

## RESOLUTION

### OVERRULING VA CODE § 15.2-2232 ACTION ON CASE NO. Z-0003-2015/SUP-0002-2015.

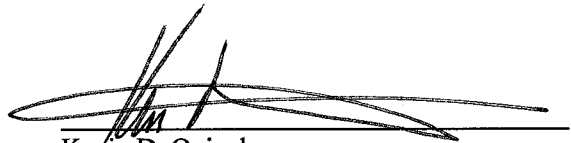
#### SKIFFES CREEK SWITCHING STATION

- WHEREAS, in accordance with Section 15.2-2232 of the Code of Virginia, a public utility facility or public service corporation facility shall not be constructed, established or authorized, unless and until the general location or approximate location, character and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan or part thereof; and
- WHEREAS, Ms. Adena Patterson of McGuire Woods, LLP (the "Applicant") has applied on behalf of Virginia Electric and Power Company d/b/a Dominion Energy Virginia (the "Owner") to rezone approximately 55.6 acres located at 8968 and 8960 Pocahontas Trail and further identified as James City County Real Estate Tax Map Parcel Nos. 5920100002 and 5920100013, respectively, from R-8, Rural Residential, to M-2, General Industrial with proffers, and to rezone approximately 11.8 acres located at 8964 Pocahontas Trail and further identified as James City County Real Estate Tax Map Parcel No. 5920100044A from M-2, General Industrial, to M-2 General Industrial with proffers (collectively the "Property"); 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, referred to as Case No. SUP-0002-2015; 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 Sections 24-9, 24-13, and 24-443(c) of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified and a hearing scheduled for Case Nos. Z-0003-2015/SUP-0002-2015/HW-0001-2015; and
- WHEREAS, following a public hearing at the August 5, 2015 Planning Commission meeting, the motion to approve Case Nos. Z-0003-2015/SUP-0002-2015 under § 15.2-2232 of the Code of Virginia failed by a vote of 2-4; and
- WHEREAS, the Planning Commission found that the general or approximate location, character and extent of the public utility facility shown in Case Nos. Z-0003-2015/SUP-0002-2015 was not substantially in accord with the adopted Comprehensive Plan and applicable parts thereof; and

WHEREAS, the Owner appealed the determination of the Planning Commission to the Board of Supervisors.

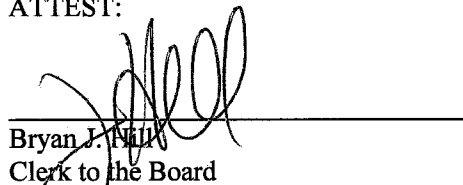
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, finds that the general or approximate location, character and extent of the public utility facility shown in Case Nos. Z-0003-2015/SUP-0002-2015/HW-0001-2015 is substantially in accord with the adopted Comprehensive Plan and applicable parts thereof.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby overrule the action of the Planning Commission in accordance with § 15.2-2232(B) of the Code of Virginia.



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.

Z03-15-SUP02-15Ovrrule-res