the land use designation to EO, expanding the PSA to include the entirety of the property, and including specific designation description language for the Toano/Anderson's Corner Area, and directs that the James City County Comprehensive Plan Land Use Map and Land Use Map Descriptions and Development Standards chapter be updated accordingly.

|  | Kevin D. Oniz                  | zuk        |             |                |  |
|--|--------------------------------|------------|-------------|----------------|--|
|  | Chairman, Board of Supervisors |            |             |                |  |
|  | VOTES                          |            |             |                |  |
| ATTEST:                                  |                                | <b>AYE</b> | NAY         | <b>ABSTAIN</b> |  |
|  | <b>MCGLENNON</b>               |            |             |                |  |
|  | SADLER                         |            |             |                |  |
|  | HIPPLE                         |            |             |                |  |
| Bryan J. Hill                            | LARSON                         |            |             |                |  |
| Clerk to the Board                       | ONIZUK                         |            |             |                |  |
| Adopted by the Board of Supervisor 2017. | s of James City Count          | y, Virgini | a, this 9th | n day of May,  |  |

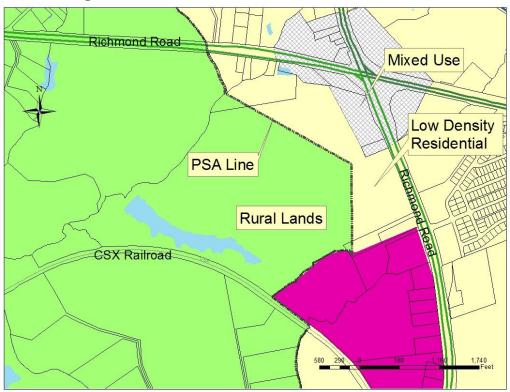
LU02-14TayFmMay2017-res

#### **Attachment 2: Existing Comprehensive Plan Designations and Zoning Districts**

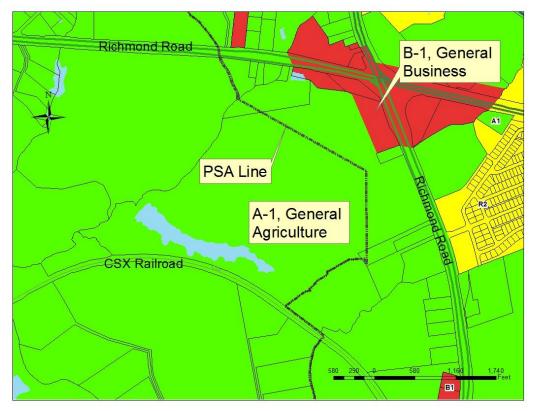
As noted on the first map below, the current Comprehensive Plan land use designations for this property are Rural Lands (approximately 141 acres), Low Density Residential (approximately 38 acres) and Mixed Use (approximately 7.5 acres). The Mixed Use designated portion is a component of the Anderson's Corner Mixed Use area, which has specific designation description language. This specific language can be found on page 187 of the <a href="Land Use Map Descriptions">Land Use Map Descriptions</a> and Development <a href="Standards chapter of the Comprehensive Plan">Standards chapter of the Comprehensive Plan</a>. The PSA corresponds to the divide between the Rural Lands and Low Density Residential Designations; thus, approximately 141 acres are outside the PSA and approximately 45.5 acres are inside the PSA.

In terms of the current zoning (which governs *current* permitted/specially permitted uses, lot sizes, setbacks, etc.), approximately 180 acres are zoned A-1, General Agricultural and approximately 6.2 acres are zoned B-1, General Business - see second map that follows.

## **Comprehensive Plan Designations**



# **Zoning Districts**



, Applicant's Mixed Use Justification

The current land use designation is Milard Use along a small portion of the frontage along Richmond floud; Low Density Residential for the remainder of the property inside the PSA and the rear two thirds of the property is Rural Land.

)

A small portion (6 acres) of the frontage is zoned B-1, General Business; the remaining 210 acres of the parcel is zoned A-1, General Agricultural. Public water and sawer are available, not served at this time. If you look at the current PSA map from Williamsburg to Toano the PSA is in a straight line until you get to this property.

if you take a look at the property you will see it is INCONSISTENT with all the surrounding properties! All the properties on each side Anderson's Corner Vet, Judy Taylor, Alan Owens, James Hall, Toano Contractors, Whitehall, and Ware's all are in the PSA and zoned business or mixed used. . I would call this spot zoning and INCONSISTENT.

The rationals in the past of Planning Commission used is that Anderson's Corner is one of the few remaining areas in the PSA with significant rural agricultural vistas. To accomplish this, significant amounts of open land and farm fields should be preserved along with agricultural and rural structures in a manner that creates a traditional rural village surrounded by PERMANENTLY protected farm fields, I believe it too latel!!! Just look around you have from Toano west Greystone, Hankins industrial Park, Toano Business Center, Nick's Lawn & Garden, Anderson's Corner Vet, Whitehall, Toano BP, Stonehouse Commerce Park and Michelle Pointe. The word PERMANENTLY means forever, to remain the same, without change, always, endures throughout so that means all my family can do is pay taxes. I have asked this many times, but who is going to farm this property in the next ten years? They are no large farms in JCCi. At the present time we are leasing the farming rights to a farmer in New Kent who is in his staties.

Please make this property at 8491 Richmond Road, Toano, CONSISTENT with the surround properties[[]]

On behalf of the Taylor family we would greatly appreciate you putting all of this property into the PSA.

Thanks and if you need any other info or would like to discuss please give me a call

**Beverly Taylor Hall** 

757-566-0829

# LU-0002-2014 8491 Richmond Road

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission Working Group, Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

**MEETING INFORMATION** 

Group: Planning Commission Working Group Date: November 20, 2014

**SUMMARY FACTS** 

Applicant: Beverly T. Hall

Property Owner: Barbara T. McKown et als. (Taylor Estate)

Property Address(es): 8491 Richmond Road

Tax Map #: 1210100032

Size: 217.9 acres

Current Land Use Designation(s): Mixed Use along a portion of the frontage along Richmond

Road, Low Density Residential for the remainder of the property inside the Primary Service Area, and the rear two-thirds of the

property is Rural Lands

Current Property Use (per applicant): Agricultural production, private recreation

Owner Proposed Land Use Designation: Mixed Use

Owner Proposed Property Use: No specific proposal by the applicant at this time.

Owner Justification: See attached

Zoning: A small portion of the frontage is zoned B-1, General Business; a

larger majority of the parcel is zoned A-1, General Agricultural

Inside PSA: Partially inside (one-third of the property, along Richmond

Road); Remaining two-thirds at rear of property is outside

Requesting Extension of PSA: Yes – bring entire property into the PSA

Water or Sewer Availability: Yes, but do not serve the property at this time

Watershed: Diascund Creek

Staff Contact: Ellen Cook Phone: (757) 253-6685

#### BACKGROUND:

The Taylor family has owned this property since 1951, and the property has been in continuous farm use during this time. Over the years, some lots were subdivided from this property for family members. The property includes wooded area, as well as area that is farmland under active cultivation (corn, soybeans, etc.).

The property is bordered on the west by rural land in agricultural and forestal use that is zoned A-1 and designated Rural Lands. To the south, a portion of the property borders the railroad line and agricultural and rural residential uses on properties that front Forge Road, while the other portion of the property borders on property inside the Primary Service Area that is designated Low Density Residential and General Industry. To the east is property that is designated Low Density Residential (Villages at Whitehall and an adjacent undeveloped property). To the north-east is the Anderson's Corner intersection which is zoned B-1 and designated Mixed Use (see designation language below). One quadrant of this intersection has an existing commercial use (gas station), a second has undeveloped land adjacent to the historic Whitehall Tavern property, and the third is currently undeveloped.

Considerable vacant properties designated mixed use are located nearby in the Stonehouse Mixed Use Area, and considerable amounts of land are currently zoned for commercial uses along Barhamsville Road and in Toano. With regard to the Stonehouse Mixed Use Designation area, the Stonehouse development has a Master Plan approved for about 4,000 dwelling units and 3.8 million square feet of non-residential overall, of which about 600,000 square feet has been constructed in Stonehouse Commerce Park. There are also a substantial number of acres in the Stonehouse Mixed Use area (aside from the Stonehouse itself) that are vacant. Also in the Upper County is the village of Toano, where the County has been encouraging redevelopment, as referenced in the Toano Community Character Area Design Guidelines. The Upper County has a significantly higher proportion of Mixed Use designation than the County overall (8.3% versus 4.8%), as well as the only area of the County currently designated Economic Opportunity.

In terms of past Comprehensive Plan activity, the Taylor farm parcel was submitted as an application in 2009 for the same Mixed Use designation/Inside the proposal as is described above. During this time, consideration was also given to changing this property to the new Economic Opportunity (EO) designation. The change in designation and PSA expansion were not approved in 2009.

#### **AGENCY COMMENTS:**

JCSA

There is an existing 20" HRSD force main at the intersection of Rochambeau Drive and Richmond Road which could provide sewer service. There is an existing 16" JCSA water main on the east side of Richmond Road (south of Rochambeau Road).

#### **ERP**

The County's general Chesapeake Bay Plan Act map shows that RPA exists along the water bodies at the northwest and southwest portions of the property. The majority of the PSA property is Prime Farmland and hydrologic unit code A/B soils. Prime farmland soils, as defined by the USDA, are those best suited for farming – to provide food, feed, forage, fiber and oilseed crops. These soils produce the highest yields with minimal input of effort and farming of these soils results in the least amount of damage to the environment.

#### TRANSPORTATION IMPACTS:

While other portions of Richmond Road experience or are expected to experience capacity constraints in the future, the portions closest to the Taylor property currently operate with acceptable levels of service. Staff and Kimely Horn completed trip generation scenarios for the following four scenarios: existing designations, a change to Mixed Use for the area currently inside the PSA, a change to Mixed Use for the entire property, and a change to Economic Opportunity for the entire property. The trip generation was projected to be highest for a change to Mixed Use for the entire property (25,273 daily trips). (A trip generation scenario was not created for the new proposed Rural Economy Support ("RES") designation, but staff believes the trip generation would be less than the Mixed Use scenario.) As the highest generator, the trip generation for the change to Mixed Use was translated into the modeling software and used to calculate projected conditions for surrounding roadways. The modeling effort projects that future levels of service for the nearby portions of Richmond Road and Rochambeau Drive would operate at adequate levels of service. Kimley Horn has offered a list of

other transportation considerations, including considerations of future signalization and access management (driveway location and full versus partial movement).

## **STAFF RECOMMENDATION:**

Staff recommends denial of a change in land use designation to Mixed Use. However, staff would recommend approval of a designation change to a newly created "Rural Economy Support" (RES) designation. As part of a change in designation to RES, staff recommends expanding the PSA to include the entire parcel.

Staff recommends the following language as a new designation description for RES:

Lands designated as Rural Economy Support are intended to provide a connection between the Rural Lands areas and centers of development in the PSA, serving as an approximate mid-point in the expected intensity of development between the two. Areas with this designation should be at an appropriate location to serve rural economic development or traditional agricultural/forestry uses, and should have access to appropriate infrastructure (collector or arterial road access, water/sewer). The primary recommended uses for this designation include agricultural and forestry uses (innovative or traditional), and commercial or light industrial uses that relate to the agricultural/forestry/rural use that is on the site (or in adjacent rural lands). Examples in this latter category could include wineries, restaurants, limited-scale food and beverage processing, limited scale agricultural product storage/distribution, outdoor or nature-based activities, and equestrian uses. Such uses should be more limited in scale or impact than uses that should more appropriately be located in an industrial/light industrial park. Residential uses are only recommended as clearly secondary uses, where they serve to support the larger goals of the designation, such as family subdivisions and caretaker residences. For all commercial, light industrial, or limited residential uses, any structures should be located on the property in a manner that complements, but limits the impacts on, the primary agricultural, forestry, or other rural use. Examples include avoiding or limiting impacts on prime soils, timber stands, or wildlife management areas. Structures should also be located in a manner that minimizes impacts to adjacent rural and residential uses.

#### RATIONALE:

Staff does not recommend a change to the Mixed Use Designation for the entire property for the following reasons:

- 1. As described in detail above, considerable vacant properties designated mixed use are located nearby, and redevelopment of the Toano area is encouraged as referenced in the Toano Community Character Area Design Guidelines. Staff recommends holding off on designating substantial new mixed use areas until development and redevelopment occurs, thereby prioritizing the County's infrastructure and service capacity for these areas.
- 2. Analysis done as part of the 2035 Comprehensive Plan estimated that the County had enough room within the PSA to accommodate future residential growth needs until at least 2033.

Staff recommends approval of a change to a new RES Designation and inclusion of the property in the PSA for the following reasons:

- 1. Based on a recently-completed analysis of the County's agricultural and forestry assets, much of the area previously identified as prime soil has been developed. About 30 parcels are still identified as viable for large-scale agriculture (greater than 50 acres of prime soil) with another 270 parcels viable for smaller-scale agriculture (between 10 and 49 acres of prime soil). The Taylor farm is one of the thirty parcels identified for viable for large-scale agriculture.
- 2. The new RES designation and a change of this property to the new designation support the Strategy for Rural Economic Development recently completed in conjunction with the Rural Economic Development Committee (REDC) of the Economic Development Authority (EDA).
- 3. For this particular parcel, the prime farmland soils are located closer to Richmond Road (including the area currently designated Low Density Residential), while areas further back on the site could be suitable for the commercial or light industrial uses discussed in the RES designation description.

#### **ATTACHMENTS:**

- 1. Location Map
- 2. Applicant Justification Letter
- 3. Public comment
- 4. Transportation Evaluation Sheet

# Transportation Impacts Evaluation LU-0002-2014

The following transportation impacts summary was developed in conjunction with Kimley-Horn and Associates for a selected number of proposed land use designation applications that could generate more than 5,000 new daily trips. The summary is designed to help show current and projected roadway conditions, potential impacts to the transportation system with the change in land use designation, and improvements that may be needed to support future traffic volumes and sustain acceptable level of service (LOS) conditions if the property in question is developed.

## I. <u>Basic Description of Existing Transportation Conditions:</u>

The subject parcel of Taylor Farm fronts Richmond Road, which is a four-lane divided roadway within the area. There is one existing cross-over location along the parcel's frontage approximately 1,500 feet from the signalized intersection of Richmond Road and Rochambeau Drive (Anderson's Corner) to the north and approximately 900 feet from the unsignalized intersection of Richmond Road and Hickory Neck Boulevard to the south. The northern property line of the parcel is within 300 feet of Anderson's Corner. Currently, there are two partial access right-in/right-out driveways to a residence located approximately 1,000 feet and 1,100 feet, respectively from Anderson's Corner. The parcels on the northeast and southeast corners of the Anderson's Corner intersection will potentially be Mixed Use developments.



# II. Existing (2010) Conditions for Surrounding Roadways:

| Roadway Segment                                   | Average Weekday Daily Traffic (AWDT) <sup>(1)</sup> | Level of Service<br>(LOS) <sup>(1)</sup> |  |
|---|---|--|--|
| Richmond Road (New Kent CL to Route 30)           | 5,861   | A-C                                      |  |
| Richmond Road (Route 30 to Croaker Road)          | 13,792  | A-C                                      |  |
| Rochambeau Drive (Richmond Road to Ashington Way) | 7,164   | A-C                                      |  |
| Rochambeau Drive (Ashington Way to Croaker Road)  | 7,164   | D  |  |

# III. Projected (2034) Conditions for Surrounding Roadways:

| Roadway Segment                                   | Average Weekday Daily Traffic (AWDT) <sup>(1)</sup> | Level of Service<br>(LOS) <sup>(1)</sup> |  |
|---|---|--|--|
| Richmond Road (New Kent CL to Route 30)           | 11,000  | A-C                                      |  |
| Richmond Road (Route 30 to Croaker Road)          | 32,000  | A-C                                      |  |
| Rochambeau Drive (Richmond Road to Ashington Way) | 11,000  | A-C                                      |  |
| Rochambeau Drive (Ashington Way to Croaker Road)  | 11,000  | E  |  |

# IV. Programmed Improvements:

• No items in this location.

# V. Projected Trip Generation Scenarios:

| Scenario | Description                              | ITE Code | Percentage | Acreage | Density | Unit         | Trips  |       |       |
|----------|--|----------|------------|---------|---------|--------------|--------|-------|-------|
|          |  |          |            |         |         |              | Daily  | AM    | PM    |
| 12 Em 1  | Single Family Housing (2 DU per acre)    | 210      | 25%        | 41      | 81      | DU           | 866    | 66    | 87    |
| 1        | Single Family Housing (0.33 DU per acre) | 210      | 75%        | 122     | 40      | DU           | 454    | 38    | 47    |
|          | Scenario 1 Total                         |          |            |         |         |              |        | 104   | 134   |
|          | Single Family Housing (10 DU per acre)   | 210      | 23%        | 37      | 373     | DU           | 3,523  | 271   | 344   |
|          | Townhouse (10 DU per acre)               | 230      | 23%        | 37      | 373     | DU           | 2,020  | 148   | 177   |
| 2        | Low Rise Apartment (10 DU per acre)      | 221      | 24%        | 39      | 389     | DU           | 2,378  | 168   | 224   |
|          | Shopping Center                          | 820      | 30%        | 49      | 423,403 | SF           | 17,352 | 376   | 1,576 |
|          |  |          |            |         | Scena   | ario 2 Total | 25,273 | 963   | 2,321 |
| HLRA     | Industrial Park (FAR = 0.15)             | 130      | 42%        | 69      | 450,846 | SF           | 2,928  | 311   | 383   |
|          | Industrial Park (FAR = 0.15)             | 130      | 43%        | 69      | 450,846 | SF           | 2,928  | 311   | 383   |
| 3        | Specialty Retail                         | 826      | 5%         | 8       | 70,567  | SF           | 3,057  | 463   | 355   |
|          | Townhouse (7 DU per acre)                | 230      | 10%        | 16      | 113     | DU           | 718    | 58    | 67    |
|          |  |          |            |         | Scena   | ario 3 Total | 9,631  | 1,143 | 1,188 |
|          | Specialty Retail                         | 826      | 8%         | 12      | 105,851 | SF           | 4,566  | 636   | 532   |
|          | Single Family Housing (0.33 DU per acre) | 210      | 75%        | 122     | 40      | DU           | 454    | 38    | 47    |
| 4        | Single Family Housing (10 DU per acre)   | 210      | 6%         | 9       | 94      | DU           | 993    | 76    | 100   |
|          | Townhouse (10 DU per acre)               | 230      | 6%         | 9       | 94      | DU           | 610    | 50    | 58    |
|          | Low Rise Apartment (10 DU per acre)      | 221      | 6%         | 10      | 97      | DU           | 885    | 54    | 66    |
|          |  |          |            |         | Scen    | ario 4 Total | 7,508  | 854   | 803   |

Scenario 1 approximates existing designations, Scenario 2 approximates a change to a Mixed Use for the entire property, Scenario 3 approximates a change to Economic Opportunity for the entire property, and Scenario 4 approximates a change to Mixed Use for the area currently inside the Primary Service Area (PSA).

# VI. Projected (2040) Conditions for Surrounding Roadways with Land Use Designation Change:

| Roadway Segment  |                   |                   | 2034<br>Baseline |     | 2040<br>Baseline |     | 2040<br>Future - LU 2 |     | 2040<br>Future - All |     |
|------------------|-------------------|-------------------|------------------|-----|------------------|-----|-----------------------|-----|----------------------|-----|
| Name             | From              | То                | ADT              | LOS | ADT              | LOS | ADT                   | LOS | ADT                  | LOS |
| Richmond Road    | New Kent CL       | Barhamsville Road | 11,900           | В   | 12,100           | В   | 19,200                | С   | 19,300               | С   |
| Richmond Road    | Barhamsville Road | Croaker Road      | 17,500           | С   | 16,800           | С   | 17,500                | С   | 17,600               | С   |
| Rochambeau Drive | Richmond Road     | Ashington Way     | 8,600            | Α   | 8,500            | Α   | 10,700                | В   | 11,000               | В   |
| Rochambeau Drive | Ashington Way     | Croaker Road      | 10,900           | В   | 10,600           | В   | 11,000                | В   | 10,700               | В   |

- The 2034 Hampton Roads travel demand model was used to determine the effects of the changes to the land use developments on the transportation network.
- The 2034 Baseline scenario incorporated the 2034 socioeconomic data published by the Hampton Roads Transportation Planning Organization (HRTPO). While the 2040 Baseline scenario incorporated the 2040 socioeconomic data published by the HRTPO for the specific study area traffic analysis zone. The 2040 Future LU 2 scenario incorporates changes only to the study area traffic analysis zone's socioeconomic data to reflect the presence of the development. Lastly, the 2040 Future All scenario incorporates all of the proposed land use developments.
- The Average Daily Traffic (ADT) volumes were obtained from the travel demand model after each land use scenario model run. The LOS was determined by the Kimley-Horn LOS Tool which uses the roadway classification, type of facility and ADT to determine LOS.

# VII. Potential Improvement Information with Land Use Designation Change:

This item was not completed for this application.

## VIII. Other Transportation Considerations:

- Perform a signal warrant analysis for the intersection of Richmond Road at the median crossover that aligns with the potential site access driveway.
- If a traffic signal is not warranted at the intersection of Richmond Road at the median crossover, it is recommended to improve this intersection to a full movement unsignalized intersection with exclusive left and right-turn lanes on Richmond Road.
- Based on the VDOT access management guidelines, a rural minor arterial with a speed limit of 55 mph can accommodate partial access (right-in/right-out) driveways at 425 foot spacing. For Richmond Road, three right-in/right-out driveways with left-turn crossover can be accommodated between Anderson's Corner and the median crossover and one right-in/right-out driveway can be placed between the median crossover and Hickory Neck Boulevard. However, these are minimum standards and all of the referenced site access driveways may not be needed.
- Exclusive turn lanes should be provided at the partial and full access driveways and intersections.

• Consider driveway spacing and alignment with the potential build out of the parcel directly across Richmond Road.

# IX. References:

1. James City County/Williamsburg/York County Comprehensive Transportation Study

Applicant's Economic Opportunity Justification

Property Address: 8491 Richmond Road

The property owners of 8491 Richmond Road request that the current PSA line he moved to encompass the entire property. We also request the current land use designation be changed to Economic Opportunity (EO). The EO designation fits this property for the following reasons:

- It would remove the Low Density Residential land use currently on a portion of the property. We believe there is enough housing in the area and more would be a drain on the school system and county utilities.
- 2. It would have the potential to increase the non-residential tax base and create jobs.
- The property is at a strategic location. It is located at the major intersection of Rte. 60 and Rte.
   both four lane highways and approximately a mile from 164 interchange 227.
- 4. A designation of EO would allow the landowner and JCC to work together to create a master plan for the property.
- 5. The property provides natural buffers by the way of swamp land and RPA between the bordering rural lands.
- 6. Allow a transition from General Industry to the south and Low Density Residential to the north.
- 7. Provide services and jobs needed by current and proposed surrounding residential areas.

Respectfully.

Randolph W. Taylor



#### MEMORANDUM

DATE: December 12, 2014

TO: Members of Planning Commission Working Group

Rich Krapf George Drummond Tim O'Connor John Wright, III Chris Basic Heath Richardson Robin Bledsoe Elizabeth Friel

FROM: Tammy Mayer Rosario, Principal Planner

SUBJECT: 2035 Comprehensive Plan Planning Commission Working Group

\_\_\_\_\_

The next meeting will be *Thursday*, *December 18*, *2014 at 4:00 p.m.* in the Building F Board Room at the James City County Government Complex. This meeting will continue the focus on reviewing the Land Use Designation change applications.

## **Land Use Designation Change Applications**

#### A. General Information

At the meeting on the 8th, a question was asked regarding the capacity analysis information in the Land Use Section. The capacity analysis attempts to look at the question of whether the existing PSA area is likely to have capacity (strictly from a density perspective) to absorb the amount of residential and non-residential growth that is estimated to occur over the next twenty years (the horizon year of the Comprehensive Plan). To recap the residential calculations, staff estimates that an additional 15,270 units could be built inside the current PSA limits, and that using the 5 and 15 year averages of the number of units that have been certified for occupancy annually, these 15,270 units could be built out somewhere in the range of 19-38 years. This calculation is meant to give a general sense of whether the PSA is approximately of the right dimensions from a pure residential construction historical trend standpoint. (More information about the residential and non-residential capacity analysis is available at the link here on pages LU-3 through LU-5.)

Historically, the County has tried to plan and put in place the services and resources needed to support the amount of growth that is shown on the adopted Plan's Land Use Map, such as when submitting permitting requests to DEQ for water resources. In addition, the County has used the Land Use Application process during Comprehensive Plan updates as the time period to holistically examine service and resource implications before changes are made to the amount or location of growth that is shown on the Map. In relation to the water issues discussed by Mr. Powell, please note that the potential changes in resource availability are in the early stages of discussions and negotiations with DEQ.

## B. Cases – Follow-up Information

**B.1.** LU-0001-2014, 7809 Croaker Road. Mr. Massie's parcel (Parcel ID 1340100016D at 7809 Croaker Road) is 2.54 acres and the two additional properties under consideration (Parcel ID 1340100015 at 7819 Croaker Road and Parcel ID 1340100013 at 7901 Croaker Road) total approximately 12.12 acres. In total, the area being considered for redesignation would be 14.66 acres. Please note that Parcel ID

1340100013 adjacent to Point O Woods Road is part of a larger 67-acre property that is bisected by the road. The 9.5 acre piece under consideration is Low Density Residential, whereas the rest of the property (on the opposite side of Point O Woods) is currently designated Mixed Use.

**B.2. LU-0002-2014, 8491 Richmond Road**. The applicant for this case has submitted a letter requesting that their request be formally changed from Mixed Use to Economic Opportunity (see attachment 2). Staff has met with the Taylor family, and understands that they wish to have a designation that would allow a greater degree of flexibility and range of commercial uses than the proposed RES district, while noting that they do not have an immediate plan for developing the property.

Staff has previously recommended against a change of the entire property to Mixed Use, which would be a much more expansive designation than those in place currently. Staff notes that considerable vacant mixed use and commercial properties are located nearby, and redevelopment of Toano is a priority, rather than a continuous strip of commercial uses along Route 60. In the staff report, staff recommended holding off on designating substantial new mixed use areas until development and redevelopment occurs, thereby prioritizing the County's infrastructure and service capacity for these areas. Staff has similar concerns about a change to Economic Opportunity, also noting that this parcel, while it has good road access, does not have the element of a strategic location adjacent to an interstate interchange. Staff recommended the new RES designation as a more appropriate fit for this parcel as it maintains the ability to realize commercial uses at a level consistent with or perhaps greater amount than what could be associated with the 7.5 acres of Mixed Use designation currently existing on the parcel. The new designation also adds light industrial uses as a possible use, which would not have been a recommended use for the Mixed Use area (see the Anderson's Corner Mixed Use Area description for more information). The expansion of the Primary Service Area adds the ability for the commercial and light industrial uses to connect to public water and sewer, and adds 141 acres where those uses could be located on the site, which gives greater locational flexibility. In summary, the proposed RES district was intended to give the owner economic development options while at the same time acknowledging and building upon the other resources of the site.

**B3.** LU-0009-2014, 8961 Pocahontas Trail. In response to questions from the Planning Commission Working Group, staff consulted with the Office of Economic Development regarding the timeline for the renewal of the Enterprise Zone. OED noted that application results were scheduled to be released in October, but that no information has been announced for James City County or for any of the other localities seeking renewals. The County's Enterprise Zone expires at the end of 2015 so there is another application period beginning next year that the County will participate in if the pending application is not successful.

Please call me at 757-253-6688 if you have any questions or concerns. I look forward to seeing you on Thursday.

#### Attachments:

- 1. Draft December 8, 2014 minutes
- 2. Letter regarding 8491 Richmond Road Designation Request

# **Land Use Designation Evaluation Table**

|   | Possible Development Scenario   | Pro  | Con   |
|---|---|--|---|
| Current Designations: Rural Lands, LDR, MU (See acreages for each on page 1.) | Rural Lands: Continue with agricultural/forestal uses, part of the rural economy. Alternatively, could potentially be developed into approx. 40 lots.  LDR: Could potentially be rezoned to allow max. of approx. 164 lots (80-120 lot range also possible)  MU: Potentially office or commercial building(s)   | Activities on the rural lands portion and development on the mixed use portion have the potential to increase the non-residential tax base and to create jobs. | From a fiscal standpoint, an increase in the non-residential tax base might be off-set by costs associated with serving the residential development, depending on the ultimate balance of uses and a variety of other factors.  |
| Proposed: Mixed Use for whole property  | One possible scenario that would be permitted by the general Mixed Use development standards could be a shopping center (423,000+/- square feet) and approximately 1,100 dwelling units (mix of single family, townhouses and low-rise apartments).  Note that the specific designation description for each Mixed Use area can influence the ultimate balance of uses reflected on a master plan through the rezoning process. | A commercial use has the potential to increase the non-residential tax base.  A commercial use has the potential to create jobs.                               | Holding off on designating substantial new mixed use areas until already-planned development and redevelopment occurs would prioritize the County's infrastructure and service capacity for these existing areas.  - Considerable vacant properties designated mixed use are located nearby in the Stonehouse Mixed Use Area, and considerable amounts of land are currently zoned for commercial uses along Barhamsville Road and in Toano. With regard to the Stonehouse Mixed Use Designation area, the Stonehouse development has a Master Plan approved for about 4,000 dwelling units and 3.8 million square feet of non-residential overall, of which about 600,000 square feet has been constructed in Stonehouse Commerce Park. There are also a substantial number of acres in the Stonehouse Mixed Use area (aside from the Stonehouse itself) that are vacant.  - Also in the Upper County is the village of Toano, where the County has been encouraging redevelopment, as referenced in the Toano Community Character Area Design Guidelines.  - The Upper County already has a significantly higher proportion of Mixed Use designation than the County overall (8.3% versus 4.8%), as well as the only areas of the County currently designated Economic Opportunity.  Analysis done as part of the 2035 Comprehensive Plan estimated that the County had enough room within the PSA to accommodate future residential growth needs until at least 2033. Specifically, the analysis estimates that there are approximately 11,200 master planned or other vacant platted lots inside the PSA, with another approximately 4,000 undeveloped parcels inside the PSA which have residential Comprehensive Plan designations.  From a fiscal standpoint, an increase in the non-residential tax base might be off-set by costs associated with serving the residential development, depending on the ultimate balance of uses and a variety of other factors.  In terms of water use, a mixed use development would almost certainly have a substantially larger water demand than the existing designations. |

| Propos | sed:   |
|--------|--------|
| Econo  | mic    |
| Oppor  | tunity |
| for    | whole  |
| proper | ty     |

One possible scenario that would be permitted by the general Economic Opportunity development standards could be industrial park (900,000+/- square feet), specialty retail (70,000 +/- square feet) and approximately 113 dwelling units (townhouses).

As noted above, the specific designation description for each EO area can influence the ultimate balance of uses reflected on a master plan through the rezoning process. Please also see the separate draft EO designation description language, which as written would not include retail or residential as recommended uses.

A commercial use has the potential to increase the non-residential tax base. A commercial use has the potential to create jobs.

As compared with Mixed Use, an Economic Opportunity designation would be more likely to complement and support redevelopment efforts in Toano.

See points made in the Mixed Use box above regarding the amount of already-planned development and redevelopment in the Upper County and prioritization of the County's infrastructure and service capacity for this existing planned development; much of this would apply in the case of an Economic Opportunity designation as well. In addition, while this parcel has good road access, it does not have the element of a strategic location adjacent to an interstate interchange.

From a fiscal standpoint, an increase in the non-residential tax base might be off-set by costs associated with serving any residential development, depending on the ultimate balance of uses and a variety of other factors.

In terms of water use, an economic opportunity development would likely have a substantially larger water demand than the existing designations.

## **Draft Economic Opportunity Designation Description Language**

# **Economic Opportunity (This is the Existing General EO Language)**

Lands designated as Economic Opportunity are intended primarily for economic development, increased non-residential tax base, and the creation of jobs. The lands should be at strategic locations in the County relative to transportation, utilities infrastructure, and adjacent uses, and the lands should only be developed consistent with comprehensive area/corridor master plans.

The principal uses and development form should maximize the economic development potential of the area and encourage development types that have certain attributes, principally that they have a positive fiscal contribution, provide quality jobs, enhance community values, are environmentally friendly and support local economic stability. Master planning is at the core of this designation, and no development should occur unless incorporated into area/corridor master planning efforts which should address environmentally sensitive areas, available infrastructure (roads, water, sewer, transit, etc.), community character and context, public facilities and adjacent land uses to include lands in adjacent jurisdictions. The intent of this designation is to include parcels with this designation in the PSA (where not already included) pending the outcome of the master planning efforts.

The master planning efforts may take the form of public-private or private-private partnerships; if public-private, the landowner(s) would need to make the majority of the investment. These area/corridor master planning efforts should phase development to be in step with, and provide for, adequate amounts or capacities of roads, water, sewer, transit, bicycle and pedestrian facilities, fire stations, police and general government services, parks and recreation facilities, schools, and other facilities and service needs generated by the development. The master plan for the area should also demonstrate appropriate variation in uses, densities/intensities, pattern, and design such that new development is compatible with the existing character of surrounding areas. If an individual landowner in lands designated Economic Opportunity does not wish to participate in the master planning effort, such land shall be recognized and adequate buffers provided in the master plan to protect the current use of that land.

Development should be designed to encourage trips by alternative transportation modes and should be concentrated on portions of the site to avoid sensitive environmental features and respect viewsheds from historic and Community Character areas and corridors.

#### Economic Opportunity – Toano/Anderson's Corner Area (This is the Possible Area Specific Description)

For the Toano/Anderson's Corner Area, the recommended uses are industrial, light industrial and office uses. Businesses that take advantage of the unique assets of the property or use agricultural or timber industry inputs are highly encouraged. In order to support Toano as the commercial center of this part of the County, retail commercial is not a recommended use unless accessory to the recommended uses. Any residential uses should be subordinate to and in support of the primary economic development uses. In addition, the location and amount of any residential uses should be depicted as an integrated element of the larger master plan for the area, should be limited to the amount or percentage allowed in the Economic Opportunity Zoning District, and should not be developed prior to a significant portion of the primary economic development uses. As expressed in the general Economic Opportunity language, the master plan for this area should demonstrate appropriate variation in uses, densities/intensities, pattern and design such that new development is compatible with the character of surrounding areas. In particular

for this site, buffers, open space, or other similar mechanisms should be used along the south-west and western property lines in order to provide a transition to areas designated Rural Lands, and the site design and architecture should respect the local rural character and nearby historic structures. Maintaining mobility on Route 60 is also a significant consideration, so development should utilize best practices for access management.

#### MEMORANDUM

DATE: March 14, 2017

TO: The Board of Supervisors

FROM: Ellen Cook, Principal Planner and Tammy Mayer Rosario, Principal Planner

SUBJECT: Case No. LU-0002-2014. 8491 Richmond Road (Taylor Farm) Land Use Designation Change

At the Board meeting on June 23, 2015, the Board adopted the Comprehensive Plan "Toward 2035: Leading the Way". As part of its consideration of the Plan, the Board reviewed Case No. LU-0002-2014, 8491 Richmond Road (Taylor Farm) Land Use Designation Change. During the discussion of this application, the Board members noted the outstanding Department of Environmental Quality (DEQ) groundwater withdrawal permit, a possible future discussion of the Primary Service Area (PSA) generally and the opportunity to further examine the possible land use designations for this parcel. Following this discussion, the Board postponed the Taylor Farm application to its December 8, 2015 meeting. At its December 8, 2015 meeting, the Board postponed the application to the March 8, 2016 meeting, at the request of the applicant. At its March 8, 2016 meeting, the Board postponed the application to the March 14, 2017 meeting at the request of the applicant.

Updates on the DEQ permit status and the land use designation possibilities are noted below.

#### **DEQ Permit Status**

As the Board is aware, over the past several years the DEQ had indicated that it might restrict the County's permitted groundwater withdrawal to amounts below what the County currently uses, citing concerns about aquifer water levels, land subsidence and saltwater intrusion. During the 2015 Virginia General Assembly session, legislation established an Eastern Virginia Groundwater Management Advisory Committee (EVGMAC) to assist the DEQ in developing, revising and implementing a management strategy for groundwater in the Eastern Virginia Groundwater Management Area. The EVGMAC, including representation from James City County, has met multiple times and is required by the state legislation to report the results of its examination and related recommendations to the Director of DEQ and the State Water Commission no later than August 1, 2017. The regional EVGMAC group and James City County have both been examining options for a sustainable long-term water supply, and several longer term possibilities are under consideration, including a Chickahominy Riverfront Park Raw Water Intake and Treatment Facility.

With regard to the DEQ water withdrawal permit, as discussed at the February 14, 2017 Board meeting, a significant update to the permit situation is that the DEQ has issued the County a water withdrawal permit, as further summarized below.

|   | Water Withdrawal: Million Gallons Per Day (mgd)            |
|---|--|
| Actual 2016 Water Withdrawals                         | 5.33 mgd   |
| DEQ Permit that was Valid January 1, 2003 - December  | 8.83 mgd   |
| 31, 2012 (issued August 17, 2009 and administratively |  |
| continued)  |  |
| DEQ Initial Permit Proposal Under Consideration       | 3.8 - 4.0 mgd  |
| DEQ Permit that was just Issued                       | Groundwater withdrawals in accordance with the following   |
|   | Tiers:   |
|   | - Tier 1 is authorized for use as of the effective date of |
|   | the permit: 6 mgd  |
|   | - Tiers 2 - 4 are dependent on system growth and certain   |
|   | DEQ approvals as specified in the permit. Tier 2 is for    |
|   | 6.4 mgd, Tier 3 is for 7.4 mgd and Tier 4 is for 8.4       |
|   | mød.   |

The James City Service Authority Water Supply Study prepared by CDM Smith in 2015 examined projected growth in the County and the resulting future water supply needs. It looked at several scenarios including possible DEQ permitted withdrawal amounts of 7.8 mgd and 8.8 mgd, and projected that water system capacity deficits would begin to occur in the years between 2022 and 2030.

The DEQ permit does not cut withdrawals to levels below what the County currently needs to serve its customers, as had initially been under consideration. The amount also appears to adequately cover planned-for growth in the County over roughly the next ten years. While longer term possibilities appear to have a good potential to address the County's water supply needs more fully, it should be noted that over the near term (ten years) the approved permit amount is limited and constrained as compared with the past withdrawal permit.

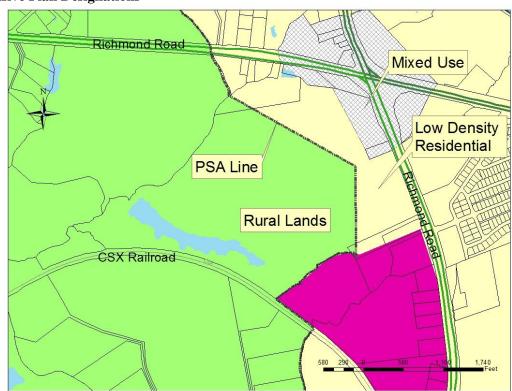
## **Land Use Designation Possibilities:**

## A. Current Land Use Designations

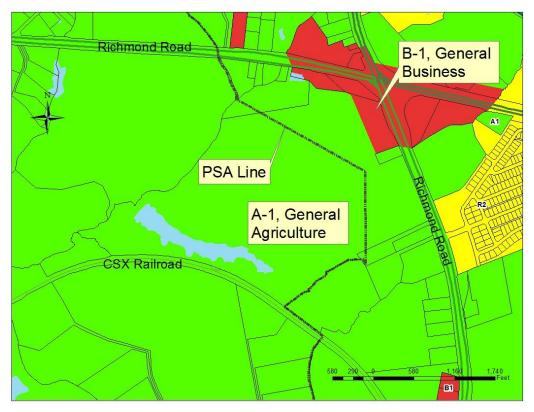
As noted on the first map below, the current Comprehensive Plan land use designations for this property are Rural Lands (approximately 141 acres), Low Density Residential (approximately 38 acres) and Mixed Use (approximately 7.5 acres). The Mixed Use designated portion is a component of the Anderson's Corner Mixed Use area, which has specific designation description language as noted in Attachment No. 7. The PSA corresponds to the divide between the Rural Lands and Low Density Residential Designations; thus, approximately 141 acres are outside the PSA and approximately 45.5 acres are inside the PSA.

In terms of the current zoning (which governs *current* permitted/specially permitted uses, lot sizes, setbacks, etc.), approximately 180 acres are zoned A-1, General Agricultural and approximately 6.2 acres are zoned B-1, General Business - see second map that follows.

## **Comprehensive Plan Designations**



## **Zoning Districts**



#### B. Property Owner's Initial and Subsequent Proposed Land Use Designations

The property owner initially submitted an application to change the entire property from the existing designations to Mixed Use. In addition, the application sought to bring the approximately 141-acre portion of the property inside the PSA. The information submitted by the applicant in support of the Mixed Use/PSA change request is included as Attachment No. 3. Staff had not recommended approval of this proposed change for the reasons previously discussed in the staff report for the case (Attachment No. 4) and noted in the Land Use Evaluation Table (Attachment No. 1). The most significant of the reasons continue to be the potential loss of prime agricultural land and the significant uncertainty with which an adequate source of water would be available to James City County to serve this property considering the amount of developable land already inside the PSA as it exists today.

The applicant subsequently submitted a letter requesting that the property be re-designated to Economic Opportunity (EO), also fully within the PSA, and listing seven reasons in support of this approach as noted in Attachment No. 5. Staff's evaluation of the request for a change to EO was provided in a memorandum to the Planning Commission Working Group dated December 12, 2014 (Attachment No. 6) and is summarized in the Land Use Evaluation Table (Attachment No. 1).

In November 2015, staff and the applicant met to further discuss this application. At the meeting the applicant shared their continued desire to change to EO and to have all of the property included in the PSA. The applicant did not have any additional information to be included with the application.

## C. Previously Considered Designation – Rural Economy Support (RES)

After evaluating the property's physical attributes such as the prime farmland soil toward the front of the property, its location along an improved roadway but still in close proximity to the County's rural lands, and after considering the County's recently completed Strategy for Rural Economic Development, staff had recommended consideration of a new Comprehensive Plan Land Use Designation for this property, Rural Economy Support (RES). RES would allow for commercial or light industrial uses in addition to uses associated with traditional or innovative agriculture and forestry. Staff had prepared a description for this possible new designation as noted in the staff report, Attachment No. 4. From discussion at its June 23, 2015 meeting, staff understands that the Board may not wish to consider this designation due to the property owner's discomfort, so it is not included in the Land Use Designation Evaluation Table (Attachment No. 1).

#### **Recommendation:**

Staff recommends denial of this application. Given the information outlined under the DEQ Permit Status heading above, at this time staff does not recommend expansions to the PSA or re-designation of land for more intense development with potentially higher water demand. There is significant existing growth potential inside the PSA, and serving this planned-for growth with the available permitted water would be consistent with the overall Comprehensive Plan. Inherent to the DEQ's decision to limit withdrawal of groundwater is a recognition of the fact that the aquifers which provide water to James City County are still stressed. Further, the withdrawal amounts set forth in the DEQ permit are not sufficient to accommodate all growth permitted inside the PSA as it exists today; rather, withdrawal of groundwater will be on a first come, first served basis. Expanding the PSA will contribute to the total water demand expected of the JCSA.

While water is a primary factor in this analysis and recommendation, staff also recommends that the Board carefully consider the implications more generally of PSA expansion and/or adding additional growth potential within the PSA, such as greater needs for other County services and facilities (schools, emergency services, etc.). As noted in the recently adopted Strategic Plan, the expansion of the PSA may have fiscal implications and could impact Community Character, the environment and infrastructure.

However, should the Board wish to redesignate the property, staff has prepared a Land Use Designation Evaluation Table providing information about the current designations, a change to Mixed Use and a change to EO (see Attachment No. 1). In the event that the Board wishes to consider the application at this time, staff recommends the Board consider a change to EO over a change to Mixed Use. Should the Board wish to pursue this designation, staff has prepared draft EO designation description language (see Attachment No. 2). This language description is written to cover the entire the property changing to EO; however, should the Board wish to consider an EO redesignation for just the area that is within the existing PSA boundary, the language could be revised accordingly. The applicant has had an opportunity to review the draft language and has not had any comments to date.

Finally, should the Board wish to consider redesignating this property, it may also wish to consider remanding this case to the Planning Commission for review of the application and the draft designation description language.

EC/nb LU02-14TaylorFarm-mem Case No. LU-0002-2014. 8491 Richmond Road (Taylor Farm) Land Use Designation Change March 14, 2017
Page 5

## Attachments:

- 1. Land Use Designation Evaluation Table
- 2. Draft Economic Opportunity language
- 3. Applicant's Mixed Use justification
- 4. Staff Report (November 20, 2014)
- 5. Applicant's Economic Opportunity justification
- 6. Staff memorandum to the Planning Commission Working Group, December 12, 2014
- 7. Anderson's Corner Mixed Use area designation description language
- 8. Case-related public comments received during the Comprehensive Plan update (Public Comment Sheet, James City County Citizens Coalition and Friends of Forge Road and Toano statements)
- 9. Resolutions

# Un-approved Minutes, Board of Supervisors Meeting, March 14, 2017

## H. PUBLIC HEARING(S)

1. <u>LU-0002-2014, 8491 Richmond Road (Taylor Farm) Land Use Designation Change</u>

A motion to remand to the Planning Commission was made by Ruth Larson and the motion result was passed.

AYES: 4, NAYS: 1, ABSTAIN: 0, ABSENT: 0

Ayes: Larson, Hipple, Sadler, Onizuk

Nays: McGlennon

Ms. Ellen Cook, Principal Planner, addressed the Board giving an overview of the staff report included in the Agenda Packet.

Ms. Robin Bledsoe, Planning Commission Representative, addressed the Board stating that, when this case was before the Commission, it was deferred because of the question surrounding water withdrawals. Now that we know more about Department of Environmental Quality (DEQ), she would not want to speculate on what recommendations the Commission would make.

As there were no questions for staff at this time, Mr. Onizuk opened the Public Hearing.

- 1. Mr. Randy Taylor, Applicant, 7112 Church Lane, addressed the Board asking that the Board change the land known as the Taylor Farm to Economic Opportunity (EO). He stated that he makes this request for the following reasons: (1) this change would correct the Primary Service Area (PSA) line, which currently runs through the middle of the property instead of going around the property line; (2) would remove the low density residential designation that is in effect on a portion of the property; (3) the property satisfies the EO Designation by being in a strategic location with access to existing utilities; (4) designating the property EO would give the County more control in any future development since a master plan would be required; and (5) there are two other EO designated parcels in the County, the Hunts Farm and the Hazelwood Property. The family is vested in the County and has no desire to sell the property and make a quick profit and any future development would have to come back before the Board for approval.
- 2. Mr. Chris Henderson, 101 Keystone, addressed the Board in support of the land use designation change to EO. He stated that the highest and best use of this property is not consistent with its current designation. This site is in a prime location for economic development.
- 3. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in support of the applicant and the designation change to EO. He discussed some of the history of this property and the way in which the PSA line was drawn. This is an opportunity to right that wrong.
- 4. Mr. Jay Everson, 103 Branscome Blvd., addressed the Board in support of the applicant and the designation change to EO. He stated that commercial development makes sense. The water issue has been solved, and is no longer a valid point against the designation change.

As there were no other registered speakers, Mr. Onizuk closed the Public Hearing.

Mr. Hipple stated that he is not sure of the how or why the PSA line was drawn the way that it was, but the practice of the Board has been to follow the property lines. He believes that should be corrected. He also would not like to see the property turned into a residential development. He believes it is a perfect spot for economic development as it has two ways in and out to the highway and Route 60. He believes this application should be sent back to the Planning Commission for recommendations on the EO use.

Ms. Larson stated that she concurs with the recommendation made by Mr. Hipple.

Ms. Sadler stated that she concurs with everything that the various speakers have said tonight. She is in support of the EO designation, and would like to have the application sent back to the Planning Commission. She stated that the EO use would have less impact on schools and services.

Mr. McGlennon asked staff if the EO designation allows for any residential development.

Ms. Cook stated that the Zoning Ordinance would allow it; however, the EO designation would have a tailored description and language written for it and some uses could be recommended and some uses not recommended. That language and description would become part of the Comprehensive Plan.

Mr. Holt, Planning Director, stated that the EO designation has the ability to have up to 15% residential development but it is by SUP. Each area that has an EO designation has very specific language in the description that provides guidance.

Mr. McGlennon stated that he is not supportive of changing the designation. He is not supportive of the EO Designation, he was not when it was created, and he does not see the value or benefit of the EO zone. Also, he still has concerns about the water supply since this would add to the current projected demands.

Mr. Onizuk stated that he is generally in favor of the change in designation. He is supportive of remanding this back to the Planning Commission for discussion and a recommendation on the language of the EO designation change.

# Public Comment Summary LU-0002-2014 8491 Richmond Road

This attachment provides verbatim public comments for the specified land use designation change application collected through Community Workshops, postcards, emails, the Comprehensive Plan hotline and online input surveys.

- 1. Increase PSA on all 3 L.U. applications. (Community Workshop)
- 2. To James City County Planning Dept. :

We are responding to a notice we received from you dated May 16, 2014. It has come to our attention that an adjacent parcel of land located at 8491 Richmond Road is being considered for a zoning change and also for a realignment of the PSA area. This, no doubt will help James City County to reach its goals for the 2035 James City County Comprehensive Plan. In light of these developments we would like to have the same consideration given to our property which is located at 8399 Richmond Road, Williamsburg, Va. We own approximately 16 acres of wooded land and we share a common property boundary line. The shared boundary line is located on the south west corner of the property located at 8491 Richmond Road. We have owned this parcel of land for over 4 months and are at a lost as to why we are just receiving any notification of possible zoning and PSA changes. As we both know this would have an obvious impact on our property. I would hope that you will strongly consider changing our property's zoning and making PSA changes to reflect the changes made at 8491 Richmond Road. We would also like to express our support for the changes that the county, the property owners who are requesting the change, and those who want to see the Williamsburg area move forward into the future. If we can be of further support please don't hesitate to contact us. Your truly, Anthony Jones - President of AAA Plumbing Co., Inc. P. O. Box 438 Lightfoot, Va., 23090 757-244-7664 (Staff note: this property is currently inside the PSA and designated General Industry.)

3. These are my thoughts on the GSAs for the 2014 comprehensive plan update. My comments will be on the area from Toano west to the Anderson corner area. This area is currently developing and most likely will continue to do so. My vision would be to tie the subdivisions into Toano via sidewalks and bike paths. On the East side of Toano this has already been done to great effect. This could help Toano become more economically robust. There are two historic properties in this area, Hickory Neck Church 1743 and White Hall Tavern 1805. There are two large tracks of land Hankins Farm and the Taylor Farm. Both most likely will develop over the next decade. Two smaller tracks the Ware and Branscome properties will do the same. I am not opposed to the rezoning request of the Taylor Farm to mixed use. I do think as this area continues to develop sensitivity to the historic sites and the rural heritage of this area should be reflected in the development standards. I think the Anderson corner area should also include Fenwick hills, and Michael point in the concepts of tying together the area via walking and biking. The speed limit should be reduced to 45 mph from the current 55 mph. Bert Geddy, Toano. (Email)

**From:** Randy Taylor [randy@toanocontractors.com]

Sent: Monday, December 08, 2014 12:54 PM

To: George Drummond; Richard Krapf; Robin Bledsoe; Chris Basic; Tim OConnor; John Wright;

**Heath Richardson** 

Cc: <a href="mailto:chris@toanocontractors.com">chris@toanocontractors.com</a>

Subject: 8491 Richmond Rd - Land Use Designation

Planning Commission Members,

My name is Randy Taylor. I reside at 3920 Bournemouth Bend, in the Wellington subdivision, Stonehouse District. I am one of the family members that own the property at 8491 Richmond Rd. Toano.

First I would like to give you a brief history of the property and my family. The land was purchased by my grandparents, Stewart and Lonell Taylor in 1951. Stewart and Lonell had 5 children, Cliff, Barbara, Ray, Bill, and Beverly. All of the children made their homes in James City County. Barbara and Cliff lived within a couple miles of the property while, Ray, Bill, and Beverly built houses on the edges of the property. My grandfather, Stewart, raised livestock and crops on the property along with his son Ray until he passed away in 1997. Stewart also served on the Board of Supervisors in James City County for 26 years. Ray continued to raise crops on the property until his passing in 2001. After Ray's passing, Cliff who had since retired from BASF, continued the farming of the property. Cliff passed away in March of 2007, followed by my father, Bill, in November of 2007. Cliff was the last of the family members to pursue farming as a career. Since the passing of Cliff the farmland has been leased to other farmers from New Kent County.

While my brother, Chris Taylor, and I own an operate Toano Contractors, we have also decided in the last 6 months to try our hand at raising a few head of cattle. At this time we have 8 head of cattle on a small portion of the property. The bulk of the farmland is still leased to another farmer. While one day the cattle operation could grow into something more, right now it is just a hobby. It should also be known that while the entire property is 217 acres only 130 acres of the property is farmland. The rest of the property is either wooded, pond, or swamp. The land covered in trees is that way because it is either steep sloped or swamp/RPA. That being the case this property is not large enough to sustain a farmer on its own. A farmer must lease upwards of a 1000 acres to make a living solely on farming.

We have asked JCC to expand the PSA line to encompass the entire property. As you know the current PSA line cuts through the property including 45 acres of the road frontage of the property in the PSA while leaving the remainder in Rural Lands. We feel that the property should never have been cut by the PSA line. The PSA line should follow the property line as it does for the properties surrounding 8491 Richmond Rd. JCC Staff has recommended approval of the PSA expansion, yet recommended the entire property be designated as Rural Economic Support(RES). While we agree with the PSA expansion to encompass the entire property, we do not feel that the Rural Economic Support designation is the right choice for this property. We feel that the entire property should be designated Economic Opportunity(EO) or retain the current Mixed Use(MU) portion as is and designate the rest of the property Community Commercial(CC).

The EO designation fits this property for the following reasons:

- It would remove the Low Density Residential land use currently on a portion of the property.
   We believe there is enough housing in the area and more would could be a drain on the school system and county utilities.
- 2. It would have the potential to increase the non-residential tax base and create jobs.
- 3. The property is at a strategic location. It is located at the major intersection of Rte. 60 and Rte. 30, both four lane highways and approximately a mile from I64 interchange 227.

4. A designation of EO would allow the landowner and JCC to work together to create a master plan for the property.

Another choice we would like the commission and staff to consider is leaving the portion of the property currently designated MU and changing the remainder of the property to Community Commercial(CC). The following is the rational behind this request:

# Leave the current portion MU

- 1. The property currently designated MU corresponds to the surrounding property. If you look at the current land use map in coincides with the properties across Rte. 60 and the property to the North.
- 2. The property is at a strategic location. It is located at the major intersection of Rte. 60 and Rte. 30, both four lane highways and approximately a mile from I64 interchange 227.
- 3. Staff has stated that there is an abundance of vacant MU property nearby and that this property is not needed as MU. However I did not see where staff recommended changing the land use designation on the two parcels adjacent to this property which are owned by JCC and currently designated MU.

## Change the remainder of the property to CC

- 1. Allow general business but have a low impact on the nearby developments.
- 2. Potential for increased non-residential tax base.
- 3. Allow a transition from General Industry(GI) to the south to low density residential to the north.
- 4. Provide services and jobs needed by current and proposed surrounding residential areas.
- 5. The north and west boundaries of the property have natural buffer to protect the adjacent Rural Lands(RL). There is a swamp that runs along the entire property line between the property and all adjacent RL as well as the railroad to the southwest which creates an added buffer for the property along Forge Road.

We appreciate your consideration on this matter. Please let it be known that we do not have any plans for development of this property at this time. However, we would like to have a land use designation in place that would best serve our family and James City County in the years to come.

If any Commission or Staff members would like to further discuss this matter, I would be glad to. Please contact me at 757-342-7602.

## Respectfully,

Randolph W. Taylor, V.P.
Toano Contractors, Inc.
8589 Richmond Rd.
Toano, Va. 23168
randy@toanocontractors.com
(O) 757-566-0097
(F) 757-566-8874

# STATEMENT BY LINDA RICE FEBRUARY 19, 2015 PLANNING COMMISSION WORKING GROUP LAND USE APPLICATION – LU-0002-2014, 8491 RICHMOND ROAD and LU-00062014

Members of the Planning Commission Working Group:

As a follow up to my comments on November 15, 2015, I am submitting the following comments as an individual homeowner. I understand that you have deferred action on the Land Use applications of Taylor and Hazelwood which involve an expansion of the PSA. I understand that you are awaiting a report from the DEQ with regard to the groundwater (GW) permit which they will issue specifying the amount of GW which will be allowed for withdrawal.

Here are several reasons for requesting that you **oppose** further PSA expansion until the county and its citizens determine if we can make the long term financial and environmental commitment required for access, purchase, and infrastructure costs related to expanding water needs. Aquifers are finite and the county cannot ignore the demands that other localities and industrial users will place on these same GW sources.

- **DEQ Permit Restrictions**: Virginia's Department of Environmental Quality issued James City a permit to withdraw up to 8.8 million gallons a day from one of two underground aquifers. The county uses an average of 5.4 million gallons daily. James City's next permit is likely to permit no more than 4 million gallons a day. That estimate of water usage of course does not account for the water needs required by expanding the PSA in the upper county by over 340 acres or the construction of at least 15,000 homes already approved throughout the county.
- Reliance on City of Newport News: James City must rely on other sources of water, since all of the surface freshwater sources in the county Little Creek and Diascund reservoir are owned by Newport News Waterworks. The Board of Supervisors signed an agreement in 2008 that would allow the county to buy water from Newport News. With it came a second payment of \$25 million, but with inflation, the cost will now be about \$33 million. James City County relies on GW for its water more than any other Virginia county.
- Cost of Access and Purchase: With the additional payment, the county would access up to 5 million gallons per day. James City would still buy the water at a daily rate of \$1.22 per 1,000 gallons. Accessing the entire 5 million gallons would cost \$6,100 a day, or more than \$2.2 million a year.
- Cost of Infrastructure Construction and Maintenance: Buying additional water requires millions of dollars worth of infrastructure improvements. It will require \$4.5

million if James City buys just 2 million gallons a day, and between \$16 million and \$18 million if the county buys the full 5 million gallons.

LU-0002-2014 and LU-0006-2014 will have major implications if it they are approved. I ask that you, as members of the Planning Commission Working Group join me and other members of the Community in recommending denial to the full Planning Commission and Board of Supervisors of these land use applications.

Respectfully Submitted:

Linda Rice

2394 Forge Road

Toano

NOTE: Some of my comments are extracted from the VA Gazette Editorial on Feb 3, 2015.

## **AGENDA ITEM NO. H.3.**

## **ITEM SUMMARY**

DATE: 5/9/2017

TO: The Board of Supervisors

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: Special Use Permit-0028-2016. Solar Electrical Generation Facility at Norge

## **ATTACHMENTS:**

| Description  | Type  |
|--|---|
| Staff Report   | Staff Report  |
| Resolution with Staff<br>Recommended Conditions                                  | Resolution  |
| Resolution with Planning<br>Commission Recommended<br>Changes to Condition No. 5 | Resolution  |
| Location Map   | Exhibit   |
| Master Plan  | Exhibit   |
| Unapproved PC Minutes  | Minutes   |
| Adopted Resolution for<br>Consistency with 15.2-2232 of the<br>Code of Virginia  | Resolution  |
| Community Impact Statement-Part 1  | Exhibit   |
| Community Impact Statement-Part 2  | Exhibit   |
| Community Impact Statement-Part 3  | Exhibit   |
| Community Impact Statement-Part 4  | Exhibit   |
| Exhibit illustrating elements of a Solar Array                                   | Exhibit   |
| Access Route preferred by staff vs. route preferred by the applicant             | Exhibit   |
| Visual simulation prepared by applicant illustrating typical perimeter buffer    | Exhibit   |
| Citizen Comments   | Exhibit   |
|  | Staff Report Resolution with Staff Recommended Conditions Resolution with Planning Commission Recommended Changes to Condition No. 5 Location Map Master Plan Unapproved PC Minutes Adopted Resolution for Consistency with 15.2-2232 of the Code of Virginia Community Impact Statement-Part 1 Community Impact Statement-Part 2 Community Impact Statement-Part 3 Community Impact Statement-Part 4 Exhibit illustrating elements of a Solar Array Access Route preferred by staff vs. route preferred by the applicant Visual simulation prepared by applicant illustrating typical perimeter buffer |

## **REVIEWERS:**

| Department             | Reviewer        | Action   | Date                |
|------------------------|-----------------|----------|---------------------|
| Planning               | Holt, Paul      | Approved | 4/21/2017 - 4:19 PM |
| Development Management | Holt, Paul      | Approved | 4/21/2017 - 4:19 PM |
| Publication Management | Burcham, Nan    | Approved | 4/21/2017 - 4:23 PM |
| Legal Review           | Kinsman, Adam   | Approved | 4/21/2017 - 4:25 PM |
| Board Secretary        | Fellows, Teresa | Approved | 5/2/2017 - 9:41 AM  |
| Board Secretary        | Purse, Jason    | Approved | 5/2/2017 - 9:42 AM  |
| Board Secretary        | Fellows, Teresa | Approved | 5/2/2017 - 2:43 PM  |

#### SPECIAL USE PERMIT-0028-2016. Solar Electrical Generation Facility at Norge

## Staff Report for the May 9, 2017, Board of Supervisors Public Hearing

#### **SUMMARY FACTS**

Applicant: Mr. Drew Gibbons of SunPower Devco,

LLC

Land Owner: Whisper Ridge, LLC

Proposal: To allow the construction and operation of

a private solar electrical generation facility.

Location: 320, 339, 341 and 345 Farmville Lane and

a parcel of land of  $\pm$  0.21 acres situated

between 140 and 142 Oslo Court

Tax Map/Parcel Nos.: 2320100052A, 2320100052G,

2320100052 and 2320100055

Project Acreage: The five parcels total  $\pm$  224 acres

Zoning: A-1, General Agricultural (± 215.68 acres)

and R-2, General Residential (± 8.34 acres)

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

Staff Contact: Jose Ribeiro, Senior Planner II

#### **PUBLIC HEARING DATES**

Planning Commission: February 1, 2017, 7:00 p.m. (deferred by

applicant)

March 1, 2017, 7:00 p.m. (deferred by

applicant)

April 5, 2017, 7:00 p.m.

Board of Supervisors: May 9, 2017, 5:00 p.m.

#### **FACTORS FAVORABLE**

1. With the proposed Special Use Permit (SUP) conditions, the proposal is compatible with surrounding zoning and development.

- 2. The proposal is consistent with the Comprehensive Plan adopted in 2015, "Toward 2035: Leading the Way."
- 3. This type of solar power facility is expected to have very limited impacts (noise, odor or visual).

#### **FACTORS UNFAVORABLE**

- 1. Citizens have expressed concerns with this proposal.
- 2. There will be some limited impacts to residential neighborhoods during the project's temporary construction period.

#### **SUMMARY STAFF RECOMMENDATION**

Approval, subject to the attached conditions.

#### PLANNING COMMISSION RECOMMENDATION

At its April 5, 2017 meeting, the Planning Commission recommended approval of this application by a vote of 5-2, with changes to SUP Condition No. 5, Vehicular Access. The Planning Commission also approved, by a vote of 5-2, a resolution to find the proposal consistent with the Comprehensive Plan (per Section 15.2-2232 of the Code of Virginia).

## Proposed Changes Made Since the Planning Commission Meeting

At its April 5, 2017 meeting, the Planning Commission recommended that SUP Condition No. 5 be modified to allow vehicular access to the proposed facility through Oslo Court and that the word "decommissioning" be included in the Condition. As revised per the Planning Commission recommendations, Condition No. 5 reads:

<u>Vehicular Access.</u> Vehicular access to and from the Facility and the Properties shall be through "Lot 3" currently owned by Whisper Ridge via Farmville Lane and Oslo Court during (1) construction, (2) operations when needed for oversize vehicles only, and (3) during decommissioning. All other vehicular access to and from the Facility and the Properties shall be through Farmville Lane, which connects with Norge Farm Lane through a private road located within a parcel identified as JCC Real Estate Tax Map 2320100052A and currently owned by Whisper Ridge.

This revised version of Condition No. 5 is included in the resolution listed as Attachment No. 2. Staff continues to support vehicular access to and from the facility via Farmville Lane only, as stated by the original SUP Condition No. 5 (Attachment No. 1).

#### PLANNING AND ZONING HISTORY

• The Board of Supervisors denied Case No. Z-0009-1985 on June 10, 1995. The proposal was to rezone property located at 341 Farmville Lane from A-1, General Agricultural, to A-2, Limited Agricultural.

#### PROJECT DESCRIPTION

Mr. Drew Gibbons of SunPower Devco, LLC, has applied for an SUP

to allow the construction and operation of a private electrical solar generation facility on properties located in Norge. Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more is a specially permitted use in both A-1 and R-2 Zoning Districts.

The proposed facility will be located primarily on a parcel of approximately 216 acres with four adjacent smaller parcels making up for the entire area subject to this SUP. The property is currently being used for agricultural purposes and is wooded with wetland systems along its eastern and western boundaries. The site has access to Richmond Road via Farmville Lane which runs through Norvalia and Norge Court subdivisions (located north of the site). There is an old farmhouse located at the center of the property. Norge Farm Lane is a private access road located within the largest of the parcels which provides access to the site and to the property located to the south (Hidden Acres Farms).

According to the applicant, once the solar electrical generation facility is operational, it will have capacity up to 20 megawatts; or the equivalent to supply  $\pm$  4,000 households per year. This project is designed as a "utility-scale solar power" which means that the scope and size of its operation and output are relatively small and the electricity that it produces is sold to wholesale utility buyers, not enduse consumers.

The major components of the facility (shown and labeled on the Master Plan) are the ground-mounted arrays of photovoltaic (solar) panels. Each array is made of a number of panels and each panel is composed of a number of smaller "cells," which are the primary units that convert solar energy into electricity (Attachment No. 8). The arrays are approximately 13 feet in height (when positioned at the steepest angle), arranged in rows, spaced  $\pm$  15 feet to 25 feet apart and

mounted on single-axis trackers. Trackers are devices that automatically orient the arrays toward the direction of sun. The master plan shows  $\pm$  820 trackers with 82,000 panels in total (100 panels per tracker). However, this number may change should the project move toward a more specific and detailed design stage. In addition to the arrays, the project will include a small enclosed switchgear facility, inverters, transformers, buried electrical conduits, a storage shed and unpaved access roads (shown in orange on the Master Plan). No off-site substations or switching station are proposed as part of this project. Approximately 153 acres of land will be disturbed as part of this proposal.

If this project receives all the required local, state and federal approvals required to operate, it will be the first utility-scale solar power generation facility in James City County. Currently, there are a number of projects similar in size and solar/electric generation capacity in many areas of the Commonwealth, which are either under regulatory review process and/or under construction (e.g., solar facilities in Bedford, Buckingham, King George, King William and New Kent counties) or operational (e.g., solar facilities in Powhatan, Isle of Wight and Accomack counties).

## Summary of Electrical Generation and Distribution

The solar-to-electricity conversion process is made possible by the presence of inverters. Inverters convert direct current (DC) voltage collected in the arrays to alternating current (AC) needed for electricity. The power is then conveyed underground to a medium voltage metal enclosed switchgear which will connect to Virginia Dominion Power's distribution network through an existing electrical trunk line that runs adjacent to the eastern property line. The facility will only generate energy. The distribution of the electricity produced at the site will be the responsibility of Virginia Dominion Power, as they own the overhead utilities. According to the applicant,

SunPower's ownership and maintenance of the facility ends at the switchgear.

## Summary of Regulatory and Approval Process

In addition to an SUP issued by the County, this project will require an agreement with Virginia Dominion Power to interconnect into the electrical power distribution network. According to the applicant, SunPower submitted an interconnection request to Virginia Dominion Power in March 2016 and expects to execute an interconnection agreement in early 2017. This project also requires issuance of a Renewable Energy "Permit by Rule" by the Virginia Department of Environmental Quality (DEQ). As part of this approval process SunPower will provide an analysis of impacts to natural resources which will be reviewed by different state agencies, including the Department of Game and Inland Fisheries, the Department of Conservation and Recreation and the Department of Historic Resources (DHR). According to the applicant, SunPower has initiated the "Permit by Rule" process with an initial notice of intent filing and pre-application meeting with DEQ, but an application has not yet been formally submitted.

## **Decommissioning Plan**

According to the applicant, the land for the project will be leased and the lease term of the land agreement is 35 years (the estimated operational life for this facility). After the project life cycle is over, or should the operation of the facility be terminated prior to its life cycle, SunPower will implement a decommissioning and restoration plan. The purpose of the plan (SUP Condition No. 15) is to ensure proper removal of all associated components of the project and restoration of the site to pre-existing conditions.

#### SURROUNDING ZONING AND DEVELOPMENT

- Surrounding zoning designations include:
  - a. Properties immediately north and east of this site are zoned R 2 (Kristiansand, Walnut Grove, Norvalia, Norge Court and Farmville Estates subdivisions).
  - b. Property to the south is zoned A-1 and undeveloped. Properties to the west are zoned A-1 and PUD, Planned Unit Development (Oakland and Village at Candle Station subdivisions).

#### COMPREHENSIVE PLAN

- 1. The 2035 Comprehensive Plan Land Use Map designates the properties subject to this SUP as Low Density Residential (LDR). Recommended uses in LDR areas include single-family residences, schools, places of public assembly and very limited commercial uses. The Comprehensive Plan does not specifically identify solar power, or utilities in general, in LDR or the other land use designation areas; therefore, staff has reviewed this application under the "very limited commercial uses" development standards listed in LDR (with staff's comments in *italics* below):
  - a. Complement the residential character of the area;

It is expected that the majority of the project's impacts to nearby residential neighborhoods will occur during the construction period of the facility (e.g., traffic, dust and noise). Staff drafted a condition (SUP Condition No. 13 Construction Management and Mitigation Plan) to address these impacts by:

- Limiting all piling driving activity on the site between the hours of 8 a.m. to 6 p.m. (Monday to Friday);
- Limiting clearing and grading on the site between the hours of 7 a.m. to 7 p.m. (Monday to Friday);
- Prohibiting delivery traffic to the site during pickup/drop-off times for surrounding schools; and
- Providing dust mitigation features such as water trucks, mulch or similar methods.

Once the construction period is finalized, the facility is expected to generate very limited impacts to the adjacent residential neighborhoods. A 50-foot vegetative buffer is proposed in order to screen the facility from residential areas, limiting visual impacts and not detracting from the residential character of the area.

b. Have traffic, noise, lighting and other impacts similar to surrounding residences;

Although the footprint of the entire facility encompasses an area of  $\pm$  200 acres, its impacts to surrounding properties is expected to be very limited, as the solar arrays are not expected to generate noise, odor or glare from the sun. According to the applicant, "the noise generated by the solar equipment on site (trackers and inverters/transformers) at peak performance during the day will be no louder than a typical refrigerator, and should be inaudible at the property boundary." The panels do not emit odor or glare from the sun as they are not of a reflective nature (SUP Condition No. 20), and they will not raise temperatures in the surrounding area as they absorb the sun's energy and heat, which is converted

to electricity. The applicant is required to submit a pollution prevention plan as part of the overall Stormwater Pollution Prevention Plan. Additionally, SUP Condition No. 13 requires the applicant to provide a mitigation plan to address storage, transportation and disposal of any waste and/or hazardous materials. Traffic to and from the facility will be reduced substantially after the construction period is over.

c. Generally be located on collector or arterial roads at intersections;

The site is accessed via Farmville Lane which is neither a collector nor an arterial road. However, staff finds that once the construction period is over, the facility will generate vehicular trips similar to adjacent residential uses.

 d. Act as a transitional use between residential and commercial areas or, if located within a residential community, serve to complement the residential character of the area rather than altering its nature;

The site for the proposed facility is not located within a single residential community, but rather, next to existing neighborhoods such as Norvalia, Norge Court and Farmville Estates subdivisions and lands designated Rural Lands to the south and west.

e. Provide adequate screening and buffering to protect the character of nearby residential areas; and

Due to existing forested area along most of its property lines, the site is well buffered from most adjacent properties. In areas closer to residential lots with less existing buffer, SUP Condition No. 8 specifies that supplemental landscaping shall be provided. The applicant has provided drawings showing how the existing and proposed vegetative buffer will screen the facility (Attachment No. 10).

f. Generally intended to support the residential area in which they are located.

The proposed facility will generate electricity that will be distributed by Virginia Dominion Power to its general customer base rather than servicing one specific area.

On balance, staff finds that this proposal meets the criteria for very limited commercial uses, and based on its limited impacts staff finds that this proposal is consistent with the Comprehensive Plan.

In November 2016, staff visited a solar electrical generation facility (Woodland Solar Center) located in Isle of Wight County, Virginia, and found similar conditions on the site (no odor or noise) as described by the applicant.

- 2. Surrounding Comprehensive Plan designations include:
  - a. Properties immediately north and east are designated as Low Density Residential.
  - b. Properties to the south and west are designated as Rural Lands.

#### **PUBLIC IMPACTS**

- 1. Anticipated Impact on Public Facilities and Services:
  - a. *Streets.* Access to this property from Richmond Road is through Farmville Lane located between Norvalia and Norge

Court Subdivisions. Farmville Lane is a 50-foot-wide state maintained right-of-way and it terminates at the southernmost section of Norvalia. From that point on, there is an unpaved and unimproved access road (located inside a property owned by Whisper Ridge, LLC) which provides vehicular access to properties in the back of the neighborhood and to the site.

The applicant has indicated that the current configuration and width of the existing access road is not sufficient to accommodate tractor trailer truck deliveries to the site and would likely require the acquisition of additional land for right-of-way and/or a construction access easement in this location, potentially impacting the lots located at the corner of the access road. The applicant has indicated a preference to access the site through Oslo Court (Attachment No. 9) which comes off Farmville Lane and from there, through a 50-footwide vacant parcel (owned by Whisper Ridge, LLC) flanked by two single-family homes located at 140 and 142 Oslo Court.

Staff finds that the access through the 50-foot vacant parcel off Oslo Lane has a greater impact due to its very close proximity to single-family home yards and also because it brings traffic further into the neighborhood. The Virginia Department of Transportation (VDOT) staff has reviewed this application and has recommended approval. Regarding the access route, VDOT staff has indicated a slight preference for the Farmville Lane access. SUP Condition No. 5 requires vehicular access to and from the site through Farmville Lane. The applicant has recently proposed that vehicular access to and from the facility during the construction period be made via Oslo Court and the 50-foot-wide parcel (also during the operation of the facility if larger vehicles are needed). Vehicular access to and from the facility during operations

(typically smaller vehicles) will be restricted to Farmville Lane

At its April 5, 2017 meeting, the Planning Commission recommended that SUP Condition No. 5 be revised to allow vehicular access as proposed by the applicant, and the addition of the word "decommissioning" (Attachment No. 2).

Staff continues to support vehicular access to and from the facility via Farmville Lane only, as stated by the original SUP Condition No. 5 (Attachment No. 1).

According to SunPower, it is estimated that during the construction period, which may range between six and nine months, a total of 7 to 10 trucks per day may be used for the delivery of materials and approximately 60 personal vehicles could also make daily trips to the site related to construction labor and management. However, after the construction is over, during normal operation and maintenance the site will likely receive around four trips per day.

Staff notes that the applicant has indicated a willingness to work with staff to best define appropriate construction delivery times in an effort to avoid conflicts with school buses on the surrounding residential streets during peak pick-up and drop-off times. SUP Condition No. 13 requires the applicant to provide a Construction Management Plan which includes limitations to construction delivery times.

The applicant will be required to apply for a Construction Entrance Permit off Farmville Lane. As part of this process, VDOT will conduct an existing conditions assessment of the roadway and prepare an estimated cost for the removal and restoration of the roadway in the vicinity of the construction

entrance area. SunPower will be required to post a Surety Bond to cover the cost of potential repairs to the roadway in and around the construction entrance area. Additionally, SUP Condition No. 4 requires SunPower to submit a Construction Traffic Mitigation Plan for review and approval, identifying all necessary repairs to public roads internal to Norvalia and Norge Court required as a result of any damage from the construction traffic.

Norge Farm Lane is a road located within property at 341 Farmville Lane providing vehicular access to and from the site and to abutting property to the south (Hidden Acres Farm). According to the applicant, SunPower will utilize Norge Farm Lane for vehicular construction access. County records show this road located within an easement; however, upon research, staff found no evidence of a deed specifying the dimension and the rights of use. The applicant has indicated that Norge Farm Lane will remain open and will continue to provide access to Hidden Acres Farm's property.

- b. Schools/Fire/Utilities. No impacts anticipated. According to the applicant, the proposed facility will not require water or sewer service during construction or during regular operation. The solar panels will likely require cleaning twice a year and will use a relatively small amount of water which can be transported on the site via truck. As for Fire and other emergency services, SUP Condition No. 12 requires that the applicant prepare and maintain an Emergency Management Plan for the facility.
- c. *Environmental/Cultural/Historic*. This project is located in the Yarmouth Creek watershed. On October 14, 2003, the James City County Board of Supervisors adopted goals and priorities associated with the Yarmouth Creek Watershed

Plan. Specific items of the plan which applies to this application include special stormwater criteria and stream restoration sites on both the east and west portions of the project site. Clearing of vegetation and all proposed structures associated with this project, such as the solar arrays, fencing and sheds, will be located outside resource protection areas (RPAs) and areas of 25% slopes near the RPA buffers. At the site plan stages the applicant shall submit a Stormwater Management Plan addressing both water quality and quantity and a comprehensive erosion control and stormwater analysis report. Engineering and Resource Protection has reviewed this application and recommends approval.

In order to protect the site's prime farmland soils over the life of the facility (± 35 years per lease), the applicant will be required to develop a Nutrient Management Plan (SUP Condition No. 3) addressing the establishment and maintenance of different types of vegetative cover to protect the long-term soil health for potential future farming purposes.

The area subject to this SUP is located within a "moderate sensitivity area" as shown on the Archaeological Sensitive Areas map on the Comprehensive Plan. The applicant will comply with the County's Archaeological Policy and submit a Phase I Cultural Resource Investigation for review and approval. Staff notes that as part of the Renewable Energy "Permit by Rule" the applicant will perform historical and archaeological studies on the property which will be reviewed by the DHR.

The Lightfoot and Yarmouth Creek Conservation sites are located within a two-mile radius of the project area. These are areas of high biodiversity significance; resources of concern

#### SPECIAL USE PERMIT-0028-2016. Solar Electrical Generation Facility at Norge

## Staff Report for the May 9, 2017, Board of Supervisors Public Hearing

- at these sites include the small whorled pogonia. SUP Condition No. 7 requires the applicant to comply with the County's adopted Natural Resource Policy.
- d. *Nearby and Surrounding Properties*. The attached SUP Conditions are proposed to mitigate impacts to nearby and surrounding properties, specifically impacts associated with visual screening and construction activity.

#### PROPOSED CONDITIONS

• The full text of the proposed conditions is provided in the attached resolution.

#### STAFF RECOMMENDATION

Staff finds the proposal to be compatible with surrounding zoning and development and that is consistent with the Comprehensive Plan adopted in 2015. "Toward 20135: Leading the Way." Staff recommends the Board of Supervisors approve this application subject to the attached conditions found in Attachment No. 1.

JR/nb SUP28-16SolarFac

#### Attachments:

- 1. Resolution with Staff Recommended Conditions
- 2. Resolution with Planning Commission Recommended Changes to Condition No. 5
- 3. Location Map
- 4. Master Plan

- 5. Unapproved Minutes from April 5, 2017, Planning Commission meeting
- 6. Adopted Resolution for Consistency with Section 15.2-2232
- 7. Community Impact Statement
- 8. Exhibit Showing the Elements of a Ground-Mounted Array of Solar Panel
- 9. Exhibit Showing Staff and the Applicant's Preferred Access to Facility
- 10. Buffer Visual Simulations Prepared by Kimley-Horn
- 11. Citizen Comments During the March 1, 2017, Planning Commission Meeting

## RESOLUTION

#### CASE NO. SUP-0028-2016. SOLAR ELECTRICAL GENERATION FACILTY AT NORGE

- WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and
- WHEREAS, Whisper Ridge, LLC (the "Owner") owns properties located at 320, 339, 341 and 345 Farmville Lane, further identified as James City County Real Estate Tax Map Parcel Nos. 2320100052A, 2320100052G, 2320100052 and 2320100055, respectively and an area legally described and identified as a "0.21acre parcel, approximately 200-feet-long by 50-foot-wide, located off Oslo Court in Norge, situated between 140 Oslo Court and 142 Oslo Court" (collectively, the "Properties"). The Properties are zoned A-1, General Agricultural and R-2, General Residential; and
- WHEREAS, Mr. Drew Gibbons of SunPower Devco, LLC, on behalf of the Owner, has applied for an SUP to allow for the construction of a solar electrical generation facility on the Properties as shown on a plan titled "Norge Solar Master Plan" dated March 7, 2017, and;
- WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. SUP-0028-2016; and
- WHEREAS, the Planning Commission, following its public hearing on April 5, 2017, recommended approval of this application by a vote of 5-2. At the same meeting, the Planning Commission approved a resolution finding the proposal consistent with the Comprehensive Plan by a vote of 5-2.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-0028-2016, as described herein with the following conditions:
  - 1. Master Plan. This Special Use Permit ("SUP") shall be valid for the construction and operation of a photovoltaic solar electrical generation facility with a capacity of up to 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more (the "Facility"). The Facility shall be located at 320, 339, 341, and 345 Farmville Lane, which are identified as JCC Real Estate Tax Map Nos. 2320100052A, 2320100052G, 2320100052, and 2320100055, respectively, and an area legally described and identified as a "0.21 parcel, approximately 200 feet long by 50 foot wide, located off Oslo Court in Norge situated between 140 Oslo Court and 142 Oslo Court" (all together, the "Properties"). The Facility shall be in accordance with the "Norge Solar Master Plan" prepared by Kimley-Horn, and dated March 07, 2017, (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.

- 2. <u>Boundary Line Extinguishment</u>. Prior to final approval of any site plan, a subdivision plat that extinguishes the lot lines separating properties located at 339, 341, and 345 Farmville Lane shall be recorded.
- 3. Nutrient Management Plan. A nutrient management plan (NMP) shall be prepared by a certified nutrient management planner for all of the area within the defined limits of work (disturbance) for the Properties. The purpose of the NMP is to provide for long-term establishment and maintenance of turf grass, pasture, rangeland or other similar type vegetative cover which preserve the long-term soil health for potential future farming purposes. The NMP shall have a component which specifically identifies, maintains, and protects designated Prime Farmland soil mapping units consistent with the Soil Survey of James City County and the City of Williamsburg, Virginia, (April 1985) and the County's Comprehensive Plan. The NMP shall be submitted for review and approval by the County's Director of Engineering and Resource Protection prior to approval of any final site plan for the Facility. Upon approval of the NMP, the Facility operator shall be responsible for ensuring that any nutrient applied in the area within the defined limits of work is in strict accordance with the NMP.
- 4. Construction Traffic Mitigation Plan. A Construction Traffic Mitigation Plan (CTMP), shall be submitted to the Virginia Department of Transportation (VDOT) and the County Director of Planning, or his designee, for review and approval prior to the issuance of a land disturbing permit for the Facility. The CTMP shall identify all existing conditions and provide a plan to address all necessary repairs to public roads internal to Norvalia and/or Norge Court subdivision required as a result of damage from construction traffic and provide a timeline for completion of repairs. All road repairs as identified by the approved CTMP as determined by VDOT shall be completed within six (6) months of the Facility commencing operations.
- 5. Vehicular Access. Vehicular access to and from the Facility and the Properties shall be only through Farmville Lane which connects with Norge Farm Lane through a private road located within a parcel identified as James City County Real Estate Tax Map No. 2320100052A and currently owned by Whisper Ridge, LLC.
- 6. Archaeology, A Phase I Archaeological Study for the Properties shall be submitted to the Director of Planning for review and approval prior to issuance of a land disturbing permit for the Facility. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological

Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the Properties and the clearing, grading or construction activities thereon. This condition shall be interpreted in accordance with the County's Archaeological Policy adopted by the County on September 22, 1998.

- 7. Natural Heritage Resource. A natural resource inventory of suitable habitats for S1, S2, S3, G1, G2 or G3 resources on the Properties in the area of the Facility shall be submitted to the Director of Planning for review and approval prior to issuance of a land disturbing permit. If the inventory confirms that a natural heritage resource either exists or could be supported by a portion of the Properties where the Facility is located, a Conservation Management Plan shall be submitted to and approved by the Director of Planning for the affected area. All inventories and conservation management plans shall meet the standards of the Virginia Department of Conservation and Recreation's Division of Natural Heritage ("DCR/DNH") for preparing such plans, and shall be conducted under the supervision of a qualified biologist as determined by the DCR/DNH or the United States Fish and Wildlife Service. All approved conservation management plans shall be incorporated into the plan of development for the Properties, and the clearing, grading, or construction activated thereon, to the maximum extent possible. Upon approval by the Director of Planning, a mitigation plan may be submitted for the incorporation of the conservation management plan into the plan of development for the Properties.
- 8. <u>Vegetated Buffer</u>. Prior to final approval of any site plan, the Director of Planning or his designee shall review and approve a landscape plan for the Facility. The landscape plan shall provide a 50-foot vegetated buffer along the perimeter of the Properties. The perimeter buffer shall be provided by one of the three treatment options listed below:
  - In areas of the 50-foot perimeter buffer that are currently comprised of mature forest, as determined by the Director of Planning or his designee, the buffer shall be left undisturbed in its natural state.
  - In areas of the 50-foot perimeter buffer that are not completely comprised of mature forest, as determined by the Director of Planning or his designee, supplementation with evergreen shrubs and trees shall be required.
  - In areas of the 50-foot perimeter buffer where little or no vegetation exists, as determined by the Director of Planning or his designee, the buffer shall be landscaped to the provisions of Section 24-96 of the Zoning Ordinance for General Landscape Areas except that the required evergreen tree and shrub mixture shall be increased from 35% to at least 50%.
- 9. <u>Lighting</u>. Prior to final approval of any site plan, the Director of Planning or his designee shall review and approve a lighting plan for the Facility. Any exterior site or building lighting shall be shielded and directed downward. No glare defined as 0.1 foot-candle or higher, shall extend outside the boundaries of the Properties. Lights shall be operated by a motion detector or be able to be turned on as needed by the Facility operator and shall not be routinely illuminated at night. All light poles shall not exceed 16 feet in height unless otherwise approved by the Director of Planning prior to final site plan approval.

- 10. <u>Signage</u>. Unless otherwise exempt by Section 24-74 of the Zoning Ordinance, no outdoor signage shall be permitted on the Properties.
- 11. <u>Fencing</u>. Prior to final approval of any site plan, the Director of Planning or his designee shall review and approve a detail of any proposed fencing for the Facility. The fence shall be black, or other neutral color, shall not contain barbed wire and shall not exceed a height of 8 feet above finished grade.
- 12. <u>Emergency Management Plan</u>. The Facility operator shall prepare and maintain an Emergency Management Plan (EMP) to address situations that may require response from James City County public safety personnel, including, without limitation, fire safety and emergency response personnel. The EMP shall:
  - Be developed in conjunction with and approved by the County Fire Chief and County Police Chief or their designees prior to final approval of any site plan.
  - Provide a mutually agreed upon schedule for the Facility operator to provide information sessions and training for James City County public safety personnel relative to possible emergency response situations at the Facility.
  - Provide pertinent contact numbers for the Facility operator emergency personnel.
  - Provide that all emergency contact information will be posted on access gates.
- 13. <u>Construction Management and Mitigation Plan</u>. Prior to final approval of any site plan, the Facility operator shall provide a Construction Management and Mitigation Plan (CMMP) for review and approval of the Director of Planning or his designee. The CMMP shall include those items listed below:
  - a. Construction Management:
    - Designated parking areas.
    - All piling driving activity on the Properties be limited to the hours of 8 a.m. to 6 p.m., Monday through Friday.
    - Other construction activities, including clearing and grading of the Properties shall be limited to the hours of 7 a.m. to 7 p.m., Monday through Friday.
    - Construction delivery traffic to the Properties shall not be allowed during pick-up/drop-off times for surrounding schools.
    - Storage, transportation and disposal of any waste and/or hazardous materials.
  - b. Construction Mitigation:
    - Dust mitigation, such as water trucks, mulch or similar methods.
    - Smoke and burn mitigation, such as containments or similar methods.
- 14. <u>Spill Prevention Control and Countermeasure Plan</u>. Prior to approval of any site plan, the Facility Operator shall submit a Spill Prevention Control and Countermeasure (SPCC) Plan for the Facility to the County Director of Engineering and Resource Protection or his designee for review and approval. The SPCCP shall outline measures and procedures necessary for the operation of the Facility until decommission.
- 15. <u>Decommissioning and Restoration Plan</u>. Prior to final approval of any site plan a Decommissioning and Restoration Plan (DRP) shall be submitted to the County Director of Planning or his designee for review and approval. The DRP shall outline the required steps for removal of above- and below-ground Facility components,

disposal of and/or recycle of wastes and materials, and the restoration of native habitat of the Properties. The DRP shall address abandonment of operations and the possible failure of the Facility operator to comply with the decommissioning process and provide an estimated cost associated with the decommissioning and restoration activities. To ensure sufficient funds are available to the County to conduct the DRP should the owner fail to perform its obligation under this condition, a surety shall be posted with James City County, in a form acceptable to the County Attorney, in the amount sufficient for the removal and disposal of all the power generating equipment, inverters, fencing, wiring and any other ancillary materials and equipment associated with the Facility.

- 16. <u>Commencement</u>. The Facility shall be operational within 48 months from the issuance of this SUP, or this SUP shall become void. The Facility operator shall submit a certified letter to the County Director of Planning to confirm the operational status of the Facility.
- 17. <u>Height Limitation</u>. The maximum height of all structures in the Facility, including the photovoltaic solar panel mounts shall not exceed 16 feet above finished grade.
- 18. <u>Underground Wires</u>. All electrical wiring used in the Facility shall be located underground except where wiring is necessary to connect the Facility to the existing overhead utility lines.
- 19. <u>Glare</u>. All photovoltaic solar panels shall be made of/or be coated with anti-reflective materials to prevent glare.
- 20. <u>Severance Clause</u>. This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

|                                  | Kevin D. Onizuk<br>Chairman, Board of Supervisors |             |              |         |
|----------------------------------|---|-------------|--------------|---------|
| ATTEST:                          |   | VOTE<br>AYE |              | ABSTAIN |
| 1111201.                         | MCGLENNON   | <u>A1E</u>  | <u>INA 1</u> | ADSTAIN |
|                                  | SADLER<br>—— HIPPLE                               |             |              |         |
| Bryan J. Hill Clerk to the Board | LARSON<br>ONIZUK                                  |             |              |         |
| Ciein to the Board               | ONIZUK  |             |              |         |

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of May,

SUP28-16SolarFac-res1

2017.

## RESOLUTION

## CASE NO. SUP-0028-2016. SOLAR ELECTRICAL GENERATION FACILTY AT NORGE

- WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and
- WHEREAS, Whisper Ridge, LLC (the "Owner") owns properties located at 320, 339, 341 and 345 Farmville Lane, further identified as James City County Real Estate Tax Map Parcel Nos. 2320100052A, 2320100052G, 2320100052 and 2320100055, respectively and an area legally described and identified as a "0.21acre parcel, approximately 200-feet-long by 50-foot-wide, located off Oslo Court in Norge, situated between 140 Oslo Court and 142 Oslo Court" (collectively, the "Properties"). The Properties are zoned A-1, General Agricultural and R-2, General Residential; and
- WHEREAS, Mr. Drew Gibbons of SunPower Devco, LLC, on behalf of the Owner, has applied for an SUP to allow for the construction of a solar electrical generation facility on the Properties as shown on a plan titled "Norge Solar Master Plan" dated March 7, 2017, and;
- WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. SUP-0028-2016; and
- WHEREAS, the Planning Commission, following its public hearing on April 5, 2017, recommended approval of this application by a vote of 5-2. At the same meeting, the Planning Commission approved a resolution finding the proposal consistent with the Comprehensive Plan by a vote of 5-2.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-0028-2016, as described herein with the following conditions:
  - 1. Master Plan. This Special Use Permit ("SUP") shall be valid for the construction and operation of a photovoltaic solar electrical generation facility with a capacity of up to 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more (the "Facility"). The Facility shall be located at 320, 339, 341, and 345 Farmville Lane, which are identified as JCC Real Estate Tax Map Nos. 2320100052A, 2320100052G, 2320100052, and 2320100055, respectively, and an area legally described and identified as a "0.21 parcel, approximately 200 feet long by 50 foot wide, located off Oslo Court in Norge situated between 140 Oslo Court and 142 Oslo Court" (all together, the "Properties"). The Facility shall be in accordance with the "Norge Solar Master Plan" prepared by Kimley-Horn, and dated March 07, 2017, (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.

- 2. <u>Boundary Line Extinguishment</u>. Prior to final approval of any site plan, a subdivision plat that extinguishes the lot lines separating properties located at 339, 341, and 345 Farmville Lane shall be recorded.
- 3. Nutrient Management Plan. A nutrient management plan (NMP) shall be prepared by a certified nutrient management planner for all of the area within the defined limits of work (disturbance) for the Properties. The purpose of the NMP is to provide for long-term establishment and maintenance of turf grass, pasture, rangeland, or other similar type vegetative cover which preserve the long-term soil health for potential future farming purposes. The NMP shall have a component which specifically identifies, maintains, and protects designated Prime Farmland soil mapping units consistent with the Soil Survey of James City County and the City of Williamsburg Virginia (April 1985) and the County's Comprehensive Plan. The NMP shall be submitted for review and approval by the County's Director of Engineering and Resource Protection prior to approval of any final site plan for the Facility. Upon approval of the NMP, the Facility operator shall be responsible for ensuring that any nutrient applied in the area within the defined limits of work is in strict accordance with the NMP.
- 4. Construction Traffic Mitigation Plan. A Construction Traffic Mitigation Plan (CTMP), shall be submitted to the Virginia Department of Transportation (VDOT) and the County Director of Planning, or his designee, for review and approval prior to the issuance of a land disturbing permit for the Facility. The CTMP shall identify all existing conditions and provide a plan to address all necessary repairs to public roads internal to Norvalia and/or Norge Court subdivision required as a result of damage from construction traffic and provide a timeline for completion of repairs. All road repairs as identified by the approved CTMP as determined by VDOT shall be completed within six (6) months of the Facility commencing operations.
- 5. Vehicular Access. Vehicular access to and from the Facility and the Properties shall be through "Lot 3" currently owned by Whisper Ridge via Farmville Lane and Oslo Court during (1) construction, (2) operations when needed for oversize vehicles only, and (3) during decommissioning. All other vehicular access to and from the Facility and the Properties shall be through Farmville Lane, which connects with Norge Farm Lane through a private road located within a parcel identified as JCC Real Estate Tax Map 2320100052A and currently owned by Whisper Ridge.
- 6. Archaeology. A Phase I Archaeological Study for the Properties shall be submitted to the Director of Planning for review and approval prior to issuance of a land disturbing permit for the Facility. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I,

Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the Properties and the clearing, grading or construction activities thereon. This condition shall be interpreted in accordance with the County's Archaeological Policy adopted by the County on September 22, 1998.

- 7. Natural Heritage Resource. A natural resource inventory of suitable habitats for S1, S2, S3, G1, G2 or G3 resources on the Properties in the area of the Facility shall be submitted to the Director of Planning for review and approval prior to issuance of land disturbing permit. If the inventory confirms that a natural heritage resource either exists or could be supported by a portion of the Properties where the Facility is located, a Conservation Management Plan shall be submitted to and approved by the Director of Planning for the affected area. All inventories and conservation management plans shall meet the standards of the Virginia Department of Conservation and Recreation's Division of Natural Heritage ("DCR/DNH") for preparing such plans, and shall be conducted under the supervision of a qualified biologist as determined by the DCR/DNH or the United States Fish and Wildlife Service. All approved conservation management plans shall be incorporated into the plan of development for the Properties, and the clearing, grading, or construction activated thereon, to the maximum extent possible. Upon approval by the Director of Planning, a Mitigation Plan may be submitted for the incorporation of the Conservation Management Plan into the plan of development for the Properties.
- 8. <u>Vegetated Buffer</u>. Prior to final approval of any site plan, the Director of Planning or his designee shall review and approve a landscape plan for the Facility. The landscape plan shall provide a 50-foot vegetated buffer along the perimeter of the Properties. The perimeter buffer shall be provided by one of the three treatment options listed below:
  - In areas of the 50-foot perimeter buffer that are currently comprised of mature forest, as determined by the Director of Planning or his designee, the buffer shall be left undisturbed in its natural state.
  - In areas of the 50-foot perimeter buffer that are not completely comprised of mature forest, as determined by the Director of Planning or his designee, supplementation with evergreen shrubs and trees shall be required.
  - In areas of the 50-foot perimeter buffer where little or no vegetation exists, as determined by the Director of Planning or his designee, the buffer shall be landscaped to the provisions of Section 24-96 of the Zoning Ordinance for General Landscape Areas except that the required evergreen tree and shrub mixture shall be increased from 35% to at least 50%.
- 9. <u>Lighting</u>. Prior to final approval of any site plan, the Director of Planning, or his designee, shall review and approve a lighting plan for the Facility. Any exterior site or building lighting shall be shielded and directed downward. No glare, defined as 0.1 foot-candle or higher, shall extend outside the boundaries of the Properties. Lights shall be operated by a motion detector or be able to be turned on as needed by the Facility operator and shall not be routinely illuminated at night. All light poles shall not exceed

- 16 feet in height unless otherwise approved by the Director of Planning prior to final site plan approval.
- 10. <u>Signage</u>. Unless otherwise exempt by Section 24-74 of the Zoning Ordinance, no outdoor signage shall be permitted on the Properties.
- 11. <u>Fencing</u>. Prior to final approval of any site plan, the Director of Planning or his designee shall review and approve a detail of any proposed fencing for the Facility. The fence shall be black, or other neutral color, shall not contain barbed wire and shall not exceed a height of 8 feet above finished grade.
- 12. <u>Emergency Management Plan</u>. The Facility operator shall prepare and maintain an Emergency Management Plan (EMP) to address situations that may require response from James City County public safety personnel, including, without limitation, fire safety and emergency response personnel. The EMP shall:
  - Be developed in conjunction with and approved by the County Fire Chief and County Police Chief or their designees prior to final approval of any site plan.
  - Provide a mutually agreed upon schedule for the Facility operator to provide information sessions and training for James City County public safety personnel relative to possible emergency response situations at the Facility.
  - Provide pertinent contact numbers for the Facility operator emergency personnel.
  - Provide that all emergency contact information will be posted on access gates.
- 13. <u>Construction Management and Mitigation Plan</u>. Prior to final approval of any site plan, the Facility operator shall provide a Construction Management and Mitigation Plan (CMMP) for review and approval of the Director of Planning or his designee. The CMMP shall include those items listed below:
  - a. Construction Management:
    - Designated parking areas.
    - All piling driving activity on the Properties be limited to the hours of 8 a.m. to 6 p.m., Monday through Friday.
    - Other construction activities, including clearing and grading of the Properties shall be limited to the hours of 7 a.m. to 7 p.m., Monday through Friday.
    - Construction delivery traffic to the Properties shall not be allowed during pick-up/drop-off times for surrounding schools.
    - Storage, transportation and disposal of any waste and/or hazardous materials.
  - b. Construction Mitigation:
    - Dust mitigation, such as water trucks, mulch or similar methods.
    - Smoke and burn mitigation, such as containments or similar methods.
- 14. <u>Spill Prevention Control and Countermeasure Plan</u>. Prior to approval of any site plan, the Facility Operator shall submit a Spill Prevention Control and Countermeasure (SPCC) Plan for the Facility to the County Director of Engineering and Resource Protection, or his designee, for review and approval. The SPCCP shall outline measures and procedures necessary for the operation of the Facility until decommission.

- 15. Decommissioning and Restoration Plan. Prior to final approval of any site plan a Decommissioning and Restoration Plan (DRP) shall be submitted to the County Director of Planning, or his designee, for review and approval. The DRP shall outline the required steps for removal of above-and below ground Facility components, disposal of and/or recycle of wastes and materials and the restoration of native habitat of the Properties. The DRP shall address abandonment of operations and the possible failure of the Facility operator to comply with the decommissioning process and provide an estimate cost associated with the decommissioning and restoration activities. To ensure sufficient funds are available to the County to conduct the DRP should the owner fail to perform its obligation under this condition, a surety shall be posted with James City County in a form acceptable to the County Attorney, in the amount sufficient for the removal and disposal of all the power generating equipment, inverters, fencing, wiring and any other ancillary materials and equipment associated with the Facility.
- 16. <u>Commencement</u>. The Facility shall be operational within 48 months from the issuance of this SUP, or this SUP shall become void. The Facility operator shall submit a certified letter to the County Director of Planning to confirm the operational status of the Facility.
- 17. <u>Height Limitation</u>. The maximum height of all structures in the Facility, including the photovoltaic solar panel mounts shall not exceed 16 feet above finished grade.
- 18. <u>Underground Wires</u>. All electrical wiring used in the Facility shall be located underground except where wiring is necessary to connect the Facility to the exiting overhead utility lines.
- 19. <u>Glare</u>. All photovoltaic solar panels shall be of made of/or be coated with anti-reflective materials to prevent glare.
- 20. <u>Severance Clause</u>. This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

|                                     | Kevin D. Oniz<br>Chairman, Bo |             | pervisors |         |
|-------------------------------------|-------------------------------|-------------|-----------|---------|
| ATTEST:                             |                               | VOTE<br>AYE |           | ABSTAIN |
|                                     | MCGLENNON<br>SADLER           |             |           |         |
| Bryan J. Hill<br>Clerk to the Board | HIPPLE<br>LARSON<br>ONIZUK    |             |           |         |

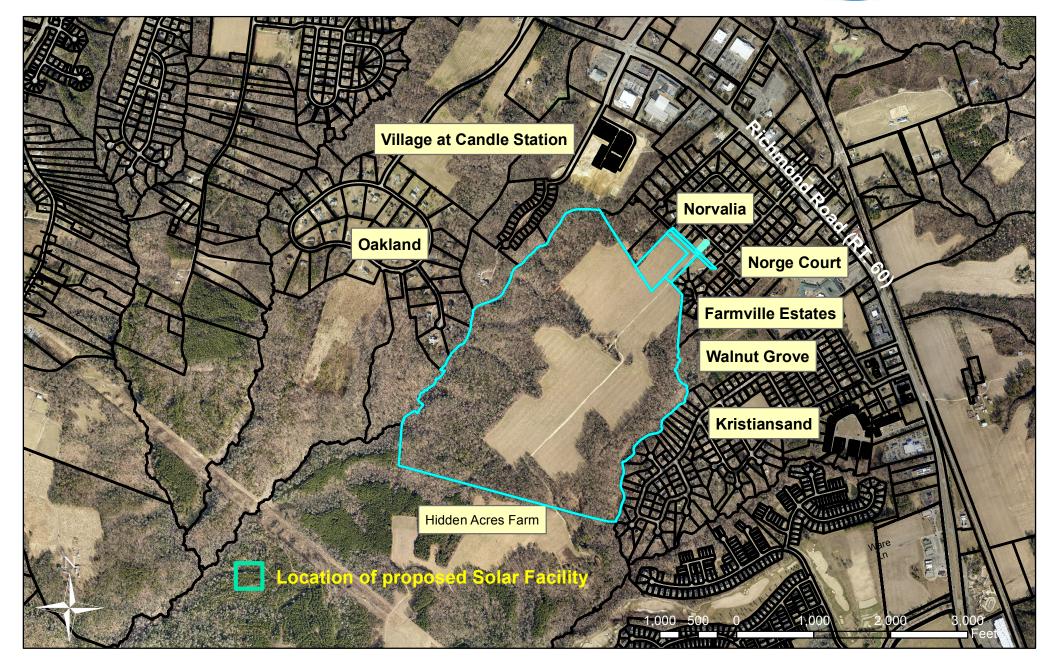
Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of May,

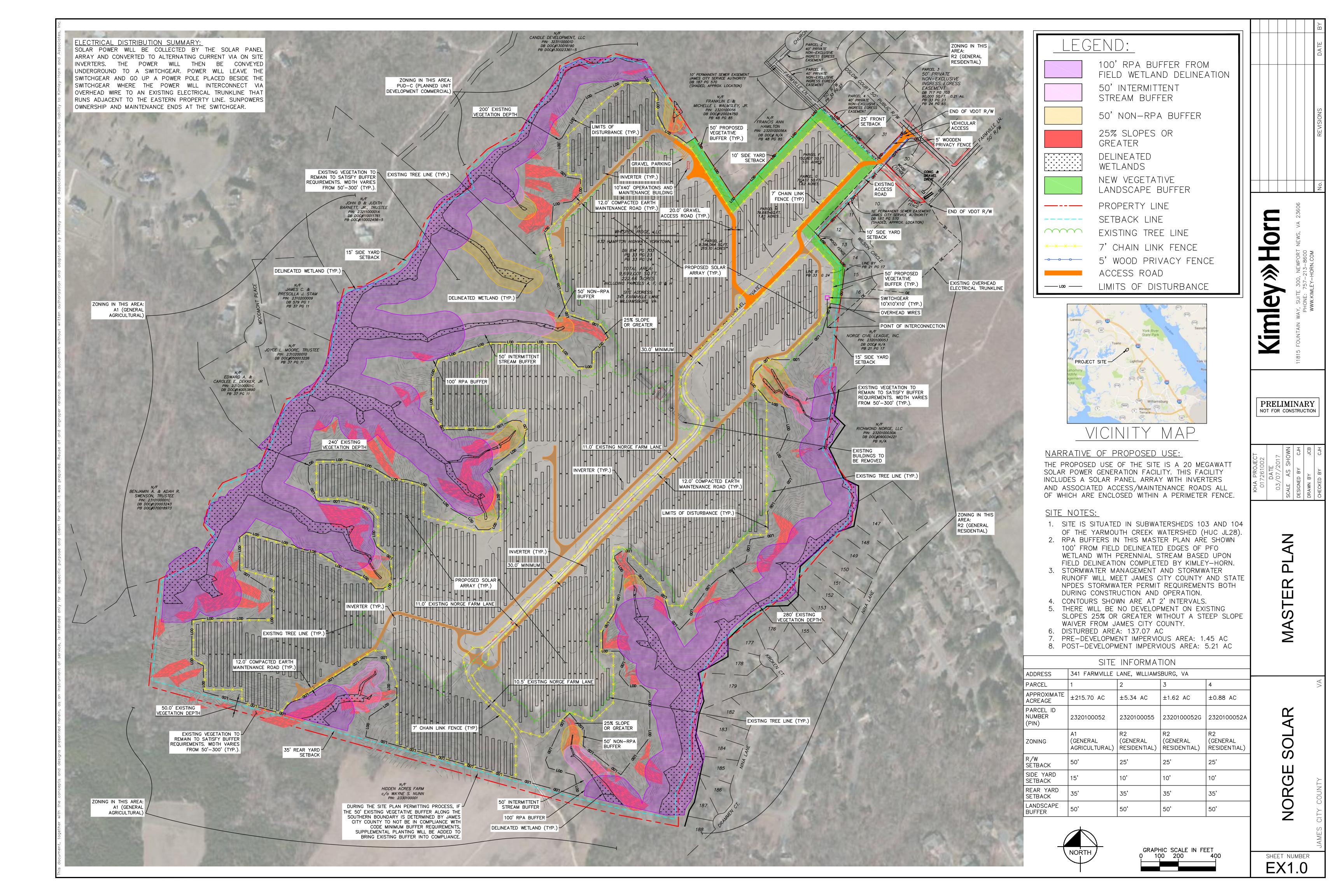
SUP28-16SolarFac-res2

2017.

# JCC-SUP-0028-2016 Solar Electrical Generation Facility at Norge Industry 1607







# **Unapproved Minutes of the April 5, 2017 Planning Commission Meeting**

#### SUP-0028-2016, Solar Electrical Generation Facility at Norge

Mr. José Ribeiro presented a report to the Commission on the request for a Special Use Permit to operate a private electrical solar generation facility on properties located in Norge. Mr. Ribeiro stated that the proposed facility will be located primarily on a parcel of approximately 216 acres with four adjacent smaller parcels making up for the entire area subject to this SUP. Mr. Ribeiro stated that the property is currently being used for agricultural purposes and is wooded with wetland systems along its eastern and western boundaries. Mr. Ribeiro stated that the site has access to Richmond Road via Farmville Lane which runs through Norvalia and Norge Court subdivisions. Mr. Ribeiro stated that surrounding neighborhoods include Kristiansand, Walnut Grove, Farmville Estates, Oakland and the Village at Candle Station.

Mr. Ribeiro stated that the major components of the facility are the ground-mounted arrays of photovoltaic panels that convert solar energy into electricity Mr. Ribeiro stated that the arrays are approximately 13 feet in height when positioned at the steepest angle and are arranged in rows, spaced  $\pm$  15 feet to 25 feet apart and mounted on single-axis trackers. Mr. Ribeiro stated that the master plan shows  $\pm$  820 trackers with 82,000 panels in total, Mr. Ribeiro stated that in addition to the arrays, the project will include a small enclosed switchgear facility, inverters, transformers, buried electrical conduits, a storage shed and unpaved access roads. No off-site substations or switching station are proposed as part of this project. Mr. Ribeiro state that once the facility is operational, it will have the ability to generate up to 20 megawatts or the equivalent to supply 4000 households per year.

Mr. Ribeiro stated that there are few anticipated impacts associated with this type of facility. Mr. Ribeiro noted that most of the impacts would occur during construction and would be associated with vehicles necessary to deliver materials to the site and traffic generated by workers traveling to and from the site. Mr. Ribeiro stated that SUP conditions have been designed to mitigate impacts during the construction period such as limiting the hours of construction activities and requiring the applicant to repair any damages to roads as a result of construction. Mr. Ribeiro further stated that once construction is complete and the facility is operational, the impacts would be limited. Mr. Ribeiro stated that traffic would be limited to approximately four trips per day, noise would be minimal and that the panels do not emit any odor or glare. Mr. Ribeiro stated that the site is naturally buffered from adjacent properties and that SUP conditions addressing landscaping, fencing and lighting were designed to further mitigate impacts.

Mr. Ribeiro stated that the property is designated Low Density Residential (LDR) on the Comprehensive Plan Land Use Map. Mr. Ribeiro stated that the Comprehensive Plan does not specifically address identify solar power, or utilities in general, in LDR or the other land use designation areas; therefore, staff has reviewed this application under the "very limited commercial uses" development standards listed in LDR. Mr. Ribeiro further stated that on balance, staff finds that this proposal meets the criteria for very limited commercial uses, and

based on its limited impacts staff finds that this proposal is consistent with the Comprehensive Plan

Mr. Ribeiro stated that Section 15.2-2232 of the Code of Virginia requires that unless a utility facility is shown on the adopted Comprehensive Plan or other master plan for the County, the local planning commission and a governing body shall review the facility to determine whether the location, character and extent of the project is substantial in accords with the adopted Comprehensive Plan. Mr. Ribeiro stated that the proposed solar electrical generation facility is not currently shown on the County's adopted Comprehensive Plan and, therefore, requires this additional level of review by the Planning Commission and the Board of Supervisors.

Mr. Ribeiro stated that the applicant has reviewed and concurred with all SUP conditions except for Condition #5 regarding vehicular access. Mr. Ribeiro stated that the applicant has proposed that vehicular access to and from the facility during the construction period be made via Oslo Court and the 50-foot-wide parcel. Mr. Ribeiro stated that this route would also be used during operation of the facility if larger vehicles are needed. Mr. Ribeiro stated that during operations, access for smaller vehicles will be restricted to Farmville Lane. Mr. Ribeiro stated that staff continues to support vehicular access to and from the facility via Farmville Lane only.

Mr. Ribeiro stated that staff recommends that the Planning Commission recommend approval of the application to the Board of Supervisors subject to the proposed SUP conditions. Mr. Ribeiro further stated that staff recommend that the Planning Commission find the location of the proposed project is in substantial accord with the Comprehensive Plan.

Mr. Krapf opened the floor for questions from the Commission.

Ms. Bledsoe inquired where the applicant stands with acquiring the interconnection permit with Dominion Virginia Power, the Renewable Energy Permit by Rule from the Department of Environmental Quality (DEQ) and any right-of-way needed for access.

Mr. Ribeiro stated that he would defer to the applicant on that question.

Mr. Jack Haldeman inquired about the status of the economic report.

Mr. Ribeiro stated that the economic report has not yet been submitted.

Mr. Haldeman inquired about the whether the site would be secured with a fence and locked gate.

Mr. Ribeiro stated that he did not believe that it would.

Mr. Haldeman inquired about the boundary line extinguishment on three properties.

Mr. Ribeiro stated that the boundary line extinguishment would ensure that the project would conform with required setbacks.

Mr. O'Connor inquired about the Planned Unit Development (PUD) reference on the Master Plan.

Mr. Ribeiro stated that it was referring to the Candle Station development which is zoned PUD.

Mr. Krapf inquired if the properties subject to the boundary line extinguishment are owned by the same entity.

Mr. Ribeiro confirmed.

Mr. Schmidt inquired if the applicants preferred access route would apply when the facility is decommissioned.

Mr. Ribeiro stated that the decommissioning report, when submitted, would clarify the methods and routes to be used

Mr. Holt stated that under the applicant's proposed condition, those routes can be used during construction and operation for oversized vehicles. Mr. Holt further stated that the Commission could request adding decommissioning to the SUP condition.

Mr. Richardson inquired whether the right-of-way required at the curve on Farmville Lane impacted a property owner.

Mr. Ribeiro stated that he would defer to the applicant.

Mr. Richardson noted, as disclosure, that he had toured the route and project site with the applicant.

Mr. Richardson inquired if the existing fence at the curve would need to be removed.

Mr. Ribeiro stated that the fence would need to be removed; however, the property is owned by Whisper Ridge, LLC which is also the owner of the project site.

Mr. Wright inquired if a community meeting was held.

Mr. Ribeiro stated that a community meeting was held by the applicant in November, 2016.

Mr. Krapf called for disclosures from the Commission.

Mr. Krapf stated that he toured the site with the applicant.

Mr. Schmidt stated that he toured the site last week.

Mr. O'Connor stated that he spoke with the applicant by telephone.

Ms. Bledsoe stated that she exchanged email with the applicant.

Mr. Wright stated that he did not meet with the applicant; however, he did visit the site.

Mr. Richardson stated that he visited the site with the applicant.

Mr. Haldeman stated that he visited the site with the applicant.

Mr. Krapf noted that the Public Hearing has remained open and called on the applicant to speak.

Mr. Drew Gibbons, SunPower, Lead Developer for East Coast Development, made a presentation to the Commission on the proposed project. Mr. Gibbons stated that the site was selected based on criteria of suitable acreage and topography, proximity to a distribution line, willing landowner partner, significant existing vegetative buffers and being previously farmed land.

Mr. Gibbons stated that an initial consultation has been held with the DEQ for the VA DEQ Renewable Energy Permit by Rule. Mr. Gibbons stated that consultations are now being held with the other necessary agencies and should be completed within six months. Mr. Gibbons stated that a Certificate of Public Convenience and Necessity and a Virginia Pollutant Discharge Elimination System (VPDES) Stormwater Management permit will also be necessary.

Mr. Gibbons stated that, once operational, the site would be maintained by up to three regionally-based electrical facility professionals and would generate 2-4 car trips per day. Mr. Gibbons stated that noise from the site would be no more than that of a standard refrigerator and would be inaudible at the property boundary. Mr. Gibbons stated that there will not be any glare from the site as solar panels absorb light. Mr. Gibbons stated that SunPower's facilities are designed to operate for 30 or more years; at end of life the facility will be decommissioned and all components will be removed. Mr. Gibbons further stated that the land would be restored and a Decommissioning security bond will be posted.

Mr. Gibbons stated that the main economic benefit of the project would be job creation with approximately 80 construction jobs over a nine-month period with up to three permanent operations positions. Mr. Gibbons noted that the project would place minimal demand on County facilities and services; provide long-term open land preservation; support workforce training programs for solar energy; and provide educational opportunities for schools.

Mr. Gibbons noted that construction will be limited to 7:00 a.m. – 7:00 p.m. and delivery of materials will be scheduled to avoid school bus pick up and drop off times. Mr. Gibbons further stated that the Virginia Department of Transportation (VDOT) has approved both access route options. Mr. Gibbons noted that the route preferred by staff would require removal of fencing and hedges to create an adequate turn radius for large vehicles. Mr. Gibbons noted that the necessary right of way for the turn improvements has not been acquired. Mr. Gibbons further stated that large vehicle access would be needed for construction and decommissioning as well as major maintenance approximately every ten years.

Mr. Gibbons stated that in response to the question on permits and easements, the Interconnection Agreement with Dominion Virginia Power is imminent. Mr. Gibbons further stated that the Permit by Rule process in underway. Mr. Gibbons stated that they easement for Oslo Court is in place but the easement for Farmville Lane is not.

Mr. Gibbons stated that the Economic Impact Report will be completed for the Board of Supervisors meeting. Mr. Gibbons noted that while the tax revenue will be minimal, greater benefits will be derived from job creation and minimal impacts on County services.

Mr. Gibbons noted that the project would be surrounded by a seven-foot chain link fence for security and safety; however the access road would not be gated.

Mr. Gibbons stated that a Community Meeting, recommended by staff, was held in November. Mr. Gibbons further noted that the meeting was well attended. Mr. Gibbons stated that the main concern expressed was the visual impact of the project. Mr. Gibbons stated that the buffer and screening plan was developed to address those concerns.

Mr. Richardson requested confirmation of whether it would be necessary to remove the fencing on a neighboring property to create the necessary turn radius for larger vehicles.

Mr. Gibbons confirmed that it would be necessary. Mr. Gibbons stated that they have been negotiating to acquire the access. Mr. Gibbons stated that part of the rationale for proposing an alternate access is to avoid impacts on nearby parcels.

Mr. Richardson inquired about the amount of land clearing for the project.

Mr. Gibbons noted that there would be some clearing of trees; however sensitive areas and extreme topography would be avoided.

Ms. Bledsoe inquired about the location of the substation.

Mr. Gibbons stated that the substation would be located close to the Dominion Virginia Power transmission lines. Mr. Gibbons further stated that the specific location is shown on the Master Plan.

Ms. Bledsoe inquired about the height of the panels.

Mr. Gibbons stated that when the panels are raised to their highest point it is approximately 16 feet.

Ms. Bledsoe inquired about the number of similar installations placed adjacent to residential neighborhoods.

Mr. Gibbons stated that SunPower has placed several facilities directly adjacent to residential communities and has worked diligently to minimize the impacts.

Ms. Bledsoe inquired whether the power would go directly to County residents.

Mr. Gibbons stated that the power would be for general distribution at the discretion of Dominion Virginia Power.

Ms. Bledsoe inquired if this is something that that Dominion needs at this time to maintain business.

Mr. Gibbons stated that Dominion will procure significant amounts of solar power over the next two to four years. Mr. Gibbons stated that solar power is part of Dominion's business plan. Mr. Gibbons further stated that this is an opportunity for James City County to participate in the solar movement.

Mr. Wright asked for confirmation that the Company is SunPower based in California and is a publicly traded company.

Mr. Gibbons confirmed.

Mr. Krapf inquired whether the construction workers would have staggered schedules or arrive on site at one time.

Mr. Gibbons stated that there would be 60 to 80 construction workers driving personal vehicles to the site. Mr. Gibbons stated that there would be staggered arrivals over an hour in the morning. Mr. Gibbons noted that materials would be delivered on a schedule designed to avoid school bus pick up and drop off. Mr. Gibbons noted that the traffic generation would be similar to that of a residential development.

Ms. Bledsoe inquired what the hours of operation would be.

Mr. Gibbons stated that for construction, the hours of operation would be 7:00 a.m. to 7:00 p.m. Mr. Gibbons noted that generally work would end between 3:30 p.m. and 5:00 p.m.; however, should the work run behind schedule, it is helpful to have the option of working later.

Mr. Benjamin Swenson, 106 Barlow's Run, County Resident, addressed the Commission in support of the application. Mr. Swenson stated that it is important to ensure that the County's natural resources are protected by ensuring adequate buffers, mitigation of impacts on the nearby perennial stream and ensuring archaeological sites are conserved.

Ms. Stephanie Weber, 222 Thomas Nelson Drive, Statewide Director for the Chesapeake Climate Action Network, addressed the Commission in support of the application. Ms. Weber noted that Virginia imports approximately 25% of its energy; second only to California. Ms. Weber stated that the project will provide clean energy on with minimal impacts. Ms. Weber noted that in this region, there is a proposed solar home development and that the Williamsburg-James City County Schools is looking at Dominion's Solar Schools program. Ms. Weber stated that solar farms are on the rise in neighboring states as well as certain areas of Virginia. Ms. Weber requested that the Commission support the project.

Ms. Josephine Gardner, 731 Autumn Circle, County Resident, addressed the Commission in opposition to the application. Ms. Gardner noted concerns about the impact of taking access for the project through the residential neighborhood.

Mr. Elliott York, 103 Spring Trace Lane, Assistant Manager, Whisper Ridge, LLC, addressed the Commission in support of the application. Mr. York stated that Whisper Ridge, LLC has entered into a long-term agreement with the applicant for use of the property. Mr. York noted that several solar power companies have inquired about the property and that SunPower's offer was accepted based on the reputation of the company. Mr. York stated that this is a winning proposal for all parties including the County and requested that the Commission support the project.

Mr. Wayne Nunn, 238 Loch Haven Drive, President of Hidden Acres Farm, Inc., addressed the Commission regarding the application. Mr. Nunn noted concerns about the suitability of using Oslo Court to access the property. Mr. Nunn noted concerns about the future stability of SunPower. Mr. Nunn further noted concerns about the structural stability of the panel arrays. Mr. Nunn stated that he has concerns about the access to his property and the reduction in value of his property.

As no one further wished to speak, Mr. Krapf closed the Public Hearing.

Mr. Krapf noted that there would need to be one motion regarding compliance with Section 15.2-2232 of the Code of Virginia and one regarding the Commission's recommendation to the Board of Supervisors.

Mr. Richardson inquired if there were sites where it was necessary to stabilize the pole with additional materials and is there a potential that it would be necessary to do so at this site.

Mr. Gibbons stated that the initial soils report indicated that stabilization would not be necessary.

Mr. Richardson inquired about the fencing along Norge Farm Lane.

Mr. Gibbons stated that the fence would only be around the project site only.

Ms. Bledsoe inquired if the land would be restored at decommissioning.

Mr. Gibbons stated that the land would be restored to its current use. Mr. Gibbons stated that the arrays would be completely removed and natural vegetation would be replaced. Mr. Gibbons further stated that there would be a decommissioning bond held by the County. Mr. Gibbons further stated that road repairs would also be bonded.

Ms. Bledsoe inquired about the lifespan of the facility.

Mr. Gibbons stated that facilities have a lifespan of approximately 30 years and that SunPower has an agreement with the landowner for thirty-five years.

Mr. Krapf inquired if there would be a warranty on the additional tree buffers.

Corey Howell, Kimley-Horn and Associates, stated that one of the SUP conditions requires a landscaping plan to be finalized during the Site Plan phase. Mr. Howell stated that there is generally a maintenance period of one year. Mr. Howell noted that after a year the vegetation should be firmly established.

Mr. Krapf inquired what techniques were used to determine that the turn radius on Farmville Lane is not sufficient.

Mr. Carroll Collins, Kimley-Horn and Associates, stated that a standard simulation program was used to determine what the turn radius needs to be for the anticipated vehicle size.

Mr. Krapf inquired it the simulation determined that the existing conditions would not allow use of that turn.

Mr Collins confirmed

Mr. Right inquired if the entire project site is within the Primary Service Area (PSA).

Mr. Ribeiro confirmed.

Mr. O'Connor inquired about the size of the site.

Mr. Ribeiro stated that the larger parcel is approximately 216 acres.

Mr. O'Connor inquired about the minimum lot size.

Mr. Ribeiro stated that the property is zoned A-1, General Agricultural and that the minimum lot size is three acres. Mr. Ribeiro stated that the Low Density Residential designation would allow for smaller lots; however, public benefits would need to be provided.

Mr. O'Connor inquired about the easement across the property to provide access to Hidden Acre Farm.

Mr. Ribeiro stated that staff has been unable to locate a Deed of Easement for Norge Farm Lane if there is an easement and who would hold the easement.

Mr. Schmidt stated that the proposed use would be less of a drain on County services and infrastructure than residential development.

Ms. Bledsoe stated that that while she supports solar energy, she has concerns about the outstanding permits and reports. Ms. Bledsoe further stated that she does not believe there will be major fiscal benefits for the County. Ms. Bledsoe stated that she is concerned that there is no clear access point that would not impact the residential neighborhood. Ms. Bledsoe further stated that she believes the hours of operation for Construction are excessive. Ms. Bledsoe stated that it

is not fair to ask the adjacent neighborhoods to endure the impacts of the project. Ms. Bledsoe stated that the subject property has been considered previously for other types of development which did not move forward due to lack of access. Ms. Bledsoe stated that she will not support the application.

Mr. Wright stated that he supports solar energy as a part of the County's energy resources. Mr. Wright stated that if the project were not adjacent to several residential neighborhoods, he would support the project. Mr. Wright further stated that he has concerns about the project being located within the PSA and potential impacts on future development in the County. Mr. Wright stated that he would support the project if it were sited outside the PSA; not adjacent to residential neighborhoods; had adequate access; and was located on a site with substantial natural buffers; however, under the current parameters, he cannot support the application.

Mr. Haldeman stated that he would prefer that the subject parcel and Hidden Acres Farm remain farmland for all time. Mr. Haldeman stated that it is inevitable that the property will be developed at some point. Mr. Haldeman stated that while he would not necessarily want to live adjacent to a solar farm, the alternative of residential development is even less desirable. Mr. Haldeman stated that he will support the application.

Mr. Richardson stated that this application gives the County a tool to keep the property as pristine as possible well into the future. Mr. Richardson stated that solar farms are a step toward energy independence which outweighs the lack of economic benefit. Mr. Richardson stated that once the construction is complete, the facility will generate no more traffic than an active farm. Mr. Richardson stated that he will support the application.

Mr. O'Connor stated that the purview of the Planning Commission is to determine whether the land use is appropriate. Mr. O'Connor stated that because the property is in the PSA, it could potentially be used for residential development which would generate substantially more traffic and place more burden on County infrastructure and services. Mr. O'Connor noted that the solar farm would ensure that the property would remain undeveloped for the foreseeable future. Mr. O'Connor stated that he will support the application.

Mr. Krapf stated that he will support the application. Mr. Krapf stated that he believes the construction period required for this project will be less of an impact than construction for homes if the property were developed for residential use. Mr. Krapf further stated that a priority for the County is economic uses for rural lands that does not involve residential development. Mr. Krapf stated that he believes the proposal is acceptable and in accord with the Comprehensive Plan. Mr. Krapf stated that he favors the amendment to SUP Condition #5 which allows the applicant to access the property from Oslo Court.

Mr. Haldeman made a motion to find that the location of the proposed facility is substantially in accord with the Comprehensive Plan.

On a roll call vote, the Planning Commission voted to find that the location of the proposed facility is substantially in accord with the Comprehensive Plan (5-2). (Aye: Haldeman, Schmidt, O'Connor, Richardson, Krapf. Nay: Wright, Bledsoe)

Mr. O'Connor made a motion to recommend approval of SUP-0028-2016. Solar Electrical Generation Facility at Norge with the applicant's amendment to Condition #5 to allow access through Oslo Court for construction, maintenance and decommissioning..

On a roll call vote, the Planning Commission voted to recommend approval of SUP-0028-2016, Solar Electrical Generation Facility at Norge with the applicant's amendment to Condition #5 to allow access through Oslo Court for construction, maintenance and decommissioning (5-2). (Aye: Haldeman, Schmidt, O'Connor, Richardson, Krapf. Nay: Wright, Bledsoe)

#### RESOLUTION

#### VIRGINIA CODE § 15.2-2232 ACTION ON CASE NO. SUP-0028-2016.

#### SOLAR ELECTRICAL GENERATION FACILITY AT NORGE

- WHEREAS, in accordance with Virginia Code § 15.2-2232, a public utility facility, whether publicly or privately owned, shall not be constructed, established or authorized, unless and until the general location or approximate location, character and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan or part thereof; and
- WHEREAS, Whisper Ridge, LLC (the "Owner") owns properties located at 320, 339, 341 and 345 Farmville Lane, further identified as James City County Real Estate Tax Map Parcel Nos. 2320100052A, 2320100052G, 2320100052 and 2320100055, respectively and an area legally described and identified as a "0.21acre parcel, approximately 200-feet-long by 50-foot-wide, located off Oslo Court in Norge, situated between 140 Oslo Court and 142 Oslo Court" (collectively, the "Properties"). The Properties are zoned A-1, General Agricultural and R-2, General Residential; and
- WHEREAS, Mr. Drew Gibbons of SunPower Devco, LLC, on behalf of the Owner, has applied for a Special Use Permit to allow for the construction of a solar electrical generation facility on the Properties as shown on a plan titled "Norge Solar Master Plan" dated March, 7, 2017, and;
- WHEREAS, in accordance with Virginia Code § 15.2-2204 and Section 24-9 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified, and a hearing scheduled for Case No. SUP-0028-2016.
- NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby, by motion, find that the general or approximate location, character, and extent of the public utility facility shown in Case No. SUP-0028-2016 is substantially in accord with the adopted Comprehensive Plan and applicable parts thereof.

Richard Krapf

Chair, Planning Commission

ATTEST:

Paul D. Holt, III

Secretary

Adopted by the Planning Commission of James City County, Virginia, this 5th day of April, 2017.





NORGE SOLAR FACILITY

James City County Special Use Permit

December 21, 2016



Special Use Permit

For

Norge Solar Facility 341 Farmville Lane Williamsburg, VA

Prepared By:
Kimley-Horn
11815 Fountain Way, Suite 300
Newport News, VA 23606

December 21, 2016 Kimley-Horn Project Number: 017261002



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#### Section I – Project Description

#### The Project

SunPower plans to construct and operate a photovoltaic solar electrical generation facility with a capacity up to 20 megawatts (MW) on a site of approximately 223 acres located in James City County, Virginia. When fully constructed the facility will supply approximately 4,000 Virginia households with clean, renewable energy. Upon completion, the project will include the following key components:

- Ground-mounted arrays of photovoltaic panels that are up to approximately 13 feet in height, arranged in rows, spaced approximately 15'-25' apart, and mounted on single-axis trackers;
- An enclosed switchgear facility with interconnection to Dominion's distribution network via generation tie lines and poles;
- Supervisory Control and Data Acquisition Facility Control Systems;
- Inverters, combiners, and transformers;
- Buried electrical conduits;
- Onsite unpaved access roads, consisting of 12-foot-wide interior perimeter access roads and 8to 12-foot-wide interior access paths;
- Wildlife-compatible, chain link security fencing, up to 7 feet in height, located along the site perimeter;
- A 50' minimum existing or planted vegetative buffer to screen project from adjoining properties;
- A prefab container-sized O&M storage shed; and
- A gravel-surfaced access driveway fronting onto Oslo Court

Land for the project will be leased from an existing property owner, which is typical for this type of development and preferred by the landowners. Including extensions, the lease term of the land agreements is 35 years. This structure provides a mutually agreeable set of lease terms and a very stable and steady income for the landowner. A decommissioning plan will be implemented at the end of the project life, and is discussed in more detail below.

The subject property is located at 341 Farmville Lane in Williamsburg, Virginia. Three small parcels are currently zoned General Residential (R2) and one large parcel is currently zoned General Agricultural (A1). According to the James City County Zoning Ordinance, utility uses, to include electrical generation facilities (public or private) may be developed on land zoned R2 and A1 after obtaining a special use permit. On November 11, 2016, the James City County Zoning Administrator found the use proposed based on our conceptual plan (i.e., utility-scale solar farm) consistent with the Zoning Ordinance (i.e. electrical generation facilities).

Based on the proposed layout, approximately 153 acres of land will be disturbed as a part of this project.



#### SunPower Background

Founded in 1985, SunPower is a U.S.-based company headquartered in San Jose, CA with regional offices across the country. For over 30 years SunPower has been leading global solar innovation. SunPower solar panels consistently deliver more energy and long-term peace of mind with the highest performing solar power systems available. SunPower is the solar energy choice of more homeowners and businesses around the world.

#### A Proven Track Record

- Diversified global portfolio leading residential, commercial and utility solar energy markets
- Over 2,600 MW of solar power plants deployed globally
- Total solar energy deployed > 7 GW, enough to power over 1 million homes
- Developed and constructed one of the world's largest PV plants (579 MW ac) The Solar Star Projects in Los Angeles and Kern Counties, California, USA
- A 14 GW power plant pipeline attracting the world's most sophisticated utilities, investors and commercial organizations at the forefront of renewable energy

# Industry-Leading Technology

- World's highest efficiency solar panels featuring SunPower Maxeon cell technology
- More than 600 patents
- Panel efficiency world record holder (22.4%), with production panels exceeding 20%
- Panel useful life estimated to extend more than 40 years

#### **Enduring Viability**

- One of the most vertically integrated companies in the industry, guiding all aspects of the solar value chain from manufacturing to lifetime operations & maintenance
- Cumulative 5-year GAAP revenue of approximately \$12 billion; \$1.5 billion in 2015
- More than 6,000 people employed worldwide
- Publicly traded on the NASDAQ (SPWR) since 2005
- Majority-backed by Total S.A. (approximately 66% ownership), the fourth largest publicly traded, integrated international oil and gas company in the world



#### Regulatory/Approval Processes

There are three main approvals required for this project:

1. Special Use Permit – James City County

SunPower is requesting approval for a special use permit from James City County for a site that has been carefully selected as suitable for this purpose.

2. Interconnection Agreement – Dominion Virginia Power

The project requires an agreement with Dominion Virginia Power (DVP) to interconnect into the electrical power distribution network. Independent transmission evaluations were conducted prior to selecting the site to confirm that the location was optimal for supplying power to the grid. SunPower submitted an interconnection request to DVP in March 2016 and expects to execute an interconnection agreement in early 2017.

3. Renewable Energy "Permit By Rule" – Commonwealth of Virginia

The Permit by Rule (PBR) review and approval process is administered by the Virginia Department of Environmental Quality (DEQ). In keeping with this process, the Norge Solar Facility will be meeting with the DEQ and the application will undergo review by numerous state agencies, including the Department of Game and Inland Fisheries (DGIF), the Department of Conservation and Recreation (DCR), the Department of Historic Resources (DCR) and Department of Mines Minerals and Energy (DMME) to ensure the project minimizes impacts to protected resources and complies with all requirements of the PBR. The Project has also performed wetlands studies to ensure compliance with US Army Corps of Engineers requirements. A number of environmental, historical/archaeological, and other studies have been or will be performed in support of these primary approvals and are described in more detail below.

# **Decommissioning Plan**

All landowners expect their land will be returned to the pre-existing conditions after the end of the project life. It is of utmost important to SunPower that these leases have decommissioning requirements with financial assurances to ensure that the land is returned to the owners in a responsible manner. The purpose of the Decommissioning Plan is to estimate the costs associated with decommissioning of the project at the end of operations and to ensure proper removal of all associated components of the project and restoration of the site to pre-existing conditions. A Decommissioning and Restoration Plan is included with this submittal.

# **Benefits to James City County**

The project will produce clean, emissions-free electricity to meet anticipated energy demands as well as state and/or federal renewable energy goals or requirements. The project also will help utilities meet state Renewable Portfolio Standards/Renewable Energy Standards.

Local project benefits include the creation of up to 80 jobs during peak construction, providing an economic benefit to the local economy and increasing sales tax revenues for James City County—all the



while, delivering enough clean electricity to power the equivalent of approximately 4,000 homes. One to two permanent jobs will be required to operate the facility after construction and additional contractor services will also be required periodically over the life of the project. SunPower will hold job fairs and conduct outreach to ensure hiring of locally skilled workers. Project development would also increase local business activity during construction and public tax revenue for James City County over the life of the project.

An independent economic consulting firm is conducting an economic impact analysis to access the economic and fiscal contribution that the project will make to James City County. The final report will be included as an addendum to this application once completed.

#### Section II - Traffic Impacts

The proposed solar power electrical generation facility will add only a negligible amount of additional traffic to the existing adjacent roadway infrastructure as the proposed use is a very low trip generator. The *James City County/Williamsburg/York County Comprehensive Transportation Study*, prepared by the Hampton Roads Transportation Planning Organization (HRTPO) in March of 2012, indicates that the segment of Richmond Road (U.S. Route 60) between Croaker Road (State Route 607) to the west and Lightfoot Road (State Route 646) to the east, experienced between LOS A and C in 2010 during the PM peak hour and is anticipated to experience between LOS A and C in 2034 during the PM peak hour. During operations the proposed solar power project will add a negligible amount of new traffic to the adjacent street network as traffic activity is limited to periodic maintenance vehicle activity during the week and throughout the month. LOS is based on the average delay experienced by all traffic using the intersection during the busiest (peak) 15-minute period. Generally, LOS A through LOS D are considered acceptable in urban areas. Therefore, the proposed project will not adversely impact either existing or anticipated future operational conditions along the Richmond Road corridor.

Although the site is relatively remote and well screened, we plan to keep construction work hours from 7AM to 7 PM to minimize disturbances during early morning and/or evening hours. SunPower estimates 7 – 10 trucks per day for material deliveries during peak construction and an additional 2 – 4 concrete trucks depending if there is any overlapping of activities. Heavy trucks for material deliveries do not operate during the entire construction duration of the project, only at peak times. SunPower estimates around 60 personal vehicles could also make daily trips to the site related to construction labor and management. We will work with JCC to best define appropriate construction delivery times in an effort to avoid conflicts with school buses on the surrounding residential streets during peak pickup and drop off times. Current pick up/drop off times for surrounding schools are below:

|          | Norge ES | Toano MS | Warhill HS |
|----------|----------|----------|------------|
| Pick Up  | 9:01 AM  | 6:34 AM  | 6:44 AM    |
| Drop Off | 4:21 PM  | 2:53 PM  | 2:49 PM    |



After construction, during normal operation and maintenance, the site will receive around 4 trips max per day. Normally 1 pick-up truck would visit the site per day but the site could see 2 – 4 more if utility workers are needed for major repair such as replacing an inverter.

#### Section III – Water and Sewer Impacts

The proposed solar power electrical generation facility will not require water or sewer service during construction or during regular operation.

A relatively small amount of water will be used during construction. Water is typically needed for dust control during construction, but given the wet climate and soils at the site, dust should not be a construction issue. Water will be needed on site for compaction purposes but will be very limited and can be brought on site via truck. SunPower can provide an actual estimate during the site plan permitting phase once we've conducted a geotech study.

Due to the site's location, monthly rainfall is typically expected and cleaning of panels during the operation and maintenance phase will be minimal as the rainfall will naturally remove dust that collects on the panels. SunPower estimates that the panels will require cleaning twice a year at most. Operations and maintenance cleaning systems functioning twice a year will use approximately 13,000 gallons of clean water annually. This relatively small amount of water can be transported on site via truck.

# Section IV – Conceptual Stormwater Management Plan

New construction will require an analysis of stormwater quality and quantity per the 2014 Virginia Department of Environmental Quality Regulations and adherence to any other applicable local and state regulations. The project is required to meet Part IIB of the Commonwealth of Virginia's stormwater management requirements and will be considered a redevelopment project.

The existing condition of the 223 acre project site of which approximately 153 acres will be disturbed during construction. Currently, the site has about 1.6 acres of impervious cover including an access road and a small grouping of farm houses. Much of the site has been used as cultivated farm land and is classified as managed turf. In these predevelopment conditions, the runoff curve number for the site is about 70.93, assuming Type C soils.

In proposed conditions, there is about 3.92 acres of impervious cover which include new access roads and equipment pads. The solar panel array functions as a pervious surface, due to the spacing between rows of panels, the angle of the panels and the underlying vegetative surface. The system is relatively low impact and allows stormwater to infiltrate at the same rate, if not faster than in the existing conditions. The ground below the solar panels will be seeded with a low maintenance meadow seed mix. It is important to note that changing the ground cover conditions from cultivated farm land to a meadow reduces the overall runoff from the site, improves the water quality and prevents erosion. The runoff curve number for the proposed development is 74.61, assuming Type C soils.



| DRAINAGE AREA SUMMARY |            |            |              |                   |       |      |
|-----------------------|------------|------------|--------------|-------------------|-------|------|
|                       |            | DI         | RAINAGE AREA | A SUMIMARY        |       |      |
|                       | TOTAL      | IMPERVIOUS | MANAGED TU   | RF FOREST/ OPEN S | PACE  |      |
|                       | AREA (AC.) | AREA (AC.) | AREA (AC.)   | AREA (AC.)        | С     | CN   |
| Pre Development       | 153.44     | 1.60       | 24.44        | 127.40            | 70.93 | 0.11 |
| Post Development      | 153.44     | 3.92       | 149.52       | 0.00              | 74.61 | 0.36 |

DEQ Virginia Runoff Reduction Method (VRMM) stormwater quality calculations were performed for the site and are presented in Appendix B. The calculations show that converting the farm land to open space provided more than adequate pollutant removal; an extra 34 pound of phosphorous is being removed per year and can be used to help the county meet its TMDL goals. The supporting calculations have been attached to Appendix B.

# Section V - Adequate Public Facilities

It was determined through conversations with staff that an adequate public facilities report is not required for this SUP application. The project is not a residential development, and because the proposed solar power electrical generation facility will not provide for any additional population growth and minimal permanent employment positions, the project will not result in additional traffic being added to and/or impacting the adjacent roadways and intersections.

# Section VI – Historic and Archeological Study

According to the GIS data provided by the Virginia Department of Historic Resources, the site is not within a historically protected district. Therefore, a Phase 1A Historic and Archeological study is not required. See the attached exhibit in Appendix C. However, as a part of the Renewable Energy "Permit By Rule" through the Commonwealth of Virginia, Applicant will perform historical and archaeological studies and the Department of Historic Resources (DCR) will review the site and surrounding areas to ensure historical and archeological significant areas are not affected from this development.

# Section VII – Environmental Inventory

An environmental analysis was performed on site to ensure that the proposed development is feasible and does not provide significant adverse environmental impacts.

#### Wetlands and Waters

County GIS data and USGS topographic mapping was used to identify the location of surrounding bodies of water. The site is located in the Yarmouth Creek watershed. Wetlands and Waters of the U.S. (WOUS) were delineated in accordance with the methods outlined in the U.S. Army Corps of Engineers (USACE) 1987 Wetland Delineation Manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0). The



project area consists of agricultural fields within the central portion of the site and wooded areas surrounding the agricultural fields. Unnamed tributaries that flow to Cranstons Pond (which flows to Yarmouth Creek) bound the property to the west, south and east. Forested wetlands systems are associated with these tributaries in areas. A field perenniality determination was conducted using the James City County (JCC) Perennial Stream Protocol Guidance Manual and portions of the tributaries were determined to be perennial. Perennial streams and wetlands which are contiguous and connected by surface flow to these perennial streams were identified as Resource Protection Areas and are subject to a 100-ft Resource Protection Area (RPA) buffer. The dominate tree species in the upland areas consist of beech (Fagus grandifolia), tulip poplar (Liriodendron tulipifera), red maple (Acre rubrum), white oak (Quercus alba), red oak (Quercus falcata), and holly (Ilex opaca). The wetlands occur in low lying ravines and are associated with streams. Common vegetation along the boundary and upper limits of the wetlands included holly (*Ilex opaca*), sycamore (*Platanus occidentalis*), ironwood (Carpinus caroliniana), highbush blueberry (Vaccinium corymbosum), Christmas fern (Polystichum acrostichoides), and Japanese stiltgrass (Microstegium vimineum). Lizard's tail (Saururus cernuus) was observed adjacent to streams within the wider wetland areas. No isolated wetlands or vernal pool type systems were identified within the delineation limits. Based on the delineation, the RPA buffers and associated wetlands do not conflict with the proposed limits of disturbance. An exhibit depicting the wetlands delineation, the RPA buffer, and the surrounding WOUS can be found in Appendix D.

# Threatened and Endanger Species

Kimley-Horn conducted a preliminary review readily available database and agency information regarding potential occurrences of federal and state listed threatened and endangered (T&E) species within the proposed project limits or a 2-mile radius of the proposed project area. The review consisted of obtaining an Official Species list from the US Fish and Wildlife Service (USFWS) Official Species List, reviewing the Department of Game and Inland Fisheries (DGIF) Virginia Fish and Wildlife Information Service (VaFWIS) and Wildlife Environmental Review Map Service (WERMS), and submittal of the project area to the Department of Conservation and Recreation (DCR) Division of Natural Heritage (DNH).

*USFWS* - The USFWS Official Species List, dated September 19, 2016, documented Small Whorled pogonia (*Istotria medeoloides*) and Northern long-eared Bat (*Myotis septentrionalis*) as potentially occurring within the vicinity of the proposed project.

DGIF – The DGIF VaFWIS and WERMS databases did not identify any known occurrences of federal or state listed threatened or endangered species within the project limits (accessed September 19, 2016, November 2 and 3, 2016). The databases documented one known occurrence of the tri-colored Bat (*Perimyotis subflavus*) within the 2-mile radius of the project area. This species is state listed as endangered. The documented occurrence is located to the south of the proposed project site in the vicinty of Deer Lake to the north of Kolly Pond Road. DGIF's Little Brown Bat (MYLU) and Tri-colored Bat (PESU) Winter Habitat and Roosts Application did not identify hibernaculum within 0.25 mile of the proposed project nor known roost trees within 150 feet of the proposed project (accessed September 19, 2016 and November 3, 2016). DGIF's Northern Long-Eared Bat (NLEB) Winter Habitat and Roost Trees Application was also reviewed to identify winter habitat within 0.25 mile of the proposed project



or known maternity roost trees within 150 feet of the proposed project (accessed September 19, 2016 and November 3, 2016). No known NLEB winter hibernaculum or maternity roost trees were identified within the proposed project area or referenced ranges.

*DCR* – Based on DCR's comments received on October 18, 2016, natural heritage resources were not depicted within the project area but are located within a 2-mile radius of the proposed project area:

Lightfoot Conservation Site (Site ID 2121) – this site is located ±0.8 mile to the south of the proposed site. This conservation site has been assigned a biodiversity ranking of B3 which represents a site of high significance. The resource of concern at the site is small whorled pogonia (*Isotria medeoloides*, G2/S2/LT/LE). Small whorled pogonia is federally listed as threatened and state listed as endangered. The DCR comments describe small whorled pogonia as a perennial orchid that grows in a variety of woodland habitats but tend to prefer mid-aged woodland habitats on gently north or northeast facing slopes, often within small draws. Threats to this species include direct destruction, habitat loss, and habitat alteration. A habitat assessment for small whorled pogonia (*Isotria medeoloides*) will be performed to identify suitable habitat on the project site. If suitable habitat is identified a survey will be conducted within the survey window.

Yarmouth Creek Conservation Site (G3G4/S3S4/NL/NL) – This site is identified as an Arrow-Arum-Pickerelweed tidal freshwater marsh and has a biodiversity significance ranking of B2, which represents very high significance. These communities occur in low lying marsh with much substrates of varying depths with long periods of tidal flooding. To minimize adverse impacts to this conservation site, the project will have strict adherence to state and local erosion and sediment control/stormwater management laws and regulations.

#### Floodplain

The Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map depicts the proposed project site as within Zone "X", outside the 0.2% annual chance floodplain. An exhibit has been provided in Appendix D.

#### Topography and Soils

County GIS was also used to examine the existing topography of the site. The area where the proposed solar power electrical generation facility will be located is relatively flat. However, the slopes increase dramatically (over 25%) at the field delineated RPA buffers, leading to the streams to the east and west of the proposed site location. A topographic exhibit has been attached in Appendix D. According to the USDA soil survey, the site soils are predominately a mix of Craven-Uchee complex, Emporia complex, and Kempsville-Emporia fine sandy loams. These soils are well drained with moderate permeability, and the hazard of erosion is slight. The USDA soils report has been provided in Appendix D.

#### Section VIII - Perimeter Buffers

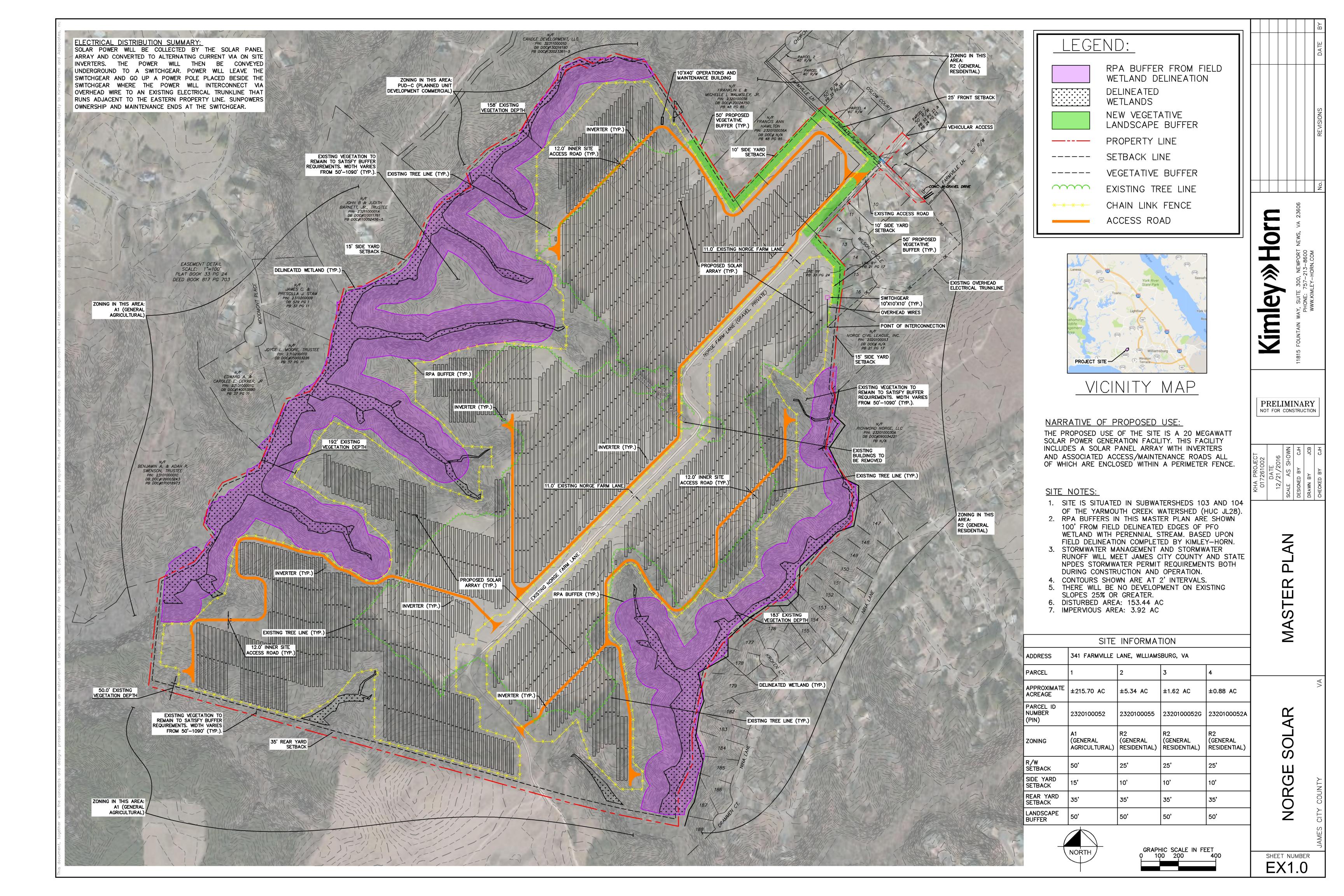
The majority of the site is bounded by existing, vegetated RPA-buffered features as shown on the Master Plan. Based upon James City County, State, and Federal environmental regulations, these RPA buffer and steep slope areas will not be cleared or disturbed as part of construction. Therefore, significant



buffers composed of existing plant material will remain present and will provide from approximately 50-ft to more than 1,000-ft of buffering from the majority of the surrounding properties as shown on the Master Plan. For areas along the north and northeast sides of the project area where agricultural fields border existing residential properties and limited existing buffer vegetation is present, a planted buffer of 50-ft is proposed as shown conceptually on the Master Plan. For this proposed buffer area, plantings composed predominantly of evergreen plant material are planned so that a continuous screen can be provided.

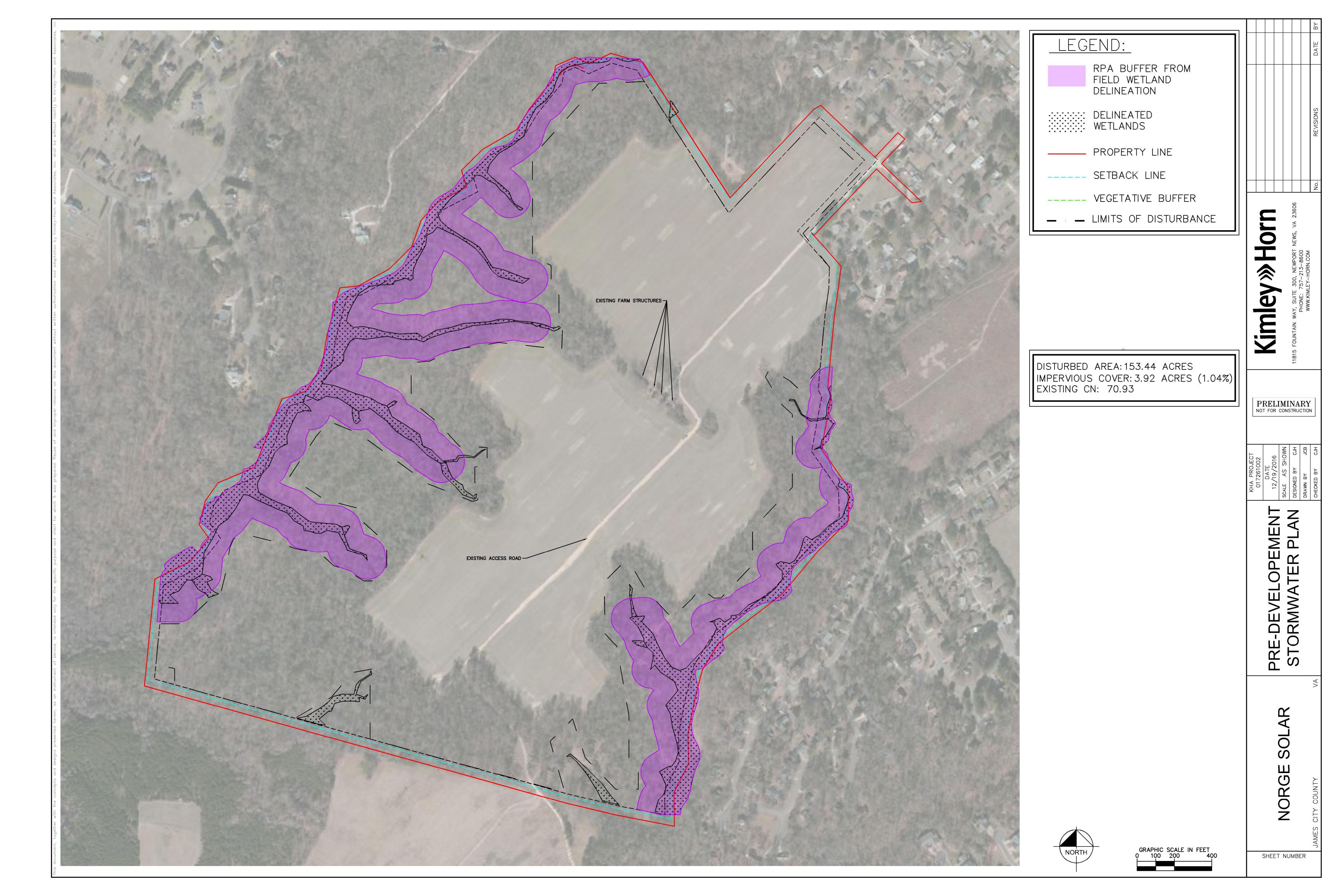


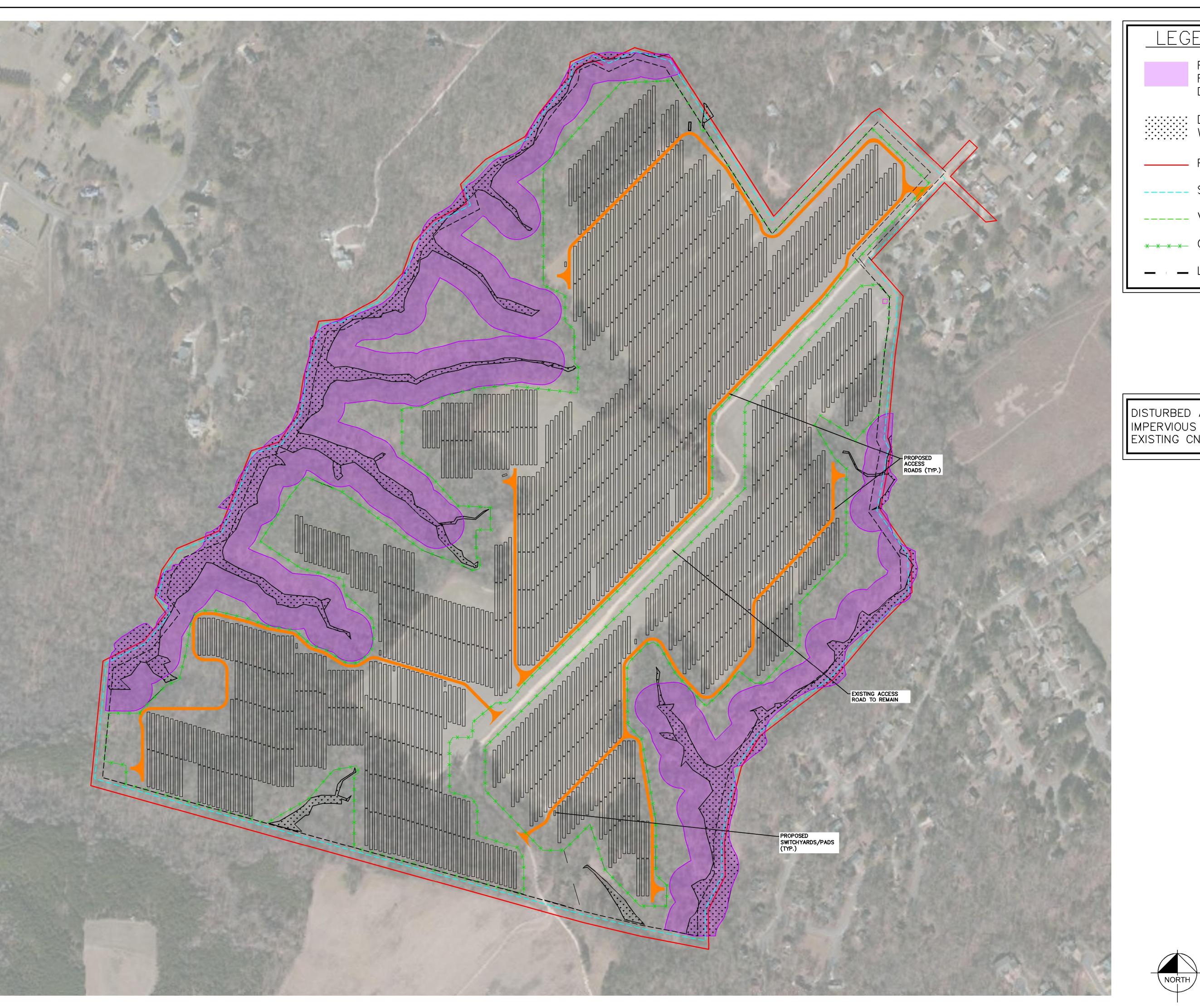
Appendix A – Master Plan and Supplemental Exhibits





Appendix B – Conceptual Stormwater Calculations and Exhibit





LEGEND:

RPA BUFFER FROM FIELD WETLAND DELINEATION

DELINEATED ∷∷∷∷∷: DELINEATED ∷∷∷∷∷: WETLANDS

PROPERTY LINE

SETBACK LINE

---- VEGETATIVE BUFFER

\* \* \* \* CHAIN LINK FENCE

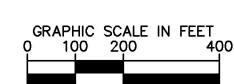
LIMITS OF DISTURBANCE

DISTURBED AREA: 153.44 ACRES
IMPERVIOUS COVER: 3.92 ACRES (2.55%)
EXISTING CN: 74.61

PRELIMINARY NOT FOR CONSTRUCTION

SHEET NUMBER

EX1.0



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

BMP Design Specifications List: 2013 Draft Stds & Specs

# Site Summary

| Total Rainfall (in):     | 43     |
|--------------------------|--------|
| Total Disturbed Acreage: | 153.44 |

#### Site Land Cover Summary

#### Pre-ReDevelopment Land Cover (acres)

|                          | A soils | B Soils | C Soils | D Soils | Totals | % of Total |
|--------------------------|---------|---------|---------|---------|--------|------------|
| Forest/Open (acres)      | 0.00    | 0.00    | 127.40  | 0.00    | 127.40 | 83         |
| Managed Turf (acres)     | 0.00    | 0.00    | 24.44   | 0.00    | 24.44  | 16         |
| Impervious Cover (acres) | 0.00    | 0.00    | 1.60    | 0.00    | 1.60   | 1          |
|                          |         |         |         |         | 153.44 | 100        |

#### Post-ReDevelopment Land Cover (acres)

|                          | A soils | B Soils | C Soils | D Soils | Totals | % of Total |
|--------------------------|---------|---------|---------|---------|--------|------------|
| Forest/Open (acres)      | 0.00    | 0.00    | 0.00    | 0.00    | 0.00   | 0          |
| Managed Turf (acres)     | 0.00    | 0.00    | 149.52  | 0.00    | 149.52 | 97         |
| Impervious Cover (acres) | 0.00    | 0.00    | 3.92    | 0.00    | 3.92   | 3          |
|                          |         |         |         |         | 153.44 | 100        |

#### Site Tv and Land Cover Nutrient Loads

|                                     | Final Post-Development<br>(Post-ReDevelopment<br>& New Impervious) | Post-<br>ReDevelopment | Post-<br>Development<br>(New Impervious) | Adjusted Pre-<br>ReDevelopment |
|-------------------------------------|--|------------------------|--|--------------------------------|
| Site Rv                             | 0.24   | 0.23                   | 0.95                                     | 0.08                           |
| Treatment Volume (ft <sup>3</sup> ) | 132,925  | 124,924                | 8,001                                    | 43,197                         |
| TP Load (lb/yr)                     | 83.52  | 78.49                  | 5.03                                     | 27.14                          |

Baseline TP Load (lb/yr): 61.9592\* \*Reduction below new development load limitation not required

| Total TP Load Reduction Required (lb/yr) | 20.61 | 16.53 | 4.08 |
|--|-------|-------|------|
|  |       |       | i    |

|                 | Final Post-Development Load<br>(Post-ReDevelopment & New Impervious) | Pre-<br>ReDevelopment |
|-----------------|--|-----------------------|
| TN Load (lb/yr) | 597.46   | 195.67                |

| Pre-<br>ReDevelopment<br>TP Load per acre<br>(lb/acre/yr) | Final Post-Development<br>TP Load per acre<br>(lb/acre/yr) | Post-ReDevelopment TP<br>Load per acre<br>(lb/acre/yr) |
|---|--|--|
| 0.18  | 0.54   | 0.52   |

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

BMP Design Specifications List: 2013 Draft Stds & Specs

# Site Summary

| Total Rainfall (in):     | 43     |
|--------------------------|--------|
| Total Disturbed Acreage: | 153.44 |

#### Site Land Cover Summary

#### Pre-ReDevelopment Land Cover (acres)

|                          | A soils | B Soils | C Soils | D Soils | Totals | % of Total |
|--------------------------|---------|---------|---------|---------|--------|------------|
| Forest/Open (acres)      | 0.00    | 0.00    | 127.40  | 0.00    | 127.40 | 83         |
| Managed Turf (acres)     | 0.00    | 0.00    | 24.44   | 0.00    | 24.44  | 16         |
| Impervious Cover (acres) | 0.00    | 0.00    | 1.60    | 0.00    | 1.60   | 1          |
|                          |         |         |         |         | 153.44 | 100        |

#### Post-ReDevelopment Land Cover (acres)

|                          | A soils | B Soils | C Soils | D Soils | Totals | % of Total |
|--------------------------|---------|---------|---------|---------|--------|------------|
| Forest/Open (acres)      | 0.00    | 0.00    | 0.00    | 0.00    | 0.00   | 0          |
| Managed Turf (acres)     | 0.00    | 0.00    | 149.52  | 0.00    | 149.52 | 97         |
| Impervious Cover (acres) | 0.00    | 0.00    | 3.92    | 0.00    | 3.92   | 3          |
|                          |         |         |         |         | 153.44 | 100        |

#### Site Tv and Land Cover Nutrient Loads

|                                     | Final Post-Development<br>(Post-ReDevelopment<br>& New Impervious) | Post-<br>ReDevelopment | Post-<br>Development<br>(New Impervious) | Adjusted Pre-<br>ReDevelopment |
|-------------------------------------|--|------------------------|--|--------------------------------|
| Site Rv                             | 0.24   | 0.23                   | 0.95                                     | 0.08                           |
| Treatment Volume (ft <sup>3</sup> ) | 132,925  | 124,924                | 8,001                                    | 43,197                         |
| TP Load (lb/yr)                     | 83.52  | 78.49                  | 5.03                                     | 27.14                          |

Baseline TP Load (lb/yr): 61.9592\* \*Reduction below new development load limitation not required

| Total TP Load Reduction Required (lb/yr) | 20.61 | 16.53 | 4.08 |
|--|-------|-------|------|
|  |       | 1     | i    |

|                 | Final Post-Development Load<br>(Post-ReDevelopment & New Impervious) | Pre-<br>ReDevelopment |
|-----------------|--|-----------------------|
| TN Load (lb/yr) | 597.46   | 195.67                |

| Pre-<br>ReDevelopment<br>TP Load per acre<br>(lb/acre/yr) | Final Post-Development<br>TP Load per acre<br>(lb/acre/yr) | Post-ReDevelopment TP<br>Load per acre<br>(lb/acre/yr) |
|---|--|--|
| 0.18  | 0.54   | 0.52   |

# Site Compliance Summary

| Maximum % Reduction Required Below | 20% |
|------------------------------------|-----|
| Pre-ReDevelopment Load             | 20% |

\* Note: % Reduction will reduce post-development TP load to less than or equal to baseline load of 61.96 lb/yr (0.41 lb/ac/yr)
[Required reduction for Post-ReDev. = Post-ReDev TP load - baseline load of 61.9592 lb/yr], baseline load = site area x 0.41 lb/ac/yr

| Total Runoff Volume Reduction (ft <sup>3</sup> ) | 34,921 |
|--|--------|
| Total TP Load Reduction Achieved (lb/yr)         | 21.92  |
| Total TN Load Reduction Achieved (lb/yr)         | 156.78 |
| Remaining Post Development TP Load<br>(lb/yr)    | 61.60  |
| Remaining TP Load Reduction (lb/yr)<br>Required  | 0.00   |
| *Paduction below now development lead limits     |        |

\*\* TARGET TP REDUCTION EXCEEDED BY 1.31 LB/YEAR \*\*

<sup>\*</sup>Reduction below new development load limitation not required

# Site Compliance Summary

| Maximum % Reduction Required Below | 20% |
|------------------------------------|-----|
| Pre-ReDevelopment Load             | 20% |

\* Note: % Reduction will reduce post-development TP load to less than or equal to baseline load of 61.96 lb/yr (0.41 lb/ac/yr)
[Required reduction for Post-ReDev. = Post-ReDev TP load - baseline load of 61.9592 lb/yr], baseline load = site area x 0.41 lb/ac/yr

| Total Runoff Volume Reduction (ft <sup>3</sup> ) | 34,921 |
|--|--------|
| Total TP Load Reduction Achieved (lb/yr)         | 21.92  |
| Total TN Load Reduction Achieved (lb/yr)         | 156.78 |
| Remaining Post Development TP Load<br>(lb/yr)    | 61.60  |
| Remaining TP Load Reduction (lb/yr)<br>Required  | 0.00   |
| *Paduction below now development lead limits     |        |

\*\* TARGET TP REDUCTION EXCEEDED BY 1.31 LB/YEAR \*\*

<sup>\*</sup>Reduction below new development load limitation not required

# Drainage Area Summary

|                          | D.A. A | D.A. B | D.A. C | D.A. D | D.A. E | Total  |
|--------------------------|--------|--------|--------|--------|--------|--------|
| Forest/Open (acres)      | 0.00   | 0.00   | 0.00   | 0.00   | 0.00   | 0.00   |
| Managed Turf (acres)     | 149.52 | 0.00   | 0.00   | 0.00   | 0.00   | 149.52 |
| Impervious Cover (acres) | 3.92   | 0.00   | 0.00   | 0.00   | 0.00   | 3.92   |
| Total Area (acres)       | 153.44 | 0.00   | 0.00   | 0.00   | 0.00   | 153.44 |

# **Drainage Area Compliance Summary**

|                         | D.A. A | D.A. B | D.A. C | D.A. D | D.A. E | Total  |
|-------------------------|--------|--------|--------|--------|--------|--------|
| TP Load Reduced (lb/yr) | 21.92  | 0.00   | 0.00   | 0.00   | 0.00   | 21.92  |
| TN Load Reduced (lb/yr) | 156.78 | 0.00   | 0.00   | 0.00   | 0.00   | 156.78 |

# Drainage Area A Summary

# **Land Cover Summary**

|                          | A Soils | B Soils | C Soils | D Soils | Total  | % of Total |
|--------------------------|---------|---------|---------|---------|--------|------------|
| Forest/Open (acres)      | 0.00    | 0.00    | 0.00    | 0.00    | 0.00   | 0          |
| Managed Turf (acres)     | 0.00    | 0.00    | 149.52  | 0.00    | 149.52 | 97         |
| Impervious Cover (acres) | 0.00    | 0.00    | 3.92    | 0.00    | 3.92   | 3          |
|                          |         |         |         |         | 153 44 |            |

### **BMP Selections**

| Practice  | Managed Turf<br>Credit Area<br>(acres) | Impervious<br>Cover Credit<br>Area (acres) | BMP Treatment<br>Volume (ft <sup>3</sup> ) | TP Load from<br>Upstream<br>Practices (lbs) | Untreated TP Load<br>to Practice (lbs) | TP Removed<br>(lb/yr) | TP Remaining<br>(lb/yr) | Downstream Treatment<br>to be Employed |
|---|--|--|--|---|--|-----------------------|-------------------------|--|
| 9.b. Sheetflow to Conservation Area, C/D<br>Soils (Spec #2) | 74.76                                  | 2.94                                       | 69,841.93                                  | 0.00  | 43.83                                  | 21.92                 | 21.92                   |  |

| Total Impervious Cover Treated (acres)           | 2.94   |
|--|--------|
| Total Turf Area Treated (acres)                  | 74.76  |
| Total TP Load Reduction Achieved in D.A. (lb/yr) | 21.92  |
| Total TN Load Reduction Achieved in D.A. (lb/yr) | 156.78 |

# Runoff Volume and CN Calculations

|                            | 1-year storm | 2-year storm | 10-year storm |
|----------------------------|--------------|--------------|---------------|
| Target Rainfall Event (in) | 0.00         | 0.00         | 0.00          |

| Drainage Areas        | RV & CN          | Drainage Area A | Drainage Area B | Drainage Area C | Drainage Area D | Drainage Area E |
|-----------------------|------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| CN                    |                  | 75              | 0               | 0               | 0               | 0               |
| RR (ft <sup>3</sup> ) |                  | 34,921          | 0               | 0               | 0               | 0               |
|                       | RV wo RR (ws-in) | 0.00            | 0.00            | 0.00            | 0.00            | 0.00            |
| 1-year return period  | RV w RR (ws-in)  | 0.00            | 0.00            | 0.00            | 0.00            | 0.00            |
|                       | CN adjusted      | 100             | 0               | 0               | 0               | 0               |
|                       | RV wo RR (ws-in) | 0.00            | 0.00            | 0.00            | 0.00            | 0.00            |
| 2-year return period  | RV w RR (ws-in)  | 0.00            | 0.00            | 0.00            | 0.00            | 0.00            |
|                       | CN adjusted      | 100             | 0               | 0               | 0               | 0               |
| 10-year return period | RV wo RR (ws-in) | 0.00            | 0.00            | 0.00            | 0.00            | 0.00            |
|                       | RV w RR (ws-in)  | 0.00            | 0.00            | 0.00            | 0.00            | 0.00            |
|                       | CN adjusted      | 100             | 0               | 0               | 0               | 0               |



Appendix C – VCRIS Area Map



Virginia Cultural Resource Information System

# **Legend**

Architecture Resources

Archaeological Resources

Archaeology Phase 1 Survey

DHR Easements





Feet

0 1200240036004800 1:72,224 / 1"=6,019 Feet Title: Norge Solar

DISCLAIMER: Records of the Virginia Department of Historic Resources (DHR) have been gathered over many years from a variety of sources and the representation depicted is a cumulative view of field observations over time and may not reflect current ground conditions. The map is for general information purposes and is not intended for engineering, legal or other site-specific uses. Map may contain errors and is provided "as-is". More information is available in the DHR Archives located at DHR's Richmond office.

Date: 11/8/2016

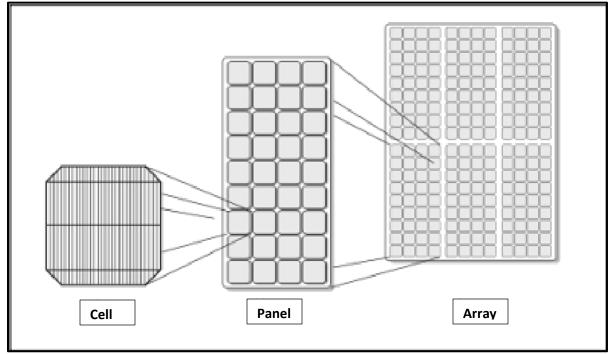
Notice if AE sites:Locations of archaeological sites may be sensitive the National Historic Preservation Act (NHPA), and the Archaeological Resources Protection Act (ARPA) and Code of Virginia §2.2-3705.7 (10). Release of precise locations may threaten archaeological sites and historic resources.

Attachment 8. Elements of a ground-mounted array of photovoltaic (solar) panels



Typical ground-mounted arrays of solar panels

Typical elements of an array



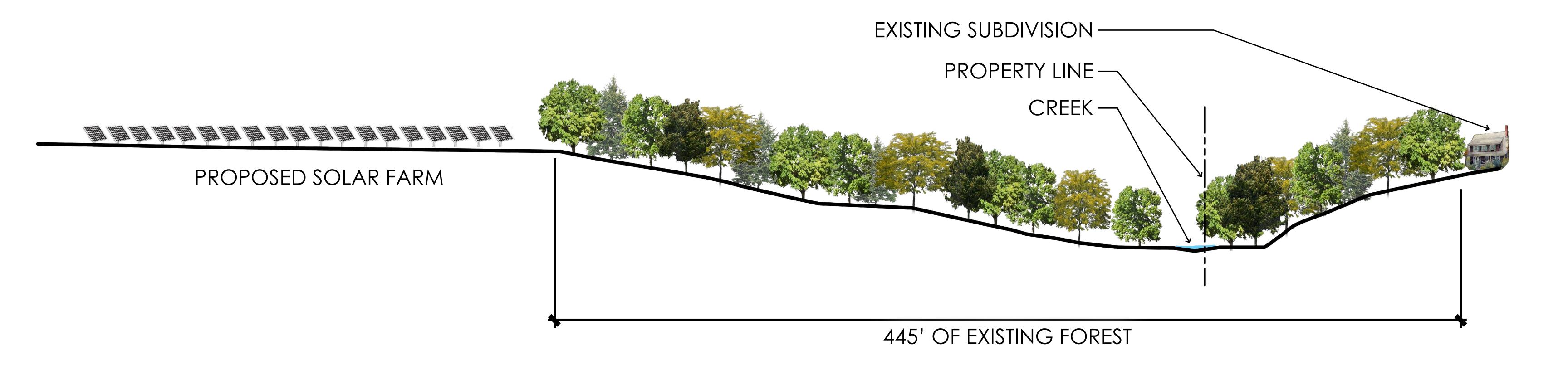
# SUP-0028-2016 Access Route







KEY MAP









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James City County, Virginia

FEBRUARY 28, 2017







James City County, Virginia

EBRUARY 28, 2017 Kimley » Horn





James City County, Virginia

Kimley» Horn

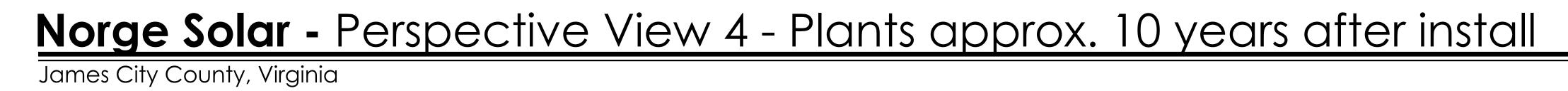




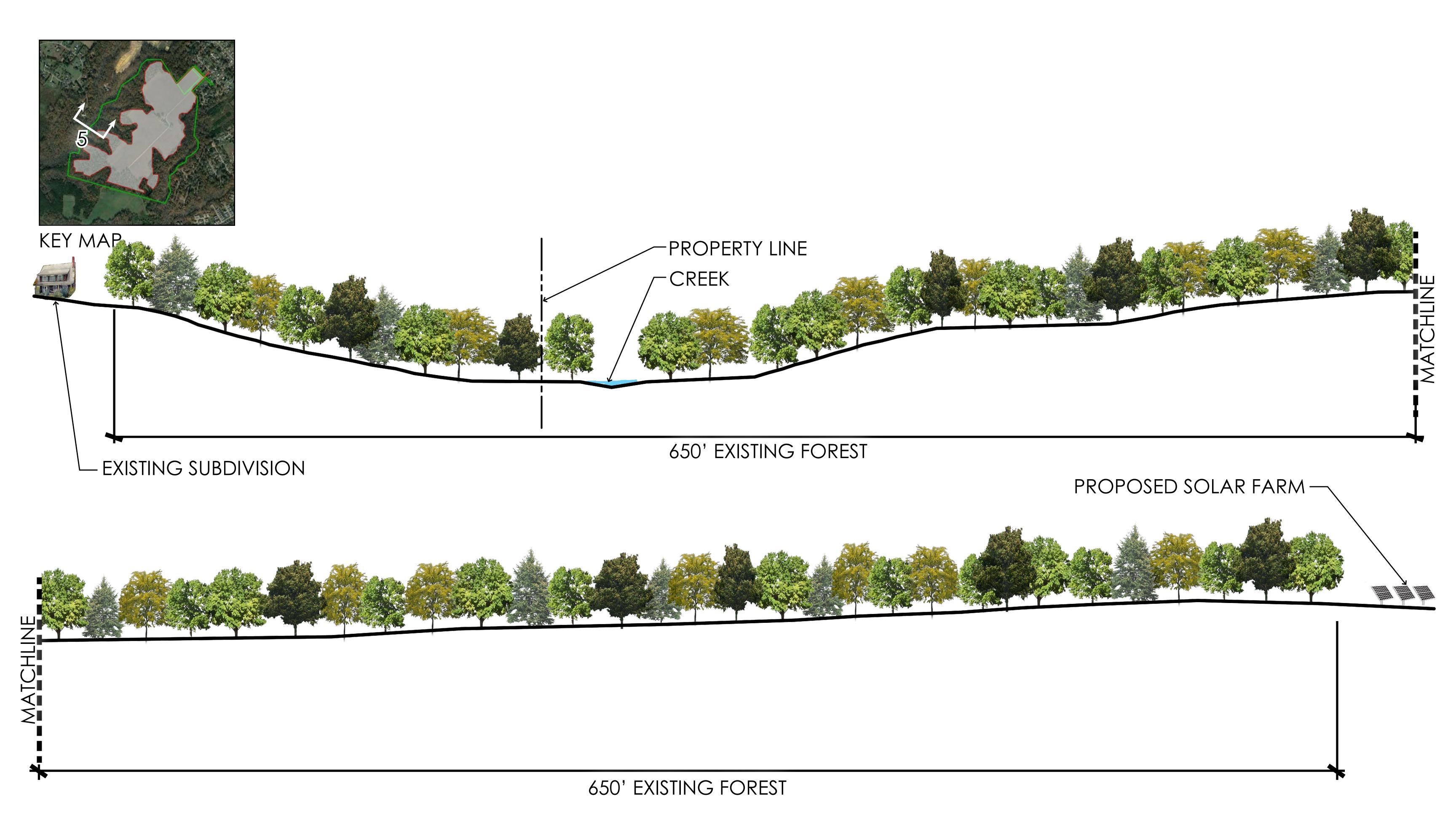
FEBRUARY 28, 2017 Kimley >>> Horn





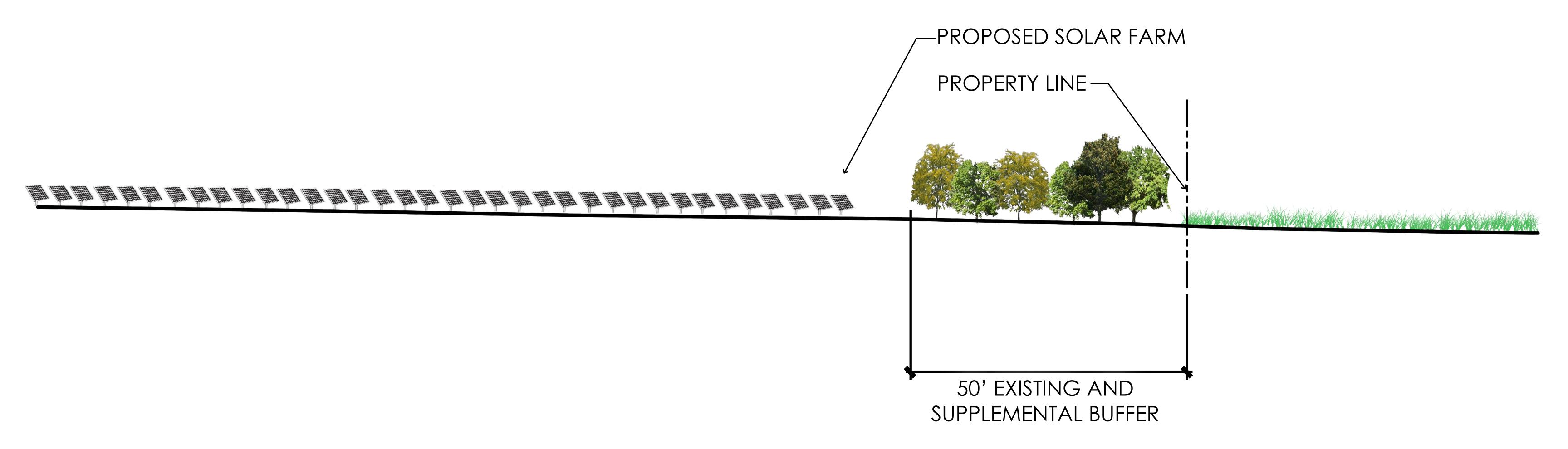


FEBRUARY 28, 2017 Kimley » Horn





KEY MAP





# Address to James City Planning Commission - Public Hearing Concerning Proposed Solar Facility in Norge – March 1, 2017

After living in upper York County for a number of years, my wife and I decided in 1988 to buy our present home in Norge. Two major factors led us to buy this home, one was the nice small neighborhood we encountered and the other being the visual appeal of the farm that our property adjoined. I knew it was historically rich as is most of the area and Norge had that small town feel but we were 8 miles and 5 traffic lights from our work in Williamsburg. There was quite a bit of farm land in the County then, but unfortunately that has changed. Although I still sense some of that small town feel, our area has seen a drastic upturn in expansion resulting in a great loss of this area's charm and rural identification. We are still 8 miles from town however instead of being separated it has become blended together and to get there we must join a road jammed with vehicles and negotiate 22 traffic lights. I still find a lot of that rural feel when I look at the farm from my backyard. Not only has it been planted in crops for better than 350 years it is a pleasant environment for the few deer that have come around, as well as wild turkey, geese and the occasional bald eagle which I've seen in the area of late.

Like most people who have paid off their mortgage I looked forward to enjoying our home and now that I've been retired over 3 years, even more so. Working all those years and paying it off was finally coming to fruition. Then we heard what was being proposed last fall. We never expected anything like the proposed Solar Farm.

As you might have guessed I and all of the neighbors I've talked with are opposed to this project. We are opposed not because it is a solar farm necessarily, but because of what it would do to this particular piece of land and the surrounding community. Solar power is in fact a good way to help offset the uses of fossil fuels in generating power, however something of this magnitude shouldn't even be considered for a farm such as this.

A number of us in the neighborhood attended the meet and greet that Sun Power held at Norge School last fall. I understood already what solar farms did and how they operated in general. At this gathering we were told what would

have to be done to make this facility operational. I told one of their representatives that at minimum this facility would be unsightly. I was told a buffer fence with foliage (unsightly in its own right) would be a buffer between the fields and the back of our properties. The fence would block very little as I would be able to see over the fence from my deck onto hundreds of solar panels. I looked on the internet at other solar farms around the country and hardly any were set up this close to residential areas.

The problems getting through this neighborhood with vehicles and equipment to build and maintain this kind of operation would be undesirable. Before a facility like this would go into operation there would be a number of other issues that should be addressed, none of them in my opinion would be pluses.

Some facilities have been known to be fire risks, what would that do in trying to get firefighting equipment back into this area? There are risks of solar glare, not only to homes but to aircraft. We live in a flyover zone for civilian and military aircraft and some pilots have complained vigorously about solar panel glare from large facilities around the country. Some who live in close proximity to these complexes might have electromagnetic hypersensitivity issues and would be detrimental to their health. No one can guarantee that our property values will stay the same or go up by having our properties backed up to this kind of intrusion. And how many trees would have to be cut to accommodate this project? These concerns should be enough by themselves to deny this type of operation from being located on this farm.

What's wrong with this farm staying a farm anyway? It provides the land owner with revenue by leasing it to be put into crops the results of which will feed many and benefits our economy. This farm has artifact evidence of 17<sup>th</sup> and 18<sup>th</sup> century occupation on it and the road running through it was once an old connector road from here over to the Chickahominy river area. The existing farm house is one of the last surviving examples of Norwegian house construction in Norge. I remind you Norge was made a community by Scandinavian (mainly Norwegian) settlers at the beginning of the 20<sup>th</sup> century. Both Union and Confederate armies camped around this area after the battle of Williamsburg in

1862. It is still the beauty of this farmland that is appealing. Are we to diminish our farm lands in James City County again for this kind of construction?

SunPower touts that the construction of this facility will bring jobs and revenue to the area. The jobs will be temporary for the most part and furthermore those who would work at building it won't live here or have their houses setting next to it, even the person who owns the land doesn't live here either so none of them would feel the adverse effects. The revenues, I dare say, will not be as significant as they would make us believe. SunPower as a company has had some difficulties lately, even its stock having going down in the last two years. In various parts of the country power company fees are used to subsidize and/or buy power from Solar Facilities such as the one being proposed. This facility would be forced on us and in a roundabout way could partially be paid for through power company fees could it not? No one can guarantee that any of this will not happen.

I ask you, would you want a home or purchase one that backed up to one of these huge obtrusive facilities? No of you would. Put yourselves in our place and realize what this would do to this area. If there is a desire to build a solar complex then help them find a place that won't intrude on a community located as close to it as ours is proposed to be. Help us keep as much of James City County from being pushed out and paved over as has already been done. I certainly would have misgivings about living in a region that would allow this kind of project to go through. Please help us keep our history, our ambiance and what rural character we have left it has been our identification for centuries. Please, let it stay a farm for all of us.

Thank you very much for the opportunity to speak to you tonight.

# **AGENDA ITEM NO. H.4.**

# **ITEM SUMMARY**

DATE: 5/9/2017

TO: The Board of Supervisors

FROM: W. Scott Whyte, Senior Landscape Planner II

SUBJECT: Height Limitation Waiver-0002-2017. AB InBev Brewery

# **ATTACHMENTS:**

|   | Description                           | Туре         |
|---|---------------------------------------|--------------|
| D | Staff Report                          | Staff Report |
|   | Resolution                            | Staff Report |
|   | Location Map                          | Exhibit      |
|   | Site Plan Exhibit                     | Exhibit      |
| D | Applicant Exhibit Showing Sight Lines | Exhibit      |

# **REVIEWERS:**

| Department             | Reviewer        | Action   | Date                 |
|------------------------|-----------------|----------|----------------------|
| Planning               | Holt, Paul      | Approved | 4/27/2017 - 11:08 AM |
| Development Managemen  | t Holt, Paul    | Approved | 4/27/2017 - 11:08 AM |
| Publication Management | Trautman, Gayle | Approved | 4/27/2017 - 11:16 AM |
| Legal Review           | Kinsman, Adam   | Approved | 4/28/2017 - 1:24 PM  |
| Board Secretary        | Fellows, Teresa | Approved | 5/2/2017 - 9:40 AM   |
| Board Secretary        | Purse, Jason    | Approved | 5/2/2017 - 9:46 AM   |
| Board Secretary        | Fellows, Teresa | Approved | 5/2/2017 - 2:43 PM   |

# HEIGHT LIMITATION WAIVER CASE NO. 0002-2017. AB InBev Brewery

### Staff Report for the May 9, 2017, Board of Supervisors Public Hearing

#### **SUMMARY FACTS**

Applicant: Piotr Swietuchowski

Land Owner: Anheuser Busch Brewing Properties, LLC

Proposal: A height limitation waiver to permit the

installation of a mechanical unit on top of the existing AB InBev brewery building. A Height Limitation Waiver is needed to bring the entire building into conformance with the height requirements of the Zoning

Ordinance.

Location: 7801 Pocahontas Trail

Tax Map/Parcel No.: 5130100001

Project Acreage:  $\pm$  81.88 acres in James City County (an

additional 9.86 acres of this property is

located in York County)

Zoning: M-2, General Industrial

Comprehensive Plan: General Industry

Primary Service Area: Inside

Staff Contact: W. Scott Whyte

Senior Landscape Planner II

#### **PUBLIC HEARING DATE**

Board of Supervisors: May 9, 2017, 5:00 p.m.

#### **FACTORS FAVORABLE**

- 1. The proposal is compatible with surrounding zoning and development.
- 2. The proposal is consistent with the recommendations of the Comprehensive Plan adopted in 2015, "Toward 2035: Leading the Way."
- 3. The proposal is for an existing legally non-conforming building that will be brought into conformance with Section 24-443 of the Zoning Ordinance (Height of structures).

#### **FACTORS UNFAVORABLE**

With the attached proposed conditions for the application, staff finds that there are no unfavorable factors.

### SUMMARY STAFF RECOMMENDATION

Staff recommends the Board of Supervisors recommend approval of this Height Limitation Waiver, subject to the attached conditions.

#### PROJECT DESCRIPTION

Mr. Piotr Swietuchowski has applied on behalf of Anheuser Busch Brewing Properties, LLC., for a Height Limitation Waiver to permit the installation of a mechanical unit on top of the existing AB InBev brewery. The mechanical unit is proposed to be a height of approximately 120 feet above finished grade and the highest existing

# Staff Report for the May 9, 2017, Board of Supervisors Public Hearing

point on the roof of the brewery is approximately 135 feet. A height waiver is needed to bring the entire building into conformance with the Zoning Ordinance. A brewery layout plan identifying locations, existing structures and buildings is attached. (Attachment No. 3)

#### PLANNING AND ZONING HISTORY

• In 1972 breweries were a permitted use in the M-2 Zoning District. At that time, buildings in M-2 Zoning Districts were allowed to be constructed above 60 feet in height with Board approval, provided that the building had adequate sprinkler systems for fire suppression. The current Zoning Ordinance requires a Height Limitation Waiver approved by the Board of Supervisors in order to construct buildings over 60 feet.

### SURROUNDING ZONING AND DEVELOPMENT

- Busch Gardens, zoned M-1, Limited Business/Industrial, is located south of the brewery and Busch Corporate Center, also zoned M-1, is located immediately north of the brewery.
- The Kingsmill residential community, zoned R-4, Residential Planned Community, is located to the west of the brewery.

#### **COMPREHENSIVE PLAN**

- The property is designated as General Industry on the 2009 Comprehensive Plan Land Use Map.
- General Industry areas should be in the Primary Service Area that are suitable for industrial uses which, because of their potential for creating dust, noise, odor and other adverse environmental effects, require buffering from adjoining uses,

particularly residential uses. General Industry uses usually require access to interstate and arterial highways, public water and sewer, adequate supply of electric power and other energy sources, access to a sufficient labor supply and moderate to large sized sites with natural features such as soils, topography and buffering suitable for intense development.

#### HEIGHT LIMITATION WAIVER ANALYSIS

- Section 24-443(c) of the James City County Zoning Ordinance states that structures in excess of 60 feet in height may be erected only upon the granting of a Height Limitation Waiver by the Board of Supervisors and upon finding:
  - 1. Additional setbacks have been provided as required by Section 24-439 and Section 24-440 of the Zoning Ordinance; however, the Board may waive additional setbacks for structures in excess of 60 feet.
    - Staff Comment: The brewery building is located 430 feet from Pocahontas Trail, making the front setback well in excess of what is required by the Zoning Ordinance. The building also meets all side and rear yard setbacks.
  - 2. Such structure will not obstruct light from adjacent property.

Staff Comment: Immediately adjacent properties are primarily used for parking and support facilities for the brewery or Busch Gardens. It appears that any light obstruction would be minimal and unlikely to detract from the normal function of these uses. Staff finds that the addition of the mechanical equipment will not materially add to any obstruction of light from adjacent parcels.

# Staff Report for the May 9, 2017, Board of Supervisors Public Hearing

3. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments.

Staff Comment: The Kingsmill Plantation House site and the Country Road are located in the vicinity of the brewery. However, given the distance between these sites and the brewery, and existing buffers, staff finds that the existing structure and installation of mechanical equipment will not impair the enjoyment of historic attractions and areas of historic interest and surrounding developments. The applicant has provided a height waiver site lines exhibit showing distances and photos from surrounding areas, see Attachment No. 4.

4. Such structure will not impair property values in the area.

Staff Comment: The Real Estate Assessments division indicated that the region immediately adjacent to the subject site has experienced stable or increasing property values over the last several years. The Director of Real Estate Assessments also indicated that his office had not seen any market changes in adjacent residential areas attributable to the proximity to the brewery. As such, it is the Director's opinion is that the proposed Height Limitation Waiver will not negatively affect the property values.

5. Such structure is adequately designed and served from the standpoint of safety and that the County Fire Chief finds the fire safety equipment installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property.

*Staff Comment:* The Fire Department indicated that they had no concerns with the height waiver or mechanical equipment from a fire service standpoint.

6. Such structure will not be contrary to public health, safety and welfare.

*Staff Comment:* Staff finds that the structure is not contrary to public health, safety and welfare.

#### **PUBLIC IMPACTS**

1. Engineering and Resource Protection

Staff Comment: The proposed mechanical equipment and existing brewery building will have minimal impact on the environment. The proposed mechanical equipment would be located in an area which is already impervious and would utilize existing utilities on the site and the proposed use is not anticipated to impact surrounding properties or the environment.

- 2. <u>Schools/Fire/Utility</u>: The site is located inside the Primary Service Area and is currently served by Newport News Waterworks.
- 3. <u>Streets</u>: The proposal is expected to generate no additional traffic and therefore has minimal impact to the local road system.

#### PROPOSED CONDITIONS

• The full text of the proposed conditions are attached within the proposed resolution.

### HEIGHT LIMITATION WAIVER CASE NO. 0002-2017. AB InBev Brewery

Staff Report for the May 9, 2017, Board of Supervisors Public Hearing

### STAFF RECOMMENDATION

Staff recommends the Board of Supervisors recommend approval of this Height Limitation Waiver application subject to the attached conditions.

WSW/nb HW02-17A-BBrewery

### Attachments:

- 1. HW-0002-2017 Proposed Resolution
- 2. Location Map
- 3. Site Plan Exhibit
- 4. Height Waiver Sight Line Exhibit

### RESOLUTION

#### CASE NO. HW-0002-2017. AB INBEV BREWERY

#### HEIGHT LIMITATION WAIVER

- WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Height Limitation Waiver process; and
- WHEREAS, Mr. Piotr Swietuchowski has applied on behalf of Anheuser Busch Brewing Properties, LLC. for a Height Limitation Waiver to allow for a ±135-foot brewery building with associated mechanical equipment; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. HW-0002-2017; and
- WHEREAS, the proposed expansion will be constructed in its entirety on property zoned M-2, General Industrial, further identified as Parcel (1-1) on James City County Real Estate Tax Map Parcel No. (51-3) and commonly known as the "Anheuser-Busch Brewery" (the "Property"); and
- WHEREAS, the Board of Supervisors finds that the requirements of Section 24-443(c) of the James City County Zoning Ordinance have been satisfied, in order to grant a Height Limitation Waiver to allow for the erection of structures in excess of 60 feet in height.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Height Limitation Waiver HW-0002-2017 to grant the applicant a waiver to the height limitation requirements set forth in the James City County Code to allow for the installation of mechanical equipment and a Height Limitation Wavier for the ±135-foot-tall brewery building as described herein, pursuant to the following conditions:
  - 1. <u>Height Limitations</u>: This Height Limitation Waiver (the Waiver) shall be valid for a 75-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of a structure up to ±75 feet above finished grade on property zoned M-2, General Industrial, further identified as James City County Real Estate Tax Map Parcel No. 5130100001. For purposes of the Waiver, the maximum "finish grade" for the building will be ±135 feet above the mean sea level.
  - 2. <u>Severance Clause</u>: This Special Use Permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

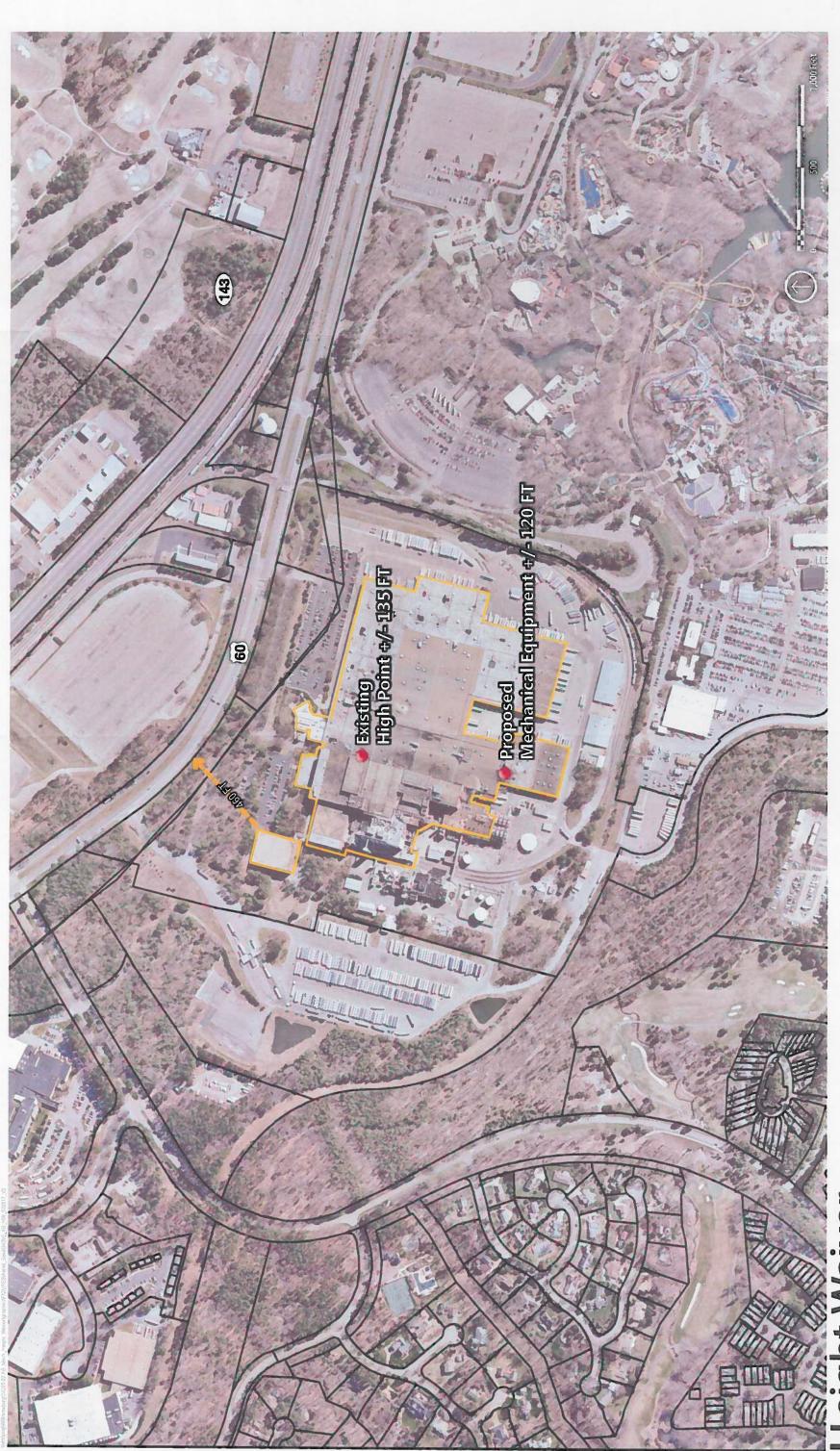
|  | Kevin D. Onizuk Chairman, Board of Supervisors VOTES |                   |                 |                |  |
|--|--|-------------------|-----------------|----------------|--|
|  |  |                   |                 |                |  |
| ATTEST:                                      |  | $\underline{AYE}$ | <u>NAY</u>      | <u>ABSTAIN</u> |  |
|  | MCGLENNON  |                   |                 |                |  |
|  | SADLER   |                   |                 |                |  |
| Bryan J. Hill                                | HIPPLE   |                   |                 |                |  |
| Clerk to the Board                           | LARSON<br>ONIZUK                                     |                   |                 |                |  |
| Adopted by the Board of Supervisors of 2017. | of James City County                                 | ——<br>, Virginia  | <br>a, this 9th | day of May,    |  |

HW02-17A-BBrewery-res

# JCC-HW-0002-2017 Anheuser Busch InBev Brewery Height Waiver









Height Waiver
Proposed Mechanical Equipment Height Waiver Request



Height Waiver Sight Lines
Proposed Mechanical Equipment Height Waiver Request Anheuser-Busch Williamsburg Brewery





Exhibit 1 - View from Intersection of Rt. 60 and Busch Gardens Employee Entrance Proposed Mechanical Equipment and Existing Plant Height Waiver Request Anheuser-Busch Williamsburg Brewery
Fredarder James City County Zoning Enforcement
Date: Merch 27, 2017

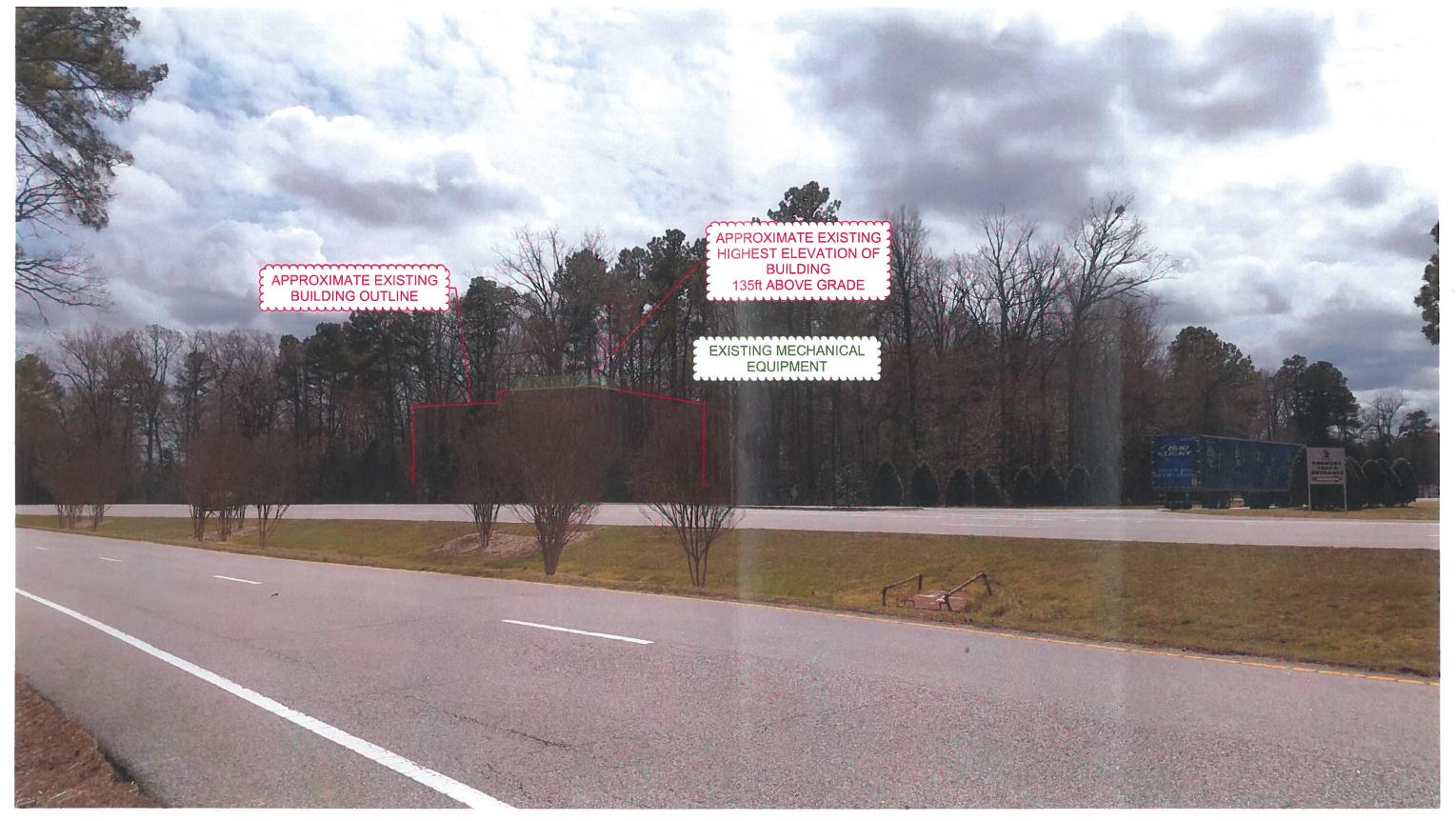


Exhibit 2 - Northwest Building Face from Route 60
Proposed Mechanical Equipment and Existing Plant Height Waiver Request
Anheuser-Busch Williamsburg Brewery
Proposed in James City County Zonling Enforcement







Exhibit 3 - View from DoubleTree Hotel
Proposed Mechanical Equipment and Existing Plant Height Waiver Request
Anheuser-Busch Williamsburg Brewery







Exhibit 4 - View from Kingsmill near Old Country Rd Proposed Mechanical Equipment and Existing Plant Height Waiver Request Anheuser-Busch Williamsburg Brewery







Exhibit 5 - View from Kingsmill Clubhouse
Proposed Mechanical Equipment and Existing Plant Height Waiver Request
Anheuser-Busch Williamsburg Brewery





# **AGENDA ITEM NO. H.5.**

# **ITEM SUMMARY**

DATE: 5/9/2017

TO: The Board of Supervisors

FROM: Tammy Rosario, Principal Planner, and Paul D. Holt, Director of Community

Development and Planning

SUBJECT: Proposed FY 18-23 Secondary Six-Year Plan

# **ATTACHMENTS:**

|   | Description                   | Type       |
|---|-------------------------------|------------|
| ם | Memorandum                    | Cover Memo |
| ם | Resolution                    | Resolution |
| ם | Map of FY 18-23 SSYP Projects | Exhibit    |
| ם | Aerial Map - Longhill Road    | Exhibit    |
| ם | Aerial Map - Croaker Road     | Exhibit    |

# **REVIEWERS:**

| Department             | Reviewer        | Action   | Date                 |
|------------------------|-----------------|----------|----------------------|
| Planning               | Holt, Paul      | Approved | 4/21/2017 - 4:30 PM  |
| Development Management | Holt, Paul      | Approved | 4/21/2017 - 4:36 PM  |
| Publication Management | Burcham, Nan    | Approved | 4/21/2017 - 4:41 PM  |
| Legal Review           | Kinsman, Adam   | Approved | 4/24/2017 - 11:42 AM |
| Board Secretary        | Fellows, Teresa | Approved | 5/2/2017 - 9:41 AM   |
| Board Secretary        | Purse, Jason    | Approved | 5/2/2017 - 9:44 AM   |
| Board Secretary        | Fellows, Teresa | Approved | 5/2/2017 - 2:43 PM   |

#### MEMORANDUM

DATE: May 9, 2017

TO: The Board of Supervisors

FROM: Tammy Mayer Rosario, Principal Planner

Paul D. Holt, Planning Director

SUBJECT: Proposed FY 18-23 Secondary Six-Year Plan

Each year the Virginia Department of Transportation (VDOT) works with the James City County Board of Supervisors to develop a list of project priorities for the updated Secondary Six-Year Plan (SSYP). The SSYP is a priority funding plan for the improvement and construction of secondary roads (roads with route numbers of 600 or greater). As part of the review process, a public hearing has been advertised for the May 9, 2017, meeting to provide an opportunity for public comment.

#### **Allocations**

Through the SSYP, the County receives yearly state and federal allocations to fund proposed secondary improvements. Funding is primarily derived from state and federal gasoline taxes, vehicle title fees, vehicle sales tax and state sales tax. The predictability of funding amounts is greatly dictated by the financial climate of the times and changes of funding levels by the federal and state government. For FY 18-23, the proposed SSYP allocation for James City County totals \$1,520,859, with an FY 18 allocation of \$254,092 compared to the FY 17 allocation of \$220,593.

Secondary allocations are not the only funding source for transportation projects. The County has applied and received or been recommended for competitive grants from the Construction District Grant Program and High Priority Projects Program via the SmartScale process, the Regional Surface Transportation Program (RSTP) and the Congestion Mitigation and Air Quality (CMAQ) program for Longhill Road and Croaker Road. County staff will continue to apply for more SmartScale, RSTP, CMAQ, Revenue Sharing and Highway Safety Improvement Program funds to help fund projects in future fiscal years.

Listed below is a brief summary of current and special funding projects for the priority list for the FY 18-23 SSYP. Due to funding limitations, no new projects are proposed to be added to the list. Longhill Road Improvements Phases II and III, which had previously been referenced with Phase I, are now listed separately as the County's third and fourth priorities, respectively.

### **Current Projects**

### Longhill Road (Route 612) – Phases I, II and III

Widening Longhill Road from Route 199 to Olde Towne Road/Devon Road from two to four lanes (Attachment No. 3) with a variable width median and accommodations has been the County's highest priority for secondary roads for a number of years. The recently completed Longhill Road Corridor Study examined the entire corridor from Route 199 to Centerville Road and identified short-term recommendations (Phase I widening and "quick hitter" items) as well as mid-term (Phase II) and long-term recommendations (Phase III).

Specific recommendations and a preferred typical section from the study are being used to guide the preliminary engineering phase for Phase I widening. Due to the existing safety concerns and capacity

Proposed FY 18-23 Secondary Six-Year Plan May 9, 2017 Page 2

deficiencies of Longhill Road, staff recommends keeping Phase I of the project as the first priority on the SSYP to ensure the project remains fully funded. The current project estimate is \$19,800,000, with \$14,187,554 in current allocations and \$5,612,446 expected in FY 19 and 20 to complete the project.

Since the study's adoption, VDOT and the County have been investigating opportunities to fund and implement items for Phases II and III (Attachment No. 3). These include quick hitter items such as school zone safety improvements, signal timing/traffic operation improvements and pedestrian accommodations, as well as longer-term items such as select intersection improvements (especially in the vicinity of the Lafayette High School/Season's Trace entrances) and widening. Due to the uncertainty as to when opportunities will become available to fund and implement various projects associated with Phases II and III, staff recommends putting them on the SSYP as the third and fourth priorities, respectively, to allow funds to accumulate. Planning-level estimates range from \$3,000 to \$38,515,000 for Phase II improvements and \$151,000 to \$27,000,000 for Phase III improvements. No funding has been allocated at this time.

#### Croaker Road (Route 607)

This project will widen the section of roadway between Richmond Road and the James City County Library from two to four lanes (Attachment No. 4). The project will include preliminary engineering, right-of-way acquisition and construction of a new two-lane bridge parallel to the existing bridge over the CSX lines, two additional travel lanes and a shared use path. Staff recommends keeping this project as the second priority on the SSYP to ensure that the project remains fully funded. Of the \$14,262,376 in estimated costs, \$1,479,621 has been allocated and \$12,782,775 is expected throughout FY 18-23 to complete the project.

#### **Special Funding Projects**

VDOT utilizes a special funding mechanism which provides annual allocations to localities for unpaved roads and bridge projects. Due to reductions in transportation funding over the past years, new funds have rarely been allocated to these special funding projects as part of the SSYP. As part of the FY 15-20 SSYP, however, \$37,941 of CTB Formula-Unpaved state funds were available, which together with other secondary funds, enabled the Racefield Drive paving project to be completed. Staff recommends keeping eligible projects on the SSYP so that the County can continue to receive allocations as funds become available. The funds would be utilized when needed

#### **Unpaved Road Funding Program**

As noted previously, Racefield Drive was the most recent road paved using the Unpaved Roads Funding Program. For the FY18-23 SSYP, \$11,273 of CTB Formula-Unpaved state funds is anticipated. James City County and VDOT staffs have not identified any additional road segments which meet the requirements for this program to serve as a replacement project. Should a project become eligible in the future, any accumulated funds can be transferred to the project.

#### Hicks Island Road Bridge (Route 601)

VDOT identified replacing Hicks Island Road Bridge over Diascund Creek as a candidate project in 2012, with an estimated cost of \$2,389,829. This structure has a sufficiency rating less than 50, making it VDOT's first priority for bridge replacement on the County's secondary road system. The County concurred, identifying it as the County's priority for bridge funds in past SSYPs. In April, the Board of Supervisors approved a resolution reducing the design scope of the project to a one-lane, 16-foot wide bridge. Staff recommends keeping Hicks Island Road Bridge as the specific project for the bridge funds. This project has previous funding of \$524,494 and is expected to receive the additional \$1,865,335 required for full funding in FY 18 and 19.

Proposed FY 18-23 Secondary Six-Year Plan May 9, 2017 Page 3

#### Recommendation

Given the funding expected levels expected in the next six years and the current projects that are underway, staff recommends the following priorities, which mirror the Board's priorities for the FY 17-22 SSYP and begin to list Longhill Road Improvements Phases II and III as separate projects:

- 1. Longhill Road Phase I
- 2. Croaker Road
- 3. Longhill Road Phase II
- 4. Longhill Road Phase III

In addition, staff recommends keeping Hicks Island Road Bridge as the specific project for the County's bridge funds until the project is completed.

Staff recommends adoption of the attached resolution, which endorses the secondary road priority list as set forth in this memorandum for the FY 18-23 SSYP.

TMR/PDH/nb PropFY18-23SSYP-mem

#### Attachments:

- 1. Resolution
- 2. Map of FY 18-23 SSYP Projects
- 3. Aerial Map Longhill Road
- 4. Aerial Map Croaker Road

#### RESOLUTION

#### PROPOSED FY 18-23 SECONDARY SIX-YEAR PLAN

- WHEREAS, Section 33.1-23.4 of the Code of Virginia, 1950, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation (VDOT) in developing a Secondary Six-Year Plan; and
- WHEREAS, James City County has consulted with the VDOT District Project Manager to set priorities for road improvements to the County's secondary roads; and
- WHEREAS, a public hearing was advertised for the regularly scheduled Board of Supervisors meeting on May 9, 2017, so citizens of the County would have the opportunity to participate in the hearing and to make comments and recommendations concerning the proposed Priority List.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves of the Priority List for the Secondary System as presented at the public hearing and the County Administrator is hereby authorized to sign and execute all such documents as are necessary to evidence the Board's approval of the Six-Year Plan.

|                                     | Kevin D. Onizuk Chairman, Board of Supervisors |  |  |  |
|-------------------------------------|--|--|--|--|
| ATTEST:                             | VOTES<br>AYE NAY ABSTAIN                       |  |  |  |
|                                     | MCGLENNON<br>SADLER<br>HIPPLE                  |  |  |  |
| Bryan J. Hill<br>Clerk to the Board | LARSON<br>ONIZUK                               |  |  |  |

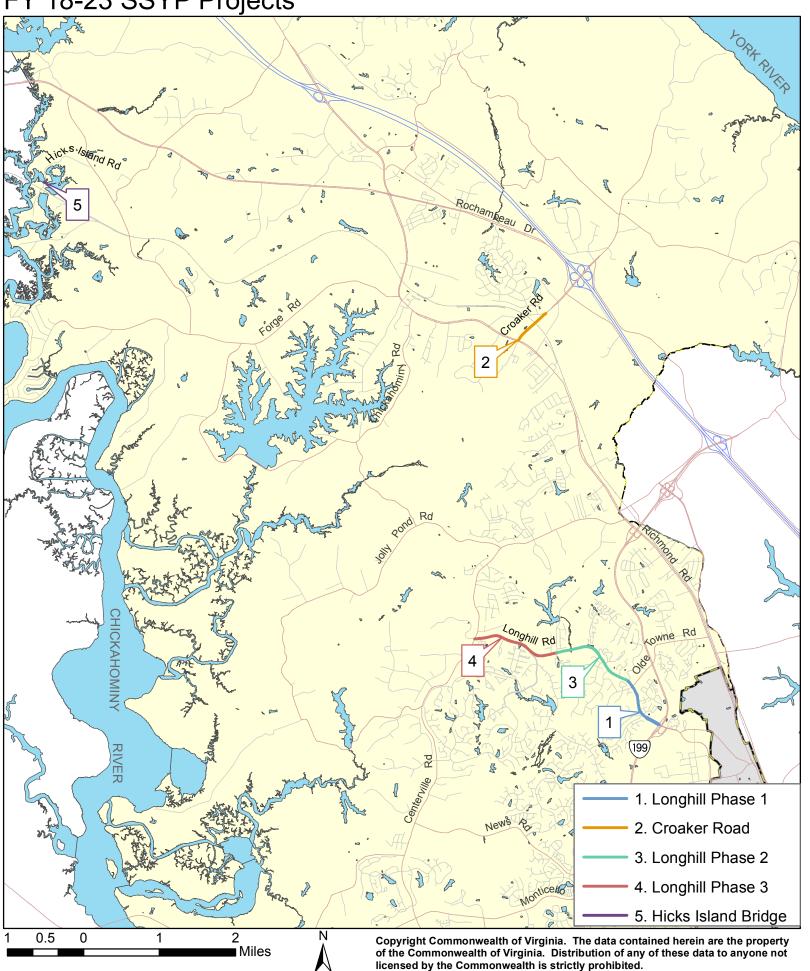
Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of May,

PropFY18-23SSYP-res

2017.

# James City County FY 18-23 SSYP Projects

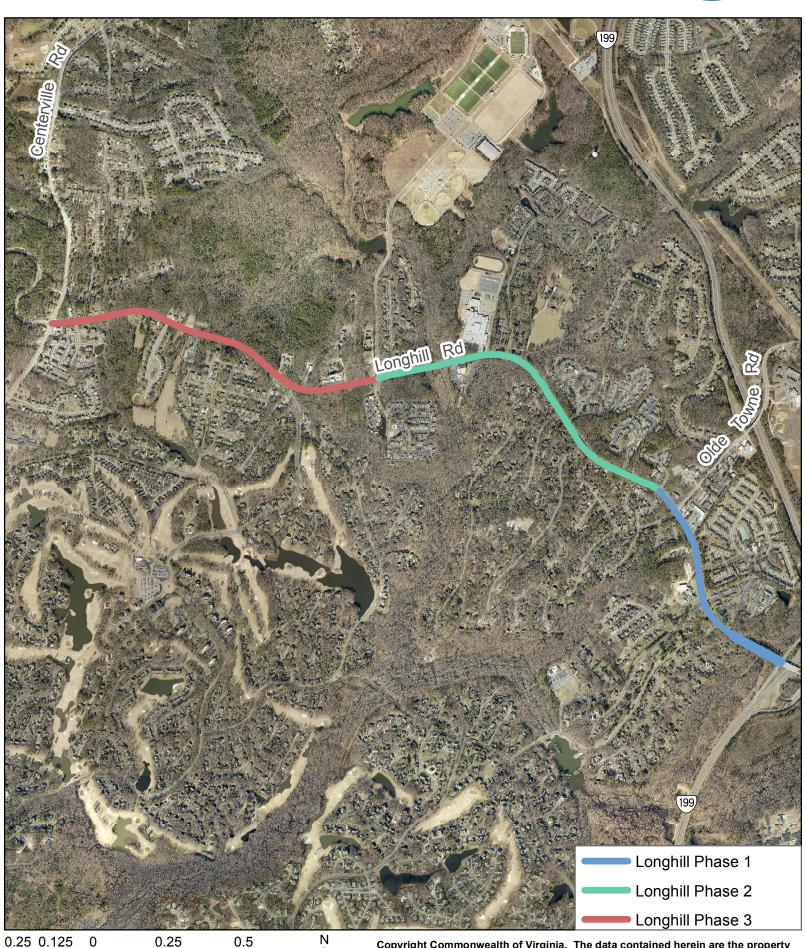




## Longhill Rd (Route 612)

■ Miles

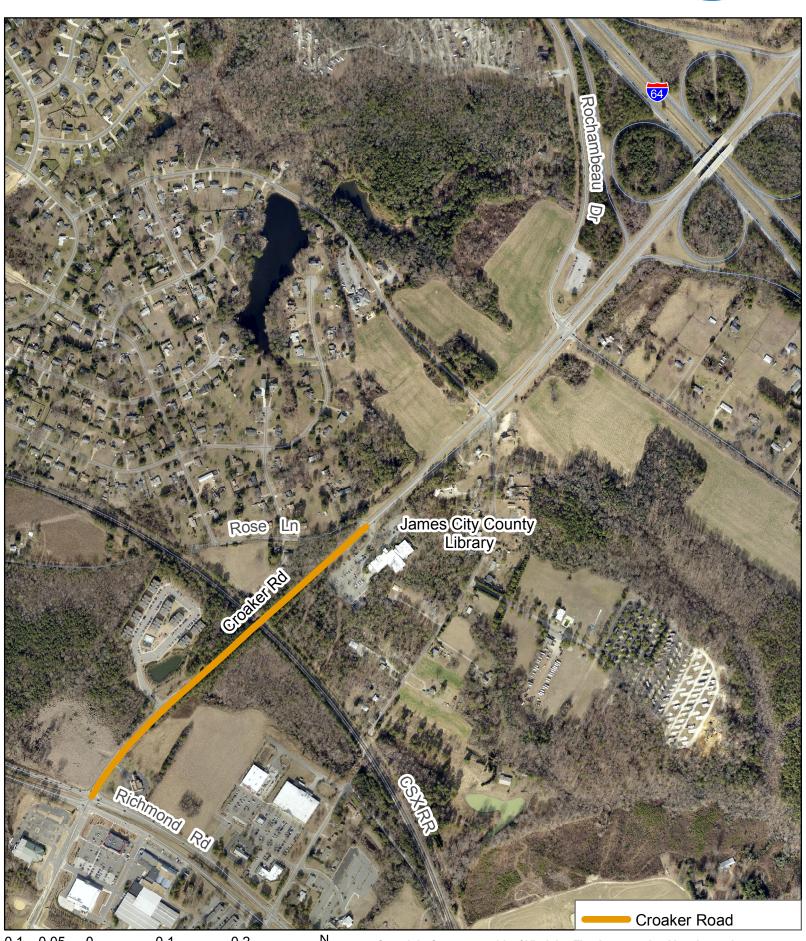




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## Croaker Rd (Route 607)





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#### **AGENDA ITEM NO. I.1.**

#### **ITEM SUMMARY**

DATE: 5/9/2017

TO: The Board of Supervisors

FROM: Maxwell Hlavin, Assistant County Attorney

SUBJECT: Concurrence in Final MOA: Army Corps of Engineers Permit for Surry-Skiffes

Creek-Whealton Transmission Line

#### **ATTACHMENTS:**

Description Type

Memorandum Cover Memo

Final MOA Exhibit
Resolution from 04/24/2012 Exhibit

#### **REVIEWERS:**

Department Reviewer Action Date

Board Secretary Fellows, Teresa Approved 5/2/2017 - 2:15 PM

#### MEMORANDUM

DATE: May 9, 2017

TO: The Board of Supervisors

FROM: Max Hlavin, Assistant County Attorney

SUBJECT: Final Memorandum of Agreement for Issuance of Army Corps of Engineers' Permits for the

Surry-Skiffe's Creek-Whealton Transmission Line Project

The County is a Consulting Party for the purposes of the U.S. Army Corps of Engineers' (the "Corps") consideration of Virginia Electric and Power Company's (Dominion) Surry-Skiffe's Creek-Whealton Transmission Line Project (the "Project"). The proposed final Memorandum of Agreement (MOA) for the Project is enclosed for the Board's consideration. The only signatory parties to the MOA are Dominion, the Corps, the Virginia Department of Historic Resources and the Advisory Council on Historic Preservation. Although the County is not a signatory, it has been invited to Concur in the MOA.

A decision to become a Concurring Party would give the County the ability to submit comments regarding any disputes that arise among the signatory parties; however, regardless of whether the County becomes a Concurring Party, it will remain a Consulting Party and will be able to participate in the MOA as such.

The Board of Supervisors can decide to:

- 1. Affirmatively concur in the MOA and authorize the County Administrator to sign the MOA;
- 2. Reject concurrence with the MOA and remain a Consulting Party; or
- 3. Take no action and let the Board of Supervisors' April 24, 2012 resolution opposing the overhead crossing of the James River stand. This would result in no concurrence and remaining a Consulting Party.

MH/nb MOA-Corps-mem

Attachment

### MEMORANDUM OF AGREEMENT AMONG

VIRGINIA ELECTRIC AND POWER COMPANY,
THE VIRGINIA STATE HISTORIC PRESERVATION OFFICE,
U.S. ARMY CORPS OF ENGINEERS NORFOLK DISTRICT, AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

SUBJECT: ISSUANCE OF U.S. ARMY CORPS OF ENGINEERS' PERMITS FOR THE PROPOSED SURRY-SKIFFES CREEK-WHEALTON TRANSMISSION LINE PROJECT, SURRY COUNTY, JAMES CITY COUNTY, YORK COUNTY, CITIES OF NEWPORT NEWS AND HAMPTON, VIRGINIA

APRIL 24, 2017

WHEREAS, pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, 54 U.S.C. § 306108, and 33 CFR Part 325, Appendix C, Processing of Department of the Army Permits: Procedures for Protection of Historic Places, the US Army Corps of Engineers Norfolk District (Corps) is required to take into account the effects of federally permitted undertakings on properties included in or eligible for inclusion in the National Register of Historic Places (NRHP) prior to the issuance of permits for the undertaking and to consult with the Virginia State Historic Preservation Office (SHPO); and with the Advisory Council on Historic Preservation (ACHP) where historic properties are adversely affected; and

WHEREAS, Virginia Electric and Power Company (Dominion), proposes to construct new electrical transmission line infrastructure in the Hampton Roads area of Virginia. The project is intended to provide sufficient and reliable electricity to residents, businesses, and government agencies located on the Virginia Peninsula, and to meet mandatory federal North American Electric Reliability Corporation Reliability Standards. The project is collectively known as the Surry – Skiffes Creek – Whealton project, located in Surry, James City, and York Counties and the Cities of Newport News and Hampton, Virginia (the Project); and

WHEREAS, the Project involves construction of a new high voltage aerial electrical transmission line that consists of three components; (1) Surry – Skiffes Creek 500 kilovolt (kV) aerial transmission line, (2) Skiffes Creek 500 kV – 230 kV – 115 kV Switching Station, and (3) Skiffes Creek – Whealton 230 kV aerial transmission line. The proposed project will permanently impact 2,712 square feet (0.06 acres) of subaqueous river bottom and 281 square feet (0.01 acres) of non-tidal wetlands, and convert 0.56 acres of palustrine forested wetlands to scrub shrub non-tidal wetlands. The transmission lines will cross portions of the James River, Woods Creek, and Skiffes Creek. In addition to structures being built within the James River, structural discharges are proposed in non-tidal wetlands. The proposed activities will require a Corps permit pursuant to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act; and

**WHEREAS**, the Corps, in consultation with the Department of Historic Resources (DHR), which serves as the SHPO in Virginia, has determined that this Project's Area of Potential Effects (APE) includes a Direct APE and an Indirect APE; and

**WHEREAS**, the Direct APE is defined to include those areas where physical land disturbing activities may occur. The limits of the Direct APE consist of the limits of the Project right of way (ROW) and identified construction access areas. For construction access areas, a 25-foot width was used along the centerline of field located paths and roads outside of the Project ROW; and

WHEREAS, the Indirect APE is defined to include those areas which may experience visual effects. The Indirect APE extends approximately 10 miles upstream and 13 miles downstream from the proposed river crossing and includes a buffer of approximately 0.5-miles inland from the shoreline within this area. The Indirect APE for areas where there are existing towers, and the proposed work will not result in a change in structure height greater than 10% or 20 feet is defined by the adjacent parcel boundaries or a 0.5 mile buffer, whichever is less. The limits of the Direct and Indirect APEs are shown on Attachment A; and

WHEREAS, the SHPO, finds that the documents listed in Attachment B satisfy the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation* (48 FR 44734-37, September 29, 1983) and the SHPO's *Guidelines for Conducting Historic Resources Survey in Virginia (2011)* and the SHPO's "Assessing Visual Effects on Historical Properties;" and

WHEREAS, the Corps, in consultation with the SHPO, has determined that 57 resources, as described in the attached table (Attachment C) and depicted on the maps in Attachment A, are listed, eligible for listing, or treated as eligible for listing in the NRHP for the purposes of Section 106 compliance and are considered historic properties for purposes of the Project. One additional resource, the Jamestown Island-Hog Island Cultural Landscape Historic District, was considered potentially eligible and also was included for consideration, and it also is listed on Attachment C; and

WHEREAS, the Corps requested a formal determination of eligibility (DOE) for the Captain John Smith Chesapeake National Historic Trail (Captain John Smith Chesapeake NHT) from the Keeper of the National Register (Keeper) on July 2, 2015; and, the Keeper issued a formal DOE to the Corps on August 14, 2015 (Attachment D) and concluded that the entire Indirect APE, excluding the inland portions, is eligible for the NRHP as a historic district under Criteria A, B, C, and D, because it contains a significant cultural landscape and that the Captain John Smith Chesapeake NHT within the APE is a contributing element of that district; and

**WHEREAS**, the Corps refers to the eligible historic district identified by the Keeper in its letter of August 14, 2015 as the "Historic District (formally Jamestown Island-Hog Island Cultural Landscape) including CAJO (No VDHR#)" and for the purposes of this Memorandum of Agreement (MOA) shall refer to this property as the "Jamestown Island-Hog Island-Captain John Smith Trail Historic District" (No VDHR#)<sup>1</sup>; and

WHEREAS, the Corps, in consultation with the SHPO, ACHP, and Consulting Parties, has determined that the undertaking will have an adverse effect on archaeological site 44JC0662, the Jamestown Island-Hog Island-Captain John Smith Trail Historic District, which includes the contributing section of the Captain John Smith Chesapeake NHT within the APE, Carter's Grove National Historic Landmark (VDHR #047-0001)², Colonial National Historical Park/Colonial Parkway Historic District (VDHR #047-0002), Hog Island Wildlife Management Area (VDHR #090-0121), Jamestown National Historic Site/Jamestown Island/Jamestown Island Historic District (VDHR #047-0009), the Battle of Yorktown (VDHR #099-5283), and Fort Crafford (VDHR #121-0027) (Attachment C); and

**WHEREAS**, the Corps initiated consultation with the Virginia SHPO, which is a Signatory, as that term is further defined in Stipulation XVIII.e herein, and the SHPO has elected to participate; and

**WHEREAS**, the Corps notified the ACHP, which has chosen to participate in the consultation and is a Signatory, as that term is further defined in Stipulation XVIII.e herein; and

**WHEREAS**, the Corps has invited Dominion to participate in this consultation and to sign this MOA as an Invited Signatory, as that term is further defined in Stipulation XVIII.d herein, and Dominion has elected to participate; and

**WHEREAS**, the Commonwealth of Virginia participated in the development of this MOA and identification of the mitigation projects described herein, and the Corps has invited the Commonwealth to sign the MOA as an Invited Signatory, as that term is further defined in Stipulation XVIII.d herein; and

<sup>&</sup>lt;sup>1</sup> In its determination of eligibility the Keeper of the National Register did not establish a formal name for this historic property, which has been referred to by the Corps as Historic District (formally Jamestown Island-Hog Island Cultural Landscape) including CAJO (No VDHR#). The SHPO has referred to this property as the Captain John Smith Trail Historic District. The Corps' name for the historic property is used here and later simplified to Jamestown Island-Hog Island-Captain John Smith Trail Historic District for reference purposes in this MOA only.

<sup>&</sup>lt;sup>2</sup> The Virginia Department of Historic Resources and Virginia Outdoors Foundation are the current holders of historic preservation and open space easements on the Carter's Grove property.

WHEREAS, the Corps has invited the following Federally Recognized Tribes: Catawba Indian Nation, the Delaware Tribe of Indians, the Delaware Nation, and the Pamunkey Indian Tribe to participate in this consultation. The Catawba Indian Nation and the Delaware Nation declined. The Delaware Tribe of Indians and the Pamunkey Indian Tribe have elected to participate and the Corps has invited them to concur with this MOA; and

WHEREAS, the Corps has invited the following Virginia State Recognized Tribes: the Cheroenhaka (Nottoway), the Chickahominy, the Eastern Chickahominy, the Mattaponi, the Upper Mattaponi, the Nansemond Tribal Association, the Nottoway Tribe of Virginia, and the Rappahannock to participate in this consultation. Only the Chickahominy have elected to participate and the Corps has invited them to concur with this MOA; and

**WHEREAS**, the Corps has invited James City County, Surry County, the City of Newport News, York County, the City of Williamsburg, and the City of Hampton to participate in this consultation. Only James City County has elected to participate and the Corps has invited them to concur with this MOA; and

**WHEREAS**, the Corps has invited the Kingsmill Community Services Association, the Southern Environmental Law Center and the steward of Carter's Grove National Historic Landmark, to participate in this consultation and they all have declined to participate; and

WHEREAS, the Corps invited the following Consulting Parties, upon their request, and they all have elected to participate: The National Parks and Conservation Association (NPCA), the Save the James Alliance, the Chesapeake Conservancy, United States Department of the Interior (National Park Service, Colonial National Historic Park) (NPS), United States Department of the Interior (National Park Service, Northeast Region) (NPS), the Colonial Williamsburg Foundation, Preservation Virginia, Scenic Virginia, The National Trust for Historic Preservation, BASF, the James River Association, the NPS American Battlefield Protection Program, First California Company Jamestowne Society, Margaret Fowler, citizen, and the Council of Virginia Archaeologists. The Corps has invited each of these Consulting Parties to concur with this MOA; and

**WHEREAS**, by letter of March 16, 2017, Escalante Kingsmill Resort LLC, as new owner of Kingsmill Resort, asked to participate as a Consulting Party and by letter dated March 28, 2017, the Corps accepted that request. The Corps has invited Kingsmill Resort to concur with this MOA; and

**WHEREAS**, the Corps has involved the public in the Section 106 process by seeking public comment at the following stages of consultation: the initiation of consultation under Section 106 (August 28, 2013), identification of historic properties (November 13, 2014), and assessment and resolution of adverse effects (May 21, 2015); and

WHEREAS, the Corps, ACHP, SHPO, Dominion, and the Consulting Parties have held five official Consulting Party meetings (September 25, 2014; December 9, 2014; June 24, 2015; October 15, 2015; and, February 2, 2016), which also were open to the public, as well as numerous informal meetings, correspondence, and conferences/teleconferences (Attachment E); and

**WHEREAS,** the Corps issued a separate public notice (October 1, 2015) (Attachment E), which announced that the Corps would hold a public hearing and which the Corps advertised electronically; and

**WHEREAS**, the Corps conducted a Public Hearing for the Project on October 30, 2015, to solicit public comments and held the Public Comment Period open until November 13, 2015 (Attachment E); and

**WHEREAS**, the Corps has completed its identification of historic properties and its evaluation of the Project's potential adverse effects thereon under 36 C.F.R. §§ 800.4 & 800.5, and the SHPO concurred with the Corps' conclusions; and

**WHEREAS**, Dominion has identified several "Initial Avoidance, Minimization, and Mitigation Measures" (as set forth in Stipulation I) that it will commence and complete, as further described herein; and

WHEREAS, Dominion has also identified several properties (the Identified Properties) where it proposes to fund additional mitigation projects (e.g., land acquisition, natural and cultural resource restoration or preservation, property or landscape enhancements, etc.) that the Signatories conclude will contribute to or improve the overall integrity, most notably the setting and feeling, of the Identified Properties and the broader historic district, as set forth in Stipulations II and III below; and

**WHEREAS**, Dominion has provided, in the document entitled "Basis for Proposed Memorandum of Agreement to Resolve Adverse Effects to Historic Properties" included as Attachment F to this MOA, background information and rationale for its selection of the Identified Properties as the focus of the mitigation projects described in this MOA; and

**WHEREAS**, the SHPO's guidance document titled "Assessing Visual Effects on Historical Properties" (SHPO Visual Effects Guidance) outlines its recommended approach to evaluating and mitigating visual effects on historic properties; and

**WHEREAS**, the SHPO Visual Effects Guidance advises, among other things, that mitigation should take into account the views of the property owner, community, and other interested members of the public; and

**WHEREAS**, Dominion worked with the Commonwealth of Virginia in considering the concerns expressed by regional preservation advocates to develop the range of projects to mitigate adverse effects to historic properties, their setting, and context, as set forth in the following Stipulations; and

WHEREAS, the MOA defines a series of mitigation initiatives that are intended to enhance the affected values and integrity of the historic properties and the cultural landscape, and strengthen the general public and visitor's understanding of and experience at important places within and related to this landscape through enhanced heritage tourism opportunities including development of additional interpretive and orientation facilities. Proposed mitigation seeks to promote preservation of existing above-ground cultural landscape features, such as natural resources and systems, vegetation, landform and topography, land uses, circulation, buildings and structures, Native American settlements, views, and small-scale features through land acquisition, and acquisition of historic preservation and open space easements; and

**WHEREAS**, the Signatories agree to the proposed mitigation measures that this MOA employs, as the resolution of the Project's adverse effects on the historic properties identified in Attachment C in compliance with Section 106 of the NHPA and 36 C.F.R. § 800.6; and

**WHEREAS**, by signing this MOA, Dominion indicates its commitment to foster, through the projects proposed as mitigation of adverse effects, long-term working relationships with the NPS and other preservation advocates who have participated in this Section 106 review as consulting parties and regional preservation experts; and

**NOW THEREFORE**, in order to satisfy the Corp's Section 106 responsibilities to take into account and resolve the effects of the undertaking requiring Corps permits on historic properties, the Signatories here acknowledge that compliance with this MOA shall be made a condition of any permit issued by the Corps for the work described; thereby effectively incorporating all terms, provisions and stipulations of this MOA as conditions to the permit such that if any provision or stipulation herein is not fulfilled, such failure will constitute noncompliance with the permit, and the Corps may pursue enforcement and may seek all available remedies.

#### **STIPULATIONS**

The Corps will ensure that compliance with this MOA is made a condition of any permit issued by the Corps for the Project:

- I INITIAL AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES
  - a. TREATMENT OF ARCHEOLOGICAL SITE 44JC0662 (Switching Station)
    - Prior to any construction at the Skiffes Creek Switching Station,
      Dominion in consultation with Signatories and Consulting Parties to
      this MOA shall develop an approved Treatment Plan for site
      44JC0662. The Treatment Plan shall be consistent with the Secretary
      of the Interior's Standards and Guidelines for Archaeological

Documentation (48 FR 44734-37, September 29, 1983) and the SHPO's Guidelines for Historic Resources Survey in Virginia (2011) and shall take into account the ACHP's publications, Recommended Approach for Consultation on Recovery of Significant Information from Archeological Sites (1999; updated September 30, 2010) and Section 106 Archaeology Guidance (April 2009). The plan shall specify at a minimum, the following:

- **A.** the property, properties, or portions of properties where site specific data recovery plans will be carried out;
- **B.** the portion(s) of the site(s) to be preserved in place, if any, as well as the measures to be taken to ensure continued preservation;
- **C.** any property, properties, or portions of properties that will be destroyed or altered without data recovery;
- **D.** the research questions to be addressed through data recovery, with an explanation of their relevance and importance;
- **E.** the methods to be used in analysis, and data management with an explanation of their relevance to the research questions;
- **F.** the proposed disposition of recovered materials and records;
- **G.** proposed methods of disseminating the results of the work to the interested public and/or organizations who have expressed an interest in the data recovery, *subject to revision based on the results of the data recovery proceeds*; and
- **H.** a schedule for the submission of progress reports to the Signatories and Consulting Parties to this MOA.
- To facilitate plan approval, Dominion will provide a draft plan to the Signatories and Consulting Parties to this MOA for review and comment in accordance with the process in Stipulation VII. Dominion shall consider all timely comments received and submit the final Treatment Plan to the Corps for approval. The final Treatment Plan will be considered "approved" upon the Corps written approval.
- Prior to commencing construction activities at the Switching Station Site that could affect archaeological site 44JC0662. Dominion shall ensure that the approved Treatment Plan is implemented.
- 4 Dominion shall notify the Corps in writing no later than fifteen (15) days after completion of the fieldwork portion of the Treatment Plan. Notification shall include a brief management summary. If so requested by the Corps, Dominion shall facilitate any site visit.

- Project activities may proceed following this notification while the technical report is in preparation. The Corps may approve construction activities and/or construction related ground disturbing activities in the area and within the boundary of the affected archaeological site while the technical report is in preparation.
- 6 Dominion and/or its assignees shall photograph the work and artifacts, and display in an appropriate place in the Project vicinity on a temporary or permanent basis, artifacts or images, with the exception of human remains, funerary objects, or sacred items.
- Within one (1) year of the notification that fieldwork has been completed, Dominion shall submit to the Corps a report (following the requirements for preparation and review of draft and final reports in Stipulation VII) of the results of the Treatment Plan investigations. Once the Corps has approved the final report, Dominion shall provide two (2) copies of that document, bound and on acid-free paper and one electronic copy in Adobe® Portable Document Format (.pdf) to the SHPO and one (1) copy to the ACHP and any other Signatory or Consulting Party that requests a copy.

## b. AVOIDANCE OF UNDERWATER AND TERRESTRIAL ARCHAEOLOGICAL SITES

- Prior to any construction that could impact archeological resources within the Direct APE, Dominion in consultation with the Signatories and Consulting Parties to this MOA shall develop an approved Avoidance Plan for all archaeological sites listed in Attachment C. The Avoidance Plan shall include:
  - A. Project plans showing the location of the cultural anomalies and all archaeological sites identified in Attachment C located within the direct APE;
  - **B.** Boundaries of the buffered anomalies and archaeological sites identified in Attachment C within the direct APE, relative to all proposed project elements including but not limited to coffer dams, tower footers, fenders, and mooring/anchoring locations, access roads, construction staging and equipment and materials storage area;
  - **C.** Detailed steps and construction protocols for ensuring avoidance of buffered areas and the handling of any unanticipated project activity that may inadvertently affect the underwater anomalies or terrestrial archaeological sites during construction;
  - **D.** Dominion shall fund an independent archeologist (Archaeological Monitor) who meets the professional qualifications established in

Stipulation VI below and who is approved by the SHPO to observe and monitor ground disturbances associated with construction to ensure the protection of all archaeological sites identified in Attachment C. The Archaeological Monitor shall also be responsible for ensuring that the requirements of Stipulation IX for unanticipated discoveries are carried out as appropriate; and

- E. The Pamunkey Indian Tribe and the Chickahominy Indian Tribe may have a member or representative present to observe and monitor ground disturbances associated with construction to ensure the protection of Native American Artifacts. Dominion will coordinate with the Pamunkey Indian Tribe and the Chickahominy Indian Tribe regarding scheduling and any safety training requirements for tribal monitors.
- 2 To facilitate plan approval, Dominion will provide a draft plan to the Signatories and Consulting Parties to this MOA for review and comment in accordance with the process in Stipulation VII. Dominion shall consider all timely comments received and submit the final Avoidance Plan to the Corps for approval. The plan will be considered "approved" upon the Corps written approval.
- 3 Prior to any construction activities that could affect archeological sites identified in Attachment C, Dominion shall ensure the approved Avoidance Plan has been fully implemented.
- 4 Dominion shall notify the Corps in writing no later than fifteen (15) days after plan implementation. Notification shall include a brief management summary. If so requested by the Corps, Dominion shall facilitate any site visit.
- c. INTERPRETIVE SIGNAGE (ON PUBLICALLY ACCESSIBLE LANDS IN JAMESTOWN ISLAND-HOG ISLAND-CAPTAIN JOHN SMITH TRAIL HISTORIC DISTRICT AND OTHER THEMATICALLY RELATED LOCATIONS)
  - Prior to "Limited Construction Within the James River," activities as defined in Stipulation XVIII.f, Dominion in consultation with the Signatories and Consulting Parties to this MOA shall develop an approved Signage Plan. In developing the Signage Plan Dominion shall:
    - **A.** Identify locations on publically accessible lands, including recreational and heritage tourism destinations, for a minimum of ten (10) interpretive signs,
    - **B.** Ensure that signs are designed to enhance visitor experience by informing visitors about the historic significance and character of

- the Jamestown Island-Hog Island-Captain John Smith Trail Historic District and other thematically related locations,
- **C.** Review and evaluate existing and any planned signage and other interpretive media currently serving the historic properties at issue so as to develop signage that is complementary,
- D. Include proposed signage text, images and other materials, and
- **E.** Include proposed signage locations and confirm any necessary authorizations and/or permissions to allow sign placement.
- 2 To facilitate plan development, Dominion will provide a draft Signage Plan to the Signatories and Consulting Parties to this MOA for review and comment in accordance with the process in Stipulation VII. Dominion shall consider all timely comments received and submit the final Signage Plan to the Corps for approval. The plan will be considered "approved" upon the Corps written approval.
- 3 Prior to "Construction Above the James River" activities as defined in Stipulation XVIII.g, Dominion shall complete fabrication and installation of all signage in accordance with the approved Signage Plan.
- 4 Interpretive signage or any other mitigation under this Memorandum of Agreement (MOA) shall not contain any information about Dominion or its business.
- 5 Dominion shall pay for the fabrication and installation of all interpretive signs and notify the Signatories in writing of the installation within thirty (30) days of their completion.
- 6 Dominion shall secure an agreement between corresponding landowners outlining long term maintenance responsibilities and obligations; otherwise Dominion shall be responsible for any required maintenance for the life of the MOA.

#### d. LANDSCAPE DOCUMENTATION OF JAMES RIVER

Prior to "Limited Construction Within the James River," Dominion shall develop a Historic American Landscapes (HALS) Survey of the Jamestown Island-Hog Island-Captain John Smith Trail Historic District and all other adversely effected properties identified in Attachment C. Dominion shall comply with NPS Heritage Documentation Program Standards and Guidelines. Development shall include completion of all required photography and preparation of all necessary illustrations, maps and line drawings in accordance with the most recent SHPO archival guidelines.

- Prior to "Limited Construction of the Project Within the James River"
  Dominion shall submit the completed HALS survey to the NPS
  Heritage Documentation Program and provide copies to the
  Signatories and Consulting Parties to this MOA.
- 3 Following acceptance of the HALS Survey by NPS, Dominion shall arrange for the submittal of the required documentation to the Library of Congress and to the SHPO so it is available for researchers in the region.
- 4 Consistent with NPS guidance, the completed HALS Survey and photo-documentation will be made available by Dominion so that it may, among other things, inform the mitigation projects under this MOA, as well as to aid in educational, investigative, preservation, and interpretive activities that enhance, directly or indirectly, the relevant historic properties.

#### e. SURRY - SKIFFES CREEK TOWER COATINGS

- Dominion shall examine all available and feasible tower coating and finishing materials and methods that will further minimize and/or maintain the visual intensity of the transmission line infrastructure crossing the river, above and beyond the visibility reduction achieved by standard weathered galvanized steel coatings, that meet and comply with all applicable state and federal law.
- Prior to "Limited Construction Within the James River", Dominion shall submit its analysis of potential tower coatings, finishing materials, and maintenance methods along with its recommendation to the Signatories and Consulting Parties to this MOA for review and comment in accordance with the process in Stipulation VII.
- 3 Considering all comments as appropriate, Dominion shall identify suitable tower finishing and coating materials that most minimize visibility of the transmission line infrastructure. Dominion shall apply the identified coating or finishing material or method to the towers as soon as conditions allow for effective application but no later than one (1) year after energization of the line.
- 4 Dominion shall ensure that all towers are maintained over their lifespan such that their visual contrast and intensity remains at levels consistent or less than when originally installed.

## II ADDITIONAL COMPENSATORY MITIGATION PROJECT FUNDING, REPORTING, AND STUDIES

#### a. Project Funding and Annual Reports:

- 1 Prior to "Limited Construction Within the James River," Dominion shall provide to the Signatories documentation demonstrating that Dominion has made funding available in accordance with the following:
  - **A.** A fund in the amount of \$27,700,000.00 to be managed by the Conservation Fund (TCF) or the appropriate entities of the Commonwealth of Virginia if Alternative Mitigation Projects are pursued, for the resolution of adverse effects. In the establishing documentation, Dominion shall ensure that the funds are used exclusively to implement the projects outlined in Stipulations III.a, III.b, III.c, and III.d of this MOA.
  - **B.** A fund in the amount of \$25,000,000.00 to be managed by the Virginia Department of Conservation and Recreation (DCR) for the resolution of adverse effects. In the establishing documentation, Dominion shall ensure that this fund is used exclusively to implement the projects outlined in Stipulation III.e of this MOA.
  - **C.** A fund in the amount of \$4,205,000.00 to be managed by the Virginia Department of Game and Inland Fisheries (DGIF) for the resolution of adverse effects. In the establishing documentation, Dominion shall ensure that this fund is used exclusively to implement the projects outlined in Section III.f of this MOA.
  - **D.** A fund in the amount of \$15,595,000.00 to be managed by the Virginia Environmental Endowment (VEE) for the resolution of adverse effects. In the establishing documentation, Dominion shall ensure that this fund is used exclusively to implement and execute projects in accordance with Stipulation III.g of this MOA.
  - **E.** A fund in the amount of \$12,500,000.00 to be managed by the Virginia Land Conservation Foundation (VLCF) for the resolution of adverse effects. In the establishing documentation, Dominion shall ensure that this fund is used exclusively to implement and execute projects in accordance with Stipulation III.h of this MOA.
- All projects funded by the accounts created in accordance with Stipulation II.a.1 above shall comply with all applicable local, Commonwealth, and federal laws and regulations. Execution of this MOA shall not permit Dominion to proceed with any project before obtaining all necessary permits and permissions.

- Dominion shall provide an annual report due by January 30 each year, beginning in 2018, summarizing disbursement of funds from the accounts created in accordance with Stipulation II.a.1 and progress for each project for the preceding year. The annual report shall also identify project changes or challenges experienced during the reporting year, as well as anticipated challenges or changes expected in the coming reporting year. Dominion will submit the annual report to the Signatories and Consulting Parties. Any disputes regarding dispensing and use of funds shall be handled in accordance with Stipulation XI below.
- 4 All funds shall be obligated within ten (10) years of the effective date of this MOA; however, nothing herein shall require that funded projects be completed within that time frame, unless otherwise noted.
- 5 Dominion shall use reasonable efforts to obligate 50 percent of the funds within five years; and, 100 percent of the funds within ten years of the effective date of this MOA.
- Notwithstanding Stipulations II.a.4-5, a failure to have all funds obligated within ten years after the mitigation fund is established does not constitute a breach of the terms of this MOA, but instead triggers Stipulation II.a.7.
- Any mitigation compensation funds that are not obligated or committed to a project within twelve years after the effective date of this MOA shall be transferred to a legally separate mitigation compensation fund administered by the VLCF for expenditure on projects, programs, and activities at historic properties and associated historic landscapes within or related to the indirect APE that were adversely affected by this Project.
- The funds described in Stipulation II.a.1 shall be used exclusively for projects selected in accordance with Stipulation III, or in accordance with Stipulation II.a.7 in appropriate circumstances. Dominion shall separately provide necessary additional funds to complete any mitigation projects required under Stipulations I.a to I.e and to complete the Heritage Tourism and Visitor Experience Study required under Stipulation II.b.
- The projects selected under Stipulation III shall be scaled, planned, designed, procured, constructed, and operated at funding levels consistent with the allocations set out in Stipulation II.a.1 respectively. If additional funds are required beyond those allocated in Stipulation II.a.1 Dominion shall promptly provide the minimum additional funding necessary to complete the specific mitigation project.

10 In the event the Corps revokes the permit for the Project for any reason, or the permit is invalidated for any reason, all unexpended mitigation funds identified in Stipulation II.a.1. above shall be returned to Dominion within 90 days of receipt of notice from the Corps that the Project has been cancelled or terminated. Specific mitigation projects in the process of implementation at the time of notice shall be completed and documented in accordance with the terms of the MOA.

#### b. Heritage Tourism and Visitor Experience Study and Enhancement:

- Prior to "Limited Construction Within the James River," Dominion, in consultation with the Signatories, shall initiate a Heritage Tourism and Visitor Experience study (which includes ecotourism) for publically accessible, publically owned, and actively marketed historic properties (heritage tourism sites) and ecotourism activities located within the Indirect APE). Dominion will invite and coordinate collaboration in this study by regional and national preservation advocates and experts, including the Consulting Parties, in order to benefit from their expertise. The purpose of the study is to evaluate current heritage tourism and visitor experience within the Indirect APE in order to inform mitigation activities required by this MOA and to develop a marketing and visitation program to promote and enhance heritage tourism sites (which includes the historic properties addressed by this MOA) and visitor experiences within the Indirect APE.
- 2 Dominion shall undertake the Heritage Tourism and Visitor Experience study in collaboration with landowners and/or managers of heritage tourism sites within the Indirect APE. Dominion shall take appropriate effort to seek the participation of the landowners of Jamestown Island and Historic Jamestowne, Hog Island Wildlife Management Area (WMA), Jamestown Settlement, Colonial Parkway and elements of Colonial National Historical Park, and elements of the Captain John Smith Chesapeake NHT. Should any of the invited landowners or managers elect not to participate, Dominion shall proceed with the study using otherwise available information.
- 3 Dominion shall complete the draft Heritage Tourism and Visitor Experience study within eight (8) months of initiation.
- 4 To the extent possible, the Heritage Tourism and Visitor Experience study should include data from shoulder and peak visitation seasons. Shoulder months include March, April, May, September, October or November. Peak months include June, July and August.
- 5 Upon completion, Dominion shall provide the draft study to the Signatories and Consulting Parties to this MOA for review and comment in accordance with the process in Stipulation VII. Dominion

- shall consider all timely comments received and submit the study for approval to the Signatories of the MOA. The Heritage Tourism and Visitor Experience study will be considered "final" upon the Corps written approval.
- The implementation of projects in Stipulations III may proceed in advance of the final Heritage Tourism and Visitor Experience study recommendations. However, as the study progresses, Dominion shall use the study's findings to inform its mitigation efforts.
- 7 No more than thirty (30) days after Corps approval of the final Heritage Tourism and Visitor Experience study, Dominion shall initiate consultation with the Signatories, Consulting Parties and regional and national preservation advocates and experts, and participating management entities of impacted heritage tourism sites, to develop a marketing and visitation program (Program) to promote and enhance the impacted heritage tourism sites and visitor experience within the indirect APE.
- No more than one (1) year following Corps approval of the final Heritage Tourism and Visitor Experience study Dominion shall provide the draft Program to the Signatories and Consulting Parties to this MOA for review and comment in accordance with the process in Stipulation VII. Dominion shall consider all timely comments received and submit the final marketing and visitation program to the Signatories of the MOA. The marketing and visitation program will be considered "approved" upon the Corps written approval.
- No more than thirty (30) days after approval of the Program Dominion shall proceed to partner with the approved implementing organizations identified in the approved Program to implement the Program. Dominion's funding responsibilities shall be limited to the average annual budget for the preceding two years for marketing programs implemented by the management entities of publicly accessible sites within the Indirect APE.
- fulfill the following actions as mitigation for the Project's direct, indirect, and cumulative adverse effects to historic properties and the related cultural and natural landscapes contributing to their significance. Dominion shall undertake projects that will enhance and/or contribute to preservation of the setting and feeling of sites associated with early Colonial, African-American and Native American cultures of this area. All mitigation actions shall be designed, operated and maintained to provide these benefits for at least the life of this Memorandum of Agreement (MOA).

- a. Within the Jamestown Island-Hog Island-Captain John Smith Trail Historic District and the thematically related areas Dominion shall complete the following projects related to protecting and/or enhancing the early Colonial agricultural landscape and setting. Dominion will make all effort to complete Stipulations III.a.1 III.a.5 below. Should Dominion be unable to obtain cooperation of the Carters Grove landowner, Dominion shall complete Stipulations III.a.6 III.a.11.
  - 1 Prior to "Limited Construction Within the James River," Dominion shall:
    - A. Submit to the Signatories of this MOA written confirmation that Dominion has requested access to property and cooperation from the Landowner of Carters Grove to identify specific landscape and viewshed enhancement, shoreline protection, and other projects that enhance the affected setting and feeling of Carter's Grove.
    - **B.** Working with the landowner of Carters Grove, identify and submit to the Signatories and Consulting Parties of this MOA the location and type of shoreline stabilization activities proposed to address approximately 6,000 linear feet of shoreline.
    - C. Working with the landowner of Carters Grove, submit to the Signatories and Consulting Parties, for review and comment in accordance with the process in Stipulation VII, a draft list of projects to be carried out at Carters Grove and a Project Narrative describing projects to be carried out that will preserve and/or enhance the character or viewshed of Carter's Grove. This draft Project Narrative shall identify specific projects, list tasks necessary to execute each project, provide a timeline for accomplishment of each project and describe how each project enhances the historic value of the resource.
  - 2 Before beginning "Limited Construction within the James River" Dominion must receive approval of the list of projects to be carried out at Carters Grove. The project list will be considered "approved" once the SHPO has confirmed that the projects will enhance the historic setting and feeling of Carters Grove and the Corps has provided written approval.
  - 3 Dominion may not proceed with "Construction Above the James River" until the Corps has approved the final Project Narrative for projects to be carried out at Carters Grove. To facilitate this approval, Dominion shall consider all comments and submit to the Signatories of this MOA a final Project Narrative describing projects to be carried out at Carters Grove. This final Project Narrative shall include confirmation that the Dominion and/or all appropriate parties have all access and

- permissions necessary to complete all identified mitigation work. This final Project Narrative will be considered "approved" once the SHPO has confirmed that the projects as proposed will enhance the affected setting and feeling of Carter's Grove and the Corps has provided written approval.
- Within one (1) year of initiating "Limited Construction within the James River," not counting any Corps-approved tolling periods, Dominion must receive approval of the final Project Narrative or must remove all structures and/or fill placed within the James River in association with the line installation as approved by this permit action and restore the area to pre-disturbed conditions.
- No more than one (1) year following the initiation of "Construction Above the James River", and annually thereafter, Dominion shall provide to the Signatories of this MOA, a report containing detailed plans for each project to be accomplished within the next year according to the timeline in the approved Project Narrative and confirmation that appropriate projects have commenced or are under contract to commence. With this annual report, Dominion may also request modification to the project list or narratives to address changes in circumstances over the previous year. A requested modification will be considered "approved" once the SHPO has confirmed that the projects will enhance the affected setting and feeling of Carter's Grove and the Corps has provided written approval.
- 6 In the event that the Landowner of Carters Grove fails to provide the requisite property access or cooperation as required in Stipulation III.a.1.A to complete the work required in Stipulation III.a.1-5, Dominion shall provide to the Signatories evidence that Dominion has made good faith effort to secure access and cooperation. Such evidence may include Dominion's written request for such access and cooperation and the Landowner's denial or failure to reach a written agreement within 45 days of that written request. In the event that (i) the landowner of Carters Grove and Dominion fail to reach agreement on the requisite property access or cooperation as required in Stipulation III.a.1.A within 45 days of Dominions written request; (ii) the Landowner of Carters Grove and Dominion fail to agree upon the list of projects required in III.a.1.B and III.a.1.C within 30 days of reaching agreement on property access and cooperation; or (iii) the Landowner of Carters Grove and Dominion fail to agree upon the Project Narratives required by III.a.1.C within 60 days of reaching agreement on property access and cooperation, Dominion may request approval from the Corps to pursue Alternative Measures as defined in Stipulations III.a.7 – III.a.11.

- 7 Once the Corps has approved pursuit of Alternative Measures and prior to Limited Construction Within the James River, Dominion shall:
  - **A.** Submit to the Signatories of this MOA written confirmation that Dominion is working in cooperation with the (DCR to identify specific landscape and viewshed enhancement, shoreline protection, and other projects that enhance the affected setting and feeling of Chippokes Plantation State Park.
  - **B.** Working with the SHPO, identify and submit to the Signatories and Consulting Parties, for review and comment in accordance with the process in Stipulation VII, of this MOA the location and type of shoreline stabilization activities proposed to address approximately 8,000 linear feet of shoreline at Chippokes State Park.
  - C. Working with the SHPO, submit to the other Signatories and Consulting Parties, for review and comment in accordance with the process in Stipulation VII, a draft list of projects to be carried out at Chippokes Plantation State Park and a Project Narrative describing projects to be carried out that will preserve and/or enhance the historic character or viewshed of Chippokes Plantation State Park. This draft Project Narrative shall identify specific projects related to enhancement of visitor facilities, development of 17<sup>th</sup> Century agricultural techniques and colonial life and preservation of Chippokes Mansion. This draft Project Narrative shall also list tasks necessary to execute each project, provide a timeline for accomplishment of each project and describe how each project enhances the historic value of the resource.
- 8 Before beginning "Limited Construction within the James River"

  Dominion must receive approval of the list of projects to be carried out at Chippokes Plantation State Park. The project list will be considered "approved" once the SHPO has confirmed that the projects will enhance the historic setting and feeling of Chippokes Plantation State Park and the Corps has provided written approval.
- 9 Dominion may not proceed with "Construction Above the James River" until the Corps has approved the final Project Narrative for projects to be carried out at Chippokes Plantation State Park. To facilitate this approval, Dominion shall consider all comments and submit to the Signatories of this MOA a final Project Narrative describing projects to be carried out at Chippokes Plantation State Park. This final Project Narrative shall include confirmation that Dominion and/or all appropriate parties have all access and permissions necessary to complete all identified mitigation work. This final Project Narrative will be considered "approved" once the SHPO has confirmed that the

- projects will enhance the historic setting and feeling of Chippokes Plantation State Park and the Corps has provided written approval.
- 10 Within one (1) year of initiating "Limited Construction within the James River," not counting any Corps-approved tolling periods, Dominion must receive approval of the final Project Narrative or must remove all structures and/or fill placed within the James River in association with the line installation as approved by this permit action and restore the area to pre-disturbed conditions.
- 11 No more than one (1) year following the initiation of "Construction Above the James River", and annually thereafter, Dominion shall provide to the Signatories of this MOA, a report containing detailed plans for each project to be accomplished within the next year according to the timeline in the approved Project Narrative and confirmation that appropriate projects have commenced or are under contract to commence. With this annual report, Dominion may also request modification to the project list or narratives to address changes in circumstances over the previous year. A requested modification will be considered "approved" once the SHPO has confirmed that the projects will enhance the historic setting and feeling of Chippokes Plantation State Park and the Corps has provided written approval.
- b. Within the Jamestown Island-Hog Island-Captain John Smith Trail Historic District and the thematically related areas Dominion shall complete the following projects related to preserving and/or enhancing the overall landscape. Dominion will make all effort to complete Stipulations III.b.1 III.b.5 below. Should Dominion be unable to obtain cooperation of the NPS, Dominion shall complete Stipulations III.b.6 III.b.11.
  - 1 Prior to "Limited Construction Within the James River," Dominion shall:
    - A. Submit to the Signatories of this MOA written confirmation that Dominion has requested property access and cooperation from the NPS, Colonial National Historical Park to identify specific landscape enhancement and shoreline protection or viewshed enhancement projects that preserve the setting and feeling of the Colonial Parkway unit consistent with its design, open and forested areas, other natural elements, and interpretive areas as documented in the National Park Service's Cultural Landscape Inventory (2008).
    - **B.** Working with the NPS, submit to the Signatories and Consulting Parties, for review and comment in accordance with the process in Stipulation VII, a draft list of projects to be carried out at Colonial Parkway unit and a Project Narrative describing projects to be carried out that will preserve and/or enhance the character or

viewshed of the Colonial Parkway unit. This draft Project Narrative shall identify specific projects, list tasks necessary to execute each project, provide a timeline for accomplishment of each project and describe how each project enhances the historic value of the resource.

- 2 Before beginning "Limited Construction within the James River"
  Dominion must receive approval of the list of projects to be carried out at Colonial Parkway unit. The project list will be considered "approved" once the SHPO has confirmed that the projects will enhance the historic setting and feeling of Colonial Parkway unit and the Corps has provided written approval.
- 3 Dominion may not proceed with "Construction Above the James River" until the Corps has approved the final Project Narrative for projects to be carried out at the Colonial Parkway unit. To facilitate this approval, Dominion shall consider all comments and submit to the Signatories of this MOA a final Project Narrative describing projects to be carried out at the Colonial Parkway unit. This final Project Narrative shall include confirmation that Dominion and/or all appropriate parties have all access and permissions necessary to complete all identified mitigation work. This final Project Narrative will be considered "approved" once the SHPO has confirmed that the projects will enhance the affected setting and feeling of the Colonial Parkway unit and the Corps has provided written approval.
- Within one (1) year of initiating "Limited Construction within the James River," not counting any Corps-approved tolling periods, Dominion must receive approval of the final Project Narrative or must remove all structures and/or fill placed within the James River in association with the line installation as approved by this permit action and restore the area to pre-disturbed conditions.
- No more than one (1) year following the initiation of "Construction Above the James River", and annually thereafter, Dominion shall provide to the Signatories and Consulting Parties of this MOA, a report containing detailed plans for each project to be accomplished within the next year according to the timeline in the approved Project Narrative and confirmation that appropriate projects have commenced or are under contract to commence With this annual report, Dominion may also request modification to the project list or narratives to address changes in circumstances over the previous year. A requested modification will be considered "approved" once the SHPO have confirmed that the projects will enhance the affected setting and feeling of the Colonial Parkway unit and the Corps has provided written approval.

- 6 In the event that the NPS fails to provide the requisite property access or cooperation as required in Stipulation III.b.1.A to complete the work required in Stipulation III.b.1-5, Dominion shall provide to the Signatories, evidence that Dominion has made good faith effort to secure property access and cooperation. Such evidence may include Dominion's written request for such property access and cooperation and the NPS' denial or failure to reach a written agreement on property access and cooperation within 45 days of that written request. In the event that (i) NPS and Dominion fail to reach agreement on property access or cooperation as required in Stipulation III.b.1.A within 45 days of Dominion's written request to NPS for property access and cooperation; (ii) the NPS and Dominion fail to agree upon the list of projects required in III.b.1.B within 30 days of reaching written agreement on property access and cooperation; or (iii) the NPS and Dominion fail to agree upon the Project Narratives required by III.b.1.B within 60 days of reaching written agreement on property access and cooperation, Dominion may request approval from the Corps to pursue Alternative Measures as defined in Stipulations III.b.7 – III.b.11.
- 7 Once the Corps has approved pursuit of Alternative Measures and prior to Limited Construction Within the James River, Dominion shall:
  - A. Submit to the Signatories of this MOA written confirmation that Dominion is working in cooperation with the Commonwealth of Virginia to identify specific landscape and viewshed enhancement, shoreline protection, and other projects that preserve and/or enhance the setting, feeling and/or overall understanding of the Jamestown Island-Hog Island-Captain John Smith Trail Historic District and thematically related areas.
  - B. Working with the Commonwealth of Virginia, submit to the Signatories and Consulting Parties, for review and comment in accordance with the process in Stipulation VII, a draft list of projects that will support, preserve and/or enhance the historic character or viewshed of Jamestown Settlement and a Project Narrative describing projects to be carried out that will support, preserve and/or enhance the historic character or viewshed of Jamestown Settlement. This draft Project Narrative shall identify specific projects related to educational exhibits and interpretive programs at Jamestown Settlement that focus on the area's landscape and watershed, before during and after European contact, as well as on the movement of colonists and Native Americans throughout the area, including those areas covered by the Colonial Parkway and Colonial National Historic Park. This draft Project Narrative shall also identify specific projects related to development of exhibits and interpretive programs at Fort Monroe that examine the convergence of three cultures - Virginia Indians, European, and African - related

- to the Hampton Roads region at the time of exploration and discovery. This draft Project Narrative shall also list tasks necessary to execute each project, provide a timeline for accomplishment of each project and describe how each project enhances the historic value of the resource.
- Before beginning "Limited Construction within the James River"

  Dominion must receive approval of the list of projects that will support, preserve and/or enhance the historic character or viewshed of Jamestown Settlement described in III.b.7 above. The project list will be considered "approved" once the SHPO has confirmed that the projects will enhance and preserve the historic landscape within APE and the Corps has provided written approval.
- 9 Dominion may not proceed with "Construction Above the James River" until the Corps has approved the final Project Narrative for projects as identified in Stipulation III.b.7 above. To facilitate this approval, Dominion shall consider all comments and submit to the Signatories of this MOA a final Project Narrative describing projects as identified in Stipulation III.b.7 above. This final Project Narrative shall include confirmation that Dominion and/or all appropriate parties have all access and permissions necessary to complete all identified mitigation work. This final Project Narrative will be considered "approved" once the SHPO has confirmed that the projects will support, preserve and/or enhance the historic character or viewshed of Jamestown Settlement and the Corps has provided written approval.
- Within one (1) year of initiating "Limited Construction within the James River," not counting any Corps-approved tolling periods, Dominion must receive approval of the final Project Narrative or must remove all structures and/or fill placed within the James River in association with the line installation as approved by this permit action and restore the area to pre-disturbed conditions.
- No more than one (1) year following the initiation of "Construction Above the James River", and annually thereafter, Dominion shall provide to the Signatories and the Consulting Parties of this MOA, a report containing detailed plans for each project to be accomplished within the next year according to the timeline in the approved Project Narrative and confirmation that appropriate projects have commenced or are under contract to commence. With this annual report, Dominion may also request modification to the project list or narratives to address changes in circumstances over the previous year. A requested modification will be considered "approved" once the SHPO has confirmed that the projects will support, preserve and/or enhance the historic character or viewshed of Jamestown Settlement and the Corps has provided written approval.

- c. Within the Jamestown Island-Hog Island-Captain John Smith Trail Historic District and the thematically related areas Dominion shall complete the following projects that preserve and enhance Historic Jamestown and Jamestown Island and promote heritage tourism. Dominion will make all effort to complete Stipulations III.c.1 III.c.5 below. Should Dominion be unable to obtain cooperation of the NPS and/or Preservation Virginia (PV), Dominion shall complete Stipulations III.c.6 III.c.11.
  - 1 Prior to "Limited Construction Within the James River," Dominion shall:
    - A. Submit to the Signatories of this MOA written confirmation that Dominion has requested property access and cooperation from the NPS and/or PV to identify specific landscape and viewshed enhancement, shoreline protection, and other projects that preserve and enhance Historic Jamestowne and Jamestown Island's existing setting (i.e., topography, vegetation, and other defining physical features) and feeling gained from the presence its defining physical features that help convey its historic character
    - **B.** Working with the NPS and/or PV, submit to the Signatories and Consulting Parties of this MOA draft plans for:
      - i. Rehabilitation or replacement of the seawall at Historic Jamestowne potentially including additional breakwaters, sills and revetments to provide protection from erosion and sea level rise.
      - ii. Restoration of Back Creek at Historic Jamestowne.
      - iii. Archaeological investigation and identification at Historic Jamestowne to support ongoing and future investigations including emergency excavation of threatened archaeological sites, excavations around Memorial Church, cooperative excavations with the NPS, excavation of areas east and west of the Fort site with a focus on discovering the early churches that stood on the site of the 1617 church, the site of the nation's first representative government, as well as any other archaeological investigations associated with the early occupation and settlement of Jamestown Island, and other areas related to the early settlement.
      - iv. Captain John Smith Chesapeake NHT landscape enhancement, visitor engagement, and visitor interpretation programs and projects at the NPS' visitor center on Jamestown Island as well as enhancement of the NPS' Neck-O-Land facility including the

- establishment of infrastructure to study and interpret climate change.
- C. Working with appropriate curators submit to the Signatories and Consulting Parties of this MOA a draft plan for conservation, preservation, and study of artifact collections from previously excavated archaeological sites throughout the APE which shall include Jamestown, Martin's Hundred, Carter's Grove, and Kingsmill, as well as partnership projects with a focus on understanding and interpreting the colony's first settlers and their human response to the new environment and climate.
- **D.** In accordance with the process for review and comment in Stipulation VII, all parties will be given thirty (30) days to review and provide comment on the draft plans identified in Stipulation III.c.1.B and Stipulation III.c.1.C.
- 2 Before beginning "Limited Construction within the James River" Dominion must allow for the conclusion of the 30-day comment period specified in Stipulation III.c.1.D.
- Jominion may not proceed with "Construction Above the James River" until the Corps has approved the final Plans for all activities described in Stipulation III.c.1.B and Stipulation III.c.1.C. To facilitate this approval, Dominion shall consider all comments and submit to the Signatories of this MOA final Plans that describe specific activities to be carried out and provide a timeline for accomplishment of each. The final Plans shall include confirmation that the Dominion and/or all appropriate parties have all access and permissions necessary to complete all identified mitigation work. The final Plans will be considered "approved" once the SHPO has confirmed that the projects will preserve and enhance Historic Jamestowne and Jamestown Island resources and the Corps has provided written approval.
- Within one (1) year of initiating "Limited Construction within the James River," not counting any Corps-approved tolling periods, Dominion must receive approval of the final Plans or must remove all structures and/or fill placed within the James River in association with the line installation as approved by this permit action and restore the area to pre-disturbed conditions.
- No more than one (1) year following the initiation of "Construction Above the James River", and annually thereafter, Dominion shall provide to the Signatories and Consulting Parties of this MOA, a report containing detailed activities to be accomplished within the next year according to the timeline in the approved Plans and confirmation that appropriate projects have commenced or are under contract to

- commence. With this annual report, Dominion may also request modification to the final plans to address changes in circumstances over the previous year. A requested modification will be considered "approved" once the SHPO has confirmed that the projects will preserve and enhance Historic Jamestowne and Jamestown Island resources and the Corps has provided written approval.
- In the event that the NPS and/or PV fails to provide property access or 6 cooperation as required in Stipulation III.c.1.A to complete the work required in Stipulation III.c.1-5, Dominion shall provide to the Signatories, evidence that Dominion has made good faith effort to secure property access and cooperation. Such evidence may include Dominion's written request for such property access and cooperation and the NPS' and/or PV's denial or failure to reach written agreement on property access and cooperation within 45 days of that written request. In the event that (i) NPS and/or PV and Dominion fail to reach written agreement on property access or cooperation as required in Stipulation III.c.1.A within 45 days of Dominion's written request to NPS and/or PV for property access and cooperation; (ii) the NPS and/or PV and Dominion fail to agree upon the Draft Plans required by III.c.1.B within 60 days of reaching written agreement on property access and cooperation, Dominion may request approval from the Corps to pursue Alternative Measures as defined in Stipulations III.c.7 - III.c.11.
- 7 Once the Corps has approved pursuit of Alternative Measures and Prior to any Limited Construction Within the James River, Dominion shall:
  - A. Submit to the Signatories of this MOA written confirmation that Dominion is working in cooperation with the Commonwealth of Virginia to identify specific landscape and viewshed enhancement, shoreline protection, and other projects that preserve and/or enhance the setting, feeling and/or overall understanding of the Jamestown Island-Hog Island-Captain John Smith Trail Historic District and thematically related areas.
  - **B.** Working with the Commonwealth of Virginia, submit to the Signatories and Consulting Parties of this MOA draft plans for:
    - i. Development of a public boat launch and kayak launch areas with associated interpretive trails and educational exhibits related to the Captain John Smith Chesapeake NHT at Fort Monroe and/or Chippokes State Park; and
    - **ii.** Erosion and sea level rise protection projects at Fort Monroe and/or Chippokes State Park.

- **iii.** Archaeological excavations at Fort Algernon including artifact conservation and exhibit development; and
- iv. Archaeological excavations at Chippokes State Park including artifact conservation and exhibit development.
- **C.** In accordance with the process for review and comment in Stipulation VII, all parties will be given thirty (30) days to review and provide comment on the draft plans identified in Stipulation III.c.7.B.
- 8 Before beginning "Limited Construction within the James River" Dominion must allow for the conclusion of the 30-day comment period specified in Stipulation III.c.7.C.
- 9 Dominion may not proceed with "Construction Above the James River" until the Corps has approved the final Plans for all activities described in Stipulation III.c.7.B. To facilitate this approval, Dominion shall consider all comments and submit to the Signatories of this MOA final Plans that describe specific activities to be carried out and provide a timeline for accomplishment of each. The final Plans shall include confirmation that Dominion and/or all appropriate parties have all access and permissions necessary to complete all identified mitigation work. The final Plans will be considered "approved" once the SHPO has confirmed that the projects will preserve and/or enhance the setting, feeling and/or overall understanding of the Jamestown Island-Hog Island-Captain John Smith Trail Historic District and thematically related areas and the Corps has provided written approval.
- 10 Within one (1) year of initiating "Limited Construction within the James River," not counting any Corps-approved tolling periods, Dominion must receive approval of the final Plans or must remove all structures and/or fill placed within the James River in association with the line installation as approved by this permit action and restore the area to pre-disturbed conditions.
- 11 No more than one (1) year following the initiation of "Construction Above the James River", and annually thereafter, Dominion shall provide to the Signatories and Consulting Parties of this MOA, a report containing detailed activities to be accomplished within the next year according to the timeline in the approved Plans and confirmation that appropriate projects have commenced or are under contract to commence. With this annual report, Dominion may also request modification to the final plans to address changes in circumstances over the previous year. A requested modification will be considered "approved" once the SHPO has confirmed that the projects will preserve and/or enhance the setting, feeling and/or overall understanding of the Jamestown Island-Hog Island-Captain John

Smith Trail Historic District and thematically related areas and the Corps has provided written approval.

- d. Dominion shall fund the following initiatives that will preserve and enhance the Chickahominy Indian Tribe's cultural values and way of life.
  - 1 Prior to "Limited Constructions Within the James River", Dominion shall submit to the Signatories of this MOA, written confirmation that Dominion has made a one-time donation of \$1,500,000.00, from the amounts available in Stipulation II.a.1.A, to the Chickahominy Indian Tribe for the following initiatives:
    - i. The expansion, operation, and maintenance of the Chickahominy Tribal Cultural Center to ensure the preservation of tribal history, native customs, traditional dance, and craftsmanship.
    - ii. The preservation of tribal historical documents and artifacts.
    - **iii.** The undertaking of scholarly research in Virginia and at the Ashmolean Museum in England related to the ancestry, genealogy, and role of the Chickahominy Tribe in Virginia's shared history.
  - **2** The provisions in Stipulations II.a.2 through II.a.10 are not applicable to the funding of the three initiatives listed above.
  - 3 Prior to "Limited Construction Within the James River," Dominion shall provide all Signatories of this MOA proof of appropriate assurance, obtained from the Chickahominy Tribe, acknowledging their agreement that funding will be allocated among the three initiatives at the discretion of the Tribe, with no less than \$20,000.00 being given to any single initiative.
- e. Within the Jamestown Island-Hog Island-Captain John Smith Trail Historic District and the thematically related areas Dominion shall complete the following projects related to enhancement of the visitor experience and the setting and feeling of sites along the Captain John Smith Chesapeake National Historic Trail. These measures will present the natural and cultural values on the York River in the area of Werowocomoco to provide the visitor with an undisturbed landscape and vista that evokes the setting and feeling of the rivers during the period of Captain John Smith's exploration.

- 1 Prior to "Limited Construction Within the James River," Dominion shall:
  - A. Submit to the Signatories of this MOA written confirmation that Dominion is working in cooperation with the Commonwealth of Virginia to identify specific projects that enhance the visitor experience and the setting and feeling of sites along the Captain John Smith Chesapeake National Historic Trail.
  - **B.** Working with the Commonwealth of Virginia, the Pamunkey Indian Tribe, and the Chickahominy Indian Tribe submit to the Signatories and Consulting Parties of this MOA draft plans for:
    - Land acquisition, visitor interpretation facilities, archeological investigation and preservation associated with Werowocomoco; and
    - ii. Land acquisition and preservation of sites and expanded facilities at York River State Park which shall serve as a visitors' gateway to understanding the Virginia Indian cultures at Werowocomoco.
  - **C.** In accordance with the process for review and comment in Stipulation VII, all parties will be given thirty (30) days to review and provide comment on the draft plans identified in Stipulation III.e.1.B.
- 2 Before beginning "Limited Construction within the James River" Dominion must allow for the conclusion of the 30-day comment period specified in Stipulation III.e.1.C.
- Dominion may not proceed with "Construction Above the James River" until the Corps has approved the final Plans for all activities described in Stipulation III.e.1.B. To facilitate this approval, Dominion shall consider all comments and submit to the Signatories of this MOA final Plans that describe specific activities to be carried out and provide a timeline for accomplishment of each. The final Plans shall include confirmation that Dominion and/or all appropriate parties have all access and permissions necessary to complete all identified mitigation work. The final Plans will be considered "approved" once the SHPO has confirmed that the projects will enhance the visitor experience and the setting and feeling of sites along the Captain John Smith Chesapeake National Historic Trail and the Corps has provided written approval.
- 4 Within one (1) year of initiating "Limited Construction within the James River," not counting any Corps-approved tolling periods, Dominion must receive approval of the final Plans or must remove all structures and/or fill placed within the James River in association with the line

- installation as approved by this permit action and restore the area to pre-disturbed conditions.
- No more than one (1) year following the initiation of "Construction Above the James River", and annually thereafter, Dominion shall provide to the Signatories and Consulting Parties of this MOA, a report containing detailed activities to be accomplished within the next year according to the timeline in the approved Plans and confirmation that appropriate projects have commenced or are under contract to commence. With this annual report, Dominion may also request modification to the final plans to address changes in circumstances over the previous year. A requested modification will be considered "approved" once the SHPO has confirmed that the projects will enhance the visitor experience and the setting and feeling of sites along the Captain John Smith Chesapeake National Historic Trail and the Corps has provided written approval.
- f. Within the Jamestown Island-Hog Island-Captain John Smith Trail Historic District and the thematically related areas Dominion shall complete the following projects related to natural resource enhancement and cultural resource identification and interpretation at Hog Island WMA.
  - 1 Prior to "Limited Construction Within the James River," Dominion shall:
    - A. Submit to the Signatories of this MOA written confirmation that Dominion is working in cooperation with the Virginia Department of Game and Inland Fisheries (VDGIF), the Pamunkey Indian Tribe and the Chickahominy Indian Tribe to identify specific projects that preserve and/or enhance the setting, feeling and/or overall understanding of the Jamestown Island-Hog Island-Captain John Smith Trail Historic District and thematically related areas.
    - **B.** Working with the Commonwealth of Virginia, the Pamunkey Indian Tribe and the Chickahominy Indian Tribe, submit to the Signatories and Consulting Parties draft plans for:
      - Enhancement of 1,100 acres of palustrine emergent marsh at Hog Island WMA;
      - ii. Living shoreline and shoreline restoration in Surry County, with priority given to projects within the APE or projects outside the APE that would benefit natural and cultural resource enhancement within the APE;
      - iii. Acquisition of 400 acres of upland/emergent marsh adjacent to the Chickahominy Wildlife Management Area located in, Charles City County, Virginia to improve water quality within the

- APE, subject to the approval by the Board of Game and Inland Fisheries;
- iv. History and remote viewing and interpretation facility at Hog Island WMA that recognizes Hog Island's connection and contributions to the Jamestown Island-Hog Island-John Smith Trail Historic District, and the individual significance to the Captain John Smith Chesapeake NHT; and
- v. Comprehensive archaeological identification survey of Hog Island WMA.
- **C.** In accordance with the process for review and comment in Stipulation VII, all parties will be given thirty (30) days to review and provide comment on the draft plans identified in Stipulation III.f.1.B.
- 2 Before beginning "Limited Construction within the James River" Dominion must allow for the conclusion of the 30-day comment period specified in Stipulation III.f.1.C.
- 3 Dominion may not proceed with "Construction Above the James River" until the Corps has approved the final Plans for all activities described in Stipulation III.f.1.B. To facilitate this approval, Dominion shall consider all comments and submit to the Signatories of this MOA final Plans that describe specific activities to be carried out and provide a timeline for accomplishment of each. The final Plans shall include confirmation that the Dominion and/or all appropriate parties have all access and permissions necessary to complete all identified mitigation work. The final Plans will be considered "approved" once the SHPO has confirmed that the projects will preserve and/or enhance the setting, feeling and/or overall understanding of the Jamestown Island-Hog Island-Captain John Smith Trail Historic District and thematically related areas and the Corps has provided written approval.
- Within one (1) year of initiating "Limited Construction within the James River," not counting any Corps-approved tolling periods, Dominion must receive approval of the final Plans or must remove all structures and/or fill placed within the James River in association with the line installation as approved by this permit action and restore the area to pre-disturbed conditions.
- No more than one (1) year following the initiation of "Construction Above the James River", and annually thereafter, Dominion shall provide to the Signatories and Consulting Parties of this MOA, a report containing detailed activities to be accomplished within the next year according to the timeline in the approved Plans and confirmation that appropriate projects have commenced or are under contract to

commence. With this annual report, Dominion may also request modification to the final plans to address changes in circumstances over the previous year. A requested modification will be considered "approved" once the SHPO has confirmed that the projects will preserve and/or enhance the setting, feeling and/or overall understanding of the Jamestown Island-Hog Island-Captain John Smith Trail Historic District and thematically related areas and the Corps has provided written approval.

- g. Dominion shall complete the following related to water quality improvements. Such projects will maintain and improve the setting and feeling of the river as a key component of the Jamestown Island-Hog Island-Captain John Smith Trail Historic District, as well as the other character-defining features of the historic district.
  - 1 Dominion shall work with the Commonwealth of Virginia and the Virginia Environmental Endowment (VEE) to develop and submit to the Signatories and Consulting Parties, for review and comment in accordance with the process in Stipulation VII, a draft list of criteria to guide the selection of water quality improvement projects. Efforts should focus on riparian buffer creation, replacement or enhancement and erosion and sediment control, and the projects shall provide water quality improvements benefitting the James River watershed with consideration given to projects located within the indirect APE.
  - 2 Before beginning "Limited Construction Within the James River," Dominion must receive Corps approval of the final list of criteria to be used in project selection. To facilitate this approval, Dominion shall consider all comments and submit to the Signatories of this MOA a final list of criteria that includes an anticipated schedule for requesting, reviewing and approving funding proposals. This final criteria will be considered "approved" once Corps has provided written approval.
  - Above the James River", and annually thereafter, Dominion shall provide to the Signatories and Consulting Parties of this MOA, a report containing detailed activities to be accomplished within the next year according to the approved criteria and anticipated schedule for making grant awards to demonstrate annual progress on the implementation of the water quality improvement mitigation. With this annual report, Dominion may also request modification to the approved criteria to address changes in circumstances over the previous year. A requested modification will be considered "approved" once the Corps has confirmed that the adjusted criteria includes water quality improvement grant criteria benefitting the James River watershed with consideration given to projects located within the indirect APE and the Corps has provided written approval.

- h. Within the Jamestown Island-Hog Island-Captain John Smith Trail Historic District and the thematically related areas, Dominion shall complete the following projects related to Landscape and Battlefield Conservation.
  - Dominion shall work with the Commonwealth of Virginia and the VLCF to develop and submit to the Signatories and Consulting Parties, for review and comment in accordance with the process in Stipulation VII, a draft list of criteria to guide the selection of land conservation and open space easement projects that are focused on:
    - A. The enhancement and/or preservation of the setting and feeling for the Battle of Yorktown and Fort Crafford or Development of public interpretive programs, signage, and exhibits focusing on the Peninsula Campaign including the Battle of Hampton Roads, the Battle of Yorktown, the Battle of Williamsburg, and the strategic importance of Fort Monroe in each, and development of a 3D Laser Scan of Fort Crafford and an earthwork preservation plan to include a landscape management plan.
    - **B.** Landscape preservation with an emphasis on projects within the James River watershed benefitting the historic properties and district.
    - **C.** Landscape scale conservation that may lead to permanently protecting lands necessary to preclude future river crossings and non-compatible shoreline development within the APE, to the greatest extent possible.
  - 2 Before beginning "Limited Construction Within the James River,"
    Dominion must receive Corps approval of the final framework to be
    used in the selection of projects as identified in Stipulation III.h.1. To
    facilitate this approval, Dominion shall consider all comments and
    submit to the Signatories of this MOA a final framework that includes a
    schedule for requesting, reviewing and approving funding proposals.
    This final framework will be considered "approved" once the SHPO has
    confirmed that the framework will promote landscape and battlefield
    conservation and the Corps has provided written approval.
  - 3 No more than one (1) year following the initiation of "Construction Above the James River", and annually thereafter, Dominion shall provide to the Signatories and Consulting Parties of this MOA, a report containing detailed activities to be accomplished within the next year according to the timeline in the approved framework and confirmation that appropriate projects have commenced or are under contract to

commence. With this annual report, Dominion may also request modification to the final framework to address changes in circumstances over the previous year. A requested modification will be considered "approved" once the Corps has confirmed that the adjusted framework promotes landscape and battlefield conservation projects and the Corps has provided written approval.

- Dominion shall complete and fund the following initiatives that will preserve and enhance the Pamunkey Indian Tribe's cultural values and way of life.
  - 1. Prior to "Limited Construction Within the James River," Dominion shall submit to the Signatories of this MOA, written confirmation that Dominion has made a one-time donation of \$4,500,000.00 to the Pamunkey Indian Tribe for three initiatives:
    - i. expansion and operation of the Pamunkey Cultural Center;
    - ii. establishment of a Tribal Historic Preservation Office; and
    - iii. expansion and operation of the Pamunkey Indian Tribe's shad hatchery facility.
  - 2. Prior to "Limited Construction Within the James River," Dominion shall provide all Signatories of this MOA proof of appropriate assurance, obtained from the Tribe, acknowledging their agreement that funding will be allocated among the three initiatives at the discretion of the Tribe, with no less than \$100,000.00 being given to any single initiative.
  - **3.** Assuming there is a willing seller, Dominion shall initiate immediate action to acquire the parcel of land containing Uttamusack (44KW0072).
    - i. Dominion shall pay as much as 125% of the fair market value if required, to acquire the parcel.
    - **ii.** Dominion shall also fund acquisition a permanent easement for an access road from the public right-of-way (Route 30) to the parcel of land containing Uttamusack (44KW0072).
    - iii. Following acquisition of the property containing Uttamusack (44KW0072), Dominion shall donate the parcel and easement free and clear of any encumbrances to the Pamunkey Indian Tribe along with a one-time donation of \$500,000.00 for the tribe's use to protect, maintain, and interpret the site.

iv. Dominion shall also provide funding up to \$400,000.00 for the construction of an access road up to but not crossing the railroad on the parcel of land containing Uttamusack (44KW0072).

# IV AVOIDANCE AND MINIMIZATION OF POTENTIAL FUTURE AND CUMULATIVE EFFECTS WITHIN THE DIRECT AND INDIRECT APE OF THE RIVER CROSSING

- 1 From the date construction is completed until the towers are dismantled, Dominion shall coordinate all project maintenance and repair operations that have the potential to cause or result in ground or underwater disturbance within the project's direct APE, with the SHPO and other regulatory agencies, consistent with the terms of the avoidance plan. Such coordination shall not prohibit the repair of the project required in response to emergency events; however, Dominion shall advise the SHPO and other regulatory agencies, as appropriate, of the completed emergency repair work as soon as practicable.
- 2 From the date construction is completed until the towers are dismantled, Dominion shall not construct or place any new or additional transmission line infrastructure, or increase the height or otherwise scale of the existing tower infrastructure within the project's defined indirect APE for the river crossing. Nothing in this commitment, however, shall preclude or otherwise prevent Dominion from adding additional lines or replacing lines to the existing tower infrastructure.
- 3 From the date construction is completed, Dominion shall examine the ongoing need for the river crossing at ten (10) year increments, taking into account the most current PJM Interconnection load forecast data.
- If, at any time prior to the conclusion of the project's life span of fifty (50) years from energizing, Dominion determines that the river crossing is no longer needed, Dominion shall remove all river crossing and associated terrestrial based infrastructure and return the land-side area within the indirect APE of the river crossing to its pre-project condition.
- If, at the conclusion of the project's life span of fifty (50) years from energizing, Dominion determines that the project is still needed, Dominion shall examine the viability and feasibility of a submerged river crossing. If, at that time, industry accepted technology is available and required regulatory approvals are received, Dominion will replace the overhead river crossing with a submerged crossing.

#### **V STATUS UPDATE REQUIREMENTS**

Upon the completion of each requirement to this MOA, Dominion shall provide the Signatories and Consulting Parties to this MOA with a signed memorandum documenting that Dominion has fulfilled such requirement. At the completion of all of the requirements, Dominion shall notify such parties that it has satisfied all its responsibilities under this MOA.

#### VI PROFESSIONAL QUALIFICATIONS

All archaeological and/or architectural work carried out pursuant to this MOA shall be conducted by or under the direct supervision of an individual or individuals who meet the Secretary of the Interior's *Professional Qualifications Standards* (48 FR 44738-9, September 29, 1983) in the appropriate discipline. Individuals designated by federally and state recognized tribes as qualified regarding properties of religious and cultural significance to them are not required to meet the referenced Professional Qualification Standards.

### VII PREPARATION AND REVIEW OF DOCUMENTS

- All technical reports prepared by Dominion pursuant to this MOA will be consistent with the federal standards entitled *Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* (48 FR 44716-44742, September 29, 1983) and the SHPO's *Guidelines for Conducting Historic Resources Survey in Virginia* (2011), or any subsequent revisions or replacements of these documents.
- All architectural and landscape studies resulting from this MOA shall be consistent with pertinent standards and guidelines of the Secretary of the Interior, including as applicable the Secretary's *Standards and Guidelines for Historical Documentation* (48 FR 44728-30) and for *Architectural and Engineering Documentation* (48 FR 44730-34).
- Whenever this MOA gives Signatories and/or Consulting Parties an opportunity to review and comment on Dominion's draft plans, reports, or other documents, the review process shall be carried out as follows:
  - A. Dominion shall submit for a thirty-day review and comment period, the draft plan, report, or other document, to the SHPO (two (2) hard copies and one electronic copy in Adobe® Portable Document Format (.pdf)), other Signatories (one (1) copy), and Consulting Parties (one (1) Copy).
  - **B.** If no timely comments are received within the thirty (30) day review period, Dominion may assume the non-responding party

has no comments. If the Corps is unable to respond or provide approvals as appropriate within the thirty (30) day review period, the Corps shall notify Dominion of the delay and provide an anticipated comment or approval date.

- **C.** Dominion shall ensure that copies of all Consulting Party comments are provided to each Signatory.
- D. Concurrent with preparing its final version of the plan, report, or other document, Dominion shall prepare a response to comments that includes each comment received and how those comments were considered in the development of the final version. Dominion shall provide this Response to Comments to all Signatories and Consulting Parties concurrent with the submission of the final version to the Corps.
- **E.** Dominion shall consider all comments received within the thirty-day comment period during preparation of the final plan, report, or other document. The final plan, report, or other document shall be submitted to the Corps for review and approval.
- F. Following written approval by the Corps, Dominion shall provide two (2) copies of all final plans, reports, or other documents, bound and on acid-free paper, and one electronic copy in Adobe® Portable Document Format (.pdf) to the SHPO, and one (1) copy (.pdf or hardcopy) to both the Corps and ACHP, and any other Consulting Party to the MOA which requests a copy.

#### VIII CURATION

Within thirty (30) days of the Corps' approval of the final technical report, Dominion shall deposit all archaeological materials and appropriate field and research notes, maps, drawings and photographic records collected as a result of archeological investigations arising from this MOA (with the exception of human skeletal remains and associated funerary objects) for permanent curation with the DHR, which meets the requirements in 36 CFR 79, *Curation of Federally Owned and Administered Archeological Collections*. Dominion shall be responsible for all DHR curation fees associated with materials recovered during the project. Dominion shall provide the Corps with a copy of the curation agreement as evidence of its compliance with this stipulation. All such items shall be made available to educational institutions and individual scholars for appropriate exhibit and/or research under the operating policies of DHR.

#### IX POST-REVIEW DISCOVERIES

- Dominion shall ensure that the following provision is included in all construction contracts: "If previously unidentified historic properties or unanticipated adverse effects to historic properties are discovered during construction, the construction contractor shall immediately halt all activity within a one hundred (100) foot radius of the discovery, notify Dominion of the discovery and implement interim measures to protect the discovery from looting and vandalism."
- 2 Immediately upon receipt of the notification required in Stipulation IX.1 above, Dominion shall:
  - **A.** Inspect the construction site to determine the extent of the discovery and ensure that construction activities have halted;
  - **B.** Mark clearly the area of the discovery;
  - **C.** Implement additional measures, as appropriate, to protect the discovery from looting and vandalism;
  - **D.** Engage a professional archeologist to inspect the construction site to determine the extent of the discovery and provide recommendations regarding its NRHP eligibility and treatment; and
  - **E.** Notify the Corps, SHPO, and ACHP of the discovery describing the measures that have been implemented to comply with this stipulation.
  - **F.** Notify the Pamunkey Indian Tribe and Chickahominy Indian Tribe of any materials resembling Native American Artifacts including burials, human skeleton remains, and funerary artifacts.
- 3 Upon receipt of the information required in the above stipulation, the Corps shall provide Dominion, SHPO, and Consulting Parties with its assessment of the NRHP eligibility of the discovery and the measures proposed to resolve adverse effects. In making its evaluation, the Corps, in consultation with the SHPO, may assume the discovery to be NRHP eligible for the purposes of Section 106 pursuant to 36 CFR § 800.13(c). Dominion, SHPO, and Consulting Parties shall respond to the Corps' assessment within forty-eight (48) hours of receipt.
- The Corps will take into account the SHPO recommendations on eligibility and treatment of the discovery and any comments from Consulting Parties and will notify Dominion of any appropriate required actions. Dominion must comply with the required actions and provide the Corps, SHPO, and Consulting Parties with a report on the actions when implemented. Any actions that the Corps deems appropriate for

Dominion to take with regard to such discovery will automatically become additional stipulations to this MOA and thereby will be incorporated in the permit and become conditions to the permit. If Dominion fails to comply with such actions, such failure will constitute a breach of this MOA and noncompliance with the permit.

5 Construction may proceed in the area of the discovery when the Corps has determined that implementation of the actions undertaken to address the discovery pursuant to this stipulation are complete.

#### X HUMAN REMAINS

- Dominion shall make all reasonable efforts to avoid disturbing gravesites, including those containing Native American human remains and associated funerary artifacts. Dominion shall treat all human remains in a manner consistent with applicable federal and state law [and to the extent such laws do not apply, the ACHP's *Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects* (February 23, 2007; <a href="http://www.achp.gov/docs/hrpolicy0207.pdf">http://www.achp.gov/docs/hrpolicy0207.pdf</a>)].
- 2 Dominion shall ensure that human skeletal remains and associated funerary objects encountered during the course of actions taken as a result of this MOA shall be treated in accordance with the Regulations Governing Permits for the Archaeological Removal of Human Remains (Virginia Register 390-01-02) found in the *Code of Virginia* (10.1-2305, et seq., Virginia Antiquities Act). If removal is proposed, Dominion shall apply for a permit from the SHPO for the removal of human remains in accordance with the regulations stated above.
- 3 Dominion shall make a good faith effort to ensure that the general public is excluded from viewing any Native American burial site or associated funerary artifacts. The Consulting Parties to this MOA shall make no photographs of any Native American burial site or associated funerary artifacts. The Corps shall notify the Delaware Tribe of Indians, the Pamunkey Indian Tribe, and other appropriate federallyrecognized Tribe(s) when Native American burials, human skeletal remains, or funerary artifacts are encountered on the Project, prior to any analysis or recovery of remains or associated artifacts, and implement appropriate measures based on these consultations. Dominion shall deliver any Native American human skeletal remains and associated funerary artifacts recovered pursuant to this MOA to the appropriate tribe to be reinterred. The disposition of any other human skeletal remains and associated funerary artifacts shall be governed as specified in any permit issued by the SHPO or any order of the local court authorizing their removal. Dominion will be

responsible for all reasonable costs associated with treatment of human remains and associated funerary objects.

#### XI DISPUTE RESOLUTION

- Should any Signatory to this MOA object in writing to the Corps regarding any action carried out or proposed with respect to any undertakings covered by this MOA or to implementation of this MOA, the Corps shall consult with the objecting party to resolve the objection.
- If after initiating such consultation, the Corps determines that the objection cannot be resolved through consultation, the Corps shall forward all documentation relevant to the objection to the ACHP, including the proposed response to the objection.
- The ACHP shall provide the Corps with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the Corps shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, Signatories, and Concurring Parties, and provide them with a copy of this written response. The Corps will then proceed according to its final decision.
- 4 If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the Corps may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the Corps shall prepare a written response that takes into account any timely comments regarding the dispute from the Signatories and Concurring Parties to the MOA, and provide them and the ACHP with a copy of such written response.
- The Corps shall take into account any ACHP recommendation or comment provided in accordance with this stipulation with reference only to the subject of the objection; the Corps' responsibility to carry out all the actions under this MOA that are not the subjects of the objections shall remain unchanged.
- At any time during implementation of the measures stipulated in this MOA, should a written objection pertaining to this MOA be raised by a member of the public, the Corps shall notify the Signatories to this MOA and take the objection into account, consulting with the objector and, should the objector so request, with any of the Signatories to this MOA to resolve the objection.

#### XII AMENDMENTS

- 1 If Dominion determines that it cannot implement the terms of this MOA, or if a Signatory determines that the MOA is not being properly implemented, Dominion or the Signatory may propose to the other Signatories to this MOA that it be amended.
- Any Signatory to this MOA may propose to the Corps that the MOA be amended, whereupon the Corps will consult with the other Signatories to this MOA to consider such an amendment. All Signatories to the MOA must agree to the proposed amendment.
- 3 Consideration of amendments shall not interrupt or delay any actions taken pursuant to the existing MOA.
- 4 If Dominion decides it will not proceed with the undertaking prior to its initiation, it shall so notify the Signatories and Consulting Parties and this MOA shall become null and void.

#### XIII TERMINATION

If any Signatory determines that the terms of this MOA cannot be or are not being carried out, the Signatories shall consult to seek amendment of this MOA consistent with the provisions of 36 C.F.R. § 800.6(c)(7). If the agreement is not amended, any Signatory may terminate it in accordance with the procedures described in 800.6(c)(8). Termination shall include the submission of a technical report or other documentation by Dominion on any work done up to and including the date of termination. If the Corps is unable to execute another MOA following termination, the Corps shall request, consider, and respond to the ACHP's comments per 36 C.F.R § 800.7 prior to deciding whether to modify, suspend, or revoke the Department of the Army permit as provided by 33 C.F.R §325.7.

#### XIV ANNUAL REPORTING AND MEETING

- Dominion shall provide an annual status report within six (6) months of the execution of this MOA, and every twelve (12) months thereafter, to the Signatories and Consulting Parties until Dominion's obligations under this MOA are complete.
- 2 Dominion shall conduct an annual meeting with the Signatories and Consulting Parties within twelve (12) months of the execution of this Agreement and every twelve (12) months thereafter until Dominion's obligations under this Agreement are complete. The purpose of the annual meeting is to review implementation and achieved outcomes of the terms of this MOA and to determine whether amendments are needed.

#### XV COORDINATION WITH OTHER FEDERAL REVIEWS

In the event that Dominion or other agency applies for additional federal funding or approvals for the Project and the undertaking remains unchanged, such funding or approving agency may comply with Section 106 by agreeing in writing to the terms of this MOA and notifying and consulting with SHPO and ACHP. Any necessary modifications will be considered in accordance with Stipulation XII, Amendments.

#### XVI DURATION OF MOA

This MOA will continue in full force and effect until fifty (50) years after the effective date of the MOA. Dominion shall fulfill the requirements of this MOA prior to and in conjunction with the work authorized by the Corps permit. All obligations under this MOA must be complete before expiration of this MOA. If any obligation is not complete, the party responsible for such obligation is in violation of this MOA; such violation may also constitute a violation of the Corps permit. Failure of the Corps to pursue such violation is NOT a waiver. At any time in the six-month period prior to such date, the Corps may request the Signatories to consider an extension or modification of this MOA. No extension or modification will be effective unless all parties to the MOA have agreed with it in writing.

#### XVII ANTI-DEFICIENCY ACT

The Corps' obligations under this MOA are subject to the availability of appropriated funds, and the stipulations of this MOA are subject to the provisions of the Anti-Deficiency Act. The Corps shall make reasonable and good faith efforts to secure the necessary funds to implement this MOA in its entirety. If compliance with the Anti-Deficiency Act alters or impairs the Corps' ability to implement the stipulations of this MOA, the Corps shall consult in accordance with the amendment procedures found at Stipulation XII of this MOA.

## **XVIII DEFINITIONS**

- **a.** The term "Concurring Parties" means each Consulting Party signing the Memorandum of Agreement as a Concurring Party.
- b. The term "Consulting Parties" means the following organizations: The National Parks and Conservation Association; The Save the James Alliance; The Chesapeake Conservancy; United States Department of Interior (National Park Service, Colonial National Historic Park); United States Department of Interior (National Park Service, Northeast Region); James City County; The Colonial Williamsburg Foundation; Preservation Virginia; Scenic Virginia; The National Trust for Historic Preservation;

Christian & Barton, LLP (on behalf of BASF Corp); James River Association; United States Department of Interior (National Park Service, American Battlefield Protection Program); First California Company Jamestowne Society; Delaware Tribe of Indians; Chickahominy Indian Tribe; Council of Virginia Archaeologists; Margaret Nelson Fowler; Pamunkey Indian Tribe; and Escalante Kingsmill Resort LLC.

- **c.** The term "enhancement" shall mean an increase or improvement in quality, value, or extent.
- **d.** The term "Invited Signatory" shall mean Dominion and the Commonwealth of Virginia.
- e. The term "Signatories" shall mean the Corps, SHPO, and ACHP.
- f. The phrase "Limited Construction Within the James River" shall only mean construction activities within the James River associated with tower foundations and fender protection systems, This term does not include the construction of any steel lattice transmission towers atop the foundations.
- **g.** The phrase "Construction Above the James River" shall mean any remaining construction activities atop the foundations within the James River described above in Stipulation XVIII.f.
- h. The term "Project Narrative" shall mean a document that identifies specific projects, lists tasks necessary to execute each project, provides a timeline for accomplishment of each project and describes how each project enhances the historic value of the resource. A Project Narrative is not a detailed engineering plan and need not include drawings or other technical information.

#### XIX STATUS OF NON-SIGNATORIES

The Concurring Parties, Consulting Parties, and cooperative management entities referenced in this MOA are not Signatories as set forth in 36 C.F.R. § 800.6(c)(1), and are not an Invited Signatories under 36 C.F.R. § 800.6(c)(2), and instead are parties who have been consulted in the negotiation of this MOA, as well as invited to concur in the MOA.

### XX EXECUTION OF MOA

- This MOA may be executed in counterparts, with a separate page for each Signatory and shall be effective from the date of the issuance of the Department of the Army Standard permit for the Project. The Corps will ensure that each party is provided with a copy of the fully executed MOA.
- **2** Execution of this MOA by the Corps, the ACHP, and the SHPO, shall, pursuant to 36 CFR 800.6(c), be considered to be an agreement pursuant

to the regulations issued by the ACHP for the purposes of Section 110(I) of the NHPA. Execution and submission of this MOA, and implementation of its terms, evidence that the Corps has afforded the ACHP an opportunity to comment on the proposed undertaking and its effect on historic properties, and that the Corps has taken into account the effect of the undertaking on historic properties.

# **SIGNATORIES:**

| NORFOLK DISTRICT, U. S. ARMY CORPS C                 | OF ENGINEERS |
|--|--------------|
| By:<br>William T. Walker<br>Chief, Regulatory Branch | Date:        |
| VIRGINIA STATE HISTORIC PRESERVATIO                  | N OFFICER    |
| By:  |              |
| ADVISORY COUNCIL ON HISTORIC PRESE                   | RVATION      |
| By:  |              |
| INVITED SIGNATORIES:                                 |              |
| DOMINION   |              |
| By:  |              |
| COMMONWEALTH OF VIRGINIA                             |              |
| By:  | Date:        |

| CONCURRING PARTY:   |                      |  |
|---------------------|----------------------|--|
| NATIONAL PARKS CONS | ERVATION ASSOCIATION |  |
| Rv.                 | Nate:                |  |

| CONCURRING PARTY:       |       |  |
|-------------------------|-------|--|
| SAVE THE JAMES ALLIANCE |       |  |
| By:                     | Date: |  |

| CONCURRING PARTY:      |       |  |
|------------------------|-------|--|
| CHESAPEAKE CONSERVANCY |       |  |
| By:                    | Date: |  |

| CO           | NC           | HR | RI | NG | PΔ  | RT   | ٧٠ |
|--------------|--------------|----|----|----|-----|------|----|
| $\mathbf{c}$ | $\mathbf{I}$ | Un |    |    | _ F | MD I |    |

| UNITED STATES DEPARTMENT OF INTERICOLONIAL NATIONAL HISTORIC PARK) | OR (NATIONAL PARK SERVICE |
|--|---------------------------|
| Зу:  | Date:                     |

| CONCURRING PARTY:                                   |                                 |
|---|---------------------------------|
| UNITED STATES DEPARTMENT OF IN<br>NORTHEAST REGION) | ITERIOR (NATIONAL PARK SERVICE, |
| By:   | Date:                           |

| CONCURRING PARTY: |       |
|-------------------|-------|
| JAMES CITY COUNTY |       |
| By:               | Date: |

| CONCURRING PARTY:                  |       |
|------------------------------------|-------|
| THE COLONIAL WILLIAMSBURG FOUNDATI | ION   |
| Ву:                                | Date: |

| CONCURRING PARTY:     |       |
|-----------------------|-------|
| PRESERVATION VIRGINIA |       |
| Bv:                   | Date: |

| CONCURRING PARTY: |       |
|-------------------|-------|
| SCENIC VIRGINIA   |       |
| By:               | Date: |

| CONCURRING PARTY:                        |  |
|--|--|
| NATIONAL TRUST FOR HISTORIC PRESERVATION |  |

By:\_\_\_\_\_ Date:\_\_\_\_

| CONCURRING PARTY:                     |            |
|---------------------------------------|------------|
| CHRISTIAN & BARTON, LLP (ON BEHALF OF | BASF CORP) |
| By:                                   | Date:      |

| CONCURRING PARTY:       |       |  |
|-------------------------|-------|--|
| JAMES RIVER ASSOCIATION |       |  |
| By:                     | Date: |  |

# **CONCURRING PARTY:**

|     | TMENT OF INTERIOR (NATIONAL PARK SERVICE<br>D PROTECTION PROGRAM) |
|-----|---|
| Ву: | Date:   |

# **CONCURRING PARTY:**

| FIRST CALIFORNIA COMPANY JAMESTOWNE SOCIETY |       |
|---|-------|
| By:   | Date: |

| CONCURRING PARTY:         |       |
|---------------------------|-------|
| DELAWARE TRIBE OF INDIANS |       |
| By:                       | Date: |

| CONCURRING PARTY:  |       |
|--------------------|-------|
| CHICKAHOMINY TRIBE |       |
| By:                | Date: |

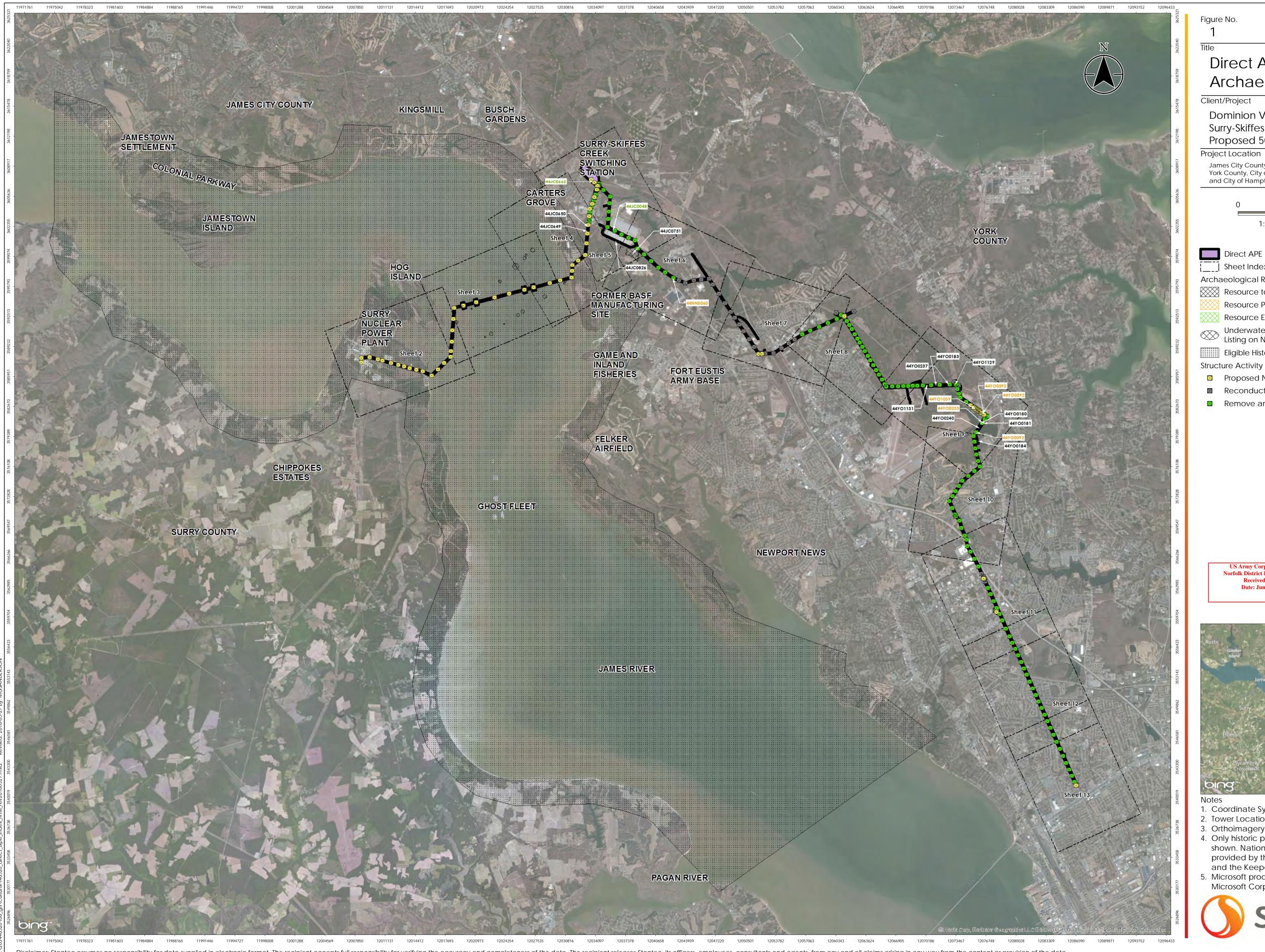
| CONCURRING PARTY:                  |       |
|------------------------------------|-------|
| COUNCIL OF VIRGINIA ARCHAEOLOGISTS |       |
| Ву:                                | Date: |

| CONCURRING PARTY:      |       |  |
|------------------------|-------|--|
| MARGARET NELSON FOWLER |       |  |
| By:                    | Date: |  |

| CONCURRING PARTY:     |       |
|-----------------------|-------|
| PAMUNKEY INDIAN TRIBE |       |
| By:                   | Date: |

| CONCURRING PARTY:              |       |  |
|--------------------------------|-------|--|
| Escalante Kingsmill Resort LLC |       |  |
| By:                            | Date: |  |

## ATTACHMENT A: DIRECT AND INDIRECT PROJECT APE MAPS



# Direct APE Map-Archaeological Resources

Client/Project

Dominion Virginia Power

Surry-Skiffes Creek-Whealton Proposed 500/230 kV Line

Project Location

203446520 Prepared by MGS on 2015-05-19 Technical Review by CPG on 2015-05-19 Independent Review by CFC on 2015-05-19 James City County, Surry County, York County, City of Newport News, and City of Hampton, Virginia

Submitted: 2014-09-08 Revised: 2015-05-21 Revised: 2015-07-24

Revised: 2015-09-10 Revised: 2016-05-27

20,000 Feet 1:60,000 (At original document size of 22x34)

Sheet Index

Archaeological Resources

Resource to be Managed as Unevaluated for Listing on NRHP

Resource Potentially Eligible for Listing on NRHP

Resource Eligible for Listing on NRHP

Underwater Buffer of Anomalies to be Managed as Unevaluated for Listing on NRHP

Eligible Historic District

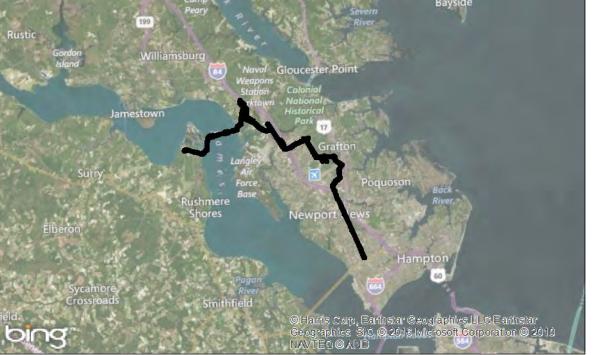
Structure Activity

Proposed New Structure

■ Reconductoring Existing Structure

■ Remove and Replace Existing Structure

US Army Corps of Engineer Received by: RLS **Date: June 28, 2016** 



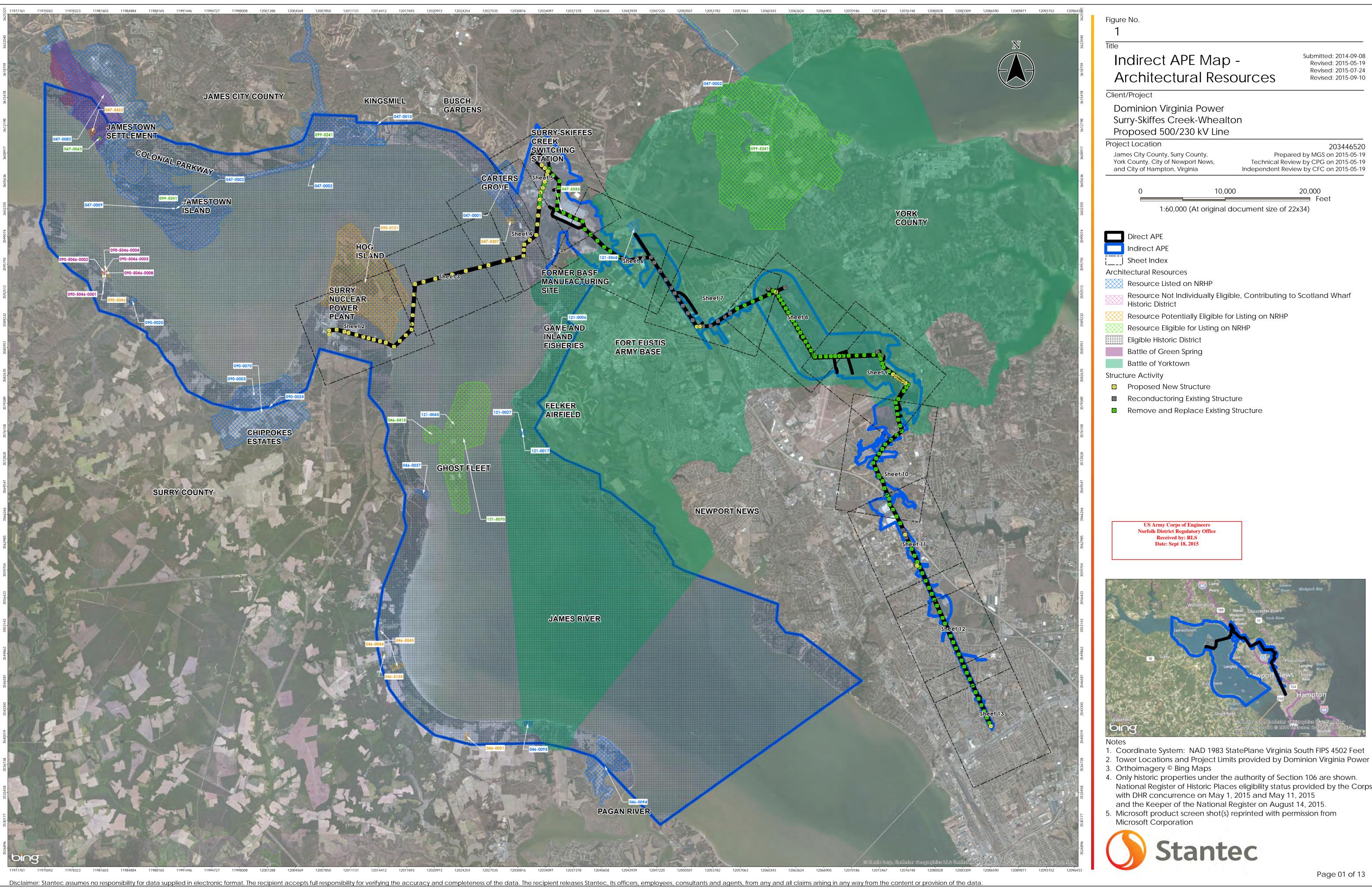
1. Coordinate System: NAD 1983 StatePlane Virginia South FIPS 4502 Feet

2. Tower Locations and Project Limits provided by Dominion Virginia Power 3. Orthoimagery © Bing Maps

4. Only historic properties under the authority of Section 106 are shown. National Register of Historic Places eligibility status provided by the Corps with DHR concurrence on May 1, 2015 and the Keeper of the National Register on August 14, 2015.

5. Microsoft product screen shot(s) reprinted with permission from Microsoft Corporation





Submitted: 2014-09-08 Revised: 2015-05-19 Revised: 2015-07-24

# Indirect APE Map -Architectural Resources

Dominion Virginia Power Surry-Skiffes Creek-Whealton Proposed 500/230 kV Line

Project Location

James City County, Surry County, York County, City of Newport News, and City of Hampton, Virginia

203446520 Prepared by MGS on 2015-05-19 Technical Review by CPG on 2015-05-19 Independent Review by CFC on 2015-05-19

Revised: 2015-09-10

20,000 Feet 1:60,000 (At original document size of 22x34)

Direct APE

Indirect APE

Architectural Resources

Resource Listed on NRHP

Resource Not Individually Eligible, Contributing to Scotland Wharf Historic District

Resource Potentially Eligible for Listing on NRHP Resource Eligible for Listing on NRHP

Eligible Historic District

Battle of Green Spring

Battle of Yorktown

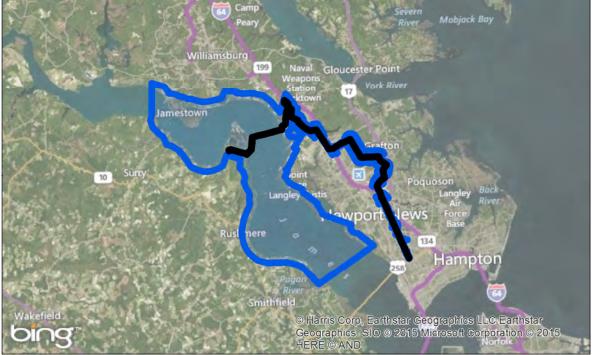
Structure Activity

Proposed New Structure

■ Reconductoring Existing Structure

Remove and Replace Existing Structure

Norfolk District Regulatory Office Received by: RLS **Date: Sept 18, 2015** 



- 1. Coordinate System: NAD 1983 StatePlane Virginia South FIPS 4502 Feet
- 3. Orthoimagery © Bing Maps
- 4. Only historic properties under the authority of Section 106 are shown. National Register of Historic Places eligibility status provided by the Corps with DHR concurrence on May 1, 2015 and May 11, 2015 and the Keeper of the National Register on August 14, 2015.
- 5. Microsoft product screen shot(s) reprinted with permission from Microsoft Corporation



Page 01 of 13

# ATTACHMENT B: LIST OF DOCUMENTS SUBMITTED BY DOMINION IN SUPPORT OF CONSULTATION

- 1) Phase II Evaluation Site 44JC0662 for the Dominion Virginia Power Skiffes Switching Station, James City County, Virginia (CRI, May 2012).
- 2) Phase I Cultural Resources Survey of the Proposed Approximately 20.2-mile Dominion Virginia Power Skiffes Creek to Whealton 230kV Transmission Line in James City and York Counties, and the Cities of Newport News and Hampton, Virginia, Volumes I and II (CRI, July 2012).
- 3) Phase I Cultural Resources Survey of the Proposed Dominion Virginia Power Skiffes Creek to Surry 500 kV Transmission Line Alternatives in James City and Surry Counties, Virginia, Volumes I and II, (Stantec, July 2013, Revised April 2014).
- 4) Memoranda Titled: Phase IA Walkover and Phase I Archaeological Survey BASF Corridor Realignment Surry to Skiffes Creek 500 kV Transmission Line Project (Stantec, July 2014).
- 5) Addendum to the Phase I Cultural Resources Survey of the Proposed Dominion Virginia Power Skiffes Creek to Surry 500 kV Transmission Line in James City, Isle of Wight and Surry Counties, Virginia (Stantec, October 2014). (Additional information regarding three properties {i.e. 047-5307; Artillery Site at Trebell's Landing, 090-0121; Hog Island, and 099-5282; Battle of Williamsburg} per VDHR's request was provided in Stantec's letter dated February 2, 2015.)
- 6) Addendum to A Phase I Cultural Resources Survey to the Proposed Approximately 20.2-mile Dominion Virginia Power Skiffes Creek to Whealton 230 kV Transmission Line in James City and York Counties, and the Cities of Newport News and Hampton, Virginia, Volumes I: Technical Report (Stantec, July 2015).
- 7) Visual Effects Assessment for the Proposed Dominion Virginia Power Surry to Skiffes Creek 500kV Transmission Line Project and Skiffes Creek 500-230-115 kV Switching Station James City, Isle of Wight, and Surry Counties (Stantec, March 2014).
- 8) Addendum to the Visual Effects Assessment for the Proposed Dominion Virginia Power Surry to Skiffes Creek 500 kV Transmission Line Project James City, Isle of Wight, and Surry Counties (Stantec, October 2014).

- 9) Addendum to the Visual Effects Assessment for the Proposed Dominion Virginia Power Surry to Skiffes Creek 500 kV Transmission Line Green Spring Battlefield (Stantec, November 2014).
- 10) Interactive Simulations Surry-Skiffes Creek 500 kV Transmission Line James River Crossing (Dominion/TRUESCAPE, March 2015).
- 11) Cultural Resource Affects Assessment, Surry-Skiffes Creek-Whealton
  Transmission Line Project, Surry, James City, and York Counties, Cities of
  Newport News and Hampton, Virginia (Stantec, September 2015).
- 12) Photo Simulation Overview Surry-Skiffes Creek-Whealton Transmission Line Project, Surry, James City and York Counties, Cities of Newport News and Hampton, Virginia. (Dominion/TRUESCAPE, Revised August 2016).

# ATTACHMENT C: LIST OF AFFECTED HISTORIC PROPERTIES UNDER CONSIDERATION

| DHR ID#  | Resource Name/Address  | VLR/NRHP Status  | Distance | COE Effect<br>Determination | Proposed Mitigation and Project Oversight   |
|----------|--|--|----------|-----------------------------|---|
| 046-0031 | Bourne-Turner House at<br>Smith's Beach  | Potentially Eligible –<br>Criterion C  | 8.75     | No Adverse Effect           |   |
| 046-0037 | Fort Huger   | NRHP-Listed – Criterion D  | 3.21     | No Adverse Effect           |   |
| 046-0044 | Bay Cliff Manor on<br>Burwell's Bay/James C.<br>Sprigg, Jr. House                | Potentially Eligible Under<br>Criterion C                                    | 7.11     | No Adverse Effect           |   |
| 046-0094 | Basses Choice (Days<br>Point Archeological<br>District, Route 673)               | NRHP-Listed;<br>Archaeological Sites<br>44IW0003- 44IW0237 –<br>Criterion D  | 9.85     | No Adverse Effect           |   |
| 046-0095 | Fort Boykin<br>Archaeological<br>Site/Herbert T. Greer<br>House and Gardens,     | NRHP-Listed – Criterion D  | 8.84     | No Adverse Effect           |   |
| 046-5045 | Barlow-Nelson House,<br>5374 Old Stage Highway                                   | Potentially Eligible Under<br>Criterion C                                    | 6.33     | No Adverse Effect           |   |
| 046-5138 | Bay View School, 6114<br>Old Stage Hwy   | Potentially Eligible Under<br>Criteria A and C                               | 6.84     | No Adverse Effect           |   |
| 046-5415 | USS Sturgis (MH - 1A<br>Sturgis, Nuclear Barge,<br>James River Reserve<br>Fleet) | Eligible   | 1.92     | No Adverse Effect           |   |
| 047-0001 | Carter's Grove   | NHL; NRHP-Listed –<br>Criterion C; Potentially<br>Eligible Under Criterion D | 0.43     | Adverse Effect              | 1) Landscape enhancement and protection of 6,000 linear feet of shoreline at Carter's Grove. [Stipulation III.a.1.A and 1.B]. Administered through The Conservation Fund. An alternative mitigation project is identifying specific landscape and viewshed enhancement, shoreline protection, and other projects that enhance the affected setting and feeling of Chippokes Plantation State Park.  2) The development of interpretive signs to inform visitors about the historic significance and character of Jamestown Island-Hog Island-Captain John Smith Trail Historic District and other thematically related locations in and outside the APE. [Stipulation I.c]. |
|          |  |  |          |                             | 3) The creation of a HALS photo document of Jamestown Island-Hog Island-Captain John Smith Trail Historic District and other adversely affected historic properties. [Stipulation I.d].  4) Examination of all available and feasible tower coating and finishing materials and methods that will further minimize and/or maintain the visual intensity of the  |

| DHR ID#  | Resource Name/Address   | VLR/NRHP Status                | Distance | COE Effect<br>Determination | Proposed Mitigation and Project Oversight   |
|----------|---|--------------------------------|----------|-----------------------------|---|
|          |   |                                |          |                             | transmission line infrastructure crossing the river, above and beyond the visibility reduction achieved by standard weathered galvanized steel coatings, that meet and comply with all applicable state and federal law. [Stipulation I.e].   |
| 047-0002 | Colonial National<br>Historic Park; Colonial<br>Parkway Historic District                         | NRHP-Listed – Criteria A and C | 3.16     | Adverse Effect              | 1) Landscape enhancement and shoreline protection to preserve the setting and feeling of the Colonial Parkway unit at the Colonial National Historical Park consistent with the National Park Service's Cultural Landscape Inventory (2008) [Stipulation III.b.1.A ]. Administered by the Conservation Fund.  |
|          |   |                                |          |                             | 2) Visitor interpretation and visitor engagement opportunities at Colonial National Historical Park [Stipulation III.c.1.A.]. Administered through The Conservation Fund.   |
|          |   |                                |          |                             | 3) An alternative mitigation project is identifying specific landscape and viewshed enhancement, shoreline protection, and other projects that enhance the affected setting, feeling and overall understanding of the Jamestown Island-Hog Island-Captain John Smith Trail Historic District and thematically related areas including Jamestown Settlement and Fort Monroe in Stipulation III.b.711.  |
|          |   |                                |          |                             | 4) The development of interpretive signs to inform visitors about the historic significance and character of Jamestown Island-Hog Island-Captain John Smith Trail Historic District and other thematically related locations in and outside the APE. [Stipulation I.c].   |
|          |   |                                |          |                             | 5) The creation of a HALS photo document of Jamestown Island-Hog Island-Captain John Smith Trail Historic District and other adversely affected historic properties. [Stipulation I.d].   |
|          |   |                                |          |                             | 6) Examination of all available and feasible tower coating and finishing materials and methods that will further minimize and/or maintain the visual intensity of the transmission line infrastructure crossing the river, above and beyond the visibility reduction achieved by standard weathered galvanized steel coatings, that meet and comply with all applicable state and federal law. [Stipulation I.e].   |
| 004-0009 | Jamestown National<br>Historic Site / Jamestown<br>Island / Jamestown Island<br>Historic District | NRHP-Listed – Criteria A and D | 3.26     | Adverse Effect              | 1) Seawall rehabilitation or replacement at Historic Jamestown to provide protections from erosion and sea level rise and to execute a project that provides further protections through a series of breakwaters, sills and revetments greater than those provided in the 2004 and restoration of Back Creek at Historic Jamestown [Stipulation III.c.1.B.i and B.ii]. Administered through The Conservation Fund.  |
|          |   |                                |          |                             | 2) Archaeological investigation and identification at Historic Jamestown to support ongoing investigations including excavations around Memorial Church with a focus on discovering the early churches that stood on the site of the 1617 church, the site of the nation's first representative government [Stipulation III.c.1.B.iii]. Administered through The Conservation Fund. Visitor interpretation and visitor engagement opportunities at Historic Jamestown [Stipulation III.c.1.B.iv]. Administered through the Conservation Fund. |
|          |   |                                |          |                             | 4) An alternative mitigation fallback project to Stipulations III.c.1.B.i to B.iv is identifying specific landscape and viewshed enhancement, shoreline protection, and   |

| DHR ID#  | Resource Name/Address                          | VLR/NRHP Status                                      | Distance | COE Effect<br>Determination | Proposed Mitigation and Project Oversight   |
|----------|--|--|----------|-----------------------------|---|
|          |  |  |          |                             | other projects that enhance the affected setting, feeling and overall understanding of the Jamestown Island-Hog Island-Captain John Smith Trail Historic District and thematically related areas.   |
|          |  |  |          |                             | 5) Conservation, preservation, and study of collections from previously excavated archaeological sites throughout the APE, including, but not limited to, at Martin's Hundred, Carter's Grove, and Kingsmill, as well as newly located archaeological sites as a result of this project [Stipulation III.c.1.C.].   |
|          |  |  |          |                             | 6) The enhancement and preservation of Werowocomoco with associated supporting facilities at York River State Park will allow visitors there to see the landscape as it existed in pre-colonial days [Stipulation III.e.1.B.].  |
|          |  |  |          |                             | 7) The development of interpretive signs to inform visitors about the historic significance and character of Jamestown Island-Hog Island-Captain John Smith Trail Historic District and other thematically related locations in and outside the APE. [Stipulation I.c].   |
|          |  |  |          |                             | 8) The creation of a HALS photo document of Jamestown Island-Hog Island-Captain John Smith Trail Historic District and other adversely affected historic properties. [Stipulation I.d].   |
|          |  |  |          |                             | 9) Examination of all available and feasible tower coating and finishing materials and methods that will further minimize and/or maintain the visual intensity of the transmission line infrastructure crossing the river, above and beyond the visibility reduction achieved by standard weathered galvanized steel coatings, that meet and comply with all applicable state and federal law. [Stipulation I.e]. |
| 047-0010 | Kingsmill Plantation                           | NRHP-Listed – Criteria A<br>and D                    | 3.16     | No Adverse Effect           |   |
| 047-0043 | Amblers (Amblers-on-the-James)                 | Eligible<br>(Recently NRHP- Listed) –<br>Criterion C | 6.64     | No Adverse Effect           |   |
| 047-0082 | Governor's Land<br>Archaeological District     | NRHP-Listed – Criteria A and D                       | 5.7      | No Adverse Effect           |   |
| 047-5307 | Artillery Landing Site at<br>Trebell's Landing | Potentially Eligible –<br>Criterion D                | 0.52     | No Adverse Effect           |   |
| 047-5333 | Martin's Hundred<br>Graveyard (Cemetery)       | Eligible – Criteria A and D                          | 0        | No Adverse Effect           |   |
| 047-5432 | 4H Camp, 4H Club Road                          | Potentially Eligible –<br>Criteria A and C           | 9.2      | No Adverse Effect           |   |
| 090-0020 | Pleasant Point (Crouches<br>Creek Plantation)  | NRHP-Listed – Criteria A and C                       | 4.32     | No Adverse Effect           |   |

| DHR ID#               | Resource Name/Address   | VLR/NRHP Status   | Distance | COE Effect<br>Determination | Proposed Mitigation and Project Oversight   |
|-----------------------|---|---|----------|-----------------------------|---|
| 090-0024              | New Chippokes (Jones-<br>Stewart Mansion)                           | NRHP-Listed; associated with Chippokes Plantation Historic District – Criterion C | 2.07     | No Adverse Effect           |   |
| 090-0070/<br>090-0003 | Chippokes Plantation<br>Historic District<br>(Chippokes State Park) | NRHP-Listed – Criteria A,<br>C, and D   | 1.26     | No Adverse Effect           |   |
| 090-0121              | Hog Island Wildlife<br>Management Area                              | Potentially Eligible –<br>Criteria A and D for                                    | 0        | Adverse Effect              | 1) Enhancement of 1,100 acres of palustrine emergent marsh at Hog Island [Stipulation III.f.1.B.i]. Administered through DGIF.  |
|                       |   | purposes of 106 review  |          |                             | 2) Living shoreline and shoreline restoration in Surry County [Stipulation III.f.1.B.ii]. Administered through DGIF.  |
|                       |   |   |          |                             | 3) History and remote viewing and interpretation facility at Hog Island that recognizes Hog Island's connection and contributions to the Jamestown Island-Hog Island-John Smith Trail Historic District, and the individual significance to the Captain John Smith NHT [Stipulation III.f.1.B.iv]. Administered through DGIF.   |
|                       |   |   |          |                             | 4) Comprehensive archaeological identification survey of Hog Island [Stipulation III.f.1.B.v]. Administered through DGIF.   |
|                       |   |   |          |                             | 5) The development of interpretive signs to inform visitors about the historic significance and character of Jamestown Island-Hog Island-Captain John Smith Trail Historic District and other thematically related locations in and outside the APE. [Stipulation I.c].   |
|                       |   |   |          |                             | 6) The creation of a HALS photo document of Jamestown Island-Hog Island-Captain John Smith Trail Historic District and other adversely affected historic properties. [Stipulation I.d].   |
|                       |   |   |          |                             | 7) Examination of all available and feasible tower coating and finishing materials and methods that will further minimize and/or maintain the visual intensity of the transmission line infrastructure crossing the river, above and beyond the visibility reduction achieved by standard weathered galvanized steel coatings, that meet and comply with all applicable state and federal law. [Stipulation I.e]. |
| 090-5046              | Scotland Wharf Historic<br>District                                 | Potentially Eligible –<br>Criteria A and C  | 5.03     | No Adverse Effect           |   |
| 90-5046-0001          | House, 16177 Rolfe Hwy<br>(Rt 31)                                   | Not Individually Eligible;<br>Contributing to Scotland<br>Wharf Historic District | 5.16     | No Adverse Effect           |   |
| 90-5046-0002          | House, 16223 Rolfe Hwy<br>(Rt 31)                                   | Not Individually Eligible;<br>Contributing to Scotland<br>Wharf Historic District | 5.16     | No Adverse Effect           |   |
| 090-5046-0003         | House, 16239 Rolfe Hwy  | Not Individually Eligible;<br>Contributing to Scotland                            | 5.16     | No Adverse Effect           |   |

| DHR ID#       | Resource Name/Address   | VLR/NRHP Status  | Distance | COE Effect<br>Determination | Proposed Mitigation and Project Oversight   |
|---------------|---|--|----------|-----------------------------|---|
|               | (Rt 31)   | Wharf Historic District  |          |                             |   |
| 090-5046-0004 | House, 16271 Rolfe Hwy<br>(Rt 31)   | Not Individually Eligible;<br>Contributing to Scotland<br>Wharf Historic District  | 5.14     | No Adverse Effect           |   |
| 090-5046-0008 | House, 16206 Rolfe Hwy<br>(Rt 31)   | Not Individually Eligible;<br>Contributing to Scotland<br>Wharf Historic District  | 5.12     | No Adverse Effect           |   |
| 099-5241      | Yorktown and Yorktown<br>Battlefield (Colonial<br>National<br>Monument/Historic al<br>Park) | Listed (as part of Colonial<br>National Historical Park) –<br>Criteria A, C, and D | 1.37     | No Adverse Effect           |   |
| 099-5283      | Battle-of Yorktown (Civil<br>War)   | Eligible – Criteria A and D  | 0        | Adverse Effect              | 1) Battlefield land conservation on local government or private lands associated with the Battle of Yorktown and Fort Crafford [Stipulations III.h.1.A, III.h.1.B and III.h.1.C.]. Administered through the Virginia Land Conservation Foundation.  |
|               |   |  |          |                             | 2) Development of public interpretive programs, signage, and exhibits focusing on the Peninsula Campaign including the Battle of Hampton Roads, the Battle of Yorktown, the Battle of Williamsburg, and the strategic importance of Fort Monroe in each. [Stipulation III.h.1.A].   |
|               |   |  |          |                             | 3) The development of interpretive signs to inform visitors about the historic significance and character of Jamestown Island-Hog Island-Captain John Smith Trail Historic District and other thematically related locations in and outside the APE. [Stipulation I.c].   |
|               |   |  |          |                             | 4) The creation of a HALS photo document of Jamestown Island-Hog Island-Captain John Smith Trail Historic District and other adversely affected historic properties. [Stipulation I.d].   |
|               |   |  |          |                             | 5) Examination of all available and feasible tower coating and finishing materials and methods that will further minimize and/or maintain the visual intensity of the transmission line infrastructure crossing the river, above and beyond the visibility reduction achieved by standard weathered galvanized steel coatings, that meet and comply with all applicable state and federal law. [Stipulation I.e]. |
| 121-0006      | Matthew Jones House   | Listed – Criterion C   | 1.93     | No Adverse Effect           |   |
| 121-0017      | Crafford House Site/<br>Earthworks (Fort Eustis)  | Listed (as part of 121-<br>0027) – Criteria A and D                                | 3.38     | No Adverse Effect           |   |
| 121-0027      | Fort Crafford   | Listed – Criteria A and D  | 3.28     | Adverse Effect              | 1) Battlefield land conservation on local government or private lands associated with the Battle of Yorktown and Fort Crafford [Stipulation III.h.1.A, III.h.1.B and III.h.1.C]. Administered through the Virginia Land Conservation Foundation.  |
|               |   |  |          |                             | 2) The development of a 3D Laser Scan of Fort Crafford and an earthwork preservation  |

| Resource Name/Address   | VLR/NRHP Status   | Distance  | COE Effect<br>Determination   | Proposed Mitigation and Project Oversight   |
|---|---|---|---|---|
|   |   |   |   | plan to include a landscape management plan.  |
|   |   |   |   | 3) The development of interpretive signs to inform visitors about the historic significance and character of Jamestown Island-Hog Island-Captain John Smith Trail Historic District and other thematically related locations in and outside the APE. [Stipulation I.c].   |
|   |   |   |   | 4) The creation of a HALS photo document of Jamestown Island-Hog Island-Captain John Smith Trail Historic District and other adversely affected historic properties. [Stipulation I.d].   |
|   |   |   |   | 5) Examination of all available and feasible tower coating and finishing materials and methods that will further minimize and/or maintain the visual intensity of the transmission line infrastructure crossing the river, above and beyond the visibility reduction achieved by standard weathered galvanized steel coatings, that meet and comply with all applicable state and federal law. [Stipulation I.e].   |
| S.S. John W. Brown  | Listed – Criterion A  | 2.18  | No Adverse Effect   |   |
| Village of Lee Hall<br>Historic District  | Eligible – Criteria A and C<br>(Public Notice notes that<br>Lee Hall NRHP- Listed –<br>Criterion C)   | 0.25  | No Adverse Effect   |   |
| Ghost Fleet (James River<br>Reserve Fleet/ Maritime<br>Admin. Non- Retention<br>Ships)  | Eligible – Criterion A  | 1.64  | No Adverse Effect   |   |
| Battle of Green Springs   | Eligible – Criterion A  | 5.7   | No Adverse Effect   |   |
| Historic District (formally<br>Jamestown Island-Hog<br>Island Cultural<br>Landscape) including<br>Captain John Smith<br>Chesapeake National<br>Historic Trail (NHT) | Eligible – Criteria A, B, C, and D  | 0   | Adverse Effect  | 1) Captain John Smith Chesapeake NHT enhanced experiences, land acquisition, visitor interpretation and facilities, archeological investigation and preservation of Werowocomoco, Gloucester County, Virginia (principal residence of Powhatan, paramount chief of Indian Tribes in Virginia's coastal region at the time English colonists arrived in 1607, and located along the Captain John Smith Chesapeake NHT on the York River); and natural and cultural values on the James River and the north and south sides of the York River in the area of Werowocomoco that will preserve and provide the visitor with an undisturbed landscape and vista that evokes the setting and feeling of the river during the period of Captain John Smith's exploration [Stipulation III.e.1.A and 1.B]. Administered through The Conservation Fund.  2) Historic resource identification and documentation for the Jamestown Island-Hog Island-Captain John Smith Trail Historic District, including the contributing section of the Captain John Smith Chesapeake NHT. [Stipulation III.c.1.B.iii]. Administered through The Conservation Fund.  3) Captain John Smith NHT visitor engagement and visitor interpretation programs and |
|   | S.S. John W. Brown  Village of Lee Hall Historic District  Ghost Fleet (James River Reserve Fleet/ Maritime Admin. Non- Retention Ships)  Battle of Green Springs  Historic District (formally Jamestown Island-Hog Island Cultural Landscape) including Captain John Smith Chesapeake National | Village of Lee Hall Historic District  Ghost Fleet (James River Reserve Fleet/ Maritime Admin. Non- Retention Ships)  Battle of Green Springs  Eligible – Criterion A  Historic District (formally Jamestown Island-Hog Island Cultural Landscape) including Captain John Smith Chesapeake National | S.S. John W. Brown  Village of Lee Hall Historic District  Chubic Notice notes that Lee Hall NRHP- Listed – Criterion C)  Ghost Fleet (James River Reserve Fleet/ Maritime Admin. Non- Retention Ships)  Battle of Green Springs  Eligible – Criterion A  1.64  Eligible – Criterion A  1.64  Eligible – Criterion A  5.7  Historic District (formally Jamestown Island-Hog Island Cultural Landscape) including Captain John Smith Chesapeake National | S.S. John W. Brown  Listed – Criterion A  Village of Lee Hall Historic District  Ghost Fleet (James River Reserve Fleet/ Maritime Admin. Non- Retention Ships)  Battle of Green Springs  Eligible – Criterion A  Eligible – Criterion A  1.64  No Adverse Effect  Significant A Street Criterion A  1.64  No Adverse Effect  No Adverse Effect  Significant A Street Criterion A  Some Adverse Effect  Adverse Effect  Historic District (formally Jamestown Island-Hog Island Cultural Landscape) including Captain John Smith Chesapeake National   |

| DHR ID#  | Resource Name/Address                              | VLR/NRHP Status             | Distance | COE Effect<br>Determination | Proposed Mitigation and Project Oversight  |
|----------|--|-----------------------------|----------|-----------------------------|--|
|          |  |                             |          |                             | III.c.1.B.iv ]. Administered through the Conservation Fund.  |
|          |  |                             |          |                             | 4) Acquisition of 400 acres of upland/emergent marsh adjacent to the Chickahominy Wildlife Management Area, Charles City County, Virginia to improve water quality within the APE, subject to the approval of the Board of Game and Inland Fisheries [Stipulation III.f.1.B.iii]. Administered through DGIF.   |
|          |  |                             |          |                             | 5) Riparian buffer creation and replacement projects and erosion and sediment control projects within the James River watershed [Stipulation III.g.1.]. Administered by Virginia Environmental Endowment.  |
|          |  |                             |          |                             | 6) Landscape preservation to include land and easement acquisition with an emphasis on projects within the Indirect APE. [Stipulation III.h.1].  |
|          |  |                             |          |                             | 7) Purchase of Uttamusack and fund easement and road construction to site. Donation to Pamunkey Indian Tribe for cultural center, Tribal Historic Preservation Office, and shad hatchery. [Stipulation III.i].   |
|          |  |                             |          |                             | 8) Donate to the Chickahominy Indian Tribe for cultural center, preservation of tribal historical documents and artifacts, and undertaking of scholarly research in Virginia and at the Ashmolean Museum in England related to ancestry, genealogy, and role of the Chickahominy Indian Tribe in Virginia. [Stipulation III.d]   |
|          |  |                             |          |                             | 9) The development of interpretive signs to inform visitors about the historic significance and character of Jamestown Island-Hog Island-Captain John Smith Trail Historic District and other thematically related locations in and outside the APE. [Stipulation I.c].  |
|          |  |                             |          |                             | 10) The creation of a HALS photo document of Jamestown Island-Hog Island-Captain John Smith Trail Historic District and other adversely affected historic properties. [Stipulation I.d].   |
|          |  |                             |          |                             | 11) Examination of all available and feasible tower coating and finishing materials and methods that will further minimize and/or maintain the visual intensity of the transmission line infrastructure crossing the river, above and beyond the visibility reduction achieved by standard weathered galvanized steel coatings, that meet and comply with all applicable state and federal law. [Stipulation I.e]. |
| 44JC0048 | 17th Century Cemetery<br>Martin's Hundred          | Eligible – Criteria A and D | 0        | No Adverse Effect           |  |
| 44JC0649 | Indet. Historic                                    | manage as unevaluated       | 0        | No Adverse Effect           |  |
| 44JC0650 | Indet. 18th Cent                                   | manage as unevaluated       | 0        | No Adverse Effect           |  |
| 44JC0662 | 18th to 19th Cent<br>Dwelling                      | Eligible – Criterion D      | 0        | Adverse Effect              | Archaeological Data Recovery [Stipulation I.a]. Administered through Dominion.   |
| 44JC0751 | Prehistoric Camp, 18th to<br>19th Century Dwelling | Manage as Unevaluated       | 0        | No Adverse Effect           |  |

| DHR ID#  | Resource Name/Address                                      | VLR/NRHP Status                            | Distance | COE Effect<br>Determination | Proposed Mitigation and Project Oversight |
|----------|--|--|----------|-----------------------------|---|
| 44JC0826 | 19th Century Farmstead                                     | Manage as Unevaluated                      | 0        | No Adverse Effect           |   |
| 44NN0060 | Indet. Woodland  | Potentially Eligible –<br>Criterion D      | 0        | No Adverse Effect           |   |
| 44YO0092 | Civil War Earthworks                                       | Potentially Eligible –<br>Criterion D      | 0        | No Adverse Effect           |   |
| 44YO0180 | Prehistoric Camp   | Manage as Unevaluated                      | 0        | No Adverse Effect           |   |
| 44YO0181 | Indet. Late Archaic  | Manage as Unevaluated                      | 0        | No Adverse Effect           |   |
| 44YO0183 | 18th Century Domestic                                      | Manage as Unevaluated                      | 0        | No Adverse Effect           |   |
| 44YO0184 | Indet. 19th to 20th<br>Century                             | Manage as Unevaluated                      | 0        | No Adverse Effect           |   |
| 44YO0233 | Civil War Military base                                    | Potentially Eligible –<br>Criterion D      | 0        | No Adverse Effect           |   |
| 44YO0237 | Archaic & Woodland<br>Camp                                 | Manage as Unevaluated                      | 0        | No Adverse Effect           |   |
| 44YO0240 | Historic Bridge & Road                                     | Manage as Unevaluated                      | 0        | No Adverse Effect           |   |
| 44YO0592 | Mid 18th to 19th Century<br>Military Camp                  | Potentially Eligible –<br>Criterion D      | 0        | No Adverse Effect           |   |
| 44YO1059 | Prehistoric Camp, Early<br>to Mid-18th Century<br>Dwelling | Potentially Eligible –<br>Criterion D      | 0        | No Adverse Effect           |   |
| 44YO1129 | Historic Dwelling  | Manage as Unevaluated                      | 0        | No Adverse Effect           |   |
| 44YO1131 | 19th Century Dwelling                                      | Manage as Unevaluated                      | 0        | No Adverse Effect           |   |
| N/A      | 76 submerged anomalies,<br>managed in 23 buffer<br>areas   | Potentially Eligible –<br>Criteria A and D | 0        | No Adverse Effect           |   |

## ATTACHMENT D: KEEPER'S DOE LETTER AND MAP



## United States Department of the Interior

NATIONAL PARK SERVICE 1849 C Street, N.W. Washington, DC 20240

AUG 1 4 2015

H32(2280)

Mr. William T. Walker Chief, Regulatory Branch Department of the Army U.S. Army Corps of Engineers Norfolk District Fort Norfolk 803 Front Street Norfolk, VA 23510-1011

Dear Mr. Walker:

We have received your letter dated July 2, 2015 (arrived at the National Register of Historic Places on July 6, 2015), requesting a determination of eligibility for the National Register for properties located within the vicinity of the Dominion Virginia Power-proposed Surrey-Skiffes Creek-Whealton aerial transmission line project. The proposed project calls for construction of 7.4 miles of overhead transmission lines from Surry, Virginia, to a proposed switching station in James City County, Virginia. The proposal calls for the transmission line to cross the James River, thus requiring a permit from the U.S. Army Corps of Engineers, which would constitute a Federal undertaking subject to Section 106 of the National Historic Preservation Act.

You have requested that the National Register provide a determination of eligibility for properties located within the project's "Indirect Area of Potential Effect" (Indirect APE) which the Corps of Engineers defines as having both inland land-based and water-based components. The water-based section of the APE extends from just west of Jamestown Island to include portions of the James River downstream to the Pagan River near Smithfield, VA, and its boundary is drawn to include adjacent lands extending several thousand feet from the river's shoreline. The Indirect APE is defined in U.S. Army Corps of Engineers report *Dominion Virginia Power Surry-Skiffes Creek-Whealton Proposed 500/230kV Line, NAO-2012-00080/13-V0408*, May 7, 2015, p. 1, (hereafter referred to as *Corps of Engineers report*) and is shown as a blue line drawn on the map titled "Indirect APE Map, Surry-Skiffes Creek-Whealton Proposed 500/230kVline" included as Enclosure 1 with the Determination of Eligibility request.

This request for a determination of eligibility does not extend to the inland, land-based portion of the Indirect APE, which is comprised primarily of an existing overhead utility right-of-way that extends generally from Skiffes Creek south to Hampton, VA (*Corps of Engineers Report*, p. 1).

All further references in this letter to the Indirect APE should be understood to exclude the inland land-based portion referenced above. You have specifically requested a determination of eligibility for the portion of the Captain John Smith Chesapeake National Historic Trail (CAJO) and the Washington-Rochambeau Revolutionary Route National Historic Trail that are located within the Indirect APE.

The Captain John Smith Chesapeake National Historic Trail (CAJO) was established by Congress in 2006, following a feasibility study by the National Park Service and a determination by the National Park System Advisory Board that the trail was nationally significant. The initial trail route extended approximately 3,000 miles along the Chesapeake Bay and the tributaries of the Chesapeake Bay in the States of Virginia, Maryland, and Delaware, and the District of Columbia; it traced the 1607-1609 voyages of Captain John Smith to chart the land and waterways of the Chesapeake Bay. The trail was extended by order of the Secretary of the Interior in 2012 through designation of four rivers as historic components of CAJO. This action extended the trail by 841 miles to include: the Susquehanna River Component Connecting Trail (a 552-mile system of water trails along the main-stem and West Branch of the Susquehanna River in Maryland, Pennsylvania and New York); the Chester River Component Connecting Trail (a 46-mile system of the Chester River and its major tributaries); the Upper Nanticoke River Component Connecting Trail (23-miles of the Nanticoke River, Broad Creek and Deep Creek); and the Upper James River Component Trail (a 220-mile water trail of the James River in Virginia). CAJO, the first designated national historic trail that is composed primarily of a water trail route, now extends along waterways from Cooperstown, New York, to Norfolk, Virginia.

The Washington-Rochambeau Revolutionary Route National Historic Trail (designated in June 2007) includes over 680 miles of land and water trails that follow the route taken by General George Washington and the Continental Army and French General Jean-Baptiste de Rochambeau and the Expédition Particulière to and from the siege of Yorktown, a pivotal event in the American Revolution. The Washington-Rochambeau Revolutionary Route National Historic Trail passes through Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Washington, D.C., and Virginia.

After considering all documentation submitted, we have determined that the entire area encompassed by the Indirect APE is eligible for the National Register of Historic Places as a historic district under National Register Criteria A, B, C, and D, in the areas of significance of Exploration/Settlement, Ethnic Heritage, and Archeology. This historic district forms a significant cultural landscape associated with both the American Indian inhabitants of the area and the later English settlers.

The English colonization of North America was an extraordinary undertaking which had a profound impact on the Old World and the New and much of what was to come had its origins here along the James River: the establishment and growth of the first permanent English settlement in the New World; some of the earliest and most sustained interactions (both cooperative and antagonistic) between the original inhabitants of the area - the American Indians - and the Europeans; the initial English voyages of discovery which took them throughout the Chesapeake Bay and into the interiors following the numerous rivers and led to expanding

contact with the American Indians and the spread of English settlement; the foundation and development of the tobacco economy which would dominate the Chesapeake Bay world; the introduction and firm establishment of chattel slavery; the architectural evolution of buildings in the James River area from the first crude huts built by the English to the flowering of the dominant Georgian architectural style; and the growth of the unique political and social institutions which would lead to the development of representative democracy and the growing impulse of the colonists to gain independence and self-rule from the corporate founders of the colony and later their royal master the King.

The Indirect APE includes numerous significant historic properties already listed in the National Register of Historic Places including all or parts of: Colonial National Historical Park; Jamestown National Historic Site; Colonial Parkway; Yorktown Battlefield; Kingsmill Plantation (which includes a series of important archeological sites); Carter's Grove National Historic Landmark, one of colonial America's most impressive examples of Georgian architecture (built 1750-1755) noted for its exquisite brickwork and finely crafted, fully-paneled interior; the archeological site of Martin's Hundred located at Carter's Grove (established in 1619 as one of the earliest English settlements outside of Jamestown Island, it was destroyed in the American Indian uprising of 1622); and a number of other archeological sites. A significant contributing feature of the district is Hog Island, which was fortified in 1609 to help defend Jamestown Island. In a letter dated March 11, 2015, to the Corps of Engineers, the Virginia State Historic Preservation Office notes that three 17<sup>th</sup> century archeological sites have been identified on Hog Island and that in their opinion the island is individually eligible for the National Register. In addition to the properties enumerated above, the Virginia State Historic Preservation Office, in letters dated June 12, 2014, and June 19, 2015, to the Corps of Engineers, identify an additional twelve properties within the Indirect APE which are either listed in the National Register or they are considered to be potentially eligible (including the James River National Defense Reserve Fleet, also known as the Ghost Fleet).

The Indirect APE encompasses a portion of the Captain John Smith Chesapeake National Historic Trail (CAJO). The boundary of CAJO extends from shore to shore of the James River. Jamestown Island and Hog Island (an isthmus) are located within the James River and are thus within the boundary of CAJO.

The National Park System Advisory Board in March, 2006, found that the trail was nationally significant for its association with the following historic patterns of events:

• Captain John Smith's Chesapeake Bay voyages are nationally significant because they accelerated the process that destroyed the Powhatan polity and disrupted the native people's world throughout the region.

The Water Trail is significant as:

- a) the route that John Smith followed in his voyages to American Indian towns and territories;
- b) a symbol of the independence of the English colonists from Powhatan's control;
- c) a symbol of the impact on and eventual collapse of the Powhatan polity

and the native peoples' world of the Chesapeake Bay and beyond.

• Captain John Smith's Chesapeake Bay voyages are nationally significant because of their impact on the exploration and settlement of North America.

The Water Trail is significant as:

- a) the route that John Smith followed in his program of exploration and discovery in the Chesapeake Bay and its tributaries;
- b) a symbol of the spirit of adventure and wonder that were important components of Smith's voyages and the English exploration;
- c) the route by which Smith gathered information vital to the survival and growth of the English settlements in North America.
- Captain John Smith's Chesapeake Bay voyages are nationally significant because of their impact on the commerce and trade of North America.

The Water Trail is significant as:

- a) the route by which John Smith surveyed the Bay and explored for gold, silver, copper, and the Northwest Passage, for the benefit of the commerce and trade of the colony and England;
- b) the route by which Smith made contact with American Indian tribes, established trade agreements with them, and increased the chances that the English colony would survive;
- c) a symbol of England's trading power, soon to be increased by the production of tobacco for export from the colony;
- d) a symbol of the long-term impact on the cultural contact between the native peoples and European colonists.

This segment of CAJO is among the most historically significant portions of the overall National Historic Trail's 3,000 plus miles of waterways. Jamestown was the starting and ending point for all of Smith's voyages and was Smith's base of operations and center of political power over the new colony. Properties within and along this segment of the trail are directly associated with the historic patterns of events for which the trail was found to be nationally significant and thus this section of the trail itself is eligible for the National Register of Historic Places as a contributing element in the larger historic district defined by the Indirect APE boundary.

We note that the Virginia State Historic Preservation Office, in a letter to the Corps of Engineers dated May 11, 2015, advised that, in their opinion, what they describe as an eligible cultural landscape within the APE may extend further upstream beyond the boundary of the Indirect APE. We do not have sufficient information to evaluate properties upstream from the district at this time.

As to the Washington-Rochambeau Revolutionary Route National Historic Trail, no information has been provided with this determination of eligibility request regarding the trail section located within the APE, thus we cannot provide a determination of the trail's eligibility.

Please let us know if you have any questions concerning this determination of eligibility.

Sincerely,

Stephanie S. Toothman, Ph.D.

Associate Director, Cultural Resources, Partnerships,

and Science

Keeper, The National Register of Historic Places

Styriain Doothman

Enclosure

#### **IDENTICAL LETTER SENT TO:**

Cc: Ms. Julie Langan
State Historic Preservation Officer
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Mr. Frank Hays
Acting Associate Regional Director, Stewardship
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Mr. Charles Hunt Superintendent United States Department of the Interior National Park Service Chesapeake Bay Office 410 Severn Avenue, Suite 314 Annapolis, MD 21403

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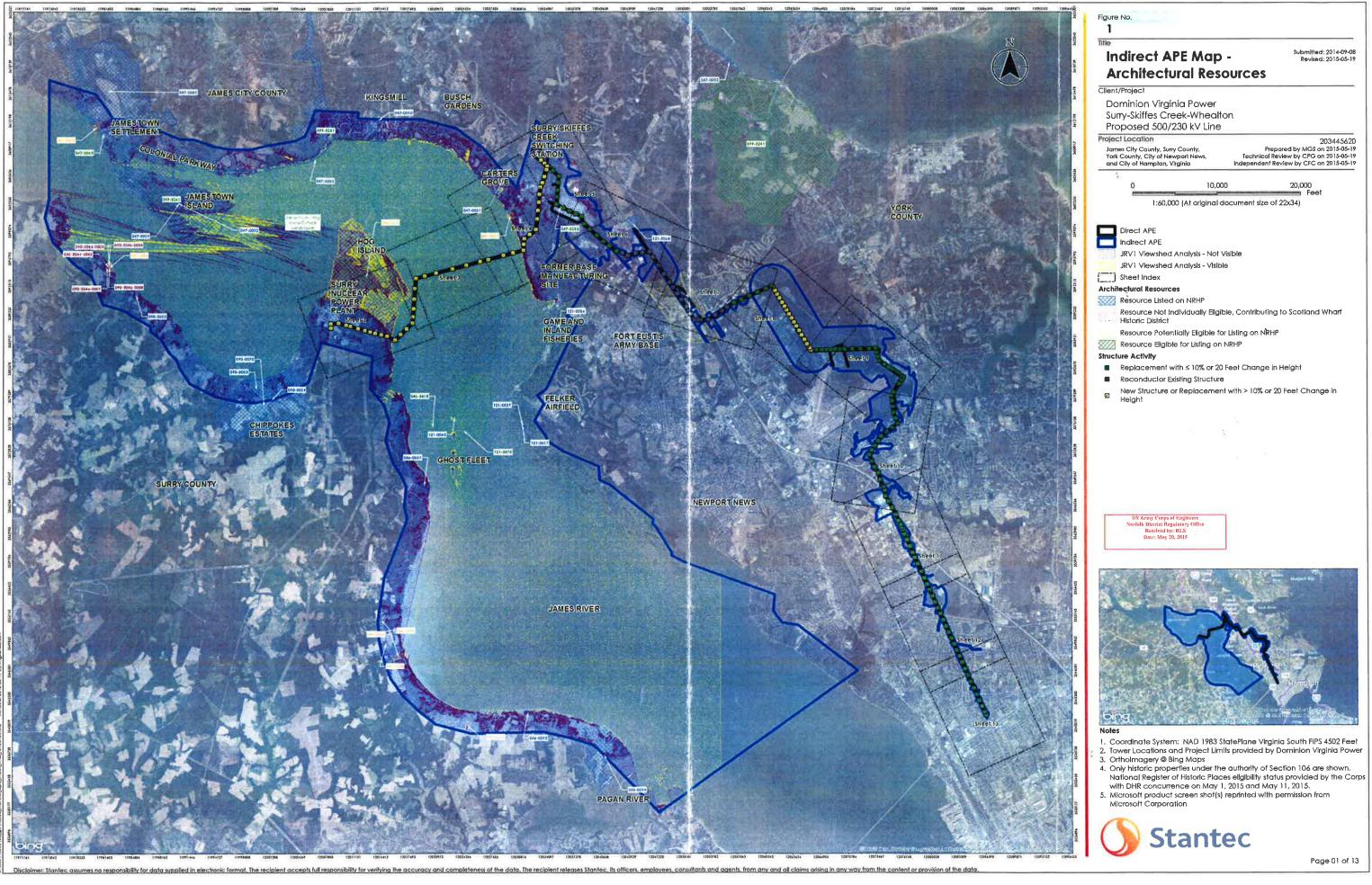
Ms. Sharee Williamson Associate General Council National Trust for Historic Preservation The Watergate Office Building 2600 Virginia Avenue NW, Suite 1100 Washington, DC 20037 Mr. Randy Steffey, Environmental Scientist US Army Corps of Engineers - Southern Virginia Regulatory Section 803 Front Street Norfolk, VA 23510

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# ATTACHMENT E: CORPS' SECTION 106 CONSULTATION AND PUBLIC INVOLVEMENT PLAN

# Section 106 Consultation and Public Involvement Plan Dominion Virginia Power's Surry - Skiffes Creek - Whealton Project NAO-2012-00080 / 13-V0408

#### Introduction

Dominion proposes to construct a new high voltage aerial electrical transmission line, known as the Surry-Skiffes Creek -Whealton project. The proposed project consists of three components; (1) Surry – Skiffes Creek 500 kilovolt (kV) aerial transmission line, (2) Skiffes Creek 500 kV – 230 kV – 115 kV Switching Station, and (3) Skiffes Creek – Whealton 230 kV aerial transmission line. In total, the proposed project will permanently impact 2,712 square feet (0.06 acres) of subaqueous river bottom and 281 square feet (0.01 acres) of non-tidal wetlands, and convert 0.56 acres of palustrine forested wetlands to scrub shrub non-tidal wetlands. (See Exhibit 1)

Dominion indicates the proposed project is necessary to ensure continued reliable electric services, consistent with North American Electric Reliability Corporation (NERC) Reliability Standards, are provided to its customers in the North Hampton Road Load Area. The NHRLA consist of over 285,000 customers, including Newport News Shipbuilding, Joint Base Langley-Eustis, Yorktown Naval Weapons Station, NASA, Cannon, and Thomas Jefferson National Accelerator Facility.

A permit is required from the Norfolk District Corps of Engineers under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899, and constitutes a Federal undertaking, subject to Section 106 of the National Historic Preservation Act (NHPA). Section 106 of the NHPA requires Federal agencies to take into account the effects of their actions, including permitted actions, on historic properties.

In accordance with Section 106 of the National Historic Preservation Act (36 Code of Federal Regulations [CFR] 800.2), USACE will provide opportunities for consulting parties and the general public to provide comments concerning project effects on properties and districts listed or eligible for listing in the National Register of Historic Places (NRHP).

Key elements of the Section 106 process include USACE's plan to integrate Section 106 with other environmental reviews, in accordance with 36 CFR 800.3(b), and the plan for conducting consultation and public involvement per the requirements of 36 CFR 800.3 (e) and (f). This document provides further detail about how USACE will integrate reviews and conduct consultation and public involvement.

#### **Approach**

In accordance with the requirements of National Environmental Policy Act (NEPA) and Section 106, USACE solicited public comments on the undertaking via public notice on August 28, 2013. These comments helped facilitate the initial steps of Section 106

review process and will be considered when preparing an Environmental Assessment (EA) for NEPA compliance. The public notice also provided interested members of the public with an opportunity to comment on the identification of historic properties and potential effects. The Corps intends to use the studies and information generated during the Virginia State Corporation Commission's review of Dominion's proposed project to inform, not to replace, the Section 106 consultation process. USACE will continue to coordinate with agencies and organizations that have demonstrated an interest in cultural resource impacts resulting from the undertaking.

USACE will continue to provide the public with information about the undertaking and its effects on historic properties, and seek their comment and input at various steps of the process. Members of the public may provide views on their own initiative for USACE officials to consider during the decision-making process.

#### **Public Involvement**

Opportunities for public comment regarding historic resource identification and potential effects have previously been provided through USACE's August 28, 2013, November 13, 2014, and May 21, 2015 public notices. Requests for a public hearing due to concerns regarding historic resources, in addition to other issues, were acknowledged by USACE. After careful consideration, USACE conducted a hearing on October 30, 2015. During the 106 process, general information has been, and continues to be, available for review at <a href="http://www.nao.usace.army.mii/Missions/Regulatory/SkiffesCreekPowerLine.aspx">http://www.nao.usace.army.mii/Missions/Regulatory/SkiffesCreekPowerLine.aspx</a>. Our website also contains links to the applicant's and consulting party websites, which contain additional project information and perspectives on the project.

## **Consulting Parties**

As a result of the August 2013 Public Notice and the State Corporation Commission review process, USACE, in coordination with the SHPO, identified organizations that have a demonstrated interest in the treatment of historic properties associated with this undertaking. In addition to those requests received in response to the public notice, Kings Mill Community Services Association and Southern Environmental Law Center were also invited to participate as consulting parties in a letter dated March 5, 2014. On June 20, 2014, USACE notified local governments within the limits of the project (Surry County, City of Williamsburg, York County, City of Newport News, and City of Hampton) by mail, inviting their participation as consulting parties. To date, these parties have not responded positively to their participation invitation. A separate invite included First California Company Jamestowne Society who has accepted the invite to participate. On November 25, 2014, written correspondence was received from the new steward of Carter Grove Plantation indicating an inability to participate at this time. Any organization invited to be a consulting party may elect to participate in current and future steps of the process (but not previous steps) at any time.

At the initial stages of the project, when consulting parties were invited (summer, 2014), the Commonwealth of Virginia had no federally recognized tribes within its state

boundaries. However, based on coordination through other projects, the Delaware Tribe of Indians, the Delaware Nation, and the Catawba Indian Nation had expressed an interest in Virginia. In an effort to consider tribal interest, USACE consulted on August 25, 2014 with the aforementioned federally recognized Tribes on a government to government basis. In addition, USACE coordinated with the following state recognized tribes to determine their interest in participating as consulting parties: Cheroenhaka, Chickahominy, Eastern Chickahominy, Mattaponi, Upper Mattaponi, Nansemond, Nottoway, and Rappahannock Tribes. The Pamunkey Tribe, which became federally recognized on January 28, 2016, was consulted on August 25, 2014 when the tribe was state-recognized. Dominion's consultants developed a summary of the historic properties, with an emphasis on those with prehistoric Native American components, which was provided with the August 25, 2014 coordination letters USACE provided to the tribes. On October 5, 2016, Chief Gray with the Pamunkey Indian Tribe reached out to USACE requesting to participate. USACE immediately acknowledged and accepted the Tribes request.

On March 16, 2017, written correspondence was received from Kingsmill Resort requesting participation. USACE has accepted the request and will engage the Resort in any future actions specific to the "Resolution of Adverse Effects".

Throughout the process, USACE has maintained a complete list of active "Consulting Parties" (See Attachment A). Consulting parties have been afforded an opportunity to comment on identification of historic properties, effect recommendations, proposed measures to avoid or minimize effects and suggested mitigation options for historic properties that would be adversely affected.

#### Meetings

On September 25, 2014, December 9, 2014, June 24, 2015, October 15, 2015, and February 2, 2016 USACE, SHPO, ACHP, and consulting parties have held Section 106/110 National Historic Preservation Act Meeting at Legacy Hall, 4301 New Town Avenue, Williamsburg, VA 23188. General meeting objectives:

#### September 25<sup>th</sup>:

- > Status of permit evaluation
- Corps jurisdiction
- Project Overview, Purpose & Need, Alternatives, Construction Methods
- Historic Property Identification Efforts
- Potential Effects on historic properties

#### December 9th:

- General Item Updates
- ➤ Historic Property Identification
- Historic Property Eligibility
- Potential Effects
- Potential Mitigation

#### June 24th:

- General Updates
- Resolution of Adverse Effects
  - Avoidance, Minimization, Mitigation Considerations/Measures
  - Feedback/Ideas

#### October 15<sup>th</sup>:

- General Updates
- NPS Visual Effects Analysis
- Stantec Consolidated Effects Report
- Resolution of Adverse Effects

#### February 2<sup>nd</sup>:

- General Updates
- Resolution of Adverse Effects

Numerous additional meetings have been held between various consulting parties at various stages in the process.

#### **Resolution of Adverse Effects**

MOA development process has included requests for written comments from all consulting parties on draft MOA's that were circulated December 30, 2015, June 13, 2016, and December 7, 2016, including discussions of resolution of adverse effects at several consulting party meetings.

The December 7, 2016 coordination, is believed to be the final opportunity for consulting parties to inform a decision on whether Dominion's proposed mitigation plan adequately avoids, minimizes, and/or mitigates adverse effects to historic properties. A teleconference was held January 19, 2017 with Dominion, SHPO, ACHP, and Consulting Parties to discuss MOA comments and path forward. The Corps will use these coordination opportunities and the input received to inform a decision on whether to fulfill responsibilities under Section 106 of the NHPA through either an executable MOA or termination of consultation.

At this time, it is anticipated that the MOA signatories (including invited signatories) would include USACE, SHPO, ACHP, Commonwealth of Virginia, and Dominion. It is also expected that all other consulting parties would be afforded the opportunity to sign as concurring parties to an MOA.

#### **Milestones and Tracking**

A list of major milestones in the Section 106 review of the undertaking is provided as an attachment to this document (See Attachment B). The milestones table will be updated throughout the review process and distributed to the SHPO, ACHP, Consulting Parties, and Dominion as deemed necessary by USACE.

USACE's Section 106 consultants will receive, track, and organize the responses received in conjunction to various steps throughout the process.

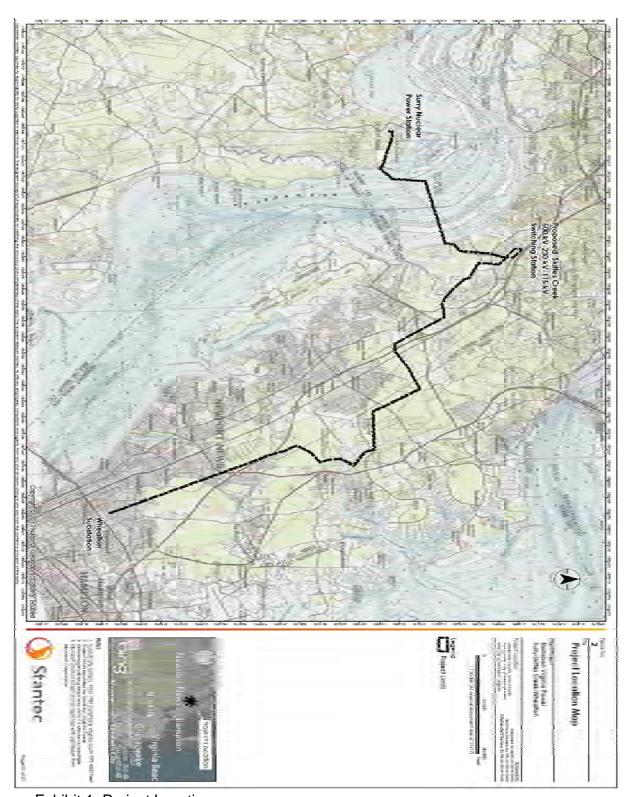


Exhibit 1: Project Location

### Attachment A: Section 106 List of POC's (updated as of March 23, 2017)

- ➤ USACE; Randy Steffey (Project Manager) <a href="mailto:randy.l.steffey@usace.army.mil">randy.l.steffey@usace.army.mil</a>
- Applicant/Agents;
  - 1. Dominion (applicant); Courtney Fisher courtney.r.fisher@dom.com
  - 2. Stantec (agent); Corey Gray <a href="mailto:corey.gray@stantec.com">corey.gray@stantec.com</a>, Dave Ramsey <a href="mailto:dave.ramsey@stantec.com">dave.ramsey@stantec.com</a>, and Ellen Brady <a href="mailto:ellen.brady@stantec.com">ellen.brady@stantec.com</a>
- ➤ VDHR (SHPO); Roger Kirchen <u>roger.kirchen@dhr.virginia.gov</u> and Andrea Kampinen andrea.kampinen@dhr.virginia.gov
- > ACHP; John Eddins <u>jeddins@achp.gov</u>
- Other Consulting Parties
  - National Parks Conservation Association; Pamela E. Goddard & Joy Oakes pgoddard@npca.org and joakes@npca.org
  - 2. Save The James Alliance; Wayne Williamson & James Zinn taskforce@savethejames.com
  - 3. Chesapeake Conservancy; Joel Dunn jdunn@chesapeakeconservancy.org
  - 4. United States Department of the Interior (National Park Service, Colonial National Historic Park); Elaine Leslie Elaine leslie@nps.gov

Rebecca Eggleston – <u>becky eggleston@nps.gov</u> Jonathan Connolly – <u>jonathan connolly@nps.gov</u> Dorothy Geyer – <u>Dorothy geyer@nps.gov</u>

Kym A. Hall - kym\_hall@nps.gov

- 5. United States Department of the Interior (National Park Service, North East Region); Mike Caldwell – <u>mike\_caldwell@nps.gov</u> - c/o: <u>mary\_morrison@nps.gov</u> Others – Captain Johns Smith National Historic Trail: <u>Charles\_hunt@nps.gov</u> Washington-Rochambeau Revolutionary Route: <u>joe\_dibello@nps.gov</u> Carters Grove National Historic Land Mark: <u>bonnie\_halda@nps.gov</u> and NPS\_NHL\_NEReview@nps.gov
- 6. James City County; Bryan J. Hill, County Administrator c/o: Max Hlavin & Liz Young Maxwell.Hlavin@jamescitycountyva.gov and Liz.Young@jamescitycountyva.gov
- 7. The Colonial Williamsburg Foundation; Hazel Wong hwong@cwf.org
- 8. Preservation Virginia; Elizabeth S. Kostelny ekostelny@preservationvirginia.org
- 9. Scenic Virginia; Leighton Powell leighton.powell@scenicvirginia.org
- 10. National Trust for Historic Preservation; Robert Nieweg rnieweg@savingplaces.org
- Christian & Barton, LLP on behalf of BASF Corp; Michael J. Quinan mquinan@cblaw.com
- 12. James River Association; Jamie Brunkow jbrunkow@jrava.org
- 13. American Battlefield Protection Program (National Park Service); Kristen McMasters kristen mcmasters@nps.gov
- 14. First California Company Jamestowne Society; James McCall jhmccall1@gmail.com
- 15. Delaware Tribe Historic Preservation Representatives; Susan Bachor temple@delawaretribe.org
- 16. Chickahominy Tribe; Chief Stephen Adkins <a href="mailto:stephenradkins@aol.com">stephenradkins@aol.com</a>
- 17. Council of Virginia Archaeologist (COVA); Jack Gary jack@poplarforest.org
- 18. Margaret Nelson Fowler (Former POC under STJA) <a href="mailto:onto-onth-pond1@gmail.com">onth-pond1@gmail.com</a>
- 19. Pamunkey Indian Tribe; Chief Robert Gray Rgray58@hughes.net
- 20. Kingsmill Resort; John Hilker John. Hilker@kingsmill.com

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## Attachment B: Section 106 Milestones

| Milestone                                  | Initiation Date | Description   | Completion Date   |
|--|-----------------|---|---|
| Initial Public Notice (800.3)              | August 28, 2013 | Established Undertaking     Identified SHPO (VDHR)     Requested Public Comment     Identified Cultural Resources of Concern  | Comment period closed<br>September 28, 2013   |
| Identify Consulting<br>Parties<br>(800.3)  | August 28, 2013 | <ul> <li>August 28, 2013 Public Notice Issued</li> <li>Dec 3, 2013 Compiled list based on PN &amp; coordinated w/ SHPO for any add'l parties</li> <li>Mar 3, 2014 notified all requesting parties of their acceptance</li> <li>Mar 5, 2015 Add'l Party Invites were sent based on SHPO recommendations</li> <li>June 20, 2014 sent invites to Local Governments to participate</li> <li>August 25, 2014 invited Tribes to Participate</li> <li>November 21, 2014 invited Mr. Mencoff, new owner of Carters Grove Plantation, to participate.</li> <li>October 6, 2016 Pamunkey Indian Tribe joined as a Consulting Party.</li> <li>March 23, 2017 Kingsmill Resort joined as a Consulting Party.</li> </ul>   | Process will remain open until the conclusion of the Section 106 process; however any new parties will only be afforded the opportunity to join the process at its present stage moving forward.  |
| Identify Historic<br>Properties<br>(800.4) | August 28, 2013 | - August 28, 2013 Public Notice - Established APE w/ SHPO  ➤ Initial APE concurrence Jan 28, 2014  ➤ Refined APE into Direct & Indirect boundaries; rec'd concurrence (verbal) Sept 2014, written Jan 15, 2015  ➤ Minor modification to Direct APE; concurrence Oct 5, 2015 (5 tower locations)  ➤ Direct APE Exhibits were refined to accurately depict boundary around proposed fender protection systems; June 28, 2016  - Consulted surveys/data used in part for the VA State Corporation Commission process  - May 8, 2014 coordinated w/ SHPO, ACHP, & Consulting Parties on Historic Property Identification, Surveys, and potential effects Re-coordinated June 20, 2014 with SHPO, ACHP, & Consulting Parties to finalize Historic Property Identification - Sept 25th & Dec 9th Consulting Party Meetings - November 13, 2014 Public Notice - Comments rec'd were considered in part from the multiple coordination opportunities May 1st & May 11, 2015 SHPO provided completion of 800.4 Sept 4, 2015 SHPO concurrence with Addendum to Phase I Cultural Resources Report for five (5) tower locations not included in previous studies. | <ul> <li>Initially completed May 11, 2015</li> <li>Updated Oct 5, 2015 to reflect minor APE expansions due to project modifications</li> <li>Updated June 28, 2016 to capture Direct APE expansion and additional underwater survey work within the James River.</li> </ul> |

|  |                       | June 24, 2016 SHPO concurrence with<br>Revised Phase I Remote Sensing<br>Underwater Archaeological Survey &<br>Phase II assessment for buffer and<br>cluster anomalies located within 200 feet<br>of any construction activities.  |   |
|--|-----------------------|--|---|
| 1st Agency &<br>Consulting Party<br>Meeting<br>(800.4)             | September 25,<br>2014 | <ul> <li>Status of permit evaluation</li> <li>Corps jurisdiction</li> <li>Project Overview, Purpose &amp; Need,<br/>Alternatives, Construction Methods</li> <li>Historic Property Identification Efforts</li> <li>Potential Effects on historic properties</li> </ul>  | September 25, 2014  |
| 2 <sup>nd</sup> Public Notice<br>(800.4)                           | November 13,<br>2014  | Requested Public Comment on Historic     Property Identification and Alternatives  | Comment Period Closed     December 6, 2014  |
| 2 <sup>nd</sup> Agency &<br>Consulting Party<br>Meeting<br>(800.4) | December 9, 2014      | - General Item Updates - Historic Property Identification - Historic Property Eligibility - Potential Effects - Potential Mitigation > Requested written comments on identification, alternatives, effects, and potential mitigation from meeting participants.  | Comment Period closed January<br>15, 2015   |
| Evaluate Historic<br>Significance<br>(800.4)                       | May 8, 2014           | - Several Historic Properties previously Listed on the National Register or determined Eligible June 12, 2014 SHPO provided recommendations of eligibility for certain properties and requested additional information on others September 2014- February 2015: Stantec conducted additional cultural resource surveys, submitted reports and other documentation May 11, 2015 SHPO provided final concurrence pertaining to individual eligibility for all identified historic resources July 2, 2015 Consulted with Keeper of the National Register on eligibility status of Captain John Smith Trail  ➤ Aug 14, 2015 decision rendered by Keeper June 24, 2016 SHPO provided concurrence with additional Underwater Archaeological Survey work; including a Not Eligible determination based on the results of Phase II assessment for buffer and cluster anomalies located within 200 feet of any construction activities.  Note: Oct 22, 2015 Letter from NPS indicated satisfaction with USACE that CFR 800.4 was completed. | Initially Completed May 11, 2015 Updated Aug 14, 2015 upon receipt of Keeper of the NPS Eligibility Determination Updated June 24, 2016 upon receipt of SHPO Eligibility Concurrence with Phase II Underwater Archaeological Assessments. |
| Assessment of<br>Adverse Effects<br>(800.5)                        | May 11, 2015          | - Applied Criteria of Adverse Effects in consultation with SHPO, considering views of consulting parties and public  ➤ Dominion's Effects Reports; which included visual assessments (Mar 2014, Oct 29, 2014, & Nov 10, 2014)  ➤ Consulting Party Effects Analyses - May 21, 2015 Public Notice determined undertaking will have an Overall Adverse Effect  Note: Nov 13, 2015 SHPO concurred with USACE that undertaking will have  | Completed May 21, 2015  |

|  |   | an Adverse Effect confirming the process is at 800.6 "resolution of adverse effect"   |  |
|--|---|---|--|
| 3 <sup>rd</sup> Public Notice (800.6)                              | May 21, 2015                              | Request Public Comments on effects to final list of historic properties and in preparation to moving to resolution of adverse effects.  | Comment Period Closed June<br>20, 2015     |
| 3 <sup>rd</sup> Agency &<br>Consulting Party<br>Meeting<br>(800.6) | June 24, 2015                             | General Updates     Effects to individual historic properties     Resolution of Adverse Effects   | • June 24, 2015                            |
| 4 <sup>th</sup> Public Notice<br>(800.6)                           | October 1, 2015                           | <ul> <li>October 1, 2015 Announced Public         Hearing seeking input on views, opinions,         and information on the proposed project.</li> <li>November 5, 2015 Extension of PN         comment period</li> </ul>  | Comment Period Closed<br>November 13, 2015 |
| Resolve Adverse Effects (800.6)                                    | May 21, 2015;<br>Restated Oct 13,<br>2015 | <ul> <li>May 21, 2015 Public Notice requested comments on Resolution of Adverse Effects.</li> <li>May 29, 2015 consulted with the Director NPS in accordance with 36 CFR 800.6 and 800.10 re: Carters Grove NHL and adverse effects. (No Response To date)</li> <li>June 24, 2015 Consulting Party Meeting</li> <li>October 1, 2015 provided Consulting Parties with Dominion Consolidated Effects Report (CER) dated September 15, 2015 and stamped rec'd by USACE Sept 29, 2015.</li> <li>➤ CER was developed to address comments from VDHR and Consulting Parties.</li> <li>October 15, 2015 Consulting Party Meeting</li> <li>December 30, 2015 consulted with SHPO, ACHP, &amp; Consulting Parties to seek input on Dominion's Draft MOA with Mitigation Stipulations and Context Document</li> <li>January 6, 2016 Dominion's response to comments regarding the December 30th MOA coordination were provided to SHPO, ACHP, and Consulting Parties by email.</li> <li>Feb 2, 2016 Consulting Party Meeting</li> <li>Feb 17, 2016 SHPO gave their concurrence with the Jan 29th tables forwarded ahead of Feb 2nd Consulting Party Meeting that show effect determinations for individual historic properties.</li> <li>June 13, 2016 consulted with SHPO, ACHP, and Consulting Parties to seek input on Dominion's Draft MOA and Context Document.</li> <li>July 27, 2016 SHPO confirms the MOA and its mitigation measures sets forth an acceptable framework to resolve adverse effects.</li> <li>December 7, 2016 consulted with SHPO, ACHP, and Consulting Parties to seek input on Dominion's Draft MOA.</li> <li>December 12, 2016 Dominion's response to MOA comments regarding the June 13th coordination were provided by email, along with revised Context document and MOA attachments, to SHPO, ACHP, and Consulting Parties.</li> <li>January 19, 2017 SHPO, ACHP, and Consulting Party Teleconference</li> </ul> | • Ongoing                                  |

| 4 <sup>th</sup> Agency &<br>Consulting Party<br>Meeting<br>(800.6) | October 15, 2015 | - January 27, 2017 facilitated meeting between the Pamunkey Indian Tribe and Dominion February 12, 2017 Chief Gray with the Pamunkey Indian Tribe confirmed mitigation measures are agreeable to the Tribe March 21, 2017 Chairman of ACHP Site Tour of Colonial Parkway and Jamestown Island March 24, 2017 coordinated final draft MOA with Signatory Parties for final comment General Updates - NPS Visual Effects Analysis - Stantec Consolidated Effects Report - Resolution of Adverse Effects ➤ Requested written comments on adverse effects from meeting participants. | Comment Period Closed<br>November 12, 2015 |
|--|------------------|--|--|
| Public Hearing (800.6)   | October 30, 2015 | Hearing held for the purpose of seeking<br>input on views, opinions, and information<br>on the proposed project.   | Comment Period Closed<br>November 13, 2015 |
| 5 <sup>th</sup> Consulting Party<br>Meeting<br>(800.6)             | February 2, 2016 | - General Updates - Resolution of Adverse Effects TOPICS: - Cumulative Effects - Architectural Viewshed &. Cultural Landscape - Socioeconomic Impacts - Visitor Experience - Tourism Economy Impacts - CAJO Evaluated on its Own Merit - Submerged Cultural Resources - Washington Rochambeau Revolutionary Trail  | • February 2, 2016                         |
| Consulting Party<br>Teleconference<br>(800.6)                      | January 19, 2017 | <ul> <li>Opening Remarks</li> <li>Discussion Topic</li> <li>Refine MOA &amp; Identify Measures that may more effectively Resolve Adverse Effects</li> <li>Gather information to inform whether further consultation in the development of an MOA is warranted.</li> </ul>  | January 19, 2017                           |

ATTACHMENT F: BASIS FOR PROPOSED MEMORANDUM OF AGREEMENT OF RESOLVE ADVERSE EFFECTS TO HISTORIC PROPERTIES

## **Surry-Skiffes Creek-Whealton Transmission Line**

#### NOA-2012-0080/13-V0408

# **Basis for Proposed Memorandum of Agreement** to Resolve Adverse Effects to Historic Properties

April 24, 2017

#### **EXECUTIVE SUMMARY**

The Corps has completed the identification and evaluation of historic properties and an assessment of adverse effects to the satisfaction of the Virginia State Historic Preservation Officer ("SHPO"). In an effort to satisfy the remaining requirements under the National Historic Preservation Act ("NHPA") specific to resolving adverse effects on historic properties (36 C.F.R. § 800.6), the U.S. Army Corps of Engineers ("Corps") has elected to document resolution of those adverse effects in a memorandum of agreement ("MOA") rather than a programmatic agreement. Throughout this entire process the Corps has consulted with the Advisory Council on Historic Preservation ("ACHP"), SHPO, Virginia Electric and Power Company ("Dominion"), and the consulting parties to obtain input on all aspects of its compliance with the NHPA, including on multiple draft versions of the MOA that sets forth stipulations and actions to mitigate adverse effects on historic properties. The draft MOAs have been revised a number of times to reflect the consultation and the comments provided, as has this document.

This document provides (i) a discussion of considerations for developing mitigation under the applicable NHPA regulations and the general characteristics of the historic properties that will be adversely affected by the Project; and (ii) a description of the specific mitigation, the eight historic properties, the steps taken to avoid and minimize adverse effects and how the mitigation imposed by the MOA will mitigate the unavoidable minimized effects. With this document, Dominion concludes that the MOA will mitigate for the adverse effects to historic properties that will result from the project.

<sup>&</sup>lt;sup>1</sup> The use of a MOA, as opposed to a programmatic agreement, is appropriate in this case. As discussed herein, in the Corps April 5 Letter, and throughout the record, the Corps has completed the process of identifying historic properties and obtained SHPO concurrence, determining how and the extent to which those properties are adversely effected and obtained SHPO concurrence, and resolved those effects through avoidance, minimization, and mitigation consistent with 36 C.F.R. § 800.6, and SHPO has indicated it concurs in that decision and will execute the MOA. As such, the circumstances that typically would militate in favor of using a programmatic agreement are not present here. 36 C.F.R. § 800.14(b)(1). There are no circumstances that would warrant a departure from the normal Section 106 process; that process worked as intended in this case.

#### DISCUSSION

#### 1. Project Description

The project at issue is Dominion's proposed Surry-Skiffes Creek-Whealton 500 kilovolt (kV) transmission line ("Project"), which contemplates the construction of a new high voltage aerial electrical transmission line that consists of three components: (1) Surry – Skiffes Creek 500 kV aerial transmission line, (2) Skiffes Creek 500 kV – 230 kV – 115 kV Switching Station, and (3) Skiffes Creek – Whealton 230 kV aerial transmission line.

#### 2. Section 106 Compliance Process

The following is a list of historic properties that the Corps determined were adversely affected by the Project, a decision in which the SHPO concurred:

- 1. Carter's Grove;
- 2. Colonial National Historic Park/Colonial Parkway Historic District;
- 3. Jamestown National Historic Site;
- 4. Hog Island Wildlife Management Area ("WMA");
- 5. Archeological Site 44JC0662;
- 6. Jamestown National Historic Site/Jamestown Island/Jamestown Island Historic District ("Historic District"),<sup>2</sup> including the contributing section of the Captain John Smith Chesapeake National Historic Trail ("Captain John Smith Chesapeake NHT"):
- 7. Battle of Yorktown; and
- 8. Fort Crafford.

#### 3. General Considerations

Before discussing the efficacy of the specific mitigation set forth in the MOA, it is important to describe the relevant context, *i.e.*, (a) the general approach to mitigation, (b) the general characteristics of the historic properties, how they relate to one another, and the nature of the adverse effects in a general sense, (c) how mitigation is approached in the context of the historic properties and the Project, and (d) some additional information about the mitigation proposed.

<sup>&</sup>lt;sup>2</sup> When the Keeper of the National Register determined this district was eligible for the National Register, it did not establish a formal name for it as a historic property. In the record, it has been referred to as the Eligible Historic District, and, before the Keeper's determination, was known as the Jamestown Island-Hog Island Cultural Landscape. The SHPO has referred to this property as the Captain John Smith Trail Historic District. In the MOA, the name for this historic property is the Jamestown Island-Hog Island-Captain John Smith Trail Historic District.

# a. General Approach to Mitigation

When seeking to resolve adverse effects through avoidance, minimization, and mitigation for certain adverse effects, such as adverse visual effects that affect a historic property's setting, feeling, association, sense of place, essential character, or contribution to a larger landscape or district, it often is not possible, or even feasible or prudent, to develop or think of mitigation in quantitative terms. This is because, as the record reflects in this case, the types of resources at issue have qualities and values that often are not quantifiable in a way that directly reflects those qualities and values, and thus, the effects to those qualities and values often cannot be assessed or measured in a quantifiable way. Instead, as is the case here, these qualities and values and the potential effects thereto can be assessed and measured qualitatively. Thus, because there is no exact science or measure to quantify these types of effects, there also is no exact science or measure in determining the amount of mitigation necessary to resolve an adverse effect.

In such situations, the action agency, in consultation with the consulting parties, and relying on guidance and prior examples of mitigation in similar circumstances, among other things, uses its best judgment to reasonably and conservatively determine the types and extent of mitigation activities needed to adequately compensate for and enhance the affected values and integrity of the historic properties, while also providing added value beyond mitigation.3 This approach is consistent with the National Trust for Historic Preservation's ("NTHP") presentation at the October 15, 2015, consulting parties' meeting, as well as NTHP's January 29, 2016 letter regarding mitigation. There can be no doubt that NTHP's opinions regarding the extent of the adverse effects in this case, and thus, the appropriate amount of compensatory mitigation, differ from other parties' opinions on these subjects. What is clear, however, is that the use of compensatory mitigation to resolve adverse effects is a tried and accepted method to mitigate adverse effects. Nat'l Parks Conserv. Ass'n v. Jewell, 965 F. Supp. 2d 67, 75-77 (D.D.C. 2013) (upholding the National Park Service's ("NPS") mitigation decisions, including compensatory mitigation to account for, among other things, effects to historic properties).4

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<sup>&</sup>lt;sup>3</sup> While the potential visual impacts from a project often are not directly quantifiable, as reflected in comments from the NPS, project proponents and action agencies sometimes use surrogate or indirect methods to attempt to quantify visual impacts and/or monetize the value of the impacted viewshed to assist in determining an appropriate scope/amount of compensatory mitigation. Early in the mitigation development process, Dominion preliminarily evaluated these types of methods to provide it an appropriate starting point regarding the development of compensatory mitigation in this matter. Thereafter, on September 16, 2016, Dominion provided a document titled Correlating the Scope of the Proposed Compensatory Mitigation to the Adverse Impacts and/or Value of Impacted Resources that provides an evaluation of several quantitative methods that provide further assistance in correlating the scope of the compensatory mitigation to the adverse effects from the Project, in addition to the qualitative analysis discussed in the text. The evaluation demonstrates that the scope of mitigation proposed in the MOA to resolve adverse effects on historic properties more than mitigates and resolves the adverse effects in this case, and provides substantial added value to the impacted qualities of the resources at issue and the landscape as a whole.

<sup>&</sup>lt;sup>4</sup> See also 40 C.F.R. § 1508.20(e) (National Environmental Policy Act regulations saying that mitigation includes "[c]ompensating for the impact by replacing or providing substitute resources or environments").

In such circumstances, as the record reflects in this case, experts consider appropriate mitigation activities that provide benefits to the historic properties by enhancing the values of the historic properties that have been affected, even if the enhancement is not addressing directly the precise aspect of the value adversely affected. Examples of acceptable compensatory mitigation include: the acquisition in fee or by easement lands that would protect or enhance a historic property's values; activities that implement, continue, restore, and enhance a historic property's values; and, activities that implement, continue, restore, and enhance a historic property's surrounding landscape, or ongoing landscape initiatives and historic resource preservation strategies and plans. See, e.g., NPS, Susquehanna to Roseland 500 kV Transmission Line Right-of-Way and Special Use Permit Final Environmental Impact Statement at 72–73 (Aug. 2012) ("NPS FEIS"). In the case of the Susquehanna-Roseland project, NPS also identified data recovery and treatment plans as acceptable mitigation for effects to archeological sites that could not be avoided. NPS FEIS at F-12.

For visual effects to historic properties that could not be avoided or further minimized, NPS also identified the funding or preparation of educational materials to interpret the history and architecture of the study area related to the project for the public, including publishing histories, making National Register of Historic Places ("NRHP" or "National Register") nominations, and creating informational websites, brochures, exhibits, wayside panels, and driving/walking tours. NPS also identified the funding or completion of improvements to physical aspects of historic properties. *Id.* at F-12 to F-13. The NPS FEIS was upheld against challenge in the *Jewell* case cited above. In other comments in this matter, NPS and the consulting parties also stated a landscape-focused approach, and as such landscape-focused activities, were necessary.

As set out below, the MOA identifies compensatory mitigation that falls directly in line with the compensatory mitigation identified in the NPS FEIS, and approved of in *Jewell*, as well as called for by the consulting parties. The mitigation also is consistent with the SHPO's guidance regarding visual effects. See Virginia Dep't of Historic Resources, Assessing Visual Effects on Historic Properties at 6 (2010). The MOA also provides for the additional avoidance or minimization of effects, which lends further credibility and reasonableness to the identification and selection of compensatory mitigation.

## b. General Considerations of the Adversely Affected Historic Properties

Many of the individual historic properties located within the APE are distinct and significant enough to be either listed or considered eligible for inclusion in the NRHP by themselves. Moreover, their thematic connections make them significant contributing elements to the broader cultural landscape, and as a whole eligible for designation as a historic district, which documents a continuum of American history up through today from both a cultural and natural perspective. Similarly, the cultural landscape contributes historic context to each individual element.

As recognized by the Keeper of the National Register ("Keeper") and the consulting parties, the entire river crossing APE, direct and indirect, is located within a historic

district, which is a cultural landscape of national historic significance.<sup>5</sup> As a cultural landscape, this area illustrates the specific local response of American Indian, European, and African cultures, land use, and activities to the inherent qualities of the underlying environment. The landscape reflects these aspects of our country's origins and development through the natural, relatively unaltered river and segments of undeveloped shoreline, evoking the ways it was used by the early inhabitants and continuing to reveal much about our current evolving relationship with the natural world.

# c. The Process of Identifying Appropriate Mitigation that Also Creates Added Value

After the Corps' initial determination of adverse effects, which later was expanded based on comments from the SHPO, ACHP, the consulting parties, and the public, Dominion consulted first with the SHPO, and then the Corps, ACHP, and the consulting parties, on appropriate mitigation projects to address the identified adverse effects, and their scope. This was done by looking at projects and activities within the APE that could enhance the aspects of integrity of the historic properties at issue found to be adversely affected, namely setting and feeling. Dominion also considered projects or activities located outside of the APE that would have beneficial effects on the adversely affected aspects of integrity for the sites at issue. Dominion also recognized that there may be additional, not currently identified projects that could have beneficial effects.

Once the list of potential projects was developed, and due consideration was allowed for potential, future projects not currently identified, Dominion considered potential, conservative funding amounts to allow for the completion of such projects, while allowing for additional funds for projects and activities to add value beyond what is believed to be necessary to adequately mitigate the adverse effects. In so doing, Dominion did not assign a fixed amount to any one potential project. Instead, Dominion believed a more flexible approach was appropriate and therefore determined a total funding amount for each category of project or activity set out in the current MOA that are keyed to specifically affected historic properties (designated as funds in the MOA), and provided guidelines for the timing and use of money from those funds by qualified third-parties to effectuate the mitigation with oversight by the Corps, SHPO, and ACHP, and input from those agencies, Dominion, and the Consulting Parties.

Working with the Corps and SHPO, Dominion has identified a suite of many different types and kinds of projects and activities that are designed to enhance qualitatively the integrity and values of the historic properties at issue, although each in different ways, to resolve the identified adverse effects, nearly all of which are visual effects. In so

Trail's 3,000 plus miles of waterways." Letter from the Keeper to W. T. Walker, USACE dated August 14, 2015.

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<sup>&</sup>lt;sup>5</sup> More specifically, the Keeper stated that the Indirect APE was eligible for the National Register as a historic district under The National Register Criteria A, B, C, and D, in the areas of significance of Exploration/Settlement, Ethnic Heritage, and Archeology. "This historic district forms a significant cultural landscape associated with both the American Indian inhabitants of the area and the later English settlers." "This segment of CAJO is among the most historically significant portions of the overall National Historic

doing, relative mitigatory values were not assigned to individual activities and projects, because, consistent with accepted mitigation practices, those values ultimately are subjective to experts as well as to visitors to historic properties; the numerous types of mitigation that the MOA employs and contemplates (e.g., land acquisition, natural and cultural resource restoration, enhancement, or preservation, cultural interpretation, historical education, etc.) all create acceptable mitigatory value. Dominion has proposed a flexible structure that will implement a diverse suite of mitigation at a scope and level that is conservative and that, based on the parties' experience and expertise, will appropriately mitigate the Project's adverse effects and provide significant additional value to the historic properties and their greater landscape. Notably, in cases in which an initially specified mitigation project cannot be accomplished, for example due to a current property owner's unwillingness to provide access to the relevant property, the MOA provides for specified alternatives in each fund to ensure that historic property-specific mitigation proceeds. Like the primary choices, the alternatives also create acceptable mitigation value keyed to the historic properties at issue.

# d. Mitigation in Light of These General Considerations and the Nature of the Project

In light of the situation where there are individual and landscape-scale historic properties that will be adversely affected by the Project, a proposed transmission line over open water, and as recognized by the NPS, assessing effects to historic properties from this Project is especially challenging given the nature of the project and the manner that reflects individual perceptions and interests. As noted in the Cultural Resource Effects Assessment ("CREA"), there are certain direct effects from the project that can be documented and mitigated in the traditional sense. However, direct, indirect, and cumulative effects to the cultural landscape and historic district, as well as some individual contributing elements to that district, are difficult to mitigate in a direct, traditional manner such as landscape screening, documentation, or data recovery. The Section 106 process has resulted in significant agreement among the parties regarding which properties are and are not adversely affected. The Corps, SHPO, ACHP, Dominion, NPS, and consulting party experts could indefinitely debate the merits of various parties' arguments about the adversity and severity of effects to individual properties or the landscape as a whole. In light of this range of perceptions, mitigation of adverse effects to historic properties must be approached more broadly and in a manner that pursues a substantially larger range of more permanent resource documentation, enhancement, and preservation efforts. While the proposed mitigation recognizes that the Project will leave intact the characteristics for which the historical properties have been listed or determined to be eligible for listing, it reflects the effects to setting and feeling of the individual historic properties and the cultural landscape that will result from the Project. The remaining question is whether the current characterization of adversity of effects and the amount of proposed mitigation is sufficient to allow a determination that the proposed mitigation is appropriately targeted and more than adequate to resolve the adverse effects, in full compliance with the requirements 36 C.F.R. § 800.6. The record demonstrates that it is.

#### e. Additional Information on the Proposed Mitigation

In the selection of the alternative and proposed Stipulations in the MOA, the adverse effects will be avoided and minimized to the greatest extent possible. Thereafter, the MOA defines a series of mitigation initiatives that, in addition to enhancing the affected values and integrity of the historic properties and the cultural landscape, will strengthen the general public and visitors' understanding of and experience at significant places within and related to this landscape through enhanced heritage tourism opportunities including development of additional interpretive and orientation facilities. Proposed mitigation also seeks to ensure future permanent preservation of existing above-ground cultural landscape features, such as natural resources and systems, vegetation, landform and topography, land uses, circulation, buildings and structures, Native American settlements, views, and small-scale features through land acquisition, and acquisition of historic preservation and open space easements.

Mitigation to support water quality improvement of the James River watershed also is provided and will have direct benefits to waters within the APE, which will further enhance visitor experience and enjoyment of the district's cultural and natural features, and otherwise maintain and improve the setting and feeling of the river as a key component of the Jamestown Island-Hog Island Cultural Landscape Historic District, as well as the other historic properties at issue that are within the district and border the river. Lastly, mitigation for shoreline protection at Jamestown Island, the Colonial Parkway, and Carter's Grove is intended to help address expected effects from erosion and sea level rise at these iconic resources, that, along with the Captain John Smith Chesapeake NHT and Hog Island, are the key character-defining elements of the eligible historic district. Other more traditional mitigation (data recovery) is proposed to address direct effects to archaeological site 44JC0662, as well as avoidance of effects to identified underwater cultural anomalies and terrestrial archaeological sites.

The proposed mitigation components are both specific to identified adversely affected resources and broad-based to recognize the landscape attributes of the historic property and the entire historic district. Landscape and viewshed enhancement, shoreline protection and water quality improvement mitigation measures collectively recognize the individual significance and integrity of the segment of the Captain John Smith Chesapeake NHT, as well as its connection to the individual sites of Jamestown, the Colonial Parkway, Hog Island, and Carter's Grove. The proposed mitigation will also ensure that the visitor experience and understanding of Virginia's prehistory and colonial experience is enhanced beyond today's story with additional viewshed preservation of the Captain John Smith Chesapeake National Historic Trail on the York River and the enhancement of Werowocomoco, the seat of Virginia Indian society, culture, and governance during the time of the English settlement at Jamestown. Preservation of this Native American settlement provides a mirror image of the Jamestown site in which a more fulsome understanding of the confluence of cultures is reflected. Mitigation also ensures the preservation of the Pamunkey and Chickahominy Indian tribal artifacts and provides the means to continue tribal traditions and customs. These tribal communities on the Chickahominy and Pamunkey rivers at the time of the arrival of European settlers were integral to the story of Jamestown and the early

European colonial experience. In the event some of the mitigation activities cannot proceed, Dominion shall proceed with mitigation alternatives within the APE, such as at Chippokes Plantation State Park in Surry, Virginia directly across the James River from Jamestown. Chippokes Plantation is the oldest, continuously farmed site in the Nation established in 1619. The site possesses archeology associated with the first wave of settlement for agricultural and other pursuits outside of James Fort, and provides values, experiences, and history similar to that of Carter's Grove. Mitigation alternative activities could also include scholarly exhibits and facilities at the Jamestown-Yorktown Settlement on the landscapes and watershed before, during and after the convergence of the three cultures in the area and their role in understanding the newly defined Jamestown Island-Hog Island-Captain John Smith Trail Historic District. Additional mitigation alternatives could also include projects at Ft. Monroe, which is linked to Virginia's pre-colonial period, Captain John Smith's journeys of exploration of the Chesapeake Bay, and the first landing place of Africans brought forcibly to the colony. These projects enhance the setting and feeling of the Historic District and its component historic properties at issue. In sum, while there are adverse effects that are unavoidable, the proposed mitigation will result in future long-term positive and expanded benefits to the historic district and related properties and visitor experience that are both substantial and meaningful.

Under Stipulation III.h.1, Dominion shall coordinate with the entities identified in therein to ensure that due consideration of a landscape-scale approach to the development and implementation of projects is given and employed to the extent practicable under the circumstances. A landscape-scale approach considers the historic district in its entirety and each historic property at issue within the context of the broader cultures and historic themes to which it relates in a wider geographic area. Among other things, relevant here are the cultures and historic themes related to the Virginia Indian cultures and the early English settlement in the areas within, nearby, and thematically related to the APE, as well as the Virginia river flowing into and through these areas and out to the Chesapeake Bay.

# 4. How the MOA Mitigates the Adverse Effects to the Historic Properties

The following provides a discussion about how the projects and activities committed to in the MOA are designed to mitigate fully the identified adverse effects on the above listed historic properties, and provide additional value. The Stipulations are first explained, followed by an explanation of how the adverse effects to each historic property are mitigated.

#### a. Avoidance and Minimization Measures

When Dominion developed and proposed the Project, it incorporated project designs to avoid and minimize the visibility of the transmission line infrastructure, while still meeting state and federal requirements. Avoidance and minimization occurred through selection of the alternative and the specific route of the river crossing, given all of the constraints imposed by conservation easements, land use regulations, and military and aviation restrictions. This minimization helps reduce the unavoidable visual effects discussed

above. Minimization also is achieved through the use of naturally weathered galvanized steel towers, whose color will provide substantial visibility reduction. Further, through the MOA, under Stipulation I.e, Dominion has agreed to reexamine all viable and feasible tower coatings and finishing materials and methods to determine if they can further minimize the visibility of the transmission line infrastructure beyond that achieved by naturally weathered galvanized steel towers, and if they can be applied such that they adhere initially and over the longer term and are consistent with federal and state law. Dominion also has agreed to maintain the visibility reduction obtained by the use of weathered galvanized steel. If Dominion can identify suitable coatings and methods (e.g., that will adhere to the galvanized steel after it weathers sufficiently to accept the coating and that further minimize the visibility of the towers used in the river crossing), it will apply them when conditions allow effective application.

Additional avoidance has been incorporated through the MOA, under Stipulation I.b, where prior to construction, Dominion will develop an avoidance plan for archeological and underwater resources located within the APE. Avoiding potential historic properties (e.g., the underwater resources) and maintaining their integrity preserves and enhances the integrity of the historic properties at issue, particularly the Historic District and Captain John Smith Chesapeake NHT.

#### b. Additional Mitigation by the Enhancement of Heritage Tourism

According to the NTHP, heritage tourism is "traveling to experience the places, artifacts and activities that authentically represent the stories and people of the past," which can include cultural, historic and natural resources.<sup>6</sup> Heritage tourism has a symbiotic relationship with historic preservation. As NTHP states, "[h]eritage tourism helps make historic preservation economically viable by using historic structures and landscapes to attract and serve travelers. . . . [S]tudies have consistently shown that heritage travelers stay longer and spend more money than other kinds of travelers."7 "As an added bonus," NTHP states, "a good heritage tourism program improves the quality of life for residents as well as serving visitors."8 Information from NPS regarding the number of heritage tourists over the years to certain historic properties in the APE and in the Historic Triangle generally demonstrates that the number of heritage tourists visiting this area varies seasonally throughout the year. It also demonstrates that the overall annual levels of tourism do not appear to be impacted by the construction of industrial facilities (e.g., the Surry Power Plant, BASF facility) nearby or within view of the historic properties or other heritage tourist destinations, as well as with the advent of modern developments and recreation nearby (e.g., Busch Gardens). Similarly, the information shows that heritage tourism levels also do not appear to be impacted significantly by heavily advertised events showcasing one or more historic properties

<sup>&</sup>lt;sup>6</sup> NTHP, Heritage Tourism, at http://www.preservationnation.org/information-center/economics-of-revitalization/heritage-tourism/ (last visited Mar. 14, 2016).

<sup>&</sup>lt;sup>7</sup> Id.

<sup>8</sup> Id.

(*e.g.*, the 400<sup>th</sup> Anniversary at Jamestown). Nevertheless, the parties agree that heritage tourism would benefit from further study and targeted enhancement.

Through the MOA, Dominion has agreed to take advantage of the symbiotic link between heritage tourism and historic preservation to enhance the integrity (namely, the setting and feeling) of the historic properties, as well as the visitor experience to those properties. Specifically, under Stipulation II.b., prior to Limited Construction Within the James River (as defined in Stipulation XVIII.f), Dominion, in consultation with the Corps, SHPO, ACHP, and Consulting Parties as appropriate, will initiate a heritage tourism and visitor experience study regarding such tourism within the Indirect APE. The purpose of the study is to evaluate current heritage tourism and visitor experience within the Indirect APE to allow for the development of a marketing and visitation program (Program) to promote and enhance heritage tourism sites and visitor experiences within the Indirect APE. The study will be done in collaboration with the heritage tourism site stakeholders (e.g., historic property site operators and tourist amenity (e.g., hotels, theme park) owners/operators). When completed, the study will recommend a Program to the Corps, SHPO, ACHP, and Consulting Parties as appropriate for review and comment. Following review and comment, Dominion shall address any comments received, and submit the final study and Program to the Corps and SHPO for concurrence. Upon receiving concurrence, Dominion will make a onetime contribution to fund the implementation of the Program.9 The results of the study will also be used to inform development of the various visitor experience and interpretation enhancement projects identified in the MOA and these stipulations are cross-referenced in the MOA accordingly.

# c. Stipulations that Compensate for Visual and Physical Effects to Historic Properties (aside from Archeological site)

Stipulation I.c contemplates that, prior to Limited Construction Within the James River, Dominion will develop interpretative signage to inform visitors about the historic significance and character of the Jamestown Island-Hog Island-Captain John Smith Trail Historic District and other thematically related locations in and outside the APE. No less than ten signs will be developed in consultation with the Corps, ACHP, SHPO, and the Consulting Parties to the MOA, and will be located on publically accessible lands, including recreation and heritage tourism destinations. In developing the interpretive signs, Dominion will review and evaluate existing and any planned signage and other interpretive media currently serving the historic properties at issue so as to develop signage that is complementary. This mitigative measure will enhance and

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<sup>&</sup>lt;sup>9</sup> The mitigation of adverse effects to historic properties through the enhancement of heritage tourism also would act as mitigation for potential adverse effects to heritage tourism itself as a result of the Project. Based on available information regarding heritage tourism in the Historical Triangle area, specifically including the historic properties at issue here, it does not appear that the Project will have an effect on heritage tourism, adverse or otherwise. Instead, it appears that seasonal weather patterns, large storms and park closures may impact heritage tourism temporarily, while the construction and placement of modern intrusions, including, for example, the Surry Nuclear Power Plant, had no impact on tourism. Indeed, during the time the Surry plant was constructed and thereafter, the evidence shows that tourism numbers increased.

improve the setting and feeling of the Captain John Smith Chesapeake NHT within the historic district, the district itself, and all of the historic properties located therein by establishing and providing for education and recreation missions that focus on supporting the reasons the district was determined to be eligible for the National Register (*i.e.*, for its significance regarding exploration/settlement, ethnic heritage, and archeology).

Stipulation I.d.1. requires that, prior to Limited Construction Within the James River, Dominion will complete the necessary photography, illustrations maps and drawings to complete a Historic American Landscapes (HALS) photo-document for the Jamestown Island-Hog Island-Captain John Smith Trail Historic District, and all of the other adversely affected historic properties identified in Attachment C to the MOA in a manner consistent with NPS Heritage Documentation Program Standards and Guidelines. Dominion will submit the HALS document to the NPS heritage Documentation Program for review. This mitigative measure will provide a permanent visual record of the historic district (and its component historic properties) and its setting as it existed prior to construction of the project. This documentation will be placed in the Library of Congress and available to the general public in perpetuity. Consistent with NPS guidance, the HALS Survey and photo-documentation will be used to inform the mitigation projects under this MOA, as well as to aid in educational, investigative, preservation, and interpretive activities that enhance, directly or indirectly, the historic properties at issues here, including preservation and education missions that focus on supporting the reasons the district and the properties were determined to be eligible for the National Register.

Stipulations II.a.1.A. through II.a.1.E. of the MOA contemplate that Dominion will establish five legally separate mitigation compensation funds. The five funds are focused on effects related to Jamestown Island-Hog Island-Captain John Smith Trail Historic District and the thematically related areas including the Captain John Smith Chesapeake NHT: Hog Island Wildlife Management Area; Water Quality Improvements: and Landscape and Battlefield Conservation. Dominion will provide a total of \$85,000,000 in mitigation funds, to be distributed to the five funds as set forth in Stipulation II.a.1. Stipulation II.a.1.A. allocates \$27,700,000 to projects and activities at and related to Carter's Grove, Colonial National Historic Park/Colonial Parkway Historic District, Jamestown National Historic Site, and Jamestown National Historic Site/Jamestown Island/Jamestown Island Historic District including the contributing section of the Captain John Smith Chesapeake NHT, and alternative projects at Ft. Monroe, Chippokes Plantation and the Jamestown Settlement by the Jamestown-Yorktown Foundation, as specified in Stipulations III.a.to c. Within Stipulation II.a.1.A. funding will be provided directly to the Chickahominy Indian Tribe who will be responsible for the administration and project implementation. Stipulation II.a.1.B. allocates \$25,000,000 for the projects related to the York River and the York River State Park as the gateway to visitor understanding of Werowocomoco) in accordance with Stipulation III.e. Stipulation II.a.1.C. allocates \$4,205,000 for enhancement and improvement projects at and related to Hog Island WMA in accordance with Stipulation III.f. Stipulation II.a.1.D. allocates \$15,595,000 in water quality improvement projects in accordance with Stipulation III.g. Stipulation II.a.1.E. allocates \$12,500,000 for landscape and battlefield improvement projects associated with, among other things, the Battle of Yorktown, Fort Crafford, and Fort Monroe.

Funding will also be provided for mitigation projects for the Pamunkey Indian Tribe, which are detailed in Stipulation III.i. These funds will be provided directly to the Tribe who will be responsible for their administration and project implementation.

While Dominion ultimately will be responsible for funding these projects and ensuring implementation of agreed upon mitigation, each fund sets out specific projects and activities, along with certain guidelines and requirements, about the allocation of these funds for those projects and activities. Each fund will be operated and administered by a third party along with independent subject matter experts. To ensure the funds are used to mitigate effects as they occur within the Project's life, the funds must be obligated within 10 years of the effective date of the MOA.

The projects and activities contemplated by the funds have been designed to directly enhance and improve the various aspects of integrity of the historic properties that have been identified as adversely affected, as discussed above, as well as otherwise enhance all aspects of the historic properties and increase their value. As discussed above, the visual effects on the historic properties affect their setting and feeling. Physical effects can also affect location. Setting "is the physical environment of a historic property that illustrates the character of the place"; feeling "is the quality that a historic property has in evoking the aesthetic or historic sense of a past period of time. Although it is itself intangible, feeling is dependent upon the significant physical characteristics that convey historic qualities;" and association "is the direct link between a property and the event or person for which the property is significant." CREA § 1.4 (quoting NPS guidance). As the projects below demonstrate, they work to enhance the physical environment and characteristics of the historic properties, as well as their ability to evoke the historic sense of the past through a number of diverse projects, all of which have been recognized as important ways to mitigate unavoidable effects. See supra discussion in Section 3, General Considerations.

In light of the foregoing, below is a property-by-property list of the historic properties, along with the characteristics for which they are eligible for listing on the NRHP, how they will be adversely affected by the Project, and an identification of the projects and activities that enhance and improve those properties' values or otherwise mitigate for the unavoidable adverse effects. In reviewing this information, it is important to remember that each property is a contributing element of the historic district, therefore, in reviewing the effects and mitigation, each effect on a property applies to the district and all mitigation for the district applies to each property and vice-versa. While not listed here, but as noted above, the MOA provides for specified alternatives to the mitigation projects listed below that will be implemented if the enumerated projects cannot be accomplished due to, for example, a landowner's unwillingness to provide access to her land for the accomplishment of the project. The alternatives provide like-

kind or similar projects that provide comparable mitigative value for the historic properties at issue.

#### 1. Carter's Grove

- <u>Eligibility</u>: Carter's Grove was listed on the National Register in 1969 and specified as a National Historic Landmark in 1970 for its significance under Criterion C (architecture). Its well-preserved architectural features are indicative of its period of significance dating from the eighteenth century through the early twentieth century. Further, significant archaeological resources are located within the grounds of the property; thus, the property is also eligible for listing under Criterion D for information potential.
- Effects: The Project has avoided any direct effect on Carter's Grove because there will be no ground disturbing or physical effects to the resource's assets or character defining elements, which include the mansion, grounds, archaeological sites, and associated resources. Indirect effects to the property were determined to be visual. At its closest point, the property is approximately 3,000 feet from the Project's switching station, but it is not visible at Carter's Grove. The property is also in close proximity to the Project's river crossing. The photographic simulations indicate that the Project is visible some 1.76 miles from the manor house and 1.49 miles from the shore of the James River at Carter's Grove, which would detract from the resource's characteristics of setting and feeling.
- <u>Mitigation</u>: Stipulation III.a.1.A. Landscape and viewshed enhancement projects and shoreline protection activities will be the focus of mitigation to ensure the ongoing preservation strategies and efforts and to physically protect the setting and feeling of the National Historic Landmark. An alternative mitigation project is identifying specific landscape and viewshed enhancement, shoreline protection, and other projects that enhance the affected setting and feeling of Chippokes Plantation State Park. Funding will be made available if these alternative projects are pursued.
- <u>Mitigation</u>: Stipulation I.c. The development of interpretive signs to inform visitors about the historic significance and character of Jamestown Island-Hog Island-Captain John Smith Trail Historic District and other thematically related locations in and outside the APE.
- <u>Mitigation</u>: Stipulation I.d. The creation of a HALS photo document of Jamestown Island-Hog Island-Captain John Smith Trail Historic District and other adversely affected historic properties will be submitted to the NPS heritage Documentation Program for acceptance. The HALS document will be placed in the Library of Congress.

 <u>Mitigation</u>: Stipulation I.e. - Dominion will examine all available and feasible tower coating and finishing materials and methods that will further minimize and/or maintain the visual intensity of the transmission line infrastructure crossing the river, above and beyond the visibility reduction achieved by standard weathered galvanized steel coatings, that meet and comply with all applicable state and federal law.

## 2. Colonial National Historical Park/Colonial Parkway Historic District

- Eligibility: The Colonial National Historical Park is comprised of the Colonial Parkway Historic District, the Jamestown National Historic Site/Jamestown Historic District, and Yorktown and Yorktown Battlefield, each of which are discussed specifically below. The Colonial Parkway Historic District was listed on the National Register in 1966 under Criterion A and C. The Parkway is eligible under criterion A for its association with the early twentieth-century trends of recreation and conservation with respect to the NPS's conservation ethic as applied to historic resources and as an intact example of an early twentieth-century recreational parkway constructed partially in response to the popularity of recreational "motoring" during the period of construction. The Parkway is eligible under Criterion C for landscape architecture as an intact example of Parkway Design and for its architectural features, which reflect the Colonial Revival style utilized during the renovation of Colonial Williamsburg. The parkway exhibits integrity of setting, location, feeling, association, design, materials, and workmanship.
- <u>Effects:</u> The Project has an adverse visual effect on certain portions of the Parkway in the APE adjacent to the James River which area not blocked by vegetation. The Project will detract from the resource's characteristics and integrity qualifying it for listing on the National Register.
- Mitigation: Stipulation III.b.1.A. Funds shall be allocated for landscape and viewshed enhancement projects and shoreline improvement activities to preserve setting and feeling of the Colonial Parkway in a manner consistent with its design, open and forested areas, other natural elements, and interpretive areas as documented in NPS's Cultural Landscape Inventory (2008), and to physically protect the integrity of the property. An alternative mitigation project is identifying specific landscape and viewshed enhancement, shoreline protection, and other projects that enhance the affected setting, feeling and overall understanding of the Jamestown Island-Hog Island-Captain John Smith Trail Historic District and thematically related areas including Jamestown Settlement and Fort Monroe in Stipulation III.b.7.-11. Funding for these alternative projects will be made available if these projects are pursued.

- Mitigation: Stipulation III.c.1.A. Funds shall be allocated for heritage tourism enhancement projects for the Colonial National Historic Park that include additional visitor interpretation and visitor engagement opportunities. These projects will enhance and improve the historic properties' setting and feeling and promote their preservation, educational, and recreational missions and strategies. An alternative mitigation project is identifying specific landscape and viewshed enhancement, shoreline protection, and other projects that enhance the affected setting, feeling and overall understanding of the Jamestown Island-Hog Island-Captain John Smith Trail Historic District and thematically related areas, including Fort Monroe and Chippokes Plantation State Park in Stipulation III.c.7.-11. Funding will be made available if these alternative projects are pursued.
- <u>Mitigation:</u> Stipulation I.c. The development of interpretive signs to inform visitors about the historic significance and character of Jamestown Island-Hog Island-Captain John Smith Trail Historic District and other thematically related locations in and outside the APE.
- <u>Mitigation:</u> Stipulation I.d. The creation of a HALS photo document of Jamestown Island-Hog Island-Captain John Smith Trail Historic District and other adversely affected historic properties will be submitted to the NPS heritage Documentation Program for acceptance. The HALS document will be placed in the Library of Congress.
- Mitigation: Stipulation I.e. Dominion will examine all available and feasible tower coating and finishing materials and methods that will further minimize and/or maintain the visual intensity of the transmission line infrastructure crossing the river, above and beyond the visibility reduction achieved by standard weathered galvanized steel coatings, that meet and comply with all applicable state and federal law.

#### 3. Jamestown National Historic Site

- <u>Eligibility:</u> Jamestown Island was listed on the National Register in 1966 under Criterion A as the first permanent English settlement and its association with the colonization of Virginia, and under Criterion D for its archaeological potential. This site is part of the larger Colonial National Historical Park. Character defining characteristics of Jamestown Island Historic District include its numerous archaeological resources and its significance in history. The site retains integrity with respect to association, location, setting, feeling, workmanship, materials, and design.
- <u>Effects:</u> The Project would have an adverse effect on Jamestown National Historic Site due to the visual effects from the transmission lines. While the transmission lines will not be visible from the

Jamestown National Historic Site itself, visitors to Black Point, located about a mile down a trail toward the James River, will be able to see the transmission lines about 3.52 miles in the distance. This detracts from the site's characteristics and integrity qualifying it for listing on the National Register.

- <u>Mitigation:</u> Stipulation III.c.1.B.i. Funds shall be allocated to rehabilitate or replace the seawall at Historic Jamestowne to physically protect the setting and feeling of the larger island property from erosion and sea level rise.
- <u>Mitigation:</u> Stipulation III.c.1.B.i. Funds shall be allocated to build a series of breakwaters, sills, and revetments to provide greater physical protection to the larger island property than provided by revetments installed in 2004, which will protect its setting and feeling
- <u>Mitigation:</u> Stipulation III.c.1.B.ii. Funds shall be allocated to restore Back Creek at Historic Jamestowne to enhance and improve an important historic feature to this property, protecting and improving its location, setting, feeling, and association.
- <u>Mitigation:</u> Stipulation III.c.1.b.iii. Provides for archeological investigations at Historic Jamestowne at specified locations.
- <u>Mitigation:</u> Stipulation III.c.1.B.iv. Funds shall be allocated for heritage tourism enhancement projects at the NPS visitor center on Jamestown Island that include additional landscape enhancement, visitor interpretation, and visitor engagement opportunities. These projects will enhance and improve the historic properties' setting and feeling and promote their preservation, educational, and recreational missions and strategies.
- Mitigation: An alternative mitigation fallback project to Stipulations III.c.1.B.i, to.iv is identifying specific landscape and viewshed enhancement, shoreline protection, and other projects that enhance the affected setting, feeling and overall understanding of the Jamestown Island-Hog Island-Captain John Smith Trail Historic District and thematically related areas, as described in Stipulations III.c.7.-11. Funding will be made available if these alternative projects are pursued.
- <u>Mitigation:</u> Stipulation III.e.1.B. The enhancement and preservation of Werowocomoco with associated supporting facilities at York River State Park will allow visitors there to see the landscape as it existed in pre-colonial days.

- <u>Mitigation:</u> Stipulation I.c. The development of interpretive signs to inform visitors about the historic significance and character of Jamestown Island-Hog Island-Captain John Smith Trail Historic District and other thematically related locations in and outside the APE.
- <u>Mitigation:</u> Stipulation I.d. The creation of a HALS photo document of Jamestown Island-Hog Island-Captain John Smith Trail Historic District and other adversely affected historic properties will be submitted to the NPS heritage Documentation Program for acceptance. The HALS document will be placed in the Library of Congress.
- <u>Mitigation:</u> Stipulation I.e. Dominion will examine all available and feasible tower coating and finishing materials and methods that will further minimize and/or maintain the visual intensity of the transmission line infrastructure crossing the river, above and beyond the visibility reduction achieved by standard weathered galvanized steel coatings, that meet and comply with all applicable state and federal law.

# 4. Hog Island WMA

- Eligibility: The Hog Island WMA has been determined as potentially eligible for listing in the National Register under Criterion A for Broad Patterns in History as one of the earliest settlements outside of Jamestown and under Criterion D for its archaeological potential to yield important information in prehistory and history. Hog Island WMA exhibits integrity of association, setting, feeling, and location. The extant resources are not individually eligible or outstanding and therefore the aspects of the integrity including workmanship, materials, and design are not applicable.
- Effect: The Project would have an adverse effect on the Hog Island WMA as the visual effects from the transmission lines would detract from the site's characteristics and integrity qualifying it for listing on the National Register. The line-of-sight modeling indicates that the Project's transmission lines would be visible from the site.
- Mitigation: Stipulation III.f. Funds shall be allocated for natural resource enhancement and cultural resource identification and interpretation for the Hog Island WMA, including for: the enhancement of 1,100 acres of palustrine emergent marsh; shoreline restoration; acquisition of 400 acres of upland/emergent marsh adjacent to the Chickahominy WMA, which is upriver of the Hog Island WMA, to improve water quality in the APE; creating a history and viewing interpretation facility on Hog Island that connects to the Jamestown National Historic Site/Jamestown Island/Jamestown Island Historic District including the contributing section of the Captain John Smith Chesapeake NHT; and a comprehensive archeological identification

survey of Hog Island. These projects will enhance and improve the physical location of Hog Island, as well as its setting and feeling as a historic property, as well as promote its preservation and education missions and strategies. It also will do the same for the historic district and the Captain John Smith Chesapeake NHT.

- <u>Mitigation:</u> Stipulation I.c. The development of interpretive signs to inform visitors about the historic significance and character of Jamestown Island-Hog Island-Captain John Smith Trail Historic District and other thematically related locations in and outside the APE.
- <u>Mitigation:</u> Stipulation I.d. The creation of a HALS photo document of Jamestown Island-Hog Island-Captain John Smith Trail Historic District and other adversely affected historic properties will be submitted to the NPS heritage Documentation Program for acceptance. The HALS document will be placed in the Library of Congress.
- <u>Mitigation:</u> Stipulation I.e. Dominion will examine all available and feasible tower coating and finishing materials and methods that will further minimize and/or maintain the visual intensity of the transmission line infrastructure crossing the river, above and beyond the visibility reduction achieved by standard weathered galvanized steel coatings, that meet and comply with all applicable state and federal law.

# 5. Jamestown National Historic Site/Jamestown Island/Jamestown Island Historic District including the contributing section of the Captain John Smith Chesapeake NHT

Eligibility: Historic Jamestowne is the cultural heritage site that was the location of the 1607 James fort and the later 17th Century City of Jamestown. The site was designated the Jamestown National Historic Site on December 18, 1940 and listed on the National Register in 1966 and the Virginia Landmarks Register in 1983. The island contains both above ground elements as well as archaeological sites related to the first permanent settlement in the New World. This resource is listed on the National Register for its significance as the first permanent English settlement in the New World, and also for its potential to yield significant information about the past related to both English and Native American settlement in the James River region. On August 14, 2015, the Keeper determined that the portion of the Captain John Smith Chesapeake NHT located in the Indirect Area of Potential Effect is a contributing factor to the Eligible Historic District, which is eligible for listing in the National Register and coterminous with the limits of the Indirect Area of Potential Effect. The Eligible Historic District, which encompasses a portion of the Captain John Smith Chesapeake NHT, is eligible for listing on the National Register under Criteria A, B, C, and

- D, in the areas of significance of Exploration/Settlement, Ethnic Heritage, and Archeology.
- <u>Effect:</u> The Project would have an adverse effect to the Jamestown National Historic Site/Jamestown Island/Jamestown Island Historic District, including the contributing section of the Captain John Smith Chesapeake NHT, as the visual Effects from the Project's transmission lines would detract from the resource's integrity of feeling and would diminish the character defining elements qualifying the resource for listing on the National Register.
- Mitigation: Stipulation III.e.1.A. Funds shall be allocated to acquire land and create and develop visitor site interpretation and related facilities to create enhanced visitor experiences for the Captain John Smith Chesapeake NHT. These projects will enhance and improve the setting and feeling of the Captain John Smith Chesapeake NHT within the historic district, as well as to further and continue its preservation, education, and recreation missions and strategies.
- Mitigation: Stipulation III.e.1.B.- Funds shall be allocated for the enhancement and preservation of Werowocomoco, including natural and cultural values on the James River and on the north and south sides of the York River near Werowocomoco. Werowocomoco was the principle residence of Powhatan, who was the paramount chief of the Indian Tribes in Virginia's coastal region at the time the colonists arrived in 1607 along what is now the Captain John Smith Chesapeake NHT. Because of the temporal, physical, social, political, and economic relationships, among others, between Captain John Smith and the colonists and the native tribes, this work will preserve and provide visitors with an undisturbed landscape and vista that evokes the setting and feeling of the rivers during the period of Captain John Smith's exploration. This will enhance and preserve the setting and feeling of the Captain John Smith Chesapeake NHT, as well as further and continue its preservation, education, and recreation missions and strategies.
- Mitigation: Stipulation III.d. Within 30 days of issuance of the permit, Dominion shall make a one-time donation of \$1,500,000 to the Chickahominy Indian Tribe for the expansion, maintenance and operation of the Chickahominy Tribal Center. Inhabitants of the Chickahominy's ancestral villages along the Chickahominy River within the historic district were among the first native peoples to interact with the European settlers at Jamestown. Expansion of the tribal center will help preserve the Chickahominy's customs and traditions of dance and craftsmanship, as well as, serve as the primary location for preserving and displaying historical artifacts and documents for tribal and public education and enjoyment. In addition, the donation will enable the

Chickahominy, part of the Algonquin speaking people, to partner with the College of William and Mary to conduct scholarly research on their native language.

- Mitigation: Stipulation III.i.1.-3. Upon issuance of the Permit, assuming there is willing seller, Dominion shall acquire the parcel of land containing Uttamusack (44KW0072) along with an access easement and donate the parcel and easement to the Pamunkey Indian Tribe free and clear of any encumbrances. The land donation shall be accompanied with one-time donations to the Tribe of \$500,000.00 to maintain and interpret the site and \$400,000.00 for construction of an access road. Uttamusack is of great spiritual and cultural significance to the Pamunkey Indian Tribe. The site served as a spiritual center for the tribe during the time of Powhatan who was located at Werowocomoco just down river from the site. Uttamusack is recognized on the John Smith Water Trail and its preservation and interpretation by the Pamunkey Indian Tribe will provide critical context for the Powhatan and Werowocomoco stories and their role in the Pamunkey culture at the time of European contact.
- Mitigation: Stipulations III.c.1.B.iii. and III.c.1.C. Funds shall be allocated to support ongoing archeological investigations and identification around Memorial Church at Historic Jamestowne, which are focused on discovering the early churches that stood on the site of the 1617 church, as well as other archaeological investigations associated with the early occupation and settlement of Jamestown Island, Hog Island, and other areas related to the early settlement. In addition, funds will be allocated to support activities related to the conservation, preservation, and study of collections from previously excavated archaeological sites throughout the APE, including, but not limited to, at Martin's Hundred, Carter's Grove, and Kingsmill, as well as newly located archaeological sites as a result of this project. These projects will further and enhance ongoing preservation, investigation, and education missions and strategies at this historic property and the others at issue, as well as enhance and improve their respective setting, feeling, location, and workmanship. An alternative mitigation project is identifying specific landscape and viewshed enhancement, shoreline protection, and other projects that enhance the affected setting, feeling and overall understanding of the Jamestown Island-Hog Island-Captain John Smith Trail Historic District and thematically related areas. Funding will be made available if these alternative projects are pursued.
- <u>Mitigation:</u> Stipulation III.c.1.B.iv. Funds shall be allocated for heritage tourism enhancement projects for the Historic District and the Captain John Smith Chesapeake NHT that include landscape enhancement, visitor interpretation, and visitor engagement

opportunities, including at the NPS's visitor center on Jamestown Island. These projects will enhance and improve the historic properties' setting and feeling and promote their preservation, education, and recreation missions and strategies. An alternative mitigation project is identifying specific landscape and viewshed enhancement, shoreline protection, and other projects that enhance the affected setting, feeling and overall understanding of the Jamestown Island-Hog Island-Captain John Smith Trail Historic District and thematically related areas. Funding will be made available if these alternative projects are pursued.

- Mitigation: Stipulation III.i.1. Prior to Limited Construction Within the James River, Dominion shall make a one-time donation of \$4,500,000.00 to the Pamunkey Indian Tribe for three initiatives: (i) expansion and operation of the Pamunkey Cultural Center, (ii) establishment of a Tribal Historic Preservation Office, and (iii) expansion and operation of the Pamunkey Indian Tribe's shad hatchery facility. These projects will strengthen and enhance the Pamunkey Indian Tribe's ability to tell the story of their culture and relationship with the both the York River and James River landscapes before and at the time of European contact. The Tribe's museum and cultural center are open to the public and chronicle the tribe's existence from early prehistory up to the present. The Tribe's shad hatchery also provides a source of employment for tribal members as well as training in traditional shad fishing. Enhancing the museum's ability to tell the Tribe's story along with strengthening the Tribe's shad hatchery operation will offer visitors a unique opportunity to experience an enhanced interpretive experience on the role of rivers and waterways in the Tribe's history and culture. Assistance to the Tribe with establishing a Tribal Historic Preservation Office will assist the Tribe in its efforts to communicate its views and values and to play a more active role in the preservation of cultural property significant to the Tribe.
- <u>Mitigation:</u> Stipulation III.g.1. Funds shall be allocated for riparian buffer creation and replacement, and erosion and sediment control projects in the James River watershed with priority given to projects located within the Indirect APE. These projects will protect and enhance the water quality of the James River, including within the historic district and Captain John Smith Chesapeake NHT. The projects will further the preservation and recreation goals of the historic district and the Captain John Smith Chesapeake NHT, as well as promote river health as a symbol of the center of the area's economy and security, as it was during the colonial periods, and thus, enhance and improve the location, association, setting, and feeling of the Historic District and Captain John Smith Chesapeake NHT (as well as Jamestown Island).

- Mitigation: Stipulation III.g.1. Funds shall be allocated for landscape preservation including through land and easement acquisition to preserve river and shoreline landscapes, as well as to promote water quality and river health for the James River. These projects will enhance these properties' preservation, education, and recreation missions and strategies, as well as strengthen their setting and feeling. They also will provide mitigation for any temporary effects to water quality from the construction of the towers in the river, as well as help compensate for any loss of values from the permanent effects to the river bottom.
- <u>Mitigation:</u> Stipulation III.h.1.C. Funds shall be allocated for landscape scale conservation that may lead to permanently protecting lands necessary to preclude future river crossings within the APE, to the greatest extent possible. These projects will prevent future impacts to the historic properties.
- <u>Mitigation:</u> Stipulation I.c. The development of interpretive signs to inform visitors about the historic significance and character of Jamestown Island-Hog Island-Captain John Smith Trail Historic District and other thematically related locations in and outside the APE.
- <u>Mitigation:</u> Stipulation I.d. The creation of a HALS photo document of Jamestown Island-Hog Island-Captain John Smith Trail Historic District and other adversely affected historic properties will be submitted to the NPS heritage Documentation Program for acceptance. The HALS document will be placed in the Library of Congress.
- <u>Mitigation</u>: Stipulation I.e. Dominion will examine all available and feasible tower coating and finishing materials and methods that will further minimize and/or maintain the visual intensity of the transmission line infrastructure crossing the river, above and beyond the visibility reduction achieved by standard weathered galvanized steel coatings, that meet and comply with all applicable state and federal law.
- <u>Mitigation:</u> See also projects and activities for the Hog Island WMA and Underwater Archeological Sites.

#### 6. Battle of Yorktown and Fort Crafford

<u>Eligibility:</u> The Yorktown Battlefield comprises an area of approximately 63,960 acres. Although portions of this battlefield have been surveyed independently for a variety of undertakings, very little comprehensive survey has been conducted. The site is eligible for listing on the National Register under Criterion A for its association with the Civil War as well as Criterion D for potentially significant archaeological

resources that have the potential to yield significant information about the Civil War. Fort Crafford served as a line of defense for the mouth of the Warwick River and served as the extreme right flank of the Warwick Line of ground defenses working in conjunction with Fort Huger on the opposite bank of the James River. The site is listed in the National Register, and includes the Crafford House, under Criterion A for association with the Civil War and its strategic importance and Criterion D for the potential to yield significant information.

- Effect: While archaeological sites within the Battle of Yorktown battlefield and Fort Crafford will be avoided, the indirect visual effects associated with the Project would have an adverse effect because they would detract from the resources' overall integrity and diminish the character defining element qualifying the resources for listing on the National Register.
- <u>Mitigation:</u> Stipulation III.h.1.A. funds shall be allocated for land conservation and preservation and open space easement projects on lands associated with the Battle of Yorktown and Fort Crafford to include preservation of landscapes associated with these properties. These projects will enhance these properties' preservation, education, and recreation missions and strategies, as well as strengthen their setting and feeling.
- <u>Mitigation:</u> Stipulation I.c. The development of interpretive signs to inform visitors about the historic significance and character of Jamestown Island-Hog Island-Captain John Smith Trail Historic District and other thematically related locations in and outside the APE.
- <u>Mitigation:</u> Stipulation I.d. The creation of a HALS photo document of Jamestown Island-Hog Island-Captain John Smith Trail Historic District and other adversely affected historic properties will be submitted to the NPS heritage Documentation Program for acceptance. The HALS document will be placed in the Library of Congress.
- <u>Mitigation:</u> Stipulation I.e. Dominion will examine all available and feasible tower coating and finishing materials and methods that will further minimize and/or maintain the visual intensity of the transmission line infrastructure crossing the river, above and beyond the visibility reduction achieved by standard weathered galvanized steel coatings, that meet and comply with all applicable state and federal law.

## d. Stipulations that Mitigate for Effects to Archeological Site 44JC0662

#### 1. Archeological Site 44JC0662

- Eligibility: Archeological Site 44JC0662 is a single dwelling dating from the 18<sup>th</sup> to the 19<sup>th</sup> centuries that is associated with the Bailey family, a low- to middle-income, slave-holding family in James City County. This site previously was subject to Phase I and Phase II investigation and data recovery work. This project would stand as a Phase III data recovery work that would record and preserve historic and archeological information related to the site and times, consistent with archeological preservation strategies, prior to any direct effects to the site. The site is eligible for listing on the NRHP under Criterion D for its potential to provide information regarding 18<sup>th</sup> and 19<sup>th</sup> century domestic occupation associated with middling farmers in James City County.
- <u>Effect:</u> The site would be directly affected by construction activities and the Project would have an adverse effect on the site as it would detract from the resource's characteristics and integrity qualifying it for listing on the National Register.
- Mitigation: Stipulation I.a. Dominion is required to fund, develop, and implement a Treatment Plan in consultation with the Corps, SHPO, ACHP, and other Consulting Parties, consistent with Interior Department, SHPO, and ACHP guidelines for archeological investigations and documentations and data recovery, that specifies, among other things:
  - the areas where data recovery plans will be carried out;
  - the portion(s) of the site(s) to be preserved in place, if any, as well as the measures to be taken to ensure continued preservation:
  - any property, properties, or portions of properties that will be destroyed or altered without data recovery;
  - the research questions to be addressed through data recovery, with an explanation of their relevance and importance;
  - the proposed disposition of recovered materials and records; and
  - proposed methods of disseminating the results of the work to the interested public and/or organizations who have expressed an interest in the data recovery.

Dominion shall finalize the Treatment Plan with input from the Corps, SHPO, ACHP, and the Consulting Parties, and implement a final, Corpsapproved plan.

# e. Additional, Forward-Looking Stipulations Benefiting Historic Properties within the Direct and Indirect APE at the River Crossing

In Stipulation IV.1., Dominion agrees that from the date of construction until the towers are dismantled, it will coordinate all maintenance and repair operations that have the potential to result in ground or underwater disturbance with the SHPO and other relevant resource agencies to avoid and minimize any additional effects to historic properties. In Stipulation IV.2., Dominion agrees that from the date of construction until the towers are dismantled, it will not construct or place any new or additional transmission line infrastructure, or increase the height or scale or existing tower infrastructure. These covenants ensure that the nature and extent of the adverse effects of the Project on the historic properties will remain constant, and the determination that those effects are mitigated appropriately and effectively in the MOA remains correct.

In Stipulation IV.3., Dominion agrees from the date construction is completed, it will examine the ongoing need for the river crossing at ten year increments, taking into account the most current PJM Interconnection load forecast data. In Stipulation IV.4, Dominion agrees that if, at the conclusion of the Project life span (believed to be 50 years), Dominion determines the river crossing is no longer needed, Dominion will remove the Project and return the area to pre-Project conditions. In Stipulation IV.5, Dominion agrees that if, at the conclusion of the Project life span, Dominion determines the Project remains necessary, it shall evaluate the viability and feasibility of a submerged river crossing, and if at that time such a crossing is accepted and available and approvals are received, Dominion will replace the overhead line with a submerged crossing. These covenants represent a commitment to continue to evaluate the need for the river crossing and to remove the effects to historic properties to the extent possible.

#### CONCLUSION

Dominion finds that the proposed stipulations set forth in the MOA will resolve those adverse effects consistent with 36 C.F.R. § 800.6.

#### RESOLUTION

# URGING THE UNDERGROUNDING OF THE PROPOSED 500 kV UTILITY

# LINE UNDERNEATH THE JAMES RIVER

| WHEREAS, | Virginia Electric and Power Company, d/b/a/ Dominion Virginia Power (Dominion), has proposed an alternative route for a new 500 kV electric transmission line, known as the Surry-Skiffes Creek Alternative; and  |
|----------|---|
| WHEREAS, | the Surry-Skiffes Creek route travels over approximately 14,500 linear feet of the James River, reaches land in James City County at the BASF property, crosses Route 60, and runs adjacent to the existing Whispering Pines mobile home park; and                                  |
| WHEREAS, | the James River is part of the Captain John Smith Chesapeake National Historic Trail, the nation's first all water national historic trail; and   |
| WHEREAS, | the James River is also designated as a Virginia Scenic River and as an "America's Founding River," designations that recognize the importance of the river in the nation's history and as a scenic and tourism resource that should be protected; and                              |
| WHEREAS, | the James River is on the Nationwide Rivers Inventory (NRI), a listing of river segments that are believed to possess one or more "outstandingly remarkable" natural or cultural values judged to be of more than local or regional significance; and                               |
| WHEREAS, | a 1979 Presidential Directive requires all federal agencies to seek to avoid or mitigate actions that would adversely affect one or more NRI segments; and  |
| WHEREAS, | the visual impact of the power lines crossing the James River will be a significant detriment to the visual and historic nature of the river; and   |
| WHEREAS, | putting the electrical transmission lines on towers across the James River will have a detrimental impact on tourism, tourist attractions, existing and proposed transient occupancy along the James River, and property values of nearby waterfront properties; and                |
| WHEREAS, | installing the electrical transmission lines under the James River will not only eliminate the adverse impacts it will also provide a safer and better long-term solution to providing electrical power Dominion customers; and   |
| WHEREAS, | the transmission line in James City County crosses several industrial parcels of economic significance to the County, which access might be adversely affected by the transmission line tower placement and preclude VDOT acceptance of roads to access the industrial parcels; and |
|          |   |

WHEREAS, the visual impact on residential development should be minimized to the extent feasible.

- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby urges Dominion to place the proposed Surry-Skiffes Creek electrical transmission lines underground for that portion which crosses the James River.
- BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby urges Dominion to locate any transmissions line towers in the County in such a manner to both allow appropriate access to impacted parcels and the ability to have parcel access roads accepted in the VDOT system.
- BE IT FURTHER RESOLVED that the Board of Supervisors directs the County Administrator and County Attorney to intervene on behalf of James City County in the State Corporation Commission permitting process to all appropriate actions to see that the Dominion 500 kV electric transmission line is built under the James River.

Mary K. Jones

Chairman, Board of Supervisors

ATTEST:

2012.

Robert C. Middangh Clerk to the Board

| SUPERVISOR | VOTE |  |
|------------|------|--|
| MCGLENNON  | AYE  |  |
| ICENHOUR   | AYE  |  |
| KALE       | AYE  |  |
| KENNEDY    | AYE  |  |
| JONES      | AYE  |  |

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of April,

500kVElTranLn res

#### **AGENDA ITEM NO. K.1.**

#### **ITEM SUMMARY**

DATE: 5/9/2017

TO: The Board of Supervisors

FROM: Bryan J. Hill, County Administrator

SUBJECT: County Administrator's Report

**ATTACHMENTS:** 

Description Type

Report Cover Memo

**REVIEWERS:** 

Department Reviewer Action Date

Board Secretary Fellows, Teresa Approved 5/2/2017 - 4:40 PM

#### MEMORANDUM

DATE: May 9, 2017

TO: The Board of Supervisors

FROM: Bryan J. Hill, County Administrator

SUBJECT: County Administrator's Report

The following is a summary of activities that took place April 5, 2017 through May 2, 2017:

#### April 5, 2017 (Wednesday)

Podcast with Renee Dallman, Senior Communications Specialist

- Attended HRPDC Chief Administrative Officers meeting
- Met with Grace Boone, GS Director

#### April 6, 2017 (Thursday)

- Visited New Town Veterans
- Visited Forest Glen playground

#### April 7 2017 (Friday)

- Met with Rebecca Vinroot, Social Services Director
- Met with Brad Rinehimer, Police Chief
- Met with Ruth Larson, Berkeley Supervisor

#### April 10, 2017 (Monday)

- Met with Ryan Ashe, Fire Chief
- Met with Jim Bourey, former Newport News City Manager
- Met with Sue Mellen, FMS Director
- Met with Patrick Teague, HR Director; staff reorganization
- Attended Budget Community Meeting: Jamestown; Kevin Onizuk

#### April 11, 2017 (Tuesday)

- Met with John Carnifax, Parks & Recreation Director
- Met with Shawn Gordon, Capital Projects Coordinator
- Attended Board of Supervisors Budget Public Hearing

#### April 12, 2017 (Wednesday)

- Attended General Services staff recognition event
- Met with Grace Boone, GS Director
- Attended Budget Community Meeting: Berkeley; Ruth Larson

#### April 13, 2017 (Thursday)

- Attended a meeting with Newport News Waterworks Department with Doug Powell, JCSA Manager, and Cindy Rohlf, Newport News City Manager
- Met with Thomas Tingle, President of GuernseyTingle
- Attended Budget Community Meeting: Roberts; John McGlennon
- Radio sports show

#### April 14, 2017 (Friday)

- Met with Brad Rinehimer, Police Chief
- Met with Jason Purse, Assistant County Administrator

#### April 17, 2017 (Monday)

- Attended Eastern Virginia Groundwater Management Advisory Committee meeting in Richmond with Doug Powell, JCSA Manager
- Met with John Kuplinski, VPRJ Superintendent
- Met with Sue Mellen, FMS Director
- Met with Patrick Teague, HR Director
- Attended Budget Community Meeting: Powhatan; Michael Hipple

## April 18 2017 (Tuesday)

- Met with Peggy Bellows, Virginia Gazette
- Speaking Engagement: Kingsmill LPGA Media Day

#### April 19, 2017 (Wednesday)

- Attended Virginia Peninsula Regional Jail Board meeting
- Met with Grace Boone, GS Director
- Attended Budget Community Meeting: Stonehouse; Sue Sadler

#### April 20, 2017 (Thursday)

- Attended Hampton Roads Planning District Commission, Hampton Roads Transportation Planning Organization and Hampton Roads Transportation Accountability Commission meetings
- Meeting at the Marina; Billsburg Brewery Concept Plan

#### April 21, 2017 (Friday)

- Met with Rebecca Vinroot, Social Services Director
- Met with Patrick Page, IT Director, and Adam Kinsman, County Attorney
- Dolphin Madness Fundraiser; James Blair Elementary

#### April 24, 2017 (Monday)

- Attended Robert Wood Johnson Foundation meeting, WHF
- Met with Ryan Ashe, Fire Chief
- Met with Sue Mellen, FMS Director
- Attended Peninsula Mayors & Chairs meeting
- Met with Patrick Teague, HR Director

#### April 25, 2017 (Tuesday)

- Attended agenda meeting
- Met with Marvin Collins, Williamsburg City Manager
- Attended BOS Work Session
- Attended BOS meeting; budget adoption

# April 26, 2017 (Wednesday)

- Met with Stuart Burcham, JCSA Construction Inspector II
- Attended GWP Board meeting
- Met with Grace Boone, GS Director

#### April 27, 2017 (Thursday)

- Attended Colonial Pipeline meeting with Ryan Ashe, Fire Chief
- Attended Executive Leadership Team meeting
- Stormwater community meeting, Toano Outfall Station 1
- Radio sports show

#### April 28, 2017 (Friday)

- Coffee with County Administrator, staff event
- Met with Brad Rinehimer, Police Chief
- Met with Al Ashley
- Met with Rossie Carroll, VDOT Williamsburg Residency Administrator
- Attended 14<sup>th</sup> Annual Banquet CAA "Community of Starts"
- Met with Patrick Teague, HR Director

#### May 1 2017 (Monday)

- Attended JCC new employee orientation
- Speaking Engagement: Police Memorial Dedication
- Attended Keep James City County Beautiful training workshop
- Met with Sue Mellen, FMS Director
- Attended WISC pool opening

County Administrator's Report May 9, 2017 Page 4

# April 25, 2017 (Tuesday)

- Met with Neil Morgan, York County Administrator
- Met with Marvin Collins, Williamsburg City Manager
- Attended Successful Aging in our Community, WHF event
- James Blair construction walk-through
- Phone conference with Chris Odle, EDA and the future

BJH/gt CAReport050917-mem

#### **AGENDA ITEM NO. L.1.**

#### **ITEM SUMMARY**

DATE: 5/9/2017

TO: The Board of Supervisors

FROM: Bryan J. Hill, County Administrator

SUBJECT: Discussion or consideration of the disposition of publicly held real property,

where discussion in an opening would adversely affect the bargaining position of

the public body, pursuant to Section 2.2-3711 (A)(3) of the Code of Virginia

#### **REVIEWERS:**

Department Reviewer Action Date

Board Secretary Fellows, Teresa Approved 5/2/2017 - 2:20 PM

# **AGENDA ITEM NO. L.2.**

# **ITEM SUMMARY**

DATE: 5/9/2017

TO: The Board of Supervisors

FROM: Lauren White, Staff Liaison to the Historical Commission

SUBJECT: Historical Commission Reappointments

# **ATTACHMENTS:**

Description Type

#### **REVIEWERS:**

| Department             | Reviewer        | Action   | Date                 |
|------------------------|-----------------|----------|----------------------|
| Planning               | Holt, Paul      | Approved | 4/12/2017 - 11:27 AM |
| Development Management | Holt, Paul      | Approved | 4/12/2017 - 11:28 AM |
| Publication Management | Burcham, Nan    | Approved | 4/12/2017 - 11:35 AM |
| Legal Review           | Kinsman, Adam   | Approved | 4/12/2017 - 11:36 AM |
| Board Secretary        | Fellows, Teresa | Approved | 4/12/2017 - 11:39 AM |
| Board Secretary        | Purse, Jason    | Approved | 5/2/2017 - 9:36 AM   |
| Board Secretary        | Fellows, Teresa | Approved | 5/2/2017 - 9:40 AM   |

#### **AGENDA ITEM NO. L.3.**

#### **ITEM SUMMARY**

DATE: 5/9/2017

TO: The Board of Supervisors

FROM: Jason Purse, Assistant County Administrator

SUBJECT: Economic Development Authority Appointments

**ATTACHMENTS:** 

Description Type

**REVIEWERS:** 

Department Reviewer Action Date

Board Secretary Fellows, Teresa Approved 5/2/2017 - 4:36 PM

#### **AGENDA ITEM NO. L.4.**

#### **ITEM SUMMARY**

DATE: 5/9/2017

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Administrative Coordinator

SUBJECT: Williamsburg Area Arts Commission Appointments

**ATTACHMENTS:** 

Description Type

**REVIEWERS:** 

Department Reviewer Action Date

Board Secretary Fellows, Teresa Approved 5/2/2017 - 4:38 PM

#### **AGENDA ITEM NO. M.1.**

#### **ITEM SUMMARY**

DATE: 5/9/2017

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Administrative Coordinator

SUBJECT: Adjourn until 4 p.m. on May 23, 2017 for the Work Session

**REVIEWERS:** 

Department Reviewer Action Date

Board Secretary Fellows, Teresa Approved 5/2/2017 - 4:47 PM