

RESOLUTION

CASE NO. HW-1-01. JAMES CITY ENERGY PARK -

ELECTRICAL GENERATION PLANT

WHEREAS, James City Energy Park has applied for a special use permit to allow for the construction and operation of an average 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; and

WHEREAS, this special use permit request is being processed concurrently as Case No. SUP-20-01; and;

WHEREAS, James City Energy Park has applied for a height limitation waiver to allow for the construction of certain components of the Power Plant to exceed 60 feet in height; and

WHEREAS, the Board of Supervisors may grant a height limitation waiver to allow the erection of structures in excess of 60 feet in height upon finding that the requirements of Section 20-444 of the James City County Zoning Ordinance have been satisfied; and

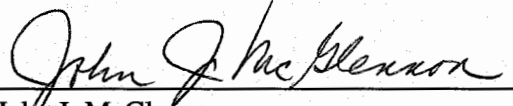
WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing scheduled on Case No. HW-1-01; and

WHEREAS, the Power Plant will be located on property more specifically identified as a portion of Parcel No. (1-47) on the James City County Real Estate Tax Map Number (59-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of HW-1-01 as described herein with the following conditions:

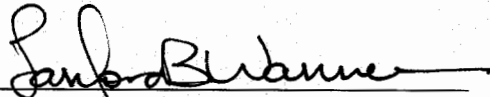
1. The applicant shall inform the Federal Aviation Administration (FAA), that should obstruction marking and/or lighting be required, that it is the preference of James City County that such obstruction marking be of a type that utilizes red lighting and medium-intensity white strobe lighting, per FAA requirements. Structure painting and colors shall be subject to review and approval by the Director of Planning.
2. The following components of the Power Plant shall not exceed the following heights above ground level (AGL):
 - a. An exhaust stack: 250 feet
 - b. Electrical transmission tower(s): 135 feet
 - c. Heat Recovery Steam Generator(s) (HRSG): 105 feet
 - d. The noise control equipment for the HRSG: 135 feet

- e. Turbine building(s): 105 feet
 - f. Cooling tower(s): 80 feet
 - g. Cooling tower(s) inlet filter(s): 80 feet
 - h. Electrical switch yard and its accessory structures: 80 feet
3. This height limitation waiver 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
MCGLENNON	AYE

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

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