

## RESOLUTION

### APPROVING CASE NO. HW-0001-2015. SKIFFES CREEK SWITCHING STATION

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, Ms. Adena Patterson of McGuire Woods, LLP, has applied on behalf of Virginia Electric and Power Company d/b/a Dominion Energy Virginia (the "Owner") for a Height Limitation Waiver to allow for the installation of two static poles on property zoned R-8, Rural Residential located at 8968 Pocahontas Trail and further identified as James City County Real Estate Tax Map Parcel No. 5920100002 (the "Property") not to exceed 80 feet above finished grade (the "Poles") related to a request for a Special Use Permit (SUP) for the operation of an electrical substation with a capacity of 5,000 kilovolt amperes or more; and

WHEREAS, the Owner has also applied to rezone the Property to the M-2, General Industrial district with proffers; and

WHEREAS, the Applicant has also applied for a Special Use Permit on behalf of the Owner for operation of an electrical substation with a capacity of 5,000 kilovolt amperes or more (the "Station") on the Property; and

WHEREAS, the location of the proposed Poles is depicted on the plan prepared by Dewberry, dated September 26, 2016 and last revised November 30, 2016 entitled "Overall Plan Skiffes Creek Switching Station" (the "Plan"); and

WHEREAS, following a public hearing at the July 11, 2017 Board of Supervisors meeting, Case Nos. Z-0003-2015 and SUP-0002-2015 were approved; and

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia and Section 24-443(c) of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. HW-0001-2015; 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.

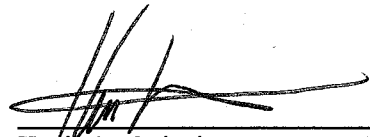
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby make the following findings:

1. Additional setbacks have been provided as required by James City County Code Sections 24-439 and 24-440; and
2. The Poles will not obstruct light from adjacent property; and
3. The Poles will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments; and

4. The Poles will not impair property values in the area; and
5. The Poles are adequately designed and served from the standpoint of safety and that the county fire chief finds the fire safety equipment to be 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; and
6. The Poles will not be contrary to the public health, safety and general welfare; and
7. The public hearing was properly advertised, adjacent property owners were properly notified and a public hearing was properly held.

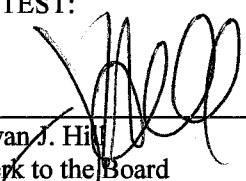
BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Height Limitation Waiver No. HW-0001-2015 to grant the applicant a 20-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of the Poles up to 80-feet-tall from finished grade as described herein, pursuant to the following conditions:

1. **Plan:** This Height Limitation Waiver shall be valid for a 20-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of two static poles (the "Poles") up to 80 feet above finished grade as generally shown on the plan prepared by Dewberry, dated November 30, 2016 and entitled "Overall Plan Skiffes Creek Switching Station" (the "Plan"). For the purposes of this waiver, "finished grade" for the eastern most Pole and the western most Pole shall be defined as 74 feet and 62 feet respectively above Mean Sea Level.
2. **Color:** The Poles shall be gray in color. The final color shall be approved by the Director of Planning, or his designee, prior to final site plan approval.
3. **Signage:** No advertising material or signs shall be placed on the Poles.
4. **Support Structure:** The Poles shall be freestanding and shall not use guy wires for support.
5. **Abandonment:** Prior to final site plan approval, the Owner shall provide a guarantee in a form to be approved by the County Attorney and in an amount sufficient to fund the removal of an abandoned or unused Pole or any disused portion thereof, and site restoration as approved by the Director of Engineering and Resource Protection. This bond or other financial mechanism shall remain in effect throughout the life of the Poles. The Poles shall be considered abandoned or unused if the Station is not being utilized for a period of six months.
6. **Severability:** This Height Limitation Waiver is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.



Kevin D. Onizuk  
Chairman, Board of Supervisors

ATTEST:

  
Bryan J. Hill  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ONIZUK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of July,  
2017.

HW01-15-SCrk-Approv-res