

RESOLUTION

CASE NO. SUP-20-01. JAMES CITY ENERGY PARK -

ELECTRICAL GENERATION PLANT

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the applicant has requested a special use permit to allow for the construction of an average 540 megawatt electrical generation facility; and

WHEREAS, the applicant has also requested a special use permit to allow for the construction of a petroleum storage facility; and

WHEREAS, the applicant has also requested the Board of Supervisors grant a Height Limitation Waiver in accordance with Section 24-444 of the Zoning Ordinance; and

WHEREAS, the requested Height Limitation Waiver is being processed concurrently as Case No. HW-1-01; and

WHEREAS, the property is currently zoned M-2, General Industrial; and

WHEREAS, the property is designated General Industry on the 1997 Comprehensive Plan Land Use Map; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case No. SUP-20-01; and

WHEREAS, the property is specifically identified as a portion of Parcel No. (1-47) on the James City County Real Estate Tax Map Number (59-2); and

WHEREAS, on November 5, 2001, the Planning Commission recommended approval of the application by a vote of 6-0.

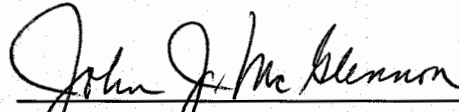
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-20-01 as described herein with the following conditions:

1. This special use permit is valid for the construction and operation of an approximate 540 megawatt combined-cycle electrical generation plant (the "Power Plant") to be located on approximately 53.53 acres as shown on the "Plat of Subdivision of Lot 4A Standing in the Name of Greenmount Associates," prepared by LandMark Design Group, and dated August 17, 2001.

2. The Power Plant shall use Natural Gas as its primary source of fuel. The back-up source of fuel for the Power Plant shall be limited to low sulfur oil. The primary natural gas fuel and the back-up oil fuel shall be delivered to the site via underground pipeline only. The Power Plant shall not operate for more than 30 days per calendar year on the back-up fuel source.
3. The Power Plant shall be limited to two combustion turbine generators, directly coupled with two multi-pressure level heat recovery steam generators, and one steam turbine. Cooling for the Power Plant shall be in the form of a multi-cell induced draft cooling tower.
4. Prior to the issuance of a building permit, all permits then required by all local, State, and Federal laws, rules, and regulations shall be obtained by the applicant. The Power Plant shall be subject to all limitations placed on such permits.
5. This special use permit shall also be valid for a petroleum storage facility. Such facility shall be limited to a total of 7.0 million gallons of low sulfur oil, or a ten day supply, whichever is less, with said storage being for the sole purpose of providing a back-up fuel supply to the Power Plant. Secondary containment berms, dikes and facilities shall be designed and constructed to encompass all petroleum storage tanks on the property as approved by the Director of the Environmental Division, and shall meet all local, State and Federal requirements upon completion.
6. The Power Plant shall be designed, configured and constructed generally as follows, with the final design subject to the review and approval by the Director of Planning:
 - a. Turbine building(s) shall be constructed nearest the northern most property line, but no closer than 500 feet from the property line.
 - b. Heat recovery steam generators, cooling towers, storage tanks, stacks, and other structure(s) shall be constructed to the south (rear) of the turbine motor building(s).
 - c. Only office buildings, switchyard(s) and/or substation(s), the gas compressor building(s), the gas metering station(s), and transformers with related/accessory structures shall be north of the turbine motor building.
7. Start of construction, as defined in the James City County Zoning Ordinance, shall have commenced within 36 months of this special use permit approval, or the permit shall be void.
8. Unless this condition is otherwise modified by the Director of Planning, all site lighting shall be limited to fixtures which are mounted on light poles and/or other structures horizontally and shall be recessed fixtures with no bulb, lens or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher shall extend outside the property lines.

9. Water used for process cooling shall not come from a Municipal water source or from a well. Potable water shall not be used for process cooling.
10. All non-evaporated processed water shall be returned from whence it came via underground pipeline. No discharge of cooling water shall be made to any on-site surface waters or groundwater.
11. The location of any and all pipelines which connect the site to the process water source shall be subject to review and approval by the Development Review Committee.
12. The location of any and all pipelines which connect the site to existing natural gas pipelines shall be subject to review and approval by the Development Review Committee.
13. The location of any and all pipelines which connect the site to the Colonial pipeline shall be subject to review and approval by the Development Review Committee (DRC).
14. The installation of all underground pipelines shall comply with all State Erosion and Sediment Control Regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook, as amended.
15. A minimum of a 200-foot wide landscape buffer shall be maintained from each property line. This buffer shall remain generally undisturbed, with the exception of utility and road crossings, signs, lighting, and stormwater management facilities, all as approved by the DRC. Existing trees within this buffer shall be protected and maintained to the greatest extent possible. Prior to the issuance of temporary Certificate of Occupancy, the buffer, unless otherwise modified by the Director of Planning, shall be supplemented with Loblolly pine-seedlings, planted at a rate of 600 seedlings per-acre. In addition, a double row of wax myrtles shall be planted along the northern most property line.
16. Prior to the issuance of a land disturbing permit, a Traffic Management Plan shall be submitted to the Director of Planning for review and approval. Such Traffic Management Plan shall include time and/or day limitations on the use of Blow Flats Road and any other provision or limitation deemed necessary by the Director of Planning to mitigate impacts of traffic during the construction of the facility. Such Traffic Management Plan, as approved by the Director of Planning, shall also provide for either: a.) the maintenance and repairs to Blow Flats Road for damage caused to the road from the time a Land Disturbing Permit is issued until the time a final Certificate of Occupancy is issued: AND/OR b) the rerouting of traffic to and from the site from the time a Land Disturbing Permit is issued until the time a final Certificate of Occupancy is issued. Prior to the issuance of a Land Disturbing Permit, all conditions and/or limitations shall be implemented by the owner. Assurances to guarantee, and provide for, all recommendations of the approved Traffic Management Plan, in the form of a surety acceptable to the County Attorney, shall be submitted prior to the issuance of a Land Disturbing Permit.

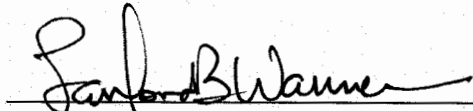
- 17. The Power Plant shall utilize Best Available Control Technology (BACT) to limit air emissions from the facility, in a manner approved by the County Engineer. BACT controls for the project shall include, but not be limited to the following: (1) dry-low NOx (nitrogen oxides) combustors to reduce NOx emissions from the combustion turbines; (2) selective catalytic reduction (SCR) to further reduce NOx emissions from the combustion turbines, and the supplementary fired heat recovery steam generators (HRSG); (3) utilizing natural gas as the primary fuel to limit emissions of NOx, SO2 (sulfur dioxide), and PM/PM10 (particulate matter); and (4) good combustion practices to limit emissions of CO (carbon monoxide) and VOCs (volatile organic compounds).
- 18. Noise abatement equipment shall be installed on the Power Plant in a manner approved by the County Engineer such that noise levels at the front property line of 150 Blow Flats Road shall not exceed a nominal 55 decibels.
- 19. A Conservation Plan for the protection and/or mitigation of impacts to any animal species of special concern, as defined by the State of Virginia Department of Game and Inland Fisheries, shall be submitted to the Director of Planning for review and approval. The recommendations of said plan shall be incorporated in the site plan and shall be implemented prior to the issuance of a land disturbance permit.
- 20. No exterior loud speaker system shall be used.
- 21. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



 John J. McGlennon

Chairman, Board of Supervisors

ATTEST:



 Sanford B. Wanner
 Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	AYE
KENNEDY	AYE
NERVITT	AYE
GOODSON	AYE
MC GLENNON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of November, 2001.

SUP-20-01.res