

RESOLUTION

APPROVING CASE NO. SUP-0002-2015. 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 Special Use Permit (SUP) process; and

WHEREAS, Ms. Adena Patterson of McGuire Woods, LLP has applied for an SUP on behalf of Virginia Electric and Power Company d/b/a Dominion Energy Virginia (the "Owner") for an electrical substation with a capacity of 5,000 kilovolt amperes or more (the "Station") on property zoned R-8, Rural Residential and M-2, General Industrial, located at 8968, 8964 and 8960 Pocahontas Trail and further identified as James City County Real Estate Tax Map Parcel Nos. 5920100002, 5920100044A and 5920100013, respectively (the "Property"); and

WHEREAS, the applicant has also submitted an application to rezone the Property to the M-2, General Industrial district with proffers, referred to as Case No. Z-0003-2015; and

WHEREAS, the Applicant has also applied for a Height Limitation Waiver on behalf of the Owner to allow for the installation of two static poles not to exceed 80 feet above finished grade for the Station on the Property, referred to as Case No. HW-0001-2015; and

WHEREAS, the proposed Station 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, in accordance with § 15.2-2204 of the Code of Virginia and 24-9 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. SUP-0002-2015; and

WHEREAS, following a public hearing at the August 5, 2015 Planning Commission meeting, the motion for a recommendation of approval for application Case No. SUP-0002-2015 failed by a vote of 2-4.

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

1. When subjected to reasonable conditions, the Station will be in substantial accordance with the general purpose and objectives of the Zoning Ordinance and will not:
 - a. Adversely affect the health, safety or welfare of persons residing or working on the premises or in the neighborhood;
 - b. Unreasonably restrict an adequate supply of light and air to adjacent property;
 - c. Increase congestion in the streets;
 - d. Increase public danger from fire;
 - e. Impair the character of the district or adjacent districts;

- f. Be incompatible with the Comprehensive Plan of James City County; or
 - g. Reduce or impair the value of buildings or property in surrounding areas.
2. 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 Case No. SUP-0002-2015, as described herein, pursuant to the following conditions:

1. **Plan.** This SUP shall be valid for an electrical substation with a capacity of 5,000 kilovolt amperes or more (the "Station") as generally shown on all sheets of the plan prepared by Dewberry, dated September 26, 2016 and last revised November 30, 2016 and entitled "Overall Plan Skiffes Creek Switching Station" (the "Master Plan"). The site plan for the Station shall be generally consistent with the Master Plan as determined by the Director of Planning.
2. **Noise.** Prior to final site plan approval, Dominion Virginia Power (the "Owner") shall demonstrate that noise dampening equipment and low sound design transformers have been provided. This shall be demonstrated to the satisfaction of the Director of Planning through documents such as manufacturer's design specifications and plan notations.
3. **Best Management Practice (BMP) Fence.** Prior to final site plan approval, Owner shall submit a detail for the BMP chain link fence (the "Fence"). The Fence shall be black plastic coated and shall not contain barbed wire.
4. **Security Fence.** Owner shall submit a detail for the Station security fence (the "Security Fence"). The Security Fence shall be black, brown or other neutral color where it abuts Merrimac Trail (Route 143) and property that is zoned and designated for residential use. The Security Fence shall not contain barbed wire and shall not exceed a height of 20 feet above finished grade. The detail and the final color shall be submitted to and approved by the Director of Planning prior to final site plan approval.
5. **Tree Preservation.** It is the intent of this SUP application that the hatched area as depicted on the "Buffer Plan" sheet of the Master Plan shall remain in a natural and undisturbed state. No trees shall be removed except in the case where any such trees are diseased or dying, where trees are a danger to electrical facilities, where trees must be removed for the Owner's transmission lines and where tree removal is approved by the Director of Planning or his designee. The intent of this condition is to demonstrate that the hatched area shall remain as additional buffering from adjacent residential uses as part of the construction of the Station as depicted on the Master Plan.
6. **Landscaping.** Prior to final site plan approval, the Director of Planning or his designee shall review and approve a landscape plan and landscape materials for the Station which shall be consistent with buffers as shown on the "Buffer Plan" sheet of the Master Plan. The landscape plan shall provide for transitional buffers, exclusive of existing easements, adjacent to properties zoned for residential use and

adjacent to Merrimac Trail and shall provide supplemental plantings along the access road in areas with little existing vegetation. Landscape materials shall be selected to provide maximum visual screening. In addition to the transitional buffer, in areas where there are existing overhead lines immediately along the property line, the landscape plan shall include shorter landscape materials as permitted by the North American Electric Reliability Corporation's planting and landscaping materials standards and approved by the Director of Planning or his designee.

7. **Lighting.** A lighting plan shall be reviewed and approved by the Director of Planning or his designee prior to final approval of the site plan for the Station. 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 property lines. Lights shall be operated by a motion detector or be able to be turned on as needed by the Owner and shall not be routinely illuminated at night. No lighting shall be installed on structures at a height greater than 30 feet above finished grade. This condition shall not apply to any lighting required by federal or state regulations.
8. **Archaeology.** Prior to issuance of a land disturbing permit for any land disturbance activities related to construction of the Station within the boundary of the Historical Area as shown on the Master Plan, a Phase III archaeological assessment shall be completed for such portions of the area proposed for disturbance, and submitted to the Director of Planning or his designee (the Virginia Department of Historic Resources) for review and approval. For any portion of the Historical Area that will be preserved, a treatment or management plan for the site shall be completed and submitted to the Director of Planning or his designee for review and approval. All archaeological assessments shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Identification and Evaluation Reports for Submission Pursuant to Sections 106 and 110, National Historic Preservation Act, Environmental Impact Reports of State Agencies, Virginia Appropriations Act, 1998 Session Amendments and Guidelines for Archeological Investigations in Virginia June 1996 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. Upon approval, all treatment plans shall be incorporated into the plan of development for the Station and the clearing, grading or construction activities thereon.
9. **Resource Protection Area (RPA) Management.** The Owner shall apply to the Director of Engineering and Resource Protection (ERP) in writing for an exemption to the County Chesapeake Bay Preservation Act prior to conducting any vegetative management, maintenance activities, or use of herbicides within the RPA delineated on the property and as shown on the Master Plan for the life of the switching station.
10. **Construction Management and Mitigation.** The Owner shall provide the following plans for review and approval by the Director of Planning or his designee prior to final site plan approval. In addition to all state and local site plan requirements, such plans shall include, at a minimum, those items listed below.
 - a. **Construction Management Plan:**

- i. Traffic control methods, to include lane closures, flagging procedures, directional and informational signage and designation of the sole access point for deliveries and employee access.
 - ii. Designated parking areas.
 - iii. Hours of construction activities shall be limited to between 7 a.m. and 9 p.m.
 - b. Construction Mitigation Plan:
 - i. Dust mitigation, such as water trucks, mulch or similar methods.
 - ii. Smoke and burn mitigation, such as containment or similar methods. No materials shall be burned on the Property.
 - iii. Noise mitigation, such as the enforcement of hours of operation, traffic control and similar methods.
 - iv. Road monitoring and policing on Pocahontas Trail/Highway 60, to include cleaning roadways of mud tracked onto Pocahontas Trail/Highway 60 from construction-related traffic.
11. **Spill Response Plan.** Prior to any site plan approval for the Station where the stormwater runoff ultimately drains to the Skiffes Creek Reservoir the following information shall be provided:
 - a. A Stormwater Management Plan shall be submitted to the County Director of ERP or his designee for review and approval. The Stormwater Management Plans shall demonstrate that adequate measures have been taken for the post-development to achieve the same degree of pre-development water quality. The development of the site shall utilize the applicable BMPs as outlined in the Virginia Department of Environmental Quality Stormwater BMP Clearinghouse.
 - b. A Spill Prevention, Control, and Countermeasure Plan ("Spill Plan") for the Station shall be submitted to the County Director of ERP or his designee for review and approval. Updates and amendments to the Spill Plan shall be forwarded to the County Director of ERP as they are developed.
12. **Emergency Management Plan.** The Owner shall prepare and maintain an emergency management plan to address situations that may require response from James City County public safety personnel, including, without limitation, fire safety and emergency response personnel. The Emergency Management Plan shall:
 - a. Be developed in conjunction with and approved by the County Fire Chief and County Police Chief or their designees prior to final site plan approval.
 - b. Provide a mutually agreed upon schedule for the Owner to provide information sessions and training for James City County public safety personnel relative to possible emergency response situations at the Station.
 - c. Provide pertinent contact numbers for the Owner's emergency personnel.
 - d. Provide that all emergency contact information will be posted on access gates.
13. **Access Road.** Except in emergencies, sole access to the Station shall be by way of an existing access point along the frontage of the Property on Pocahontas Trail/Highway 60 (the "Access Road") and access shall not be taken through adjacent residential development. The Owner shall design the Access Road to provide adequate access for emergency response vehicles and shall include a turn-

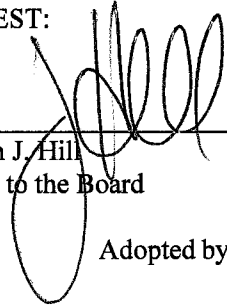
around area for such emergency response vehicles in the vicinity of the Station as determined by the Fire Chief or his designee prior to final site plan approval.

- 14. **Commencement.** The Station shall be operational within 36 months from the issuance of an SUP, or the SUP shall become void. The Owner shall submit a certified letter to the County Director of Planning prior to 36 months from the issuance of this SUP to confirm the operation status of the Station.
- 15. **Severance Clause.** This SUP 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	—	✓	—
SADLER	✓	—	—
HIPPLE	✓	—	—
LARSON	—	✓	—
ONIZUK	✓	—	—

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

SUP02-15-SCrk-Approv-res