

RESOLUTION

CASE NO. SUP-22-0016. 141 BLOW FLATS ROAD BATTERY STORAGE FACILITY

- WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and
- WHEREAS, Mr. Brian Quinlan of Calvert Energy, LLC, on behalf of Mr. Michael L. Pelfrey, the owner of the property located at 141 Blow Flats Road, further identified as James City County Tax Map Parcel No. 5920700001E (the "Property"), has applied for an SUP to allow for the construction of an electrical generation and storage facility on the Property as shown on the master plan titled "Battery Storage" dated June 1, 2022, and revised August 30, 2022; and
- WHEREAS, the Planning Commission, following its public hearing on September 7, 2022, recommended approval of Case No. SUP-22-0016 by a vote of 7-0; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-22-0016; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with good zoning practices and the 2045 Comprehensive Plan Land Use Map designation for the Property.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-22-0016 as described herein with the following conditions:
1. Master Plan. This SUP shall apply to property located at 141 Blow Flats Road, which is further identified as James City County Real Estate Tax Map Parcel No. 5920700001E (the "Property"). The SUP shall be valid for the construction and operation of a battery energy storage system (the "Facility"). All final development plans for the Facility shall be consistent with the master plan entitled, "Master Plan Battery Storage" dated June 1, 2022, (the "Master Plan"), as determined by the Director of Planning with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
 2. Noise. Prior to final site plan approval, Calvert Energy, LLC, shall provide documentation, including but not limited to manufacturer's design specifications and notations, that shows the decibel levels resulting from the Facility. In the instance that noise levels are shown exceeding 55 A-weighted decibels at or beyond property lines, noise dampening equipment, and low-sound design transformers shall be installed to reduce noise levels below this threshold. This documentation and any subsequent mitigation plan shall be reviewed and approved by the Director of Planning or their designee.
 3. Fencing. Fencing on the Property shall be black or neutral color. Fencing shall not exceed a height of eight feet above finished grade and shall not consist of or include barbed wire. Prior to final site plan approval, the Director of Planning or their designee shall review and approve a detail of any proposed fencing on the Property for consistency with this condition.

4. Landscape Perimeter Buffer. Prior to final site plan approval of any site plan, the Director of Planning or their designee shall review and approve a landscape plan and tree clearing and protection plan for the Facility. The landscape plan shall be generally consistent with the Master Plan and provide the following:
 - a. Southern property line: A vegetated buffer not less than 60 feet wide, as measured from the existing 15-foot-wide drainage easement running parallel to the southern property line.
 - b. Front property line: A vegetated buffer not less than 60 feet wide, as measured from the edge of the existing tree line area parallel to the property's frontage and labeled on the Master Plan as "Dominion Power Clearing Limits".
 - c. Northern property line: A vegetated buffer not less than 20 feet wide, as measured from the northern property line; provided, however, that a 15-foot-wide vegetated buffer shall be provided between the location of the stormwater facility and the fenced area surrounding the Facility. The buffers required in this Condition No. 4(c) shall be landscaped to the provisions of Section 24-96 of the Zoning Ordinance for General Landscape Areas except that the required evergreen tree and shrub mixture shall be increased from 35% to at least 45%.
 - d. Rear property line: A vegetated buffer of not less than 35 feet wide, as measured from an existing 30-foot-wide waterline easement along the rear property line.

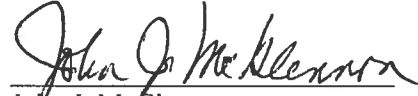
All buffers required in Condition No. 4 shall remain undisturbed and in their natural state.

5. Spill Response Plan. Prior to final site plan approval for the station where the stormwater runoff ultimately drains to the Skiffes Creek Reservoir, a Spill Prevention, Control, and Countermeasure Plan ("Spill Plan") for the Facility shall be submitted to the Director of Stormwater and Resource Protection or their designee for review and approval. Updates and amendments to the Spill Plan shall be forwarded to the Director of Stormwater and Resource Protection.
6. Emergency Management Plan. The Facility operator shall prepare and maintain an Emergency Management Plan (the "EMP") to address situations that may require response from James City County public safety personnel, including, without limitation, fire safety, and emergency response personnel. The EMP shall:
 - a. Be developed in conjunction with and approved by the County Fire Chief and County Police Chief or their designees prior to final approval of any site plan; and
 - b. Provide a mutually agreed upon schedule for the Facility operator to provide information sessions and training for James City County public safety personnel relative to possible emergency response situations at the Facility; and
 - c. Provide pertinent contact numbers for the Facility operator emergency personnel; and
 - d. Provide that emergency contact information be posted on access gates.

7. Fire Safety Measures. Prior to final site plan approval, the applicant will demonstrate to the Fire Official or their designee that the design of the facility meets the 2018 Virginia Statewide Fire Prevention Code (as amended) and includes the following safety requirements:
 - a. Containers will have cabinets that open externally and will not be a design that requires an operator to enter the cabinet;
 - b. Monitoring system to alert the Facility operator of any smoke, heat (thermal runaway), or fire;
 - c. Fire suppression system to extinguish any resulting fires;
 - d. Fire alarm and strobing system that can also be monitored by the Facility operator;
 - e. Deflagration panels that eliminate the risk of explosion as much as reasonably possible;
 - f. Emergency venting system that will automatically trigger an emergency shut-off and eliminate any power or charge to the cabinets;
 - g. Labelled Fire Department Connection for each container;
 - h. Fire hydrants as required by the Fire Department; and
 - i. Emergency management access to any gates entering the Facility.
8. Hazard Mitigation Analysis. Prior to final site plan approval a Failure Modes and Effects Analysis (FMEA) or an equivalent hazard mitigation analysis shall be reviewed and approved by the Fire Official or their designee. The FMEA shall be prepared by a registered design professional and shall analyze the fire safety properties of the Facility.
9. Lighting. If any lighting of the Facility is proposed, the Director of Planning or their designee shall review and approve a lighting plan prior to final site plan approval. Any exterior site or building lighting on the Property shall be shielded and directed downward. No glare, defined as 0.1-foot candle or higher, shall extend outside the boundaries of the Property. Lights shall be operated by a motion detector or be able to be turned on as needed by the Facility operator and shall not be routinely illuminated at night. No light poles shall exceed a height of 16 feet above finished grade unless otherwise approved in writing by the Director of Planning prior to final site plan approval.
10. Construction Management and Mitigation. Prior to final site plan approval, the Facility operator shall provide a Construction Management and Mitigation Plan (the "CMMP") for review and approval of the Director of Planning or their designee. The CMMP shall include those items listed below:
 - a. Construction Management:
 - i. Traffic control methods, to include lane closures, flagging procedures, directional and informational signage, and designation of a single access point for deliveries and employee access; and

- ii. All construction activities, including clearing and grading of the Property, shall be limited to the hours of 7 a.m. to 7 p.m., Monday through Friday; and
 - iii. Appropriate methods for the storage, transportation, and disposal of any waste and/or hazardous materials.
- b. Construction Impact Mitigation:
- iv. Dust containment; and
 - v. Noise mitigation.
11. Commissioning Report. Prior to the Certificate of Occupancy for the Facility, a commissioning report describing the results of the system commissioning, including the results of an initial acceptance testing shall be reviewed and approved by the Fire Official or their designee for approval. A copy of the approved report shall be maintained on the Property.
 12. Decommissioning and Restoration Plan and Agreement. Prior to final site plan approval, a Decommissioning and Restoration Plan (DRP) shall be submitted to the Director of Planning or their designee for review and approval. The DRP shall outline the required steps for removal of above and below ground Facility components, disposal and/or recycling of wastes and materials, soil stabilization, and the revegetation and restoration of native habitat of the Properties. At the time of decommissioning of the Facility, the stormwater facilities on the Properties must be evaluated for continued need and the DRP must include the close-out or remediation of stormwater facilities. The DRP shall be enforceable by a written Decommissioning Agreement in accordance with and subject to the terms of Virginia Code Section 15.2-2241.2(B). To ensure sufficient funds are available to the County to conduct the DRP, a surety in an amount sufficient for decommissioning the Facility and remediating the Properties shall be posted with James City County in a form acceptable to the County Attorney. The Decommissioning Agreement shall be executed prior to final site plan approval for the Facility.
 13. Off-Site Parking. During construction, all vehicles shall be parked on the Property. No vehicles shall be parked within the Blow Flats Road right-of-way.
 14. Height Limitation. The maximum height of all structures on the Property shall not exceed 16 feet.
 15. Number of Storage Containers. No more than 15 battery energy storage system containers shall be permitted on the Property.
 16. On-Site Water Quality Treatment. The site plan must provide all water quality improvement measures required by the Virginia Runoff Reduction Method on the Property via structural Best Management Practices and/or manufactured treatment devices. Neither the purchase of off-site nutrient credits in accordance with 9VAC25-870-69, Offsite Compliance Options, nor the use of Forested Open Space toward water quality will be accepted for the Property.
 17. Commencement. The Facility shall be operational within 60 months from the issuance of this SUP, or this SUP shall automatically be void.

18. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



John J. McGlennon
Chairman, Board of Supervisors

ATTEST:



Teresa J. Saeed
Deputy Clerk to the Board

ICENHOUR
HIPPLE
LARSON
SADLER
MCGLENNON

VOTES			
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Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of November, 2022.

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