

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FIFTH DAY OF AUGUST TWO-THOUSAND AND FIFTEEN, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Planning Commissioners

Present:

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

Staff Present:

Paul Holt, Planning Director
Leanne Pollock, Senior Planner II
Maxwell Hlavin, Assistant County Attorney
Michelle Gowdy, County Attorney
Bryan J. Hill, County Administrator

Absent:

Chris Basic

Ms. Robin Bledsoe called the meeting to order at 7:00 p.m.

2. PUBLIC COMMENT

Ms. Bledsoe opened the public comment.

Mr. Jason Bellows, 25 Cardinal Court, Whitestone, VA, Chairman, Lancaster County Board of Supervisors stated that it is the Commission's responsibility to protect the natural, cultural and historic resources for future generations. Mr. Bellows further stated that rather than embracing the proposed solution to the additional energy needs, Virginia should strive to be a leader in emergent energy technology.

Mr. Frank Pleva, Carters Creek Drive, Irvington, VA, County Administrator, Lancaster County, stated that the Lancaster Board of Supervisors and the Middlesex Board of Supervisors have adopted resolutions requesting that Dominion Power place the proposed transmission lines across the Rappahannock River underwater. Mr. Pleva stated that he hoped the Commission would join with other localities in their concern about placing overhead transmission lines across Virginia's historic rivers.

As no one further wished to speak, Ms. Bledsoe closed the public comment.

Ms. Bledsoe recognized that Mr. John McGlennon and Mr. Kevin Onizuk, of the James City County Board of Supervisors and County Administrator Bryan Hill were in attendance.

3. **CONSENT AGENDA**

A. Minutes from the July 1, 2015 Regular Meeting

Mr. Heath Richardson requested a revision to the minutes on page 4 where he was referred to as Mr. Richard instead of Mr. Richardson.

Mr. George Drummond moved to approve the consent agenda with correction to the minutes as noted.

In a unanimous vote, the Commission approved the consent agenda, 6-0, Mr. Basic being absent.

4. **REPORTS OF THE COMMISSION**

A. Policy Committee

Mr. John Wright stated that the Policy Committee met on July 16 to discuss ZO-0001-2015, Article VI, Division 3 –Floodplain Area Regulations. Mr. Wright stated that staff presented a report on the flood map changes, changes to FEMA requirements and changes that would be required to the County’s ordinances. Mr. Wright noted that public notification and outreach has been made regarding the flood map changes. Mr. Wright noted that as part of the process it will be necessary to adopt two new flood plain designations. Mr. Wright stated that there is a deadline to complete the update by December 16, 2015. Mr. Wright noted that adoption of the changes could result in a potential 15 percent reduction in flood insurance costs for residents. Mr. Wright stated that staff had presented two options with flexibility for how property owners can meet the requirements. Mr. Wright stated that after discussion, the Committee voted unanimously to adopt the higher standards set by FEMA. Mr. Wright stated that the Committee requested staff to add language concerning breakaway walls in flood hazard areas and to revise certain language. Mr. Wright noted that the Commission requested that staff contact Susan Gaston, Williamsburg Area Association of Realtors for comments and input on the revised ordinance as it affects real estate. Mr. Wright noted that the revised ordinance would be presented to the Planning Commission at its September meeting.

B. Development Review Committee

Mr. Drummond stated that the Development Review Committee did not meet in July.

5. **PUBLIC HEARING**

A. Case No. Z-0003-2015/SUP-0002-2015/HW-0001-2015, Skiffes Creek Switching Station

Ms. Leanne Pollock, Senior Planner, II, stated that Dominion Virginia Power applied for a rezoning and special use permit for an electrical switching station on approximately 67.6 acres at 8960, 8964, and 8968 Pocahontas Trail, zoned R-8, Rural Residential, and M-2, General Industrial, and designated Low Density Residential (LDR) and Neighborhood Commercial by the comprehensive plan. Ms. Pollock stated that the applicant has requested to rezone all

parcels to M-2 with proffers where electrical facilities are a specially permitted use. Ms. Pollock noted that the rezoning is necessary because the proposed height of two structures exceeds 60 feet. Ms. Pollock further noted that the applicant has also applied for a height waiver for these structures to be up to 80 feet from grade. Ms. Pollock stated that the height waiver will be considered by the Board of Supervisors with the rezoning and SUP application, but does not require a vote by the Planning Commission.

Ms. Pollock also stated that Code of Virginia Section 15.2-2232 requires that unless a utility facility is shown on the adopted comprehensive plan or other master plan, the local planning commission and governing body shall review the facility to determine whether the location, character and extent of the project is substantially in accord with the adopted comprehensive plan. Since the proposed switching station is not currently shown on the comprehensive plan, she stated that this additional level of review is necessary.

Ms. Pollock stated that the switching station would be part of the overall 500 kV transmission line proposed by Dominion to cross the James River via a route that was approved by the State Corporation Commission (SCC). Per the Code of Virginia, the SCC's approval of this route is deemed to satisfy local zoning regulations for the transmission line. Ms. Pollock further stated that the Virginia Supreme Court issued a ruling that determined that the switching station is not part of the transmission line and is still subject to local zoning regulations. Ms. Pollock noted that the scope of the Planning Commission review is limited to components of the switching station only, which have been color-coded on the master plan sheets for clarity.

Ms. Pollock stated that the LDR comprehensive plan designation does include limited commercial uses and community-oriented facilities as a Group 2 recommended use and that rezoning land designated as residential to a commercial or industrial district should be evaluated on a case-by-case basis and allowed when the development standards can be satisfied. Ms. Pollock stated that proffers for this proposal limit use of the property to only electrical generation facilities and co-located wireless communication facilities that are approved by the County. Ms. Pollock stated that no other industrial or commercial uses which are permitted in the M-2 zoning district will be allowed on the property.

Ms. Pollock stated that the site and the surrounding area is already significantly impacted by existing overhead transmission lines. Ms. Pollock noted that the buffer plan proposes a series of transitional buffers around the property lines adjacent to Merrimac Trail and residential areas, retention of natural wooded areas between the station and Country Village Mobile Home Park, supplemental landscaping along the access road, a 50 foot Community Character Corridor buffer along Pocahontas Trail, and supplemental lower height plantings under the existing utility lines, all of which would help reduce visibility of the switching station. Ms. Pollock further noted that staff has also developed several SUP conditions to minimize other potential impacts.

Ms. Pollock stated that staff recommends that the Planning Commission recommend approval of the rezoning and special use permit subject to the listed conditions. Staff also recommends that the Planning Commission determine that this review satisfies Code of Virginia §15.2-2232 for substantial accord with the comprehensive plan.

Ms. Bledsoe requested that the Commission hold questions until after the public comment.

Ms. Bledsoe requested that Mr. Maxwell Hlavin, Assistant County Attorney, provide the Commission with an overview of the scope of its review.

Mr. Hlavin stated that the scope of review is explicitly limited by the Supreme Court ruling to only the switching station and that the transmission lines are exempt from consideration or review. Mr. Hlavin stated that the discussion and review should be limited to the applications before the Commission and should not take the transmission line into account when making a recommendation.

Ms. Bledsoe opened the public hearing.

Ms. Bledsoe invited the applicant to speak.

Mr. Brennen Keene, McGuireWoods, LLP, 800 East Canal Street, Richmond, VA, stated that he represents the applicant.

Mr. Keene stated that the switching station is necessary to ensure reliable electric utility services in James City County and the greater Peninsula.

Mr. Keene noted that the main 55 acre parcel is located where existing 230 kV and 115 kV transmission line corridors come together and was acquired in 1974 as a future site for a switching station. Mr. Keene noted that the two additional parcels were acquired in 2014 to provide access to the main parcel. Mr. Keene stated that development on the property is limited by wetlands, RPA and its topography. Mr. Keene further stated that access to the parcels is severely restricted. Mr. Keene stated that due to the nature of the parcel and the limited access, the best use for the property would be an unmanned industrial facility such as the proposed switching station.

Mr. Keene requested that the Commission approve the rezoning and special use permit and find that the project is substantially in accord with the Comprehensive Plan.

Ms. Bledsoe called for disclosures from the Commissioners.

Mr. Krapf, Mr. Richardson, Mr. Wright, Mr. Drummond, Mr. O'Connor and Ms. Bledsoe each stated that they met with the applicant and toured the property.

Ms. Elizabeth Kostelny, 204 W. Franklin Street, Richmond, VA, representing Preservation Virginia, stated that the question is not whether reliable power is necessary, but whether we should explore more innovative options to preserve the integrity of the landscape and have more information on the design of the switching station before making a determination.

Ms. Leighton Powell, 4 E. Main Street, Ste. 2A, Richmond, VA, representing Scenic Virginia, stated that approval of the switching station goes hand-in-hand with allowing the transmission

lines to move forward. Ms. Powell stated that other options and technologies are available and should be explored in order to preserve the scenic resources of the area.

Ms. Sharee Williamson, 200 A Clifford Ave., Alexandria, VA, representing the National Trust for Historic Preservation, stated that the Commission should wait to see the outcome of the federal review process before making a decision. Ms. Williamson stated that there were too many unknowns for the project at this time including the proposed landscape buffer, the design of the switching station, the number of transmission lines and the potential for construction of additional lines. Ms. Williamson further requested that Dominion Power seek an alternative to meet the power needs of the Peninsula and preserve the cultural and natural resources.

Mr. Jamie Brunkow, 1201 Jamestown Road, Williamsburg, VA, representing the James River Association, noted the effects of the proposed transmission lines on the James River and stated that it was premature to approve the switching station without the Army Corps of Engineers determination.

Mr. Edward Chappell, 601 Pollard Park, Williamsburg, VA, stated that the switching station is poorly considered for the impacts on the adjacent residential area. Mr. Chappell further stated that the transmission lines will have a substantial negative impact on the scenic quality of Historic Jamestown and the Colonial Parkway.

Ms. Emily Myron, 716 Giddings Avenue, Annapolis MD, representing the Chesapeake Conservancy, stated that the James River is the anchor of the Captain John Smith National Historic Trail, a series of water routes, tracing the voyages of Captain Smith through the land and waterways of the Chesapeake Bay. Ms. Myron further noted that there are still many questions unanswered about the switching station, including the design, noise levels and the potential for clearing of the buffer area that is off-site.

Mr. David Trichler, 324 Indian Springs Road, Williamsburg, VA, stated that the Commission should carefully consider the precedent that would be set by approving the rezoning and its impacts on the value of the adjacent properties.

Mr. Hank Denning, 4135 Winthrop Circle, Williamsburg, VA, requested that the Commission recommend approval of the switching station in order to avoid loss of electric service or increased costs for service in the future.

Mr. James M. Zinn, 147 West Landing, Williamsburg, VA, representing Save the James Alliance, stated that the Alliance was formed to preserve the historic viewshed along the James River. Mr. Zinn noted that a switching station would be necessary to accommodate additional transmission lines; however, the nature and location of those lines has not yet been determined. Mr. Zinn stated that the switching station in the proposed location would not provide any benefits to the Grove community. Mr. Zinn further stated that the Commission should not make a determination until the Army Corps of Engineers has finished its review.

Mr. Daniel Shaye, 3000 East Tiverton, Williamsburg, VA, stated that the larger than normal public participation signified opposition to the transmission lines and that the Commission

should consider the public comment on that issue. Mr. Shaye also noted that the individuals most affected by the proposed switching station are not well represented and need an opportunity to have their voices heard. Mr. Shaye further stated that he is confident that Dominion Power can find a way to safely bury the transmission lines.

Mr. Alex Koppel, 26 Spring East, Williamsburg, VA, stated that he appreciates the variety and abundance of wildlife along the Colonial Parkway as well as the pristine viewshed. Mr. Koppel further stated that construction of the transmission lines will have a negative environmental impact on the James River. Mr. Koppel requested that Dominion Power consider alternatives that will not impact the river.

Ms. Jessica Sapalio, 3024 John Vaughn Road, Williamsburg, VA, stated that out of respect to the three cultures which founded this nation, it is necessary to preserve the integrity of the historic sites. Ms. Sapalio further stated that a decision should not be made until the Commission has full information.

Mr. John Rogers, 8960 Pocahontas Trail, Williamsburg, VA, stated that he does not believe the right-of-way that was acquired is adequate for the proposed infrastructure. Mr. Rogers further stated that he has concerns about the proximity of the switching station to his property. Mr. Rogers stated that the Commission should not approve the switching station until Dominion Power provides more detailed plans.

Mr. Bill Whittaker, 117 Landsdown Road, Williamsburg, VA, stated that preserving the natural beauty and environmental integrity of the James River is important to the success of the historic sites that bring visitors to this area.

Mr. Walter Zadan, 221 Wingate Drive, Williamsburg, VA, stated that Dominion Power has known for 45 years, since the passage of the Clean Air Act, that the coal-fired plant in Yorktown would have to be closed. Mr. Zadan further stated that Dominion Power has had sufficient time to consider and develop viable alternatives that would not negatively impact the community. Mr. Zadan noted that cost is the main factor in preferring to run overhead transmission lines rather than burying them.

As no one else wished to speak, Ms. Bledsoe closed the public hearing.

Ms. Bledsoe opened the floor for discussion from the Commission.

Mr. Richardson requested a brief recess.

The Commission recessed at 8:41 p.m.

The Commission came back into session at 8:51 p.m.

Ms. Bledsoe called for questions from the Commission.

Mr. Richardson referenced page 23 of the agenda materials and inquired whether the analysis of the property's suitability for residential development was based on the current 2035 Comprehensive Plan or the 2009 Comprehensive Plan.

Mr. Holt noted that the analysis is part of the applicant's submission.

Ms. Pollock stated that the applications were submitted before the adoption of the 2035 Comprehensive Plan, so the analysis using the 2009 Comprehensive Plan was correct at the time of submittal. Ms. Pollock further stated that the pertinent sections of the Comprehensive Plan did not change significantly with the adoption.

Mr. Holt noted that staff's analysis could be found on page 10 of the agenda materials and is based on the 2035 Comprehensive Plan.

Mr. Richardson inquired whether staff has communicated with Skiffes Creek, LLC which owns a parcel on the south end of the project site.

Ms. Pollock stated that owners of properties abutting the subject properties had been notified by mail. Ms. Pollock further stated that the specific property owner has not communicated with staff.

Ms. Richardson requested more information on the proposed bus pull off.

Ms. Pollock responded that the proposal was just recently received and still under discussion with the Virginia Department of Transportation (VDOT) and the Williamsburg Area Transit Authority (WATA). Ms. Pollock noted that VDOT has provided information on the typical pull off for dimensions and WATA has provided information on their typical shelter which is similar to what exists in front of the WATA facility on Route 60.

Mr. Richardson inquired whether there were examples of where other electrical substations have been permitted on properties within various land use designations, including Low Density Residential and Open Space or Recreation as noted in the staff report.

Ms. Pollock stated that the facilities are smaller in scale than what is being proposed in this application. Ms. Pollock noted that there are substations located near Kingsmill, north of the service road to the brewery and at the Warhill Sports Complex.

Mr. Tim O'Connor inquired as to the scale of the smaller facilities.

Ms. Pollock stated that she did not have exact data but believed the substations were in the five-to-six acre range.

Ms. Pollock noted that staff did visit a 12 acre switching station site in Charles City County which is equivalent in size to the one proposed for Skiffes Creek to get a better sense of the scale of the project and the associated impacts.

Ms. Bledsoe inquired about the size of the Skiffes Creek switching station.

Ms. Pollock responded that the switching station would be about 12 acres; however, there would be additional clearing for the transmission lines and the BMP facility.

Mr. Richardson inquired whether staff held any public open house meetings regarding the project.

Ms. Pollock responded that staff attended the open house held by Dominion Power.

Mr. Drummond stated that he initially had concerns about the project; however, after touring the property he felt reassured that the impacts on adjacent residential properties would be minimal. Mr. Drummond further stated that he still has concerns about the transmission lines; however, they are not part of the current consideration. Mr. Drummond stated that the substation is necessary and that the location is appropriate, especially since it appears that the parcels would not be suitable for other development. Mr. Drummond commented that it might be helpful for the applicant to elaborate on impacts such as noise on the adjacent neighborhoods.

Mr. O'Connor inquired whether there is a limit on the applicant's financial contribution to constructing the bus pull off and shelter.

Ms. Pollock stated that the original limitation has been removed from the proffers and that the contribution will be more fully determined at the site plan phase.

Mr. O'Connor inquired about hazardous materials that could spill, leak or leach into the watershed.

Ms. Pollock noted that she would defer to the applicant for specifics; however, the plan was transmitted to Newport News Waterworks for review and staff had no concerns. Ms. Pollock further noted that Newport News Waterworks appeared to be satisfied with the SUP conditions for a spill containment measures and an emergency response plan to be provided by the applicant. Ms. Pollock stated that Newport News Waterworks has requested to review the development plan if this application is approved and moves forward to the site plan stage.

Mr. O'Connor inquired about the height limitations in the R-8 zoning district.

Ms. Pollock responded that the by-right height limit is 45 feet; however that limit can be exceeded with a height waiver for buildings only, with buildings being defined as having a roof. Ms. Pollock noted that in the M-2 zoning district a height waiver would apply to structures which covers a broader range, including the requested static poles. Ms. Pollock noted that, in this instance, the height waiver would be necessary for two static poles that exceed the 60 feet limit allowable by-right in the M-2 zoning district.

Mr. Rich Krapf stated that his question would be directed to the applicant.

Ms. Bledsoe inquired whether Skiffes Creek, LLC and the Skiffes Creek Homeowners Association are separate entities.

Ms. Pollock stated that as far as staff was aware there was no relationship between the two.

Mr. O'Connor inquired if there are any height waivers currently in effect on this property.

Ms. Pollock stated that there are no height waivers on this property.

Mr. Drummond inquired if the purpose of the static poles was to prevent lightning strikes.

Ms. Pollock confirmed.

Mr. Drummond inquired whether the other structures that were part of the transmission lines would actually be lower than the existing towers.

Ms. Pollock stated that there were a number structures proposed as part of the transmission lines with varying heights that were indicated on the master plan and that she would defer to the applicant for additional details.

Mr. Krapf inquired about the timeframe for work to commence on the site if the application is approved by the Board of Supervisors and how long construction would take.

Mr. Keene stated that commencement of site work would depend on obtaining all the necessary permits and approvals. Mr. Keene noted that the project would have to go through the County's site plan process as well. Mr. Keene further noted that the permits and approvals required for the transmission lines would also affect the timeline. Mr. Keene stated that once all approvals have been received, it will take approximately one year to construct the switching station.

Mr. Krapf requested confirmation that no construction would occur on the site until all the permitting has been done.

Mr. Keene confirmed.

Mr. Krapf inquired if there were any scenario where Dominion Power would decide the site is not necessary.

Mr. Peter Nedwick, consulting engineer for Dominion Power, stated that the site is ideal for a switching station and would be used as such at some point because of the confluence of the existing transmission lines.

Ms. Bledsoe inquired whether, absent the James River transmission lines, the switching station would be used for other lines.

Mr. Nedwick stated that the purpose of the station is for the 500 kV lines.

Mr. Drummond inquired about the noise generated by the switching station.

Mr. Wilson Velazquez, substation engineer for Dominion Power, stated that based on current studies it would be 50 dB at the property line and it would be 65 dB at the switching station itself. Mr. Velazquez stated that more studies would be done once the final design is determined to ensure the noise levels stay within appropriate limits.

Mr. Drummond inquired whether the new towers would be lower than the existing towers.

Ms. Courtney Fisher stated that the new transmission line towers will be slightly taller than the existing towers.

Mr. Drummond inquired if the new towers would be visible from Route 60.

Ms. Fisher stated that they would not be visible from Route 60.

Mr. Drummond stated that the towers might be visible from Route 143, which is basically industrial in that area.

Ms. Fisher confirmed.

Mr. Richardson inquired about where the archeological site is located on the property.

Ms. Fisher noted that it is on the eastern portion of the site.

Mr. Richardson inquired how that site was determined.

Ms. Fisher stated that this portion of the site would require land disturbance and under the Army Corps of Engineers permitting requirements it was necessary to do the archeological studies.

Mr. Richardson inquired about the scope of proposed upgrades for the proposed rail spur/access road to support emergency response vehicles.

Mr. Ken Wagner, Dewberry Engineers, stated that the existing access over the abandoned rail spur is about 8-to-10 feet wide of clearing. The proposed access would consist of approximately 20 feet width of clearing with a 14-foot wide gravel road.

Mr. Richardson stated that it has been noted that Dominion Power's transmission system would not meet North American Electric Reliability Corporation (NERC) Reliability Standards if the switching station was not in service by the summer of 2015. Mr. Richardson inquired which NERC standards are not being met.

Mr. Nedwick stated that it is the Transmission Planning (TPL) standards that are not being met. Mr. Nedwick noted that these standards have been mandated since 2005.

Mr. Richardson requested an explanation of the TPL standard.

Mr. Nedwick stated that the TPL standard relates to being able to reliably serve the existing and projected customer base.

Mr. Richardson inquired if that is a predictive analysis or a concrete analysis based on the existing infrastructure.

Mr. Nedwick stated that the analysis is based on the transmission system as it would exist in the year of the study.

Mr. Richardson noted that Dominion Power has obtained a one-year extension of the April 16, 2015 deadline for Yorktown Units 1 and 2 to comply with the U.S. Environmental Protection Agency's (EPA) Mercury and Air Toxics Standards (MATS) which drove the original June 1, 2015 need date for the new transmission facilities. Mr. Richardson noted that Dominion Power is also applying for an administrative order from the EPA for the MATS rule which would provide an additional one-year waiver of non-compliance and could potentially extend the need date to June 1, 2017. Mr. Richardson inquired about the status of that waiver application and the likelihood of it being granted.

Mr. Nedwick stated that Dominion Power anticipates receiving the approval; however, it is not guaranteed.

Mr. Richardson inquired about the historical frequency of the EPA granting waivers.

Mr. Nedwick responded that Dominion has submitted two similar applications which have been granted.

Mr. Richardson inquired whether it would be possible to apply for further waivers.

Mr. Nedwick stated that the rules would not permit a request for further waivers.

Mr. Richardson inquired whether any part of the switching station would be visible above the fence line.

Ms. Fisher stated that the wall around the switching station is proposed for a height of 20 feet. Ms. Fisher further stated none of the components of the switching station would be visible above the fence line save for the two static poles. Ms. Fisher noted that the transmission line structures would be visible above the fence line.

Mr. O'Connor inquired about the types of hazardous materials that would be used on site.

Ms. Fisher stated that there would be no hazardous materials used at the switching station; the only oil is a mineral-type oil within the transformers.

Ms. Bledsoe inquired why a spill containment policy is necessary if there are no hazardous materials.

Mr. Velazquez stated that it is standard practice to have a spill containment plan for any type of oil so that even minor spills can be contained and mitigated quickly.

Ms. Bledsoe inquired about the nature of the containment system.

Mr. Velazquez stated that the spill containment is a special type of mesh that allows unimpeded flow of water during normal rainfall and snowmelt events, but that becomes an impervious barrier in the event of an oil release so that the oil remains in the containment structure. Mr. Velazquez further stated that in the event of a larger spill the oil would be channeled to an underground vault and would be removed from there.

Ms. Bledsoe inquired whether the spill containment plan was standard for switching stations and is a proven successful tactic.

Mr. Velazquez confirmed.

Mr. O'Connor inquired whether this is a responsive technique or part of the construction plan.

Mr. Velazquez stated that spill containment is a standard part of the construction of a substation.

Mr. O'Connor inquired what would happen if the transmission lines were ultimately approved but the switching station is not approved.

Mr. Keene stated that there are no concrete plans in place, but Dominion would have to develop an alternative location. Mr. Keene stated that the switching station is a critical component to connect the 500 kV lines to the 230 and 115 kV lines.

Ms. Bledsoe inquired, assuming the 500 kV transmission lines are not approved, is there a possibility that the switching station would still be necessary.

Mr. Keene stated that it is not possible to say whether it would be necessary now; however, it is possible that it would be necessary in the future. Mr. Keene noted that there are failsafe conditions included in the SUP recommendations in the event that the switching station is not constructed within the specified timeframe.

Mr. O'Connor referenced Viewpoint 07 of the visual simulations presented by the applicant and requested clarification on what parts of the switching station are visible.

Ms. Pollock stated that the security fence is the only visible part of the switching station and that the other visible structures are part of the transmission lines.

Ms. Bledsoe noted that the scope of the Commission's review is limited only to the switching station, she is trying to understand the exact visual impact of the larger project if the transmission lines are approved.

Ms. Pollock stated that the visual simulations do include both the transmission line and the switching station so what is shown in the visual simulations is what it will look like if both the transmission lines and switching station are approved.

Mr. Krapf inquired whether any 3D modeling has been done for the project, including the transmission lines, for a better idea of what the project will look like and to determine the impact on the viewshed.

Mr. Keene stated that only the photo simulations that were provided to the Commission have been done.

Ms. Bledsoe requested an explanation of what an "unmanned" station would entail and how many times a month someone would be on site.

Mr. Keene stated that "unmanned" means that there is no one stationed at the facility full or part-time. Mr. Keene stated that once construction is complete there will be routine maintenance visits three or four times per month; possibly more if there are any issues.

Ms. Bledsoe inquired if this was typical for switching stations.

Mr. Keene confirmed.

Ms. Bledsoe asked if it was common for switching stations of the same size as this one to be sited adjacent to residential areas.

Mr. Keene stated that each one is different and dependent on the evolution of the transmission network.

Ms. Bledsoe inquired about how emergencies such as fires or oil spills are identified.

Mr. Keene stated that there will be 24-hour video surveillance for the facility that is monitored from a central operations center. Mr. Keene further stated that there are electronic monitors, also monitored by the operations center, which will provide alerts when there is an equipment malfunction.

Ms. Bledsoe inquired about the length of time to determine if there is an emergency and to mount a response.

Mr. Nedwick stated that the electronic monitoring would identify trouble quickly and a local supervisor would be dispatched to determine the nature of the trouble or the status of the equipment.

Ms. Bledsoe inquired if the local supervisor is stationed in James City County.

Mr. Nedwick stated that the supervisor is stationed out of the Williamsburg office.

Ms. Bledsoe opened the floor for discussion by the Commission.

Mr. Richardson stated that scope of the Commission is to review the application in accord with Code of Virginia §15.2-2232 to determine whether the location, character and extent of the project is substantially in accord with the adopted comprehensive plan. Mr. Richardson further stated that his comments would be based on just those factors. Mr. Richardson noted that the comprehensive plan addresses its relationship to the zoning map in relation to residential areas. Mr. Richardson noted that the majority of the property in question is zoned R-8 and designated as LDR. Mr. Richardson noted that that in a limited number of instances, a rezoning to a limited commercial district can be considered, but for either SUP or rezoning legislative actions, careful adherence to the LDR development standards, which have more specific guidelines for these limited commercial uses, will be extremely important. Mr. Richardson noted that the proposal does meet under Group 2 uses which for new development requires careful attention to compatibility, design and land use. Mr. Richardson stated that conflicting uses should only be located where such conflicts can be appropriately mitigated. Mr. Richardson stated that it is necessary to consider whether the application meets the Group 2 criteria; does it support the community; is it a location of convenience or necessity; will there be adequate screening and buffering; does the project complement or detract from the area. Mr. Richardson stated that these are his decision points in considering the application.

Mr. Wright stated that the Code of Virginia §15.2-2200 encourages localities to improve the public health, safety, convenience, and welfare of their citizens and to plan for the future development of communities including adequate highway, utilities, health, educational and recreational facilities and that residential areas be provided with healthy surroundings. Mr. Wright further noted that the Code of Virginia requires electric utilities to provide reasonable information on transmission line routes and facilities that may affect the locality's comprehensive plan and that if the locality seeks to include the designation of corridors for electric transmission lines in its comprehensive plan, the electric utility shall have an opportunity for consultation about the corridors or routes. Mr. Wright stated that the County's comprehensive plan does not address electric facilities. Mr. Wright noted that an addendum to the comprehensive plan may need to be considered. Mr. Wright stated that following the site visit, he also made a visit to the Grove community to visualize the impacts to the residents. Mr. Wright noted that Windy Hill Mobile Home Park and Skiffes Creek Terrace are within two-tenths of a mile of the proposed facility and that Country Village Mobile Home Park and the homes along Plantation Drive and Indian Circle are also in close proximity. Mr. Wright stated that one of the cornerstones of the comprehensive plan is preserving the Community Character Corridors. Mr. Wright noted that based on community input, growth similar to surrounding cities is not desirable. Mr. Wright stated that in addition, historic preservation is expected and is fundamental to the future of the County. Mr. Wright noted that families move to James City County for the quality of life and the healthy surroundings. Mr. Wright stated that we cannot expect homeowners to be confronted by an unexpected major power installation when they have just made a significant financial commitment or to have their home values

further eroded. Mr. Wright stated that citizens should be able to expect elected or appointed officials to exercise sound judgment on matters that can affect the character of the community, the home values and desirability of the property. Mr. Wright stated that he has based his decision on the duties set forth for Planning Commissioners. Mr. Wright noted that he does support free enterprise and does recognize the need for reliable electric service; however he must also consider the long term effect of the switching station on the surrounding community. Mr. Wright stated that he believes the switching station would be a barrier to the revitalization of the Grove community and to further economic growth in the lower portion of the County. Mr. Wright stated that he will not support the application.

Mr. Drummond stated that he lives on Indian Circle and believes that the switching station will not negatively impact the area or reduce the value of homes. Mr. Drummond stated that the property in question is not suitable for any type of development other than an industrial use. Mr. Drummond stated that the switching station would actually be located closer to Route 143 than to Route 60 and that the uses in that area were more industrial. Mr. Drummond stated that he would support the application.

Mr. O'Connor stated that he concurs that there are very few other suitable uses for the property. Mr. O'Connor stated that he also has concerns about where a switching station might go if the transmission lines are approved and the switching station is not approved at this location. Mr. O'Connor noted that not approving the switching station might require that the 500 kV lines travel further through the County.

Mr. O'Connor inquired if there were any idea about the Army Corps of Engineers time frame for a determination.

Ms. Fisher stated that there was no thought on when a decision might be made. Ms. Fisher noted that there is a failsafe condition in the SUP that the station shall be operational within 36 months from the issuance of an SUP, or the SUP shall become void.

Mr. O'Connor stated that he sees both sides on this application and is still weighing the matter.

Mr. Krapf stated that the decision is not clear cut. Mr. Krapf stated that there are a number of positives with the application, such as the applicant's agreement to leave the western portion of the property in its natural state in perpetuity. Mr. Krapf stated that it is a significant benefit for the Country Village Mobile Home Park adjacent to that portion of the property. Mr. Krapf stated that there are already extensive power lines located on the property, so it is not as if an entirely new use is being introduced. Mr. Krapf noted that although designated LDR, the topography of the parcel and access is not conducive to residential development. Mr. Krapf stated that one consideration when considering a rezoning is the impact on surrounding zoning. Mr. Krapf stated that the parcel to the east is already zoned M-2 and the rezoning would bring this parcel in line with that parcel. Mr. Krapf stated that he finds that the applicant has agreed to a number of conditions in both the SUP conditions and the proffers that will enhance the project. Mr. Krapf stated that if he were to support the application it would be based on the applicant's assurance that there would be no construction until the completion of the Army Corps of Engineers permitting process. Mr. Krapf noted that this was what the citizen

comments had focused on; that the project not be approved until a determination is made by the Army Corps of Engineers.

Mr. O'Connor inquired if Mr. Krapf was inquiring as to an additional proffer that no site work will take place until the permitting process is complete.

Mr. Krapf inquired if the applicant would be agreeable to such a proffer. Mr. Krapf noted that it would not preclude submission of a site plan in advance of completion of the permitting process.

Mr. Keene stated that the applicant would be willing to submit a proffer that no land disturbing for the switching station would take place until the permitting was complete.

Ms. Bledsoe inquired if submission of the proffer is contingent on approval of the application.

Mr. Keene recommended that if a motion for approval is made, that it be made contingent on the applicant submitting additional proffers or addressing that issue.

Ms. Bledsoe asked for confirmation that the rezoning would need to be approved.

Mr. Holt clarified that without an approved rezoning, there are no proffers.

Ms. Bledsoe stated that the comprehensive plan is the guiding force for the Commission. Ms. Bledsoe stated that the Code of Virginia states that to approve something like this application, it must be in substantial accordance with the comprehensive plan. Ms. Bledsoe stated that to her, looking at the surrounding areas, they are zoned R-8 and designated LDR. Ms. Bledsoe stated that the difference between this parcel and the one adjacent to it that is zoned M-2, is that there is little residential housing around it. Ms. Bledsoe stated that she has concerns about where it is located and believes that if the Commission agrees to the location of this large structure, it will place an additional burden on citizens who have already had to accept the intrusion of the existing power lines. Ms. Bledsoe stated that she does not believe it is right to impose that additional effect on their neighborhood. Ms. Bledsoe stated that she concurs that placing the switching station in that location will preclude revitalization and economic growth in that area. Ms. Bledsoe stated that she understands the need for reliable power and has faith that Dominion Power can find a way to prevent brownouts and disruption of power.

Ms. Bledsoe stated that in making decisions it is necessary to consider not just the current needs but those of future generations. Ms. Bledsoe stated that the comprehensive plan serves as a guide for what is envisioned for the County. Ms. Bledsoe stated that the comprehensive plan clearly intends for the area to be R-8. Ms. Bledsoe noted that a rezoning application means that the proposed use is in conflict with the current zoning. Ms. Bledsoe stated that in some instances the conflicts can be resolved or ameliorated; in some instances the rezoning would have minimal impact on the adjacent properties or is for the betterment of the community. Ms. Bledsoe stated that this is why it is necessary to consider the proposal in light of the five criteria for comprehensive plan consistency: does it complement the residential character of the area. Ms. Bledsoe stated that she believes the proposal does not meet this standard. Will it have

traffic, noise, lighting and other impacts similar to surrounding residential uses. Ms. Bledsoe stated that she is not clear on what those impacts will entail but believes the applicant will make a good effort to mitigate any impacts. Will it generally be located on collector or arterial roads at intersections; will it provide adequate screening and buffering to protect the character of nearby residential areas; and is it generally intended to support the residential community in which it is located. Ms. Bledsoe stated that the switching station is intended to support and benefit the entire Peninsula. Ms. Bledsoe stated that the County could choose to approve the switching station for the greater good, but she believes it is too big a sacrifice to ask of the community.

Mr. Richardson inquired if the Commission could recommend deferral of the application.

Mr. Holt stated that the Commission could choose to defer its decision to a later date but it could not send a recommendation of deferral to the Board of Supervisors.

Mr. O'Connor asked about any stipulations on time for the Commission to take action.

Mr. Hlavin stated that the Commission must take action; however there is no requirement to take action within a specified time. Mr. Hlavin stated that the Commission could move to postpone and then continue to postpone until such time as they deemed appropriate to make a recommendation.

Mr. Krapf inquired about the 100 day limit.

Mr. Hlavin stated that there is a 100 day limit on taking no action.

Mr. O'Connor inquired if making a motion to defer to a date certain would be considered taking action.

Mr. Hlavin confirmed and stated that the motion would be to postpone to the next meeting.

Ms. Bledsoe inquired if the matter would still be considered by the Board of Supervisors.

Mr. Hlavin stated that the matter would remain with the Planning Commission for its next agenda and would not require public comment as the public comment period was closed.

Mr. Holt requested that the applicant restate its offer for an additional proffer.

Mr. Keene stated that the applicant would proffer that the project would be able to move forward with obtaining necessary permits but it would not commence land disturbing or construction until the transmission lines receive approval from the Army Corps of Engineers.

Mr. Drummond moved to recommend approval with the additional proffer and send a recommendation of approval to the Board of Supervisors.

Mr. Richardson asked for confirmation that this motion was based on the inclusion of the additional proffer condition.

Mr. Holt confirmed.

On a roll call vote, the motion to approve failed by a vote of 2-4, Mr. Basic being absent.

6. **PLANNING DIRECTOR'S REPORT**

Mr. Holt stated that there was nothing more to add other than what was submitted in the Planning Commission packet.

There were no questions or comments from the Commission.

7. **COMMISSION DISCUSSION AND REQUESTS**

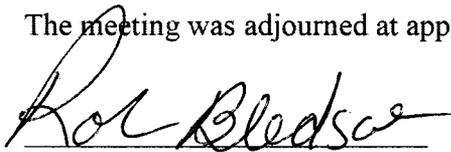
Ms. Bledsoe stated that she would be the Commission representative at the Board of Supervisors meetings for August.

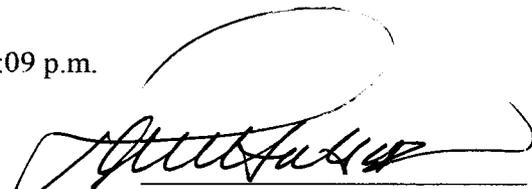
8. **ADJOURNMENT**

Ms. Bledsoe called for a motion to adjourn.

Mr. O'Connor moved to adjourn.

The meeting was adjourned at approximately 10:09 p.m.


Robin Bledsoe, Chairwoman


Paul D. Holt, III, Secretary